

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW237
DA Number	DA16/1166
LGA	Penrith City Council
Proposed Development	Proposed Demolition of Existing Structures, Bulk Earthworks, Remediation Works and the Staged Residential Subdivision Including 257 x Residential Lots, 3 Residue Lots, 1 Open Space Lot, 1 Drainage Lot and Associated Road Construction, Landscaping Works and Drainage Infrastructure
Street Address	117-127 OConnell Street CADDENS
Applicant	Legpro Pty Limited
Owner	Legpro Pty Limited
Date of DA lodgement	3 November 2016
Number of Submissions	Two
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	CIV > \$5M - Council interest
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Section 79C of the Environmental Planning and Assessment Act 1979 • Section 23G of the Environmental Planning and Assessment Act 1979 • Section 91 of the Environmental Planning and Assessment Act 1979 • Local Environmental Plan 2010 • Development Control Plan 2014 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55—Remediation of Land • Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Location Map Attachment 2 – Zoning Map Attachment 3 – Site Layout / Staging Plan Attachment 4 – Demolition Plan Attachment 5 - Plans of Subdivision Attachment 6 – Landscape Plan Attachment 7 – Civil Design Drawings
Report prepared by	Gannon Cuneo
Report date	9 February 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

No

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SWPP Ref. No.:	2016SYW237
DA No.:	DA16/1166
PROPOSED DEVELOPMENT:	<p>Proposed Demolition of Existing Structures, Bulk Earthworks, Remediation Works and the Staged Residential Subdivision Including 257 x Residential Lots, 3 Residue Lots, 1 Open Space Lot, 1 Drainage Lot and Associated Road Construction, Landscaping Works and Drainage Infrastructure - Lot 12 DP 522660, Lot 101 DP 564332, Lot 51 DP 1189505, Lot 755 DP 1180111, Lot 2 DP 502333, Lot 15 DP 29459, Lot 1 DP 515678, Lot 11 DP 522660, Lot 754 DP 1180111, 185 Caddens Road, CADDENS NSW 2747</p> <p>143 - 159 OConnell Street, CADDENS NSW 2747</p> <p>207 Caddens Road, CADDENS NSW 2747</p> <p>189 Caddens Road, CADDENS NSW 2747</p> <p>187 Caddens Road, CADDENS NSW 2747</p> <p>754 Caddens Road, CADDENS NSW 2747</p> <p>117 - 127 OConnell Street, CADDENS NSW 2747</p> <p>129 - 141 OConnell Street, CADDENS NSW 2747</p>
APPLICANT:	Legpro Pty Limited
REPORT BY:	Gannon Cuneo, Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a development application for the demolition of existing structures, bulk earthworks, remediation works and the staged residential subdivision including 257 x residential lots, 3 residue lots, 1 open space lot, 1 drainage lot and associated road construction, landscaping works and drainage infrastructure. The subject site comprises a number of properties which are identified in detail in the section to follow.

The subject site is zoned R1 General Residential, SP2 Infrastructure - Stormwater Management System and RE1 Public Recreation under Penrith Local Environmental Plan 2010. The subject site forms part of the eastern precinct within the Caddens Release Area.

The application has been notified to adjoining properties and exhibited between 18 November and 19 December 2016. Council received two submissions in response.

The application is integrated development in accordance with the Rural Fires Act 1997 and the Water Management Act 2000. The NSW Rural Fire Service has provided a response with conditions attached relating to servicing and access. The NSW Office of Water has provided a response and do not require a controlled activity approval. Both agencies raise no objection to the proposal.

This application is to be determined by Sydney West Planning Panel as the development has Council interest being part land owner and has a Capital Investment Value (CIV) of \$16,161,084 million.

An assessment under Sections 79BA, 79C and 91 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions of consent. This includes exclusion of the proposed landscape embellishment works associated with the Hilltop Park from the determination. These works will form part of a separate development application.

Site & Surrounds

Properties of the site

The subject site comprises the following properties

- Lot 11 DP 522660 - 117-127 OConnell Street, Caddens;
- Lot 12 DP 522660 - 129-141 OConnell Street, Caddens;
- Lot 101 DP 564332 - 185 Caddens Road, Caddens;
- Lot 51 DP 1189505 - 143-159 OConnell Street, Caddens;
- Lot 754 DP 1180111 - Lot 754 Caddens Road, Caddens;
- Lot 755 DP 1180111 - 207 Caddens Road, Caddens;
- Lot 1 DP 515678 - 187 Caddens Road, Caddens;
- Lot 2 DP 502333 - 189 Caddens Road, Caddens; and
- Lot 6 DP 502333 - 189 Caddens Road, Caddens.

The subject site is irregular in shape and is generally bounded by O'Connell Street to the north and Caddens Road to the south. Existing residential development known as Claremont Meadows and the State Archives site are located to the east.

The subject site is vacant land which is characterised by grassland with remnant vegetation. There is an existing dwelling located at 189 Caddens Road (Lot 2 in DP 502333) which is proposed for demolition under the subject development application. A dwelling fronting O'Connell Street was approved for demolition under DA14/1122 and a review of aerial photography has identified that the works have recently been undertaken.

To the west of the development site, an existing residential subdivision development consisting of 71 residential lots (DA11/0125) has been constructed. There are also three vacant lots adjoining the western boundary of the subject site, two of which are subject to a recent Court approved subdivision (DA15/0992) for 99 residential allotments and will form Stage 1 of the 'Caddens Hill' development. The third lot on the corner of O'Connell Street and O'Connell Lane contains a residential dwelling and rural sheds.

The applicant attended a pre-lodgement meeting with the Development Advisory Panel on 29 September 2016 and the proposed development has considered and suitably addressed the items discussed within this meeting.

Proposal

The development application as lodged seeks consent for the following:

- Demolition of existing structures (single dwelling, wastewater system, dams and fencing);
- Tree removal;
- Bulk earthworks;
- Road construction and street tree planting;
- Staged subdivision into 257 residential allotments, 3 residue lots, 1 open space lot and 1 drainage reserve lot;
- Stormwater management works including easements, stormwater drainage lines and detention basins B and D;
- Embellishment of Caddens Hilltop Park including active play area, landscaping, shade structures and associated signage. However, this aspect is recommended to be deleted and be lodged as a separate development application.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 23G - Sydney West Planning Panel (SWPP)**

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 Sydney West Planning Panel as it has a Capital Investment Value (CIV) greater than \$5 million and a portion of the subject site is owned by Council.

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

The subject site is located within the new release area known as Caddens and has been identified as being bushfire prone land. The application is accompanied by a Bushfire Protection Assessment prepared by EcoLogical Australia. The report provides a review of the subdivision proposal and stipulates that any lots adjoining managed grassland (north of OConnell Lane and south of Caddens Road) would be required to meet the minimum bushfire attack level requirements.

The Bushfire Protection Assessment has been reviewed by NSW Rural Fire Service with the following comments being provided:

- The vegetation to the north and south of the site is identified as grassland; and
- Dwelling construction within 50 metres of a grassland hazard will require a BAL to be applied;
- As a result of the separation provided by adjoining roads, the maximum BAL applicable is BAL-12.5.

Based on the advice from NSW RFS and Council's assessment, dwelling construction on nominated lots is to be in accordance with *Australian Standard 3959 - 2009 'Construction of buildings in bushfire-prone areas'* and to a Bushfire Attack Level (BAL) of 12.5.

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the items below have been identified for further consideration.

