

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0655
Proposed development:	Torrens Title Subdivision x 31 Lots including Associated Civil Works, Public Roads, Landscaping and Tree Removal
Property address:	3991 Jordan Springs Boulevard, JORDAN SPRINGS NSW 2747 3990 Jordan Springs Boulevard, JORDAN SPRINGS NSW 2747
Property description:	Lot 3991 DP 1190132 Lot 3990 DP 1190132
Date received:	5 July 2018
Assessing officer	Jane Hetherington
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a Torrens Title subdivision x 31 residential lots including associated civil works, public roads, landscaping and tree removal at Lot 3900 Jordan Springs Boulevard, Jordan Springs. The subject site is zoned *Urban* under the provisions of Sydney Regional Environmental Plan No. 30 - St Marys. Subdivision is a permissible land use under Clause 45.

Key issues identified for the proposed development and site include:

- The site adjoins a Freshwater Wetlands;
- The site immediately adjoins Wianamatta Regional Park land;
- The site contains vegetation mapped as Cumberland Plain Woodland; and
- A waste vehicle is required to perform a three-point turn to service some of the lots within the development.

The application was advertised and neighbours notified in accordance with Penrith Development Control Plan 2014. No submissions were received.

The proposal is defined as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under the *Water Management Act 2000*, Section 89, 90 & 91 and the *Rural Fire Act 1997*, Section 100B. GTAs were received raising no objection to the proposal subject to conditions.

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

Site & Surrounds

The development site comprises lots 3990 & 3991 in DP 1190132. The subject site is irregular in shape and has a primary frontage to Jordan Springs Boulevard. Jordan Spring Boulevard is a two-way local road running east-west between the Northern Road and Lakeside Parade.

The site comprises large cleared areas. Vegetation on the site consists of a mix of young and mature Cumberland Plain Woodland.

The site is bound by the Wianamatta Park on all sides, and an artificial waterbody (dam) to the east. To the north of the site is the established suburb of Jordan Springs, comprising largely of residential development.

Site constraints

- The site is mapped as bushfire prone land.
- Vegetation on the site is mapped as Cumberland Plain Woodland.
- The adjoining artificial waterbody (dam) contains vegetation consistent with the description of a Freshwater Wetlands, which is an endangered ecological community under the Biodiversity Conservation Act 2016.

History

The applicant attended a pre-lodgement meeting with Council officers on 8 March 2018 (PL18/0019).

Proposal

The proposed development involves:

- Subdivision of Lot 3990 for 31 residential lots;
- Associated civil works, roads including a new connection to Jordan Springs Boulevard and new internal roads, earthworks, landscaping and tree removal on Lots 3990; and
- Construction of culvert crossing and stormwater outlet pipe within Lots 3990 and Lot 3991.

Plans that apply

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

- **Section 4.15 - Evaluation**

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

- **Section 4.46 - Integrated development**

The proposal is defined as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under the *Water Management Act 2000*, Section 89, 90 & 91 and the *Rural Fire Act 1997*, Section 100B.

Accordingly, the application was referred to the NSW Natural Resources Access Regulator (NRAR) and the NSW Rural Fire Service (RFS) on 9 July 2018.

In response, the NSW RFS issued their General Terms of Approval dated 26 September 2018, raising no objection to the proposal subject to conditions.

In response, the NRAR issued their GTAs dated 21 November 2018, raising no objection to the proposal subject to conditions.

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

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents Council from consenting to a development unless it has considered whether the land is contaminated, and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The application was accompanied by a Contamination Report prepared by Alliance Geotechnical P/L and dated 20 April 2018. To assess the potential for site contamination a desk review, site walkover and data assessment and report was undertaken. The assessment found that there were no new areas of concern (AEC) or contaminants of potential concern identified for the site, that warranted further assessment. Based on their assessment, Alliance Geotechnical makes the following conclusions:

- The contamination status of the broader site is considered unlikely to have materially changed since the issue of a site audit statement in 1999; and
- The site is considered suitable for the proposed land use setting (in the context of land contamination human health exposure risks), subject to: ongoing implementation of the URS 2008, 'Contamination Management Plan, Western Precinct Development Phase' dated 7 July 2008, ref: 4321 7287, as recommended in the site audit statement issued for the site.

