

JRPP Ref. No.:	2015SYW181
DA No.:	DA15/1216
PROPOSED DEVELOPMENT:	Stage 2 Subdivision 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) - Lot 1037 DP 1149525, Lot 1024 DP 260411, , 1208 - 1274 The Northern Road, LLANDILO NSW 2747 9 a Elder Place, WERRINGTON COUNTY NSW 2747
APPLICANT:	Maryland Development Company Pty Ltd
REPORT BY:	Belinda Borg, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council has received a Development Application from Maryland Development Company Pty Ltd (Lend Lease) seeking approval for the following works in the Central Precinct of the St Marys ADI Site:

- Subdivision into 9 sub-stages comprising:
 - 278 residential allotments,
 - 2 open space and water drainage allotments
 - 2 residue residential allotments for future integrated housing, and
 - 1 residue superlot
- Internal road network including local roads, pedestrian paths and cycleways.
- Construction of a bus-only link through the southern boundary through Council owned land (Lot 1024 DP260411) to Leichhardt Avenue
- Drainage infrastructure and two water quality basins.
- Utility infrastructure.
- Grading of the site.
- Landscaping of verge, including street trees.

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.

Clause 8(c) of the Environmental Planning and Assessment Act 1979 (EP&A Act) further classifies the proposal as Regional Development as the development has a capital investment value (CIV) exceeding \$5 million and includes the development of Council owned land. 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 9 April 2015 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 notification period was 2 November 2015 to 1 December 2015. Council received submissions from four (4) property owners.

Eight (8) key issues were raised in these submissions and they include:

- (a) Clarification on the location of the subdivision
- (b) Preservation of vegetation and additional landscaping within the subdivision
- (c) Flooding impacts on the adjoining properties
- (d) Traffic control measures to be implemented within the bus only connection
- (e) Provision of landscape buffer between Werrington County and the Central Precinct
- (f) Future development of the residue lot, which interfaces with Werrington County
- (g) Extension of Billabong Glen, Werrington County
- (h) Property Values
- (i) Availability of plans during exhibition period.

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)
- Busways and
- Transgrid.

The NSW Office of Water issued their General Terms of Approval on 25 November 2015 subject to conditions. The Rural Fire Service issued their Bushfire Safety Authority on 19 November 2015 subject to conditions.

National Parks raised no objection subject to recommended conditions. Roads and Maritime Service raised no objection and no recommended conditions. Transgrid were consulted, however the proposed subdivision does not include any works within the transmissions easement.

Busways provided comments in relation to the delivery of the bus-only link and the provision of good sightlines within the connection.

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. It is considered that the proposal conforms to the relevant provisions of the various Environmental Planning Instruments and will not result in any adverse impact on the natural and built environment.

Therefore it is recommended that the JRPP grant consent to the proposal subject to the recommended conditions of development consent.

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 Programme in 1993. The site is situated to the northwest 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), Riverflat 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 southwest 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 southwest to the northeast. There are two (2) existing warehouse buildings on the site. These buildings and the surrounding roads and hard surfaces have been demolished 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 2 of the Central Precinct . The site adjoins the Regional Park to the north and west, the suburb of Werrington County to the south, approved Stage 1 residential development (DA15/0299) and the future Regional Open Space to the east. 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 2 DA applying to the western 21.3ha of the site.

At present the site is generally flat with elevations varying from between 27m AHD to 43m 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.

Proposal

The proposed Stage 2 subdivision includes the following:

- Subdivision into 9 sub-stages comprising:
 - 278 residential allotments,
 - 2 open space and water drainage allotments
 - 2 residue residential allotments for future integrated housing, and
 - 1 residue superlot
- Internal road network including local roads, pedestrian paths and cycleways.
- Construction of a bus-only link through the southern boundary through Council owned land (Lot 1024 DP260411) to Leichhardt Avenue
- Drainage infrastructure and two water quality basins.
- Utility infrastructure.
- Grading of the site.
- Landscaping of verge, including street trees.