- **Section 91- Integrated development**

Water Management Act 2000

A number of tributaries from Werrington Creek are located within the subject site and in accordance with Section 91 of the Environmental Planning and Assessment Act 1979, the application has been referred to NSW Office of Water. In accordance with the Water Management Act 2000, the application has been assessed by the NSW Office of Water with the following advice provided:

- An assessment has been undertaken in accordance with the requirements of the Water Management Act 2000;
- A controlled activity approval is not required and no further assessment by NSW Office of Water is necessary.

Based on the above advice provided by NSW Office of Water, the proposed development does not require a controlled activity permit under the Water Management Act 2000 and no further action or assessment is required.

Rural Fires Act 1997

In accordance with Section 91 of the Environmental Planning and Assessment Act 1979, the subject site is bushfire prone land which therefore required the proposed development to be referred to NSW Rural Fire Service for review and comment. Under Section 100B of the Rural Fires Act 1997, development being the subdivision of land that could lawfully be used for residential or rural residential purposes is required to be assessed by a bushfire safety authority.

The application has been referred to NSW Rural Fire Service. The NSW RFS is deemed a bushfire safety authority and has provided a response regarding the proposed boundary adjustment. The proposed development is for the subdivision of the subject site into 257x residential allotments with the following comments provided:

- Water, electricity, gas and public access roads are to comply with the requirements of 'Planning for Bush Fire Protection 2006';
- The comments provided for the subdivision only. Any further development application for Class 1, 2 & 3 buildings on bush fire prone land are subject to separate application under Section 79BA of the Environmental Planning and Assessment Act 1979.

Based on Council's assessment of the proposed boundary adjustment and the comments provided by NSW Rural Fire Service, the proposed development has satisfied the requirements of Section 91 of the Act.

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

State Environmental Planning Policy (Infrastructure) 2007

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the proposed development has been referred to NSW Roads and Maritime Services for review and comment. Schedule 3 of SEPP (Infrastructure) 2007 states that subdivision of land creating 200 or more allotments is considered traffic generating development to be referred to RMS. The application has been referred to RMS with the following comments being provided:

- Roads and Maritime has reviewed the submitted documentation;
- No objection is raised to the proposed development subject to the access arrangement to the broader road network complying with Council's Development Control Plan.
- Roads and Maritime have also requested that Council forward information in relation to its planned upgrade of the road network and associated funding which support the staged release of the subdivision and development within the Caddens Release Area.

As the proposal complies with the access arrangements within Council's Development Control Plan and the RMS has raised no objection to the proposal, the provisions of SEPP (Infrastructure) 2007 have been satisfied.

State Environmental Planning Policy (State and Regional Development) 2011

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy (State and Regional Development) 2011 and the application is satisfactory.

The aim of this policy is to identify development that is state significant and confer functions on the Regional Planning Panel to determine certain development applications. The proposal is for works with a capital investment value of in excess of \$5 million and as Council has a vested interest as land owner, the application requires determination by the Sydney West Planning Panel.

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land, 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.

An Environmental Site Assessment (ESA) prepared by JBS&G (dated 27 October 2016) has been submitted with the development application. The ESA provides a detailed assessment of the subject site including an inspection of the site, desktop review of previous environmental assessment reports, site history and background information to identify potential areas of environmental concern. The report did not cover Lot 754 which forms part of this application, however a statement subsequently prepared by JBS&G (dated 20 December 2016) states that there is no visual evidence that the lot has been adversely impacted by land use activities since an audit of the site by an EPA accredited auditor in 2011. Based on previous environmental site investigations, no further contamination assessments are considered necessary.

Based on the information contained within the ESA, no contamination which would preclude the residential development of the site has been identified, however at the time of the ESA, site features including existing structures on Lot 11 DP 522660 and Part Lot 101 DP 564332 have prevented a full assessment of potential land contamination. Previous consents issued for the subdivision of the land identified that *'should contamination be identified in these areas [Lot 11 DP 522660 and Part Lot 101 DP 564332] and remediation work be required to make the site suitable for the intended use, a revised Remediation Action Plan(RAP) is to be submitted to Council for approval'*. It has been determined through the assessment process that remediation and validation works would be required to be undertaken with the current application to ensure the site is suitable for future residential use.

Following an assessment of the submitted information, additional information was requested to ensure the site is suitable for the proposed works and use. The additional information submitted has been reviewed by Council's Environmental Management team who are satisfied that the subject site can be made suitable for the proposed use, however further remediation and validation is required on Lot 11 DP 522660 to ensure all contaminated materials identified in reports prepared by Geotechnique Pty Ltd (dated 25 January 2017) and DLA Environmental Services (dated 27 January 2017) are removed off site or remediated and validated prior to works being undertaken.

The report prepared by Geotechnique identifies a total of 7 areas of potential concern within Lot 11 DP 522660. Remediation and validation of areas 1 to 4 has successfully been undertaken and evidence has been submitted from a qualified environmental consultant which confirms this has been undertaken. Areas 5-7 are identified as containing contaminated material which will be separated and remediated (where possible) and removed off site. In assessing the information provided, it is confirmed that the site will be suitable for the proposed residential subdivision development subject to implementation of additional works prior to site preparation and earthworks. Conditions of consent are recommended which require remediation and validation of the site, including asbestos removal and clearance certification, to occur prior to the issue of any Construction Certificate.

As a result of the analysis undertaken to date and the above recommended conditions of consent, it is considered that the application and assessment has suitably addressed SEPP 55 and subject to remediation and validation works, the land is suitable or can be made suitable for residential development.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney REP No. 20 integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by *Sydney REP No. 11 - Penrith Lakes Scheme*. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The proposed development is 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. In particular, provision will be made for adequate erosion and sediment control measures to ensure sediment as a result of the development is not deposited in the Hawkesbury-Nepean River via the stormwater system.

Stormwater run-off from the proposed development will be via drainage easements leading to two detention basins. Overflows from Basin B will be discharged via a level spreader to ensure there is no concentration of flows. Overflows from Basin D will be discharged via an existing drainage easement along Vivaldi Street to the east of the subject site. This has been identified as the most suitable method of stormwater drainage for the proposed development on the subject site.

Council's Development Engineer has reviewed the proposed development with regard to stormwater drainage and is satisfied with this aspect of the proposal.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.1 - Minimum subdivision lot size	Does not comply - See discussion
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 6.1 Arrangements for designated State public infrastructure	Complies - See discussion
Clause 6.2 Public utility infrastructure	Complies - See discussion
Clause 6.3 Development control plan	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion

Clause 4.1 - Minimum subdivision lot size

In accordance with Clause 4.1 of Penrith Local Environmental Plan 2010, part of the subject site is required to not be less than 450m². The proposal involves the creation of lots at 300m² which does not comply with the requirements of Clause 4.1. The applicant has requested a variation to the minimum lot size under Clause 4.6 and the relevant criteria is addressed in that section. The remainder of the subject site does not have a minimum lot size, therefore the requirements of Clause 4.1 do not apply to that part of the site.

Clause 4.6 Exceptions to development standards

The applicant seeks a variation to the provisions relating to the minimum lot size under Clause 4.1 of Penrith Local Environmental Plan 2010. The proposal involves the creation of lots at 300m² where the minimum lot size is identified as being 450m². A total of 28 lots out of 257 residential lots do not comply with the minimum lot size requirement, which equates to a 10.9% variation.

