

JRPP No.	2015SYW066
DA No.	DA15/0299
Proposed Development	Subdivision Only - Proposed Staged Residential Subdivision Including 375 x Residential Lots, Residue Lots, Future Road and Open Space Lots and Associated Road Construction, Bridge Crossings, Landscaping Works, Drainage Infrastructure and a Phased Remediation Strategy
Property Description	Residue
Property Address	1208 – 1274 The Northern Road Llandilo NSW 2747
Applicant	Maryland Development Company Pty Ltd
Owner	St Marys Land Ltd
Date Received	31 March 2015
Report by	Belinda Borg, Senior Environmental Planner, Penrith City Council
Category of Development	Subdivision
Recommendation	Approval

Assessment Report

Executive Summary

Council has received a Development Application from Maryland Development Company Pty Ltd (Lend Lease) seeking approval for remediation, a 'Stage 1' residential subdivision with associated open space, landscaping and infrastructure in the Central Precinct of the St Marys ADI Site.

Outside of the Central Precinct, the following works are also proposed:

- Telecommunications, potable water and gas from Jordan Springs to the Central Precinct.
- High voltage feeders from Werrington County.
- Potable water from Henry Lawson Avenue.

The land is zoned 'Urban' under the provisions of the Sydney Regional Environmental Planning Policy No.30 – St Marys (SREP 30). Subdivision is permitted with consent pursuant to Clause 45 of SREP 30.

The Environmental Planning and Assessment Act 1979 (EP&A Act) further classifies the proposal as Regional Development as the capital investment value (CIV) exceeds \$20 million. As a result, the Joint Regional Planning Panel (JRPP) – Sydney West Region is the consent authority pursuant to Section 23G and Schedule 4A(3) of the EP&A Act.

A pre-lodgement meeting was held on 24 July 2014 to discuss the proposed development.

The development application was advertised in local newspapers, exhibited and notified to adjoining property owners and occupants for thirty (30) days in accordance with the EP&A Act and EP&A Regulation. The exhibition period was 20 April 2015 to 20 May 2015. Council received submissions from three (3) property owners.

Seven (7) key issues were raised in these submissions and they include:

- (a) Traffic Impacts associated with additional residents.
- (b) Road Access to Werrington Downs
- (c) Diversion of services from Werrington Downs to support the subdivision of Central Precinct
- (d) Preservation of Vegetation
- (e) Management of noise, dust and vibration associated with the proposal
- (f) Hours of work
- (g) Salinity and water table

The application was referred to the following external authorities for comment:

- NSW Office of Water;
- NSW Rural Fire Service (RFS);
- National Parks and Wildlife Services (NPWS);
- Roads and Maritime Services (RMS)
- Blacktown City Council;
- Sydney Water; and
- Transgrid.

The RMS, Sydney Water and Blacktown City Council raised no objection to the development proposal.

Transgrid provided recommended conditions to be included within the determination.

The NSW Office of Water issued their General Terms of Approval on 10 November 2014 subject to conditions.

NPWS was concerned about works within the future Regional Park and that the bushfire report appropriately considered the future vegetation levels within the Regional Park.

The application has been assessed with respect to the Threatened Species Conservation Act 1995 (TSC Act), EP&A Act and other relevant Environmental Planning Instruments applicable to the subject site. The proposal conforms to the relevant provisions of the various Environmental Planning Instruments and will not result in any significant adverse impact on the natural and built environment.

Therefore it is recommended that the JRPP grant consent to the application subject to the recommended conditions.

Background

There are a number of previous approvals relevant to Development Application No. 15/0299 and these are outlined below:

- DA14/0411 - Demolition of existing structures, roads and hard surfaces and remediation of Land within the Central Precinct, St Marys;
- DA14/0766 - Construction of a temporary haulage road and associated infrastructure upgrades to facilitate the movement of trucks associated with future works within the Central Precinct, St Marys;
- DA14/0990 - Demolition of Hoop Antenna and Surrounding Hard Stand Area (Former Naval Radar Calibration Range); and
- DA14/1228 - Bulk Earth Works, Interim Stormwater Infrastructure, Landscaping, Tree Removal and Environmental Management Works including Realignment of an Existing Riparian Corridor.
- DA14/1429 - seeks consent for the subdivision of Lot 1037 DP 1149525 into five allotments for the Future Regional Park, Central Precinct and Residue Lots (lodged but not yet determined).

Council has recently received Development Application 15/1216 relating to Stage 2 of the Central Precinct for the Creation of 278 x Residential Torrens Title Lots, 4 x Residue Lots and Associated Road Construction, Drainage and Earthworks, Landscape Works and Bus Only Connection (Southern Boundary). The proposal is currently on public exhibition.

Site & Surrounds

The Central Precinct is one of the six (6) precincts of the St Marys Development Site endorsed by the NSW Government for inclusion in the Urban Development Program in 1993. The site is situated to the north-west of the Dunheved Industrial Area. Along the southern boundary is the Werrington County residential area. Wianamatta Regional Park is situated to the north and west of the site. South Creek is situated to the eastern portion of the Central Precinct thereby the site is subject to the Probable Maximum Flood (PMF) events from South Creek (refer to Attachment 1 – Locality Plan).

The vegetation community on the site consists of a mix of Cumberland Plain Woodland (CPW), Shale Gravel Transition Forest (SGTF), River-flat Eucalypt Forest (RFEF), Swamp Oak Forest (SOF) and Freshwater Wetlands with CPW being the dominant community. The more mature CPW occurs along the west to south-west sections of the site and extends into the adjoining Regional Park. The regenerating CPW occurs in the central area. The eastern portion of the site is impacted by the Probable Maximum Flood (PMF) events from South Creek.

The Central Precinct has a total site area of approximately 133 hectares and is irregular in shape. It falls approximately 21m from the south-west to the north-east. There are two (2) existing warehouse buildings on the site. These buildings and the surrounding roads and hard surfaces have been demolished

and associated remediation approved under Development Consent No. 14/0411. Elizabeth Farm, a European Heritage Item identified under Sydney Regional Environmental Plan No. 30 - St Marys is situated in the southern part of the site.

The site to which this application applies includes Stage 1 of the Central Precinct and the Jordan Springs - Central Precinct Collector Road. The site adjoins the Regional Park to the west, future Stage 2 residential development and the suburb of Werrington County to the south-east and south, future Regional Open Space to the east and future Stage 3 residential development to the north. The site is located approximately 1 km to the east of Jordan Springs Village 5, and 3km east of The Northern Road and approximately 5km north-east of the Penrith City Centre. The Central Precinct is approximately 135ha, with the Stage 1 DA applying to the central 38ha of the site as shown below in Figure 4 in addition to the 1 km Jordan Springs - Central Precinct Collector Road.

At present the site is generally flat with elevations varying from between 18m AHD to 40m AHD, with stockpiles in the north of the site and land in the southwest of the site up to 40m AHD. The site lies to the west of South Creek, with the eastern portion of the site currently flood affected. Flora and fauna also are found across the site comprising mainly grassland created by previous clearing of natural woodland and open forest and areas of highly degraded regrowth woodland and forest occurring in small fragments. The Bulk Earthworks DA (DA 14/1228) has approval granted to clear, grade and import 2 million cubic metres of fill to the site. DA 14/1228 is approved to remove all vegetation within the site sparing minor sections within the future riparian corridor and local parks where possible.

The Stage 1 site is burdened by four utility services and associated easements including:

- 500 kV transmission lines owned and operated by Transgrid;
- 600 mm Werrington Carrier sewer main owned and operated by Sydney Water;
- 600 mm recycled water main owned and operated by Sydney Water; and
- 450 mm sewer main owned and operated by Sydney Water.

Proposal

This development application seeks approval for the following works in the Central Precinct of the St Marys ADI Site:

- Subdivision into 3 residue super lots.
- Subdivision into 10 sub-stages comprising:
 - 375 residential allotments,
 - 6 open space allotments and
 - 5 residue residential allotments for future integrated housing.
- Two future road lots.
- Internal road network including collector road, three bridge crossings, pedestrian paths and cycleways.
- Drainage infrastructure and three water quality basins.
- Utility infrastructure.
- Remediation works.
- Grading of the site.

- Landscaping of verge, including street trees.

Outside of the Central Precinct, the following works are also proposed:

- Telecommunications, potable water and gas from Jordan Springs to the Central Precinct.
- High voltage feeders from Werrington County.
- Potable water from Henry Lawson Avenue.

Key aspects of the proposal are outlined in the table below:

Lot Description	Stage	Number of Lots
Residential (total of 375 lots)	1A	58
	1B	61
	1C	32
	1D	20
	1E	28
	1F	39
	1G	36
	1H	16
	1I	34
	1J	44
Residue lots for future residential 1183, 1184, 1185,		3
Open Space Lots 1005, 1010, 1069, 1308, 1309, 1383		6
Residue for Integrated Housing 1253, 1290, 1307, 1363, 1382		5
Future Roads 1185, 1308		2
Residue Superlots 1005 – future development 998 – future regional park 994 – future drainage lot		3

The applicant has advised that minor adjustments to the finished levels as approved by the Bulk Earthworks DA 14/1228 for the Stage 1 site area are also sought. These alterations are proposed in response to further refinement of the road level and lot layouts undertaken for the Stage 1 engineering. Road grading is predominantly determined by storm water drainage requirements while regrading of residential lots is to ensure the lots disperse storm water to roadways, temporary drainage basins and the riparian corridor.

