

JRPP Ref. No. :	2010SYW070
DA No. :	281 Lot Subdivision, Lot 1 DP 541090 and Lot 1 DP 222144, 132 Bradley Street, Mulgoa
PROPOSED DEVELOPMENT:	281 Lot Subdivision, Lot 1 DP 541090 and Lot 1 DP 222144, 132 Bradley Street, Mulgoa
APPLICANT:	J Wyndham Prince Pty Ltd
REPORT BY:	Jonathon Wood, Environmental Planner, Penrith City Council



Precinct D & E Concept Plan. Source: Development Planning Strategies (2010)

Assessment Report

Executive Summary

Council is in receipt of a Development Application which proposes a 281 Lot Subdivision within the Glenmore Park Stage 2 release area. The 'capital investment value' (CIV) of the proposal is \$14.17 million. Having regard to the CIV being in excess of \$10 million, and the number of lots being in excess of 250, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West pursuant to Part 3 - Regional Development of the State Environmental Planning Policy (Major Development) 2005.

The subject development site is part zoned R1 General Residential, RE1 Public Recreation, and E2 Environmental Conservation under the provisions of Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009. The future riparian corridor along the north eastern portion of the site is zoned E2 Environmental Conservation, as well as a smaller corridor that cuts through the centre of the site. The RE1 zoned land will provide the future active and passive open space areas for future residents.

The proposal is defined as 'Integrated Development' as concurrence from the Department of Environment, Climate Change and Water – NSW Office of Water is to be obtained for a 'Controlled Activity Approval' under the Water Management Act 2000. The General Terms of Approval have been issued for the proposed development. The proposal also requires a bushfire safety authority from the Rural Fire Service as per the provisions of Section 100B of the Rural Fires Act 1997. The requisite bushfire safety authority has been issued.

The subject application is captured by Clause 6.1 of Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009 which requires certification from the Director-General that satisfactory arrangements have been made for the provision of designated State public infrastructure. To date, the Director-General has not provided written certification to enable the consent authority to determine the application.

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the application was reported to the Sydney Regional Development Advisory Committee at the Roads and Traffic Authority (RTA) on 3 November 2010. The Committee raised no objection to the proposed development subject to the imposition of conditions.

The application was placed on public exhibition from 14 October 2010 to 15 November 2010. Two (2) submissions were received outside the exhibition period and these have been addressed further in this report.

The application has been assessed under the relevant provisions of the *Environmental Planning and Assessment Act 1979* (as amended). Having regard to the matters discussed in this report, the application is recommended for approval, subject to the imposition of conditions.

Background

In May 2009 the Minister for Planning made the Penrith Local Environmental Plan (Glenmore Park Stage 2) thereby rezoning the land for urban development after several years of detailed planning work between Council and the landowners group. During the detailed planning stage a Voluntary Planning Agreement (VPA) was struck to provide for important social and physical infrastructure. The VPA provides for a monetary contribution towards affordable housing and employment as well as requiring the completion of trunk drainage works and riparian corridor restoration works and the final dedication of land that contains the drainage and riparian works.

The major collector road that will service the release area, and also provide access to the land the subject of this application, is currently under construction by Stockland. However, the intersection works that are required to be provided as part of a State Planning Agreement have not yet commenced. There is currently ongoing negotiation between the developers and adjoining landowner relating to land acquisition matters that are necessary to achieve the final design of the intersection. Council is awaiting owners consent for the development application that will ultimately permit the intersection works to be carried out.

The recent Section 94E direction issued by the Minister for Planning has impacted on the total amount of Section 94 contributions that can be levied from the developers of the release area. This will result in a substantial impost on Council's finances and could result in the paring back of the level of infrastructure to be provided within the release area. Discussions with the developers is ongoing however an in principle offer has been made by the applicant to enter into a Voluntary Planning Agreement that will provide for the provision of all infrastructure identified within the current relevant Section 94 contributions plans applying to the release area.

A Concept Plan for Precinct B, on land to be developed by Stockland to the north, was lodged in late 2009 and approved by Council on 22 March 2010. Council has recently granted consent to a number of development applications in that precinct for the subdivision of approximately 300 lots, as well as the provision for a local park and associated infrastructure matters. Works are currently underway within that part of the release area.

In July 2010, a concept plan for the future development of Precinct D & E was lodged as well as an application for a 67 lot subdivision and a bridge spanning a future riparian corridor. The concept plan was subsequently endorsed and consent was granted for the bridge and subdivision. Works have recently commenced on these matters.

The Proposed Development

The specific elements of the proposal are as follows:-

- Subdivision of land to create 281 allotments consisting of the following:
 1. 266 Residential Lots
 2. 9 Super Lots
 3. 5 Open Space Lots
 4. 1 Residue Lot
- Roads, Drainage and Subdivision Infrastructure;
- Earthworks to establish road and lot benching;
- Landscaping of Streetscapes;
- Establishment and Partial Embellishment of Neighbourhood Park;
- Bulk Earthworks to Active Open Space;
- Landscaping of Riparian Corridor;
- Entry Feature;

Site and Surrounds

The Glenmore Park Stage 2 Release Area is situated on part of the land previously utilised by Mulgoa Quarries as an extractive industry. The majority of the release area has been disturbed in the past through the operations of the old clay/shale mining site. The exception to this is the eastern fringe of the release area and the southern most portion of the site, which have been used predominantly for agricultural purposes. There are eight (8) precincts identified within the release area which are in the ownership of five (5) separate landowners. An aerial view of the release area with a precinct overlay is provided at Figure 1.

Section 79C(1)(a)(i) – Any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 provides that a consent authority must, prior to determining an application to which this clause applies, do the following:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*

The application triggers the provisions of Schedule 3 (subdivision with more than 200 allotments) and thus those matters prescribed must be complied with. Written notice was provided to the RTA as per the provisions of this clause and the application was considered at the Sydney Regional Development Advisory Committee (SRDAC) on 3 November 2010 and the application was given support subject to a number of recommendations. These recommendations have been taken into consideration and those deemed suitable have been recommended as conditions of consent as part of this report.

In relation to the provisions of subclause (b)(ii) the reference to freight is not of relevance to the current development. The final road network that is set out in Council's Development Control Plan (DCP) for the release area will provide for the efficient movement of people. The formulation of that DCP also considered the extent of multi-purpose trips and has been incorporated into the final DCP provisions.

The key elements of (b)(iii) are traffic safety and road congestion. A Road Safety Audit was submitted with the application and were reviewed by Council's Traffic Section and found to be satisfactory- with the recommendations of the audit to form conditions of consent. In relation to the current application there is no current road congestion due to the fact that the land is currently vacant, however the road network proposed will adequately and efficiently convey traffic to avoid congestion. The uncertainty surrounding the development of the intersection on the corner of Bradley Street (collector road servicing the development) and The Northern road could have implications for congestion for those future residents attempting to enter and leave the site. For this reason conditions of consent are recommended that provide limitations on the release of subdivision certificates for residential allotments to a level that the existing road network can deal with.

State Environmental Planning Policy No.55- Remediation of Land

This policy aims to provide a state-wide approach to remediation of contaminated land. Of particular relevance to the current proposal are the requirements of Clause 7, which provides:

(1) *A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it 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, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The current application triggers the requirement for Council to consider whether the land is contaminated, and if so, Council 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 to be carried out (being residential development). A contamination report, prepared by Geotechnique Pty Ltd, was submitted with the development application. The findings of that report provide:

Based on this contamination assessment, it is considered that the site does not present a risk of harm to human health or the environment either currently or under the likely conditions of the proposed development. The site is therefore considered to be environmentally suitable for the proposed development, subject to the following:

- Implementation of the Unexpected Finds Protocol presented herein;*
- Appropriate classification and approval of imported materials, as outlined herein.*

Review of the information submitted in accordance with the contaminated land planning guidelines has revealed that the information contained within the report, and the findings of the previous contamination assessment carried out by Environmental Earth Sciences (Report No. 107135 dated 1 February 2008), is satisfactory.

