

SWCPP Ref. No.:	2018SWT007
DA No.:	DA18/0678
PROPOSED DEVELOPMENT:	Staged Concept Development Comprising Stage 1 Works involving the Construction of x 51 Seniors Living Villas, Civil Works & Landscaping; and Stage 2 Concept Development for Future Independent Living Units - Lot 3991 DP 1190132, Lot 3990 DP 1190132, 3991 Jordan Springs Boulevard, JORDAN SPRINGS NSW 2747 3990 Jordan Springs Boulevard, JORDAN SPRINGS NSW 2747
APPLICANT:	Lendlease RI Jordan Springs Holding Pty Ltd
REPORT BY:	Jane Hetherington, Acting Principal Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a development application from Lendlease R1 Jordan Springs Holding P/L for a staged concept development comprising Stage 1 works involving the construction of 51 x seniors living villas, civil works and landscaping and Stage 2 Concept Development for Future Independent Living Units.

The land is zoned Urban under the provisions of *Sydney Regional Environmental Plan No. 30 – St Marys*. The proposal is defined as *housing for older people or people with a disability* (type of *housing*) and is a permissible land use in the Urban zone, subject to Council consent.

The application is to be determined by the Sydney Western City Planning Panel as the development has a Capital Investment Value (CIV) over \$30 million.

The proposal is defined as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under the *Water Management Act 2000*, Section 89, 90 & 91 and the *Rural Fire Act 1997*, Section 100B. Accordingly, the application was referred to the Natural Resources Access Regulator (NRAR) and the NSW Rural Fire Service (RFS). Both the NRAR and the NSW RFS have issued General Terms of Approval for the development.

In accordance with Clause 44 of *Sydney Regional Environmental Plan No. 30 - St Marys* the application was referred to the National Park and Wildlife Service on 23 August 2018. A response was received dated 16 November 2018 which included specific requirements which have been incorporated into the conditions of consent.

The development application has been advertised in local newspapers and notified to all adjoining and adjacent property owners and placed on public exhibition from 27 July to 27 August 2018. No submissions were received in response.

Key issues identified for the proposed development include:

Presentation to Jordan Springs Boulevard

The development is located on the southern side of Jordan Spring Boulevard, which is a key entrance road into the Jordan Spring Estate. While the treatment along the northern side of Jordan Springs Boulevard cannot be

replicated due to the reduced road verge width, a condition of consent will ensure that the fencing and landscaping treatment is compatible. In addition, the setbacks and scale of the villas are consistent to the existing residential development to the north of the Boulevard ensuring suitable integration to the established residential character of the estate.

Relationship with Future Apartment Buildings (Stage 2)

Approval is sought for the building envelopes of the future apartments. While the plans indicate that the apartments will be up to 6 storeys, the interface between the lower scale villas is considered adequate given the separation (which is at least 18m) and the nature of the intended landscaping. This has been demonstrated by the perspectives that accompanied the application. It is also noted that the proposed separation distances between the apartment footprints and the villas are greater than or equal to the recommended minimum requirements within the Apartment Design Guideline (ADG). In addition, as the apartments are located along the southern boundary, adjacent to the Regional Park there will be no overshadowing impacts.

Waste Management

The waste infrastructure on-site has not been designed to comply with Council's requirements. Despite this, under the provisions of the *Local Government Act 1993*, Council must levy a charge for domestic waste management services for rateable land. As such, while Council is required to charge for the service, Council's vehicles will not be able to service the development, with the development relying on the services of a private waste contractor. The applicant has agreed to a positive covenant on the title notifying future residents that a fee will be charged in addition to any private contract fees.

An assessment under Section 4.15 & Section 4.22 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval.

Site & Surrounds

Properties of the site

The site is located within the Jordan Springs estate (which forms part of the St Marys Release Area) and is legally described as Lots 3990 and 3991 in DP 1190132. The seniors housing component of the development will be located within Lot 3991 in DP 1190132, which has an area of approximately 3.63 hectares however, the primary access is proposed via Lot 3991.

The site is located on the southern side of Jordan Springs Boulevard approximately 200m east of The Northern Road. The site is irregular in shape and falls about 7m from the northwest to the southeast. The site currently contains a temporary at-grade car park which is accessed via Jordan Springs Boulevard. The western portion of the site is heavily vegetated with vegetation mapped as Shale Plains Woodland.

The site is bound by the Wianamatta Regional Park to the south, an artificial waterbody (dam) to the west and to the north and east of the site is Jordan Springs Estate, comprising residential, commercial and public open spaces. The Jordan Springs Town Centre is located to the immediate north and north-east of the site. Council has recently approved a 31 x lot residential lot subdivision on lot 3991 which the proposed development will share an access point with.

Site constraints

- The site is partly mapped as bushfire prone land.
- The land is subject to a right of carriageway 11.8m wide and variable.
- Vegetation on the site is mapped as Shale Plains Woodland.
- The site is affected by local overland flows.

History

The St Marys Release Area forms part of the former St Marys ADI (Australian Defence Industries) site, with the balance of the site contained in the Blacktown LGA. The St Marys ADI site was endorsed by the NSW Government for inclusion on the Urban Development Program (UDP) in 1993.

On 19 January 2001, Sydney Regional Plan No. 30 - St Marys (SREP 30) was gazetted. SREP 30 rezoned 1,535 hectares of land on the site to permit a range of urban uses and a large area of regional parkland. The overall site comprises six development precincts including the Western Precinct (Jordan Springs), Central Precinct and South Dunheved Precinct in the Penrith LGA and the Eastern Precinct, Ropes Creek Precinct and North Dunheved Precinct in the Blacktown LGA.

On 29 September 2006, the Minister for Planning declared the Western Precinct to be a 'release area' under the provisions of SREP 30. A Precinct Plan for the Western Precinct (WPP) and an accompanying Development Control Strategy (DCS) have subsequently been prepared to guide the future development of the Western Precinct. The WPP and DCS were adopted by Council at its Ordinary Meeting on 23 March 2009. The adopted WPP and DCS, function as Development Control Plan (DCP), are the basis of development assessment for the precinct.

The applicant attended a pre-lodgement meeting with Council officers on 4 February 2018 (PL18/0002). The applicant also attended two meetings with Council's Urban Design Review Panel on 28 March 2018 and 9 May 2018 (UDRP18/0009) which resulted in amendments to the site layout which has improved visual connections to the dam and Regional Park, legibility of the internal road network and provision of landscaped area.

Previous Approvals

On the 21 January 2016 the Sydney West Joint Regional Planning Panel approved DA15/0163 for the Stage 1 Construction of 4 x residential flat buildings (138 Residential Apartments), 1 x Mixed Use Building (Ground Floor Commercial Floor Space and 63 Residential Apartments), Basement Car Parking, Road Construction, Drainage Works, Public Open Space Provision, Landscape Works and Tree Removal at lot 3989 Lakeside Parade & lot 3991 Jordan Springs Boulevard, Jordan Springs. The applicant lodged a modification application on 1 February 2019 with Council to delete aspects of the proposal on lot 3991. This will ensure that the current application subject to this report will not have impediments to the development works under the previous consent. As the overlap of works is removed by virtue of the lodged modification application.

