

SWCPP Ref. No.:	PPSSWC-375
DA No.:	DA23/0955
PROPOSED DEVELOPMENT:	Staged Torrens Title Subdivision into 205 Residential Lots, 5 Rural-Residential Lots, 7 Super Lots, 5 Residue Lots & Public Roads including Demolition Works, Land Remediation, Bulk Earthworks, Road Works, Stormwater Management Works & Public Domain Landscaping (Stages 1 & 2, Glenmore Park Stage 3)
PROPERTY ADDRESS:	87 - 99 Chain-O-Ponds Road, MULGOA NSW 2745 71 - 85 Chain-O-Ponds Road, MULGOA NSW 2745 55 - 69 Chain-O-Ponds Road, MULGOA NSW 2745 35 - 53 Chain-O-Ponds Road, MULGOA NSW 2745 2295 The Northern Road, MULGOA NSW 2745 2289 - 2293 The Northern Road, MULGOA NSW 2745 2285 The Northern Road, MULGOA NSW 2745 2277 - 2283 The Northern Road, MULGOA NSW 2745 2337 - 2339 The Northern Road, MULGOA NSW 2745 2 a Chain-O-Ponds Road, MULGOA NSW 2745 2337 - 2339 The Northern Road, MULGOA NSW 2745 2337 - 2339 The Northern Road, MULGOA NSW 2745 2337 - 2339 The Northern Road, MULGOA NSW 2745 2265 The Northern Road, MULGOA NSW 2745
PROPERTY DESCRIPTION:	Lot 27 DP 244610, Lot 28 DP 244610, Lot 29 DP 244610, Lot 30 DP 244610, Lot 2 DP 29081, Lot 3 DP 29081, Lot 4 DP 29081, Lot 5 DP 29081, Lot 5 DP 1240361, Lot 2 DP 1240361, Lot 6 DP 1240361, Lot 7 DP 1240361, Lot 3 DP 1240361, Lot 1 DP 29081,
CLASS OF BUILDING:	N/A
ASSESSING OFFICER	Jacqueline Klincke
APPLICANT:	Mirvac Homes (Nsw) Pty Ltd
DATE RECEIVED:	31 October 2023
REPORT BY:	Jacqueline Klincke, Senior Development Assessment Planner, Penrith City Council
RECOMMENDATIONS:	Approve

Assessment Report

Executive Summary

Council is in receipt of a development application from Mirvac Homes (NSW) Pty Ltd (the Applicant) for the demolition of existing structures, bulk earthworks across Stages 1 and 2 of Mirvac's site in Glenmore Park Stage 3, as well as remediation works, construction and delivery of roads, riparian corridor rehabilitation and regeneration works, public domain and open space improvements, landscaping and street tree planting, construction and delivery of stormwater management infrastructure, and the subdivision of land to create 210 residential lots (Stage 1 only).

The Site

The site comprises of Stages 1 and 2 of the 'Mircvac site' located within the Glenmore Park Stage 3 (GP3) urban

release area. The broader GP3 precinct was rezoned in June 2023 for urban residential release purposes as part of an approved Planning Proposal, and includes the provision of roads, local open spaces, an educational establishment, local centre and associated services, community facilities, and stormwater infrastructure, and acts as an extension to the existing Glenmore Park Stage 2 release area. The rezoning resulted in an amendment to the *Penrith Local Environmental Plan 2010* (PLEP 2010), and changes to the *Penrith Development Control Plan 2014* (PDCP 2014) to include a site-specific chapter (Chapter E7, Part C - Glenmore Park Stage 3) and Structure Plan, to facilitate the development of the precinct.

It is also noted the precinct-wide Glenmore Park Stage 3 Water Cycle Management Strategy was endorsed by Council's City Planning Department in May 2025, noting the Strategy is to replace the Water Cycle Management Strategy that is currently referenced in Chapter E7, Part C of Penrith DCP (Glenmore Park Extension Planning Proposal Water Cycle Management Strategy Report prepared by J. Wyndham Prince, April 2023). A PDCP 2014 amendment to this effect is currently underway, noting public exhibition concluded in June 2025.

The development site is located in the south-eastern corner of GP3, and is subject to a zoning mix of R2 - Low Density Residential, R3 - Medium Density Residential, RE1 - Public Recreation, C2 - Environmental Conservation, and C4 - Environmental Living under the PLEP 2010. As detailed within this Report, the proposed subdivision and works (including earthworks, roads, rehabilitation and revegetation works, embellishment works, and construction of stormwater infrastructure) are permissible and achieve the objectives of the relevant zone in which they are located. Further, the site is mapped entirely as bushfire prone land, contains biodiversity values, is mapped as Certified - Urban Capable Land and Avoided Land under the Cumberland Plain Conservation Plan (CPCP), is subject to overland flow flooding, and contains several mapped natural watercourses.

It should be noted that whilst the proposed bulk earthworks are proposed for Stages 1 and 2, the development only seeks residential subdivision and civil works (including road construction and delivery) for Stage 1. A separate development application (i.e. development application no. DA25/0408) has been lodged by the Applicant, seeking consent for residential subdivision and associated civil works for Stage 2, which is currently under assessment.

Planning Agreement and Development Contributions

The Section 7.11 Development Contributions Plan for Glenmore Park Stage 3 was adopted at Council's Ordinary Meeting on 26 May 2025, and came into effect on 4 June 2025. Notwithstanding this, the Applicant has submitted a Letter of Offer to enter into a Voluntary Planning Agreement (VPA) for Stages 1 and 2 of GP3 (Mirvac's site). Council's City Planning Department has been involved in negotiations, noting the Letter of Offer has now been accepted, with staff issuing correspondence to this effect to the Applicant on 1 July 2025, and final processes in regards to the Planning Agreement are currently underway. The proposed development under this application is consistent with the accepted Letter of Offer.

As satisfactory arrangements have been made, the provisions of Clause 6.3A of the PLEP 2010 no longer apply to the development (under sub-clause 1A) and concurrence is not required from the Planning Secretary. Further, the VPA will exclude the proposed development from any Section 7.11 development contributions. However, a condition of consent is recommended requiring the payment of development contributions, should the VPA not proceed.

Key Assessment Matters

Key issues identified during the assessment of the proposal include:

- Absence of any relevant infrastructure development contributions plan and/or planning agreement applicable to the site,
- Failure to satisfy the provisions of Clause 6.3A - Concurrence of Planning Secretary, of the PLEP 2010,
- Failure to satisfy Clause 7.16A(5) - Glenmore Park Stage 3, of the PLEP 2010 (i.e. integrated housing development on R3 zoned land),

- Dual zoning and minimum lot sizes for several residential lots,
- Inconsistency with the GP3 Structure Plan within Chapter E7 of the PDCP 2014, including reconfiguration and orientation of street blocks, future development potential of R3 zoned land, and omission of Linear Park 4 with associated active transport link;
- Inappropriate embellishment of Linear Park 1,
- Unsuitable driveway access and arrangement for several proposed lots,
- Inadequate solar access provided to several lots due to orientation and future overshadowing impacts,
- Inadequate details provided in regards to flooding impacts,
- Inadequate details provided regarding stormwater management infrastructure, design and water sensitive urban design principles, noting a precinct-wide Water Cycle Management Strategy for the broader area of GP3 had not been endorsed at the time of lodgement,
- Inadequate street tree design and strategy,
- Incomplete traffic modelling and provision (lack thereof) of bus stops,
- Inadequate detail regarding noise impacts,
- Incomplete information regarding contamination and remediation works,
- Inadequate and incomplete information regarding impacts on biodiversity, including unsatisfactory Biodiversity Development Assessment Report, Cumberland Plain Conservation Plan assessment, Watercourse and Riparian Assessment, Dam Dewatering Assessment, and Vegetation Management Plan,
- Unsuitable design and provision of community infrastructure proposed within public open spaces to be dedicated to Council, and
- Discrepancies on plans inhibiting the ability to complete a full assessment, particularly in regards to proposed earthworks.

The Applicant was advised of these issues and subsequently submitted additional information, and the application was amended on several occasions responding to the key issues of concern. Subsequently, the matters outlined above have now been satisfactorily addressed, and no further outstanding items remain. Further assessment and discussion of these matters (including their resolution) is provided within the body and appendix of this Report.

Sydney Western City Planning Panel

The proposal is defined as '*regionally significant development*' pursuant to Section 2.19 and Schedule 6(2) of the *State Environmental Planning Policy (Planning Systems) 2021*, as the estimated development cost exceeds \$30 million (i.e. \$48,130,067 exc. GST). In this regard, in accordance with Section 2.4 of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel (SWCPP) is the consent authority.

The application was briefed to the SWCPP on 29 January 2024 and matters raised by the Panel for further consideration for the assessment of the application included:

- *Transport for NSW's referral response raising concerns with the adequacy of Chain-O-Ponds Road to cater for future demands of the additional 1,250 residential lots utilising the intersection of Chain-O-Ponds Road and The Northern Road post-development; potential queuing and congestion at the intersection of The Northern Road/Chain-O-Ponds Road and potential provision of dual right turn lanes in the future; and overall design of Chain-O-Ponds Road to be designed with two traffic lanes in each direction from The Northern Road.*

Assessment Response: The Applicant submitted a detailed response and additional traffic modelling in response to the concerns raised by Transport for NSW (TfNSW). The response noted that the existing Chain-O-Ponds Road and The Northern Road intersection can sufficiently accommodate traffic volumes associated with the on-going development of GP3 until 2036 (i.e. operate satisfactorily at LoS B). Traffic modelling was submitted with the Planning Proposal confirming that intersection and road upgrades may be required to accommodate all 1,250 lots post-2036. Therefore, an ultimate intersection was designed as part of the Planning Proposal approval. However, this is not required for the Stage 1 development proposed under this application due to its low traffic

generation. An intersection upgrade will be necessitated as the development and subdivision of GP3 progresses into the future, and will be coordinated by the land developers, Council, and TfNSW.

Further, the cross-section of Chain-O-Ponds Road has been designed to provide and align with the ultimate road reserve width to allow for the future upgrade of the intersection and Chain-O-Ponds Road. Council's Traffic Engineer and Development Engineer reviewed this information, raising no objections, noting The Northern Road and Chain-O-Ponds Road intersection and Chain-O-Ponds Road will be upgraded as part of future subdivision stages and the road cross-section and design complies with the PDCP 2014. This information is therefore considered to appropriately respond to and address TfNSW's referral advice.

- *Potential requirement for Commonwealth approval due to vegetation impacts within conservation plan.*

Assessment Response: On 26 March 2024, the Commonwealth Government approved all actions associated with the Western Sydney strategic assessment, including urban development in the Growth Areas to occur within Certified - Urban Capable Land without the requirement of an assessment. In this regard, a referral is not required to the Commonwealth Government. Any impacts to the Avoided Lands assessed under the submitted Biodiversity Development Assessment Report (BDAR) can be appropriately offset and/or mitigated through applying and adhering to the recommendations outlined within the BDAR and Vegetation Management Plan. Council's Ecologist reviewed the submitted (and amended) information and raised no objections, subject to conditions of consent.

- *Extent of contamination and proposed remediation and proposed certification measures.*

Assessment Response: The submitted Stage 1 Preliminary Site Investigation identified seven (7) potential areas of environmental concern across the site, but were assessed to be low risk to the proposed development. The areas of potential environmental concern included on-site structures, building footprints and hardstand areas, dams and waterways, waste storage areas, septic systems, vehicle storage areas, and fill material. In light of this, a Stage 2 Detailed Site Investigation was undertaken which found two (2) small localised areas to be impacted by small quantities of non-friable asbestos fibre cement fragments, one (1) localised area containing elevated concentrations of benzo(a)pyrene, one (1) localised area containing stockpiles of unknown quality and origin, and additional areas that were not accessible at the time of assessment. A Remediation Action Plan was subsequently prepared outlining the proposed remediation strategies to address the identified contamination, including a sequence of works for demolition and remediation, backfilling requirements, and an unexpected finds protocol.

Further, a Dam Dewatering Assessment accompanied the application confirming that whilst there is a concentration of identified contaminants in dam sediments, this is considered unlikely to present an unacceptable risk. However, there are elevated levels of pathogenic bacteria (including E.Coli) and therefore, the Assessment recommended that following dam dewatering, sediments are to be excavated and further retested after seven (7) days of full sunlight to ensure pathogens have been successfully removed. Council's Environmental Management Team reviewed the information and raised no objections, subject to conditions of consent.

- *Clarification on whether public access will be provided to the environmental corridor throughout the site.*

Assessment Response: Access will be permitted within the environmental corridor through the site, noting that as part of the Planning Proposal, the intent of development in and around the riparian corridor (i.e. Linear Park 1 and District Park 2) was to provide low-impact passive recreation. In this regard, in conjunction with the proposed rehabilitation and revegetation works within the corridor, embellishment works include the provision of footpaths, footbridges, viewing platforms, bench seats, bike racks and picnic areas (around the outer edge). To restrict access and direct the public to appropriate entry points to the riparian corridor, fencing (i.e. bollards linked with chain or rope) will be installed around the perimeter. Further, signage will be installed at all public access points and will advise that the vegetation within the bushland is protected, and that activities such as firewood collection,

rubbish dumping, and the picking of native vegetation is prohibited, and that all dogs must be leashed.