Importation of fill will occur in accordance with the Bulk Earthworks DA (DA 14/1228) and no additional fill will be bought to the site for the Stage 1 application. This consent only seeks approval to grade the site to suit the proposed subdivision layout.

The development and embellishment of the Riparian Corridor (Proposed Lot 1108) will form part of a future separate DA. As part of this application, grading will occur and suitable drainage established to ensure that it will continue to function adequately.

Stage 1 subdivision will be accessed from the Jordan Springs - Central Precinct Collector Road which connects with Lakeside Parade. The construction of this road is included in the Stage 1 application. No vehicular connection is proposed between Stage 1 and Ropes Crossing/Dunheved at this point of time, with the only construction vehicles accessing the site from the east. The Ropes Crossing - Central Precinct Collector Road will be constructed at a future time, subject to future detailed design and relevant Council approvals.

The bus only road noted in the Concept Plan and CPP to the south of the site is not proposed to be developed as part of this application. The proposed residue lot (Lot 1396) can accommodate the potential link, which is subject of a separate Development Application for Stage 2 works (DA15/1216) currently under assessment by Council.

A drainage corridor will be established through the centre of the Precinct which will consolidate existing poorly defined channels across the site into one riparian corridor which will also serve as the main drainage corridor to convey stormwater from the site to South Creek to the north-east of the site. The subject application seeks consent to initially construct the first 960 meters of the drainage corridor, with the downstream components to be completed under future applications.

The site is serviceable with potable water, sewer, electricity and telecommunications, subject to extension of utilities infrastructure as part of the future development of the Central Precinct.

The proposed drainage corridor and only minor parts of roads encroach into the existing Transgrid easement. No landscaping within the drainage corridor, or the TransGrid Easement is proposed under this application.

This application is supported by the following reports:

Statement of Environmental Effects Central Precinct Concept Plan	JBA Urban Planning Consultants JBA Urban Planning Consultants
Subdivision Plans	RPS
Traffic Impact Assessment Report	Cardno
Landscape Masterplan	JMD Design
Cost Summary	Cardno
Bushfire Protection Assessment	Eco Logical Australia Pty Ltd
Contamination and Remediation Documents	JBS & G and ZOIC Environmental Pty Ltd
Salinity Review	Cardno
Concept Design Road Safety Audit	Cardno
Ecological Assessment	Cumberland Ecology
Urban Design Plans	Lend Lease
Transgrid Assessment	JBA
Waste Management Plan	Cardno/ Lend Lease
Aboriginal Heritage Report	Godden Mackay Logan Heritage Consultants
Heritage Letter	Casey and Lowe Pty Ltd

Plans that Apply

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55—Remediation of Land
- Sydney Regional Environmental Plan No. 20—Hawkesbury/Nepean River
- Sydney Regional Environmental Plan No. 30—St Marys

Section 79C(1)(a)(i) – The Provisions of any Environmental Planning Instrument

Section 23G – Joint Regional Planning Panel (JRPP)

The application has been assessed in accordance with Section 23G of the Environmental Planning and Assessment Act and the application will be determined by the Joint Regional Planning Panel - Sydney West Region for the following reasons:

- It has a Capital Investment Value (CIV) of over \$20 million.

Section 5A – Threatened Species Assessment

The Bulk Earthworks DA 14/1228 provides consent for the removal of virtually all vegetation within the Central Precinct. A Species Impact Statement (SIS) was submitted with this application, which applies to the Stage 1 site. The vegetation within the Central Precinct will be removed by the time of the proposed subdivision.

The Jordan Springs - Central Precinct Collector Road construction however was not included in the SIS for DA 14/1228. As such Cumberland Ecology have provided an ecological assessment, including a 'seven part test' in accordance with s.94(2) of the Threatened Species Conservation Act 1995 (TSC Act) and Part 5A of the EP&A Act for this portion of land impacted by the proposed development, concluding that there is not likely to have a significant impact on CPW such that the viable representatives in the Regional Park would be placed at risk of extinction.

A Seven Part Test, in accordance with Section 5A of the EP&A Act, finds that three threatened flora species, populations or communities found within the Jordan Springs - Central Precinct Collector Road will be removed or impacted, however the development is not considered to have significant impacts on these threatened species, populations or communities.

Seven Part Tests for fauna species recorded in the locality indicate that no significant impact is expected to occur to the Cumberland Plain Land Snail.

As a result the proposal is considered to satisfy the requirements of the Threatened Species Conservation Act 1995 and is not considered to result in adverse impact to flora or fauna on the site.

Section 91 - Integrated Development

Section 91 of the EP&A Act outlines the types of developments deemed to be defined as "Integrated Development". As this development requires approval from

the NSW Rural Fire Service, Office of Water in accordance with this section of the Act, the following comments are provided:

(a) NSW Rural Fires Services (RFS)

According to Section 91 of the EP&A Act, the proposed subdivision is an integrated development as it requires authorisation under section 100B of the Rural Fires Act 1997 in respect of bush fire safety for the subdivision of land that could lawfully be used for residential or rural residential purposes, or development of land for special fire protection purposes.

RFS issued a Bush Fire Safety Authority on 19 May 2015 raising no objection to the proposal subject to conditions (Refer to Condition 49).

(b) Office of Water

A “Controlled Activity” approval under the Water Management Act 2000 is required from the NSW Office of Water, as the proposed subdivision includes works within 40m of a watercourse, being the future riparian corridor. The application was referred to the NSW Office of Water and General Terms of Approval were granted on 7 May 2015 (Refer to Condition 52).

State Environmental Planning Policy (Infrastructure) 2007

The proposal was referred to the NSW Roads and Maritime Services (RMS) for comment in accordance with Schedule 3 - Traffic Generating Development under State Environmental Planning Policy (Infrastructure) 2007. The RMS raised no objection to the proposal as outlined within their correspondence dated 12 May 2015.

State Environmental Planning Policy No. 55—Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides the following key considerations to be addressed in the assessment of any Development Application.

- (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.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

A Site Contamination Status Summary was submitted with the Development Application. The Summary noted that there are three (3) current Site Audit Statements applicable to the Central Precinct and they are outlined below:

- CHK001/1 - it is stated that the majority of the site is suitable for residential development including substantial vegetable garden and poultry excluding the footprint of original buildings, carparks and roads and stockpiles;
- CHK001/6 - it relates to the existing buildings and paved areas across the site and states that these areas are suitable for commercial/industrial use or may continue to be used for commercial use and carparks but underlying soils need to be tested for chemical and ordnance contamination after demolition; and
- CHK001/7 - it relates to the stockpiles situated to the north of the site. The area may continue to be used as stockpile for crushed concrete but underlying soils need to be tested for chemical and ordinance contamination after stockpile removal.

The previous Site Audit Statements issued have demonstrated that the majority of the Central Precinct is suitable / remediated. Site Audit Statements have not been issued for all areas of the site, and in turn Council does not have confirmation of the current status of all parts of the Central Precinct. For Stage 1, the areas that are yet to be assessed are those that are under structures that are still standing on the site and under roadways. At present, Council does not know the extent of the contamination on the site (if any), or what remediation works may be required.

Generally, the Council does not support proposals where the contamination status of the property remains unknown. The Detailed Investigations required for any site suspected to be contaminated should be carried out prior to the determination of an application, and where remedial works are required then a specific Remedial Action Plan needs to be prepared which also requires Council approval prior to any remediation works being carried out. This development application proposes a different approach in terms of when each of these steps will be taken, however the information provided is comprehensive and the approach is supported.

During discussions relating to the Bulk Earthworks DA, it was agreed that the applicant could continue with the filling works across the Central Precinct, however no work (filling or subdivision) would be permitted in certain areas (identified on a site plan, those not subject to Site Audit Statements) until such time as a Site Audit Statement is issued. This development application details the steps that will be taken so that a Site Auditor will be able to issue these Site Audit Statements, and, in doing so, seeks consent for remediation works on the site. The proposed approach is as follows:

- Sampling Analysis and Quality Plan - this document will guide the investigations that are required of all of the areas that are not yet subject to a Site Audit Statement, including the sampling methodology and assessment criteria. These investigations will occur prior to any works being carried out in these areas. This document has been reviewed by a NSW Accredited Site Auditor who has supported this sampling plan.

- Conceptual Remedial Strategy - this document has been prepared to address the different contaminants that may be found on the site and proposes methods of remediation. It is detailed and comprehensive, covering the variety of different situations that may arise. However, as the contamination still remains an unknown, it is proposed that a Specific Remedial Action Plan be prepared for each Stage of development should remediation works be required. The Site Auditor has reviewed this document and has confirmed that "it is sound and practical and if followed the site is capable of being made suitable for the proposed land use".
- Contamination Management Plan - this document meets the conditions on the Site Audit Statement requiring that there be a management plan to manage unexpected finds (including ordnance), and it will be used across the Central Precinct for every Stage. This Plan is appropriate, and the Site Auditor has confirmed its suitability for managing unexpected finds.

