

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/1163
Proposed development:	Upgrade and Extension to Links Road
Property address:	118 Links Road, ST MARYS NSW 2760 75 - 103 Links Road, ST MARYS NSW 2760 6 Wianamatta Parkway, JORDAN SPRINGS NSW 2747
Property description:	Lot 1 DP 31908 Lot 6 DP 1248480 Lot 1 DP 1132380
Date received:	22 November 2018
Assessing officer	Lucy Goldstein
Zoning:	REGIONAL PARK ZONE (SREP30 - ST MARYS) REGIONAL OPEN SPACE ZONE (SREP30 - ST MARYS) EMPLOYMENT ZONE (SREP30 - ST MARYS) URBAN ZONE (SREP30 - ST MARYS) DRAINAGE ZONE (SREP30 - ST MARYS) IN1 General Industrial - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a Development Application for the Upgrade of Links Road, St Marys.

The proposal involves the upgrade and widening of the existing Links Road corridor, and construction of a shared pedestrian/cycle pathway, and associated works including vegetation removal, bulk earthworks to achieve suitable road levels, storm water management, and water sensitive urban designs works.

The proposal forms part of necessary Local Transport Works as required by the St Mary's Planning Agreement, dated 20 December 2018.

The proposal is defined as Integrated Development requiring separate approval from the Natural Resources Access Regulator (NRAR) under the Water Management Act 2000. NRAR have issued General Terms of Approval for the proposal dated 2 April 2019.

Key matters in the assessment of the application include:

- **Scope of Works**

The proposed upgrade works relate to a portion of Links Road, commencing from the future roundabout at 75 Links Road (as approved by DA18/0381) to the Dunheved Golf Course access Road, represented as Chainages 0 to 1020. The current proposal does not include the extension of Links Road through to Christie Street, and as such does not include the intersection works at Christie Street / Links Road/ Lee Holm Road. The purpose of the amended scope of works is to expedite the delivery of the northern portion of Links Road, while design details of the Christie Street intersection are finalised through consultation between key stakeholders including the Proponent, Transport for NSW, and Council.

The extension of Links Road to Christie Street (south of the Dunheved Golf Course) and intersection works at Christie Street / Links Road / Lee Holm Road are to be subject of a separate approval. It is noted that the full road connection to Christie Street, including the new intersection is required to be delivered under the St Mary's Planning Agreement, and this application does not affect this obligation.

- **Road Design:** The road works have been designed to the satisfaction of Council's Council's Development Engineer and Traffic Engineer. Noting the proposal has undergone several design revisions throughout the assessment process to align with Council engineering and traffic requirements, and relevant Australian Standards.

In accordance with Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents, and the Application was advertised in the local newspaper on 13 December 2018. Council received two submissions, and the matters raised been addressed as part of the assessment of the application.

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

Site & Surrounds

The subject works are proposed on several allotments, as described below:

Lot	Address	Land Owner	Area of Impact	Zone
Lot 1 DP 1132380	75-103 Links Road	St Marys Land Limited	842sqm	Employment under SREP 30
Lot 6 DP 1248480	No known address	St Marys Land Limited	517sqm	Regional Park under SREP 30
Lot 1 DP 31908	118 Links Road	St Marys Land Limited	11,246sqm	IN1 General Industrial under Penrith LEP 2010
Local Road (Links Road)	-	Penrith Council as the Road Authority	1,817sqm	IN1 General Industrial under Penrith LEP 2010

Proposal

The application seeks consent for road upgrade works to Links Road, St Marys. The proposal involves the following development:

- Upgrade of an existing road (Links Road) commencing from the future roundabout at 75 Links Road to the Dunheved Gold Course access Road (Chainages 0 to 1020).
- Site preparatory works
- Bulk earthworks
- Road geometry
- Construction of a shared cycle pathway, and pavement construction, including kerbs with subsurface drainage
- Median islands
- Longitudinal road pot and pipe storm water and cross drainage
- Waster Sensitive Urban Design (WSUD) measures
- Provision of supporting roadside infrastructure, including streetlight, and signage (subject to endorsement by Council's Local Traffic Committee)
- Required utility relocations

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

• Section 2.12 – Sydney Western City Planning Panel (SWCPP)

The proposal does not trigger Regionally Significant Development under Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, as summarised below. Therefore, the application is not required to be determined by the Sydney Western City Planning Panel, and the consent authority is Council.

Schedule 7, SEPP State and Regional Development-

- **Clause 2:** The proposal's cost of work does not exceed \$30 million;
- **Clause 3:** The proposal is not Council related development over \$5 million. In this regard, Council is not the

Applicant for the development consent; works are not proposed on a land owned by Council; the development is not being carried out by the Council; and an agreement has been entered into by the Applicant and Council under the provisions of the Environmental Planning and Assessment Act 1979.