Comments received from Council's Environment Unit reinforce this, with the report deemed adequate in addressing potential contamination on the site. Therefore Council can be satisfied that the provisions of SEPP 55 are complied with, in that the site is not identified as contaminated and is therefore suitable for the proposed development. Recommended condition No. 1.26 requires the recommendations of the report to be complied with at all times.

Sydney Regional Environmental Plan No. 20- Hawkesbury Nepean

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 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 plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme*. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal has been assessed and found to be in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and related recommended strategies set out in Clause 6.

Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009

(i) Permissibility

The subject site is predominantly zoned R1 General Residential, with a small portion being zoned RE1 Public Recreation, and a further portion E2 Environmental Conservation under the provisions of Penrith Local Environmental Plan (Glenmore Park Stage 2) 2009-see Figure 2. Each of the elements of the development is permissible by virtue of the respective land use tables and also through the provisions of Clause 2.6(1) which provides that subdivision may be carried out on land with consent.

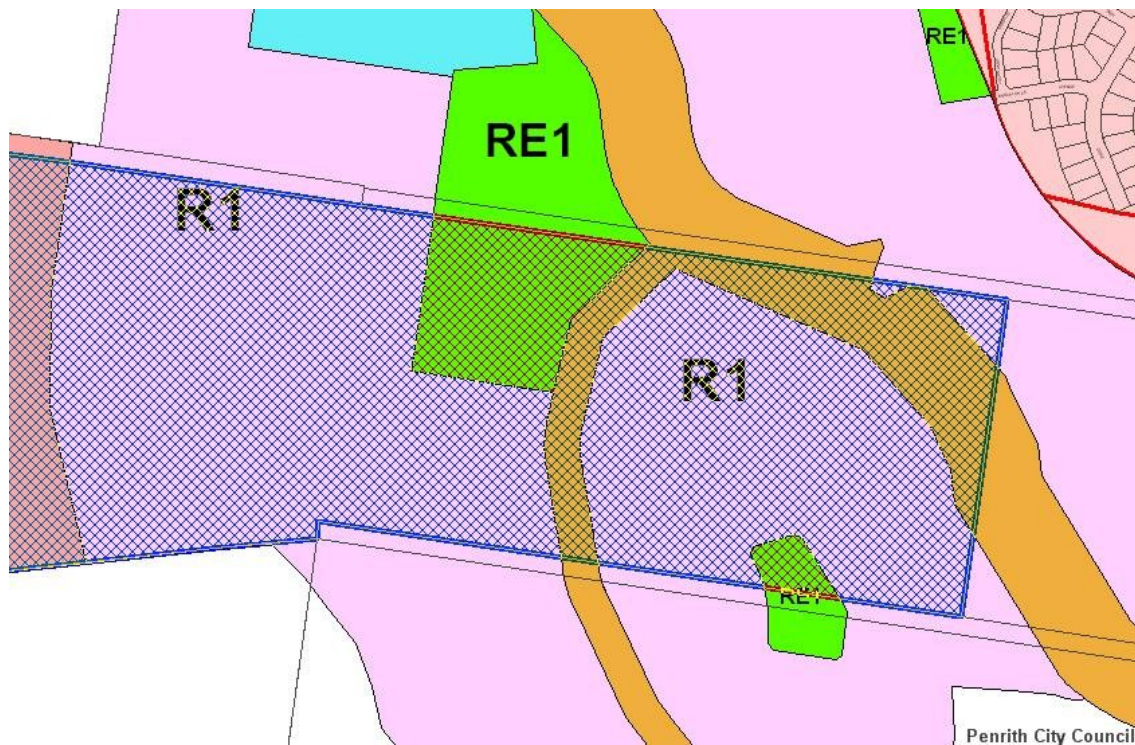


Figure 2: Zoning Extract (Penrith City Council 2011)

(ii) Objectives of the Zone

Clause 2.3(2) provides that a consent authority must have regard to the objectives of the zone in determining a development application. The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote development that safeguards the residential amenity of the area.*
- *To provide for high levels of residential amenity, particularly acoustic and visual privacy, accessibility to services, climatic comfort of the indoor environment, and safety and security.*
- *To ensure new development reflects the desired future character described in the Penrith Development Control Plan 2006.*

The first two objectives are of most relevance, and the proposal is consistent with these objectives in that subdivision will provide for the future housing needs of the community and

a diversity of housing types and densities are provided (or will be in the future). In relation to the last objective, the development reflects the desired future character described in the DCP.

The objectives of the RE1 Public Recreation zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide land for the development of services and facilities by public authorities for the benefit of the community.*

The development proposes bulk earthworks to the future active open space area to provide a relatively level pad that will be subject to further works in the future to deliver the necessary active open space elements. This is consistent with the first two (2) objectives and the information contained within the stormwater management strategy and riparian corridor vegetation plan demonstrate that the natural environment will be sufficiently protected during the earthworks. Appropriate consent conditions are recommended (1.22, 1.27, 1.28) that reinforce the proposed erosion and sediment control measures. The fourth objective is of limited relevance as the land will remain in private ownership until such times as an appropriate level of development within the release area is obtained.

The objectives of the E2 Environmental Conservation zone are as follows:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To protect and enhance the ecology, hydrology and scenic values of watercourses.*
- *To protect and enhance biodiversity corridors between remnant areas of native vegetation.*
- *To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.*

When comparing the aerial photograph and zoning map provided at Figures 1 and 2 it can be seen that the land on the subject site zoned E2 is currently vacant with limited ecological, scientific, cultural or aesthetic values. There is also an intermittent watercourse within part of the E2 zoned area that has limited ecological or scenic value due to the previous use of the site. The development will involve substantial works to the future riparian corridors by way of replanting and minor creek relocation works. These works will result in a positive outcome and improve those values referred to in objectives 1-4.

In relation to objective five (5) the development proposal involves the provision of an entry feature on the western side of the main riparian corridor. Part of this entry feature sits within the 10m buffer zone, and substantial revision to this aspect of the proposal has been carried out. The proposed landscape plantings now ensure that the entry feature serves as a transition from the natural riparian corridor into the urban context. The finer detail of the entry feature will be discussed further in this report.

Having regard to the relevant zone objectives the development proposal is deemed appropriate.

(iii) Relevant Instrument Provisions

The proposed development has considered the provisions of the instrument as follows:

Part 4 Principal Development Standards

Clause 4.1 Minimum Subdivision Lot Size

There are no minimum lot sizes prescribed in this portion of the release area, and therefore the provisions of this clause are not relevant.

Part 5 Miscellaneous Provisions

Clause 5.9 Preservation of trees or vegetation

The current application seeks consent for the removal of a number of trees located within the Precincts which ensures consistency with the provisions of this clause- which require consent for the removal of trees or vegetation. Consideration of tree removal is discussed further in this report under *Flora and Fauna*.

Clause 5.10 Heritage conservation

There is an item of Aboriginal heritage identified on the 'heritage map', located within the riparian corridor to the east of the site. This item is a 'scarred tree' identified in the original heritage study carried out as part of the rezoning process. Therefore there is a requirement to assess the proposal against the provisions of subclauses 4-9.

(4) Effect on heritage significance

The application was accompanied by advice from a consulting archaeologist indicating that the works will not impact on the item, as well as some suggested management techniques to mitigate potential inadvertent damage during construction. It is considered that the effect of the proposal on the heritage significance of the item will be minimal, as the tree itself will be retained and protected throughout the process as per the recommendations of the heritage advice.

A heritage impact assessment (subclause 5) is not considered necessary, nor is a heritage conservation management plan (subclause 6). The remaining provisions of Clause 5.10 are not relevant as the site is not identified as an 'archaeological site', or as a 'place of Aboriginal heritage significance', or as an item of State significance.

Recommended condition 1.19 provides that the management techniques contained within the report by Kelleher Nightingale Consulting be implemented during construction.

Part 6 Urban Release Areas

Clause 6.1 Arrangements for designated State public infrastructure

Certification from the Director-General indicating that satisfactory arrangements for contribution to the provision of designated State public infrastructure (in relation to this portion of the release area) are in place has not been provided which prevents the ability of the consent authority to determine the application. This is addressed in the recommendation of this report.