Council's Environmental Health Officer has reviewed the contamination report and agrees with the conclusions. Therefore, the site is suitable for its intended use, subject to conditions.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No. 20—Hawkesbury/Nepean River (No. 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Sydney Regional Environmental Plan No.30 - St Marys

- **Permissibility**

Under the provision of SREP 30, the site is located within the Urban Zone, and the proposal is defined as subdivision. Pursuant to Clause 45 of SREP 30, subdivision of land to which the plan applies is permitted with consent.

- **Aims of SREP 30**

The proposal supports the aims of SREP 30, specifically to:

(d) ensure that urban development on the land achieves desirable environmental, social and economic outcomes, and

(f) ensure that development of the land to which this plan applies is integrated with established surrounding areas.

- **Clause 33 Housing**

The proposed subdivision provides a variety of lot sizes ranging from 275m² to 793.2m².

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

The subject site adjoins the Regional Park area and in accordance with Clause 44 the application was referred to the NPWS on 25 July 2018. A response was received dated 16 November 2018 which included specific requirements which have been incorporated into the conditions of consent (Condition No. 4).

- **Clause 49 - Land below the PMF level**

The site is located above the PMF level.

- **Clause 52 – Tree Preservation**

The subdivision necessitates the removal of vegetation on-site, which is mapped as Shale Plains Woodland. To support this vegetation removal the application was accompanied by a Species Impact Statement prepared by Cumberland Ecology and dated May 2018. This document concludes that the proposed development is not likely to have a significant impact on the Cumberland Plain Woodland or threatened species as it is a relatively small area (5.22 hectares) to be cleared relative to the adjoining 900 hectare Regional Park. This document has been reviewed by Council's Biodiversity Officer who raised no objections to the proposal.

- **Clause 60 - Services**

A condition of consent is recommended to be applied requiring the developer to obtain a Section 73 Certificate from Sydney Water, and documentary evidence from Endeavour Energy and telecommunication provider to ensure services are available to support future developments on the site.

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

Western Precinct

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

Section 79C(1)(a)(iiia) The provisions of any planning agreement

Penrith City Council, St Marys Land Limited and Lend Lease Development into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has made provisions for open space, transport, human services and infrastructure works for the Western and Central Precincts of the St Marys Development Site. The proposal does not trigger and additional contributions.

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

Context and Setting

The proposed subdivision is an isolated pocket within Jordan Springs surrounded by the future regional park. The size and dimensions of the proposed lots are consistent with other residential lots within the Western Precinct and will allow for a variety of housing types. The lots area and dimensions will be able to accommodate future dwellings.

Access, Transport and Traffic

The application was accompanied by a Traffic Impact Assessment (TIA) prepared by Bitzios Consulting and dated 3 July 2018. This report details that access to the site will be provided via a new intersection off Jordan Springs Boulevard. The existing median will be modified to accommodate a gap (to allow for all movement manoeuvres onto and from Jordan Springs Boulevard) and a auxiliary right turn lane of 29 metres long on the western approach. An assessment of the traffic generated by the proposed subdivision and the future senior living development (subject to a separate DA) was provided. The report concluded that the traffic generated by the development is low volume and is, therefore, not expected to produce any significant impacts on the existing road network.

Waste Management

The subdivision layout was amended to delete the dual frontage lots. While this is considered to be a better outcome in terms of the streetscape, it results in the need for the waste vehicle to perform a three-point turn to service all the lots. To accommodate this, a turning bay has been provided adjacent to proposed lot 13. Given the subdivision is an isolated pocket and the expected number of associated vehicle movements is relatively low, the three point turn for a garbage truck is not considered to result in any adverse safety issues. Council's Engineer has reviewed the turning paths and advised that they will accommodate the waste vehicle.