The application was briefed to the SWCPP for a second time on 11 November 2024 at which a status update of the assessment of the development application was provided to the Panel by both Council and the Applicant. The Panel was informed that whilst significant merit considerations including ecological impact, contamination and water management issues were largely resolved, relevant infrastructure planning (by way of either the adoption of a Development Contributions Plan and/or the execution of a Voluntary Planning Agreement) were still not resolved and that development consent could not be granted until satisfactory arrangements were made.

As stated above, the Applicant's Letter of Offer was accepted by Council's City Planning Department on 1 July 2025, with final processes regarding the Planning Agreement currently underway. The proposed development is consistent with the accepted Letter of Offer, and therefore the application can now be determined.

Integrated Development

The proposed development is nominated as *integrated development* by virtue of Section 4.46 of the *Environmental Planning and Assessment Act 1979* under the following legislation:

Rural Fires Act 1997

The proposal seeks to subdivide bush fire prone land for residential purposes. In this regard, the proposal requires a Bush Fire Safety Authority from the NSW Rural Fire Service under the provisions of Section 100B of the *Rural Fires Act 1997*. The NSW Rural Fire Service granted General Terms of Approval, dated 19 August 2024, subject to conditions, including a requirement for creation of a restriction on title on the relevant land for the purposes of a temporary asset protection zone. Conditions of consent have been recommended in this regard.

Water Management Act 2000

The proposed development includes works within 40m of several mapped watercourses, and as such it requires a Controlled Activity Approval under Section 91 of the *Water Management Act 2000*. The Department of Planning and Environment - Water provided General Terms of Approval, dated 8 April 2024, subject to conditions. Conditions of consent have been recommended in this regard.

Fisheries Management Act 1994

The site contains a mapped Key Fish Habitat that occurs along an existing watercourse. The proposed development includes works within and immediately adjacent to this watercourse and therefore, under Section 201 of the *Fisheries Management Act 1994*, the proposed development requires a permit to conduct dredging and/or reclamation works on waterfront land. The application was therefore referred to the Department of Primary Industries (Fisheries) who granted General Terms of Approval on 30 November 2023, subject to conditions. Conditions of consent have been recommended in this regard.

National Parks and Wildlife Act 1974

The application was accompanied by an Aboriginal Cultural Heritage Assessment Report which confirmed the proposed development will directly impact six (6) Aboriginal sites, resulting in total harm and loss of value by way of earthworks, construction of roads, construction activities within the riparian corridor, and reshaping of the existing creek/watercourse. In this regard, in accordance with Section 90 of the *National Parks and Wildlife Act 1974*, the proposed development will require an Aboriginal Heritage Impact Permit (AHIP) to be issued by Heritage NSW. General Terms of Approval were provided by Heritage NSW, subject to conditions. Conditions of consent have been recommended in this regard.

External Referrals

The development application was referred to the following external agencies:

Transport for NSW

Under Section 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the proposal

is classified as 'traffic-generating development', as more than 200 allotments are proposed and it includes the opening of a public road (as prescribed in Schedule 3 of the Policy). The application was referred to TfNSW who raised concerns regarding:

- The adequacy of Chain-O-Ponds Road to cater for the future demands of Glenmore Park Stage 3, and
- The potential for "future proofing" the width of Chain-O-Ponds Road to accommodate two travel lanes in each direction (if required in the future) without requiring extensive road widening works, or reduction in travel lane width.

As previously discussed above, additional information, including additional traffic modelling, was provided which is considered to appropriately address the matters raised by TfNSW, also noting that Council's Traffic Engineer and Development Engineer reviewed this information, raising no objections, noting The Northern Road and Chain-O-Ponds intersection and Chain-O-Ponds Road will be upgraded as part of future subdivision stages and the road cross-section and design complies with the PDGP 2014.

The application was subsequently re-referred to TfNSW who provided a final response on 9 August 2024 advising that the proposal is not considered a 'traffic-generating development' as it is greater than 90m from a classified road, and proposes less than **300 lots** [emphasis added] and therefore Section 2.122 of the Transport and Infrastructure SEPP does not apply, thereby not warranting concurrence. It is unclear as to where TfNSW has derived the 300 lot threshold, noting that Schedule 3 defines development resulting in **200 or more lots** as traffic generating development. Regardless, Council has fulfilled its obligation by referring the application to TfNSW for assessment and its comments have formed part of the assessment of the proposal.

Sydney Water

The application was referred to Sydney Water under Section 78 of the *Sydney Water Act 1994* to notify the agency of the proposed development given its potential to increase the demand for water supply, and the proposed wastewater and sewage infrastructure delivery. A response was received from Sydney Water on 1 December 2023, confirming the provision of services to the precinct will align with the development timing, and that continued discussions (including future Section 73 application approvals) will be undertaken between the proponent and Sydney Water on the asset planning and delivery to facilitate the proposed development (and future subsequent stages). Sydney Water raised no objections, subject to conditions.

Internal Referrals

The development application was referred to Council's internal Development Engineering, Landscape Architect, Environmental Management, Waterways, Biodiversity, Waste Services, Traffic Engineering, Tree Management, City Assets, and City Planning teams for review and assessment of the proposal (as amended). All teams raised no objections to the proposed development, subject to conditions.

Submissions

In accordance with Council's Community Engagement Strategy and Community Participation Plan 2022-26, the development application was notified to surrounding properties with an exhibition period from 13 November to 13 December 2023. The application was also advertised in the local newspaper, being the Western Weekender. One (1) submission was received in response objecting to the proposal. The relevant planning matters raised in the submission are summarised below:

- The extent of proposed works within the mapped 'Avoided Lands' area and impact on local biodiversity, including the installation of detention basins, realignment of water courses, tree removal, construction of roads, and the installation of footpaths and picnic areas.
- Inaccurate species lists provided within the submitted Biodiversity Development Assessment Report, including the omission of Swift Parrots.
- Loss of natural watercourses, including the dewatering of dams and impact on local biodiversity and aquatic species.

- Concerns regarding biodiversity offsets.
- Potential for the construction of illegal bike tracks and jumps, off-lease dog walking, illegal dumping, arson and theft of wildlife within the nature reserve and impact on local biodiversity.
- Traffic impacts on Mulgoa Road and The Northern Road.
- Concerns regarding vehicle headlight and illumination of dwellings and impact on local fauna.
- Request to educate future residents regarding environmental protection.
- Potential future redevelopment of land south of Chain-O-Ponds Road.

These matters have been considered and formed part of the assessment of the proposal, and have been addressed throughout this Report.

An assessment of the proposed development under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions of consent.

Site & Surrounds

The subject site incorporates the following parcels of land:

- Lot 27 DP 244610; 87-99 Chain-O-Ponds Road, Mulgoa NSW 2745,
- Lot 28 DP 244610; 71-85 Chain-O-Ponds Road, Mulgoa NSW 2745,
- Lot 29 DP 244610; 55 Chain-O-Ponds Road, Mulgoa NSW 2745,
- Lot 30 DP 244610; 35-53 Chain-O-Ponds Road, Mulgoa NSW 2745,
- Lot 2 DP 1240361; 2337 The Northern Road, Mulgoa NSW 2745,
- Lot 3 DP 1240361; 2265 The Northern Road, Mulgoa NSW 2745
- Lot 5 DP 1240361; 2265 The Northern Road, Mulgoa NSW 2745,
- Lot 6 DP 1240361; 2265 The Northern Road, Mulgoa NSW 2745,
- Lot 7 DP 1240361; 2265 The Northern Road, Mulgoa NSW 2745,
- Lot 1 DP 29081; 2277-2283 The Northern Road, Mulgoa NSW 2745,
- Lot 2 DP 29081; 2285 The Northern Road, Mulgoa NSW 2745,
- Lot 3 DP 29081; 2287 The Northern Road, Mulgoa NSW 2745,
- Lot 4 DP 29081; 2289-2293 The Northern Road, Mulgoa NSW 2745, and
- Lot 5 DP 29081; 2295 The Northern Road, Mulgoa NSW 2745.

The development site contains a frontage to Chain-O-Ponds Road (a rural-collector road) and is located approximately 340m west of the signalised intersection of Chain-O-Ponds Road and The Northern Road (state classified road). The site naturally slopes in a north-westerly direction by approximately 30m and contains a number of mapped watercourses, biodiversity certified land and Cumberland Plain Woodland, is flood prone due to the main east-west tributary, and is entirely bushfire prone land. The site comprises of existing rural-residential development that is characterised by dwelling houses, outbuildings, dams and natural watercourses, and native vegetation, also noting some properties have previously been used as small-scale farmland and market garden activities.

The site comprises of Stages 1 and 2 of the 'Mirvac Site' within GP3, which was recently rezoned in June 2023 following a Planning Proposal for the extension of the existing Glenmore Park 2 release area. The Applicant has submitted a Letter of Offer to enter into a Planning Agreement which relates to both Stages 1 and 2 of GP3 (Mirvac's Site) which has been accepted by Council staff.

An aerial photo of the site that forms Stage 1 (shaded in yellow) and Stage 2 bulk earthworks only (shaded in blue) within the Mirvac Site (outlined in red) of GP3, is provided below:

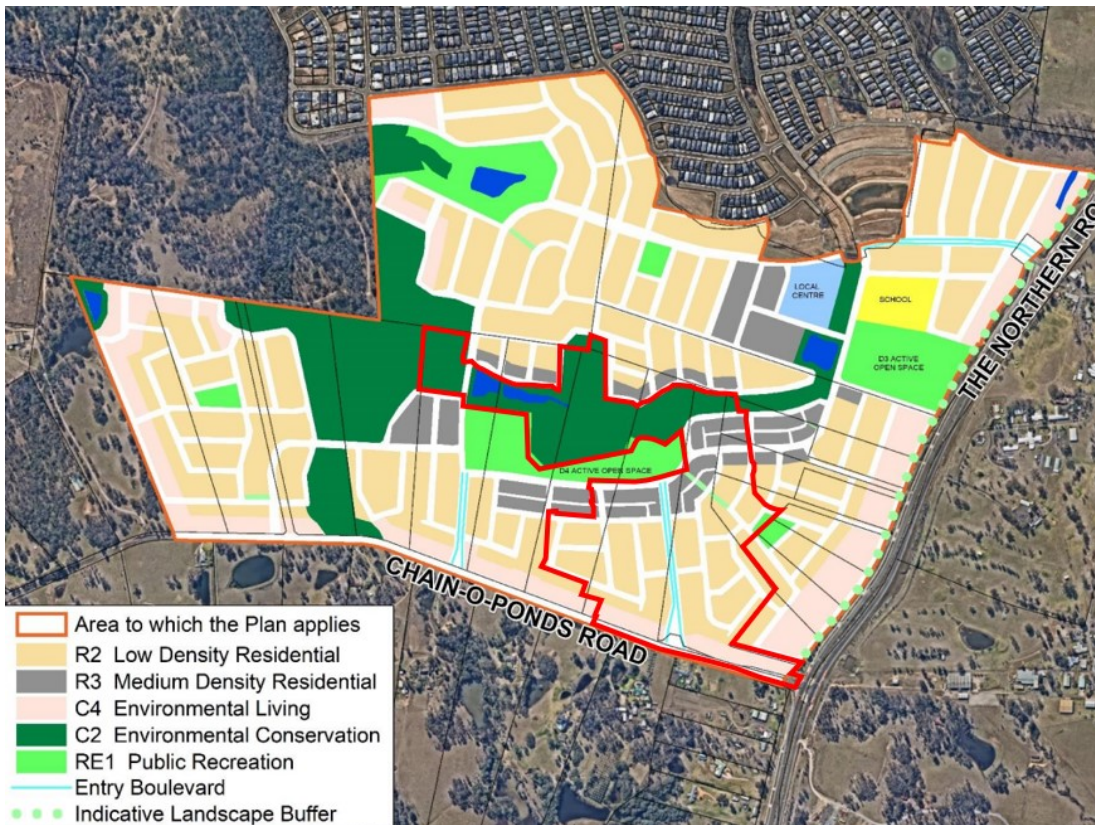


Figure 2. Glenmore Park Structure Plan, with Stage 1 highlighted in red.

Source: Chapter E7 Part C of the Penrith Development Control Plan 2014.

It is noted the Applicant has lodged a development application for the residential subdivision and associated civil works for 'Stage 2' (DA25/0408) which is currently under assessment.

Proposal

The application, as amended, proposes the demolition of existing structures, bulk earthworks across Stages 1 and 2 of Mirvac's Site of Glenmore Park Stage 3, as well as remediation works, construction and delivery of roads, riparian corridor regeneration works, public domain and open space improvements, landscaping and street tree planting, construction and delivery of stormwater management infrastructure, and the subdivision of land to create 210 residential lots (Stage 1 only).