Clause 6.2 Public utility infrastructure

Adequate public utility infrastructure will be made available, with an infrastructure strategy provided as part of the endorsed concept plan for the Precinct. The provision of appropriate infrastructure clearances will occur as part of the development applications for subdivision. Appropriate conditions (1.30) will provide for the connection to sewer, water,

telecommunications and electricity. It is proposed that such clearances be required prior to the release of a subdivision certificate.

Clause 6.3 Development control plan

Chapter 6.43 of Penrith DCP 2006 contains an area specific development control plan in accordance with the provisions of this clause. Accordingly development consent is able to be issued in accordance with the provisions of clause 6.3(2).

Part 7 Additional Local Provisions

Clause 7.1 Sustainable development

This clause provides that the consent authority must consider a number of principles of sustainable development prior to granting consent to development (other than BASIX affected development). It advocates a 'whole of building' approach, and stipulates that the following matters are to be considered:

(a) conserving energy and reducing carbon dioxide emissions,

This provision is of limited relevance given that the development is seeking consent for subdivision works. Where possible lot orientation exhibits a north/south orientation, however ultimately there will be detailed consideration given to energy conservation and reducing CO2 emissions as part of proposals for built forms.

(b) embodied energy in materials and building processes,

This provision is irrelevant as the proposal only involves subdivision works.

(c) building design and orientation,

This provision is irrelevant as the proposal only involves subdivision works.

(d) passive solar design and day lighting,

This provision is of limited relevance given that the development is seeking consent for subdivision works. Where possible lot orientation exhibits a north/south orientation, however there will be detailed consideration given to passive solar design and day lighting as part of proposals for built forms.

(e) natural ventilation,

This provision is irrelevant as the proposal only involves subdivision works.

(f) energy efficiency and conservation,

This provision is irrelevant as the proposal only involves subdivision works.

(g) water conservation and water reuse,

A stormwater management strategy was lodged with the development application providing recommendations for stormwater management. At this stage, the strategy is sufficient and future opportunities for water conservation and reuse will be considered as part of the development of built forms.

(h) waste minimisation and recycling,

This provision is of limited relevance given that the development is seeking consent for subdivision works. Cut and fill activities will seek to re-use material (where appropriate) which is satisfactory, however ultimately there will be detailed consideration given to waste minimisation and recycling as part of proposals for built forms.

(i) reduction of car dependence,

The proposed development is consistent with the area specific DCP, and the endorsed concept plan. Significant work was involved in the formulation of these policies, and there was a focus on providing suitable transport alternatives. Being consistent with these provisions, the subdivision facilitates future development that will incorporate suitable transport alternatives, including public transport, cycleways, and footpaths. Appropriate conditions will provide for the implementation of such methods.

(j) potential for adaptive reuse.

This provision is irrelevant as the proposal only involves subdivision works.

Clause 7.4 Development consents relating to existing extractive industries

Clause 7.4 requires that consent is not to be granted for subdivision unless the consent authority is satisfied that the quarrying operations on the site have ceased permanently, and the land has been adequately rehabilitated for the purpose of urban development. Quarrying activities have ceased on the land (i.e. been 'abandoned') in accordance with Section 107(3) of the Environmental Planning and Assessment Act 1979. In terms of rehabilitation, the quarry site was rehabilitated by Mulgoa Quarries, with contamination assessments provided indicating that the land is suitable for urban development.

Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

There are no draft environmental planning instruments applicable to the land.

Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2006

The relevant sections of Penrith DCP 2006 are outlined below:

2.4 Erosion and Sediment Control

The applicant has outlined that the measures outlined in the 'Blue Book' (Managing Urban Stormwater: Soils and Construction) will be incorporated during construction. Proposed condition 1.20 reinforces this.

2.7 Notification and Advertising

In accordance with the provisions of this section the application was notified to adjoining properties that were considered to be affected by the matters prescribed in section B3. The application was also advertised in the local paper placed on public exhibition from 14 October 2010 to 15 November 2010. Two (2) submissions were received outside the exhibition period which are addressed further in this report.

2.9 Waste Planning

Appropriate waste management will occur during the development and conditions of consent can reinforce this.

6.44 Glenmore Park Stage 2

This section of Penrith DCP 2006 is most relevant to the development as it provides controls specific to the Glenmore Park Stage 2 release area. The provisions of this section that are relevant to the proposal are discussed below.

1.9 Concept Plans

A concept plan for the precinct was lodged with the first subdivision development application for the precinct. The concept plan was reported to Council's Policy Review Committee on 18 October 2010 and, after deliberation, was endorsed. It is now important to ensure that subsequent development applications are consistent with the provisions of the endorsed concept plan. The general subdivision layout proposed as part of this development application is consistent with the layout contained within the concept plan.

2.0 Structure Plan

The bulk of provisions within this subsection are not specifically relevant to the current development application, as the provisions are a more broad brush 'vision' with accompanying objectives for the release area as a whole. In addition the provisions provide for the general structure of the release area, in terms of land use mix, density, and minimum dwelling yield.

2.4 Dwelling Yield/2.5 Dwelling Diversity

The endorsed concept plan provides detail on how the minimum dwelling yield for the precinct is achieved. The current application is consistent with the concept plan and will deliver a total of 266 residential lots, which will accommodate a variety of lots suitable for apartments and studios, terraces, built to boundary dwellings and detached dwellings. Recommended condition 1.7 provides for the establishment of an 88b instrument that will set out the particular dwelling type to be located on each newly created lot and also outline the minimum dwelling yield associated with the residue lots.

3.0 Public Domain

3.1.1 Corridors

The proposal is located in the vicinity of the proposed riparian corridors and also includes corridor restoration works and the construction of a box culvert across the western arm of the riparian corridor. A vegetation management plan and corridor implementation strategy has been provided with the application that provides detail that is consistent with this section of the DCP. It is important to note that the riparian corridor works are also covered under the provisions of a planning agreement, and appropriate triggers for the commencement/completion of works are detailed in the planning agreement. In the case of the 'Norwest' land the trigger for the completion of works is prior to the release of a subdivision certificate for the 300th residential allotment.

3.1.2 Bushfire Hazard Management

The application was lodged as an 'integrated development', as the land is identified as bushfire prone. An asset protection zone assessment was lodged with the application and provided for recommendations to achieve compliance with Planning for Bushfire Protection 2006. The application was referred to the Rural Fire Service and a bushfire safety authority was issued, subject to 'General Terms of Approval'. These will be suitably conditioned to ensure that the required measures are implemented. A condition of consent (1.11) is also recommended to require the submission of an 88b restriction on those lots identified under the Bushfire Protection Assessment as requiring particular construction standards to comply with AS3959-2009.

3.1.3 Water Management and 3.1.4 Flood Management

A stormwater management strategy was submitted with the development application that addresses the matters prescribed within this section of the DCP. It should be noted that the strategy is consistent with the strategy lodged previously and approved by Council for other

parts of the release area. It is also important to note that the 'raingardens' that will serve as part of the water quality treatment train and as a temporary stormwater storage device have been approved previously based on the stormwater management strategy.

3.1.5 Trees

There are no substantial stands of trees to be removed as part of the development. This is due to the fact that the site is sparsely vegetated, with the exception of those areas identified as being located within the future riparian corridor and neighbourhood park. The trees in these areas are to be retained and protected during construction works and revegetation works and recommended conditions of consent reinforce this (1.65).

3.1.6 The Northern Road Viewshed

The portion of the release area associated with the current application is not subject to the visual sensitivity of other parts of the release area as it is largely located in the lower areas of the release area and further development to the south will be of critical importance in retaining the viewshed from The Northern Road. However there is a small portion on the southern boundary that adjoins rural zoned land that could have impact dependent upon the final size and scale of dwellings in that location as it effectively sits on the crest of a ridgeline that forms the boundary of the release area, although the crest does sit approximately 6m below the higher crest located to the south-east that will mitigate views. In light of the maximum permitted building height of 15m, it is a recommended condition (1.13) that prior to the issue of a subdivision certificate those residential lots located to the south of Road No. 101A (on the western side of the Western Tributary), to the south of Road No.106, and to the south of Road No. 108 (for those lots that form part of this application) a restriction as to user be placed on those lots. The restriction as to user is to specify that the maximum height of buildings (measured to the highest point of the roof) on that lot is to be no greater than RL 90, being the height of the ridge that currently shields the release area from view from the Northern Road.