- **Clause 4:** The proposal is not Crown Development over \$5 million;
- **Clause 5:** Does not apply as the proposal is not for a private infrastructure and/or community facility, as the proposal does not meet the definition of 'road infrastructure facilities' under the State Environmental Planning Policy (Infrastructure) 2007, as provided below:

road infrastructure facilities includes—

- (a) tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road-ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and road related areas (within the meaning of the Road Transport Act 2013), and*
- (a1) associated public transport facilities for roads used to convey passengers by means of regular bus services, and*
- (a2) bus layovers that are integrated or associated with roads (whether or not the roads are used to convey passengers by means of regular bus services), and*
- (b) bus depots, and*
- (c) bus stops and bus shelters, and*
- (d) traffic control facilities (within the meaning of Part 6 of the Transport Administration Act 1988), RMS road safety training facilities and safety works, and*
- (e) premises used for the purposes of testing and inspecting heavy vehicles (within the meaning of the Road Transport Act 2013) under the RMS Heavy Vehicle Authorised Inspection Scheme.*

- **Clause 6:** The proposal is not an eco-tourist facility over \$5 million
- **Clause 7:** The proposal is not defined as designated development
- **Clause 8:** The proposal is not coastal subdivision
- **Clause 8A:** The proposal is not for coastal protection works
- **Clause 9:** The proposal does not have a capital investment value of more than \$10 million but less than \$30 million
- **Clause 10:** The development is not in a Council area where development assessment is unsatisfactory

• **Section 4.15 - Evaluation**

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

• **Section 4.46 - Integrated development**

The proposal triggers Integrated Development requiring approval under the Water Management Act 2000. In this regard, the works are defined as a controlled activity, being located within 40m of a mapped watercourse (South Creek). Accordingly, the application was referred to Natural Resources Access Regulator (NRAR) for consideration. On 2 April 2019, NRAR issued General Terms of Approval for the development. A condition of consent has been included requiring the development to be carried out in accordance with the General Terms of Approval issued by NRAR.

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

State Environmental Planning Policy No 55—Remediation of Land

The proposal has been assessed against the relevant criteria under State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55), and is found to be satisfactory as summarised below:

- The proposal does not seek a change of use as the works are upgrade works to an existing road;
- The application was supported by a site assessment report, titled 'Environmental Site Assessment: Links Road Extension, Dunheved NSW' prepared by JBS&G dated 28 March 2019, Ref. 54340/114380. This report finds that "the site is free of any contamination that may represent an unacceptable health risk for the proposed use, with the exception of the surface asbestos impact". Concerns were raised by Council's Environmental Health Officer in relation to how asbestos found on site would be managed.
- The Applicant submitted an amended site assessment report, titled 'Environmental Site Assessment: Links Road Extension, Dunheved, NSW' prepared by JBS&G, dated 23 February 2020 (Ref. 54340/114380 rev B), inclusive of the 'Ground Surface Asbestos Clearance, between Sydney Water Pumping Station and Dunheved Golf Course Car Park, Links Road, St Marys, NSW' dated 21 February 2020 (Ref. 54340 – 127733 L02 Ground Surface Asbestos Clearance, Links Road Extension, St Marys, NSW (Rev A)). This report has since confirmed that the area of the site now subject to the application is considered suitable, with an asbestos clearance inspection having been undertaken. This clearance has confirmed that the asbestos previously observed in the road reserve of the existing Links Road has been removed.

With regard to the above, the application is considered to have met the requirements under 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.

The application includes water management measures to ensure that the development will not result in adverse impacts to the surrounding waterways. Accordingly, the application was accompanied by a Water Sensitive Urban Design (WSUD) Strategy, which has been reviewed by Council's Waterways Officer. Based on this review, it is noted that the proposed road will not be constructed strictly in accordance with Council's WSUD Policy. However, the inclusions of linear bio-retention swales have been proposed along the southbound carriageway adjacent to Links Road. The supporting design report indicates that the proposed swales will result in the better of the existing condition. Given the site constraints and the nature of the road works, as well as consideration of the ongoing maintenance costs associated with earlier designs, the proposed design is considered generally satisfactory.

In addition, during construction soil and erosion controls measures will be installed to ensure sediment as a result of the development is not deposited to the stormwater system.

With consideration to the above, the proposal is considered to meet the requirements under SREP 20.

Sydney Regional Environmental Plan No.30 - St Marys

The Links Road corridor runs adjacent to land zoned as Regional Park under SREP 30. The proposal involves a minor encroachment of works onto land zoned as Regional Park. Accordingly, an assessment of these works has been undertaken against relevant criteria under SREP 30, and found to be satisfactory as summarised below:

Clause 20 - Development consent restrictions

The proposed shared pedestrian/cycle path is consistent with the performance and zone objectives under SREP 30. In this regard, the shared pathway is considered to improve opportunities for recreation and enjoyment within Wianamatta Regional Park.

Clause 23 Air Quality & Clause 24 Conservation

During construction of works, air quality impacts will be managed through the implementation of sediment and erosion control measures. In this regard, the proposal is considered acceptable subject to conditions relating to construction management. The area of encroachment into the Regional Park consists of a strip

of land that runs alongside the existing Links Road. The encroachment area has a total land area of 465sqm, and is disturbed, cleared land. The proposal will not require tree removal.

Clause 30 Transport

The proposal involves the construction of a shared pedestrian/cycle pathway that runs adjacent to Links Road. The shared pathway will connect to a broader cycle network that runs around the southern portion of the future Regional Park, providing links both to the west to the Central Precinct of Jordan Springs, and to the east towards Ropes Crossing, and as shown on the "Pedestrian and Bicycle Route Plan" contained within the South Dunheved Precinct Plan 2007. In this regard, the proposal is consistent with Clause 30, specifically sub-clause (1) and (3) which require:

- (1) *"Development should support creation of effective public transport and bicycle links to the dominant centres and major transport nodes in the Blacktown City and Penrith City local government areas."*
- (3) *Development of the land to which this plan applies is to maximise accessibility to services and facilities for people who do not have access to a private car.*

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

A section of Links Road (subject to this DA) is adjacent to land zoned Regional Park. Accordingly, the proposal was referred to NPWS for comment. In their response dated 7 March 2019, NPWS provided several recommendations as summarised below. These recommendations have been incorporated as conditions of consent. It is noted that in their letter, NPWS did not object to the proposal.