Plans that apply

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

Planning Assessment

- **Section 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 2 site. The vegetation within the Central Precinct will be removed by the time of the proposed subdivision.

The vegetation to be removed is generally contained within urban zoned areas of the Central Precinct with vegetation to be protected within the Regional Park zoned land.

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 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 \$5 million and Council is a land owner/ party to the application.

- **Section 79BA - Bushfire prone land assessment**

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 November 2015 raising no objection to the proposal subject to conditions.

- **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 concurrence 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 November 2015 raising no objection to the proposal subject to conditions.

(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 25 November 2015.

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

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.

Development Application 15/0299 for the subdivision of land, known as Stage 1, included the remediation of land and included the support of the Conceptual Remedial Strategy submitted with this application. Additional remediation works are not proposed as a part of this development.

Development Application 15/0299 sufficiently addressed the key considerations of SEPP 55 and as this proposal does not seek to revisit or alter this approved strategy, the requirements of SEPP 55 are satisfied by this preceding approval.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The REP 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 northeast is zoned *Drainage*. The proposed development is limited to the subdivision of land, associated roadworks and infrastructure. In accordance with Clause 40 (2) of the SREP, *housing*, *roads* and *drains* are permissible in the Urban zone, subject to consent.

Stage 2 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.

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 the SREP 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.

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 bioinfiltration 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 postdevelopment 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 nonerosive 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 revegetation 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 the REP, a condition is recommended for the submission of a completed waste management plan prior to the commencement of works (Refer to Condition 26).

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

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

In response, NPWS has provided correspondence dated 31 December 2015 raising no objection to the proposal, subject to Council considering the following:

- Ensure appropriate set-backs are provided at the Park boundary/residential interface and where possible the development area should be bounded by a road or open space.
- All civil structures related to boundary roads such as batters, fences, and drains must be constructed outside the Park boundary.
- 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.
- A preference for all stormwater runoff to be managed off-Park. However, stormwater drainage works can occur within the Park subject to appropriate environmental assessment, liaison, easement requirements and agreement with NPWS prior to works commencing.
- Minimising potential boundary encroachments to the Park.

The proposed subdivision includes the provision of roads, a pocket park and drainage reserve areas that interface with the Regional Park. Matters raised in relation to the construction of works within the Regional Park, Stormwater works and encroachments within the Regional Park have been addressed through the inclusion of appropriate conditions of consent (Refer to Condition 9).

Clause 49 & 50 - Filling and Flood Management

In accordance with Clause 49(1) of the REP, 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 freedraining 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.

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 2.

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 proposed development in relation to the interface with the Regional Park and no objection is raised to the proposal. The provisions of street trees throughout the proposed development site and are considered appropriate in context of the subdivision.

Clause 53 – 56 – Heritage Considerations

The Central Precinct includes a number of items of heritage significance including the site known as Elizabeth Farm. Stage 2 subdivision contains no items of heritage significance, therefore no further assessment of heritage matters is required and the proposal is consistent with the objectives of Clause 25 of the SREP.

Clause 47 Demolition

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

Local Environmental Plan 2010

Lot 1024 DP 260411, known as 9a Elder Place Werrington County is zoned RE1 Public Recreation under Penrith Local Environmental Plan 2010. The proposed development within this site is limited to the bus only connection and associated pedestrian pathway and landscaping, which are permissible with consent.

No other controls within the Penrith Local Environmental Plan are applicable to the proposed development.

Section 79C(1)(a)(iii) The provision of 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 2 subdivision being located within Village 1 which has an indicative density target of approximately 250 dwellings.

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 15.53 dwellings per hectare which exceeds the requirement of 15 dwellings per hectare. Cumulative, Stage 1 & Stage 2 will have dwelling density of 12.72 dwellings per hectare, however this will increase with the future development of the integrated housing/ residue 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, motorist 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, which is to be constructed as a part of Stage 1 Subdivision (DA15/0299). Connections to Ropes Crossing will be considered as a part of future subdivisions of the Central Precinct.