Proposal

The proposed development involves a staged concept development application (proposed under Clause 4.22 of the *Environmental Assessment and Planning Act 1979*) including:

Stage 1

- Construction of 51 x seniors housing villas;
- All villas are attached, single storey and include private open space areas;
- Four villa typologies including V6 (2 bed, 2 bath, single garage), V9 (2 bed, 2 bath, single garage), V13 (2 bed, 2 bath, media room, double garage) & VM (2 bed, 2 bath, media room, double garage, double fronted alfresco);
- 148 car parking space (66 within garages; 66 stacked spaces and 16 visitor spaces);
- Tree/vegetation removal;
- Provision of new intersection and road off Jordan Springs Boulevard (public road) and private internal roads; and
- Associated civil works, earthworks and landscaping.

Stage 2

- Concept development for approximately 150 future independently living units within 3 apartment buildings and communal facilities (subject to future development application).

Plans that apply

- Development Control Plan 2014
- Western Precinct
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

- **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

Under Clause 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the consent authority is a regional planning panel for development that is declared by an environmental planning instrument as regionally significant development. Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, specifies that development that has a capital investment value (CIV) of more than \$30 million is regionally significant development.

In accordance with 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal has a CIV of \$33,165,115.

- **Section 4.15 - Evaluation**

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

- **Section 4.46 - Integrated development**

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

Accordingly, the application was referred to the NSW Department of Industry - Water (DoI - Water) and the NSW Rural Fire Service (RFS) on 28 November 2017.

In response, the NSW RFS issued their General Terms of Approval (GTA) dated 27 September 2018, raising no objection to the proposal subject to conditions.

The Department of Industry - Water (DoI - Water) issued their GTAs dated 25 September 2018, raising no objection to the proposal subject to conditions.

The application was also lodged as Integrated Development requiring approval from the Roads and Maritime Service (RMS) under the *Roads Act 1993*, Section 138. The applicant considered this necessary given works are required to Jordan Springs Boulevard and that Council is not the consent authority (with the development being regionally significant development). However, the RMS have provided correspondence dated 25 July 2018 advising that the development is not integrated under the *Roads Act*.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX scheme which encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

BASIX Certificate No. 936259M was submitted with the Development Application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort. Relevant BASIX commitments have been nominated on the submitted architectural plans ensuring that the DA commitments have been met.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The development is proposed under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)*, which applies to the subject land by virtue of Clause 4(1)(a)(i), as development for the purpose of dwelling houses is permitted within the Urban zone under *Sydney Regional Environmental Plan No. 30 - St Marys*. Pursuant to Clause 16, development for seniors housing under SEPP Seniors may be carried out with consent on any land to which the SEPP applies.

The development is categorised as "self-contained dwellings", more specifically "infill self care housing".

The relevant provisions of SEPP Seniors are address below.

GENERAL CONSIDERATIONS			
DEVELOPMENT STANDARD	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Permissibility	Land zoned primarily for urban purposes or adjacent to urban land.	The site is Urban under the provisions of Sydney Regional Environmental Plan No. 30 - St Marys.	Yes
Site Compatibility Certificate (Clause 24)	Not required for urban zoned (unless a vertical village is proposed)	Vertical village proposed in Stage 2 however, this will be addressed in future DA.	N/A

Location, facilities and support services such as (Clause 26)	Max 400m from public transport that provides a regular service to shops, banks, retail, community services and medical services being no more than 1:14 gradient or as otherwise stipulated within Clause 26(2)	The site is located approximately 200m from the Jordan Springs Town Centre, which provides a variety of shops and services. The site is also located within 400m of a bus stop for bus route 783. The application was accompanied by an Access Report prepared by Accessibility Solutions and dated 3 July 2018. This report confirms that the bus stop is accessed via a sealed pedestrian footpath with a gradient not more than 1:25. Bus route 783 will take residents to the bus stop opposite Westfield Shopping Centre and Penrith Train Station, with multiple services provided each day between 8am to 6pm.	Yes
Water and Sewer (Clause 28)	Housing will be connected to a reticulated water system with adequate waste water disposal.	Services are currently available within the surrounding locality. A condition of consent is recommended requiring a standard condition for obtaining a S73 Certificate has been imposed.	Yes

Site Capability Criteria (Clause 29)	If Clause 24 is not applicable, the consent authority is to consider the requirements within Clause 25(b)(i), (ii) and (v) being natural environment and existing uses in immediate locality, impact of proposed works on future uses of that land (being more than the subject site) and impact of bulk, scale and built form on character of area.	The applicant has demonstrated through accompanying reports and documentation that the development will not have an adverse impact on the surrounding natural environment. The subject site is within close proximity to the Jordan Springs town centre and conditions of consent will ensure that the development is appropriately serviced. Developments in the area are predominantly low density residential, which are of a consistent bulk and scale to the seniors villas. The scale of the apartment buildings will be subject to a future DA however it is noted that a recent approvals have consented to 5-6 storey RFB developments along Lakeside Parade.	Yes
PART 3 - DIVISION 1 - GENERAL DESIGN REQUIREMENTS			
DEVELOPMENT STANDARD	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Analysis (Clause 30)	Site Analysis required by Applicant	The application was accompanied by a site analysis prepared in accordance with Clause 30.	Yes
Design Consideration (Clause 31)	Assessment Against Seniors Living Policy – Urban Design Guideline for Infill Development (DOP March 2004)	The proposal is considered compliant with the relevant provisions within the guidelines.	Yes
PART 3 - DIVISION 2 - DESIGN PRINCIPLES			
DEVELOPMENT STANDARD	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE

Neighbourhood Amenity & Streetscape (Clause 33)	Recognize and response to area character and consider heritage items, maintain reasonable amenity and character through setbacks, height, fencing, planting and retaining walls etc.	The villas maintain a consistent setback to the dwellings on the northern side of Jordan Springs Boulevard. The scale of the villas (being single storey) are consistent to the surrounding residential estate. A condition of consent will ensure that the fencing and landscaping treatment is consistent with that provided along the northern side of Jordan Springs Boulevard.	Yes
Visual & Acoustic Privacy (Clause 34)	Consider location of windows and balconies, use of screening devises, landscaping and noise generation by locating paths, parking and driveways away from new dwellings.	The proposed development has been designed to maintain visual and acoustic privacy within the development. The layout of buildings across the site, design of the buildings themselves and the provision of landscaping will ensure that privacy within the development is maintained. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizes of window openings, screening and location and landscaping. The proposed dwellings have been designed in accordance with the requirements of the Building Code of Australia for sound and impact transmission so that acceptable noise levels between dwellings are achieved.	Yes