The Site Plan of the proposed development is depicted in Figure 3 below:

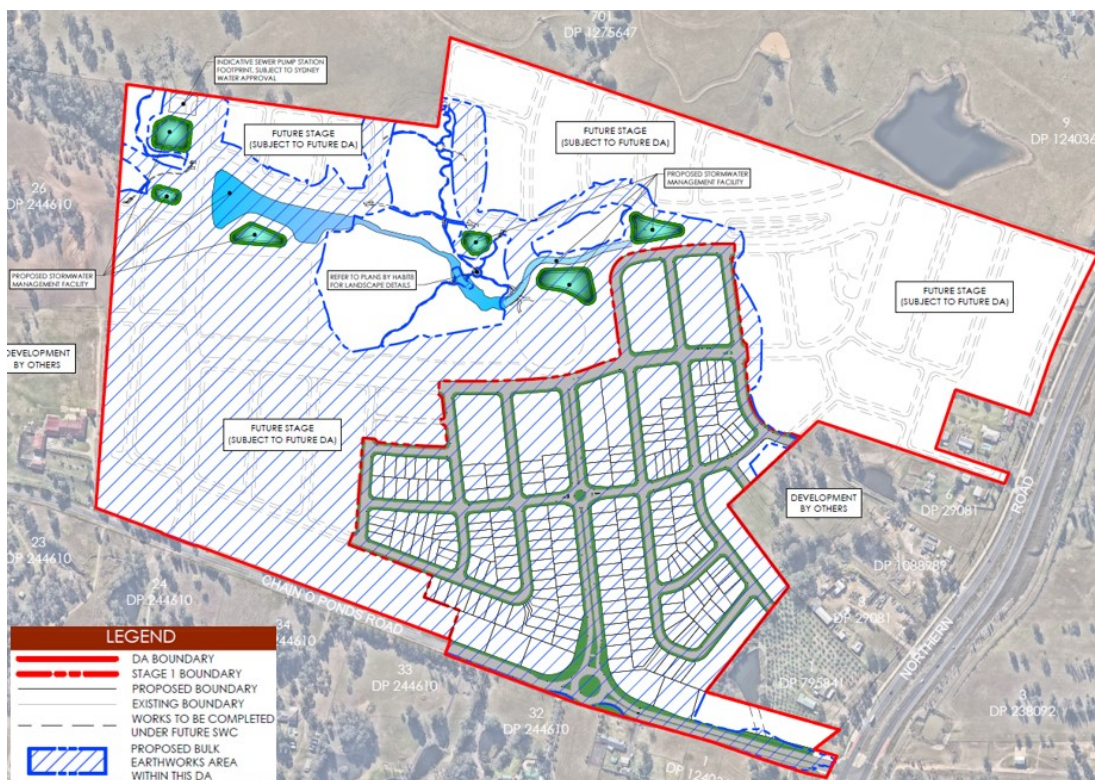


Figure 3. Proposed Overall Masterplan of Development.

Source: ADW Johnson, drw. no. 300070-DA-S1-005, version E.

Specifically, the proposed development comprises of the following components:

1. Site Preparation Works

- Demolition of all structures including dwelling houses, farm sheds and associated outbuildings.
- Decommissioning and removal of five (5) existing dams;
- Removal of 302 trees - the majority are positioned outside the conservation areas and within certified land. Selective tree removal and clearing of vegetation is proposed within the Avoided Lands; and
- Site remediation works.

2. Bulk Earthworks and Regeneration Works

- Bulk earthworks across the entire development site, including an estimated volume of 432,000m³ of cut and 436,000m³ of fill;
- Importation of approximately 4,000m³ of VENM or ENM fill;
- Maximum cut of 6-6.5m and maximum fill of 10-11m across the site;
- Retaining walls (maximum 1.5m high along required side, rear and secondary street frontages);
- Benching of all proposed lots;
- Battered slope to natural ground along development site edges
- Filling of existing drainage lines/gullies and dams;
- Realignment and reshaping of existing dams and watercourses; and
- Rehabilitation and revegetation of riparian corridor.

3. Subdivision

The proposed subdivision seeks to create:

- 205 x Residential lots (zoned R2 Low Density Residential);

- 5 x Rural-Residential Lots (zoned C4 Environmental Living);
- 7 x super-lots (zoned R3 Medium Density Residential that will be subject to future development);
- 1 x temporary residue lots (i.e. land pertaining to Stage 1B); and
- 5 x residue lots (comprising of remaining land representing future stages of development, lands zoned for public recreation, and the environmental corridor).

4. Roads and Infrastructure Delivery

Roads

- Upgrade of Chain-O-Ponds Road, including new roundabout construction;
- Construction of new north-south Entry Boulevard road (Road No. 1), including mid-length roundabout;
- Construction of east-west Collector Road (Road No. 2);
- Construction of several minor roads (Road Nos.3-15);
- Active transport links within road reserves and open space areas; and
- Street tree planting.

Open Space and Parks

- Restoration and regeneration of the central east-west riparian corridor (proposed Linear Park 1 and District Park 2), including weed management, replanting and revegetation of native ground cover, shrub, and canopy species.
- Embellishment of a portion of District Park 2 (north-west corner) and Linear Park 1 to provide low-impact passive infrastructure including footpaths, footbridges, viewing platforms, bench seating, bike racks, and picnic and seating areas, as depicted below:

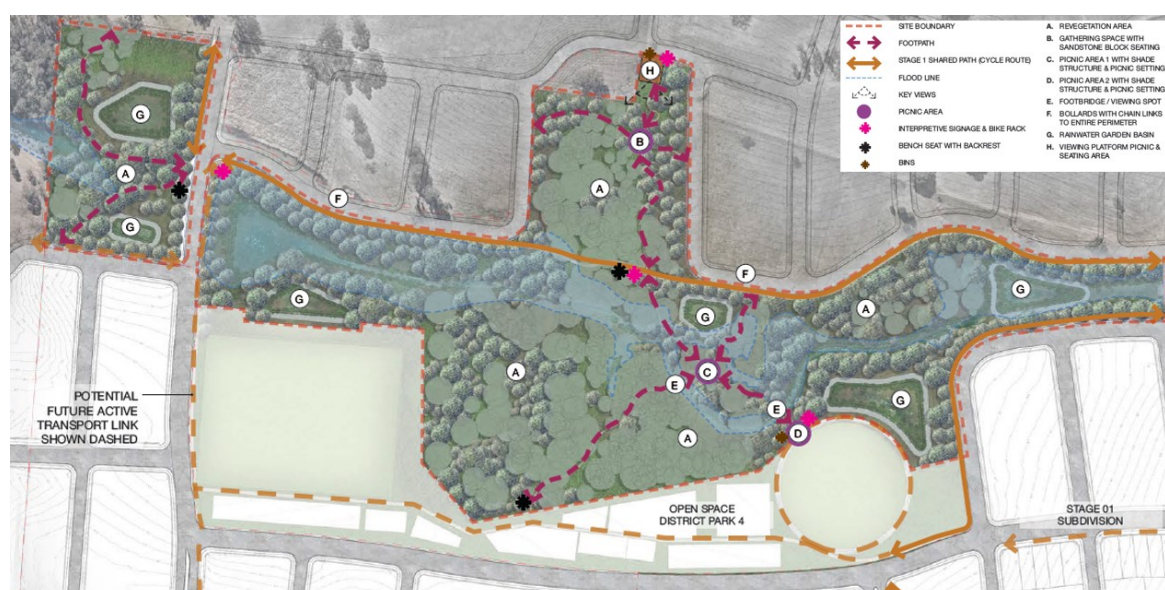


Figure 4. Proposed embellishment of Linear Park 1 and portion of District Park 2.

Source: Habit8, drw. no. L06, revision D.

Note: The embellishment of District Park 4 and Local Park 2 will be subject to future development application(s).

Stormwater Infrastructure

The development will provide the following stormwater infrastructure:

- Detention basins that will function to attenuate post-developed peak flows to pre-developed levels and provide

- **Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016**

Under the *Biodiversity Conservation Act 2016* (BC Act), all development that requires development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* which is likely to significantly affect threatened species must be assessed using the Biodiversity Assessment Method (BAM), with the results presented in a Biodiversity Development Assessment Report (BDAR). One way in which development is likely to significantly affect threatened species is through any land clearing and development proposed on land identified on the Biodiversity Values Map. As per Figure 6 below, the proposed development is located within land identified to contain biodiversity values.

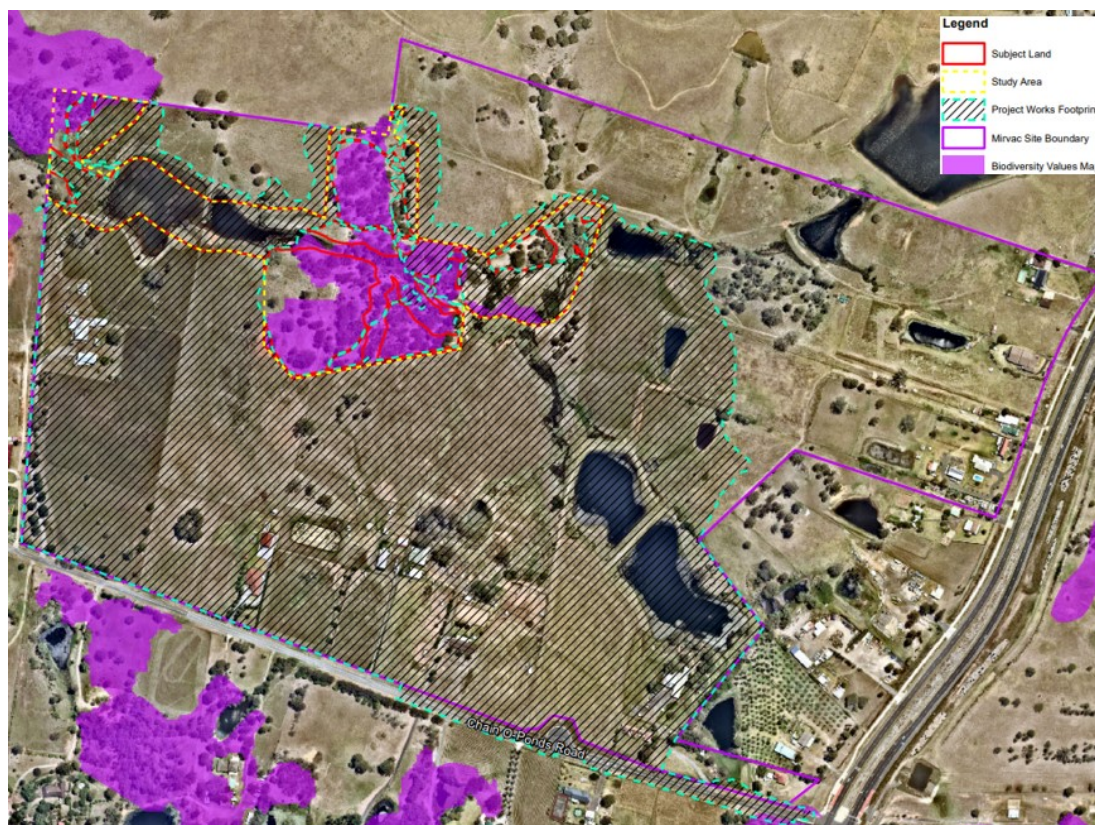
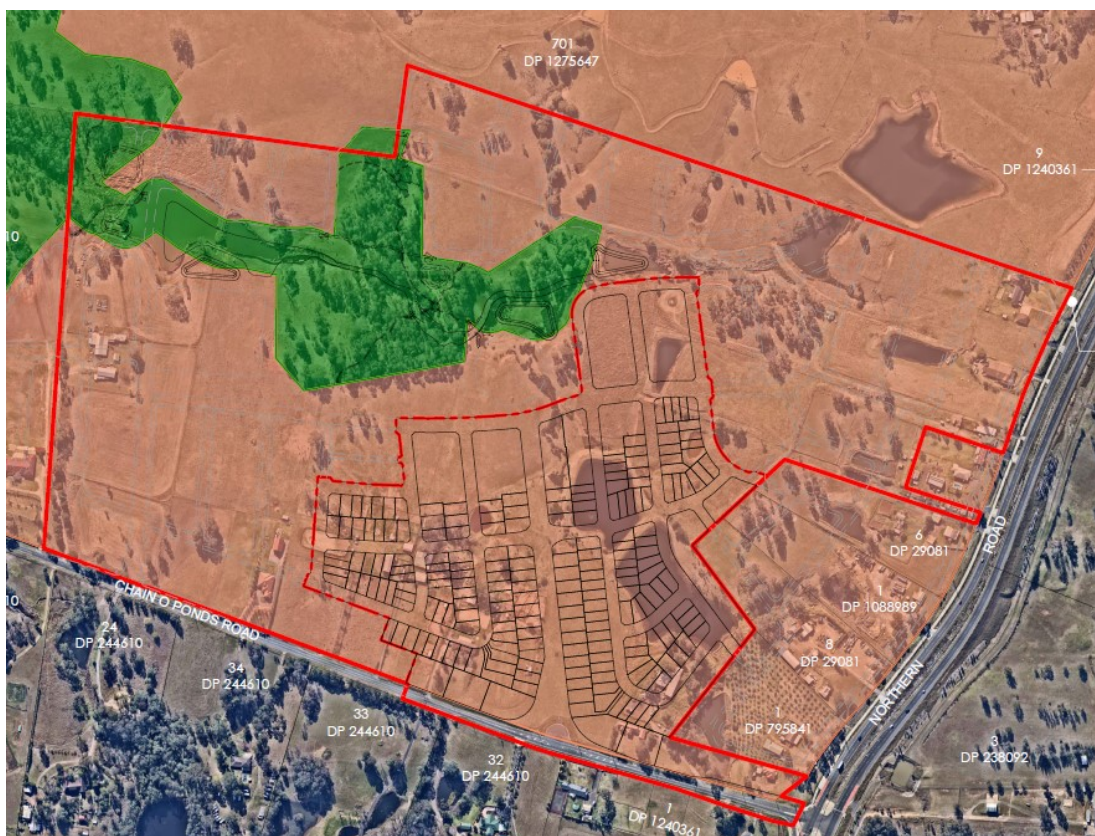


Figure 6. Biodiversity Values Map.