The above procedures will be followed for each stage subdivision of the Central Precinct. A revised Conceptual Remedial Strategy will also need to be prepared for future stages of subdivision within Central Precinct.

It is recommended that a condition of consent be included to restrict subdivision works in those areas marked as building footprint or hardstand areas until such time as they have been confirmed as suitable for the intended residential and employment uses, with the issue of a Site Audit Statement from a NSW Accredited Site Auditor.

The Sampling Analysis and Quality Plan addresses the investigations required of these outstanding areas. The 'Interim Advice No. 2' of the Site Auditor, originally provided with the development application, outlined a number of areas where questions remained regarding the Sampling Analysis and Quality Plan. This document has since been revised, and endorsed by the Site Auditor, and submitted to Council.

To capture potential remediation works and secure consent for these, the Conceptual Remedial Strategy was submitted with this development application. It addresses remediation areas titled Stage 1, Stage 2A and Stage 2B, which are generally consistent with the Stage 1 residential subdivision proposal received under DA15/0299 (and also part of what is proposed as Stage 2).

Once these investigations and remediation works have been undertaken, and Site Audit Statements issued, filling under the development consent for DA14/1228 can commence in these areas, followed by the proposed subdivision works.

It is noted that during consideration of the Bulk Earthworks Development Application (DA14/1228) at the JRPP, Point 2 of the reasons for the panel decision stated:

"...In regard to SEPP No. 55 the Panel recognizes that the land is planned for subsequent development for residential and employment uses and considers that further demonstration that any future proposal satisfies the provisions of SEPP 55 should not rely on this approval, but should be independently determined by contamination testing of the site as composed at that time."

This position is considered onerous and may require significant work at the applicant's expense when the site would have already been found to be suitable for the proposed residential and employment uses (consistent with the Site Audit Statements issued and required to be issued as the further site assessments are undertaken), and the fill material would have been imported in line with the Auditor-approved Fill Importation Protocol.

The applicant obtained advice from the Auditor in relation to the JRPP's conclusions, and they have stated that:

"The Auditor considers that the IFP [Imported Fill Protocol] stipulates adequate testing for the importation of VENM/ENM onto the site, and that following material placement the site is capable of being made suitable for the proposed land use. Testing outside of that stipulated in the IFP should not be required, providing no alterations to the existing site occur following completion of the validation works at the site."

In turn, given that the Auditor is supportive of this approach, and that conditions of consent are recommended requiring documentation to be submitted prior to different development phases (validation reports, site audit statements and reports and fill suitability certification), it is considered that SEPP 55 has been adequately addressed, and that the site will be made suitable prior to the issue of the Subdivision Certificate.

This satisfies the key consideration of SEPP 55 which stipulates that the consent authority must be satisfied that the land will be made suitable for the intended use which will be achieved in accordance with the process detailed above.

Sydney Regional Environmental Plan No. 20 – Hawkesbury/ Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The 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 SREP 20 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

To ensure sediments generated by the development will not be deposited in the Hawkesbury-Nepean River via the stormwater drainage system and to ensure compliance with Clause 5 of SREP 20 and the relevant planning policies and strategies relating to water quality and quantity, the standard condition for the provision and maintenance of erosion and sediment control measures will be imposed.

The development proposal has been assessed and subject to conditions of development consent, 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.

Sydney Regional Environmental Plan No. 30 – St Marys

As assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No. 30—St Marys (SREP 30) and the findings of the assessment are outlined below.

Permissibility

The majority of the Central Precinct is zoned *Urban* under SREP 30. The northern portion of the Precinct is zoned *Employment* and a small area to the north-east is zoned *Drainage*. The proposed filling and associated bulk earthworks, preliminary interim stormwater engineering works and environmental management works are permitted in the Urban and Employment zones subject to development consent. Works ordinarily incidental or ancillary to drainage are permitted in the Drainage zone.

Stage 1 is wholly zoned *Urban* in accordance with clause 36 of SREP 30. The proposal is consistent with the objectives for the Urban Zone as it will ensure that the zone is primarily used for residential purposes and associated facilities.

In accordance with Clause 40 (2) of the SREP, *housing, roads and drains* are permissible in the Urban zone, subject to consent.

The Jordan Springs - Central Precinct Collector Road is zoned *Road and road widening* which is permissible under Clause 41 of SREP 30. The development is consistent with the objectives of the zone aims to identify lands which will be required for the purpose of a road. The road will be the primary link between Jordan Springs and the Central Precinct, and the only access point until the development of the Central Precinct is completed.

Aims and Objectives

The applicant already has approval for filling the site and associated earthworks in order to raise the levels of the site above the 1:100 year flood level to facilitate future urban and employment generating developments in accordance with the Central Precinct Plan. The extent of fill as approved is generally consistent with the "Potential Fill Area" identified on the SREP 30 Structure Plan. The applicant has also commissioned various consultants to carry out environmental assessment to determine the potential impact and recommend appropriate mitigation measures to ensure a desirable environmental, social and economic outcome can be achieved. The minor regrading proposed as part of this application does not fetter this compliance.

Clause 20 - Development consent restrictions

In accordance with Clause 20, this application is assessed against the performance objectives and zone objectives of SREP 30, the Planning Agreement, Central Precinct Plan (CPP) and Development Control Strategy (DCS). The applicant has demonstrated that the proposal is compliant with the performance objectives as outlined in Part 5 of (SREP 30) as discussed in this report.

Clause 23 Air Quality

To ensure the air quality impact assessment criteria can be achieved, it is recommended that a Construction Environmental Management Plan (CEMP) is prepared and submitted for Council's approval prior to the commencement of works. The CEMP is to include details of appropriate environmental management practices and controls to be implemented on the site to address the potential environmental issues associated with the proposed subdivision. Subject to compliance with the recommended condition, the performance objective to minimise adverse impact on the air quality can be achieved (Refer to Special Condition 62).

Clause 28 - Watercycle

The Central Precinct is relatively flat and predominantly undeveloped and is traversed by a number of watercourses. It is anticipated that the likely impacts of the proposal on the existing site drainage will be connected to the following:

- Impact on the downstream water quality due to pollution and sedimentation; and
- Increasing flooding impacts on the upstream and downstream environment.

To address the stormwater quantity and stormwater quality issues, the applicant has incorporated the following in a Preliminary Stormwater Management System that accompanies the Development Application:

- Provision of a number of dry bio-infiltration basins, a riparian corridor and a drainage reserve to manage the collection and flow of stormwater. The capacity of the basins has taken into consideration the stormwater flows resulting from the proposed development and future built development; and
- Reduction of post-development pollutant loads to maintain and/or improve the quality of stormwater flowing onto the adjoining catchment.

Details of erosion and sediment control measures have also been incorporated into the Erosion and Sedimentation Control Plans submitted with the application and they include:

- Utilisation of a paved temporary construction entry/exit point;
- Provision of temporary drains and diversion banks to maintain non-erosive velocities and direct runoff to temporary sediment trapping structures;
- Provision of filters to all downstream locations;
- Diversion of runoff from disturbed areas to temporary sediment basins;
- Progressive re-vegetation during construction staging; and
- Positioning diversion banks upstream of stockpiles.

It is therefore considered that the applicant has satisfactorily addressed the requirements of Clause 28 of the SREP particularly in relation to erosion and sediment measures and minimisation of the adverse impact on water quality and collection of gross pollutants from entering watercourses.

Clause 35 Waste Management

A Waste Management Strategy has been submitted with the application. The Strategy provides an outline of the matters which will be addressed in the Waste

Management Plan to be implemented construction works. To ensure compliance with the waste management objective of SREP 30, a condition is recommended for the submission of a completed waste management plan prior to the commencement of works (Refer to Condition 15).

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

In accordance with Clause 44(2) of SREP 30, this application was referred to NPWS for consideration of the proposed subdivision.

In response, NPWS has provided correspondence dated 3 September 2015 with the following comments:

- Confirmation that the bushfire assessment has taken into consideration to future increase in vegetation, as the current vegetation within some interface areas with the subdivision are in its early stages of regeneration.
- The subdivision layout includes the provision of roads and open space areas that interface with Regional Park areas. This is a positive outcome that assists in the management of fire and prevent other park management issues.
- All structures and works associated with development along the interface such as roads, batters, drains etc. must be constructed outside the future Regional Park. In the case of construction fences OEH has agreed to these being installed on the Park boundary, and some of these will eventually form part of the macrofauna fencing. Road batters forming part of the roadway are must not fall within the Regional Park. If this is correct, OEH doesn't consider this to be suitable development.
- The provision of stormwater infrastructure within the future Regional Park is subject to appropriate environmental assessment and easement requirements prior to approval. It is noted that no such structures proposed as part of this Development Application.

A further letter was received on 19 October 2015 which advised:

- Minor temporary construction works and access to facilitate the erection of retaining walls along the precinct boundary can occur subject to Lend Lease liaising with NPWS prior to works commencing to ensure both parties agree to the design and method of construction.
- Temporary construction and permanent fencing is allowed within future areas of Regional Park subject to Lend Lease continuing to liaise with NPWS regarding the type, location and method of constructing these fences.
- Stormwater drainage works can occur within the future regional park subject to appropriate environmental assessment, liaison and agreement with NPWS prior to works commencing.