Solar Access (Clause 35)	Adequate solar access to living areas and POS of neighbour's and reduce energy use by locating windows of living and dining areas north.	The development site is located within an undeveloped portion of Jordan Springs. As such there are currently no adjoining neighbours. However, given the villas are single storey and surrounded by perimeter roads/driveways, the development is not considered to result in any solar access impacts for future neighbours. The shadow diagrams that accompanies the DA have demonstrated that adequate solar access is provided to the villas living areas and POS areas.	Yes
Stormwater (Clause 36)	Control and minimize storm water runoff and include (where practical) OSD.	The application was accompanied by a Stormwater drainage plan which demonstrated that stormwater could be appropriately managed on the site.	Yes
Crime Prevention (Clause 37)	Ensure passive surveillance and lockable shared entries and see people coming.	The development has been designed in accordance with the key CPTED principles, with the following design features being incorporated: - living areas and private open spaces fronting the proposed internal road; - lighting around the entries into the building and of public areas adjoining the building; and - landscaping to distinguish between public and private spaces.	Yes
Accessibility (Clause 38)	Safe pedestrian links to public transport and facilities and safe and convenient access and parking.	Separate pedestrian paths (1.5m and 1.2m wide) are provided within the development site. These paths are connected to the external footpath network at two locations (one at the main entrance and one on driveway 4) linking the site to the nearby town centre and bus stops.	Yes

Waste Management (Clause 39)	Provide waste facilities that maximize recycling.	The application was accompanied by a Waste Management Plan, prepared by Elephants Foot and dated 7 June 2018. This plan details that residents will be provided with a collection area within their villa and that the communal bin bays will provide for general waste and recycling.	Yes
PART 4 - DIVISION 1 – GENERAL STANDARDS TO BE COMPLIED WITH			
DEVELOPMENT STANDARD	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Site Area * does not apply to social housing provider	Min 1,000m ²	31,400m ² (3.14 hectares) - Once subdivision approved under DA18/0714 has been registered. Lot 3990 currently has an area of 36,330m ² (3.633 hectares).	Yes
Frontage * does not apply to social housing provider	Min 20 metres	146m frontage to Jordan Springs Boulevard.	Yes
Building Height * Rear 25% control does not apply to social housing provider	Height not to exceed 8m metres. Adjacent to boundary must be not more than 2 storeys in height Rear 25% to be single storey.	All villas are single storey with a maximum height of 6.1m.	Yes
PART 7 – DIVISION 1 – GENERAL (CANNOT BE GROUNDS FOR REFUSAL)			
General Consent Restriction	Cannot grant consent if site analysis considerations are not satisfactory.	Satisfactory	Yes
DIVISION 4 – SELF CONTAINED DWELLINGS (CANNOT BE GROUNDS FOR REFUSAL)			
DEVELOPMENT STANDARD	SEPP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Height	8m (max two storeys at rear)	All villas are single storey with a maximum height of 6.1m.	Yes
FSR	0.5:1	0.28:1	Yes
Landscaped Area	A minimum 30% of the area of the site is to be landscaped	31%	Yes
Deep Soil zones	A minimum of 15% of the site	29%	Yes

Solar Access	70% solar access to living areas and POS areas for 3 hrs between 9am and 3pm	The solar access diagrams demonstrate that 90% of the villas received 3 hours of solar access to their POS areas and living rooms.	Yes
POS (Infill)	Single Storey: 15m ² of POS per unit being min 3 x 3 and accessed off living area	All units have in excess of 15m ² . Each is provided with an area of 3m x 3m which is accessible directly off the living areas.	Yes
Parking	Parking – 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.	The proposal includes the construction of 51 x 2 bedroom villas. However, it is noted that 26 villas include a media room that could be used as a third bedroom. When the media rooms are included as bedrooms, the development requires that 64 on-site parking spaces are provided. The proposal complies with this requirement with a total of 148 parking spaces.	Yes
SCHEDULE 3 – SELF CONTAINED DWELLING STANDARD The application was accompanied by Access Review Report prepared by Accessibility Solutions P/L and dated 3 July 2018. This report confirms that the development can comply with the design requirements outlined in Schedule 3. A condition of consent has been included to ensure that the recommendations outlined in this report be incorporated into the construction certificate plans.			

State Environmental Planning Policy No 55—Remediation of Land

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

The Western Precinct was the subject of extensive contamination investigations during the 1990s. The investigation work was undertaken with the full involvement of the EPA and subsequently an independent NSW accredited Site Auditor who produced and issued Site Audit Statement for the entire site (*Stage 2 Decontamination Audit of ADI St Marys Munition Factory*, dated 7 June 1999).

To review the contamination status of the site since the site audit statement was issued, a Supplementary Contamination Assessment prepared by Alliance Geotechnical P/L and dated 20 April 2018 was completed. This assessment found that the contamination status of the broader site was unlikely to have materially changed however, a number of stockpiles of soil were identified towards the western boundary. Soil sampling confirmed that these stockpiles contained contaminants of potential concern and asbestos. These stockpiles were removed from the site in July 2018. A Site Validation Report, prepared by Alliance Geotechnical P/L and dated 17 October 2018 was submitted to assess the potential for contamination to be present following the removal of the stockpiles. It was found that they were adequately removed from the site and that the site is suitable for the proposed land use, subject to the ongoing implementation of the URS 'Contamination Management Plan, Western Precinct Development Phase' dated 7 July 2008, ref: 4321 7287, as recommended in the site audit statement issued for the site.

As such, in accordance with Clause 7(b) of the *SEPP No. 55 - Remediation of Land*, the consent authority can be satisfied that the land will be suitable, after remediation, for the proposed use. This is subject to compliance with the Contamination Management Plan (CMP) for the Western Precinct, prepared on the basis of the relevant Site Audit Statement, which has already been adopted by Council. A condition is recommended to ensure measures to be undertaken are in accordance with the adopted CMP, should contamination and/or explosive ordinance material be uncovered during the proposed works.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

An overarching strategy titled "*St Marys Project Western Precinct Plan - Water, Soils and Infrastructure Report*" prepared by Sinclair Knight Merz and dated 2009 was developed for the entire Jordan Springs Release Area which sets the framework for water management. As the development represents an increase in density of what was previously considered under this report, the application was accompanied by "*Retirement Village Stormwater Management Strategy*" prepared by J. Wyndham Prince and dated June 2018. The aim of this report was to review the proposed development and make comparisons on the footprint, assumptions and principles which were adopted in the overarching strategy. A water quality assessment was included that determined what additional water quality measures are required in order to deliver consistent pollutant management with the original intent. These included the use rainwater tanks on each dwelling, as well as enviropods, a gross pollutant trap and storm filter cartridges. The report concludes that theses measures in conjunction with the regional devices will achieve objectives ensuring the "the combined annual pollutant export from the developed site does not exceed the existing" (SKM, 2009).

Council's Development Engineers and Environmental Waterways Team have reviewed the application and subject to recommended conditions relating to stormwater management and erosion and sediment controls and have no objection to the proposal.

Sydney Regional Environmental Plan No.30 - St Marys

Permissibility

The land is zoned Urban under the provisions of *State Regional Environmental Plan No. 30 – St Marys*. The proposal is defined as *housing for older people or people with a disability* (type of housing) and is a permissible land use in the Urban zone, subject to Council consent.