- **Storm water runoff:** The storm water design plans show a proposed pipe leading under Links Road, leading to a proposed channel that eventually joins an existing tributary of South Creek. This tributary currently collects a significant amount of rubbish, likely to be exacerbated by increasing the flow into this tributary. In order to mitigate these issues, we would require the installation of a rubbish collection net on the culvert leading into the future Regional Park. A condition to this effect has been imposed.
- **Management Implications relating to pests, weeds and edge effects:** Proposal includes some clearing of exotic vegetation. During the clearing process, all vegetation and topsoil removed is required to be disposed of correctly, and not stockpiled or dumped in any areas surrounding the subject site. As this could likely lead to the spread of exotic vegetation throughout the immediately locality. A condition to this effect has been imposed.
- **Boundary Encroachment & Access through OEH Land:** NPWS preference is to have no temporary infrastructure (such as sediment control fence) in Regional Park. NPWS preference is that no temporary infrastructure be located within the future park. However, if this is not possible, further consultation is required with NPWS to arrange a site visit. A condition to this effect has been imposed.

Clause 52 – Tree Preservation

The application includes vegetation clearing to facilitate the works, noting these works are predominately located outside of land zoned under SREP 30. Notwithstanding, the application was supported by a Biodiversity Assessment Report, prepared by WSP dated 16 November 2018, which has been reviewed by Council's Biodiversity Officer. Whilst Council's Biodiversity Officer in principle does not support the removal of native vegetation, particularly the *Pulenaea parviflora*, it is acknowledged that the proposal is somewhat restricted in the ability to avoid tree removal given the road corridor is pre-existing. Accordingly, Council's Biodiversity Officer has provided conditions of consent to suitably reduce and mitigate biodiversity impacts. In this regard, the proposal is considered satisfactory in regards to the requirements under Clause 52.

Clause 62F Subsidence Risk

The subject works are not located on land identified as "Subsidence Risk Area" on the Zoning Map under SREP 30. Accordingly, the provisions of Clause 62F are not applicable in this instance.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion

Clause 2.3 Permissibility

The proposal is defined as upgrade works to 'Road'. Under Penrith LEP 2010, 'Road' means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road. In this regard, Links Road is a public (local) road.

The proposal is permissible with consent, as summarised in the table below:

Lot / Address	Zone and relevant Planning Instrument	Comment	Permissible
Lot 1 DP 1132380, 75-103 Links Road	Employment Zone under SREP 30	Clause 39(2) states that in in the Employment Zone- (a) any development (except that identified by this plan as exempt or by paragraph (b) as prohibited) is allowed only with the consent of the consent authority. Clause 39(2)(b) lists development that is prohibited in the zone. 'Roads' or 'Road Widening' is not listed as a prohibited use.	Yes
Lot 1037 DP 1149525 No known address	Regional Park Zone under SREP 30	The proposal includes the construction of a pedestrian/cycle pathway that in part encroaches upon approximately 465sqm of land that is zoned Regional Park. The encroachment is located on land that is owned by St Mary's Land Limited. Clause 37 states that in the Regional Park zone— (a) development for the purpose of any land use authorised by or under the National Parks and Wildlife Act 1974 and any land use ordinarily incidental or ancillary to any such land use may be carried out without development consent, and (b) any other development is prohibited. The shared pathway will form part of a greater network of walking trails throughout the Regional Park and surrounding area. The pathway network is an important link between surrounding suburbs and Wianamatta Regional Park, and will improve opportunities for recreation and enjoyment within Wianamatta Regional Park. As such, the provision of a path in the encroachment area is considered ancillary or incidental to the use of the Regional Park, and as such is permissible under the National Parks and Wildlife Act 197.	Yes
Lot 1 DP 31908 118 Links Road	IN1 General Industrial Zone under Penrith LEP 2010	Development for the purpose of 'Roads' is a permissible use in the zone with Council consent.	Yes
Local Road	IN1 General Industrial Zone under Penrith LEP 2010	Development for the purpose of 'Roads' is a permissible use in the zone with Council consent.	Yes

Clause 2.3 Zone objectives

The proposal will provide improved road infrastructure for the St Marys area, and is considered consistent with the zone objectives of the IN1 General Industrial Zone (Penrith LEP 2010), and Employment Zone and Regional Park Zone under the SREP 30.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

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

The proposal is subject to the St Marys Penrith Planning Agreement (dated December 2018). The works are identified as necessary Local Transport Works to service the demand of the St Marys ADI site.

In this regard, the proposal has been considered against relevant clauses of the St Mary's Penrith Planning Agreement, as summarised below:

- Item 5 - Links Road upgrade and Extension (Dunheved Road to Christie Street).
Item 5 is described as the *'Augmentation of existing Links Road and Extension of existing Links Road to Christie Street. The road cross-section to be 21.6m wide with 14.0m wide carriageway.'* This application seeks the augmentation of the existing Links Road. However, as discussed in this report the application seeks consent for a portion of Links Road, represented from Chainages 0 to 1020, and does not include the Intersection at Christie Street / Links Road. The purpose of the amended scope of works is to expedite the delivery of the northern portion of Links Road, which has been designed to the satisfaction of Council Engineer and Traffic Officers.