The Framework Plan within the DCS details the provision of bus, pedestrian and bicycle access point to Werrington County. The proposed development includes such a connection through Council land to Leichhardt Avenue, Werrington County.

It is important to note that traffic modelling provided as a part of the St Marys Central Precinct Plan and Development Control Strategy did not envisage that the connection to Werrington County would provide an alternative vehicular access point to the Central Precinct, with the exception of buses. However it is noted that the use of the bus connection as an emergency exit point in the event of a bushfire is appropriate given the location of the subdivision within Central Precinct.

Therefore the "Bus Only" connection has been designed to include two sump busters to restrict vehicular access to the Central Precinct and gated bypass lanes to enable residents to exit through the bus only connection in the event of bushfire emergency.

Consultation has been undertaken with Busway, who have raised no objection to the proposal as the design included clear sight lines and a passing bay within the design.

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 a 0.7ha Pocket Park.

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 November 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).

In response to the Joint Regional Planning Panel Briefing of the proposed subdivision, concerns were raised in relation to bushfire evacuation and requested the bus only link be examined as an additional exit point through Werrington County. The "Bus Only" connection has been designed to include

bypass bays and gates to enable vehicles to use the bus connection in a bushfire event.

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 2.44 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 2	Lot Yield
Detached Housing Lots 270m ² to 500m ² (Indicative % of Overall Dwelling Mix = 60-70%)	247
Detached Housing Lots 501m ² to 999m ² (Indicative % of Overall Dwelling Mix = 20%-25%)	31
Detached Housing Lots 1000 m ² (Indicative % of Overall Dwelling Mix = 1%- 2%)	3
Total Number of Lots	281

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.

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

Development Control Plan 2010

Provision	Compliance
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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 a 0.75ha Pocket Park.

The proposal exceeds the open space provision requirements detailed within the Planning Agreement. The embellishment of the pocket park 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 condition is recommended reinforcing Lend Lease's obligations under this Development Agreement.

Section 79C(1)(a)(iv) The provisions of the regulations

The proposal was advertised, exhibited and notified from 2 November 2015 to 1 December 2015 in accordance with Clause 89(3) of the EP&A Regulation 2000.

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 nonresidential 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 2 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)".

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.

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 (which is to be constructed under DA15/0299). Access for the site will be reviewed with future stages to determined when the Ropes Crossing - Central Precinct Collector Road will be constructed in accordance with the CPP and will be subject to a future DA.

The design of the subdivision includes the provision of a bus connection from Werrington County, in accordance with the DCS. The applicant has demonstrated that the bus only connection will include a sump buster to limit vehicular movements to buses, with the provision of a gated bypass lane that will allow residents to use this connection for a bushfire escape route (Refer to Recommended Condition 67).

During the assessment of the Development Application, concerns were raised in relation to driveway locations, in particular for Lots 2077, 2096 and 2068. It is noted that a minor reconfiguration of the subdivision layout within Road 70 & 71 would improve the driveway setback of Lot 2077 from the intersecting roads (Refer to Recommended Condition 84)

It was determined that Lots 2068 & 2096 are not considered appropriate for the construction of a dual occupancy due to the limited sightlines. In addition, adequate levels of solar access to the courtyard of future dual occupancy development on these sites could not be provided. Therefore the construction of a dual occupancy will not be permitted (Refer to Recommended Condition 83).

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;
- Appropriate bus only connections have been designed to enable the extension of existing bus services within Werrington County to the Central Precinct, an emergency exit point in bushfire event;
- The bus-only connection has been designed to ensure that it does not become an additional access point to the Central Precinct from Werrington County; and
- The site is adjacent or within close proximity 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

Community Consultation

(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.
- Busways -

Council has received the following in response to the proposal:

- a) Bush Fire Safety Authority dated 19 November 2015 from RFS.
- b) A “Controlled Activity” approval dated 25 November 2015 from Office of Water.
- c) Roads and Maritime Service provided correspondence dated 26 November 2015 have provided comments, with no objections and no recommended conditions provided.
- d) National Parks and Wildlife Service have provided comments. Matters raised in relation to fencing construction have been addressed through the Recommended Conditions.