Aims of REP

The proposal would support the St Marys Environmental Planning Strategy for the sustainable development and management of Jordan Springs and facilitate urban and employment-generating developments that integrate with the surrounding developments to achieve the desirable environmental, social and economic outcomes.

Zone Objectives

The proposal is consistent with the objectives of the zone in relation to:

- The development provides additional residential accommodation within the Jordan Springs estate;
- The subject site is within walking distance to Jordan Springs town centre and therefore within close proximity to public transport and services; and
- It has been demonstrated (through the accompanying documentation) that the development will not have a negative impact on biodiversity or conservation within the Regional Park zone.

Clause	Response
--------	----------

Clause 20 - Development Consent Restrictions	A Precinct Plan for the Western Precinct (WPP) and an accompanying Development Control Strategy (DCS) have been prepared and adopted by Council at its Ordinary Meeting on 23 March 2009 to guide the future development of the Western Precinct. Council in the course of assessment, has taken into consideration the precinct plan and development control strategy for the Western Precinct and is satisfied that the proposal has demonstrated: • consistency with the terms of the planning agreement • the performance objectives and the zone objectives and other requirements prescribed by the REP can be achieved • development control strategies contained in the environmental planning strategy has been considered in the planning and design of the proposal.
Part 5 – Performance Objectives	
Clause 21 – Required outcomes for any development	As outlined below the proposal is consistent with the performance objectives.
Clause 22 – Ecological Sustainable development	The development is consistent with the goals of ecological sustainable development. The application was accompanied by a BASIX certificate demonstrating that the development will be carried out in a sustainable manner. In addition, the development will provide for additional residential accommodation within close proximity to transport and services.
Clause 23 – Air quality	Conditions of consent will ensure that potential air quality impacts of the proposed development are minimised. The development provides additional residential accommodation within close proximity to transport and services and incorporates footpaths to encourage walking.
Clause 24 – Conservation	The application has demonstrated that it will not adversely impact on the vegetation and fauna habitats within the Regional Park.
Clause 25 – Heritage	An Aboriginal Heritage Impact Permit (AHIP) was granted on 13 February 2009 (AHIP No. 1099059) and covers all aboriginal objects identified within the Western Precinct.
Clause 26 – Community Services	The Western Precinct Plan is supported by a Community Plan that details the social infrastructure to be provided throughout the estate.
Clause 27 – Open Space and Recreation	A range of open space and recreational areas and facilities for passive and active recreation is provided within close proximity to the subject site. These will be easily accessible to the future residents.
Clause 28 – Watercycle	The applicant has submitted stormwater concept plans including sediment and erosion control measures with this application. Council's Development Engineer have not raised any objections to the proposal and recommended conditions to be imposed in the consent.
Clause 29 – Soils	The application was supported by a Geotechnical Report prepared by Alliance Geotechnical P/L and dated 30 May 2018. One of the objectives of this report was to obtain the physical properties of the soil. The construction of the slab will be based on the findings of this report.
Clause 30 – Transport	The development comprises of roadworks which will connect to Jordan Springs Boulevard, which has access to public transport and is in close proximity to the Jordan Springs Town Centre. Pedestrian access is provided along the Secret Garden Dam boundary (directly to the west) and around the internal road network.

Clause 31 – Urban Form	The development provides an alternative type of housing within close proximity to services and facilities. Private and public spaces are distinguished by the use of landscaping and fencing. The sites layout has been designed to provide a safe and efficient road network.
Clause 32 – Employment and business development	NA
Clause 33 – Housing	The proposal represents a new form of housing (senior housing) within the Jordan Springs estate. The site is within walking distance to public transport, human services, retail and community and recreation facilities.
Clause 34 – Energy Efficiency	The applicant has submitted a BASIX Certificate incorporating energy, water and thermal comfort commitments. Council is satisfied that the proposal has adopted the principles of energy efficiency and best practice for energy management in the design of the building.
Clause 35 – Waste Management	The application was accompanied by a Waste Management Plan, prepared by Elephants Foot and dated 7 July 2018. This plan covers the ongoing management of waste generated by the development.
Part 7 – Development Controls	
Clause 44 – Consultation with NPWS	In accordance with Clause 44, the application was referred to NPWS on 23 August 2018. A response was received dated 16 November 2018 which included specific requirements which have been incorporated into the conditions of consent.
Clause 45 – Subdivision	NA - Subdivision does not form part of the subject application.
Clause 46 – Development near zone boundaries	NA - The proposal is a permissible land use in the Urban Zone.
Clause 47 – Demolition	NA - Demolition does not form part of the subject application.
Clause 48 - Interim uses	NA
Clause 49 - Land below the PMF level	NA - The probable maximum flood (PMF) level is shown on the structure plan. The subject site is above the PMF level.
Clause 50 - Filling of land	NA - While the proposal includes filling, the site is located above the PMF level.
Clause 51 - Salinity and highly	A salinity assessment has been undertaken as part of the Western Precinct Plan. The recommendations arising from this assessment are recommended to be conditioned to ensure that the key requirements of the SREP are complied with.
Clause 52 - Tree preservation	The proposal includes the removal of trees and vegetation. This issues is further discussed under the likely impacts section of this report under 'Flora and Fauna Impacts'.
Clause 53 - Items of environmental heritage	No items of environmental heritage (as identified in the Heritage Map) are located within the subject site.
Clause 54 - General heritage considerations	No identified heritage items are located on or in the immediate vicinity of the site.

Clause 55 - Conservation of items of environmental heritage	No identified heritage items are located on or in the immediate vicinity of the site.
Clause 56 - Demolition of items environmental heritage	The proposal will not demolish, deface or damage an item of environmental heritage.
Clause 57 - Access	The proposal does not include direct vehicular access to the Northern Road, Palmyra Avenue, Forrestors Road or Ninth Avenue.
Clause 58 - Certain development prohibited	NA
Clause 59 - Retail and commercial development restricted	NA
Clause 60 - Services	Standard condition for obtaining a Section 73 Certificate from Sydney Water and documentary evidence from Integral Energy and telecommunication provider is recommended to ensure services are available to support future developments on the site.
Clause 61 - Subdivision without consent	NA
Clause 62 - Bush fire reduction works	NA

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
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

Western Precinct Plan

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

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

Penrith City Council, St Marys Land Limited and Lend Lease Development entered into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has made provisions for open space, transport, human services and infrastructure works for the Western and Central Precincts of the St Marys Development Site. The subject site is within the site known as "VC Sites" (made up of VC10, VC2, VC3) which has a total dwelling count of 400 dwellings. The development is under this limit and as such, no further contributions are payable.

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

In accordance with Section 143 of the *Environmental Planning and Assessment Regulation 2000*, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application was referred to Council's Building Surveyor for assessment with no objections raised, subject to the recommended conditions.

The proposed development complies with the requirements of the Regulations.