Source: Cumberland Ecology, BDAR, dated 2 June 2025.

Further, the Cumberland Plain Conservation Plan (CPCP) was approved by the Minister for Environment and Heritage on 17 August 2022, which confirmed the extent of bio-certified land and the Strategic Conservation Area, within the CPCP. Under the CPCP, the majority of the site is identified as 'Certified - Urban Capable' land, and Avoided Land (in green) which co-aligns with the C2 Environmental Conservation zoning of the site, as per Figure 7 below:



Section 8.4(2) of the BC Act stipulates that for development proposed under Part 4 of the *Environmental Planning and Assessment Act 1979*, an assessment of the likely impact on biodiversity of development located on biodiversity certified land is not required and the consent authority is not required to take into consideration the likely impact on biodiversity of the development carried out on the land. As such, no further impact assessment under the BC Act of threatened species, populations or ecological communities is required for any works proposed on the Certified - Urban Capable land.

However, biodiversity assessment is required for the Avoided Lands, noting minor land clearing/tree removal, embellishment works for Linear Park 1, and the construction of stormwater management infrastructure are proposed within the Avoided Lands.

In light of the above, the development application was accompanied by a BDAR, prepared by Cumberland Ecology, dated 2 June 2025, confirming that to facilitate the development, a total of 4.07 hectares of land within Biodiversity Value mapped land and Avoided Lands will be directly and indirectly impacted. In particular, proposal will result in the clearing of approximately 0.96 hectares of native vegetation (including Cumberland Shale Plains Woodland, Cumberland Red Gum Riverflat Forest, and Coastal Floodplain Phragmites Reedland), thereby requiring offsets. Further, the BDAR confirmed that the project requires offsets for the clearing of habitat for species credit (i.e. Swift Parrot).

Notwithstanding this, a total of 3.97 hectares of native vegetation within the study area will be avoided and retained, and the remaining areas of land to be avoided within the study area comprise of approximately 1.73 ha of exotic grassland, vegetation and wetland. All areas to be avoided and retained will be managed and revegetated, where required, under the direction of the Vegetation Management Plan, prepared by Cumberland Ecology.

The proposal was referred to Council's Senior Biodiversity Officer who reviewed the submitted information (in

conjunction with additional information requested during the assessment of the application) who raised no objections, noting that with the implementation of the proposed mitigation measures and the offsetting described, the impacts of the proposed development on biodiversity can be appropriately managed. Conditions of consent have therefore been recommending in regards to the biodiversity and tree protection measures, biodiversity offsets, additional mitigation measures to minimise harm to native wildlife and additional requirements regarding the required conservation/rehabilitation.

It is noted Chapter 13 'Strategic conservation planning' within the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* has been established and includes development controls for development on avoided land and certified urban capable land, and requires consistency with the Cumberland Plain Conservation Plan Mitigation Measure Guideline. The proposal has been assessed against these provisions, as discussed later within this Report.

- **Section 4.15 - Evaluation**

The proposed 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 proposed development is nominated as integrated development, by virtue of Section 4.46 of the *Environmental Planning and Assessment Act 1979* under the following legislation specified below:

Rural Fires Act 1997

The proposal seeks to subdivide bush fire prone land for residential purposes. In this regard, the proposal requires a Bush Fire Safety Authority from the NSW Rural Fire Service under the provisions of Section 100B of the *Rural Fires Act 1997*. The proposal was accompanied by a Bushfire Assessment Report (the Report), prepared by BlackAsh Bushfire Consulting, dated 11 July 2024, which reviewed current and future bushfire threats to determine compliance with the Planning for Bushfire Protection (PBP) 2019 document.

The Report outlined that the proposed bulk earthworks and subdivision will be able to comply with the PBP 2019 document, subject to the creation of temporary Asset Protection Zones that be maintained to a BAL of 12.5 be managed until the next stages of work within Glenmore Park Stage 3 are undertaken, as demonstrated in Figure 8 below:



Figure 8. Proposed Asset Protection Zone Extent to BAL 12.5.

Source: Blackash Busfire Consulting, Bushfire Assessment Report.

The Report also concluded that the proposed local road network can provide safe operational and emergency management access as per the PBP 2019. In addition, water, future hydrant supplies, and utility services will be provided in accordance with the PBP 2019 document.

The application was referred to the NSW Rural Fire Service, who granted General Terms of Approval, dated 19 August 2024, subject to conditions regarding:

- The management of the entire site as an inner protection area,
- A restriction on title be placed on the relevant land surrounding the subdivision for the purposes of a temporary asset protection zone in accordance with the Bushfire Assessment Report, prepared by BlackAsh, dated 11 July 2024,
- Perimeter roads and non-perimeter roads are to comply with the relevant sections of the PBP 2019 document,
- The provision of water, electricity, and gas shall comply with the relevant sections of the PBP 2019 document, and
- Any landscaping within the required asset protection zone is to comply with the relevant section of the PBP 2019 document.

In this regard, conditions of consent will be imposed ensuring adherence to the NSW RFS General Terms of Approval.

Water Management Act 2000

The proposed development includes works within 40m of several mapped watercourses, and as such requires

a Controlled Activity Approval under s91 of the Water Management Act 2000. These works include bulk earthworks including the removal of first order watercourses and dams, as well as the realignment and restoration of the central east-west riparian corridor (i.e. Linear Park 1).

The application was subsequently referred to the Department of Planning and Environment - Water (DPE-Water) who provided General Terms of Approval, dated 8 April 2024. A condition of consent is imposed ensuring adherence to the DPE-Water General Terms of Approval.

Fisheries Management Act 1994

As per the Fisheries NSW Spatial Data Portal, the subject site contains a mapped Key Fish Habitat that occurs along a watercourse (that traverses through the C2 Environmental Conservation zoned land and through the proposed Linear Park 1). The proposed development includes the construction of paths, bridges, shelters and other associated civil and embellishment works within and immediately adjacent to the riparian corridor and this watercourse and therefore, under Section 201 of the *Fisheries Management Act 1994*, the application requires a permit to conduct dredging and/or reclamation works on water-front land. It is also noted that works are proposed outside of the mapped Key Fish Habitat area, including the removal and realignment of several waterways and watercourses that connect downstream to the Key Fish Habitat which may have an adverse impact upon any fish.

The application was therefore referred to the Department of Primary Industries (Fisheries) who granted General Terms of Approval on 30 November 2023, noting that:

- The proposal is to follow the principles set out for Water Sensitive Urban Designs,
- A permit under s198-202 of the *Fisheries Management Act 1994* for dredge and reclamation works or a Controlled Activity Approval under the *Water Management Act 2000* is to be obtained prior to the commencement of any dredging and reclamation works, and
- Works are to be carried out in accordance with all applicable requirements of The Blue Book (Landcom 2004, *Managing Urban Stormwater: Soils and Construction* [4th Edition]).

Recommended conditions of consent will be imposed ensuring adherence to the Department of Primary Industries (Fisheries) General Terms of Approval.

National Parks and Wildlife Act 1974

The development application was accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR), dated 17 October 2023, prepared by Artefact Heritage Services, which identified six (6) Aboriginal sites, including four (4) combined artefact/Potential Areas of Deposit (PAD) sites within the subject land pertaining to the proposal. The ACHAR confirmed that the proposed development will directly impact all six (6) sites, resulting in total harm and loss of value resulting from the proposed earthworks, construction of roads, construction activities within the riparian corridor, and reshaping of existing creek/watercourse. In this regard, in accordance with Section 90 of the *National Parks and Wildlife Act 1974*, the proposed development requires an Aboriginal Heritage Impact Permit (AHIP) to be issued by Heritage NSW.

Subsequently, the application was referred to Heritage NSW who provided a response on 21 December 2023, advising insufficient information was provided in relation to missing archaeological test excavation results, with consultation records not provided. In this regard, concurrence was not granted and additional information was requested.

The Applicant submitted an amended ACHAR, dated 3 April 2024, and was re-referred to Heritage NSW. However, further additional information was requested, noting missing test excavation results, and errors and/or discrepancies with information provided on included maps were identified.

An amended ACHAR (issue 7), dated 6 May 2024, and Archaeological Test Excavation Report, dated 4 April 2024, both prepared by Artefact Heritage Services, were subsequently submitted by the Applicant, and the application was referred to Heritage NSW. A response was received on 22 May 2024, providing General Terms of Approval (GTAs). Recommended conditions of consent will therefore be imposed ensuring the proposal is consistent with the GTAs.

• **Section 7.26 - Housing and productivity contributions**

Under Part 7 Infrastructure contributions and finance Subdivision 4 Housing and Productivity Contributions, the NSW Government has enabled a contribution (a housing and productivity contribution) to facilitate regional infrastructure. To determine the application of the contribution the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 and version 2024 have been issued. The Orders specify the region, class of development, amount and unit to calculate the applicable contribution.

The Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 commenced on 1 October 2023. The Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024 commenced on 1 July 2024 and repeals the 2023 Order. However, Schedule 5 of the 2024 Order includes savings and transitional provisions which specifies the 2023 Order continues to apply to a development application that is made on or after 1 October 2023, but not determined before 1 July 2024.

The subject development application lodged on 31 October 2023 (i.e. after 1 October 2023) and had not yet been determined before 1 July 2024. As such, the 2023 Order continues to apply to the proposal. However, in accordance with Schedule 5, Part 4 Savings and transitional provisions consequent on making of 2024 Order, the 2024 Order also requires a Strategic Biodiversity Component of the housing and productivity contribution for development applications made before 1 July 2024, including before 1 October 2023, but not determined before 1 July 2024. Considering the application was made before 1 July 2024 and was not determined prior to 1 July 2024, the Strategic Biodiversity Component of the housing and productivity contribution is still applicable.

A Strategic Biodiversity Component of a housing and productivity contribution is required for housing and productivity development on Cumberland Plain Conservation Plan certified land. As detailed within this report, the proposal relates to residential subdivision on certified urban capable land in the Cumberland Plain Conservation Plan. In this regard, a Strategic Biodiversity Component is required for the proposal.

In summary of the above, the proposal requires a Housing and Productivity Contribution to be calculated in accordance with the 2023 Order. The proposal also requires a Strategic Biodiversity Component of the housing and productivity contribution to be calculated in accordance with the 2024 Order.

It is also noted that in accordance with Clause 12 of the 2023 Order, the calculation of housing and productivity contribution for residential subdivision is the number of new dwelling lots for residential subdivision minus the number of existing potential dwelling lots and excluded lots.

The contributions have been calculated below:

Housing and Productivity Contribution:

<u>Region</u>	<u>HPC class of development</u>	<u>Amount</u>	<u>HPC unit</u>
Greater Sydney Region	Residential subdivision	\$12,939.804	New dwelling lot

Strategic Biodiversity Component:

<u>HPC class of development</u>	<u>Amount</u>	<u>HPC unit</u>
Residential subdivision	\$10,501.41	New dwelling lot

The proposal seeks to stage the subdivision works, thereby providing 117 new dwelling lots across Stage 1A, and 93 new dwelling lots across Stage 1B, over four (4) existing lots. It is noted the proposed R3 super lots and residue lots have not been included in the calculation.

As such, the housing and productivity contribution is calculated at:

Stage 1 (i.e. Stage 1A):

- Housing and Productivity Contribution: $(\$12,939.804 \times 117 \text{ proposed}) - (\$12,939.804 \times 2 \text{ existing}) = \$1,488,077.46$, plus
- Strategic Biodiversity Component: $(\$10,501.41 \times 117 \text{ proposed}) - (\$10,501.41 \times 2 \text{ existing}) = \$1,207,662.15$.

Stage 2 (i.e. Stage 1B):

- Housing and Productivity Contribution: $(\$12,939.804 \times 93 \text{ proposed}) - (\$12,939.804 \times 2 \text{ existing}) = \$1,177,522.16$, plus
- Strategic Biodiversity Component: $(\$10,501.41 \times 93 \text{ proposed}) - (\$10,501.41 \times 2 \text{ existing}) = \$955,628.31$.

The timing for payment of a monetary contribution for residential subdivision is required prior to the issue of the relevant subdivision certificate.

The NSW Government have issued standard condition wording to ensure the condition detail requirements in the Order are captured with any imposed condition. In this regard, a condition has been imposed requiring payment of the housing and productivity contribution in accordance with the commentary above and using the standard wording issued by the Department.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water catchments

The site is located in the Hawkesbury-Nepean Catchment and therefore, as per Section 6.1 of the *State Environmental Planning Policy (Biodiversity and Conservation) Policy 2021 (Biodiversity and Conservation SEPP)*, the requirements and provisions of Chapter 6 apply. The proposal includes a range of sediment and erosion control measures that will mitigate water quality impacts during construction works, and subsequently, the application was accompanied by an Erosion and Sediment Control Plan in which adherence will be ensured by recommended conditions of consent.

Further, as part of the stormwater works, the Water Cycle Management Strategy and accompanying MUSIC Model demonstrates that the stormwater detention, stormwater quality treatment, and erosion and sediment control achieves the requirements of the Biodiversity and Conservation SEPP and meet the required target reductions in pollutant loads.