(b) Internal Referral

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

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

(c) Public Submissions

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 notification period was 2 November 2015 to 1 December 2015. Council received submissions from four (4) 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
Clarification on the location of the subdivision	The subdivision of Stage 2 within Central Precinct interfaces with a number of properties within Werrington County. The subdivision extends from Leichhardt Avenue to the rear of 11 Tanbark Close Werrington County.
Preservation of vegetation and additional landscaping within the subdivision	Vegetation removal is not proposed as a part of the subdivision. Tree removal within the subdivision was approved under the Bulk Earthworks DA (DA14/1228). 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. The Development Application included the submission of a Landscape Masterplan which details extensive replanting of the site within the street network.

Flooding impacts on the adjoining properties	Concerns were raised that the proposed subdivision would include the filling of a creek to the west of Stage 2 and that the proposed development would result in flooding of the adjoining properties. The proposed development does not include the filling of a creek. It does include capturing stormwater from Werrington County and directing it through water quality basins to be located within the subdivision. The proposed development does not include any additional filling to that approved under the Bulk Earthworks proposal (DA14/1228). Therefore it is considered that the subdivision will not create any additional flood impacts on the adjoining properties.
Traffic Control Measures within the Bus Only Connection	At the time of public notification, the proposed bus only connection detailed line marking and signage to differentiate the road from a local road. The assessment of the application revealed additional measures need to be implemented to ensure the roads is used as a bus only connection, therefore the design includes a sump buster to ensure the connection is utilized by buses only.
Provision of a landscape buffer between Werrington Country residents	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.
Future development of the residue lot, which interfaces with Werrington County	A number of submissions raised concerns regarding the future use of the residue lot and questioned whether the lot would include future road construction. The development includes one (1) large residue lot that interface with Werrington County. The residue lot has been created to enable negotiations with individual owners regarding boundary fencing encroachments. Future development of the land, once the boundary fence location has been addressed, would be the subject of a separate Development Application. It is not intended that the residue lot would accommodate additional road construction that interfaces with Werrington County.
Extension of Billabong Glen, Werrington County	The Development Control Strategy does not provide for the extension of Billabong Glen into the "Central Precinct". Roadworks within Werrington County is limited to the bus connection through Leichhardt Avenue.

Property Values

While it is noted that a number of properties within Werrington County have historically had a bushland outlook, the implementation of SREP 30 alter the landuse to urban and enables the subdivision of land. Therefore there is no evidence to suggest that the subdivision will impact on the property values within the locality.

Availability of plans when the application was on notification

The Development Application documents were available of Council's website for the duration of the notification period. However the resident has difficulty gaining a large scale copy of the plans. A copy of large scale plans were provided to the resident during the notification period.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	No objections - subject to conditions

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

The site is suitable for the proposed developments. 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 Council 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. 33–Hazardous and Offensive Development
- (d) State Environmental Planning Policy No. 55 – Remediation of Land
- (e) State Environmental Planning Policy (Infrastructure) 2007
- (f) Sydney Regional Environmental Plan No. 20 Hawkesbury/Nepean River
- (g) 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.