Flora and Fauna Impacts

The site adjoins an artificial waterbody (dam) that contains vegetation consistent with the description of a Freshwater Wetlands, which is an endangered ecological community under the Biodiversity Conservation Act 2016. While the development originally included the construction of a road within close proximity to the dam edge, the subdivision layout has undergone numerous amendments to reduce the impact of the development on the wetland. The road was originally replaced with a fire trail, however given that the eastern boundary is adjacent to a waterbody (dam) a fire trail is unnecessary. As such the fire trail was replaced by a footpath that's final alignment will be determined prior to the issue of a construction certificate to reduce the impact to vegetation.

Bushfire Impact

The subject site is mapped as bushfire prone land and as such, the application was accompanied by a Bushfire Assessment, prepared by Peterson Bushfire and dated 16 April 2018. This report details that the proposal will have compliant asset protection zones to the adjoining woodland in the form of subdivision perimeter roads and building setbacks within lots.

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

The site is suitable for the following reasons:

- The site is zoned Urban and is identified for residential development in the Western Precinct Plan;
- The site is located within close proximity to the Jordan Springs town centre;
- The grade of the site is suitable for the design proposed; and
- The site is able to drain to Council's satisfaction.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents. Council notified seventeen (17) residences in the area and the exhibition period was between 20 July and 19 August 2018. The application was advertised in a local paper on 19 July 2018. Amended plans were re-notified to adjoining property owners with an exhibition period from 21 December 2018 to 4 January 2019. Council has received no submissions in response.

Referrals

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

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being SREP 30 - St Marys and the Western Precinct Plan, the proposal satisfies the aims, objectives and provisions of these policies. The proposed subdivision is consistent with the desired future character as identified in SREP 30 and the Western Precinct Plan.

The site is suitable for the proposal and the development providing opportunities for future housing and infrastructure and is in the public interest.

In view of the above assessment, it is recommended that the consent be granted to this application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions of consent accompanying this report.

Recommendation

1. That DA18/0655 for Torrens title subdivision x 31 lots including associated civil works, public roads, landscaping and tree removal at Lot 3990 & 3991 DP 1190132 be approved subject to the attached conditions, including the GTA's from NRAR and NSW RFS.

General

1 [A001](#)

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

Drawing Title	Drawing No.	Prepared By	Dated
Subdivision Plan	110487SK/SK19 (Issue 2)	J. Wyndham Prince	7/12/2018
Civil Plans	11048701/ DA201-210 (Rev. D)	J. Wyndham Prince	11/12/2018

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

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

3 [A Special - Natural Resources Access Regulator](#)

The development shall be carried out in accordance with the General Terms of Approval issued by the Natural Resources Access Regulator, Reference IDAS1109804, dated 21 November 2018.

4 [A Special - NPWS](#)

Based on the recommendations provided by the Office and Environment and Heritage (OEH) in their referral response dated 16 November 2018, the development shall comply with the following:

- **Prior to any works**, adequate fencing is to be installed to capture builders waste and rubbish and to ensure no rubbish enters the Regional Park. The developer must budget for any clean up that may occur due to builder's rubbish entering the park during any phase of the construction.
- **Prior to any works**, adequate fencing is to be installed, to ensure that kangaroos and emus from the Regional Park cannot escape into urban areas or the development site.
- **Prior to the issue of a Construction Certificate**, the design and maintenance of the stormwater inlet at the northern end of the Secret Garden Dam is to be submitted to and approved OEH.
- **Prior to the issue of a Construction Certificate**, the design of the permanent fencing to be located between the development site and Wianamatta Regional Park is to be submitted to and approved by OEH. This permanent fencing is to be erected **prior to the issue of a Subdivision Certificate**.
- **Prior to the issue of a Construction Certificate**, the Plant Schedule contained within the Landscape Plan (titled *DA Landscape Concept Plan* prepared by Sprout Landscape Architecture dated 21 September 2018 shall be amended to include local native species including: *Backhousia myrtifolia*; *Melaleuca linarifolia*; *Melaleuca styphelioides*; *E. Molucca*; *E. tereticornis*; *E. crebra*; *E. eugeniodes*; and *E. corymbia maculta*. The amended plan is to be submitted to and approved by Council.
- The developer shall monitor the boundary for a period of 12 months to ensure no weed invasion of the Regional Park. Any required bush regeneration / weed control identified during this time is to be undertaken at the full cost of the developer.
- Any works on National Parks and Wildlife Service land need to be quantified and approved by OEH prior to the commencement of any such works.
- Any Asset Protection Zones (APZ) must be on lands owned by the development and not OEH land. The maintenance of APZ will not be the responsibility of OEH, including road verges and nature strips.