The application was referred to Council's Waterways and Development Engineering sections who raised no objections to the proposed development, noting that the proposal is consistent with the overarching precinct-wide Water Cycle Management Strategy which demonstrated water quality entering natural systems will be as close as possible to neutral or beneficial when compared to pre and post development scenarios. Nevertheless, conditions of consent have been recommended requiring finalised detailed information be submitted to Council for review and approval regarding:

- The proposed gross pollutant traps including life cycle costs and detailed construction plans,
- Maintenance and ownership of bioretention basins by the proponent until 90% of housing construction is completed, and
- Certification and handover requirements of vegetated systems (e.g. WSUD assets and measures including bioretention measures).

In light of the above, the proposal is considered to be satisfactory in this regard.

Chapter 13 Strategic conservation planning

As previously discussed within this Report, the subject site is delineated as a mixture of 'Certified - Urban Capable Land' and 'Avoided Land' under the CPCP. As such, the application is to be assessed against the controls for Avoided Land and Certified - Urban Capable Land, as prescribed under Part 13.3 and Part 13.5 of the Biodiversity and Conservation SEPP, respectively.

Part 13.3 Development controls - avoided land

Part 13.7 Preservation of native vegetation on avoided land

(2) A person must not clear native vegetation on avoided land without development consent.

Whilst the proposed development has ensured that most of the native vegetation within the avoided lands are conserved, maintained, and actively managed to improve their health and viability, as outlined within the Vegetation Management Plan, the proposal does include limited clearing of native vegetation as a consequence of required stormwater and road reserve infrastructure. As outlined throughout this Report, this proposed tree removal and clearing is considered to be appropriate in this instance. Conditions of consent are recommended requiring no additional tree removal and land clearing is permitted, unless development consent is provided.

(3) Development consent must not be granted for the clearing of native vegetation unless the consent authority is satisfied -

(a) sufficient measures have been, or will be, taken -

(i) to avoid or minimise the impact of the development on biodiversity values, and

(ii.) to avoid the impact of the development on matters of national environmental significance set out in the Environmental Protection and Biodiversity Conservation Act 1999 of the Commonwealth, Chapter 2, Part 3, Division 1, and

(iii) to protect or enhance the biodiversity values and ecological integrity of the land, and

As per the BDAR, dated 2 June 2025, the development footprint has been designed and sited to utilise areas of previously cleared and degraded land that contains exotic vegetation to the largest extent possible before impacting upon native vegetation. However, portions of the Avoided Lands will be directly and indirectly impacted by the proposed development and involves the removal of 0.09ha (9%) of Cumberland Shale Plains Woodland, 0.64ha (19%) of Cumberland Red Gum Riverflat Forest, 0.24ha (82%) of Coastal Floodplain Phragmites Reedland, and 0.26ha of habitat for the Swift Parrot.

As a result of the direct impacts, the ecosystem credit liability of the proposed development has been calculated as:

- 2 credits of Cumberland Shale Plain Woodland,
- 17 credits for Cumberland Red Gum Riverflat Forest,
- 4 credits for Coastal Floodplain Phragmites Reedland, and
- 12 credits for the Swift Parrot

Conditions have therefore been recommended requiring the retirement of these credits prior to the clearing of any vegetation on site.

Further, a range of mitigation measures have been developed to mitigate the impacts to native vegetation and habitats that are unable to be avoided. This includes:

- Weed management such as prevention, eradication, and containment activities;
- Delineation of clearing limits including tree protection measures, pre-clearance surveys, and clearing protocols;
- Sediment control measures;
- Installation of salvaged hollows / nest boxes;
- Revegetation of retained lands with native species characteristic of Cumberland Shale Plain Woodland and/or Cumberland Red Gum Riverflat Forest and Coastal Floodplain Phragmites Reedland; and
- Educational signage.

These mitigation measures are outlined within the BDAR and Vegetation Management Plan. Conditions of consent have therefore been recommended requiring adherence to these documents.

In light of the above, with the implementation of the abovementioned mitigation measures and the offsetting of credits, it is considered that the impacts of the proposed development on local biodiversity will be limited and can be appropriately managed. It is also noted Council's Ecologist assessed the submitted BDAR and VMP and raised no objections, subject to conditions of consent.

(b) there is no reasonable alternative available to the disturbance of the native vegetation, and

It is noted the majority of works proposed within the Avoided Lands relate to the provision of critical stormwater infrastructure to service the broader Glenmore Park Stage 3 precinct. As part of the Planning Proposal, the proposed stormwater infrastructure was located to generally align with the location of existing dams and existing riparian corridor with watercourse, being the Avoided Lands, and to serve as a rehabilitation opportunity to an existing degraded habitat. In this regard, there is considered to be no other reasonable alternative, noting the delivery of the key stormwater infrastructure is a necessity.

It should be noted that in lieu of engineered solutions, the proposal has incorporated raingardens and ponds in order to provide future habitats for fauna and enhance biodiversity outcomes. These are considered to have little to no impact on the existing native vegetation and will contribute to an improved outcome.

(c) the loss of native vegetation caused by the disturbance will be compensated by -

(i) revegetation on the land on which the development is carried out of an amount equivalent to a ratio of at least 1:1, or

(ii) a condition imposed on the development consent under the Biodiversity Conservation Act 2016, section 7.13(3) requiring the applicant to retire biodiversity credits, and

As explained above, the impact of the proposed development on native vegetation results in retirement of

credits. Further, as part of the proposed rehabilitation of the riparian corridor within the Avoided Lands, extensive revegetation will occur, as required within the Vegetation Management Plan that significantly exceeds the 1:1 ratio. Conditions have therefore been recommended requiring the retirement of credits prior to the clearing of any vegetation, and that the proposed development, construction and rehabilitation works adhere to the recommendations outlined within the Vegetation Management Plan.

(d) the clearing of the vegetation is unlikely to cause or increase soil erosion, salination, land slip, flooding, pollution or other adverse land or water impacts.

The land within the Avoided Lands, and associated watercourses are currently heavily degraded by a lack of maintenance, livestock grazing, erosion and weed invasion. The proposed development within the Avoided Lands is expected to improve water quality and overall erosion, thereby not resulting in adverse impacts to the ecology of the Avoided Lands, noting extensive revegetation and rehabilitation works are proposed. It is noted that the proposed the reshaping of dams as part of the proposed stormwater infrastructure works may increase the impacts of soil erosion in the short term however, both the BDAR and Vegetation Management Plan include a suite of mitigation and protection measures that will be implemented throughout the proposed works, including the use of sediment runoff and erosion controls, and clearing protocols for dam dewatering, to minimise impacts.

Once the dams and east-west watercourse have been reshaped and the approved stormwater cycle infrastructure comes online, the overall water quality and overall habitat within the Avoided Lands will be improved, and erosion will be reduced (including downstream).

Part 13.8 Development on avoided land generally

(2) Development consent must not be granted for development on avoided land unless the consent authority has considered whether the development is likely to cause an adverse impact on the following -
(a) threatened ecological communities, threatened species and their habitats, both on the site of the development and on adjoining land that is avoided land,

As outlined above, portions of the Avoided Lands will be directly and indirectly impacted by the proposed development and involves the removal of 0.09ha (9%) of Cumberland Shale Plains Woodland, 0.64ha (19%) of Cumberland Red Gum Riverflat Forest, and 0.24ha (82%) of Coastal Floodplain Phragmites Reedland and 0.26ha of habitat for the Swift Parrot. These impacts require the retirement of credits. However, as part of the proposed works, the riparian corridor and Avoided Lands will be extensively rehabilitated and include revegetation of species that are characteristic of those that require clearing, thereby increasing communities, and providing suitable habitats. As such, it is expected that the proposed works are unlikely to have an adverse impact.

(b) habitat connectivity and fauna movement, including koala and wildlife corridors, both on the site of the development and on adjoining land that is avoided land,

The proposal will maintain and improve habitat connectivity along the watercourse. However, the Structure Plan approved under the Planning Proposal has provided for a road to traverse through the Avoided Lands (to be part of future development applications). As a result, the proposal seeks to not encourage the movement of fauna through the provision of stormwater culverts underneath the road designed accordingly.

(c) the integrity and resilience of the biophysical, ecological and hydrological, including surface and groundwater, and the quality of the natural flow of water in a riparian corridor,

As previously discussed, the integrity of flora and fauna within the riparian corridor and Avoided Lands is already highly compromised due to historic land clearing, agricultural usage, and general erosion and

degradation. The proposal has ensured that most native vegetation within the Avoided Land is rehabilitated and maintained for long-term conservation, and that the site will be revegetated with extensive replanting works.

Most vegetation that is required to be cleared as part of the development consists of degraded native vegetation, noting the removal and clearing is required as part of facilitating precinct-wide key stormwater and water-cycle management infrastructure which will improve the overall water quality of the existing natural watercourses and overall hydrological environment in the long-term.

It is also acknowledged that in the short-term during construction there is potential for erosion and water quality impacts, however, the overall integrity and resilience of the biophysical environment will be improved in the medium-to-long term due to proposed works and mitigation measures required under the Water Cycle Management Strategy and Vegetation Management Plan.

(d) matters of national environmental significance set out in the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, Chapter 2, Part 3, Division 1.

Matters of national environmental significance including Cumberland Plain Woodland, River-flat Eucalypt Forest and habitats for threatened species (e.g. for the Swift Parrot) will largely be avoided and will be subject to active management for rehabilitation and conservation as per the Vegetation Management Plan. As such, it is anticipated that the proposed works will result in an increase in the overall qualities of the species and habitat.

(3) Development consent must not be granted to development on avoided land unless the consent authority is satisfied that -

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (2) (an adverse impact), and

This section applies to the proposed landscaping and embellishment works proposed within Linear Park 1 and a portion of District Park 2, being footpaths, bridges, viewing platforms, picnic areas, and seating. A discussion on infrastructure (i.e. stormwater management infrastructure) is provided in Part 13.9 further below.

The BDAR submitted outlines avoidance measures will be implemented for the proposed development, requiring that all works are located within cleared or heavily disturbed areas, with tree protection measures put in place. Footpaths are to be constructed by decomposed granite and located to avoid native trees and shrubs, with seating areas, picnic areas, and platforms to be designed to be low impact and sited in areas that are also clear of trees and shrubs. Further, the bridges have also been specifically designed and sited to avoid native trees and shrubs, and will only disturb ground cover species and cleared areas.

(b) the height, bulk, scale, size and proposed use of the development avoids an adverse impact, and

The proposed embellishment works (including shelters/gazebos) have been designed to be as low to the ground as possible, so as not to require the removal of overhanging branches of surrounding trees. The embellishment works (including footpaths, seating and shelters) are located in areas that will not require the removal of native trees and shrubs. Further, the impacted area will form part of Linear Park 1 and District Park 2 which will be revegetated, rehabilitated and conserved and will therefore not be adversely impacted.

(c) supporting infrastructure required for the development avoids an adverse impact.

No supporting infrastructure is required as part of the embellishment works.

Part 13.9 Infrastructure development on avoided land

(1) This section applies to development carried out on avoided land under State Environmental Planning Policy (Transport and Infrastructure) 2021, Part 2.3, Division 4, 5, 12A, 17, 18, 20, 21, 23 or 24.

Part 13.9 only applies to the proposed stormwater infrastructure (i.e. basins, raingardens and ponds), reshaped dams, realigned watercourse, and future road crossing that are located within the Avoided Lands.

(2) Development consent must not be granted to development to which this section applies, unless the consent authority is satisfied that -

(a) the development is designed, sites and will be managed to avoid or minimise an adverse impact, and

The proposed requires the provision and construction of water cycle management infrastructure within the Avoided Lands. As previously discussed, the provision of all infrastructure will largely avoid existing flora and fauna. However, there are some instances where the removal of native vegetation is required, including:

- Some proposed roads partially enter the Avoided Land and will require the removal of a small portion of vegetation that comprise of regrowth that contains no biodiversity value,
- Two (2) of the five (5) basins proposed require the removal of native vegetation,
- The reshaping of three (3) dams and realignment of the watercourse will require the removal of all fringing vegetation which is already significantly degraded and dominated by exotic weeds.

Notwithstanding the above impacts, the majority of the Avoided Lands will be retained, rehabilitated, managed and revegetated with native species, as per the Vegetation Management Plan.

(b) the height, bulk, scale, size and proposed use of the development avoids or minimises an adverse impact, and

All proposed infrastructure works located within the Avoided Lands will be constructed at ground level and not impact overhanging branches or canopies. While some clearing and vegetation removal is required, the majority of these infrastructure works are located in areas that comprise of existing dams, or exotic dominated grassland and wetlands, thereby minimising any adverse impact.

(c) supporting infrastructure required for the development avoids or minimises an adverse impact.

As outlined above, the proposed development works seeks to avoid and minimise disturbance and clearing of native vegetation as much as practicable. However, water hoses lines and pumps will be required to drain the relevant dams, and subsequently will require the creation of channels and sumps adjacent to the dams. Noting that the existing vegetation surrounding the dams are significantly degraded and/or exotic, this is not anticipated to cause adverse impacts to native vegetation.

(3) Development consent must not be granted to development to which this section applies unless the consent authority has considered whether the development is consistent with the Cumberland Plain Conservation Plan Guidelines, Part 2.