In addition to the provisions within Clause 4.6 of Penrith Local Environmental Plan 2010, the assessment is also required to consider the matters set out in the 'five part test' established by the NSW Land and Environment Court. The principles of the five part test are identified as follows:

- 1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Council's requirement relating to the minimum lot size is a development standard and a variation under Clause 4.6 of the LEP can be considered. This clause aims to provide an appropriate level of flexibility in the application of development standards to achieve better outcomes for and from development.

In accordance with sub-clause (3) of Clause 4.6, the applicant has put forward the following key points to demonstrate that compliance with the development standard is unreasonable and unnecessary, and the basis for which there are sufficient environmental planning grounds to justify contravening the development standard:

- *The intention of the variation is to capitalise on limited opportunities to incorporate smaller lots where the topography is flatter as part of providing an appropriate level of diversity and housing mix. This approach ensures the lot sizes are compatible with the environmental capabilities of those areas of the land;*
- *The placement of the proposed smaller lots will not result in any unacceptable impacts on the amenity, or potential amenity, or neighbouring properties;*
- *The location of the proposed smaller lots are such that they will not impact on any potential natural or cultural features of the land. Further, some of the lots will be appropriately located near the proposed Hilltop park;*
- *There would be no unreasonable increase in densities on the site as a result of supporting the variation. The proposal will contribute an appropriate dwelling yield to the dwelling yield targets for the precinct; and*
- *The documentation submitted with the application demonstrates that the development*
- *Complying with the height/setbacks will not provide a better outcome in relation to visual bulk, scale, amenity and solar access. It is considered a good planning outcome as it responds to the site specific matters such as topography and overland flow flooding.*

Comments in Response

The development proposes a variation to the minimum lot size required under Clause 4.1 of the LEP. The objectives of Clause 4.1 are:

- (a) to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,*
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (c) to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,*
- (d) to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,*
- (e) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

The applicant's Clause 4.6 variation request is considered to be well founded and is consistent with the aims of the policy. The objection has adequately addressed the matters prescribed in the LEP, and has demonstrated that full compliance with the minimum lot size requirement would be unreasonable and unnecessary in this circumstance.

The proposal still ensures compliance with the objectives of the zone as the proposed allotments can still accommodate suitable forms of residential housing. The applicant has submitted sufficient information to ensure that driveway locations provide suitable separation for on street parking and street tree planting with adequate allotment widths and depths to provide residential housing that meets the provisions of SEPP (Exempt and Complying Development) 2008 if complying development was pursued. The minor extent of variation (being approximately 10%) also provides for a mix in lot and housing diversity which caters for a greater mix in housing types and affordability.

It is also noted that the Stage 1 subdivision approved by way of consent orders through the NSW Land and Environment Court provided similar variations to the lot size requirements within the DCP, thereby ensuring that the current proposal is not out of keeping with the planned and approved character of the immediate locality.

The proposed variation meets the objectives of the zone, provides a suitable response to the environmental capabilities of the land, establishes suitable capability for compliant residential housing and the submitted clause 4.6 variation request suitably responds to the established court principles outlined above.

As a result the proposed variation and associated justification is considered to be reasonable and the variation to the lot size requirements in the DCP is supportable.

Clause 5.9 Preservation of trees or vegetation

A report prepared during preliminary investigations on the site in 2005 identified that the site had been substantially cleared of vegetation, with remnant Cumberland Plain Woodland disturbed by rubbish dumping and noxious weed invasion. The report considered that the native species diversity within the study areas was relatively low. Whilst the report covered the entire subject site, the vegetation located within the area identified as the Hilltop park was not considered. The applicant has now provided an Arborist Report which identifies trees within the study area, being the Hilltop park site, to be of low to medium retention value. The report recommends the removal of the trees as they are not considered to be of sufficient significance to warrant the retention in the landscape by substantial design modification. The proposed landscaping and native re-vegetation within the Hilltop park was considered in that report to produce an enhanced outcome for the site.

The report, proposed landscaping and civil design plans have been assessed against the DCP and the supporting ecological assessment which established the design principles for the park. Council's Landscape Architect has reviewed the proposal and has raised concerns for the ability of trees to reach mature height due to the extent of excavation and resulting soil condition following earthworks. A condition of consent is included which requires a report to be prepared and submitted to Council for approval which confirms the soil is suitable for substantial planting and provides capacity for vegetation to reach full maturity. This will secure suitable tree species that respond to the site's soil conditions post earthworks and will supplement the tree loss required by the proposed civil works.

Clause 5.10 Heritage conservation

The subject site is not identified within Schedule 5 of Penrith Local Environmental Plan 2010, however an item of European heritage, being the ruins of a 19th century house, are located on the Hilltop park site. This is discussed further in the Development Control Plan section of this report.

Clause 6.1 Arrangements for designated State public infrastructure

The subject site is not identified as an Urban Release Area in Penrith Local Environmental Plan 2010, therefore this clause does not apply.

Clause 6.2 Public utility infrastructure

The subject site is serviced by the required infrastructure, however augmentation may be required to ensure all lots within the subdivision can be adequately serviced. Conditions of consent have been imposed to ensure all lots created from the proposed development are serviced which therefore complies with Clause 6.2 of Penrith Local Environmental Plan 2010.

Clause 6.3 Development control plan

Chapter E1 Caddens of Penrith Development Control Plan 2014 is provided to ensure that development within the Caddens Release Area occurs in a logical and cost-effective manner. The proposal includes a staging plan for the timely and efficient release of urban land and has adequately addressed traffic movements to and within the release area. Landscaping, recreation areas, stormwater, the natural environment, urban design and public facilities have been considered with the proposed development and satisfactorily addresses the requirements of Clause 3.3 of the Plan.

Clause 7.1 Earthworks

In accordance with Clause 7.1 of Penrith Local Environmental Plan 2010, the following is required to be considered:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.

The proposed earthworks on the subject site include cut and fill excavations of up to 8 metres. Whilst these works are significant, earthworks are required to meet appropriate drainage and road gradient levels within the subject site which will allow for the future residential development of the land. Conditions of consent are recommended to ensure a validation certificate is supplied for any fill brought onto the site. Sediment basins are proposed to ensure any run off from earthworks is captured within the site and does not impose an adverse impact on adjoining properties. Archival recording of the ruins on the site is required prior to the issue of a construction certificate and has been included as a condition of consent.

Clause 7.6 Salinity

The objectives of Clause 7.6 are:

- (a) to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management, and
- (b) to avoid the adverse effects of rising salinity on land, including damage to infrastructure and buildings, loss of productive agricultural land and other adverse environmental effects.

The subject site was analysed for salinity, with Lot 754 showing slightly saline soil levels. Development on Lot 754 comprises construction of Detention Basin B and bulk earthworks. No construction is proposed on Lot 754, however the site is subject to future development as playing fields and associated facilities and amenities and it will be at this stage that suitable plantings and soil management will be addressed. The proposed development complies with the requirements of Clause 7.6 as it does not involve the construction of any buildings, does not involve the development of agricultural land and will not impose any adverse environmental effects on the development of the subject site.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	Complies
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
E1 Caddens controls	Complies - see Appendix - Development Control Plan Compliance

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

There is currently no voluntary planning agreement in place that relates to the proposed development.

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

The proposal does not contravene the Environmental Planning and Assessment Regulations.

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

Likely impacts of the proposed development as identified throughout the assessment process include:

Natural Resources

A Flora and Fauna Assessment of the subject site undertaken in 2005 identified the subject site as being suitable for the subdivision and residential development. Whilst a variation to the lot layout and road pattern is proposed, the design is generally consistent with the structure plan outlined in the DCP. The structure

plan necessitates the removal of vegetation given the extensive earthworks required to achieve suitable levels for roads and drainage. The removal of vegetation within the Hilltop park site is supported by an Arborist Report which identifies the trees as being low to medium retention value. The embellishment of the Hilltop park is recommended to occur through a separate development application where substantial re-vegetation of the site will be required in accordance with Penrith Development Control Plan 2014. The resulting vegetation will supplement the vegetation loss resulting from the required earth works.