5 [A Special - Rural Fire Service](#)

The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority issued on 26 September 2018 for the said development are to be completed prior to the issue of a Subdivision Certificate.

6 **A Special (BLANK)**

A 'positive covenant' shall be registered over all affected lots identified within the Bushfire Assessment (Ref. 17154), prepared by Peterson Bushfire and dated 16 April 2018. The covenant will require BAL construction levels in accordance with this report unless otherwise agreed to by Council by way of an independent Bushfire Assessment Report.

7 **A Special Condition (BLANK)**

Prior to the issue of a Construction Certificate, the final design and alignment of the proposed footpath adjacent to the artificial wetland (dam) must be prepared in consultation with and approved by Council.

Heritage/Archaeological relics

8 **C003 - Uncovering relics**

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

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

Environmental Matters

9 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

10 **D004 - Dust**

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

11 **D005 - Mud/Soil**

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

12 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

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.

13 **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.

14 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.

15 D Fauna Protection

Prior to the removal of any trees associated with subdivision/development activities, an inspection of hollows and hollow dependent threatened fauna 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.

Trees identified for removal are to be lowered to the ground slowly to allow fauna to escape and avoid being crushed.

16 D Repurpose of woody debris for habitat

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, to a site to be determined through the consultation with Peter Ridgeway at Greater Sydney Local Land Services.

- Three (3) weeks prior to tree felling, the applicant is to contact Peter Ridgeway on (02) 4724 2125 or 0401 481 037 or peter.ridgeway@lls.nsw.gov.au to arrange a suitable time for logs to be delivered. Exact location of delivery within the reserve will be confirmed on contact.

- Receipts of works are to be retained for council records.

17 D Special BLANK

The development shall be carried out in accordance with the procedures set out in the Contamination Management Plan, Western Precinct Development Plan dated 7 July 2008, ref: 4321 7287 as recommended in the site audit statement issued for the site.

18 D Special BLANK

An 88B restriction is to be applied for proposed Lots 17-23 inclusive requiring that glazing complies with the recommendations set out in Section 4.3 of the Acoustic Assessment prepared by Renzo Tonin & Associates (dated 27 April 2018, ref: TK212-01F03 Acoustic Report for DA - Lot 3990 (r1)).

Utility Services

19 G001 - Installation of services and Service Clearances (subdivision)

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate; and
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- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

Construction

20 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

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

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

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

All construction signage is to be removed when the Subdivision Certificate has been issued for the development.

21 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

22 [H041 - Hours of work \(other devt\)](#)

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

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

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

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

24 [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, 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 (02) 4732 7777 or visit Penrith City Council's website for more information.

25 **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) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- f) 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:

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

26 **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 road and drainage works associated with the provision of a new intersection in Lakeside Parade at Road No 1.

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

Note:

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

27 K206 - Construction Certificate for Subdivision Works

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

A Construction Certificate shall be issued for any subdivision works. **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J Wyndham Prince, reference number 11048701, sheets DA201-DA210, revision D, dated 11-12-2018, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Penrith Council's Water Sensitive Urban Design Policy, Austroads Guidelines and best engineering practice.

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

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

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

Note:

- a) 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.

28 K207 - Road design criteria table

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	ESA
1 Ch 00 - 70	5 x 10 ⁵
1 Ch 70 - end	5 x 10 ⁴

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

29 **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.

30 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J Wyndham Prince, reference number 11048701, revision D, dated 11-12-2018.

The engineering drainage plans lodged for development approval, shall include a Rocla CDS UNIT P1009 or Council approved equivalent. The plans must include details of how the GPTs can be accessed and maintained including hardstand areas to allow for maintenance vehicles.