The proposed essential infrastructure (consisting of road reserves and stormwater management systems) complies with Part 2 of the Cumberland Plain Conservation Plan Guidelines for Infrastructure Development, noting adequate mitigation measures and rehabilitation works are proposed.

13.10 Subdivision of avoided land

The Avoided Lands is not proposed to be subdivided under this development application.

Part 13.5 Development on certified urban capable land

13.15 Asset protection zones

An Asset Protection Zone (APZ) is proposed to completely surround the proposed Stage 1 subdivision. The APZ is located wholly on Certified - Urban Capable Land which satisfies this Section.

13.16 Mitigation measures

This Section requires the development to be consistent with the Cumberland Plain Conservation Plan Mitigation Measures Guideline (Guideline). An assessment of the proposal against the Guideline for threatened ecological communities and species is provided below:

Mitigation Requirements	Consistency Assessment
Site Design	
Erect temporary protective fencing around retained biodiversity onsite to be protected, or biodiversity immediately adjoining the site, before construction begins.	As part of the submitted VMP, a vegetation clearing plan is provided detailing the requirement to establish the appropriate limits of clearing and temporary fencing.
Implement an open structure design for roads adjacent to known populations of Cumberland Plain land snail, in accordance with actions under the Save our Species Program (run by the department's former Environment, Energy and Science group, 2020, known since 1 April 2022 as Environment and Heritage).	Cumberland Plain Land Snail has not been identified to occur within the subject land.
Fauna translocation	
Prepare a pre-clearance native fauna survey immediately before the clearing of native vegetation to ensure that arboreal mammals, roosting and hollow-using birds, bats and reptiles are restricted from accessing any vegetation to be cleared and are translocated clearing. Translocation may require a licence from the department's Environment and Heritage group under the Translocation Operational Policy	A fauna management plan was provided within the VMP, detailing the requirements of a pre-clearance survey prior to any vegetation clearance within the subject site, along with other fauna protection measures that will be implemented during the construction phase of the development. Notwithstanding this, conditions of consent have been recommended ensuring an updated Fauna Management Plan is provided to Council for review and approval prior to the commencement of any subdivision works.
Weed mitigation	
Implement mitigation measures to manage weeds during construction and operation to protect adjacent flora populations. Follow the guidance in the Cumberland Plain Conservation Plan Weed Control Implementation Strategy	A weed management plan is provided within the VMP which identifies the weed species present on the site, and the appropriate weed control methods and mitigation methods to be implemented.
Pest control	

A qualified expert must prepare a pest control strategy to be carried out during construction. This must be done in accordance with best practice for chemical use to reduce the risk of secondary poisoning (from poison such as Pindone or second-generation rodenticides)	A Pest Control strategy will be prepared prior to the commencement of any works, as required under a recommended condition of consent.
Pet containment	
Contain domestic cats and dogs within certified-urban capable land, consistent with relevant council guidelines.	The proposal is capable of complying with Council's guidelines and ensuring domestic pets are suitably contained.
Habitat protection	
Avoid impacts to habitat features, including:	
Retaining large and dead native trees (>50 cm diameter at breast height) that are not a safety risk and that provide habitat for threatened species	It is acknowledged that in order facilitate the residential subdivision, including the required bulk earthworks, all trees located within the Certified - Urban Capable Land are required to be removed. The submitted VMP has confirmed that any hollow-bearing trees that are required to be removed will be offset by the installation of nest boxes in Linear Park 1.
Avoiding impacts to soil within the dripline of the retained trees.	Tree protection fences and a sediment control fence will be installed around the perimeter of Linear Park 1 and the Avoided Lands in order to protect the TPZs and SRZs of all retaining trees and prevent runoff of sediment.
Provide setbacks from development for grey-headed flying fox camps and raptors, if present on or adjacent to the site as below: a. Species: Grey-headed flying fox Control: Grey-headed flying fox camps require a 100 m setback to any development. The setback area should be maintained free of flying fox roosting habitat. b. Species: Raptors (birds of prey) Control: Raptor nests require a 500 m circular setback from where nests are in undisturbed bushland, or a minimum circular setback distance of 250 m where nests are closer to existing development. Owl nests require a 100 m circular setback from where nests are.	The submitted documentation has confirmed that no grey-headed flying fox camps occur within or in areas adjacent to the subject land. Further, no hollow-bearing trees were recorded within the certified- urban capable land.

Undertake pre-construction surveys before removing or disturbing human-made structures and before microbats go into torpor– an inactive state that conserves energy. This is to retain roosting habitat for microbat species. Retain man-made roosting habitat including mine shafts, storm water tunnels, old or derelict buildings, bridges and culverts, where possible, and ensure any individuals are dispersed or relocated in accordance with best practice.	As part of the submitted VMP, a Fauna Management Plan is included detailing the requirements of a pre-clearance survey prior to the clearance of any vegetation throughout the site, including other fauna protection measures that will be implemented during the construction phase of the project.
Apply best-practice site hygiene protocols to manage the potential spread of Phytophthora and myrtle rust from adjacent land to avoided land, in accordance with the Arrive Clean, Leave Clean: Guidelines (Commonwealth of Australia, 2015).	A weed management plan is provided within the VMP detailing the best practice site hygiene protocols to management the potential spread of Phytophthora and myrtle rust into the adjoining Avoided Land.
Fire management	
Undertake fire hazard management within Asset Protection Zones in the Greater Macarthur Growth Area to protect and enhance the Pimelea spicata (spiked rice flower) species in accordance with species mapping in the Cumberland Plain Assessment Report.	Not applicable.
Waterways protection	
Ensure development adjacent to the southern and western boundaries of Commonwealth land comprising the Orchard Hills Defence Establishment mitigates impacts to surface water flows and the water quality of Blaxland Creek.	Not applicable.
Riparian protection	
Retain areas of the Proteaceae shrubs for the Eastern Pygmy Possum (Cercartetus nanus) along or adjacent to riparian areas to improve and maintain habitat connectivity in accordance with species mapping in the Cumberland Plain Assessment Report.	The species mapping for the Eastern Pygmy Possums does not occur within or within areas surrounding the subject land.

In light of the above assessment, the proposed development is consistent with Chapter 13 of the Biodiversity and Conservation SEPP, subject to conditions of consent (where relevant). The application was also assessed by Council's Tree Management Officer and Ecologist who raised no objections to the proposal, subject to recommended conditions of consent.

State Environmental Planning Policy (Planning Systems) 2021

The proposal is defined as '*regionally significant development*' pursuant to Section 2.19 and under Schedule 6(2) of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), as estimated development cost exceeds \$30 million (i.e. \$48,130,067 exc. GST). In this regard, in accordance with Division 2.4 of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel is the consent authority.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021

Chapter 4 Western Sydney Aerotropolis

Section 4.22 Airspace operation

As per the Obstacle Limitation Surface Map, the subject site is identified as containing a maximum prescribed airspace of 230.5m AHD. However, the proposed development is not classified as a *controlled activity* and does not penetrate the prescribed airspace. In this regard, no further assessment of the proposal against Section 4.22 is required.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Pursuant to Clause 4.6 of the Resilience and Hazards SEPP, the consent authority must not grant development consent unless:

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

The application was supported by a Stage 1 Preliminary Site Investigation (PSI), prepared by Sydney Environmental Group, dated 5 July 2023, which identified that whilst there were no signs of gross contamination identified within the site, there were seven (7) potential areas of environmental concern but were assessed to be of low risk to the development. The areas of potential environmental concern include: on-site structures, building footprints and hardstand, dams and waterways, waste storage, septic systems, vehicle storage, and fill materials. The PSI concluded that based on this assessment, the site is likely to be suitable for the proposed land use, subject to further intrusive detailed site investigation to be undertaken, recommending:

1. A targeted detailed site investigation of identified potential areas of environmental concern be undertaken to confirm the contamination status of the site, and inform whether further management or remediation is required.
2. A hazardous building materials survey be undertaken for the structures present on the site and undertake a clearance inspection (if required).
3. A dam dewatering assessment of on-site dams is to be carried out prior to any dewatering activities.
4. A waste classification assessment is to be carried out on any soil materials proposed for disposal off site.

In light of the above, a Stage 2 Detailed Site Investigation (DSI), prepared by Sydney Environmental, dated 12 March 2024, was submitted and concluded that based on a review of desktop information, fieldwork data and laboratory analytical data:

- Two (2) small localised areas were found to be impacted by relatively small quantities of non-friable asbestos fibre cement fragments which requires further management due to potentially unacceptable inhalation risk;
- One (1) small localised area was identified with elevated concentrations of benzo(a)pyrene which may pose an unacceptable risk to ecology;
- One (1) localised area was found to contain uncontrolled spread/filling from stockpiles of unknown quality and origin which requires further assessment; and
- Some areas that were inaccessible at the time of inspection still require intrusive assessment (however it was noted that it was unlikely that any significant contamination would be present within these areas).

Based on these conclusions, the DSI recommended that a Remedial Action Plan be prepared to detail further assessment and provide management/remedial strategies for the identified areas where surface non-friable asbestos and elevated benzo(a)pyrene levels were in the soil, as well as any further contamination identified during the supplementary assessment.

Further the DSI reiterated the recommendations outlined in the PSI including a hazardous building materials survey of the structures present on the site be undertaken, and that a waste classification assessment be carried out on any soil materials proposed for disposal off site.

A Remedial Action Plan, prepared by Sydney Environmental, dated 8 March 2024 was subsequently submitted outlining the proposed remediation strategies to address the identified contamination, including a sequence of works for demolition and remediation, backfilling requirements, and an unexpected finds protocol,

Further, a Dam-Dewatering Assessment, prepared by Sydney Environmental, dated 27 October 2023, which confirmed that the concentration of identified contaminants of potential concern identified in dam sediments are considered to unlikely present an unacceptable risk. However, due to elevated levels of pathogenic bacteria (including E.Coli), following dam-dewatering, sediments are to be excavated and further retested after seven (7) days of full sunlight to ensure pathogens have been successfully removed. The dam water assessed was found to not contain an unacceptable ecological or human health risk.

The application was referred to Council's Environmental Management section who confirmed the proposed remediation strategies and dam decommissioning methods are acceptable and that the site can be made suitable for the proposed high-intensity residential use, subject to recommended conditions of consent to ensure the required further investigation, remediation and validation works are undertaken.

In this regard, the proposed remediation works and recommended conditions of consent will ensure the subject site will be made suitable for the proposed development in accordance with Clause 4.6 of the Resilience and Hazards SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

2.122 Traffic-generating development

Section 2.122 of the Transport and Infrastructure SEPP requires development applications for certain traffic generating development, as set out in Schedule 3 of the Policy, to be referred to Transport for NSW

(TfNSW) and that any submission from TfNSW to be considered prior to the determination of the application. As per Schedule 3, development applications for the subdivision of land that results in 200 or more allotments and includes the opening of a public road, or, 50 allotments and is within 90m of a classified road, shall be referred to TfNSW.

The development application was subsequently referred to TfNSW as the application is identified as 'traffic-generating development', noting more than 200 allotments are proposed, in conjunction with the opening of a public road. A response was received from TfNSW on 19 December 2023, raising concerns regarding the potential need to "future proof" the width of Chain-O-Ponds Road to accommodate two travel lanes in each direction (if required in the future) without requiring extensive road widening works, or reduction in travel lane width. TfNSW subsequently recommended that whilst not required for the proposed Stage 1 development, consideration should be given in the provision of an operational traffic lane of Chain-O-Ponds Road to cater for future bus operations of the precinct and general traffic requirements.

This request was forwarded to the Applicant who subsequently provided a detailed response with additional traffic modelling, prepared by TTPP, dated 4 April. This advised that the existing layout of The Northern Road and Chain-O-Ponds Road intersection comprises of a 65m short left turn lane in Chain-O-Ponds Road eastbound, and a 120m single right turn lane on The Northern Road southbound, and is sufficient to accommodate 2026-2036 traffic volume. The ultimate intersection layout and design of the intersection will consist of dual right turn lanes and a downstream merge lane, however this is not required for the Stage 1 development (which is subject to this application) due to its low traffic generation. When an intersection upgrade is necessitated as the development of the subdivision of GP3 progresses, an additional right turn lane and a westbound merge lane (extended to approximately 100m (which will be tapered off to provide on-street parking spaces) will be provided.

It is noted the Stage 1 TIA determined that the assessed intersection would operate satisfactorily at LoS B until 2036, indicating an intersection upgrade would not be triggered in this early stage due to the low traffic generation (i.e., 217-226 vph in the peak hours).

In addition, TTPP also confirmed that the interim cross section design for Chain-O-Ponds Road (in which the proposal complies with) has been designed to provide the ultimate road reserve width to allow for the future upgrade of The Northern Road and Chain-O-Ponds Road intersection. This will require the conversion of the parking lane to a travel lane to increase the intersection capacity, thus providing two westbound travel lanes, including a merge lane through adjusted line marking whilst maintaining the same kerb and gutter that will be delivered as part of the Stage 1 works (proposed under this development application).