The remainder of the works, including the extension of Links Road and intersection with Christie Street are to be subject of a future approval. In this regard, during the assessment process, a letter prepared by Lendlease's Development Manager, dated 26 February 2020 was provided confirming that the road works beyond Chainage 1020 (south of the Dunheved Golf Course) and inclusive of the Christie Street intersection, will be subject to the submission by Lendlease of a future Development Application upon resolving matters relating to the intersection geometry. A condition has been imposed requiring that the Links Road extension and connection through to Christie Street inclusive of the intersection is to be subject of a separate approval.

Background:

Penrith City Council, St Marys Land Limited and Lend Lease Development entered into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has provisions for open spaces, transport, human services and infrastructure works for the St Marys Development Site and was based on an approximate dwelling yield of 970 for the Central Precinct. In September 2018, an amended Central Precinct Plan (Amendment No 1) came into force which included an increase in the number of dwellings from 970 to 1400 in the Central Precinct. This amendment to the Central Precinct Plan required a re-evaluation of the open space, community facilities and associated infrastructure required by the community. As such, a revised Development Agreement with Council was executed in December 2018.

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

Context and Setting

The proposed road works are considered consistent with the broader strategic planning documents relevant to the site. In this regard, the Structure Plan under the SREP No 30- St Mary's (Amendment No.3) identifies a 'Road Access Point' connecting Links Road to a future Dunheved Links Road (as approved by DA18/0381). The current application seeks to upgrade the existing Links Road which feeds into the recently approved intersection of Links Road/Dunheved Links Road under DA18/0381.

Further, the upgrade of Links Road is identified in the Planning Agreement, which requires a range of Local Transport Works to meet the demands of the St Marys ADI Site. See discussion in this report under Planning Agreements for further discussion.

The road corridor subject to this application is existing, and as such the proposal will not significantly alter the current streetscape.

Road Design

Council's Traffic Engineer has reviewed the application, and raised no objection to the proposed road design subject to conditions. Importantly, a condition of consent has been imposed requiring a suitable temporary cul-de-sac turning head that accommodates B-double heavy vehicles be provided at Chainage 1020 (most southern portion of the road works). This is to ensure that vehicles will be able to safely navigate the road in the event that the northern portion of the road (Chainage 0 to 1020) is constructed prior to the southern portion of road.

The proposal has been reviewed by Council's Development Engineer, and based on this review the road design is considered acceptable subject to the attached conditions.

It is noted that Council's Traffic Engineer raised concerns regarding amending the scope of works to include the northern portion of road works, and exclude the southern portion of road including the Christie Street intersection which is to be subject of a separate approval. Noting the full road link to Christie Street is an essential traffic distribution outcome of the St Marys Planning Agreement and associated traffic modelling, and as such strong controls are required to ensure the delivery of the complete road connection. In this regard, the entire Links Road upgrade and extension inclusive of the Christie Street intersection is required to be delivered by the Proponent under the St Marys Planning Agreement. The current application does not negate this obligation. The purpose of the amended scope of works is to expedite the delivery of the northern portion of road, while design details of the Christie Street intersection are worked through in consultation with Transport for NSW.

Stormwater Management

During the assessment process, amended stormwater plans were submitted to Council which sought to amend the direction of stormwater drainage to South Creek. In accordance with the Planning and Assessment Regulations 2000, the amended drainage plans were not accepted by Council staff due to engineering and environmental reasons, and as such do not form part of this application. The stormwater design (as initially lodged) has been reviewed by Council's Development Engineer and found to be satisfactory.

Waterways Management

The application was reviewed by Council's Environmental Waterways Officer, who raised no objections to the proposal subject to conditions, providing the following advice:

Whilst the proposed road will not be constructed in strict accordance with Council's Water Sensitive Urban Design Policy, the inclusions of linear bio-retention swales have been proposed along the southbound carriageway adjacent to Links Road. The accompanying design report indicates that the proposed swales will result in the betterment of the existing condition. Given the site constraints and the nature of the road works, as well as consideration of the ongoing maintenance burden associated with the design as initially lodged (which included 7 Gross Pollutant Traps (GPT), the design is considered satisfactory. However, a condition of consent is recommended requiring the installation of a GPT to enable gross pollutants to be collected, prior to the main point of discharge into the golf course with the provision of adequate access. Conditions have also been imposed to specify requirements for the handover of assets.

Biodiversity

The proposal includes vegetation clearing of a mix of native and exotic vegetation to facilitate the works. The application was supported by a Biodiversity Assessment Report, prepared by WSP dated 16 November 2018, which has been reviewed by Council's Biodiversity Officer. Whilst Council's Biodiversity Officer in principle does not support the removal of native vegetation, particularly the *Pulenaea parviflora*, it is acknowledged that the proposal is somewhat restricted in the ability to avoid tree removal given the road corridor is pre-existing. Accordingly, Council's Biodiversity Officer has provided conditions of consent to suitably reduce and mitigate biodiversity impacts. In this regard, a condition of consent has been imposed requiring a Vegetation Management Plan be submitted to and approved by Council prior to the issue of a construction certificate, which investigates translocating *Pulenaea parviflora* identified for removal. Further conditions have been imposed relating to tree protection measures for trees that are to be retained. On balance, the proposal subject to conditions, is considered to suitably mitigate biodiversity impacts.