All works are to be completed in accordance with the requirements of the NSW Natural Resources Access Regulator.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a construction certificate.

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

31 **K223 - Access, Car Parking and Manoeuvring – Minor Development**

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

- a) Off street access and parking complies with AS2890.1.
- b) Vehicular access has been designed for a 12.5m Heavy Rigid vehicle in accordance with AS2890.2
- c) Sight distances at the street intersections have been provided in accordance with AS2890.1.

32 **K224 - Construction Traffic Management Plan**

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

33 **K301 - Sediment & Erosion Control**

Prior to commencement of works 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.

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

34 **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) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) 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.

35 **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.

36 **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.

37 **K404 - Soil testing - Subdivisions**

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

38 **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.

39 **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.

40 **K502 - Completion of subdivision works**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

41 [K509 - Linemarking & Signage](#)

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

Notes:

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

42 [K512 - Street Naming](#)

Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

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

43 [K513 - Bond for final wearing course](#)

Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

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

44 [K515 - Maintenance Bond](#)

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

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

Note:

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

45 **K516 - Subdivision Compliance documentation**

Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

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

46 **K - Waterways - Stormwater Management – GPT Design**

Prior to the issue of a Construction Certificate, the following information is to be submitted to Council for review and approval:

- Details of the proposed GPT so that considerations of the life cycle costs can be made and a detailed operation and maintenance manual which includes estimated costing.
- 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.

47 **K Special (BLANK)**

The proposed road widths and geometry at all bends and intersections must accommodate the concurring turning movements of a 12.5 truck and an opposing passenger car with complying clearances from each others, medians and kerbs.

48 **K Special (BLANK)**

The road width and geometry of Road 3 at the intersection with Road 1 must accommodate the concurring turning movements of a 12.5 truck and an opposing passenger car with complying clearances from each others and kerbs.

49 **K Special (BLANK)**

Sight lines at all proposed intersections, bends and around driveways are to be in accordance with Austroads Guidelines and Australian Standards. Sight lines at intersections, bends, and around driveways are not to be compromised by landscaping, fencing or signage.

50 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the finished surface level of all lots are located above the 1% Annual Exceedance Probability (AEP) flood level of the adjoining water body. Any lot that is located below the Flood Planning Level (1% AEP flood level + 0.5m freeboard) shall provide and nominate a building envelope area that is located above the Flood Planning Level. Full details are to be submitted with the Construction Certificate application.

Landscaping

51 **L001 - General**

All landscape works are to be constructed in accordance with the Landscape plan and Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

52 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

53 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

54 **L007 - Tree protectionmeasures–no TMPwith DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Councils Landscape Development Control Plan.

55 **L008 - Tree PreservationOrder**

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

Subdivision

56 **M008 - Linen Plan**

Submission of the original Linen Plan and two (2) copies.

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

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

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

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

57 [M014 - Surveyors certificate](#)

A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

Certification

58 [Q008 - Subdivision Certificate](#)

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

59 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

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

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act 1979, and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

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

Appendix - Development Control Plan Compliance

Western Precinct

A discussion against the relevant sections of the Western Precinct Plan and Development Control Strategy (DCS) is provided below:

Section 4.3 Future Character Areas

The site is located within the Bushland Edge area as identified by the Precinct Plan and DCS Figure 13 Character Areas and Typical Dwelling Types. The proposal complies with the design principles of the bushland edge area incorporating the following:

- The lot dimensions and area allows for detached residential housing;
- A perimeter road has been provided allowing for houses to face the regional park; and
- The subdivision layout was amended to ensure dwellings are orientated to face the street.

Section 4.4 Subdivision Layout Principles

The design of the proposed development complies with the relevant principles within the Precinct Plan and DCS as it:

- Includes a legible street hierarchy;
- Includes the provision of a 1.5m wide footpath which connects to the surrounding footpath network, promoting walking;
- Includes allotments which will allow for detached residential dwellings; and
- Provides views and links to the regional park.

Section 5.2 Street Types

The roads within the subdivision have a 8m wide carriageway complying with the Local Street requirements outlined in the Precinct Plan and DCS.