The subject site is not identified as being affected by local overland flow or mainstream flooding, however there are a number of tributaries from Werrington Creek located within the site. The NSW Office of Water has reviewed the application and does not require a controlled activity approval for works within the site. Council's Development Engineering team has reviewed the proposal and raises no objection to the proposed method of stormwater disposal which has demonstrated compliance with Council's Design Guidelines for Engineering Works for Subdivision and Developments, Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design policies.

Bushfire

The subject site is identified as bushfire prone land and in accordance with Section 91 of the Environmental Planning and Assessment Act 1979, the proposal has been referred to NSW Rural Fire Service for assessment and comment. The NSW Rural Fire Service have provided general terms of approval which have formed conditions of consent. A Bushfire Protection Assessment has also been prepared which identifies dwellings to be constructed on lots 206-207 and 214-220 are required to be constructed to BAL-12.5. Conditions of consent are recommended to ensure compliance with the recommendations of the Bushfire Hazard Assessment Report.

Acoustics

The application includes an acoustic report that predicts the noise levels that shall be experienced by the proposed residential lots located along the bypass road, and provides details of dwelling construction requirements needed for noise mitigation. Acoustic requirements for bedrooms facing the road will be required to be glazed with 6.38mm laminated glass with Q-Lon seal. Windows to all other rooms and locations of the dwelling are to have standard glazing applied. Installation of ducted or wall mounted ventilation will be required where the requirements of the BCA cannot be satisfied. Conditions of consent are proposed to ensure the recommendations of the acoustic report are complied with which is included as recommended restrictions to be imposed on title.

Traffic and Parking

The proposed road network is consistent with the form and objectives of Chapter E1 Caddens of the DCP. Section 1.3 of Chapter E1 identifies a hierarchy of interconnected streets that give a safe and connected public transport, vehicular, pedestrian and cycle way network. The proposal includes appropriate local road links to collector roads with intersection treatments that accommodate future precinct traffic and traffic generated by the development. The design of internal roads complies with the DCP in terms of width and hierarchy. The development provides pedestrian pathways and pedestrian / bicycle shared pathways through the development that are consistent with the DCP Pedestrian and Cycle Routes. The proposed road network complies with the requirements of the DCP and can accommodate the traffic generated by the development.

Landscape Planting

Concerns were raised during the assessment regarding the level of landscape embellishment of the hill top park and the proposed street tree planting species.

With respect to street tree planting, the proposal provides for extensive excavation which requires an analysis of the soil type and compaction level to establish a suitable street tree planting plan. It is therefore recommended that, following completion of earthworks but prior to road construction, an analysis

be undertaken of the soil composition to establish compaction levels, soil types and recommendations for tree species which will be viable in the resulting identified conditions.

With respect to the proposed embellishment of the hill top park, preliminary cost estimates for the embellishment exceeds that projected within the contributions plan and the level of embellishment is not considered to be consistent with the planned intention for the parkland. It is therefore recommended that while the civil works, excavation and drainage works be approved as part of this development application, the proposed hard and soft landscaping embellishment (including facilities) be excluded from the application and addressed by way of separate development application. This has been discussed with, and agreed to by the applicant.

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

The subject site is zoned R1 General Residential, RE1 Public Recreation and SP2 Infrastructure - Stormwater Management System and the proposal is for the subdivision of land in accordance with the Caddens Release Area Structure Plan. The application has adequately addressed key concerns such as flooding, bushfire, traffic, drainage, tree removal/landscaping and accessibility. In addition, the layout of the subdivision and its location within close proximity to services and amenities such as Penrith city centre, public transport, educational establishments and recreation. The proposed development is compatible with surrounding and adjoining land uses, therefore Council can be satisfied that the site is suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining properties and advertised between 18 November and 19 December 2016. Council has received two submissions in response and the concerns raised are addressed below.

Issue Raised	Response
Concern is raised for the dust produced from the earthworks	<p>Current works in Stage 1 are producing dust from the earthworks being undertaken. Council's Engineering Inspector raised concerns with the site manager to ensure at least one water truck is constantly running on the site to keep dust levels to a minimum.</p> <p>Conditions of consent are also recommended to ensure that dust levels are kept to a minimum for the proposed development.</p>

Concern is raised for the condition of O'Connell Street with the large amount of trucks entering and exiting the site	<p>Council's City Assets team have arranged for restoration works to the affected areas on O'Connell Street.</p> <p>The developer will be required to undertake a pre construction and post construction dilapidation report on the road infrastructure and any damage attributed to the development will require rectification prior to the release of the subdivision certificate.</p>
Concerns are raised for the impact on wild life on the site	Concerns raised regarding fauna and wildlife can be suitably managed during the construction phase with relocation required in the event that wildlife is identified. This is recommended as a condition of consent.
There has been an increase in rodents, pests and snakes since construction began	The proposal seeks to develop the site and is not considered to generate an increase in pest or rodent numbers.
<p>Concerns are raised for the flow of water over O'Connell Street from Basin F</p> <p>Concerns are raised for overflow from Basin D to Vivaldi Street and Clayton Way</p>	<p>The plans provided for the proposed development do not indicate a Basin F. A temporary sediment basin is proposed along the northern boundary of the subject site. This area is for bulk earthworks only and future development of the land will be required to consider Council's Stormwater requirements.</p> <p>The proposed detention basins are required to comply with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design policies. Council's Development Engineer and Waterways officers have reviewed the proposal and are satisfied that the proposed development meets the objectives of these policies. Basins B and D are capable of withstanding 1 in 100 year storm events with water being discharged via sheet flows from Basin B and to an existing easement in Vivaldi Street from Basin D.</p>

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
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Heritage	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Parks and recreation	No objections - subject to conditions
Planning and Sustainability	No objections - subject to conditions

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

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development has demonstrated that the site is suitable for the proposed development. The proposal promotes the residential subdivision of land to accommodate the growth predicted in the NSW Governments metropolitan strategy, *A plan for growing Sydney*. The proposed development will include public facilities including a future park and land dedicated to sporting fields and associated amenities. In addressing the above, Council is satisfied that the proposal is in the interest of the public.

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities
- Section 94 - Cultural Facilities
- Section 94 - Werrington Enterprise Living and Learning (WELL) Precinct

Pursuant to Section 94E of the Environmental Planning and Assessment Act 1979 and in accordance with the Ministerial Direction dated 15 September 2010, the consent authority, being Council, cannot impose a consent requiring payment of a monetary contribution for the subdivision of land exceeding \$30,000 for each lot authorised by the consent. Therefore, a \$30,000 contribution is required for each lot to be created from the development.

Conclusion

In assessing this application against the current relevant instruments being Environmental Planning and Assessment Act 1979, Rural Fires Act 1997, Water Management Act 2000, Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River, State Environmental Planning Policy No. 55 - Remediation of Land, State Environmental Planning Policy (Infrastructure), Penrith Local Environmental Plan 2010 and Penrith DCP 2014, with appropriate conditions, the proposal satisfies the requirements.

With the recommended conditions of consent, the development will provide a suitable outcome for the site which is unlikely to have a negative impact on the surrounding area and environment. The information submitted with the application has demonstrated that the site is suitable for the development proposed and provides an outcome which addresses the burgeoning demand for housing in western Sydney.