Environmental Management

The construction phase has potential to result in impacts to the local environment in respect to dust, waste, water quality, and acoustic impacts. To address these matters and appropriately mitigate environmental impacts, a condition of consent has been imposed requiring a Construction Environmental Management Plan (CEMP) be submitted to and approved by Council prior to the commencement of works. The CEMP is required to address dust control, waste management and water quality management (including sediment and erosion control) among other items. Further, the CEMP will require to incorporate the mitigation measures outlined in the supporting Noise Impact Assessment Report, submitted with the application. It is noted that the application has been reviewed by Council's Environmental Management Officer, who raised no objections to the proposal subject to conditions. For discussion regarding the suitability of land (contamination) refer to section in this report under SEPP 55.

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

The site is considered suitable for the development. The proposal involves upgrade works to an existing road to provide necessary road infrastructure to the locality, including connection to the future intersection at 75 Links Road (approved by the Land and Environment Court under DA18/0381) which will provide access into the St Mary's Development site.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents. The Application was also advertised in the local newspaper on 13 December 2018.

Council notified eighteen surrounding residences and the exhibition period occurred between 14 December 2018 and 1 February 2019. Council received two submissions.

Noting that a total of three submissions were received however two of these submissions were provided by the same person.

The following issues were raised in the submissions received and have formed part of the assessment, as detailed below:

<i>Issue Raised</i>	<i>Comments</i>
Objector #1	
<ul style="list-style-type: none"><i>Land owner's consent is needed.</i>	<ul style="list-style-type: none">Land owner's consent for all land affected by the proposal has been provided, as required by the Environmental Planning and Assessment Regulation 2000.
<ul style="list-style-type: none"><i>Detail regarding land acquisition has not been provided in the application. Request consultation occurs between private land owners and developer.</i>	<ul style="list-style-type: none">No private land is required to be acquired as part of this application. Noting the application (as lodged) was amended to revise the scope of works, and this application relates only to a portion of Links Road (north of the Dunheved Golf Course).
<ul style="list-style-type: none"><i>Raises concern of perceived conflict of interest in Council assessing the application.</i>	<ul style="list-style-type: none">With respect to processing requirements for the assessment and determination of the development application, the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (State and Regional Development) 2011 and the Local Planning Panels Direction issued by the Minister for Planning dated 23 February 2018, establishes the necessary levels of delegation to determine a development application. The application is not required to be reported to the Sydney Western City Planning Panel (as regionally significant development) or the Penrith Local Planning Panel as the application does not fall within the jurisdiction of these Panels and is required to be determined by Council.

Matters raised relating exclusively to the southern portion of Links Road only **which is not subject to this DA:**

- *Concerns regarding road levels of the Christie Street intersection and Links Road arm connecting to the intersection, in terms of accessing driveways already at 61 Christie St.*
- *Requests construction management plan to mitigate impacts on 61 Christie St.*
- *Requests compensation for land that may have been put aside for road acquisition that may not be required in future proposal.*

- Matters raised are outside scope of current application. The southern portion of Links Road (south of the Dunheved Golf Course) will be subject to a further approval.

Objector #2

- traffic and access concerns relating to Lee Holm Road and traffic lights at Christie Street
- requests safety measures be implemented for entering/exiting the property (76 Christie St)
- clarification on impacts to existing sites in terms of driveways, swept plans
- Clarification regarding impact of construction works on 76 Christie Street

- Matters raised relate to the southern portion of Links Road, which is not subject to this current application. The proposal as lodged has been amended to revise the scope of works. The current application relates only to a portion of Links Road that is north of the Dunheved Golf Course. Lee Holm Drive and the Christie Street intersection do not form part of this application, and will be subject to a future approval.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	Not supported, however conditions provided
Traffic Engineer	No objection

Section 4.15(1)(e)The public interest

The proposal is considered unlikely to generate significant issues of public interest for the following reasons:

- The proposal is a permissible land use;
- The proposal delivers necessary infrastructure upgrade works to Links Road as required by the St Mary's Planning Agreement (as amended, dated 20 December 2018);
- The road design is to the satisfaction of Council's Development Engineer and Traffic Engineer, subject to conditions;
- The proposal has been designed to adequately mitigate environmental impacts. Noting Council's Environmental Health Officer, and Waterways Officer raised no objection to the proposal subject to conditions; and
- The proposal provides a 2.5m wide shared cycle/pedestrian pathway to link to the broader share path network within the Regional Park and Central Precinct housing estate.

Conclusion

In assessing this application against the relevant environmental planning policies, being State Environmental Planning Policy No 55 Remediation of Land, Sydney Regional Environmental Plan No 30- St Marys, Penrith Local Environmental Plan 2010, and Penrith Development Control Plan 2014 the proposal generally satisfies the aims, objectives and provisions of these policies.

The proposed road design has been designed to the satisfaction of Council's Engineer and Traffic Officer, incorporates suitable measures to mitigate environmental impacts, and is considered to be in the public interest.

Accordingly, the application is recommended for approval subject to the following conditions.

Recommendation

1. That DA18/1163 for the Upgrade of Links Road St Marys, be approved subject to the attached conditions (Development Assessment Report Part B); and
2. That those making submissions are notified of the determination.