The bushfire report has assessed the future increase in vegetation within the Regional Park. Amended engineering plans were received detailing the road batter does not fall within the future Regional Park area.

Matters raised in relation to the construction of fencing and temporary access to the Regional Park have been addressed through the inclusion of appropriate conditions of consent (Refer to Condition 52).

Clause 49 & 50 - Filling and Flood Management

In accordance with Clause 49(1) of SREP 30, the applicant sought approval for filling of land in order to raise the level of the site to facilitate future development of the Central Precinct (DA14/1228). The Bulk Earthworks DA as approved will raise the ground levels of future lots above the minimum 500mm above the predicted 1 % AEP South Creek water surface profile.

Clause 51 Salinity and highly erodible soils

A preliminary analysis of the site's geotechnical conditions and groundwater properties was undertaken by SKM for the preparation of the Central Precinct Plan (CPP). The preliminary analysis noted salinity of the soil and salinity remedial activities, including filling, will reduce the potential for surface salinisation. In accordance with the findings of the preliminary analysis, the CPP has incorporated appropriate management measures for future planning of the site and these measures include:

- Constructing the base of the embankment with free-draining rock fill;
- Shaping the filled landform as a cambered embankment to shed water rapidly and direct the runoff into graded natural water; and
- Lining all basins and swales with an impermeable liner to prevent infiltration into groundwater.

To minimise the adverse environmental and economic impacts caused by soil constraints and to ensure compliance with SREP 30, it is recommended that the above management measures and the Water Soils and Infrastructure Report of the CPP be reinforced by way of a condition (Refer to Condition No. 58).

Clause 52 – Tree Preservation

The proposed subdivision would necessitate the removal of a number of existing trees within the collector road linking the subdivision to Jordan Springs. The bulk earthworks Development Application (DA14/1228) included the clearing of virtually all vegetation within Stage 1.

The subdivision has been designed and located in order to retain ecologically and significant trees within open space and the riparian corridor.

Council's Landscape Architect and Biodiversity Officer have reviewed the removal of trees within the collector road corridor and consider the level of tree removal acceptable to accommodate the road works. The provisions of street trees throughout the proposed development site and are considered appropriate in context of the subdivision.

Clause 53 – 56 – Heritage Considerations

Site 3 is identified in the SREP 30 as being an item of heritage significance and is located within the vicinity of the development site in the southern portion of the Central Precinct and is known as Elizabeth Farm. Site 3 is a brickmaking area associated with the building and development of the Dunheved homestead, which appears to have been used intermittently from circa 1807 to the 1860s as outlined in the Archaeological Assessment submitted with the CPP.

A Section 140 permit has been approved for the site which allows for the heritage item to be destroyed and interpreted across the site.

The location of Site 3 is within proposed Lot 1108. No work is proposed in this area of the heritage site at this point beyond what is sought in the Bulk Earthworks DA 14/1228.

An Archaeological Assessment for Elizabeth Farm was undertaken in 2008 which reviewed and assessed the nature of Elizabeth Farm, identified the constraints and opportunities and made recommendations to manage any identified heritage issues. One of the recommendations was to seek approval from the NSW Heritage Office for disturbance of archaeological remains.

The applicant has since applied to the Heritage Division of the Office of Environment & Heritage for the disturbance of the archaeological remains. The Heritage Division has issued a Section 140 Excavation Permit (2014/S140/16) under the Heritage Act 1977 for the removal of the archaeological artefacts of Elizabeth Farm. The approval was granted subject to the provision of an Interpretation Strategy. The impact of the proposed development on this heritage site has been considered as part of the application for the Excavation Permit and it is therefore consistent with the objectives of Clause 25 of SREP 30.

Clause 47 Demolition

Council has granted consent to DA14/0411 for the demolition of existing structures on the site including paved areas.

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

St Marys Central Precinct Plan and Development Control Strategy (CPP and DCS)

The proposed subdivision has demonstrated compliance with the CPP and DCS in relation to:

- urban structure and major land uses
- subdivision layout
- conservation of natural values
- water cycle and soils
- sustainability
- infrastructure and services
- street types.

Section 4.3 Future Character Areas

The development proposal extends across two different character areas: the Urban Area/Neighbourhood Character Area and Bushland Edge. The layout of the subdivision and the varying range of lots are considered to be consistent with the character areas detailed within the Development Control Strategy.

Based on the various components of the development proposal as discussed in this report, the development proposal is in accordance with the preceding character area visions, subject to the recommended conditions.

Section 4.5 Dwelling Density

The Central Precinct Plan and accompanying Development Control Strategy identify the Stage 1 subdivision being located within Village 2 & 3 which has an indicative density target of approximately 540 dwellings. It is important to note that Stage 1 does not encompass the whole of Village 2 & 3. Future subdivision of land within Villages 2 & 3 will be considered in conjunction with the lot yield determined as a part of this proposal.

Clause 30(6) of SREP 30 outlines that the overall net neighbourhood density target for the St Marys site is to achieve at least 15 dwellings per hectare. The proposed subdivision will have a dwelling density of 10.38 dwellings per hectare which does not meet the requirement of 15 dwellings per hectare however this is the result of larger park areas, the existing Transgrid easement and the provision of integrated housing lots.

Section 4.7 Access and Movement

The Street Hierarchy Plan, Bus Route and Stops Plan and Pedestrian/Cycle Plan submitted with this application has demonstrated compliance with the CPP and DCS and that the following principles can be achieved:

- Provide a hierarchy of roads that connect to the external road network and the adjoining precincts for access, employment and recreation purposes
- Balance the needs of pedestrians, cyclists, motorists and buses
- Providing future access points to the Regional Park
- Reduce car use and promote public transport patronage.

Primary access to the subdivision will be provided from Jordan Springs via the connector road. Connections to Ropes Crossing will be considered as a part of future subdivisions of the Central Precinct.

The proposed access arrangements, including the provision of the connector road to Jordan Springs is consistent with the SEPP 30 Structure Plan for vehicle access points.

Section 4.9 Landscape and Open Space Network

According to the Precinct Plan and the Planning Agreement, a pocket park (0.6ha) and open space to adjacent to the riparian corridor (0.5Ha) has been identified as being delivered within Stage 1. The subdivision provides for future parts including:

- 1.2ha Local Park
- 0.6ha Pocket Park
- 0.5ha Open Space Corridor Park
- Lots dedicated for the future Regional Park and Regional Open Space.

The activation of the park, the provision of a pedestrian path to link the areas separated by the riparian corridor and the enhancement of existing vegetation within the riparian corridor will be the subject of a separate Development Application.

Section 4.10 Bushfire Measures

The land in the Central Precinct of the St Marys Release Area is bushfire prone. The application has been accompanied by a Bushfire Protection Assessment prepared by Eco Logical Australia Pty Ltd. The Bushfire Protection Assessment provides a review of the subdivision proposal in relation to the measures contained in the Bushfire Protection Assessment adopted by Council as part of the Central Precinct Plan.

The NSW Rural Fire Service (RFS) has assessed the development proposal and has issued a Bush Fire Safety Authority on 19 May 2015 for the proposal pursuant to the Rural Fires Act 1997, subject to General Terms of Approval (GTAs). The conditions would ensure that the proposed subdivision is compliant with Section 100B of the Rural Fires Act 1997, Clause 44 of the Rural Fires Regulation 2008, and 'Planning for Bushfire Protection 2006' (RFS 2006):

Section 5B Built Form and Housing

The plan of subdivision and Building Envelope Plan have demonstrated compliance with the CPP and DCS in relation to:

- The proposed subdivision, with lot size varying from 270m² to 3.29 hectares, is compliant with the minimum lot size for detached housing.
- The proposal is compliant with the minimum criteria for lot width and depth as outlined in Table 4 of the Development Control Strategy.
- Provision has also been made for easement for access and maintenance for narrow allotments.

The following table summarises the proposed subdivision in respect to dwelling yield and proportion for dwelling stock: -

	Central Precinct Stage 1 Lot Yield
Detached Housing Lots 270m ² to 500m ² (Indicative % of Overall Dwelling Mix = 60-70%)	341 (91%)
Detached Housing Lots 501m ² to 999m ² (Indicative % of Overall Dwelling Mix = 20%-25%)	26 (7%)
Detached Housing Lots 1000 m ² (Indicative % of Overall Dwelling Mix = 1%- 2%)	8 (2%)
Total Number of Lots	375

The targets identified above provide for a variety of housing choice to ensure that the net neighbourhood density prescribed in SREP 30 is achieved. It is noted that the overall percentage of 270 – 500m² lots exceeds the dwelling mix outlined in the CCP, with a larger proportion of 270 – 500m² lots being responsive to market demands. The subdivision is considered satisfactory as the proposal appropriately responds to housing demand within the immediate area and provides for a mix of lot sizes and built form outcomes within the precinct.

Penrith Development Control Plan 2006 (DCP 2006)

The development proposal is in accordance with the relevant provisions of Penrith Development Control Plan 2006. Not all provisions of this DCP are applicable to the Central Precinct based on overriding provisions contained in the Precinct Plan and Development Control Strategy. The relevant provisions have previously been considered in this report in discussions relating to the applicable environmental planning instruments.