This additional information, in conjunction with amendments made to the development application as whole (including a minor reduction in the number of residential lots proposed) was re-referred to TfNSW, who provided a response on 9 August 2024 advising:

- The DA is not considered to be *integrated development* under S138 of the *Roads Act 1993* as Council is both the Roads Authority and Consent Authority, and approval from TfNSW is not required under section 138 of the *Roads Act 1993*.
- The DA is not proposed on a classified road and therefore clause 2.118 of the Transport and Infrastructure SEPP does not apply.
- The DA is not considered a traffic generating development as it is greater than 90m from a classified road, and proposed less than **300 lots** and therefore clause 2.122 of the Transport and Infrastructure SEPP does not apply. [emphasis added].
- The DA does not require concurrence from TfNSW, however the agency reiterates the previous advice provided with consideration to be given to future proofing the width of Chain-O-Ponds Road to allow the provision of two traffic lanes in each direction between the northern Road and roundabout, if needed in the future.

It is unclear as to where TfNSW has derived the 300-lot threshold from, noting that Schedule 3 defines developments resulting in **200 or more lots** as traffic generating development. Regardless, Council has fulfilled its obligation by referring the application to TfNSW for assessment. Noting the response received, no further assessment is required under Section 2.122 of the Transport and Infrastructure SEPP. Council's Engineering section have also raised no objections to the proposed development, noting that The Northern Road and Chain-O-Ponds intersection and Chain-O-Ponds Road will be upgraded as part of future subdivision stages and the cross-section/design of Chain-O-Ponds Road complies with the PDCP 2014.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	Complies - See discussion
Clause 2.6 Subdivision - consent requirements	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.1 - Minimum subdivision lot size	Complies - See discussion
Clause 4.1B Minimum subdivision lot size for land in Zones R2 and R3	N/A
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 5.1 Relevant acquisition authority	Complies - See discussion
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 5.21 Flood planning	Complies - See discussion
Clause 6.2 Public utility infrastructure	Complies - See discussion
Clause 6.3 Development control plan	Complies - See discussion
Clause 6.3A Concurrence of Planning Secretary	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion
Clause 7.16A Glenmore Park Stage3	Complies - See discussion
Clause 7.30 Urban Heat	Complies - See discussion
Clause 7.31 Affordable Housing Contribution	Complies - See discussion

Clause 2.3 Permissibility

Under the PLEP 2010, the subject site is zoned a mix of:

- R2 - Low Density Residential,
- R3 - Medium Density Residential,

- RE1 - Public Recreation,
- C2 - Environmental Conservation, and
- C4 - Environmental Living.

A Land Zoning overlay plan is provided in Figure 9 below:

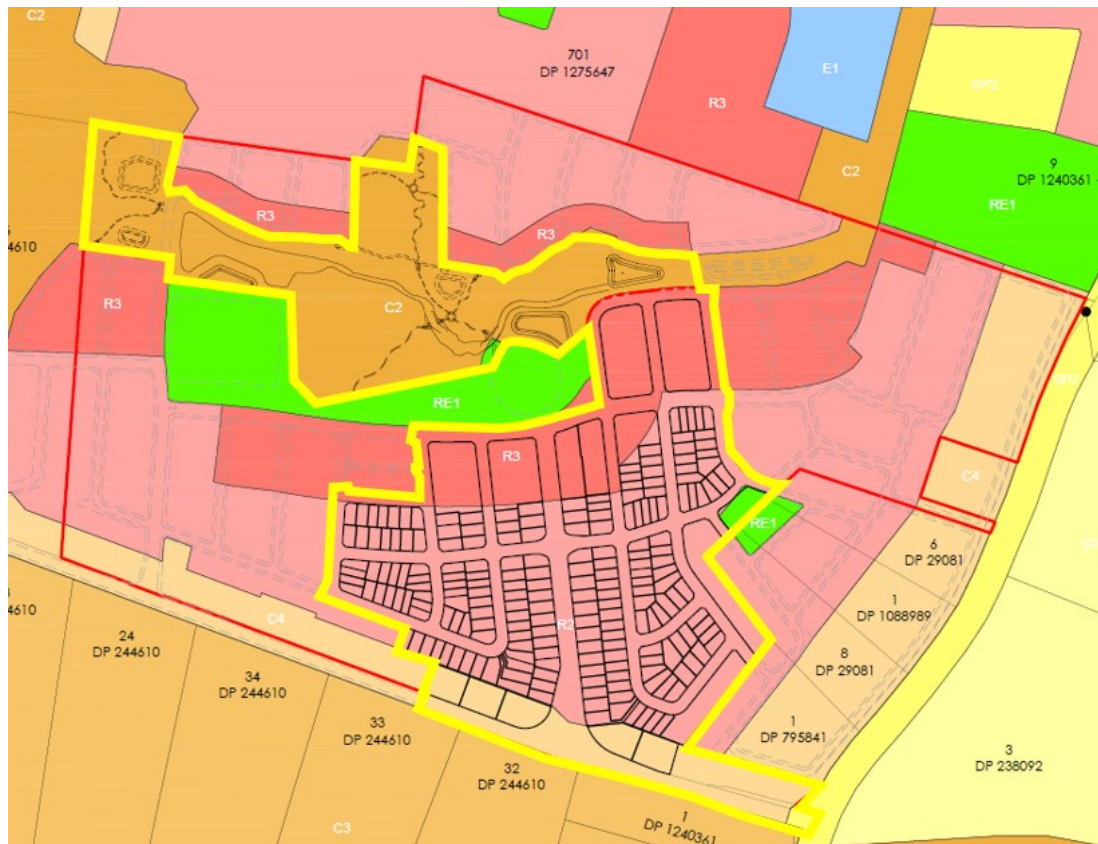


Figure 9. Land Zoning Overlay Plan (development site highlighted in yellow).

Source: ADW Johnson, drw no. 300070-DAS1-008, version E.

The proposed development seeks to subdivide the land for future residential use (in R2, R3 and C4 zoned land), with ancillary civil works (all zoned land), rehabilitation/environmental protection works (in C2 zoned land and portion of adjoining RE1 land) and landscaping works (all zoned land).

In this regard, the proposed subdivision component is permitted with consent under Section 2.6 of the PLEP 2010. The ancillary earthworks, roads, stormwater management works and environmental rehabilitation/protection works are also all permissible in the respective zones, with consent.

A portion of the RE1 zoned land located along the eastern boundary of the development site is proposed to be subdivided as a residue lot and will be subject to a future development application relating to the construction and embellishment of 'Local Park 2'. No additional physical works are proposed, other than road reserve which is permissible with consent.

It is noted the proposed subdivision layout does not directly correspond with the PLEP 2010 Zoning Map (as was initially intended under the Planning Proposal and strategic documents), as the proposed northern street blocks have been reoriented to better respond to the topography of the site. This matter is further discussed throughout this report. A housekeeping amendment is currently being pursued by the Applicant to rectify this inconsistency.

Clause 2.3 Zone objectives

Zone R2 Low Density Residential

Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects the features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To ensure a high level of residential amenity is achieved and maintained.*

The proposed residential subdivision achieves the objectives of the R2 zone through the provision of a range of lot typologies and lot sizes which can accommodate future detached dwelling houses. The proposed subdivision and layout ensures a high level of residential amenity will be provided to future development, particularly through lot orientation and limited excessively high retaining walls along boundaries.

Zone R3 Medium Density Residential

Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposed subdivision seeks to create R3 super lots that will facilitate future development. The applicant has submitted draft sketches demonstrating the potential development of the R3 super lots, illustrating that a variety of medium density housing types are achievable through the proposed subdivision layout, and that a high level of residential amenity can be provided.

Zone C2 Environmental Conservation

Objectives of zone

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

The proposed rehabilitation and regeneration of the existing degraded environmental and riparian corridors (including retention of natural watercourses) located within the C2 land directly align with the first objective of the C2 zone. Further, the proposed works include the embellishment of Linear Park 1 and District Park 2 within the C2 lands which incorporates low impact passive recreational infrastructure including footpaths, footbridges, viewing platforms, bench seating, bike rack, and picnic and seating areas (along the outer edge of the zone adjacent to road reserves and future District Park 4) as per the objectives of the C2 zoned land.

It is noted that the Landscape Plans submitted for the embellishment of Linear Park, prepared by Habit8, includes the provision of a centralised picnic area with shade structure and a centralised gathering space featuring sandstone seating blocks. As discussed throughout this report, the provision of these facilities is not supported as they are not considered to be "low-impact passive recreational uses". Furthermore, they

are likely to cause adverse impact on the Avoided Lands as identified in the Cumberland Plain Conservation Plan (CPCP), and are inconsistent with the objectives of the C2 zone above. These facilities have subsequently been marked for removal on the plans in red, and a condition of consent is recommended requiring their deletion.

Zone C4 Environmental Living

Objectives of zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land management practices.*

The proposed subdivision includes the creation of five (5) environmental living lots which will provide a suitable interface and buffer between Chain-O-Ponds Road and denser residential area, also noting that the lots are of an appropriate size and maintain a rural appearance.

Zone RE1 Public Recreation

Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.*
- *To provide land for the development of services and facilities by public authorities for the benefit of the community.*

The proposed works located on the RE1 zoned land adjoining the C2 zoned land includes the rehabilitation and regeneration of the existing degraded environmental and riparian corridors which directly aligns with the third objective of the RE1 zone. Further, the proposed works include the provision of a picnic area with shade structure and picnic settings, thereby appropriately promoting recreational activities.

Furthermore, the only works proposed within the RE1 zoned land located along the eastern boundary of the site relates to the provision of a minor portion of road reserve. This is not considered inconsistent with the objectives of the RE1 zone, noting it is essential in order to facilitate an orderly subdivision layout.

It should be noted that both RE1 zoned parcels of land will be subject to future development applications for the development and embellishment of their respective open space areas, being District Park 4 and Local Park 2.

Clause 2.5 Additional permitted uses for particular land

Section 2.5 of the PLEP outlines land described in Schedule 1 may be carried out with consent, or without consent (if the Schedule so provides) and is to have effect despite anything to the contrary in the Land Use Table. Schedule 1 of the PLEP outlines that *development for the purposes of business premises used as a sales office for a land release area or housing estate is permitted* on the subject land, with development consent. The proposed development does not seek approval for a sales office and therefore, this Clause does not apply to the proposal.

Clause 4.1 - Minimum subdivision lot size

Section 4.1 of the PLEP 2010 requires the size of any proposed subdivided lot to not be less than the minimum size shown on the Lot Size Map, as provided in Figure 10 below:

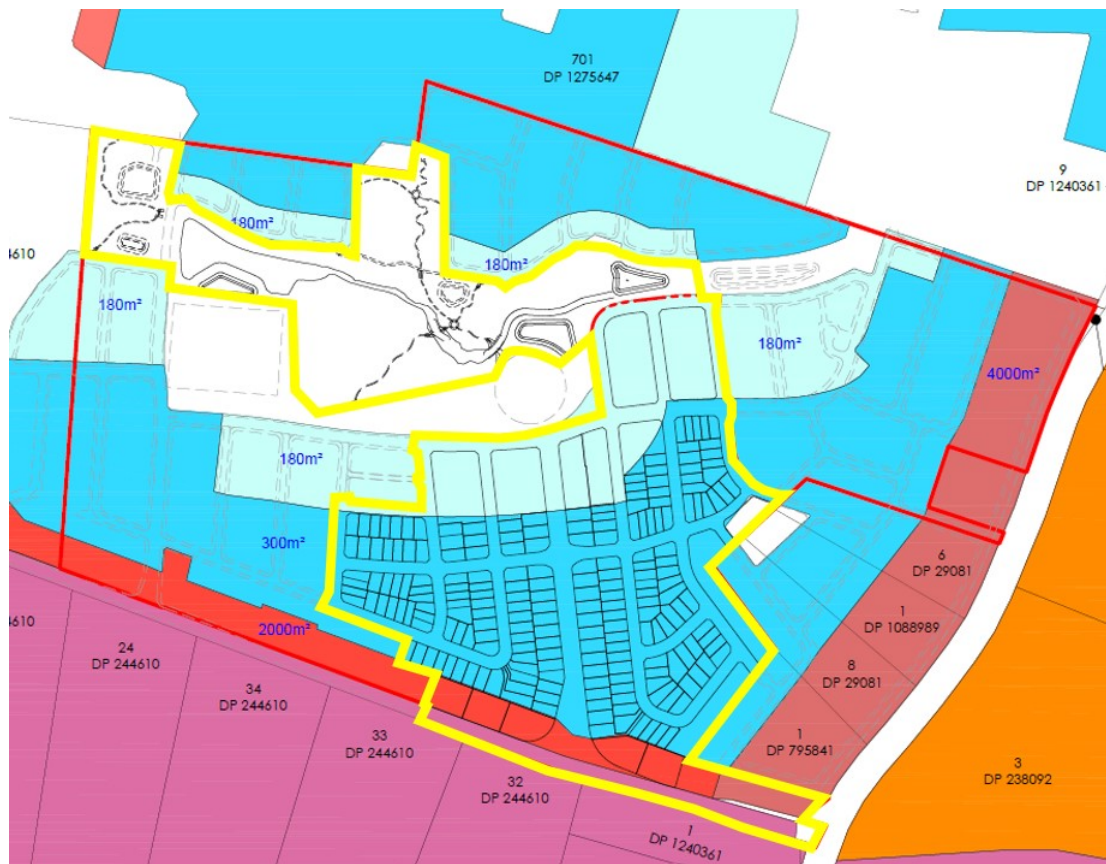


Figure 10. Lot Size Overlay Plan (development site highlighted in yellow).

Source: ADW Johnson, drw no. 300070-DA-S1-008, version E.