Recommendation

1. That DA16/1166 for demolition of existing structures, bulk earthworks, remediation and the staged residential subdivision including 257 x residential lots, 3 residue lots, 1 open space lot, 1 drainage lot and associated road construction, landscaping works, drainage infrastructure and embellishment of the Caddens Hilltop Park at **Caddens Road and OConnell Street** be approved subject to the attached conditions.

CONDITIONS

Standard Conditions

1 A001

The development must be implemented substantially in accordance with the plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions. Amendments in red including the deletion of the hard and soft landscape embellishment works from this consent.

<i>Plan</i>	<i>Plan/Drawing No.:</i>	<i>Issue:</i>	<i>Prepared By:</i>	<i>Dated:</i>
Site Layout Plan	110358/K008	A	J. Wyndham Prince	16/12/16
Engineering Plan	110358/DA202	B	J. Wyndham Prince	21/12/16
Bulk Earthworks Plan	110358/DA203	B	J. Wyndham Prince	21/12/16
Site Sections – Sheet 1	110358/DA204	B	J. Wyndham Prince	21/12/16
Site Sections – Sheet 2	110358/DA205	B	J. Wyndham Prince	21/12/16
Typical Road Cross Sections	110358/DA206	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 1	110358/DA207	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 2	110358/DA208	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 3	110358/DA209	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 4	110358/DA210	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 5	110358/DA211	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 6	110358/DA212	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 7	110358/DA213	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 8	110358/DA214	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 9	110358/DA215	B	J. Wyndham Prince	21/12/16

Road Longitudinal Sections – Sheet 10	110358/DA216	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 11	110358/DA217	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 12	110358/DA218	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 13	110358/DA219	B	J. Wyndham Prince	21/12/16
Road Longitudinal Sections – Sheet 14	110358/DA220	B	J. Wyndham Prince	21/12/16
Stormwater Plan	110358/DA221	B	J. Wyndham Prince	21/12/16
Basin and Raingarden B – Plan and Sections	110358/DA222	B	J. Wyndham Prince	21/12/16
Basin and Raingarden D Plan	110358/DA223	B	J. Wyndham Prince	21/12/16
Basin D – Sections and Raingarden Details	110358/DA224	B	J. Wyndham Prince	21/12/16
Soil and Water Management Plan – Sheet 1	110358/DA225	B	J. Wyndham Prince	21/12/16
Soil and Water Management Plan – Sheet 2	110358/DA226	B	J. Wyndham Prince	21/12/16
Tree Management and Demolition Plan	110358/DA227	B	J. Wyndham Prince	21/12/16
Lot Calculation Stage Two Caddens Hill Estate	20467-2L(c)	A	Vince Morgan Surveyors	07.02.17
Lot Calculation Stage Three Caddens Hill Estate	20467-3L(A)	A	Vince Morgan Surveyors	21.12.16
Lot Calculation Stage Four Caddens Hill Estate	20467-4L	A	Vince Morgan Surveyors	27.10.16
BEP Key Masterplan	11494/DA2000	-	DKO Architecture	21-12-2016
10.0m Lots (Front Loaded) BEP	11494/DA2001	-	DKO Architecture	21-12-2016
10.0m Lots (Rear Loaded) BEP	11494/DA2002	-	DKO Architecture	21-12-2016

Patio Lots BEP	11494/DA2003	-	DKO Architecture	21-12-2016
Caddens Hill Design Guidelines for 10m Lots	-	A	Legacy Property	December 2016

2 **A044 - Compliance with NSW Rural Fire Service conditions of consent**

Evidence of compliance with all conditions of the bush fire safety authority issued by NSW Rural Fire Service (reference D16/3799 & DA16111404715 LD, dated 1 December 2016) shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the development. A copy of the documentation provided shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

3 **B001 - Demolition of existing structures**

The dwelling and associated wastewater system, dams and fencing are to be demolished as part of the approved work.

4 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

5 **B003 - ASBESTOS**

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

6 **B006 - Hours of work**

Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

7 C002 - ARCHIVAL RECORDING

Two (2) complete copies of the archival recording are to be submitted to Penrith City Council, including a set of photographic negatives prior to demolition. The archival recording shall be prepared by an experienced heritage consultant and is to be in accordance with the Archival Recording Standards described below:

- Title page (with subject, author, client, date and copyright).
- Statement of why the record was made.
- Outline history of the item and associated sites, structures and people.
- Statement of heritage significance of the items using the State Heritage Inventory criteria.
- Inventory of archival documents related to the item (eg. company records, original drawings) when available.
- Location plan (show relationship to surrounding geographical features, structures, roads, vegetation etc. Include a north point).
- Base plans, drafted or hand-drawn base plans including:
 - (i) cross references to photographs;
 - (ii) name the relevant features, structures and spaces;
 - (iii) a north point.
- Black and white photographic record, including one set of 35mm black and white negatives labelled and cross referenced to base plans and accompanied by informative catalogues, and two copies of proof sheets and select medium format prints showing important details. The images shall include:
 - (i) views to and from the site (possibly from four compass points);
 - (ii) views showing relationships to other relevant structures and landscape features;
 - (iii) all external elevations;
 - (iv) views of all external and internal spaces (eg. courtyards, rooms, roof spaces etc.); and
 - (v) external and internal details (eg. joinery, construction joints, decorative features, paving types etc.). All photographic images shall be mounted and labelled.
- Colour slides (two copies mounted in archivally stable slide pockets, clearly labelled and cross referenced to base plans). Images shall include:
 - (i) view to and from the site and/or the heritage item, and
 - (ii) views and details of external and internal colour schemes as appropriate.Selected colour prints may be required. They should be mounted and labelled.
- Measured drawings, with appropriately scaled drawings printed on archivally stable paper. For a built item, this may include:
 - (i) site plan (1:500 or 1:200),
 - (ii) floor plan(s) (1:100 or 1:50),
 - (iii) elevations and sections (1:100 or 1:50),
 - (iv) roof plan(s) (1:100 or 1:50),
 - (v) ceiling and joinery details (1:20 or 1:10), and
 - (vi) machinery and services details eg. drainage lineshafts.
- Presentation
- The archival recording shall be presented to Council as a single bound document preferably in A4 format. Large maps shall be folded and inserted as map pockets attached to the document. Similarly, all photographic images shall be fixed to the document and labelled.

Unbound documents or loose supporting materials such as maps, plans, slides, negatives or prints are not acceptable.

8 C003 - Uncovering relics

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

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

9 **D- Dust**

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

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

An appropriately qualified person/s shall:

- Supervise all filling works.
 - (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority.

All fill material documentation is to (at minimum):

- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation;
- clearly state the legal property description of the fill material source site and the total amount of fill tested;
- provide details of the volume of fill material to be used in the filling operations;
- provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2009;
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment; and
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

11 **D009 - Covering of waste storage area**

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

12 **D010 – Appropriate disposal of excavated or other waste**

A completed construction 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 development.

The construction waste management plan shall be prepared in accordance with the Penrith Development Control Plan and with consideration to the NSW Waste Avoidance and Resource Recovery Act 2001, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

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

13 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.

Dam water resulting from dewatering of the dams is to be disposed of off-site to a lawful waste management facility or is to be used and contained within the boundaries of the property. Dam water is not permitted to enter Council's stormwater system and is not to impact adjoining properties.