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

Penrith City Council, St Marys Land Limited and Lend Lease Development entered into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has made provisions for open space, transport, human services and infrastructure works for the Western and Central Precincts of the St Marys Development Site.

In addition, a State Development Agreement (State Deed) was entered into between the land owner and developer and the NSW Government. The State Deed specifies a series of obligations to be provided including, but not limited to:

- Staged transfer and dedication of 900 ha of land to NPWS as a Regional Park;
- Staged monetary contributions towards capital improvements within the 900 ha Regional Park;
- Monetary contributions towards a Plan of Management for the 900ha Regional Park; and
- Erection of stock proof fencing in stages along the boundaries of the 900 ha Regional Park.

An agreement has also been made between NPWS and Lend Lease with regards to contributions towards various embellishments of the Regional Park. This agreement includes commitments with regards fencing, access, and the urban-Regional Park interface.

St Marys Penrith Planning Agreement and St Marys Development Agreement Council entered into the St Marys Penrith Planning Agreement on 19 May 2009. The agreement contains provisions for local transport works, open space works and community services for the Central Precinct.

The subdivision provides for future parts including:

- 1.2ha Local Park
- 0.6ha Pocket Park
- 0.5ha Open Space Corridor Park
- Lots dedicated for the future Regional Park and Regional Open Space.

The proposal exceeds the open space provision requirements detailed within the Planning Agreement. The embellishment of the pocket park, Riparian Corridor and Regional Open Space and including the provision of a pedestrian connection, will be the subject of a separate Development Application, as has been pursued for all other parks within the Western Precinct.

This proposal is consistent with these Agreements for the provisions for works, dedications and contributions regarding the regional parkland, regional open space, regional transport and road infrastructure and affordable housing. An advisory note is recommended reinforcing Lend Lease's obligations under this Development Agreement.

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

Context and Setting

The Central Precinct is one of the six (6) precincts of the St Marys site endorsed by the NSW Government for inclusion in the Urban Development Program. A majority of the Central Precinct is zoned Urban to accommodate residential uses with limited non-residential uses such as retail and commercial uses. The northern portion of the Precinct is zoned Employment. The Structure Plan of SREP 30 has identified that filling is required for the Precinct and the extent of filling is required to accommodate development. The approved earthworks and associated civil works seek to deliver the desired future urban form of the Precinct which as reflected within the development as currently proposed.

Noise and Vibration

The Bulk Earthworks Development Application (DA14/1228) included extensive investigations in relation to the noise impacts associated within the substantial filling of the site to protect the residential amenity of the surrounding development.

The applicant has committed to continuing the noise mitigation measures within the Stage 1 subdivision. It is envisaged that the noise generation from the subdivision works will be significantly less than those associated with the bulk earthworks, hence the continued implementation of noise attenuation measures is considered to be appropriate to protect the amenity of the residents within Werrington County.

A detailed Construction Environmental Management Plan will be provided prior to the commencement of works that will address the recommendation included within the 'Central Precinct - Bulk Earthworks: Project Application Noise & Vibration Assessment' report prepared by Wilkinson Murray dated September 2014 (Report No. 14145-N, Version B) and the correspondence prepared by Cardno Limited dated 9 February 2015 titled "Central Precinct, St Marys - DA14/1228 Response to Council Concerns Regarding Noise and Air Quality (Ref. 89914020)" (Refer to Special Condition 62).

Furthermore, construction works will be undertaken between 7am and 6pm Monday to Friday and 7am to 1pm Saturday, if audible at neighbouring residential properties, otherwise 8am to 1pm. An appropriate condition has been included within the recommendations of the report (Refer to Condition 16).

Access, Transport and Traffic

Once completed it is proposed the primary access for the site will be via the Jordan Springs - Central Precinct Collector Road. Access for the site will be reviewed with the Stage 2 application and if necessary, the Ropes Crossing - Central Precinct Collector Road will be constructed at a future time in accordance with the CPP and will be subject to a future DA.

Social and Economic

Crime Prevention Through Environmental Design (CPTED) will be addressed in subsequent applications for the construction of buildings and open spaces.

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

The site is suitable for the proposed development for the following reasons:

- The site is zoned to accommodate the proposed development in accordance with SREP 30;
- The site will be suitable for subdivision at the completion of bulk earthworks;
- The potential environmental impacts of the proposal on the site and the surrounding areas can be mitigated through implementation of appropriate mitigation measures;
- The site will be adequately serviced by roads, utility services and stormwater infrastructure;
- The proposal is consistent with the St Marys Central Precinct Plan; and is zoned for low density residential development and local neighbourhood business uses;
- following the Bulk Earthworks DA (DA 14/1228) lots will be above the predicted 1 % Annual Exceedence Probability (AEP) for the South Creek water surface profile;
- The site is within close proximity of the future Central Precinct Village Centre and with access to the existing Jordan Springs Town Centre;
- The land has utility services available to support development;
- The site is in prime position to be the first stage with direct access to the Jordan Springs - Central Precinct Collector Road; and
- The site is adjacent to high quality open space areas within the Regional Park, future Regional Open Space and later the Riparian Corridor /Parkland.

Section 79C(1)(d) – Any Submissions

(a) External Referrals

The following authorities were consulted as per the relevant legislation as follows: -

- NSW Rural Fire Service – *Rural Fires Act 1997*
- NSW Office of Water – *Water Management Act 2000*
- NSW Roads and Maritime Services – *State Environmental Planning Policy (Infrastructure) 2007* and *Section 138 Roads Act 1993*
- National Parks and Wildlife Services – *Sydney Regional Environmental Plan No. 30 - St Marys.*
- Sydney Water

Council has received the following in response to the proposal:

- a) Bush Fire Safety Authority dated 19 May 2015 from RFS.
- b) A “Controlled Activity” approval dated 7 May 2015 from Office of Water.
- c) Roads and Maritime Service provided correspondence dated 12 May 2015 have provided comments, with matters raised addressed through the Recommended Conditions.

- d) National Parks and Wildlife Service have provided comments. Matters raised in relation to fencing construction have been addressed through the Recommended Conditions.

Sydney Water was consulted given the scale of the development and recent notice received regarding the construction of a sewer pump station within the subdivision. Subject to attaining a Section 73 Certificate from Sydney Water, no objection was raised to the proposal (Refer to Standard Condition G001).

(b) Internal Referrals

The table below summarises the results of internal referrals in relation to the proposals:

Referrals	Comments
Senior Development Engineer	No objection, subject to conditions
Senior Traffic Engineer	No objection
Senior Environmental Health Officer	No objection, subject to conditions
Senior Water Management Officer	No objection, subject to conditions
Senior Biodiversity Officer	No objection, subject to conditions
Senior Building Surveyor	No objection, subject to conditions
Heritage Advisor	No objection, subject to conditions
Resource Recovery Coordinator	No objection

(c) Public Submissions

The development application was advertised in local newspapers, notified to adjoining property owners and occupants and exhibited for thirty (30) days in accordance with the EP&A Act and EP&A Regulation. The notification period was 20 April 2015 to 20 May 2015. Council received submissions from three (3) property owners.

Consideration has been given to the submissions made and the applicant has sufficiently addressed these issues as outlined within the body of this report and the submission of summary table below.

Issue	Comments
<i>Traffic Impacts associated with additional residents.</i>	<p>Concerns have been raised in relation to the existing road network being able to accommodate the additional vehicular traffic associated with the subdivision of land.</p> <p>The Voluntary Planning Agreement (VPA) requires the developer to provide a number of road upgrades within the locality to accommodate the additional traffic within the locality.</p> <p>The VPA does not require the provision of road upgrades at this stage of subdivision within Central Precinct.</p>
<i>Road Access to Werrington</i>	Direct vehicular access to Werrington Downs is

<i>Issue</i>	<i>Comments</i>
<i>Downs</i>	not proposed a part of the Development Application. Stage 2 of the subdivision will provide a vehicular access point, however this will be limited to a "Bus Only" Lane.
<i>Diversion of services from Werrington Downs to support the subdivision of Central Precinct</i>	<p>The determination of the Development Application will require the applicant to consult the appropriate service providers of water, electricity, telecommunication and sewerage ensure adequate infrastructure is installed to service future residents without comprising existing customers.</p> <p>It is not expected to degrade the current performance of services within Werrington Downs.</p>
<i>Preservation of Vegetation</i>	<p>Vegetation removal is limited to works within the connector road. Tree removal within the subdivision was approved under the Bulk Earthworks DA (DA14/1228).</p> <p>The application has been assessed against the relevant provisions of the Threatened Species Conservation Act 1995 (TSC Act) and it is concluded that the proposal is unlikely to have a significant impact nor place the large and viable representatives in the Regional Part at risk of extinction.</p> <p>Pursuant to Section 5A of the EP&A Act, the consent authority must also take into account whether the proposed development is consistent with the objectives and/or actions of the Cumberland Plain Recovery Plan (CPRP) in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.</p> <p>It is noted that the proposed Wianamatta Regional Park has been designated as priority conservation land. In view of the above, it can be satisfied that the proposal is consistent with the CPRP.</p>
<i>Management of noise, dust and vibration associated with the proposal</i> <i>Hours of work</i>	To minimise noise, dust and vibration impacts and to protect the residential amenity of the surrounding developments, the recommendations supported within the Bulk Earthworks DA (DA14/1228) have been continued within the recommendations of this report.