3.2.2 Vehicular Movement

The proposed road layout is consistent with the road network depicted with in the DCP.

3.2.3 Public Transport

The proposed road layout is consistent with the road network depicted with in the DCP. The final bus stop location will be negotiated with the network operator in the future.

3.2.4 Pedestrians and Bicycles

The concept plan previously endorsed by Council contained a diagram providing for pedestrian and cycle paths. The diagram indicated compliance with the provisions of the DCP in terms of both location and appropriate width. The information submitted remains generally consistent with the exception of the footpath and road reserve associated with a minor local road adjoining rural land holdings to the south (identified as Road No.115 on the submitted plans). There is a small portion of that road, being the area to the west of chainage 573.166, that is required to be widened by 1.3m to a total width of 16.9. The current proposal incorporates a total width of 14.3m, however it does provide for the establishment of a 2.5m shared pathway. The issue is the lack of any verge on either side of the path which is insufficient to accommodate any form of landscape plantings. The proponent has outlined that a large tree will be placed on the southern side of the path that will be sufficient. However this effectively relies on the adjoining property to provide the appropriate width to accommodate the requisite root zones of a large endemic tree planting. Given that there is no owners consent to carry out such an element, and the fact there is an objection to this specific part of the proposal, this approach is considered inappropriate.

The objective of this section of the DCP is to encourage an active and healthy lifestyle and therefore it is anticipated that the shared pathway will be utilised by residents on a regular basis. There is also a performance measure that provides '*street landscaping is provided to enhance the appearance of the street and pedestrian environment, including providing protection from the sun*'. Given the shared pathways location, it will be in direct sun in all periods of the day, which is of particular concern given the very hot climatic summer conditions. Therefore it is appropriate to provide a degree of shade to users. This is also a much more visually pleasing outcome and street tree plantings in this location may also serve to screen built structures from view from The Northern Road. For these reasons condition 1.16 is proposed to achieve DCP compliance.

3.3.1 Landscape Character

The landscape character of the area will ultimately will be defined by the vegetation within the riparian corridor, local park, road reserves, and the residences themselves. The endorsed concept plan provided for a variety of street tree plantings to establish a consistent theme throughout the precinct. Council has received a detailed street tree planting proposal which has been reviewed by Council's landscape architect and deemed appropriate, with the exception of one street tree type which will be reflected in conditions of consent.

3.3.2 Street Furniture and Public Art

The predominantly residential character of the precincts are not conducive to the provision of typical street furniture and public art. Notwithstanding, the entry feature and bridge, and the neighbourhood park to the south, incorporates a variety of street furniture and future public art elements. The detailed design of such elements will be subject to further approval by Council.

3.3.3 Road Sections

The application provides detail on the proposed road sections and demonstrates consistency with this section of the DCP and the endorsed concept plan, with the exception of the road width associated with the minor local road along a small portion of the southern boundary. Conditions of consent are recommended to remedy this situation.

4.0 Private Domain

4.1 Subdivision

The proposal is generally consistent with the DCP provisions, and provides/achieves:

- Minimum dwelling targets;
- Minimum depth of 25m for single dwelling lots;
- Varying the depth of north-south oriented lots providing longer, narrower lots on the south side of the street and shorter, wider lots on the north side, where possible.
- Ensuring lots with an east-west axis are 12m or more wide where possible (other than those lots that are proposed for attached housing).
- Retaining walls will be conditioned to be constructed with appropriate masonry materials.

Section 79C(1)(a)(iia) – The Provisions of any Planning Agreement

A planning agreement has been entered into by the owners group (in the release area) and Council. The voluntary planning agreement (VPA) relates to the provision of:

- Affordable Housing;

- Employment Contributions;
- Trunk Drainage Works;
- Biodiversity Corridor Planting Works;
- Dedication of Land.

The timing of particular works and contributions relates to the issuance of subdivision certificates for a particular number of allotments. Conditions will provide that prior to the issue of a subdivision certificate evidence is to be submitted indicating that the provisions of the VPA are complied with. It is also important to note that the current proposal does not have a detrimental impact on those matters set out in the VPA.

Section 79C(1)(a)(iv) – The Regulations

This section is not applicable for the subject application.

Section 79C(1)(b) – The Likely Impacts of the Development

Context and Setting

The development proposal is consistent with the existing character of other development in the surrounding suburbs. The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area once established. The proposal will have no adverse impacts on the natural environment, subject to adoption of recommendations of reports accompanying the application. Appropriate conditions are recommended to reinforce this.

Access, Transport and Traffic

Access to the development site is dependent upon the construction of a bridge that will span the future riparian corridor to the north east of the site. In addition, the reconstruction of Bradley Street will also be necessary to enable motorists to access the development area from The Northern Road. Because of this, conditions of consent will provide that subdivision certificates are not to be issued until such times as these works are completed (condition 1.52).

Council's Traffic Engineer, and SRDAC, have reviewed the proposed development with regard to access, transport and traffic. No objections were received regarding the proposal, subject to the Road Safety Audit recommendation being implemented.

Due to the current uncertainty surrounding the completion of the intersection works at the corner of Bradley Street and the Northern Road a condition of consent is recommended (No.1.17) requiring that no lots can be released until such times as these works are completed.

Flora and Fauna

Under Section 5A of the *Environmental Planning and Assessment Act 1979* (the Act), an assessment must be made as to whether a development proposal is likely to have a "significant effect" on any threatened species, populations or ecological communities or their habitats. The application has been accompanied by a Flora and Fauna Assessment prepared by Ecological Australia in accordance with Section 5A of the Act. In summary, Ecological concludes that the development proposal is not likely to have a "significant effect" on any ecological communities, threatened species or habitats. This report was independently assessed by Anderson Environmental Consultants and found to be accurate. It is also noted that a referral to the federal government provided that the development was not a controlled action under the Environment Protection and Biodiversity Conservation Act (Cwth).

It is important to note that throughout the development of the release area significant works are proposed to establish two (2) key riparian corridors. The establishment of these riparian corridors is to be conducted by the developers of the release area, with the timing of works set out in the planning agreement. These works will significantly enhance the existing situation and provide connectivity from the existing Mulgoa Nature Reserve through the release area and beyond. These corridors will provide opportunities for increased biodiversity and will increase the habitat values for fauna species.

Aboriginal Archaeology

Detailed cultural investigations were conducted as part of the Local Environment Study prior to the formulation of the LEP and DCP. This involved several days of investigations in the release area in conjunction with several of the local Aboriginal groups. The findings of those investigations were contained within a report compiled by Navin Officer Heritage Consultants. The report concluded:

The study area has generally been subject to high levels of ground surface disturbance and consequently the Aboriginal archaeological sensitivity of the area has been reduced to low levels.

It is considered that none of the six historical features identified through the historical archaeological survey of the study area are significant enough to reach the threshold criteria for local, State or National heritage listing.

The LEP only detailed one heritage item within the release area, which is located over 100m from the edge of the current proposal.

The application was accompanied by some advice prepared by Kelleher Nightingale Pty Ltd regarding the potential impact on the scarred tree. That advice indicated that this application would have no impact on the scarred tree, subject to the recommendations of the advice being implemented. Therefore the proposal will not impact upon any items of significance and conditions will reinforce this.

Salinity

The Geotechnical and Salinity Assessment formed part of the application and outlined:

“it is our assessment, from a salinity consideration, that the site is suitable for development, provided construction techniques are adopted to ensure that slightly saline, highly sodic soils and mildly aggressive soils do not adversely impact on structures”

From the above a condition of consent will require the submission of a salinity management plan for consideration and approval prior to the issue of a Construction Certificate (condition 1.29).