14 **G001 - Installation of services and Service Clearances (subdivision)**

All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works. Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Prior to the release of the linen plan for each stage of the development, 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.

15 **G006 -**

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.

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

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

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

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

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

17 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

18 H002 - All forms of construction

Prior to the commencement of works:

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

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

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

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

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

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

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

19 **K101 - Works at no cost to Council**

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

20 **K201 - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

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

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

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

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of the Subdivision Certificate for that stage of the development.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying 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

22 [K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of half road and full road construction in (Caddens Road fronting the entire development including the proposed playing fields to the eastern side of the proposed subdivision)

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of the Subdivision Certificate for that stage of the development.

23 **K206 - Construction Certificate for Subdivision Works**

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

A Construction Certificate shall be issued for any subdivision works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by (J.Wyndham Prince), reference number (110358), revision (B), dated (21.12.2016), 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
- Overland flow paths
- Traffic facilities
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note: Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

24 [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.	Road Reserve Width	Carriageway Width	Verge Width	Footpath (1.5m wide) Min.	ESA
Rd 1	22.6	12.0	5.8N & 4.8S	2.5N & 1.5S	1x10 ⁶
Rd 6 CH240- CH300	17.25	8.0	5.25N & 4.0S	2.5N & 1.5S	5x10 ⁴
Rd 6 CH320 - CH360	12.7	8.0	4.0N & 0.7S	1.5N & 1.5 along park frontage	5x10 ⁴
Rd 6 CH0-CH240 CH370-CHEND	16.0	8.0	4.0N & 4.0S	1.5 both sides	5x10 ⁴
Rd 16 CH165-END	17.25	8.0	5.25N 4.0S	2.5N & 1.5S	5x10 ⁴
Rd 16 CH0-CH120	16.0	8.0	4.0 both	1.5 both	5x10 ⁴
Rd 16 CH120-CH165	12.7	8.0	4.0S & 0.7N	1.5S & 2.5 along park frontage	5x10 ⁴
Rd 20 CH0-Ch90	12.7	8.0	4.0W & 0.7E	1.5(W) & 2.5 along park frontage	5x10 ⁴
Rd 22	8.0	6.0	1.0 both		5x10 ⁴
Rd 7,14,15,19 Rd 20 CH90- End Rd 12 CH135- CH405	16.0	8.0	4.0 both	1.5both	5x10 ⁴
Rd 12 CH0- CH135	16.0	8.0	4.0W & 5.25E	1.5W & 2.5E	5x10 ⁴
Rd17	16.0	8.0	4.0 E & 0.7 W	1.5E & 1.5 along park frontage	5x10 ⁴

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

25 **K208 - Road Safety Audit**

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

Prior to the issue of the Construction Certificate or Section 138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

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

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 to 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, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. 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.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

27 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

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

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to CC.

28 **K303 - Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

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

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

29 **K403 - Major Filling/ Earthworks**

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

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

30 **K404 - Soil testing - Subdivisions**

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

31 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

32 **K502 - Completion of subdivision works**

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

33 **K504 - Stormwater Compliance**

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

34 **K509 - Linemarking & Signage**

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

Notes:

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

35 [K512 - Street Naming](#)

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

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

Notes:

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

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

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

38 [K515 - Maintenance Bond](#)

Prior to the issue of a Subdivision Certificate, a Maintenance Bond is to be lodged with Penrith City Council for civil works .

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

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

39 **K516 - Subdivision Compliance documentation**

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

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

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

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development 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 **K205 - Construction Certificate for Subdivision Works**

Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved Stormwater Management Strategy prepared by J. Wyndham Prince dated 16 December 2016 issue C; and concept plan/s prepared by J. Wyndham Prince, plan numbers 110358/DA200 - 110358/DA231 revision B dated 21 December 2016 and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, **Penrith Council's** Water Sensitive Urban Design Policy, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

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

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

Note:

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

42 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the commitments made in the Stormwater Management Strategy prepared by J. Wyndham Prince dated 16 December 2016 issue C; and concept plan/s and associated MUSIC modeling lodged for development approval, prepared by J. Wyndham Prince, plan numbers 110358/DA200 - 110358/DA231 revision B dated 21 December 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 a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policies.

43 **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.

44 **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.

45 **K502 - Works as executed – General and Compliance Documentation**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

46 **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.

47 **M008 - Linen Plan**

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

- a) "It is intended to dedicate all new roads to the public as road"; and
- b) "It is intended to create Lot 498 as a residue lot".

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.

48 **M013 - Street trees**

Prior to the issue of a Subdivision Certificate, street trees are to be planted at a rate of one (1) super advanced tree per 10 metre road frontage. Street tree planting is to be undertaken in accordance with the Guidelines for Engineering Works for Subdivisions and Developments and Penrith City Council's Development Control Plan.

Before the street trees are planted, approval of the plant species and location of the street trees are to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Services Unit on 4732 7777.

49 **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.

50 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Werrington Enterprise Living and Learning (WELL) Precinct. Based on the current rates detailed in the accompanying schedule attached to this Notice, contributions **are to be paid to Council prior to a Subdivision Certificate** being issued for that stage of the development (the rates are subject to quarterly reviews). The rates and stages are outlined in the table below. If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Stage	Contribution
2	\$2,070,000
3	\$2,730,000
4	\$2,910,000

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Werrington Enterprise Living and Learning (WELL) Precinct. may be inspected at Council's Civic Centre, 601 High Street, Penrith.

The abovementioned contributions are to be paid **prior to the release of a Subdivision Certificate** unless a Voluntary Planning Agreement which negates the payment of the above contributions.

51 [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.

52 [R113 - Decommission old system](#)

The contents of the existing septic tank are to be removed by a licensed waste contractor and deposited to an approved waste facility. The disconnected tank shall be removed. Documentation of the collection and disposal of waste are to be retained and provided to Council on request.

Special Conditions

53 [A Special \(BLANK\)](#)

Prior to the issue of a Subdivision Certificate, a separate development application is required to be submitted to and approved by Council for the landscape embellishment of the Hilltop Park. The park is required to be completed prior to the release of the final Subdivision Certificate.

54 [A Special \(BLANK\)](#)

Prior to the issue of the Subdivision Certificate, the following shall be registered on the title of the relevant properties at each stage:

- 1) a positive covenant is to be registered against Lots 201, 208, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431 and 432 that refers to the letter report titled "Re: Caddens - Central Bypass Road Traffic Noise - Stages 2-6" prepared by Wilkinson Murray Pty Limited dated 2 November 2016 (Ref. MW 021116 TRAFFIC Ver 2). The covenant is also to:
 - stipulate the noise criteria as outlined in the above report;
 - provide advice on the mechanisms required for each lot to meet the noise criteria, as outlined in Table 3 and Table 4 of the report; and
 - ensure that the noise criteria be achieved through the implementation of the recommendations of the report.
- 2) A restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design). The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.

55 [A Special \(BLANK\)](#)

Prior to commencement of works, any identified wildlife (such as Kangaroos) are to suitably be relocated.

56 [A Special \(BLANK\)](#)

Prior to commencement of works, a public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

57 [A Special \(BLANK\)](#)

Prior to the issue of the final staged Subdivision Certificate, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

58 [D - Mud/Soil](#)

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

59 [D special BLANK](#)

An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to the issue of the Construction Certificate**, the Protocol is to be submitted to Council for approval. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval. The Protocol is to address, but not be limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, rubbish and incinerated rubbish, and soils impacted by on-site sewage management system(s).