<i>Issue</i>	<i>Comments</i>
	<p>Limitations have also been placed on the hours of construction as follows:</p> <ul style="list-style-type: none"> • 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. <p>The applicant further proposes community consultation, a complaint management strategy, respite period and monitoring of noise levels across the site in addition to the Construction Management Plan.</p>
<i>Salinity and water table</i>	<p>The Water, Soils and Infrastructure Report prepared by SKM for the Central Precinct Plan has provided management measures for the future planning of the site including guidelines for the construction of embankments, basins and swales. This Report has concluded that the planned development in the Central Precinct is unlikely to result in surface salination and remedial actions including raising the ground level by filling and limiting infiltration will further reduce this possibility.</p> <p>A condition has been recommended to ensure the soil salinity management measures contained in the Water, Soils and Infrastructure Report are implemented.</p>
<i>Does clause 46 restrict the Central Precinct from being built within 30 metres of the current Werrington County and Downs boundary?</i>	<p>Clause 46 of SREP 30 – St Marys relates to development near zone boundaries. It allows prohibited development to be undertaken within 30m of the boundary between that zone and another zone, if it is allowed within the other zone, with or without consent.</p> <p>The proposed development within the Central Precinct is not prohibited development and does not rely upon the provisions of Clause 46.</p>
<i>Provision of a landscape buffer between Werrington Downs residents</i>	<p>The location of local open space, regional open space and Regional Park have been established within SREP 30 – St Marys and the Central Precinct Plan. The proposed subdivision is consistent with these documents and does not require the provision of landscape buffers to residents within Werrington Downs.</p>

<i>Issue</i>	<i>Comments</i>
	Residue lots are proposed along land that interfaces with Werrington County, therefore the maximum density of development along these areas has not yet been realized.

The received submissions were also considered in the assessment of the proceeding bulk earthworks application (DA14/1228) with issues specific to that application separately addressed in that assessment report determined by the JRPP on 20 August 2015.

In view of the above, it is considered that the issues raised do not warrant refusal of this Development Application.

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

The proposal was advertised, exhibited and notified from 20 April 2015 to 20 May 2015 in accordance with Clause 89(3) of the EP&A Regulation 2000.

Section 79C(1)(e) – The Public Interest

The site is suitable for the proposed development. Subdivision is permissible in the Urban zone and it has been demonstrated that the proposals meet the aims and objectives of the environmental planning instruments which applies to the site. The proposed subdivision is considered to be site responsive and is in the spirit of the planning framework which has been envisioned for the Central Precinct.

As a result the consent authority may be satisfied that the development subject to conditions is consistent with the public interest.

Conclusion

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

- a. *Environmental Planning and Assessment Act 1979*
- b. *Threatened Species Conservation Act 1995*
- c. *State Environmental Planning Policy No. 55 – Remediation of Land*
- d. *State Environmental Planning Policy (Infrastructure) 2007*
- e. *Sydney Regional Environmental Plan No. 20 - Hawkesbury/Nepean River*
- f. *Sydney Regional Environmental Plan No. 30 – St Marys*

The proposed subdivision is consistent with the desired future character as identified in SREP 30 and the Central Precinct Plan.

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

In view of the above assessment, it is recommended that the Joint Regional Planning Panel - Sydney West Region grant consent to this application under

Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the recommended conditions of consent accompanying this report.

RECOMMENDATIONS

1. That DA15/0299 for Subdivision Only - Proposed Staged Residential Subdivision Including 375 x Residential Lots, Residue Lots, Future Road and Open Space Lots and Associated Road Construction, Bridge Crossings, Landscaping Works, Drainage Infrastructure and a Phased Remediation Strategy at Lot 1037 DP 1149525, 1208 - 1274 The Northern Road LLANDILO NSW 2747 be approved subject to the attached conditions of consent; and
2. That those making submissions are notified of the determination.

CONDITIONS

Standard Conditions

1 A001 – Approved plans that are architecturally drawn

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

Drawing Title	Plan No.	Prepared By	Date
Subdivision Plans	Project C212CP	RPS	6.11.2015
General Notes and Legends	89914020-ST01-1002 Revision 5	Cardno	20.3.2015
Context Plan	89914020-ST01-1003 Revision 9	Cardno	22.10.2015
Existing Services and Survey Plan – Sheet 1	89914020-ST01-1021 Revision 5	Cardno	20.3.2015
Existing Services and Survey Plan – Sheet 2	89914020-ST01-1022 Revision 5	Cardno	20.3.2015
Existing Services and Survey Plan – Sheet 3	89914020-ST01-1023 Revision 5	Cardno	20.3.2015
Road Typical Cross Sections	89914020-ST01-10511 281 Revision 8	Cardno	22.10.2015
Erosion and Sedimentation Control Plan Sheet 1	89914020-ST01-1131 Revision 6	Cardno	20.3.2015
Erosion and Sedimentation Control Plan Sheet 2	89914020-ST01-1132 Revision 6	Cardno	20.3.2015

Drawing Title	Plan No.	Prepared By	Date
Erosion and Sedimentation Control Plan Sheet 3	89914020-ST01-1133 Revision 6	Cardno	20.3.2015
Erosion and Sedimentation Control Plan Sheet 4	89914020-ST01-1134 Revision 6	Cardno	20.3.2015
Erosion and Sedimentation Control Details Sheet 1	89914020-ST01-1141 to 89914020-ST01-1142 Revision 5	Cardno	20.3.2015
Road and Stormwater Plan Sheet 1 - 9	89914020-ST01-1201 Revision 12 to 89914020-ST01-1209 Revision 12	Cardno	23.10.2015
Road Longitudinal Sections Sheet 1 to Sheet 12	89914020-ST01-1251 Revision 9 to 89914020-ST01-1262 Revision 9	Cardno	22.10.14
Channel 001 Longitudinal Section	89914020-ST01-1271 Revision 8	Cardno	22.10.2015
Retaining Wall Locality and Typical Detail	89914020-ST01-1361 Revision 10	Cardno	22.10.2015
Stormwater Catchment Plan Sheet 1 – Sheet 3	89914020-ST01-14011 Revision 10 to 89914020-ST01-1403 Revision 10	Cardno	23.10.2015
Stormwater Catchment Plan External Catchments	89914020-ST01-1411 Revision 5	Cardno	20.3.2015
Stormwater Drainage Longitudinal Sections Sheet 1 – Sheet 27	89914020-ST01-1461 Revision 8 to 89914020-ST01-1487 Revision 8	Cardno	23.10.2015
Stormwater Drainage Details Sheet 1 – Sheet 5	89914020-ST01-1421 Revision 5 to 89914020-ST01-1425 Revision 5	Cardno	20.3.2015
Civil Engineering and Infrastructure Report	89914020	Cardno	26.3.2015
Statement of Environmental	13070	JBA	March 2015

Drawing Title	Plan No.	Prepared By	Date
Effects			
Landscape Masterplan	Revision A	JMD Design	March 2015
Bushfire Protection Assessment	14GOSBUS-0108	EcoLogical Australia	18.12.2014
Contamination Management Plan	43352/61064 Revision B	JBS&G	5.3.2015
Salinity Review	89914020	Cardno	9.12.2014
Traffic Impact Assessment	89910402	Cardno	27.3.2015
Road Safety Audit	89914020 Report 001	Cardno	8.12.2014
Ecological Assessment	-	Cumberland Ecology	16.12.2014
Aboriginal Heritage Assessment Statement	Ref 13-0393grc2	GML Heritage & Jo McDonald CHM	10.12.2014
European Heritage Letter		Casey & Lowe	21.1.2015
Waste Management Plan 3	Job Reference 89914020	Cardno	September 2014

2 A005 – Approved Bodies Consent (For Integrated DA's)

A copy of the General Terms of Approval issued by NSW Office of Water (ref 10 ERM2015/0305) dated 7 May 2015 under the Water Management Act 2000 and Rural Fire Service (RFS) issued 19/05/2015 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

3 A008 – Works to BCA requirements

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$12,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

4 A041 – Asset Protection Zone

An Asset Protection Zone protection from bushfire shall be provided and maintained for the subdivision approved herein in accordance with the recommendations outlined in Bushfire Protection Assessment – Proposed Subdivision St Marys Central Precinct Stage 1 (Project 14GOSBUS-0108) prepared by Ecological Australia dated 18 December 2014.

5 A044 – Rural Fire Service Conditions

The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Occupation Certificate or in the case of subdivision, a Subdivision Certificate.

- 6 A046 – Obtain Construction Certificate before commencement of works**
A Construction Certificate shall be obtained prior to commencement of any building works.

- 7 C003 – Uncovering relics**
If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

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

- 8 D002 - Spraygrass**
All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

- 9 D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

A Fill Importation Protocol is to be developed by a suitably qualified consultant and approved prior to the issue of the Construction Certificate. Should Council not be the Certifying Authority, then a copy of Council's written approval is to be provided to the Private Certifying Authority.