CONDITIONS

General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following stamped approved plans issued by Penrith City Council and any supporting information or documents submitted with the application, except as may be amended in red on the attached plans and by the following conditions.

Description	Drawing No.	Revision	Prepared by	Dated
Civil Design Development Application Approval	General: PS111235-01-GE- DRG-- 00001 to PS111235-- 01-RD-DRG-00021 Road Alignment: PS111235-01-RD- DRG-00021 to PS111235-01- RD-DRG-00381 Pavement: PS111235-01-PV- DRG-- 00011 to PS111235- 01-PV-DRG00204 Storm-water Management: PS111235-01-SM- DRG-00011 to PS111235-01-- SM-DRG-00221 Utilities: PS111235-01-UT- DRG-- 00101 to PS111235-- 01-UT-DRG00104 Property Works: PS111235-01-PW-- DRG-- 00101 to PS111235- 01-PW-DRG-00104	2	WSP	7 October 2020

Advisory: This consent does not approve the Line-marking and Signage Plans, which are to be lodged separately to Penrith City Council and be approved by the Local Traffic Committee. Refer to Condition 37 of this consent.

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

The development must be carried out in accordance with the General Terms of Approval issued by the Natural Resources Access Regulator, Reference IDAS1112820, dated 2 April 2019.

A copy of the General Terms of Approval as referenced above shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the development.

3 [A Special - Delivery of Works](#)

The Links Road extension and connection through to Christie Street, inclusive of the intersection of Links Road/ Christie Street/ Lee Holm Road is to be subject of a separate approval.

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

4 [A Special - National Parks and Wildlife Service Requirements](#)

The development must be carried out in accordance with the requirements of National Parks and Wildlife Services as provided in their letter dated 7 March 2019:

(a) Stormwater and Runoff

In order to mitigate rubbish collection the installation of a rubbish collection net on the culvert leading into the Regional Park shall be provided.

(b) Management Implications Relating Pests, Weeds and Edge Effects

During the approved vegetation removal works, all vegetation and topsoil removed is to be disposed of appropriately and not stockpiled or dumped in any areas surrounding the subject site. This is required to avoid the spread of exotic vegetation through the immediately locality, including the Wianamatta Regional Park.

(c) Boundary Encroachment and Access

No temporary or permanent road infrastructure is to be located within any of the land zoned Regional Park, other than the shared-pathway which forms part of this consent.

5 [A Special - Scope of Works](#)

This consent approves the upgrade of Links Road and associated works between Chainages 0 and 1020, and as shown as 'Section A' on the stamped approved plans.

6 [A Special - Sydney Water Approval](#)

Due to the proximity of the works to Sydney Water Assets, a Building Plan Approval for the development is to be obtained from Sydney Water **prior to the issue of any Construction Certificate.**

Environmental Matters

7 [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.

8 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.

9 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.

10 D06A – Approval for bulk earthworks/major filling operations

An appropriately qualified person/s must:

- Supervise all filling works; and
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
 - be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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; and
- 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: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.

11 D - Dust

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

12 D - Mud/Soil

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

13 D Construction Environmental Management Plan

Prior to works commencing, a Construction Environmental Management Plan (CEMP) is to be prepared by a suitably experienced / 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 is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following:

- Water quality management,
- Noise control and hours of operation, including the incorporation of the mitigation measures detailed in Section 9 of the "Links Road Extension Operational and Construction Noise Impact Assessment" prepared by RCA Australia, dated November 2018 (Ref. 13810-401/2),
- Air Quality, including dust suppression,
- Waste management (including solid and liquid waste), and
- Erosion and sediment control.

All construction activities on the site are to be implemented and carried out in accordance with the Council approved CEMP.

14 D Special - Biodiversity Report

The development is to be carried out in accordance with the recommendations of the submitted Biodiversity Assessment Report, prepared by WSP, dated 16 November 2018.

Particular attention is drawn to the following requirements:

- Woody debris from felled trees is to be translocated into proposed Vegetation Exclusion Zones; and
- All native trees with a trunk DBH (diameter at breast height) greater than 30cm that are scheduled for removal are to be stockpiled and transported for reuse in the following manner:
 - All logs and branches greater than 30cm in diameter are to be trimmed into 2-4m lengths. No foliage material may remain on the logs and branches. Root balls and soil are to be removed.
 - These logs are to be transported, delivered and installed under the guidance of a professional bush regenerator, by the applicant and at the applicants cost into the Vegetation Exclusion Zones.

15 D Special Fauna Protection

Prior to the commencement of works, including the removal of any trees associated with approved development activities, an inspection for resident threatened fauna (including inspection of all hollows) is to be undertaken under the supervision of a fauna ecologist. Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated. WIRES are to be contacted in the case of any injured fauna.

16 D Special Threatened Species and Ecosystem Protection

All *Dillwynia tenuifolia*, *Grevillia juniperina* and *Pultanaea parviflora* plants and Threatened Ecological Communities located outside of the development footprint identified in the plans as the Vegetation Exclusion Zone included in the Biodiversity Assessment Report, prepared by WSP, November 2018, are to be protected during development of the site by a temporary fence. The fence must be erected prior to any works commencing, and is to exclude vehicles and all building materials from impacting on the threatened species.