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

Context and Setting

In response to Council's Urban Design Review Panel (UDRP) the development has undergone numerous

design amendment in terms of the internal road layout, location of apartments, villa typologies and configuration. The proposal is now considered to be appropriate in terms of density, scale and built form to the desired future character of the area. In addition, views to the regional park and adjoining dam are maintained due to the road configuration and building separation.

While the details of the future apartment buildings have not been finalised, the application was accompanied by perspectives showing that the relationship of the future apartment (based on a six storey building) and the single storey villas. The separation provided by the internal road network and the proposed landscaping treatment provides an adequate interface between the lower scale villas and the apartment buildings.

The development incorporates high quality design finishes and materials to ensure that the villas are diverse in their appearance and in keeping with the existing residential development within Jordan Springs. The villas are orientated to front the internal road network, providing for casual surveillance.

Access, Traffic and Parking

The application was accompanied by Traffic Impact Assessment (TIA) prepared by Bitzios Consulting and dated 3 July 2018. This report assesses the development in terms of the existing and proposed traffic conditions, traffic generation, access arrangements, new roads, car parking and public transport accessibility.

The Roads and Maritime Service (RMS) Technical Direction 2013/04a (Guide to Traffic Generating Developments - Updated Traffic Surveys) was used to determine the traffic generation rates. Based on this document, it was found that a maximum of 51 vehicles per hour (VPH) would likely be generated in the morning peak period and 112VPH during the afternoon peak period by the ultimate development (which includes the 51 villas, future apartments buildings and adjoining low density residential lots (approved under DA18/0655)). The report concludes that the additional traffic resulting from the proposal will not have any unacceptable traffic implications on the local road network.

The primary access to the seniors villas will be via a new road intersecting Jordan Springs Boulevard east of McGarritys Parade. The existing medium strip will be modified to include a gap allowing all movement manoeuvres onto and from Jordan Springs Boulevard. To improve the safety of the intersection (and in accordance with the recommendations of the Traffic Report) the configuration of the intersection includes an auxiliary right turn on the western approach on Jordan Springs Boulevard. SIDRA analysis has been undertaken which found that the proposed intersection will operate at an optimal Level of Service A during both the AM and PM peak periods. Swept paths have also been provided demonstrating that the intersection will be able to service a 12.5m heavy rigid vehicle.

A secondary access point is provided to the east of the seniors villas located off Lakeside Parade. This access does not provide direct access to the internal circulating roadway of the seniors living for the public, as it is strictly for emergency vehicles only. However, this will provide an alternative access point for the seniors apartments and future aged care facility (subject to separate DA) with the detailed design of the turning circle being considered as part of the future stage 2 development application.

The proposal includes the construction of 51 villas, all of which have an attached garage (15 x double garages & 36 x single garages) which are setback with sufficient space to accommodate a stacked parking space. In addition, a total of 16 visitor spaces (including 2 accessible spaces) are provided throughout the development. As such, the development provides 148 on-site parking spaces. This exceeds the parking required under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Noise Impacts

The application was supported by an Acoustic Assessment prepared by Renzo Tonin & Associates and

dated 27 April 2018. The purpose of the assessment was to determine the effects of external noise intrusion on the proposed development from nearby noise sources (mainly traffic noise from Jordan Springs Boulevard and The Northern Road) and assess the impact of noise emissions from the developments operation on surrounding residential receivers.

To quantify the existing ambient and background noise levels long-term noise surveys were undertaken from 20 March to 29 March 2018. These levels were used to predict noise levels within the proposed residential spaces and assessed against the recommended internal noise criteria for the project. In the absence of specific noise criteria within Penrith Development Control Plan, the noise criteria presented in the *State Environmental Planning Policy (Infrastructure) 2007* was considered the most appropriate for the subject development.

Noise calculations and predictions were conducted using programs developed by Renzo Tonin & Associates that take into account external ambient noise levels, façade transmission loss and room sound absorption characteristics. Noise levels were calculated for each building façade to account for any variation in the external noise levels affecting different parts of the building. The assessment found that the development can comply with the relevant noise criteria, subject to construction requirements being incorporated into buildings. The recommendation of the report have formed a condition of consent.

As the mechanical plant details have not been finalised, the report recommends that a acoustic assessment of mechanical service equipment be undertaken during the detailed design phase to ensure that the noise limits within the EPA's Noise Policy for Industry or Council policies. A condition of consent has been included requiring that this be submitted prior to the issue of a Construction Certificate.

Bushfire Risk

The subject site is partly mapped as bushfire prone land and the proposal (seniors housing) is defined as *special fire protection purpose* development under Section 100B of the *Rural Fires Act 1997*. As such, the application was accompanied by Bushfire Assessment prepared by Peterson Bushfire and dated 22 May 2018. This report details that two asset protection zones (APZs) are required, a 40m one to the south and a 36m one to the west. The APZ to the south is comprised of a stormwater basin within a 25m wide lot, which includes a 4m wide perimeter maintenance road, followed by a 15m building setback (the future apartment buildings). The APZ to the west will comprise of a 36m building setback within the subject land that will feature the entry road into the development. All the required APZ's are all contained within the development lots and do not impact on the surrounding regional park.

The application was referred to the NSW Rural Fire Service (RFS), and a conditional bushfire safety authority was issued. Conditions recommended by the RFS have been applied in the conditions of consent.

Flora and Fauna Impacts

The site is mapped as containing Cumberland Plain Woodland (CPW), a Critically Endangered Ecological Community under State and Federal legislation. The development necessitates the removal of 5.22 hectares of CPW vegetation across the site and adjacent residential subdivision (approved under DA18/0655). This vegetation comprises of 0.87 hectares of regenerating CPW; 2.29 hectares of derived native grassland; and 2.05 hectares of low diversity derived native grassland. To assess the impact of the proposed vegetation removal, the application was accompanied by a Species Impact Statement (SIS) prepared by Cumberland Ecology and dated May 2018. This SIS confirms that the impact of the proposed vegetation removal will be balanced by the major conservation outcome resulting from the creation of the 900 hectare Regional Park. The SIS concludes that the relatively small areas of natural and semi-natural vegetation to be cleared are of minor consequence and that the proposed development will not result in any local populations of threatened species or occurrences of ecological communities becoming extinct.

As the surveys that informed the SIS did not identify the presence of any habitat features across the site, additional surveys were requested to be undertaken. In response, the applicant submitted a Supplementary Fauna Habitat and Vegetation Assessment, prepared by Cumberland Ecology and dated 11 December 2018. The assessment doubles as a pre-clearing assessment and identifies significant habitat features of the subject site. Hollow bearing trees, rock piles, stag trees and log piles (woody debris) were identified across the site. The report recommends that the clearing be undertaken in two stages: the first stage which includes the clearance of vegetation around the habitat trees in order to isolate them; and the second stage the felling of the individual habitat trees. Habitat trees will be agitated prior to felling in order to allow fauna to self-locate. This is to be supervised by a qualified ecologist and undertake capture of any resident fauna. The recommendations within the report have formed a condition of consent.

Both reports have been reviewed by Council's Senior Biodiversity Officer, who raised no objection to this aspect of the proposal, subject to conditions.