The Protocol is to detail the procedures that will be followed throughout all filling works, to ensure that only suitable fill material is imported onto the development site.

At minimum, an appropriately qualified person/s (as defined in the Penrith Development Control Plans) shall:

- (a) Supervise all filling works.
- (b) On completion of filling works, carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
 - (i) be prepared by an appropriately qualified person (as defined in the Penrith Development Control Plans) with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - (ii) clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - (iii) provide details of the volume of fill material to be used in the filling operations,
 - (iv) provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2009, and
 - (v) (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.
 - (vi) Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will

not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The approved Fill Importation Protocol is to be adhered to throughout all stages of the development. 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 subdivision works shall not be carried out prior to any further approved site investigation or remediation works.

10 D009 - Covering of waste storage area

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

11 D026 - Liquid wastes

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

12 G001 – Installation of services and Service Clearances (subdivision)

All services (water, sewer, electricity, telephone and gas), including the provision of service conduits and stub mains, are to be installed within the proposed public roads before final inspection of the engineering works.

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

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

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

13 H01F – Stamped Plans and erection of site notice 2

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

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

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

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

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

14 H002 – All forms of construction

Prior to the commencement of construction works:

- i. Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
- ii. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavation associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- iii. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and

- if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- iv. If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
 - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
 - any such hoarding, fence or awning is to be removed when the work has been completed.

15 H006 - Submission of and implement waste management plan

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate can be issued for the approved development.

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

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

16 H041 – Hours of Operation

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.

17 K101 – Works at no cost to Council

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

18 K202 – Section 138 Roads Act

Prior to the issue of any Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council. Penrith City Council is the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

1. Road opening for lead in public utilities and stormwater
2. Road occupancy or road closures

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

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

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate or Subdivision Certificate as applicable.
4. On completion of any awning over the road reserve a certificate from a practising structural engineer certifying to the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

19 K205 – Construction Certificate for Subdivision works

Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Cardno drawings 89914020-ST01-1201 to 89914020-ST01-1209, revision 12 dated 23 October 2015, all associated MUSIC modeling, and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Penrith Council's Water Sensitive Urban Design Policy, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 to ascertain applicable fees.

20 K206 – Construction Certificate for Engineering Works

An Engineering Construction Certificate for the provision of engineering works (roads and drainage) is to be approved by the certifying authority.

A construction Certificate shall be issued for any subdivision works. Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Cardno, reference number 89914020-ST01, revision 12, dated 23-10-2015 and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice

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

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

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

Note:

1. Councils Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on

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

21 K208 – Road Safety Audit

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit; on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

The Road Safety audit shall specifically address sight distance requirements at intersections.

Prior to the issue of the Construction Certificate or S138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority for information purposes.

22 K224 – Construction Traffic Management Plan

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include but not be limited to the following, vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, parking management for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

23 K225 – Bus Stops

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 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.

24 K301 – Sediment and Erosion Control

Prior to commencement of any works associated with the development sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the office of Environment and Heritage.

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

25 K302 – Traffic Control Plan

Prior to commencement of any works associated with the development a Traffic Control Plan including details for pedestrian management, shall be prepared in

accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Service's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

26 K304 – Matters to be addressed prior to commencement of Subdivision Works

Work on the subdivision shall not commence until:

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

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

27 K405 – Street Lighting

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

If non-standard street light columns are proposed a separate approval will be required from Council's Public Domain Department. A maintenance fee will be payable for non-standard lighting columns.

28 K407 – Major Filling/ Earthworks

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

29 K408 – Soil Testing – Subdivisions

Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

30 K501A – Completion of Subdivision Works

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

31 K509 – Linemarking & Signage

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

Notes:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.
3. Applicable fees are indicated in Council's fees and charges.

32 K512 – Outstanding Works Bond for Stormwater Management Systems

Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the construction, landscaping and implementation of the three bio retention basins is to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the stormwater management system works have been completed to Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.

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:

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

33 K512 – Street Naming

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

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

Notes:

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

34 K513 – Bond for final wearing course

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

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

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

Note:

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

35 K515 – Maintenance Bond

Prior to the issue of a Subdivision Certificate a maintenance bond is to be lodged with Penrith City Council for all subdivision works.

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

Note:

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

36 K516 – Subdivision Compliance Documentation

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

- (a) 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. The Work As Executed drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- (b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- (c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- (d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- (e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- (f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- (g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- (h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - (i) Compaction reports for road pavement construction
 - (ii) Compaction reports for bulk earthworks and lot regrading.

- (iii) Soil classification for all residential lots
- (iv) Statement of Compliance.
- (i) Structural Engineer's construction certification of all structures.
- (j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
- (k) Soil Testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

37 L005 – Planting of plant material

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

38 L006 - Australian Standard for landscaping

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

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

39 L007 – Tree Protection Measures

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained. Tree protection measures are to be implemented as outlined in Australian Standard AS 4970-2009 'Protection of trees on development sites'.

40 L008 – Tree Preservation Order

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

41 L009 – Tree Preservation Order (Subdivision)

No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

42 L010 – Replacement street trees

The following street trees are to be replaced with species from the approved Street Tree List that are native to western Sydney:

- *Platanus "Digitata"*
- *Corymbia citriodora*

Street trees are to be planted prior to the issue of the Subdivision Certificate.

43 M001- Prior to subdivision work

Work on the subdivision is not to 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.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

44 M008- Linen plan

Submission of the original Linen Plan and ten (10) copies. The Linen Plan must indicate that:

- a) "It is intended to dedicate all new roads to the public as road"
- b) "It is intended to create Lot 6148 as a public reserve".

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

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

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

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

45 M009 - 88B Instrument

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

- a) Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
- b) Residue Allotment - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.

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

46 M014 - Surveyors certificate

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

47 Q01F – Notice of Commencement and Appointment of PCA

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

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

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

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

Information to accompany the Notice of Commencement

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

48 Q008 - Subdivision Certificate

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

Special Conditions

49 A Special – Rural Fire Service

The development is required to comply with the General Terms of Approval (GTA) dated 19 May 2015, issued by the NSW Rural Fire Service as outlined below:

- At the issue of subdivision certificate in perpetuity the entire property, excluding the riparian corridor, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standard for asset protection zones'.
- Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.
- Public road access shall comply with section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.

50 A Special – Office of Water

The development is required to comply with the General Terms of Approval (GTA) dated 16 January 2015, issued by the NSW Office of Water as outlined below:

- (a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/0299 and provided by Council:
- (i) Site plan, map and/ or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- (c) The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
 - (ii) Erosion and Sediment Control Plan
 - (iii) Soil and Water Management Plan
 - (iv) Amendments to Plans – any online detention basins must be fully vegetated.
- (d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/approvals/default.aspx
- (i) Vegetation Management Plan
 - (ii) Riparian Corridors
 - (iii) In-stream works
 - (iv) Outlet structures
 - (v) Watercourse crossings.
- (e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
- (f) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- (g) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- (h) The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
- (i) The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
- (j) The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
- (k) The consent holder must ensure that no
- (l) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow (ii) wash into the water body or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (m) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- (n) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- (o) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and

maintained throughout the working period and must not be removed until the site has been fully stabilised.

- (p) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (q) The consent holder must ensure that (i) river diversion, realignment or alterations does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
- (r) The consent holder must ensure that the surfaces of river banks are graded to enable the unstructured flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
- (s) The consent holder must establish a riparian corridor along the tributary of South Creek in accordance with a plan approved by the NSW Office of Water.

51 A Special – Transgrid Requirements

The applicant shall, at all times, comply with all the conditions stated in TransGrid's letter to Penrith City Council dated 23 October 2015.

52 A Special – National Parks and Wildlife Requirements

The development is to comply with the requirements of the National Park and Wildlife Service dated 3 September 2015 as revised on 19 October 2015 being:

- (a) Consultation regarding the design and location boundary fencing interfacing with the Regional Park
- (b) No works encroaching of the Regional Park, except those outlined in correspondence dated 19 October 2015.

53 A Special – Stockpile Location

No subdivision works (including earthworks or fill importation) are to occur in those areas marked as building footprint or hardstand areas on the "Stockpile Locations" plan prepared by Cardno Limited dated 15 September 2015 (Drawing No. 89914020-SK1006 Revision 2) until such time as they have been confirmed as suitable for the intended residential and employment uses, with the issue of a Site Audit Statement from a NSW Accredited Site Auditor.

The contamination status of these areas is to be investigated in accordance with the 'Sampling Analysis and Quality Plan: Central Precinct, Llandilo NSW' (Ref. 43352-57348 Rev 2 FINAL) prepared by JBS&G Australia Pty Ltd dated 9 April 2015, relevant NSW Environment Protection Authority Guidelines and State Planning Policies. The investigation report is to be submitted to and approved by Council. If Penrith City Council is not the certifying authority, the assessment is still required to be submitted to Council for approval.

The development shall also be carried out in accordance with the procedures set out in the 'Contamination Management Plan: Central Precinct, Llandilo NSW' (Ref. 43352/61064 Rev B) prepared by JBS&G Australia Pty Ltd dated 5 March 2015 and the conditions and procedures set out in the Site Audit Statements relating to the Central Precinct.