17 **D Special Translocation of Threatened Species**

Prior to the commencement of any works on the site, a targeted search for Cumberland Plain Land Snail is to be conducted. Any Cumberland Plain Land Snail found during this process are to be relocated to a nearby site approved by Council containing Vegetation Exclusion Zone. A Relocation Plan is to be prepared in accordance with the Office of Environment and Heritage's Policy for the Translocation of Threatened Fauna in NSW (2001), and is to be submitted to Penrith City Council's Biodiversity Officer for approval prior to issue of a Construction Certificate.

18 **D Special Vegetation Management Plan**

Prior to the issue of a Construction Certificate, a detailed Vegetation Management Plan for the short and long term management of the Vegetation Exclusion Zones as detailed in the Biodiversity Assessment Report dated 16/11/2018 is to be submitted to and approved by Penrith City Council. The plan is to include the following:

- Is consistent with relevant environmental legislation and policies, including, but not limited to, the NSW Biodiversity Conservation Act 2016, the Biosecurity Act 2015 the Water Management Act 2002, the Rural Fires Act 1997 as well as the federal Environment Protection and Biodiversity Conservation Act 1999, and guidelines such as the Rural Fire Services Planning for Bushfire Protection 2006 and Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005) and Guidelines for the Translocation of Threatened Plants in Australia 3rd Edition (Australian Network for Plant Conservation, 2018).
- A detailed plan that clearly outlines how vegetation should be protected and managed during construction of proposed future development and the ongoing future management of the vegetation and any identified threatened species over the next 3 years, as well as in the longer term. The focus is to be on best practice bush regeneration methods and habitat improvement.
- The VMP is to identify potential sites in the Vegetation Exclusion Zones as detailed in the Vegetation Exclusion Zones to translocate the thirty (30) 30 *Pultenaea parviflora* scheduled to be removed as part of the development proposal. The VMP must detail translocation techniques which are at best practice standards, and detail long term care until established (requiring not further care) and suitable sites within in the Vegetation Exclusion Zone.
- The VMP is to identify potential future impacts on the vegetation from the development and road, including access, weed encroachment, pest animals, stormwater etc, and is to outline how these impacts will be managed in the long term.
- The VMP is to include specifications for the management and maintenance of the APZ areas on each side of the Biodiversity Corridor.
- Project tasks should be defined and described, including a schedule detailing the sequence and duration of works necessary for the implementation of the VMP.
- Costings for the implementation of all components and stages of the work including materials, labour, watering, maintenance, monitoring and reporting should be included.
- Processes for monitoring and review, including a method of performance evaluation should be identified. This should include replacing plant losses, addressing deficiencies, problems, climatic conditions and successful completion of works.

The Vegetation Management Plan as required by this condition is to be prepared by a suitably qualified Ecological Consultant and/or Bush Regenerator with theoretical and practical experience in bushland restoration and management on the Cumberland Plain. A Certificate IV in Conservation and Land Management is required as a minimum. All activities on site are to be implemented and carried out in accordance with the plan. Council may request a review and if necessary updating of the plan to reflect current environmental standards and site conditions. Council must be satisfied with any changes prior to the amendment of the plan.

19 [D Unexpected Finds Protocol](#)

An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to works commencing**, the Protocol is to be submitted to Council for approval. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval.

The Protocol is to address, at minimum, the management of any contamination found on the site during the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining. The Protocol is also to include provisions for notifying Council of any unexpected finds.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

The above Protocol is to be complied with at all times during the development.

Construction

20 [H041 - Hours of work](#)

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

21 [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.

22 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site or prior to the issue of any Construction Certificate and Subdivision Works Certificate, whichever occurs first**. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

23 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

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) Lead-in public service utilities
- b) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- c) Road occupancy or road closures
- d) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- e) Temporary construction access

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.

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of roadworks (road, drainage and earthworks) in Links Road, St Marys.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and 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 or Subdivision Works 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 roadworks (road, drainage, earthworks).

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 WSP, reference number PS111235-01-GE-DRG-00001 to PS111235-01-GE-DRG-00007, PS111235-01-RD-DRG-00010 to PS111235-01-RD-DRG-00381, PS111235-01-PV-DRG-00011 to PS111235-01-PV-DRG-00204, PS111235-01-SM-DRG-00011 to PS111235-01-SM-DRG-00221, PS111235-01-UT-DRG-00101 to PS111235-01-UT-DRG-00104, PS111235-01-PW-DRG-00101 to PS111235-01-PW-DRG-00104, revision 2, dated 07 October 2020, 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 roadworks 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.	2.5m wide Shared Path	ESA
Links Road	Northern side	1 x 10 ⁷
Links Road	Western side	1 x 10 ⁷

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 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works onsite (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's City Assets Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

29 **K225 - Performance Bond**

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for roadworks (road, drainage, earthworks).

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 Development Engineering Department on 4732 7777 for further information relating to bond requirements.

30 **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.

31 **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.

32 [K303 - Matters to be addressed prior to commencement of Subdivision Works](#)

Engineering works shall not commence until:

- a Construction Certificate and S138 Roads Act approval 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.

33 [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.

34 [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.

35 [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.

36 [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.

37 [K509 - Linemarking & Signage](#)

Prior to the installation of 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

38 [K515 - Maintenance Bond](#)

At the completion of all the roadworks (roads, drainage, earthworks) a Maintenance Bond is to be lodged with Penrith City Council.