Recommendation

1. That DA15/1216 for Subdivision Only - Proposed Staged Residential Subdivision Including 281 x Residential Lots, Residue Lot, Future Road and Open Space Lot and Associated Road Construction, Bus Only Connection, Landscaping Works, Drainage Infrastructure at Lot 1037 DP 1149525, 1208 - 1274 The Northern Road LLANDILO NSW 2747 and Lot 1024 DP 260411, 9a Elder Place Werrington 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 PWC212 Revision B	RPS	17.7.2015
General Notes and Legends	89914020-ST02-1002 Revision 5	Cardno	18.1.2016
Context Plan	89914020ST021003 Revision 5	Cardno	18.1.2016
General Arrangements Plan	89914020ST021011 Revision 5	Cardno	18.1.2016
Existing Services and Survey Plan – Sheet 1	89914020-ST02-1021 Revision 6	Cardno	18.1.2016
Existing Services and Survey Plan – Sheet 2	89914020-ST02-1022 Revision 6	Cardno	18.1.2016
Road Typical Cross Sections	89914020ST021051281 Revision 5	Cardno	18.1.2016
Erosion and Sedimentation Control Plan Sheet 1	89914020ST021131 Revision 5	Cardno	18.1.2016
Erosion and Sedimentation Control Plan Sheet 2	89914020ST021132 Revision 5	Cardno	18.1.2016
Erosion and Sedimentation Control Details Sheet 1 & 2	89914020ST021141 to 89914020-ST02-1142 Revision 5	Cardno	18.1.2016
Road and Stormwater Plan Sheet 1 - 5	89914020ST021201 Revision 7 to 89914020-ST011205 Revision 7	Cardno	18.1.2016
Site Works Details	89914020-ST02-1211 Revision 3 to 89914020-ST02-1211 Revision 3	Cardno	18.1.2016

Site Sections	89914020-ST02-1222 Revision 5	Cardno	18.1.2016
Road Longitudinal Sections Sheet 1 to Sheet 9	89914020ST021251 Revision 5 to 89914020- ST021259 Revision 5	Cardno	18.1.2016
Channel 002 Longitudinal Section	89914020-ST02-1271 Revision 5	Cardno	18.1.2016
Pavement, Signage and Linemarking Plan Sheet 1 – Sheet 5	89914020-ST02-1321 Revision 5 to 89914020- ST02-1235 Revision 5	Cardno	18.1.2016
Retaining Wall Locality and Typical Detail	89914020-ST02-1361 Revision 2	Cardno	18.1.2016
Stormwater Catchment Plan Sheet 1 – Sheet 2	89914020ST021401 Revision 4 to 89914020- ST02-1402 Revision 4	Cardno	18.1.2016
Stormwater Catchment Plan External Catchments	89914020ST021411 Revision 4	Cardno	18.1.2016
Stormwater Drainage Longitudinal Sections Sheet 1 – Sheet 21	89914020ST021461 Revision 4 to 89914020- ST02-1481 Revision 4	Cardno	18.1.2016
Stormwater Drainage Details Sheet 1 – Sheet 3	89914020ST021421 Revision 4 to 89914020- ST021423 Revision 4	Cardno	18.1.2016
Civil Engineering and Infrastructure Report	89914020 Version B	Cardno	12.10.2015
Landscape Masterplan	Revision A	JMD Design	March 2015
Statement of Environmental Effects	13070	JBA Urban Planning Consultants Pty Ltd	15.12.2015
Bushfire Protection Assessment	14GOSBUS-0108	EcoLogical Australia	20.8.2015
Salinity Review	89914020	Cardno	9.12.2014
Aboriginal Heritage Assessment Statement	Ref 13-0369 Crwc1	GML Heritage & Jo McDonald	11.9.2015
Traffic Impact Statement	899104020	Cardno	October 2015
Waste Management Plan	-	Lend Lease	12.10.2015
Road Safety Audit	89914020 Version 2	Cardno	13.10.2015
Ecological Assessment	13091	Cumberland Ecology	17.9.2015

2 [A005 - APPROVED BODYS CONSENT \(FOR INTEGRATED DAS\)](#)

A copy of the General Terms of Approval issued by NSW Office of Water (ref 10 ERM2015/1017) dated 25 November 2015 under the Water Management Act 2000 and Rural Fire Service (RFS) issued 19 November 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 \(Always apply to building works\)](#)

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 \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

4 [A041 - Asset Protection Zones](#)

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: Central Precinct Stage 2 (Project 14GOSBUS-0108) prepared by Ecological Australia dated 20 August 2015.

5 [A044 - Compliance with NSW Rural Fire Service conditions of consent](#)

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 generated through the subdivision works 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 **G006 - NBN Co**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of a Subdivision Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

14 **H041 - Hours of work (other devt)**

Subdivision works 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.