Landscaping

The application was supported by a Landscape Concept Plan, prepared by Sprout Landscape Architects and dated 4 October 2018. This plan details the proposed planting across the site which will consist of street trees and mass planting. The application (including this landscape plan) has been reviewed by Council's Landscape Architect who provided the following comments:

- The landscape plan provides a typical garden for the villas. However, given that there are four villa typologies, the landscape plan should be amended to reflect this.
- Additional landscaping should be provided at the four laneway heads (adjacent to Jordan Springs Boulevard) and the main access point, to minimise the visual impact of the car parking area and replicate the landscaping provided on the northern side of Jordan Springs Boulevard.
- The landscape plan indicates a 'future entry statement' along Jordan Springs Boulevard at the north-western corner of the site. Further details are to be provided to Council for review.
- Additional trees should be provided on the internal roads. The landscape plan indicates that the trees are currently 20m apart however, should be closer to 8m.
- The architectural plans plan indicate that 1.8m high metal fence along the northern boundary to screen the private open spaces areas of the residents. This should be amended to be consistent with the fencing along the northern side of Jordan Springs boulevard i.e. masonry bottom with wooden slates on the top.

In addition, given the subject site is located adjacent to the Regional Park, the National Parks and Wildlife Service (NPWS) and Council's Biodiversity Officer have requested amendments to the proposed species within the development site.

A condition of consent is recommended that an amended landscape plan, incorporating the above requirements be submitted to and approved by Council prior to the issue of a Construction Certificate.

Communal Space

While limited communal space is provided within Stage 1 of the development, the applicant has advised that the western building of the seniors apartments (subject to a future DA) will incorporate ground level communal facilities for residents of the villas and apartments. This building will have direct frontage to the Regional Park and will be designed to take advantage of the views of the lake. The communal facilities will include a swimming pool, gym, library, cinema, bar/lounge, cafe/dining and lounge. This provision of the communal space have been confirmed by the Stage 2 plans, which was presented to Council's Urban Design Review Panel on 12 September 2018.

Waste Management

The application was accompanied by a Waste Management Plan (WMP), prepared by Elephants Foot and

dated 7 June 2018, which addresses the operational phases of the development. The plan details that seven (7) communal bins areas are located throughout the development and will each accommodate 2 x 660L general waste bins and 2 x 660L recycling bins. Penrith City Council's waste generation rates were referenced to calculate the total number of bins. The location of the communal bin are easily accessible for the residents, with each resident not having to walk more than 50m to access the bin area. While 660L bins have been utilised the lid has been modified for easy access by residents. The bins will be transferred to the kerbside of the internal roads by management for collection by the private contractor. The applicant has confirmed that this arrangement for waste management has been successfully used in their other seniors development throughout NSW.

Despite this, Clause 496 of the *Local Government Act 1993* specifies that Council must levy a charge for domestic waste management services for rateable land. The design of the waste infrastructure on-site has not been designed to comply with Council's requirements. As such, while Council is required to charge for the service, Council's vehicles will not be able to service the development. Council's Legal Department has reviewed this aspect of the development and have recommended that a positive covenant be placed on the title that requires notification that such a fee will be charged in addition to any private waste contract fees. This recommendation will form a condition of consent.

Social Impacts

The 51 seniors villas, along with the future apartment buildings, will form the Jordan Springs Retirement Village. The development provides additional seniors housing, in a location that is accessible to local shops, community facilities and public transport. The proposal will contribute to housing supply and diversity in the local area, whilst supporting ageing in place.

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

The site is suitable for the following reasons:

- The site is zoned Urban under SREP No. 30 - St Marys and the proposal is a permissible land use;
- The subject site is within close proximity to the Jordan Springs village centre and is well serviced by public transport;
- The use is compatible with surrounding/adjoining land uses;
- The grade of the site is suitable for the design proposed; and
- The site is able to drain to Council's satisfaction.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was advertised in a local newspaper and notified to owners and occupiers of adjoining and nearby properties. A total of twenty-three (23) property owners and occupiers were notified in the surrounding area.

The public exhibition period for the proposal was from 27 July to 27 August 2018. No submissions were received in response.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	Not supported, however conditions provided
Waste Services	Not supported
Traffic Engineer	No objection subject to conditions
Social Planning	No objections

Environmental - Biodiversity

Council's Biodiversity Officer requested an amended landscape plans be provided due to the inappropriate species selection that could be spread to the neighbouring future Regional Park. While it was requested that this be provided prior to determination, a condition of consent is recommended requiring that an amended landscape plan be provided prior to the issue of a construction certificate to ensure this concern is suitably resolved prior to works commencing.

Waste Services

Council's Waste Officer requested amended plans demonstrating that the Council's waste vehicle was able to access the frontage of each villa. However, this is considered unreasonable given that the developer proposes to rely upon a private waste contractor to service the development. The developer has also accepted that Council is required to levy for domestic waste under the provisions of the *Local Government Act 1993* despite not providing the service. It is noted that this is a similar arrangement to other approved seniors housing developments in the Local Government Area.

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

The proposal is considered to be in the public interest as it will provide an increased supply in housing for seniors in a site that is well located in terms of public transport and services.

Conclusion

In assessing this application against the relevant environmental planning policies, being Sydney Regional Plan No. 30 - St Marys and Western Precinct Plan & Development Control Strategy, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA18/0678 for staged concept development comprising Stage 1 works involving the construction of x 51 Seniors Living Villas, Civil Works and Landscaping; and Stage 2 Concept Development for Future Independent Living Units at Lot 3991 & 3990 Jordan Springs Boulevard, Jordan Springs, be approved subject to the following conditions.

CONDITIONS

General

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, the BASIX Certificate No. 936259M and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No	Prepared By	Dated
Site Plan	AND-28405 (Sheet 2) Issue I	JH Architects	27/06/2018
Building Envelope Plan	AND-28405 Issue I	JH Architects	27/06/2018
Floor Plans	AND-28405 (Sheets 3-7) Issue I	JH Architects	27/06/2018
Elevations	AND-28405 (Sheets 8-10) Issue I	JH Architects	27/06/2018
External Colour Schedule, Fencing, Letterbox and Pergola	AND-28405 (Sheet 18) Issue 1	JH Architects	27/06/2018
Stormwater Management Strategy	110487-02	J. Wyndham Prince	14/06/2018
Civil Plans	11048702/ DA101-DA112 (Rev. B)	J. Wyndham Prince	26/10/2018
Waste Management Plan	-	Elephants Foot	07/06/2018

- 2 A copy of the General Terms of Approval (dated 25 September 2018) issued by the NSW Natural Resource Access Regulator under the *Water Management Act 2000* shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 3 This development consent provides for Stage 1 physical works only. A separate development application shall be submitted to Penrith City Council for all works within the approved Stage 2 concept plan which is stamped and approved as part of this consent
- 4 The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

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

- 5 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

6 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

7 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Occupation Certificate. This includes the following:-

a) At the commencement of the building works and in perpetuity, the proposed lot 3991 shall be managed as shown in Figure 4 of the Bushfire Assessment Report dated 22 May 2018 prepared by Peterson Bushfire, as follows:

- North up to the property boundary within the area demarcated for Stage 1 as an Inner Protection Area;
- South for a distance of 40 metres as an Inner Protection Area, which includes 25m width within the drainage basin and 15 width within Lot 3991; and
- West for a distance of 36 metres from the proposed building blocks SV1 to SV5 as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined with Section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

b) A temporary Asset Protection Zone (APZ) of 20 metres is to be provided from the eastern boundary of Stage 1 within the proposed Future Aged Care. APZs associated with the development shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' and shall be extinguished upon commencement of future works within the subject site, but only if the hazard is removed as part of future development.

c) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

d) Public access roads shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

- Road(s) shall be two-wheel drive, all weather roads.
- Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.
- Non perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.
- There is a minimum vertical clearance to a height of 4 metres above the road at all times.
- The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- Public roads 5.5 to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- One way only public access roads are no less than 4 metres wide (kerb to kerb) and provide parking within parking bays located outside the kerb to kerb space. Services are located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- Parking bays are a minimum of 2.6 metres wide from kerb to edge of road pavement. No services are located within the parking bays.
- Roll top kerbing is recommended for all internal roads.

e) To aid in the fire fighting activities, an unobstructed pedestrian access to the rear of the property shall be provided and maintained at all times.

f) The proposed turning circle providing access to the subject site from Lakeside Parade should be constructed as per the provisions of A3.3 'Vehicle turning head requirements' Appendix 3 of Planning for Bushfire Protection Draft 2018.

g) Prior to the issue of a Occupation Certificate, a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' of land shall be placed over the proposed Emergency Access identified in Figure 4.5. Lakeside Parade Site Access of the Traffic Impact Assessment, Project No. P3494 Version 004 dated 3 July 2018 prepared by Bitzios Consulting. The name of the authority empowered to release, vary or modify the instrument shall be Penrith Council.

h) Emergency Access road widths shall comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.

l) A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014 and Australian Standard AS4083- 2010 Planning for Emergencies in Health Care Facilities.

j) New construction for the units within Stage 1 numbered SV1 to SV15 and SV35 to SV51 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

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

9 **Prior to the issue of a Construction Certificate**, the design recommendations of the Accessibility Report, prepared by Accessibility Solutions and dated 3 July 2018 shall be incorporated into the construction plans.

Prior to the issue of an Occupation Certificate, the works shall be certified accordingly by a suitably qualified access consultant.

10 **Prior to the issue of a Construction Certificate**, documentation shall be submitted to, and approved by, the principal certifying authority demonstrating compliance with the requirements of Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

11 In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development can only be occupied by the following people:

(a) seniors or people who have a disability,

(b) people who live within the same household with seniors or people who have a disability,

(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

12 **Prior to the issue of an Occupation Certificate**, a restriction to user and positive covenant shall be registered on the title of the property advising that Council's domestic waste fee will be charged to residents in addition to any private contact fees.

- 13 Based on the recommendations provided by the Office of Environment and Heritage (OEH) in their referral response dated 16 November 2018, the development shall comply with the following:
- **Prior to any works**, adequate fencing is to be installed to capture builders waste and rubbish and to ensure no rubbish enters the Regional Park. The developer must budget for any clean up that may occur due to builder's rubbish entering the park during any phase of the construction.
 - **Prior to any works**, a clearly visible works boundary will need to be installed for the duration of construction. This is to ensure there is no damage to the Regional Park during work on the development site.
 - **Prior to any works**, adequate fencing is to be installed, to ensure that kangaroos and emus from the Regional Park cannot escape into urban areas or the development site.
 - **Prior to the issue of a Construction Certificate**, the design and maintenance of the stormwater inlet at the northern end of the Secret Garden Dam is to be submitted to and approved OEH.
 - **Prior to the issue of a Construction Certificate**, the design of the permanent fencing to be located between the development site and Wianamatta Regional Park is to be submitted to and approved by OEH. This permanent fencing is to be erected **prior to the issue of a Occupation Certificate**.
 - Any works on National Parks and Wildlife Service land need to be quantified and approved by OEH prior to the commencement of any such works.
 - The proposed works shall not affect the integrity of the Secret Garden Dam wall.
 - No asset protection zones (APZ) are permitted to extent into land zoned Regional Park or land to be dedicated as Regional Park without separate approval of OEH.
- 14 In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the kinds of people referred to in subclause (1) of Clause 18. The restriction shall be registered on the land title **prior to the issue of an Occupation Certificate**.

Heritage/Archaeological relics

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

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

Environmental Matters

- 16 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 17 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 18 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 19 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.
- 20 Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in the Acoustic Assessment for Development Application Lot 3991 Jordan Springs Boulevard, Jordan Springs prepared by Renzo Tonin and Associates dated 27th April 2018, reference: TK212-01F04 Acoustic Report for DA - Lot 3991 (r1). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

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

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

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

- 22 No fill material shall be imported to the site until such time as a Validation Certificate(with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

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

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils 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."}

- 23 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction.
- 24 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan (URS 2008 Contamination Management Plan, Western Precinct Development Phase dated 7 July 2008, ref: 4321 7287) and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

- 25 A soil erosion and sediment control plan, prepared in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction" 2004, shall be submitted for consideration and approval with the Construction Certificate application.

(Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication.)

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established.

- 26 All mechanical plant and equipment is to comply with the noise criteria outlined in The Acoustic Assessment for Development application Lot 3991 Jordan Springs Boulevard, Jordan Springs (dated: 27 April 2018, reference: TK212-01F04 Acoustic Report for DA - Lot 3991 (r1).

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

- 27 Prior to the issue of Construction Certificate and disturbance of site, the applicant is to submit a detailed Cumberland Plain Land Snail Management Plan to Penrith City Council for review by the Senior Biodiversity Officer. The plan must be prepared by a qualified ecologist with a demonstrated knowledge of the biology of Cumberland Plain Land Snail *Meridolum corneovirens*. The Cumberland Plain Land Snail Management Plan is to contain the following:

- The plan must be prepared in accordance with the NSW Biodiversity Conservation Act 2016, the NSW Saving our Species program, management: Site-managed species and Office of Environment and Heritage's Policy for the Translocation of Threatened Fauna in NSW (2001).
- Prior to any disturbance to the subject site, a targeted search for Cumberland Plain Land Snail *Meridolum corneovirens*, is to be conducted. Any Cumberland Plain Land Snails found during this process are to be relocated to a nearby site in the Wianamatta Regional Park approved by Council containing Cumberland Plain Woodland with appropriate habitat.
- The plan must include provisions for pre- and during construction activities.