Bushfire Risk

The land is identified as bushfire prone land. The application has been accompanied by an Asset Protection Zone Assessment prepared by Ecological Australia. The assessment provides a review of the subdivision proposal in relation to the measures previously dealt with under previous assessments by Conacher Travers (2003) and BES (2004; 2006).

The application was referred to the Rural Fire Service, and a conditional bushfire safety authority was issued. Conditions of consent reinforce the need for compliance with this bushfire safety authority and also provide for positive covenants for those lots that require particular construction standards.

Social and Economic Impacts

The proposed development represents a significant commencement toward the creation of a new greenfield master planned estate in the City of Penrith. The proposed development will not only provide major social and economic benefits to the wider community but also to the future residents of the estate.

Section 79C(1)(c) – The Suitability of the Site for the Development

The site attributes are conducive to the development proposal. The proposal has been designed in a manner consistent with the character of the locality, and the future character of the locality earmarked under the LEP and DCP.

Section 79C(1)(d) – Any Submissions made in relation to the Development

(i) Referrals

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

<i>Referral Body</i>	<i>Comments Received</i>
<i>NSW Office of Water</i>	GTA's issued
<i>Rural Fire Service</i>	GTA's issued
<i>Building Surveyor</i>	No objections
<i>Environment Officer</i>	No objections, subject to conditions
<i>Strategic Planner</i>	No objections, subject to VPA being referenced in consent, and SIC certification received from Director General.
<i>Traffic Engineer</i>	No objections, subject to conditions
<i>Development Engineer</i>	No objections, subject to conditions

(ii) Community Consultation

In accordance with Council's Notification DCP, the proposed development was notified to adjoining property owners and placed on public exhibition from 14 October 2010 to 15 November 2010.

A total of two (2) submissions were received, one (1) of which was outside the exhibition period and the other was not directly related to this application. Regardless they have been summarised below and addressed.

<i>Issue</i>	<i>Comment</i>
<i>The root establishment of the landscape plantings along the boundary of the rural lot to the south will be on the adjoining lot.</i>	This has been discussed at length previously in this report, and recommended conditions provide that the verge area is to be increased which will mitigate this issue.

<p><i>Concerns raised about the use of the name 'Mulgoa Rise' by the developer of Precinct D and E. This undermines the 'brand' of the Mulgoa Valley.</i></p>	<p>Council is not in a position to change the marketing name of the development, as it is beyond the scope of its planning powers. Notwithstanding, the current suburb boundaries means that the development is actually identified as 'Mulgoa'. Given the proximity to Glenmore Park, and the similarities in the scale of development (as well as for the coordination of postal and emergency services), it is recommended that Council commence the suburb renaming process to align the suburb boundaries with the release area.</p>
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Section 79C(1)(e) – The Public Interest

The rezoning of the release area and formulation of the site specific LEP and DCP has been the result of several years work by Council, in conjunction with the landowners group. Input from members of the public was also invited during this process, with a number of opportunities made available to provide submissions.

A concept plan for Precinct D and E has been endorsed and found to be consistent with the planning framework for the release area. This application is consistent with the concept plan and the relevant provisions of the LEP and DCP and will provide an important recreational element to the future development of the precinct for residential development.

The current application is in the public interest as it is consistent with the LEP and DCP. It will also facilitate the development of part of the release area which aligns with the expectation of the public that the release area be delivered in accordance with the detailed planning provisions applying to the site.

Section 94 Contributions

Section 94 Contributions are applicable to the current application and the calculated amounts can be found as an addendum to this report. It is important to acknowledge the provisions of a recent Section 94E Direction issued by the Minister for Planning. This direction provides that a maximum of \$30,000 dollars can be levied for Section 94 contributions for each lot. Accordingly the levied contributions align with this direction.

To ensure the adequate delivery of infrastructure within the release area, the landowners group has provided a draft VPA for Council's consideration. In effect this will supersede the Section 94 plan by transferring all elements of the plan into the VPA. This is achievable based on the direction issued by the Minister, as VPA's are exempt from the requirements.

To date, a letter of offer has been provided to Council with some general heads of consideration that will be embodied within the VPA. At present this has no bearing on the development application, except that the conditions relating to contributions provide that in the event a VPA is entered into, the Section 94 contributions identified by the relevant condition are no longer payable.

Conclusion

The proposed development is in accordance with the relevant provisions of the environmental planning instruments, concept plan, and DCP pertaining to the land. Subject to the recommended conditions, the proposed development is unlikely to have a negative impact on the surrounding environment. The proposed development represents a significant step in the development of the Glenmore Park Stage 2 release area.

The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The likely impacts have been considered and found to be satisfactory and the site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendations

That:

1. The Development Application for Torrens Title Subdivision x 281 Lots Including Public Roads at 62-132 Bradley Street MULGOA NSW 2745 Lot 1 DP 541090, Lot 1 & 2 DP 1150906 be supported in principle by the Panel and be approved under delegation by Council's Development Services Manager upon receipt of the Director General's certification and subject to the following conditions:
- 1.2 The development must be implemented substantially in accordance with the following plans/documents:
 - Statement of Environmental Effects prepared by Development Planning Strategies and dated September 2010;
 - Plan set entitled Bradley Ridge- Precinct D & E Stages 1, 2, 3, 4 & 5 Proposed Lot, Road and Drainage Works, numbered:
 - 8983/DA300-301 Rev A, drawn by J Wyndham Prince and dated 29/09/2010;
 - 8983/DA302-306 Rev B, drawn by J Wyndham Prince and dated 23/12/2010;
 - 8983/DA307-314 Rev A, drawn by J Wyndham Prince and dated 29/09/2010;
 - 8983/DA315 Rev B, drawn by J Wyndham Prince and dated 23/12/2010;
 - 8983/DA316-322 Rev A, drawn by J Wyndham Prince and dated 29/09/2010;
 - 8983/DA323-326 Rev B, drawn by J Wyndham Prince and dated 23/12/2010;
 - 8983/DA327-330 Rev A, drawn by J Wyndham Prince and dated 29/09/2010;
 - 8983/DA331 Rev B, drawn by J Wyndham Prince and dated 23/12/2010;
 - 8983/DA332 Rev A, drawn by J Wyndham Prince and dated 29/09/2010;
 - 8983/DA333-334 Rev B, drawn by J Wyndham Prince and dated 23/12/2010;
 - 8983/DA335-341 Rev A, drawn by J Wyndham Prince and dated 29/09/2010;
 - Geotechnical Investigation- Residential Subdivision Glenmore Park 2 Bradley Ridge, report no. 07205/GK/1 Rev 0, prepared by Keighran Geotechnics and dated February 2008;
 - Salinity Management Plan, numbered 11807/3-AA, prepared by Geotechnique Pty Ltd and dated 23 October 2008;
 - Contamination Assessment and Unexpected Finds Protocol, numbered 11807/2-AA, prepared by Geotechnique Pty Ltd and dated 23 October 2008;

- Geotechnical Investigation- Bradley Ridge Development Glenmore Park 2, numbered 11807/1-AA prepared by Geotechnique Pty Ltd and dated 23 October 2008;
- Bradley Ridge Estate- Glenmore Park Release 2- Aboriginal Heritage Advice For Development Applications, prepared by Kelleher Nightingale Consulting Pty Ltd and dated 18 June 2010;
- Plan set entitled *Mulgoa Rise Entry Statement*, numbered L-10573-Entry-001-002 and L-10573-Entry-501-502, prepared by Context and dated 15 December 2010;
- Plan set entitled *Precinct E Streetscapes* numbered L-10580-E-000-004 and L-10580-E-501-505, prepared by Context and dated 24 September 2010;
- Plan set entitled *Precinct D Streetscapes* numbered L-10580-D-000-004 and L-10580-D-501-505, prepared by Context and dated 24 September 2010;
- Threatened Species Assessment, numbered 10SYDPLA-0010, prepared by Ecological and dated 25 June 2010;
- Bradley Ridge Precincts D & E Stormwater Management Strategy, numbered 8943rpt1B.doc prepared by J. Wyndham Prince and dated June 2010;
- Bushfire Protection Assessment Bradley Ridge- Proposed Subdivision, numbered 10SYDPLA-0010, prepared by Ecological Australia and dated 1 July 2010;
- Vegetation Management Plan- Precinct E Bradley Ridge, numbered 1328veg, prepared by Bioengineered Solutions and dated 28 June 2010;
- Preliminary Contamination and Salinity Assessment of Bradley Ridge, Glenmore Park, report no. 107135, prepared by Environmental Earth Sciences, and dated 1 February 2009