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 Penrith Development Control Plan, 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 reuse of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented onsite 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 **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.

17 **H002 - All forms of construction**

Prior to the commencement of construction works:

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

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

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

18 **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

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

Prior to the issue of any Construction Certificate a 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.

20 **K206 - Construction Certificate for Subdivision 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-ST02, sheets 1001 to 1481, dated 18.01.2016 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.

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

- Salinity measures are incorporated into the construction certificate drawings in accordance with the recommendations of the Salinity Assessment Review by Cardno, reference 89914020, dated 9 December 2014 and the SKM Water, Soil and Infrastructure Central Precinct report.

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 Councils website for more information.

21 **K207 - Road design criteria table**

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

Road No.	ESA
003 070 (Ch 0.00 - Ch 905) 074	1 x 10 ⁶
070 (Ch 905 - Ch 1880) 071, 072, 073, 074, 075, 076, 077, 078, 079	5 x 10 ⁴

A copy of the pavement design prepared by a suitably qualified geotechnical engineer must accompany the application for Construction Certificate. A copy of the pavement report is also to be submitted to Penrith City Council.

22 **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.

23 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Cardno, reference number 89914020-ST02, dated 18.01.2016.

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

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments, Council's Water Sensitive Urban Design (WSUD) Policy, meets the objectives of the St Marys Central Precinct - Precinct Plan May 2009 - Part 4 Framework Plan and Environmental Management Strategies, Section 4.11 Water Cycle and Soils and complies with recommendations of the SKM Water, Soils and Infrastructure Central Precinct Report.

24 [K213 - Flooding - Flood Report Recommendations](#)

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that all lots within the proposed development are located above the Flood Planning Level (FPL = 1% AEP adopted flood level + 0.5m freeboard). All roads within the development shall be located above the 1% AEP flood level for South Creek. 1% AEP flood levels are to be determined using the Final Flood Assessment Report (Project No. EN04189) prepared by Jacobs dated 20 July 2015 for South Creek approved under the Bulk Earthworks Development Application for Central Precinct DA14/1228.

Full details are to be submitted with the Construction Certificate.

Prior to the release of the Subdivision Certificate for Stage 1 subdivision of the Central Precinct, the applicant shall submit to Penrith City Council the following information to facilitate assessment of future developments in the Central Precinct:

- (a) A flood map incorporating the 1:100 year flood extent for the Central Precinct;
- (b) The final land form; and
- (c) The data used for flood assessment.

25 [K222 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

26 [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 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.

27 [K301 - Sediment & Erosion Control](#)

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

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

28 **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.

29 **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.

30 **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.

31 **K405 - Turf to Verge**

Upon completion of all works in the road reserve all verge areas fronting and within the development are to be turfed. The turf shall extend from 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.

32 **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.

33 **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".

34 **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.

35 [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.

36 [K512 - Outstanding Works Bond for Stormwater Management Systems](#)

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.

37 [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.

38 [K514 - 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 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 Penrith City 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 adopted Fees and Charges

Note:

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

39 [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.

40 [K601 - Stormwater Management system operation and maintenance](#)

The stormwater management systems, including temporary on-site stormwater detention and erosion and sediment control systems, and flow paths from the basin outlets shall continue to be operated and maintained for the life of the development in accordance with the final operation and maintenance management plan. Maintenance shall continue until such times as stormwater runoff from the development site has stabilised and conveyed to the ultimate water quality treatment / stormwater detention system and the temporary system has been decommissioned. A minimum maintenance period of 36 months shall apply to the ultimate water quality treatment / stormwater detention system and shall be maintained in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

41 **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".

42 **K301 - Sediment & Erosion Control**

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

43 **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.

44 **L006 - Aust Standard**

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

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

45 [L007 - Tree protectionmeasures–no TMPwith DA](#)

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

46 [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:

- *Angophora floribunda* - with Road 001 due to the reduced verge width.

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

47 [L007 - Tree protectionmeasures–no TMPwith DA](#)

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'.