54 A Special – Specific Remedial Action Plan

Prior to the commencement of any remediation works, a Specific Remedial Action Plan (SRAP) is to be developed for those works and approved by a NSW Accredited Site Auditor, and a copy of the SRAP and the Site Auditor's Advice is to be submitted to Council and the Principal Certifying Authority for approval.

The SRAP is to be prepared with consideration of the 'Conceptual Remedial Strategy: Stage 1 and 2, Central Precinct, Llandilo, NSW' (Ref. 50539 - 60934 (Rev 1 FINAL) prepared by JBS&G Australia Pty Ltd dated 26 March 2015.

55 A Special – Remedial Action Plan

Remediation works shall be carried out in accordance with the approved Specific Remedial Action Plan, as well as the Penrith Development Control Plan and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted for approval to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the remediation works have been completed is to be submitted within 30 days of the said works having been completed.
- A Validation Report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any subdivision works can commence on the remediated land. The report shall certify that the remediation works have been carried out in accordance with the approved Specific Remedial Action Plan, the conditions of this consent, and the relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan. The Report is to confirm that the site will not pose an unacceptable risk to human health or the environment.
- The Site Audit Statement(s) and associated Site Audit Report(s), as prepared by the NSW Accredited Site Auditor and confirming that the land is suitable for the proposed residential and open space uses, are to be submitted before any subdivision works can commence on the remediated land.

56 A Special – Site Audit Statement

Upon the completion of fill importation works (including works the subject of DA14/1228 and DA15/0299), a Site Audit Statement is to be issued by a NSW Accredited Site Auditor. Prior to the issue of the Subdivision Certificate, the Site Audit Statement and the associated Site Audit Report is to be submitted to and approved by Penrith City Council.

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

Note: The staging of Subdivision Certificate release may require the submission of multiple Site Audit Statements relating to the relevant land.

57 A Special – MUSIC Modelling

Prior to issue of Construction Certificate, MUSIC modelling and concept drainage plans for the collector road aspect of the development are to be submitted to Council for review. This additional information must satisfy all of Council's WSUD Policy requirements regarding the quality of the stormwater runoff coming off the road and adequate evidence is to be provided to demonstrate this compliance. Operation and Maintenance requirements for the additional treatment measures located along the collector road is also to be submitted.

58 A Special – Soil Salinity Management

The soil salinity management measures outlined in the Water, Soils and Infrastructure Report prepared by SKM dated May 2009 for the Central Precinct Plan and the Central Precinct, St Marys - Salinity Assessment Review prepared by Cardno dated 9 December 2014 shall be considered and implemented.

59 D Special – Fauna Movement

Prior to the issue of a Construction Certificate, a detailed plan that clearly outlines measures that will be implemented by the applicant to facilitate fauna movement across the 'Link Road' is to be submitted to Penrith City Council for approval. If Council is not the certifying authority, a copy of Council's approval for the plan is to be provided to the Principal Certifying Authority. The plan is to consider the following and must include detailed engineering designs as required:

- The use of traffic calming devices to slow traffic such as speed humps, chicanes and signage.
- The use of a specifically designed fauna underpass (such as a culvert) to allow safe fauna movement under the 'Link Road'. These may be existing bridges/culverts that are upgraded or modified to provide improved fauna movement.
- The use of rope canopy bridges and glider poles in suitable locations to allow safe crossing of arboreal mammals the 'Link Road'.
- The use of fauna sensitive lighting along the road to minimize the impact of artificial light on nocturnal fauna such as birds, bats and mammals.
- The use of landscaping elements to improve habitat connectivity.
- The Plan should consider the locations in relation to key elements within the Regional Park, such as conservation zones and riparian zones.

The location and use of particular measures are to be fully detailed and outlined in the report with justifications for their use.

Once approved by Penrith Council, all activities outlined in the plan are to be implemented and carried out in accordance with the plan. Council may request a review and if necessary updating of the plan to reflect current environmental standards and legislation. Council must be satisfied with any changes prior to the amendment of the plan.

60 D Special - Mud/Soil

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

61 D Special - Dust

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

62 D Special – Construction Environmental Management Plan

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

The CEMP is to address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following:

- Noise control and hours of operation - with particular consideration given to the recommendations included in Section 4.3, 4.4 and 4.5 of the 'Central Precinct - Bulk Earthworks: Project Application Noise & Vibration Assessment' prepared by Wilkinson Murray dated September 2014 (Report No. 14145-N, Version B) and the correspondence prepared by Cardno Limited dated 9 February 2015 titled "Central Precinct, St Marys - DA14/1228 Response to Council Concerns Regarding Noise and Air Quality (Ref. 89914020)".
- Air quality management (including dust suppression) - with particular consideration given to the recommendations included in Section 9 of the 'Central Precinct Fill Placement: Air Quality Impact Assessment' prepared by Wilkinson Murray dated September 2014 (Report No. 14145-A, Version C) and the correspondence prepared by Cardno Limited dated 9 February 2015 titled "Central Precinct, St Marys - DA14/1228 Response to Council Concerns Regarding Noise and Air Quality (Ref. 89914020)".
- The CEMP is to specify noise and air quality performance criteria; any expected exceedance margins and their frequencies.
- The CEMP is to provide for weekly reporting to Council of monitoring results, identification of any exceedance and performance criteria and responsive measures where needed. Provision is also to be made for a complaints hotline.
- Water quality management
- Waste management
- Community consultation and liaison
- Incorporate a program for regular monitoring at sensitive receivers (particularly noise and air monitoring) throughout the development works, along with a review of procedures with consideration of the findings of this monitoring.

The approved CEMP is to be implemented and adhered to during all development stages.

63 D Special - Implementation of existing plans

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

- (a) Central Precinct Weed Management Plan (Cumberland Ecology, 2008);

- (b) Central Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);
- (c) Central Precinct Bushfire Management Plan (BES, 2008); and
- (d) St Mary's Macrofauna Management Plan (Cumberland Ecology, 2005).

64 K Special – Stormwater Management Sediment Basin

The bio-retention basin is to be maintained by the proponent as a sediment basin until 80% of housing construction is completed and retain in the ownership of the proponent. After 80% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed. After completion of the bio-retention basin has occurred, the proponent is to maintain the bio-retention basin for a period of 3 years after which time handover is permitted (see separate conditions relating to handover).

65 K Special – Waterways (Stormwater Management)

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

- Details of the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing;
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application.

66 K Special – Vegetated Stormwater Management Systems

Handover of assets to Council will not occur until Council is satisfied that they are constructed in with the approved plans, conditions of approval and all certification requirements have been complied with:

- (a) Vegetated systems (e.g. bioretention measure/s) are required to remain 'on maintenance' for a minimum period of three (3) years or as otherwise approved and a performance-based inspection has been undertaken with Council.
- (b) The on-maintenance period for all vegetated systems can be considered as on-maintenance once 80% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
- (c) Certification is required to be provided for the installation of the filter media to demonstrate that the media complies with the approved specifications. At a minimum compliance is required with the "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration).
- (d) Photographs of the construction of the vegetated system are required as part of certification. A minimum of one labelled, date stamped photograph is required to be provided following each of the following construction phases:
 - (i) Installation of the overflow pit and bulking out / trimming profiling
 - (ii) Installation of under drainage
 - (iii) Installation of cleanout points
 - (iv) Installation of drainage layer
 - (v) Installation of transition layer
 - (vi) Installation of filtration media
 - (vii) Laying of geofabric protection for build-out phase

- (viii) Laying of turf temporary protection layer
- (ix) Final planting.

A licensed surveyor is required to undertake an 'as constructed' survey of the bioretention device elements. The survey data is to demonstrate that design grades and levels have been achieved to the required tolerances. A copy of the survey is required to be lodged as part of the certification.

67 K Special - Commissioning and Handover

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

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

68 K Special – Turf to Verge

Upon completion of all works in the road reserve all verge areas fronting and within the development are to be turfed. The turf shall extend from back of kerb to the property boundary with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

69 K Special – Kerb Inlet Pits

Prior to the issue of a Construction Certificate the certifying authority shall ensure that all kerb inlet pits are not located within kerb returns and are located at a minimum distance of 1m from all tangent points of kerb returns.

70 K Special – Gross Pollutant Traps

Prior to the issue of a Construction Certificate the certifying authority shall ensure that vehicular access to all gross pollutant traps (GPT's) is provided in the following manner:

- (a) All GPT's shall be located within a 'bus lay-by' type arrangement
- (b) All maintenance vehicles shall enter and leave the lay-by in a forward direction
- (c) The GPT access lids shall be located at the rear of the lay-by
- (d) The lay-by shall be constructed of reinforced heavy duty concrete with a dish crossing, reverse cross fall and kerb only around the perimeter.

Full details demonstrating compliance are to be submitted with the Construction Certificate.

71. M Special – Amended Urban Design Plans

Prior to the release of a Construction Certificate, amended Urban Design Plans (Building Envelope Plan, Lot Type Plan and Street Tree Plan) are to be submitted to Penrith Council for approval. The Urban Design Plans are to respond to the amended subdivision layout.

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