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

- 1.3 A bushfire safety authority has been issued by the Rural Fire Service (ref D10/1850 and appended to this consent) which is to be complied with at all times.
- 1.4 The General Terms of Approval issued by the NSW Office of Water, reference 10 ERM2010/1051 and appended to this consent, are to be complied with and a Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval until a copy of the Approval has been provided to the Principal Certifying Authority.
- 1.5 Work on the subdivision shall not commence until:
 - A Construction Certificate has been issued,
 - A Principal Certifying Authority has been appointed for the project, and
 - Any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

- 1.6 The site is subject to the provisions of the Glenmore Park Stage 2 Planning Agreement (as amended). The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure, services, and monetary contributions as part of the development of the release area. All works shall be carried out in accordance with the requirements of the Glenmore Park Stage 2 Planning Agreement (as amended).
- 1.7 An 88b restriction is to accompany the subdivision certificate application identifying the dwelling type and lot yield associated with all allotments (including residues). The 88b restriction is to be in accordance with the endorsed Precinct D and E Concept Plan (as amended).
- 1.8 Prior to the submission of a Subdivision Certificate the following plans/documents are to be submitted to Council for consideration and approval:
 - Plans indicating the location of bus indented bays and shelter locations, as well as indicative driveway locations in the vicinity of these items. Documentation is to accompany these plans from the bus operator indicating that the layout is satisfactory.
 - Plans showing landscaping and fencing details for lots that share a side or rear boundary (i.e. corner lots) with the Collector Road . These plans are to provide for appropriate landscaping and fencing treatments along areas/lots where boundaries face the Collector Road that will result in an appropriate level of presentation to the Collector Road. .

The approved plans are to accompany the application for a subdivision certificate, as well as an 88b restriction that details the required fencing and landscape treatments to lots referred to above with boundaries facing Bradley Street.

- 1.9 Public access shall be denied to the roadways until the roads have been dedicated. The development site shall be fenced to prevent any unauthorised entry.
- 1.10 Further detail is to be submitted to Council for consideration and approval demonstrating that the riparian corridor will be protected upon completion of subdivision works. In this regard, either hard (i.e. fencing) or soft (i.e. landscaping) methods, or a combination of both, are to be utilised to discourage people entering the core riparian area.
- 1.11 A positive covenant is to be registered on those lots identified in the Bushfire Protection Assessment (prepared by Eco Logical Australia, Report No. 10SYDPLA-0010, Dated 1 July 2010) as requiring particular construction methods under AS3959-2009.
- 1.12 Prior to commencement of works, 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 Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority 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.

- 1.13 Prior to the issue of a subdivision certificate those residential lots located to the south of Road No. 101A (on the western side of the Western Tributary), to the south of Road No.106, and to the south of Road No. 108 (for those lots that form part of this application) a restriction as to user be placed on those lots. The restriction as to user is to specify that the maximum height of buildings (measured to the highest point of the roof) on that lot is to be no greater than RL 90.
- 1.14 The community consultation, design, manufacture, and installation of Public Art is to be carried out under the direction of a professional Public Art Artist and/or Artists team. Prior to the Public Art being developed, a Public Arts Strategy is to be developed and submitted to Council for consideration and approval.
- 1.15 All bicycle path construction and related linemarking is to be in accordance with the relevant provision of the RTA's *NSW Bicycle Guidelines* and *AUSTROADS Guide to Traffic Engineering Practice- Part 14 Bicycles*.
- 1.16 The area west of chainage 573.166 on Road No.115 is to be widened to a width of 16.9m and is to provide for the 2.5m shared pathway with a minimum verge width of 2m between the back of kerb and the edge of the footpath. In this verge area street tree plantings are to be provided at a rate of 1 tree per 10m with a minimum pot size of 75 litres and the installation of temporary tree guards. The final species selection is to be approved by Council and is to take into account the verge width.
- 1.17 The subdivision certificate for any stage will not be issued until such times as works have been carried out at the intersection of The Northern Road and Bradley Street to a standard that will provide for at least one (1) protected right hand turn bay from The Northern Road onto Bradley Street.

The subdivision certificate for any lot in excess of the 100th residential lot released as part of Stages 2, 3, 4, or 5 under this consent will not be issued until such times as the intersection works at The Northern Road and Bradley Street have provided for at least two (2) protected right hand turn bay from The Northern Road onto Bradley Street.

For the purpose of this condition, as the intersection of Bradley Street and The Northern Road needs to remain open to traffic to service the existing properties, completion of the intersection works means:

- Road pavement construction to facilitate the requisite number of right turn lanes from The Northern Road into Bradley Street; and
- Appropriate Linemarking and regulatory signposting installation

But does not include:

- Footpath construction
- Traffic signal installation or activation
- Landscaping / tree planting and any turfing

- Final wearing surface

1.18 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.

1.19 The recommended strategies outlined in the letter dated 18 June 2010 from Kelleher Nightingale Pty Ltd are to be implemented during the construction process to ensure protection of the scarred tree located to the north of the site. These measures are to be in place prior to the commencement of works on the site and certification is to be provided to the Principal Certifying Authority to indicate that these measures are in place.

1.20 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

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

1.22 Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for the site shall be submitted to Penrith City Council for consideration and approval. Council's approval of the (EMP) should be provided to the Certifying Authority as part of the Construction Certificate application. The EMP shall be prepared by suitably qualified consultants in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP is to:

- ☐ address all environmental aspects of the development's construction phase, and
- ☐ recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s),

The EMP should include but is not limited to the following:

- ☐ soil and water management
- ☐ dust suppression
- ☐ litter control
- ☐ noise control
- ☐ waste management
- ☐ dangerous/hazardous goods storage
- ☐ emergency response and spill contingency.

Council will not withhold its consent to the Environmental Management Plan provided the above-mentioned matters are reasonably addressed.

The relevant aspects of the approved EMP shall be implemented during the relevant phase(s) of the development.

1.23 An Acoustic Report is to be prepared by an appropriately qualified consultant to address the following:

- The impact of construction noise on the existing residences in the vicinity of the development area. In this regard measures are to be recommended to ensure that compliance with relevant DECCW guidelines is achieved at all times. Any measures recommended are to be implemented throughout the construction process;
- The impact of road traffic noise on those proposed lots with frontage to the main collector road, based on projected vehicle numbers. In this regard recommendations are to be made for any specific construction methods that may be required to ensure that noise intrusion levels for future dwellings will not exceed the criteria specified in relevant guidelines.

Prior to the issue of a Construction Certificate the Acoustic Report is to be submitted to Penrith City Council for consideration and approval. Any acoustic measures specified for particular allotments will be required to be shown on the 88b instrument which is to accompany the subdivision certificate application.

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

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

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of certificate or 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 Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land 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.”}

- 1.25 All earthworks and construction on the site is to be implemented in such a way as to meet the recommendations of the ‘Salinity Management Plan’, Report number 11807/3-AA prepared by Geotechnique dated 23 October 2008. A certificate is to be obtained from an appropriately qualified and experienced consultant certifying that the works have been implemented in accordance with the recommendations of the above Plan. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.
- 1.26 The development is to be implemented in accordance with the ‘Contamination Assessment and Unexpected Finds Protocol’ Report number 11807/2-AA prepared by Geotechnique Pty Ltd dated 23 October 2008. All contractors and persons on site are to be made aware of the protocol and a copy of the Protocol is to be available on the site at all times and provided to persons that request a copy.
- 1.27 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 1.28 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 1.29 Prior to the issue of a Construction Certificate the plans shall detail measures to address moderately saline and highly sodic soils as highlighted in the Salinity Management Plan by Geotechnique Pty Ltd *reference no.11807/3-AA dated 23 October 2008*.
- 1.30 Prior to the issue of a Subdivision Certificate, the following service authority clearances, stating that services are available to all development lots, shall be obtained and submitted to Penrith City Council:
 - Section 73 Compliance Certificate under the Sydney Water Act 1994, indicating that access to reticulated sewer and water supply is available ; and
 - Notification of Arrangement from Integral Energy; and
 - Provisioning Certificate from the telecommunications service provider indicating that access to telecommunications infrastructure is available.