- 28 As per the recommendations in the Pre-Clearance Report, dated the 11 of December 2018, prepared by Cumberland Ecology,
Trees identified for removal are to be agitated first and then lowered to the ground slowly when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches. This replaces the need for pre-clearing hollow survey and inspection. This is to be done under the supervision of a qualified ecologist.
- .Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated. WIRES are to be contacted in the case of any injured fauna.
- 29 All native trees with a trunk DBH (diameter at breast height) greater than 30cm that are scheduled for removal are to be stockpiled and transported for reuse in the following manner in the
- All logs and branches greater than 30cm in diameter are to be trimmed into 2-4m lengths. No foliage material may remain on the logs and branches. Root balls and soil are to be removed.
 - These logs are to be transported, delivered and installed under the guidance of a professional bush regenerator, by the applicant and at the applicants cost, to a site to be determined through the consultation with Katie Littlejohn (Manager, Cumberland Area Greater Sydney Branch) National Parks and Wildlife Service, Office of Environment and Heritage.
 - Three (3) weeks prior to tree felling, the applicant is to contact Katie Littlejohn on 02 4580 2704 or 0419 753 789 or Katie.Littlejohn@environment.nsw.gov.au to arrange a suitable time for logs to be delivered. Exact location of delivery within the Regional Park will be confirmed on contact.
 - Receipts of works are to be retained for council records.

BCA Issues

- 30 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

Utility Services

- 31 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 32 Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 33 **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 an Occupation 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.

Construction

- 34 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 are 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 Occupation Certificate has been issued for the development.

35 Prior to the commencement of construction works:

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

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

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

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

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

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

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

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

The waste management plan shall be prepared in accordance with the Penrith Development Control Plan, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed 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 including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

37 **Prior to the issue of an Occupation Certificate**, clothes drying facilities are to be positioned and screened from public view.

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

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

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

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

Engineering

39 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.

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

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

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

41 **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 lead in 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 any Occupation Certificate.
- 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

- 42 **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 associated road and drainage works to construct a new intersection, including provision of a right turn bay, in Jordan Springs Boulevard at the intersection with Road No 1.

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

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

Note:

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

- 43 **Prior to the issue of any Construction Certificate**, the Principal Certifying Authority and/or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for provision of a stormwater drainage line through the site that is to service the adjoining residential subdivision to the west in Lot 3990 DP 1190132 as approved in development consent DA18/0655.

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) All works associated with the S68 Local Government Act Approval must be completed prior to the issue of any Occupation Certificate.

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

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 11048702, sheets DA101-DA112, revision B, dated 26.10.2018, and that all engineering 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 engineering 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.

The Construction Certificate shall also include full details for construction of the lead in road to service the development (Road No 1).

Note:

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

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

Road No.	ESA
1	5×10^5
3	5×10^4
Driveway No's 1, 2, 3 & 4	5×10^4

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

- 46 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.

- 47 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that all habitable floor levels are located 0.5m above the 1% AEP top water level of the adjoining water body / dam and east-west channel. Full details are to be submitted with the construction certificate for any building works.

- 48 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

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

- 50 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.

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

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

Note:

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

- 52 Works shall not commence until:

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

A Notice of Commencement 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.

- 53 A certificate by a registered surveyor verifying that all habitable floor levels are 0.5m above the 1% AEP top water level of the adjoining water body / dam and east-west channel shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

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

- 55 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.

- 56 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 57 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.
- 58 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

- 59 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.

- 60 Prior to the issue of any Occupation 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.

61 **Prior to the issue of any Occupation Certificate**, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. 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 Drainage Specification for Building Development – Appendix F.

62 **Prior to the issue of any Occupation 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

63 **Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of visitor parking to the satisfaction of the Principal Certifying Authority.

64 **Prior to the issue of an Occupation 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.

- 65 Prior to the issue of an Occupation Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) for Road No 1 is to be lodged with Penrith City Council.

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

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

Note:

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

- 66 Prior to the issue of any Occupation Certificate a Maintenance Bond is to be lodged with Penrith City Council for roadworks in Jordan Springs Boulevard, partial construction of Road No 1 and drainage works to service the residential development to the west.

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

Note:

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

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

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

- 68 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.

- 69 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure the following:

1. The intersection of Jordan Springs Boulevard and Access Road, Access Road with central pedestrian refuge median at Jordan Springs Boulevard and intersection of Access Road and Proposed Residential Village Internal Road is designed to Council requirements.
2. Regulatory signage to be provided in accordance with Local Traffic Committee requirements.
3. Provision of Bus Shelters at existing Bus Stop ID 2747410 and Bus Stop ID 2747379 on the respective northern and southern sides of Jordan Springs Boulevard, west of Lakeside Parade, to Council's requirements.

Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall ensure that the works required by this condition are complete and seek Council's written confirmation that it is satisfied the works have been completed to Council's satisfaction.

- 70 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that 150mm high upright kerb & gutter is provided along the western side of Road No 3 from the intersection of Road No 1 up to Chainage 105. Full details are to be submitted with the construction certificate.

- 71 Prior to the commencement of any internal roadworks, the proposed drainage pipeline to be located within a drainage easement servicing the residential subdivision to the west, is to be constructed to the satisfaction of Penrith City Council.

- 72 **Prior to the issue of any Occupation Certificate**, the lead in road (Road No 1) to service the development is to be constructed to the satisfaction of Penrith City Council and dedicated as a public road.

Landscaping

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

Landscaping shall be maintained:

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

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

- 74 The approved landscaping for the site must be constructed by a suitably experienced and qualified landscape professional.
- 75 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

- 76 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use,
 - AS 4454 Composts, Soil Conditioners and Mulches, and
 - AS 4373 Pruning of Amenity Trees.
- 77 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

- 78 **Prior to the issue of a Construction Certificate**, an amended landscape plan is to be submitted to and approved by Council. The amended landscape plan is to incorporate the following:
- a) Additional villa garden typologies correlating to the various villa typologies.
 - b) Additional landscaping the four laneway heads (adjacent to Jordan Springs Boulevard). The landscaping treatment should replicate the landscaping provided on the northern side of Jordan Springs Boulevard.
 - c) Additional landscaping adjacent to the main access point, to minimise the visual impact of the car parking area.
 - d) Additional trees should be provided on the internal roads, approximately 8m apart.
 - e) Amended species to provide a greater number and diversity of species native to the Cumberland Plain.
 - f) *Lophostemon confertus* (Brush Box) to be removed and *Melaleuca amplifolia* to be replaced with *Eucalyptus amplifolia*.
- 79 **Prior to the issue of a Construction Certificate**, details of the 'future entry statement' along Jordan Springs Boulevard at the north-western corner of the site are to be submitted to and approved by Council.
- 80 **Prior to the issue of a Construction Certificate**, details of the fencing along the northern boundary is to be submitted to and approved by Council. The private open space fencing adjacent to Jordan Springs Boulevard is to be consistent with the fencing provided along the northern side of Jordan Springs Boulevard i.e. masonry bottom with wooden slates at the top.

Certification

- 81 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

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

- 82 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Western Precinct

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

4.3 Future Character Areas

The subject site is located within the Village Centre Character Area and as nominated by the Jordan Springs Village Centre Concept Plan is identified for residential development. In accordance, with these documents the proposal represents an alternative form of residential development that is otherwise not present in the estate. The development proposal complies with these documents in terms of scale, density and built form.