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

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

60 **D special BLANK**

Prior to the issue of the Construction Certificate, site remediation works, including asbestos removal works, shall be carried out generally in accordance with the

- "Detailed Contamination Assessment & Remedial Action Plan" (Report No 12486/2-AA) prepared by Geotechnique Pty Ltd and dated 10 October 2011,
 - Document titled "Re: Review of RAP and Remediation requirements - 117 O'Connell Street, Caddens, NSW 2747" prepared by DLA Environmental Services and dated 27 January 2017
- as well as Penrith Development Control Plan, the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPM 2013], the Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia, May 2009, and applicable NSW Environment Protection Authority Guidelines.

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

- Written notification that the site remediation works have been completed is to be submitted **within 30 days of the said works having been completed**.
- A Validation Report, including Asbestos Clearance Certificates, prepared by an appropriately qualified person, is to be submitted **prior to the issue of the Construction Certificate**. The report shall certify that the remediation and asbestos removal works have been carried out in accordance with the documents listed above and shall certify that the entire site is suitable for the proposed residential land use.

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

61 **D special BLANK**

Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.

62 **D Special BLANK**

An appropriately qualified person/s shall:

1. Supervise the remediation and asbestos removal works.
2. Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
3. Address off site impacts and proposed management strategies where relevant.
4. (after completion of works) Certify by way of a Clearance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Clearance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement**.

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

63 **D Special BLANK**

Prior to the issue of the Construction Certificate, a Construction Noise Management Plan is to be prepared and submitted to Council for approval. This Plan is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

64 **D Special BLANK**

All contaminated soil and material and all soil and material impacted by asbestos is to be removed from the site and is to be disposed of off-site at an approved licensed waste management facility. No contaminated or asbestos containing soil or material is permitted to be retained on site.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

The Validation Report and Asbestos Clearance Certificate(s) are to detail the amount, characteristics and classification of waste material disposed of and detail the location of disposal of this material, and are to include copies of receipts and supporting documentation.

65 **D Special BLANK**

Site watering and dust suppression works are to be carried out to ensure no runoff leaves the site. Watering activities associated with asbestos removal and remediation works are to be carried out to ensure they do not cause contamination elsewhere on the site and outside of the asbestos impacted areas.

66 **D Special BLANK**

Upon dewatering of the dams, assessment of the dam sediment and walls is required to be undertaken in accordance with the Detailed Contamination Assessment and Remedial Action Plan (Report No 12486/2-AA) prepared by Geotechnique Pty Ltd and dated 10 October 2011. This assessment is to be undertaken by an appropriately qualified person and the results are to be reported to Council for approval, prior to the issue of the Subdivision Certificate. Should the assessment determine that the dam sediment is not suitable for the proposed residential land use, an addendum to the approved Remedial Action Plan is to be submitted to Council for approval with all remediation and validation works to be carried out prior to the issue of the Subdivision Certificate.

{Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience or access to experience in relevant areas. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

67 **D Special BLANK**

The concrete presentation pad for Lots 401 and 402 is required to be constructed 1m by 4m.

68 **D Special (BLANK)**

Dust suppression techniques are to be employed when earthworks are being undertaken to reduce any potential nuisances to surrounding properties.

69 **K - Waterways - Storm water Management – sediment basin**

The bio-retention basin (for each stage) is to be maintained by the proponent as a sediment basin until 90% of housing construction is completed and retain in the ownership of the proponent. After 90% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed. After completion of the bio-retention basin has occurred, the proponent is to maintain the bio-retention basin for a period of 3 years after which time handover is permitted (see separate conditions relating to handover).

70 **K - Waterways - Vegetated Stormwater Management systems - compliance prior to Council accepting works following maintenance period**

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:

1. 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.
2. The on-maintenance period for all vegetated systems can be considered as on-maintenance once 90% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
3. 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).
4. 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.

71 **K - Waterways - Commissioning and Handover**

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

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

72 **L Special (BLANK)**

Prior to the release of a Subdivision Certificate, a report detailing the soil and ground conditions is to be undertaken upon the completion of cut and fill operations and once benched levels are established. The report is to be submitted to and approved by Council and is to include details on site amelioration, revised design, methods and details for planting and species schedules.

73 **L Special (BLANK)**

Prior to the release of a Construction Certificate, a revised landscape plans is to prepared and submitted to Penrith Council detailing screening vegetation to be incorporated within the proposed lots containing tiered retaining walls.

74 L Special (BLANK)

Upon completion of the bulk earthworks and bench levels have been established for the site, a geotechnical assessment is to be undertaken to determine the soil and ground conditions of the site. A tree report detailing the methodology of how street trees will thrive within the site is to be prepared and reviewed by an independent Arborist. 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.

A copy of the geotechnical assessment, vegetation report and independent arborist review is to be submitted to Penrith Council prior to the commencement of street tree planting.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design Principles

The proposal has considered the site with the proposed subdivision taking into consideration the attributes, topography and characteristics of the site and surrounds. The subject site is not identified as being a key area with scenic and landscape values, however the location and topography of the subject site provides views to the Blue Mountains and surrounds. The application has considered the future built form on lots to be created from the subdivision with regard to solar access, parking and streetscape presentation. The topography/landform, CPTED principles and accessibility have also been considered with the application. In recognising and addressing the abovementioned characteristics of the site, the proposal has considered the requirements of Chapter C1 and is suitable.

C2 Vegetation Management

The application proposes the removal of a substantial number of trees from the subject site which are located within the footprint of the proposed earthworks and subdivision. The vegetation proposed for removal ranges from being dead and requiring removal, to being of low to medium retention value. Replacement vegetation is proposed through planting of native species of street trees. Additionally, the site is identified as being bushfire prone land. The application has sufficiently addressed the requirements of planning for bushfire protection and future dwelling construction will be required to comply with the relevant standards relating to construction on bushfire prone land.

C3 Water Management

The subject site is located within close proximity to Werrington Creek and a number of tributaries from Werrington Creek are within the bounds of the subject site. The application has been referred to Department of Primary Industries - Water who do not require a controlled activity approval or any further assessment of the proposed development. Werrington Creek is located approximately 300 metres to the west of the subject site. The proposed development will not impact on the riparian function of Werrington Creek.

The subject site is not identified as being affected by local overland flow or mainstream flooding. Two detention basins - Basin B and Basin D - are proposed to capture stormwater run off from the development which has a water storage capacity for 1 in 100 year storm events. Council's Development Engineering and Waterways teams have reviewed the application and raise no objections to the proposed stormwater management and Water Sensitive Urban Design strategy.

C4 Land Management

Given the existing topography of the site, substantial earthworks are proposed to ensure the site is suitable for future residential development. Chapter C4 of Penrith DCP 2014 requires earthworks to be addressed in a Statement of Environmental Effects or Geotechnical report. Given the substantial earthworks proposed, a Geotechnical report has been provided and reviewed by Council's Environmental Management team who raises no objection to the proposed earthworks. Up to 8 metres of cut and fill is proposed to the site to achieve suitable road levels and drainage.

Contamination considerations have been addressed through the assessment process, with Lot 11 being identified as potentially contaminated. Additional information was requested to be provided which addressed any contamination concerns to ensure the subject site is suitable for

residential development. Previous consents issued for the residential subdivision of the site (DA11/0796.07) provided conditions of consent which required the site to be "made suitable" for residential development. This was not considered suitable for the proposed development and was required to be addressed through the assessment process. Council's Environmental Management team has reviewed all additional information provided and is satisfied that the Remedial Action Plan for the subject site will ensure the site is suitable for residential development.