- 1.31 All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities regulations and standards.
- 1.32 Street lighting is to be provided for all new and existing streets of the proposed subdivision. Street lighting is to be designed and installed in accordance with Penrith City Council and the electrical authority standards.
- 1.33 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.

- 1.34 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.

- 1.35 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 1.36 All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 1.37 Recommendations and findings from the Stage 2 Road Safety Audit (RSA) prepared by Transport & Urban Planning dated July 2010 (**Precinct E**) and RSA report dated September 2010 (**Precinct D**) shall be addressed prior to detailed design stage and to be incorporated with the comprehensive Stage 3 RSA.
- 1.38 All footpaths and vehicle crossovers shall be constructed in plain grey concrete.
- 1.39 Stormwater runoff from the development site shall be directed to stormwater pre-treatment systems in general accordance with the Bradley Ridge Precincts D & E Stormwater Management Strategy prepared by J. Wyndham Prince dated June 2010 and Penrith Development Control Plan 2006.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- (a) The approval of operation and maintenance manuals/ programs for the proposed devices
- (b) Lifetime costings of the treatment devices
- (c) Pollutant retention rates to DECCW "Managing urban stormwater: environmental targets – Draft 2007
- (d) Suitable sealed vehicular access to Council's satisfaction
- (e) No pit inserts in the kerb inlet pits

A copy of the approved operation and maintenance manuals/ programs and lifecycle costings shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 1.40 Appropriate hard access to the base of the bio-retention system (not over the base) must be provided. This must be in accordance with design specifications as stipulated by Council.

Safety fences are to be installed where the batter of the bio-retention system is 3:1.

The type of Gross Pollutant Trap (GPT) to be installed is to be approved by Council. Designs must be approved by Council as being appropriate for Council's maintenance regime prior to Construction Certificate.

- 1.41 Maintenance manuals shall be provided for all treatment devices these are to be site specific and must be approved by Council prior to CC. The following is a guide to the type of information expected for all treatment elements.

Stormwater Treatment Measure (STM) Maintenance Plan to include the following:

- STM Data

Provide the generic information for proprietary devices as an appendix to the Maintenance Plan

- Site access details

Provide a plan that indicates the location of the treatment device, showing the necessary hardstand areas and any relevant access requirements

- Work methods

Provide in depth detail regarding the required type of plant/methods for cleaning and/or maintaining all treatment devices and the monitoring procedures. This is to include diagrams and/or information to show how it will be undertaken.

- Standard inspection and cleaning report forms
- Inspection and cleaning frequency schedule

1.42 Prior to the issue of a Construction Certificate, a comprehensive Stage 3 Road Safety Audit (RSA) shall be undertaken on the engineering designs 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 application.

The RSA shall address but not be limited to the following matters not covered in the preliminary assessment:

- 1) Safe intersection sight distance (SISD) at all road intersections taking into consideration horizontal and vertical road geometry.
- 2) Sight distance at access driveways of each proposed lots as per the requirements of AS2890.1 – 2004
- 3) Road geometry – both vertical and horizontal
- 4) Linemarking and signage
- 5) Landscaping
- 6) Street tree planting
- 7) Street Lighting
- 8) Traffic calming measures.
- 9) Turning paths for the 12.5m Heavy Rigid Vehicle at all intersections

1.43 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.

- (a) Roads
- (b) Stormwater drainage
- (c) Stormwater pre-treatment system
- (d) Overland flowpath
- (e) Interallotment drainage
- (f) Earthworks
- (g) Intersection treatments
- (h) Laybacks
- (i) Retaining walls
- (j) Path Paving
- (k) Cycleways
- (l) Linemarking and signage

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

- Civil design drawings have been prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

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

Road No.	Road Reserve Width (m)	Carriageway Width (m)	Verge (m)	Footpath (m)	ESA
101 (Collector) Ch 32-120	20.6	12	3.8 South 4.8 North	1.5 South 2.5 North	1 x 10 ⁶
103 (Collector) Adjacent to riparian corridor	16.8	12	1.0 West 3.8 East	1.5 East	1 x 10 ⁶
104, 106, 107, 110, 112, 114, 115, 116, 117, 118, 121, 122, 123	15.6	8	3.8	1.2 Both sides	5 x 10 ⁴
105 (adjacent to riparian corridor)	12.8	8	3.8 West 1.0 East	1.2 both sides	5 x 10 ⁴
28, 119 (Collector)	19.6	12	3.8	1.5 Both sides	1 x 10 ⁶
113 (adjacent to open space) Ch 15 - 170	21.3	15.5	3.8 West 2.0 East	1.2 West	2 x 10 ⁵
113 (Adjacent to school site)	18.1	10.5	3.8	1.2 Both sides	2 x 10 ⁵
101A Ch 0 – 393	20.6	12	4.8 North 3.8 South	2.5 North 1.5 South	1 x 10 ⁶
101A Ch 393 – 562.3	19.1	10.5	4.8 North 3.8 South	2.5 North 1.5 South	2 x 10 ⁵
120	18.1	10.5	3.8	1.2 Both sides	2 x 10 ⁵
201	12.8	8	3.8 West 1.0 East	1.2 West	5 x 10 ⁴
Culvert Crossing Ch 0 - 35	19.6	12	3.8	2.5 North 1.5 South	1 x 10 ⁶

- 1.45 All proposed bus stops located within the development are to comply with the requirements of the Disability Discrimination Act 2002 (DDA), Disability Standards for Accessible Public Transport (DSAPT) and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that all bus stops have been designed in accordance with the requirements and provide certification from an accredited accessibility consultant to Council prior to the issue of

a Compliance Certificate that the bus stops have been constructed to these standards.

Prior to the issue of a Construction Certificate, Bus Stop locations are to be nominated and are to be in accordance with Penrith City Council's Development Control Plan 2006 – Glenmore Park Stage 2. The applicant shall consult with Council and the local bus operator for the proposed bus stop locations and provide documentation from the local bus operator agreeing to the locations.

- 1.46 Inter-allotment drainage is to be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a maximum pit spacing of 40m. Cleaning eyes with inspection covers at finished surface levels are to be provided for all lots serviced by inter-allotment drainage.
- 1.47 Temporary turning facilities shall be provided where the proposed roadworks are truncated and future road extensions will be carried on future subdivisions. A minimum radius of 8.5m shall be provided for the temporary turning facility.
- 1.48 Prior to issue of a Construction Certificate, the treatment of the parking bays shall be designed in consultation with Penrith City Council.
- 1.49 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798. The level of testing shall be determined by the Principal Certifying Authority in consultation with the Geotechnical Testing Authority.
- 1.50 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
- 1.51 The sediment control basins shall be maintained by the developer until implementation of the permanent water quality system. The timing at which point the temporary sediment basins are decommissioned and the permanent systems are implemented will generally be when 90% of the dwellings within the catchment draining to the raingarden have been constructed and land is suitably stabilised. The implementation of the raingardens is subject to the agreement of Council and may require an outstanding works bond prior to the issue of a Subdivision Certificate.
- 1.52 Prior to the issue of any Subdivision Certificate the Bradley Street upgrade, Bridgeworks (**DA10/0655**) and lead-in Road 101 (**DA10/0672**) are to be completed to allow physical access to the subdivision.
- 1.53 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 Council where Council is not the Principal Certifying Authority:
 - Work 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.
 - CCTV and report in "SEWRAT" format of all street drainage submitted on DVD format to Council's requirements. Any damage that is identified is to be rectified in consultation with the Principal Certifying Authority.