48 [L008 - Tree PreservationOrder](#)

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

49 [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) 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.

50 [M001 - Prior to subdivision work \(Applies to subdivision except strata\)](#)

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.

51 [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.

52 [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.

53 [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.

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

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

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

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.

55 [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

56 [A Special Condition 05 - Contamination Management Plan](#)

The development shall 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.

57 [A Special Condition 08 - Site Audit Statement](#)

Upon the completion of fill importation works (including works the subject of DA14/1228 and DA15/1216), 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.*

58 [A Special Condition 01 - Rural Fire Service](#)

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

- At the issue of subdivision certificate in perpetuity the entire property 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' until such time each lot is further developed.
- 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'.
- Landscaping shall comply with the principles as outlined within Appendix 5 of 'Planning for Bush Fire Protection 2006'.

59 **A Special Condition 02 - Office of Water**

The development is required to comply with the General Terms of Approval (GTA) dated 25 November 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 DA2015/1216 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) Erosion and Sediment Control Plan
 - (ii) Soil and Water Management Plan

- (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) Riparian Corridors
 - (ii) Outlet structures

- (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 DPI Water.

- (f) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI 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 DPI Water as required.

- (h) 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 DPI Water.

- (i) 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 DPI Water.

- (j) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI 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.

- (k) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

60 [A Special Condition 03 - National Parks and Wildlife Requirements](#)

The development is to comply with the requirements of the National Park and Wildlife Service (NPWS) dated 31 December 2015 being:

- (a) All civil structures related to boundary roads such as batters, fences, and drains must be constructed outside the Regional Park boundary. In the event that works are required to be undertaken within the Regional Park, consultation and agreement with NPWS is to be achieved prior to such works commencing.
- (b) 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.
- (c) All stormwater runoff, where possible is to be managed outside of the Regional Park. However, stormwater drainage works can occur within the Park subject to appropriate environmental assessment, liaison, easement requirements and agreement with NPWS prior to works commencing. Minimising potential boundary encroachments to the Park.

61 [A Special Condition 04 - JRPP Recommended Condition linking Bulk earthworks DA14/1228](#)

The works approved as part of this consent are to be undertaken in conjunction with and in response to the works approved and conditions imposed as part of DA14/1228 (Bulk Earthworks).

62 [A Special Condition 06 - Soil Salinity Measures](#)

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.

63 [D Special Condition 02 - Dust](#)

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

64 [D Special Condition 03 - Mud/Soil](#)

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

65 **D Special Condition 04 - 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.

66 **D Special Condition 01 - 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).

67 **K Special Condition 01 – Stormwater Management Sediment Basin**

The bio-retention basin is to be maintained by the proponent as a sediment basin until 80% of housing construction and landscaping is completed and shall retain in the ownership of the proponent. After 80% of housing and landscaping 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).

68 **K Special Condition 02 – 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.

69 **K Special Condition 03 – 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.

70 **K Special Condition 04 - 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.

71 **K Special Condition 05 - 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 the tangent points of kerb returns.
- All drainage pits, including junction pits, shall be kerb inlet pits located within the kerb and gutter.

72 **K Special Condition 06 - 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.

73 **K Special Condition 08 - Vehicular and Pedestrian Safety Treatment**

Prior to the issue of a Construction Certificate details of vehicular and pedestrian safety treatments to all retaining walls shall be submitted to Penrith City Council for approval. All vehicular barriers and pedestrian fencing treatments shall comply with Austroads Guidelines.

74 **K Special Condition 09 - Drainage works within the Regional Park**

Prior to the issue of a Construction Certificate full details of any drainage works required within the proposed Regional Park shall be submitted to the Office of Heritage and Environment for approval.