C5 Waste Management

Council's Waste Officer has reviewed the proposal and is satisfied that waste collection and storage areas are suitable for the proposed subdivision. Clarification was provided in regards to turning paths and the use of Road 22 for waste collection. Waste collection for Lots 245-250 is to occur on the frontage to Road 12 to ensure truck access is available. Additionally, lots proposed with a frontage of less than 12.5 metres have been requested to be staggered to ensure waste collection can occur.

C6 Landscape Design

In accordance with Chapter C6 of the DCP, the proposed development has given consideration to conserving site soil by reusing fill material on site. Additionally, landscaping for the site incorporates varying species of trees which are of native species and contribute to the , small/medium plantings and ground covers. Standard conditions of consent will be imposed to ensure landscaping is maintained for the life of the development.

C10 Transport Access and Parking

The proposed development involves road and footpath construction in association with the residential subdivision. The subject site is not located on a classified road and is not considered part of a key transport corridor. Provision of pedestrian and bicycle facilities has been catered for and will be provided with the staged subdivision. Future development of the residential lots will be required to comply with Table C10.2: Car Parking Rates in Chapter C10 of Penrith DCP 2014 which outlines the parking requirements for development within the Penrith LGA.

C12 Noise and Vibration

The application includes an acoustic report that predicts the noise levels that will be experienced by the proposed residential lots located along the bypass road and provides details of dwelling construction requirements for noise mitigation. Conditions of consent are recommended for a Restriction as to User to be placed on the title of the property to ensure that future dwellings shall comply with the relevant internal noise criteria.

C13 Infrastructure and Services

The applicant has confirmed that augmentation of services to the site will be required to service each allotment within the subdivision. Conditions of consent are imposed to ensure appropriate services are made available to each lot created prior to the release of the land.

E1 Caddens

The aims of Chapter E1 of Penrith Development Control Plan 2014 are to support the objectives of Penrith Local Environmental Plan 2010 and facilitate the sustainable development of residential, mixed use, retail, open space and conservation areas of the Caddens Release Areas.

The proposed development particularly relates to the provision of residential land for future development in order to meet the burgeoning demand for housing as identified in Sydney's metropolitan strategy, *A plan for growing Sydney*. The proposal also includes the provision of

open space to complement the residential and conservation areas produced from the development of the western precinct of Caddens Release Area.

The following assessment provides a comprehensive overview of the proposed development and demonstrates how the objectives of Chapter E1 are achieved.

1.2 Structure Plan	The proposed development is generally in accordance with the structure plan outlined in Figure E1.2 of Chapter E1 in the DCP. A variation to the location of the Hilltop park and road network is requested which is discussed further in the relevant sections of this chapter.
1.2.2 Character Area Design Principles	<p>Design principles for the precinct include the Caddens Road Interface, Hilltops and the Precinct Centre. Development within the Caddens Road Interface is required to respond to the characteristics of the semi-rural edge and maintain the character of Caddens Road as a rural road. The proposed development incorporates larger lots fronting Caddens Road and therefore complies with this requirement.</p> <p>Development within the Hilltop area of the subject site is required to respond to the topographical constraints, provide views to hilltops and ridges, minimise bulk and scale of dwelling and provide residential amenity including pedestrian and cycle links to public open space. The proposed development incorporates a pedestrian link between the proposed playing fields, Hilltop park and future mixed use/retail precinct.</p>
1.2.3 Dwelling Yield and Diversity	The subject site is located within Precinct B which is required to provide a minimum dwelling yield of 634 residential lots. Adjoining developments to the west of the subject site have provided 172 lots for residential development. The proposed development includes 257 residential lots which provides for a total of 429 lots within Precinct B. It is anticipated the target of 634 dwellings will be met through the development of lots adjoining O'Connell Street to the north. Varying lot sizes will provide opportunities for a diverse range of housing types in accordance with the provisions of the DCP.
1.3 Public Domain	The proposal includes the construction of Collector Road 1 which is the final connection between Cadda Ridge Drive and Caddens Road. A variation to the residential street network is proposed, which establishes a direct and open network that is based on a modified grid system. The variation encourages walking and cycling between areas of open spaces and enhances connectivity between commercial, recreational and open spaces within the precinct. Topography and significant vegetation have been considered, with the road network allowing for the Hilltop park to be maintained and provide views and vistas to

landscape features. No cul-de-sacs are proposed for the development. In considering the above, the proposed variation complies with the principles as outlined in Section 1.3.1 of Chapter E1.

Roads have been designed to accommodate heavy vehicles such as Council's waste collection vehicle and buses. Based on advice received from Council's Traffic Engineering team, the Hilltop Avenue has also been amended which removes the median and proposes a single carriageway and allows for a wider verge to the east. The wider verge now provides a cycle link between the future mixed use/retail precinct to the north, Hilltop park and future playing fields to the south east.

OPEN SPACE

The subject site is not located adjacent to the Werrington Creek riparian corridor, which has undergone rehabilitation and embellishment in accordance with the biodiversity provisions outlined in the DCP.

An item of European Heritage is identified as being located on the subject site. Council's Heritage Consultant has reviewed the proposal and is satisfied that the applicant has sufficiently addressed the heritage significance of the remains. Archival recording is to be undertaken prior to the demolition of the ruins and is required as a condition of consent.

The application has satisfactorily addressed bushfire hazard management, with the NSW Rural Fire Service providing general terms of approval. Water cycle management has also been satisfactorily addressed with Council's Development Engineer and Waterways teams ensuring stormwater detention is provided to reduce post development flows. Water Sensitive Urban Design (WSUD) has been proposed and reviewed and meets the requirements of Council's Water Sensitive Urban Design Policy.

In accordance with State Environmental Planning Policy No. 55 – Remediation of Land, the subject site has been assessed for any contamination. It has been found that existing site features on Lot 11 (located at the north west of the subject site) contained asbestos material. As such, the proposal has been reviewed by Council's Environmental Management team who are satisfied that contamination has satisfactorily been addressed. Conditions of consent are imposed to ensure remediation and validation is undertaken for areas 5-7 prior to works commencing to ensure the site is suitable for residential

	<p>development.</p> <p>A Salinity Assessment of the subject site has been undertaken and has found moderately saline soils located on Lot 754. Lot 754 is proposed for bulk earthworks only and is subject to a future development application being lodged for the embellishment of the site for playing fields and associated facilities and amenities. The recommendations of the Salinity Assessment are to be adopted which includes the establishment of a Soil Management Plan for earthworks on the site.</p>
1.4 Residential Development	<p>The subdivision and neighbourhood design proposed aims to provide a range of lot sizes for various dwelling types and housing opportunities in the future. Street hierarchy and pedestrian connectivity are distinguished through the provision of widened verges and footpaths linking open spaces.</p> <p>The orientation of lots allows for solar access to be achieved for the future residential development of the lots being created. The proposed development incorporates a diverse range of lot types and frontages.</p> <p>Section 1.4.1 requires that all lots proposed that are less than 350m² are required to be accompanied by a restriction that provides for an appropriate built form on the site. All lots proposed that are 350m² or less are accompanied by a building envelope plan and design guidelines which are required to be complied with by any future development application proposing a dwelling on those lots.</p> <p>Development forms, including dwellings that proposed a built to boundary arrangement are proposed on lots where it has been demonstrated that solar access can be achieved to the adjoining property. An 88B restriction for an Easement for access, maintenance and support has been provided for those lots.</p> <p>The remainder of this section relates to detailed design and development controls for dwellings on the lots which will be required to be complied with.</p>