- 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.
- Roads construction materials compliance documentation.
- A Geotechnical Report certifying that all earthworks have been completed in accordance with AS3798 and Council's Design and Construction specifications and conditions of consent.
 - The report shall include compaction reports for road pavement construction:
 - Subgrade
 - Each Subbase Layer
 - Base Course Layer
 - Lot re-grading compaction reports.
- Structural Engineer's Construction Certification of all structures
- Lot Fill Plan

1.54 Prior to the issue of a Subdivision Certificate a copy of the geotechnical report indicating the soil classification for all lots shall be submitted to Penrith City Council.

1.55 Prior to the issue of the Subdivision Certificate the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.

1.56 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:

1. Contact Penrith City Council's Development Engineering Unit on (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.

1.57 Prior to the issue of a Subdivision Certificate street signs are to be erected at road intersections.

Note:

Proposed road names can be selected from an approved list. An application for other names, in accordance with Penrith City Council's Street Naming Policy, can also be made. The regulations imposed under the Roads Act require that the proposed road names are advertised on two occasions; firstly as a proposal, and secondly as an official naming. This process means that you must pay the required advertising fee to

Council before the Council can commence this process. Applications for road naming should be made as soon as possible to ensure that this process does not delay the issue of a Subdivision Certificate.

- 1.58 The final layer of asphalt on the roads is not to be constructed until housing within the estate has reached 80% completion. Prior to the issue of the Subdivision Certificate a bond for the final layer of outstanding asphalt works (A/C Bond) is to be lodged with Penrith City Council.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 1.59 Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the construction, landscaping and implementation of the ultimate rain garden / water quality treatment systems are to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the rain garden / water quality treatment system works have been completed to Council's satisfaction and a Maintenance Bond has been lodged with Penrith City Council.

The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.

The value of the bonds shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 1.60 Prior to the issue of the Subdivision Certificate a maintenance bond is to be lodged with Penrith City Council for Roadworks and Drainage.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 1.61 The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

- 1.62 All landscape works are to be constructed in accordance with the stamped-approved

plans and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan. 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.

1.63 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 2 landscape works.

1.64 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by the landscape professional that prepared the landscaping plans and documents.

i. Implementation Report

- ☐ Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.
- ☐ An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

- ☐ On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

1.65 The trees identified for retention shall be retained and duly protected during the construction of the development.

1.66 All street trees should be positioned in order that their mature canopies do not compromise the effectiveness of street lighting.

The plant establishment and maintenance period is to be negotiated with Penrith City Council's Parks Department prior to the issue of a Construction Certificate.

1.67 E.Moluccana and E.Tereticornis are not supported street tree species in minor local roads (other than riparian corridor edges) due to the insufficient clearance in the verge areas.

Prior to the issue of a Construction Certificate a revised street tree species selection for street trees in Precinct D is to be submitted to Penrith City Council for consideration and approval. Species selection is to take into account available verge

widths for plantings, inclusive of any service requirements, physical distance between path edges and kerbs/front boundaries, and the requisite root zones of species.

- 1.68 Street trees are to be provided at a rate of 1 tree for every 10m of site frontage and are to be located with consideration to utility service requirements and future driveway locations. Street trees are to be provided at a minimum size of 75 litres and are to be fitted with temporary tree guards.
- 1.69 The final detail on the proposed themed tree guards is to be submitted to Council for consideration and approval. This detail is to include materials and a maintenance schedule. Dependent upon the information contained with this detail these trees may be required to be removed by the proponent prior to dedication of roads. In this regard written documentation is to be obtained from Council's Parks Department either indicating that the tree guards are satisfactory and may remain in place, or that they should be removed. A subdivision certificate will not be issued for a relevant stage in circumstances where they are required to be removed.
- 1.70 In relation to the entry feature design, the following matters are to be complied with:
 1. The following plants are not to be utilised due to longevity, site conditions and maintenance: Banksia 'Birthday Candles'; Lavandula; Anigozanthos cv; and Dianella.
 2. During the detailed design development phase for the arbor, gazebo and public art elements, Council is to be consulted and these final details are to be approved by Council. Particular emphasis is placed on the appropriate selection and use of materials, long term maintenance, and safety.
 3. The design of the arbor, public art, and gazebo should occur in a single consolidated exercise with public artist involvement.
 4. Copse planting at the entry walls should include a mix of species, such as Corymbia maculate and E.tereticornis to avoid a 'mono-culture'.
 5. The water feature and signage on the rock wall is to be decommissioned/removed by the beneficiary of this consent within 4 years of the date of this consent or upon the registration of the final subdivision certificate in Precinct D and E. The decommissioning and final landform detail is to be approved by Council and is to be carried out at no cost to Council.
- 1.71 All recommendations contained in the Vegetation Management Plan (referred to in condition 1) are to be implemented as part of the development. In addition, the following requirements are to be met:
 1. A five year maintenance and monitoring period must be implemented by a suitably qualified consultant to the satisfaction of Penrith City Council;
 2. A maintenance report must be submitted to Penrith City Council every six months (after commencement of works) addressing the performance criteria specified in the Vegetation Management Plan.
- 1.72 A detailed maintenance schedule for all facilities to be handed over to Council is to be formulated in accordance with the provisions of this schedule and be submitted for consideration and approval prior to the commencement of works on those matters. This schedule is to itemise and cost all maintenance activities required to maintain all future public assets to the agreed standards and detail and will be subjected to a

negotiated timeframe for transfer to Council. The approved maintenance schedule is to be implemented by the developer during the period that it is responsible for maintaining the assets prior to hand over to Council. The maintenance schedule should include all assets to be transferred to Council including the management of the rain garden and riparian corridor, with specific emphasis on the management of litter on these areas.

- 1.73 The construction detail for the neighbourhood park is to be submitted to Council for consideration and approval prior to the issue of a Construction Certificate that relates to that land. This detail should be designed in consultation with Council's Parks and Landscape Design sections.
- 1.74 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for:
- Cultural Facilities;
 - District Open Space; and
 - Glenmore Park Stage 2 Release Area.

Based on the current rates detailed in the accompanying schedule attached to this Notice titled Section 94 Assessed Charges dated 29 October 2010, \$11,294,027.00 would be required to be paid to Council. However based on the Section 94E Ministerial Direction issued on 16 September 2010 a total of \$7,980,000.00, which is based on a maximum of \$30,000 per lot in accordance with the direction, is payable to Council prior to the issue of a Subdivision Certificate.

In the event that a Voluntary Planning Agreement is entered into that provides for delivery of infrastructure identified in the abovementioned plans, this condition will cease to apply to this consent.

- 1.75 All roadworks, dedications and drainage works are to be carried out at the applicant's cost and at no cost to the RTA.
- 1.76 Prior to the issue of the Subdivision Certificate the original subdivision plan and ten (10) copies shall be submitted to the Principal Certifying Authority.

The Subdivision plan must indicate that:

- "It is intended to dedicate all new roads to the public as road".

All necessary easements, restrictions and covenants shall be included on the subdivision plan and accompanying 88B Instrument.

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

- The location of all services.
- 1.77 Prior to the issue of a Subdivision Certificate an 88B instrument shall be submitted to the Principal Certifying Authority with the subdivision plan. The 88B instrument may incorporate, but not be limited to based on other conditions of this consent, the following:
- a) Easement for support
 - b) Residue Allotment

- c) Right of Carriageway
- d) Easements
- e) Restriction as to users
- f) Positive covenants
- g) Access denied

Widths of drainage easements and details of non standard wording can be obtained from Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Council shall be nominated as the only authority permitted to modify, vary or rescind the above restrictions, covenants and easements.

- 1.78 Prior to the issue of a Subdivision Certificate or Occupation Certificate a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.

The Subdivision Certificate shall not be issued until all conditions of consent except those relating to ongoing operational matters, have been completed.

- 2. A copy of the decision is forwarded to external authorities for their record;
- 3. That Council commence the suburb renaming process to Glenmore Park;
- 4. That those making submissions are notified of the determination.