75 **K Special Condition 11 - Road Design**

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

- The indicative location of all bus stops and associated infrastructure has been indicated on construction certificate drawings.
- All bicycle facilities are in accordance with relevant provisions of Austroads Guidelines and Roads and Maritime Services Guidelines and Technical Directions.
- The type of Gross Pollutant trap has been approved by Penrith City Council
- Laybacks are to be provided to service each lot. All laybacks are to be located a minimum distance of 6m from the tangent point of any kerb return at intersections. Laybacks are also to be located a minimum distance of 1m from the edge of the lintel of any stormwater kerb inlet pit.

Full details shall be shown on construction certificate drawings.

76 **K Special Condition 12 - Stormwater Flow Report**

Prior to the issue of a Construction Certificate, a detailed report is to be prepared and submitted to Penrith Council for approval that demonstrates stormwater flows for all events up to and including the 1% ARI from the development site will have no adverse impact upon the downstream properties and existing waterbodies.

77 **K Special Condition 13 - Bus Only Link**

Prior to the issue of a Construction Certificate full details of the bus only link (Road No 003) from Leichardt Avenue to Road No 070 are to be submitted to Penrith City Council for approval. The bus only link shall be designed in consultation with Busways and Penrith City Council and shall be generally in accordance with the plan by Cardno, reference 89914020-SK315, revision 2, dated 05/02/2016 and shall incorporate the following requirements:

- The design shall be similar to the existing bus only link at Jeanette Street Glenmore Park incorporating a 'sump buster' type arrangement at each end of the road.
- The pavement shall be a minimum of 6m wide for the full length of the road.
- A 6m wide vehicular traffic 'bypass' area shall be located adjoining each 'sump buster'

78 K - Waterways - Commissioning and Handover

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

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

79 K Special Condition 07 - Operation and Maintenance Manual

Prior to the issue of a Construction Certificate a Operation and Maintenance manual for the proposed stormwater treatment measures shall be submitted to Council for approval. The manual should include details on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures. The plan should include details on the following:

- (a) Site description (area, imperviousness, land use, annual rainfall, topography etc)
- (b) Site access description
- (c) Likely pollutant types, sources and estimated loads
- (d) Locations, types and descriptions of measures proposed
- (e) Operation and maintenance responsibility
- (f) Inspection methods (including inspection checklists)
- (g) Maintenance methods (frequency, equipment and personnel requirements);
- (h) Landscape and weed control requirements
- (i) Operation and maintenance costs
- (j) Waste management and disposal options; and
- (k) Reporting.

80 [L Special Condition 01 - Tree Pit Inspection by Council](#)

Prior to the planting of the street trees, an inspection of example street tree pit is to be prepared and an inspection to be undertaken by relevant staff of Penrith Council.

Note: Two days notice of the inspection is required to enable arrangements of Council representatives to attend.

81 [L Special Condition 02 - Maintenance of Street Trees](#)

Maintenance of the street trees is the responsibility of the until such time as the final layer of asphalt on all roads within the subdivision. Maintenance of the street trees will transfer to Council once the roadways final sealing threshold has been met.

82 [L Special Condition 03 - Site Preparation and Root Barrier Protection for Street Trees](#)

Prior to the release of a Construction Certificate, a report detailing the methodology of how trees will thrive within the compacted fill layers is to be provided to Penrith City Council for approval. The report should also consider the use of root barrier to prevent long term damage to surrounding infrastructure from street trees and confirm if this is required on a street by street basis depending on the space available and intended design outcomes.

83 [L Special Condition 01 - Placement of Street Trees](#)

Street trees are to be planted a minimum of 2m from the driveway to provide an appropriate clearance zone for waste collection, measured from the driveway to the trunk of the tree.

84 [M Special Condition 01 – 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.

85 [M Special Condition 02 - Dual Occupancies on Lots 2096 & 2086](#)

Prior to the release of a Construction Certificate, the "Dual Occupancy Entitlements" notations are to be removed from proposed Lots 2096 & 2086.

86 [M Special 03 - Amended subdivision to address driveway location of Lot 2077](#)

Prior to the release of a Construction Certificate, an amended subdivision layout within Roads 70 & 71 is to be provided to Penrith Council for approval to ensure Lot 2077 has a driveway setback of 6m from the tangent point in the roads.