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

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

39 **K516 - Subdivision Compliance documentation**

At the completion of works, 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 and Sec138 Roads Act approval 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 Exceedance 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.
 - Statement of Compliance.
- i) Structural Engineer's construction certification of all structures.

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

Any Stormwater Quality Improvement Devices (SQID's), including Gross Pollutant Traps (GPT's), constructed as part of the development shall be operated and maintained by the proponent for a 12-month defect liability period following completion of the works.

Regular inspection records and evidence of cleaning regimes undertaken are required to be submitted to Penrith City Council at the completion of the defect liability period.

41 [K - Waterways - Commissioning and Handover](#)

Prior to the handover of the assets, Council requires all of the following conditions to be met:

- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
- The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure
- Where applicable, the build up of sediment has resulted in no more than a 10% reduction of operational volume
- Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council
- The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
- Design drawings have been supplied in a format acceptable to Council
- Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council
- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)
- Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)
- The condition of the infrastructure associated with the land complies with the approved design specification
- Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following
 - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
 - ii. Site access description
 - iii. Likely pollutant types, sources and estimated loads
 - iv. Locations, types and descriptions of measures proposed
 - v. Operation and maintenance responsibility
 - vi. Inspection methods (including inspection checklists)
 - vii. Maintenance methods (frequency, equipment and personnel requirements);
 - viii. Landscape and weed control requirements
 - ix. Operation and maintenance costs;
 - x. Waste management and disposal options; and
 - xi. Reporting.

42 [K - Waterways - Stormwater Management – GPT Design](#)

Prior to the issue of a Construction Certificate, the following information is to be submitted to and approved by Council:

- Council shall review and approve the proposed GPT's, so that consideration can be given to the life cycle costs. A detailed operation and maintenance manual which includes estimated costing as well as details on maintenance access is to be submitted to and approved by Council.
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application is to be submitted to and approved by Council.

43 **K Special - Defect Period Road Works**

All roadworks approved by this consent are subject to a 12 months defect period following the practical completion date.

44 **K Special (BLANK)**

Prior to the handover (or dedication) of the shared-pathway located within the land zoned Regional Park, provision is to be made for the performance and maintenance of the asset in accordance with all relevant legislative requirements, and to the satisfaction of National Parks and Wildlife Service and Penrith City Council.

45 **K Special (BLANK)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that no batters or the like encroach upon land zoned as Regional Park.

46 **K Special- All roadworks to be completed**

Prior to the dedication of the private land as a public road, the Certifying Authority shall ensure that all roadworks required by this consent have been satisfactorily completed or that suitable arrangement have been made with Penrith City Council for any outstanding works.

47 **K Special Condition - Dilapidation Report**

The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted upon completion of all roadworks confirming no damage has occurred.

48 **K Special Condition- 5% Annual Exceedance Probability Flood Event**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the road is located above the 5% Annual Exceedance Probability flood event from South Creek. Full details are to be submitted with the application for a Construction Certificate.

49 **K Special Condition- Flood Depth**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that details of flood depth gauges for the section of Links Road that is impacted by flooding, are provided. Full details are to be provided with the application for a Construction Certificate.

50 **K Special Condition- Gross Pollutant Trap**

Prior to the issue of a Construction Certificate, Gross Pollutant Traps (GPTs) are required at the stormwater outlet points prior to the discharge into the downstream properties. The GPTs should be designed with a maintenance pad allowing for service vehicles to park clear of the road and shared path. The applicant is to contact Penrith City Council to discuss the design requirements of the maintenance pads. Full details are to be submitted with the application for a Construction Certificate.

51 **K Special Condition- Road Drainage Crossings**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that all road drainage crossings have an unobstructed floodway capacity for a 10% AEP local flood event. Full details are to be submitted with the application for a Construction Certificate.

52 **K Special Condition Street Trees**

Prior to the issue of a Construction Certificate, a Street Tree Plan is to be submitted to and approved by Penrith City Council showing the location and type of street trees for the full length of the new road.

53 **K Special- Temporary Cul-de-sac Turning Head**

Prior to the issue of a Construction Certificate, the certifying Authority shall ensure that a temporary cul-de-sac turning head is provided at the limit of section A works (CH1020) to accommodate for the turning of 26m long B-Double heavy vehicles. Full details are to be submitted with the application for a Construction Certificate.

Landscaping

54 [L007 - Tree protection measures](#)

All trees that are required to be retained as part of the development must be protected in accordance with the minimum tree protection standards prescribed in Penrith Development Control Plan 2014, Chapter C6 Landscape Design.

55 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed development footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design Principles

- The majority of the proposal is on land identified as having Scenic and Landscape Value on Council's mapping system. The proposal is considered to have minimal visual impact given the proposal is road works at ground level within a largely industrial area. Accordingly, a visual impact assessment is not considered warranted.
- The proposal is in part situated on land mapped as Bushfire Prone Land. A Bushfire Impact Report was not submitted with the application. However, given the proposal is for road, which is not a sensitive use and is unlikely to be affected by bushfire impacts, the development is considered acceptable in this regard.
- The application results in an increase of impervious surfaces of greater than 250sqm, and as such was accompanied by a Water Sensitive Urban Design Strategy. See discussion in this report under 'Likely Impacts'.
- The proposal includes street lighting that satisfies the requirements of AS 1158.
- The proposal includes earthworks (cut and fill) for the purpose of achieving the required road grade. The proposal has been reviewed by Council's Development Engineer and found to be satisfactory.