As per the Lot Size Map a minimum lot size applies to the following zones:

- R2 - Low Density Residential - 300m²,
- R3 - Medium Density Residential - 180m², and
- E4 Environmental Living - 2000m².

All proposed R2 zoned lots are greater than 300m², noting sizes range from 300m²-693.3m² for standard lots, and 442m²-591m² (excluding access handle) for battle-axe lots. The R3 super lots range between 2,777m²-6707m² and have the capability to be further subdivided to a minimum of 180m². Further, the five (5) x environmental living zones range between 2,000m²-2194m² in total size, which complies.

In this regard, all proposed lots comply with the relevant minimum lot size provision.

Clause 5.1 - Relevant acquisition authority

As per the Land Reservation Acquisition Map within the PLEP 2010, as provided below in Figure 11, the development site is subject to land identified for acquisition:

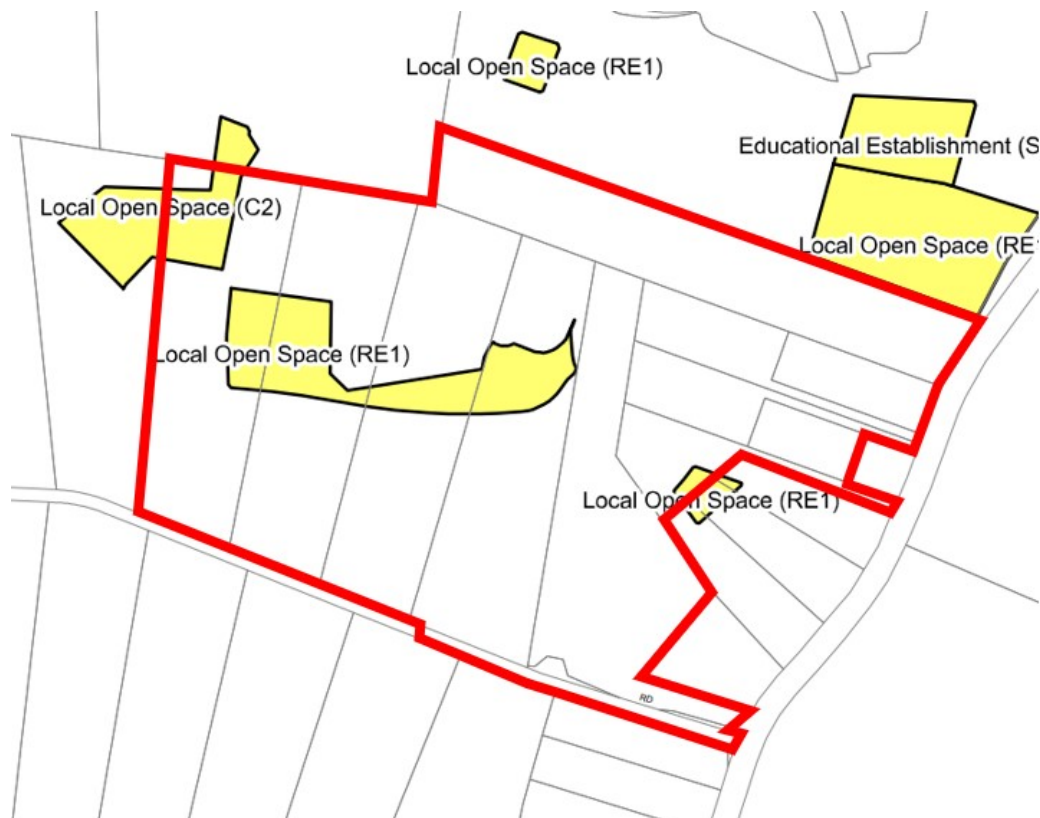


Figure 11. Land Reservation Acquisition Map.

Source: PLEP 2010, Land Reservation Acquisition Map.

Clause 5.1 of the PLEP 2010 outlines Council is to acquire land zoned C2 Environmental Conservation marked as "Local open space", and RE1 Public Recreation zoned land marked as "Local open space". It is noted that no development (other than bulk earthworks) is proposed on RE1 zoned land and therefore, the proposal does not seek acquisition for these parcels of land.

However, the proposal does include works within the the C2 zoned land, including the provision of stormwater infrastructure and embellishment of Linear Park 1 and a portion of District Park 2. The accepted Letter of Offer seeks to dedicate this portion of land under the Planning Agreement and therefore, the proposal does not seek acquisition under this development application.

Clause 5.10 - Heritage conservation

The subject site is not located in proximity of any listed heritage item identified on the Heritage Map and Schedule 5 of the PLEP 2010.

Notwithstanding this, the application was accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR), dated 6 May 2024, which identified six (6) Aboriginal sites, including four combined artefact/Potential Areas of Deposit (PAD) sites throughout the subject site, noting that none of the sites do not contain historic, aesthetic and socio/cultural values, however one (1) site was assessed to contain moderate overall scientific significance.

The ACHAR confirmed that the proposed development will have a direct impact on all sites, resulting in total harm. Subsequently, the ACHAR recommended management and mitigation measures to be incorporated and undertaken during the excavation and recovery of all artefacts, including the implementation of an Unexpected Finds Policy.

In addition to the above, the application is identified as *integrated development*, requiring an Aboriginal Heritage Impact Permit (AHIP) and concurrence to be issued by Heritage NSW, granting approval for the excavation and removal of the potential artefacts, and confirming the proposed recommendations were appropriate. General Terms of Approval (GTAs) were subsequently issued on 22 May 2024. In this regard, a condition of consent is imposed ensuring the proposal remains consistent with the GTAs.

In light of the above, the proposal satisfies the provisions of Clause 5.10 of the PLEP 2010 through adherence to the recommendations and procedures set out within the ACHAR, and the requirement in obtaining an AHIP which will apply to the whole site.

Clause 5.21 - Flood planning

The subject site is affected by overland flow flooding, particularly around the vicinity of existing natural drainage lines and watercourses. Further, the overall Water Cycle Management Strategy, issue E, dated 9 October 2024, applies to the entirety of the GP3 precinct and included flood modelling and objectives that future development applications need to adhere to. It is also noted that as part of the precinct-wide Water Cycle Management Strategy, an assessment of the impacts of climate change was also taken into account, including an increase of 18.6% rainfall during the 1% AEP event.

The application was subsequently accompanied by a Water Cycle Management Plan (for Stage 1) and a Flood Addendum Letter whereby modelling was prepared for the existing and developed conditions in both the 20% AEP and 1% AEP storm event, and the Probable Maximum Flood (PMF) event and assessed consistency with the precinct-wide Water Cycle Management Strategy.

The flood results of the proposed development demonstrated:

- No lots located within the development are significantly impacted by the PMF, noting minor (shallow depth and low hazard flooding occur on the setbacks of 8 lots adjacent to MB3 (that are not subject to this development application), however these lots can be regraded to achieve PMF immunity as part of future design amendments),
- All residential lots are completely flood-free in the 1% AEP storm event, with provision for climate change impacts,
- There are no impacts to properties upstream of Chain-O-Ponds Road as a result of the development, and
- There are no impacts to properties downstream of the Stage 1 boundary as a result of the development.

Subsequently, the flood results demonstrate that the proposed Stage 1 development will achieve the objectives and flooding outcomes outlined in the overarching Water Cycle Management Strategy. The application was subsequently referred to Council's Development Engineer who raised no objections to the proposal, subject to conditions of consent. In this regard, the proposal complies with Section 5.21 of the PLEP 2010.

Clause 6.2 Public utility infrastructure

Section 6.2(1) of the PLEP 2010 states the following:

"Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required."

public utility infrastructure, in relation to an urban release area, includes infrastructure for any of the following—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage."

The delivery of water and wastewater infrastructure will be delivered by the proponent as part of the proposed works. The development will receive drinking water from Bringelly Road Reservoir, and wastewater services will be connected and discharged to the Penrith network. The application was referred to Sydney Water who confirmed the provision of services will align with the development timing, and that continued discussions (including future Section 73 application approvals) will be undertaken between the proponent and Sydney Water on the asset planning and delivery to facilitate the proposed development (and future subsequent stages).

Further, as part of the Glenmore Park Stage 3 Planning Proposal, an investigation and feasibility assessment was undertaken confirming that Endeavour Energy have confirmed that sufficient spare capacity is available at both Luddenham and Glenmore Park Zone Substations to supply electricity to the entire Glenmore Park Stage 3. Subsequently, padmount substations will be utilised throughout the proposed development will be provided to ensure electricity is made available to each lot.

In light of the above, the required infrastructure for the residential subdivision will be made available, subject to additional works/approvals with the relevant government infrastructure agency. In this regard, recommended conditions of consent will ensure these services are to be provided prior to the release of Subdivision Certificates.

Clause 6.3 Development control plan

Section 6.3(2) of the PLEP 2010 requires development control plan to be prepared for the land pertaining to an urban release area prior to development consent. The development control plan must include matters specified within Section 6.3(3) of the PLEP 2010 which include staging, transport movement hierarchy, landscaping strategy, a network of active and passive recreation areas, stormwater and quality management controls, urban design detail, retail and commercial use controls, and suitably located public facilities and services.

The Penrith Development Control Plan 2014 includes a new Chapter E7 Part C - Glenmore Park Stage 3, which applies to the land. As such, the provision of this clause has been satisfied and development consent can be granted to the proposal.

Clause 6.3A Concurrence of Planning Secretary

Section 6.3A of the *Penrith Local Environmental Plan 2010* states:

(1) Development consent must not be granted to development on land identified as "Glenmore Park Stage 3"... on the Clause Application Map unless the consent authority has obtained the concurrence of the Planning Secretary.

(1A) Subclause (1) does not apply if the consent authority is satisfied that a contributions plan or planning agreement applies to the land.

The S7.11 Glenmore Park Stage 3 Development Contributions Plan was adopted at the Council Ordinary Meeting on 26 May 2025, and came into effect on 4 June 2025. In this regard, as per subclause 1A, concurrence is not required from the Planning Secretary.

Notwithstanding this, the proponent has submitted a Letter of Offer to enter in to a Voluntary Planning Agreement (VPA) for Stages 1 and 2 of GP3 (Mirvac's Site). Council's City Planning (Strategic) section have been involved in negotiations, noting the Letter of Offer has now been accepted and final negotiations in regards to the Planning Agreement are underway. The VPA will exclude this development application of any Section 7.11 contributions. However, a condition of consent is recommended requiring the payment of Section 7.11 contributions should the VPA not proceed.

Clause 7.1 Earthworks

Section 7.1 of the PLEP 2010 requires the consent authority to consider the potential impacts the proposed earthworks will have on drainage, soil stability, existing and future land use, amenity to adjoining properties, heritage, waterways and environmentally sensitive areas. The subject site naturally slopes in a north-westerly direction, with a high point along the eastern frontage at the Northern Road of RL 85 AHD, down to an RL of 50m AHD along the site's western boundary, with undulating land throughout the site.

Bulk earthworks is provided throughout the entire site (except within the Avoided Lands under the CPCP), to facilitate the development of Stages 1 and 2 of GP3. The proposed earthworks include the filling of existing drainage lines and gullies, filling of existing dams, lowering of steeper/higher areas, the realignment of part of an existing watercourse in the centre of the site, and the benching of all residential lots to create flat pads for future dwelling construction.

The proposed earthworks seek to achieve a balance of cut and fill across the development site with soil to be reused, proposing an estimated volume of 432,000m³ of cut and 436,000m³ of fill, a maximum cut of 6-6.5m and a maximum fill of 10m-11m, and retaining walls located along lot side, rear and secondary street frontage boundaries to a height ranging between 0.5m-1.5m. It is noted that the proposal results in a significant change to the natural topography of the land, however it is acknowledged that this outcome would have been expected as part of the rezoning and master planning of the land to permit the future redevelopment.

Notwithstanding this, the proposal has reoriented some street blocks (particularly the R3 super lots) when compared to the indicative subdivision layout as prescribed within the GP3 Structure Plan, as a direct response to better respond to the topography of the site so that the blocks run with the slope, enabling lots to have a north-south orientation to improve solar access and minimise retaining wall heights and drop edge beams where future dwellings are able to step down the slope adjacent to the roads, thereby permitting a better built form and streetscape outcome.

In regards to filling, as per the submitted Remedial Action Plan, prepared by Sydney Environmental, dated 8 March 2024, the application specifies that excavated soils will be utilised for fill throughout the site, and where imported fill is required, any material imported to the site will be limited to materials certified as virgin excavated natural material (VENM) or excavated natural material (ENM).

Lastly, batter slope to natural ground level along edges of site is proposed to manage the interface along the sites perimeter and ensure works do not extend beyond the development site's boundary into adjoining lands.

In light of the above, the adverse impacts of the proposed bulk earthworks and significant changes to the natural topography of the land have been mitigated as far as possible/reasonable within the existing framework, and additional protection measures and procedures will be recommended via conditions of consent.

Clause 7.6 Salinity

The application was supported by a Soil Salinity Assessment (the Assessment), prepared by Sydney Environmental Group, dated 27 October 2023, which reviewed the salinity potential across the area of the proposed works, by way of desktop review, fieldwork data and laboratory analytical data. The Assessment confirmed that:

- The soils within the site are considered to be non-saline,
- The soils within the site are considered to be non-aggressive to both steel and concrete, and
- The soils within the site are considered to be non-sodic to sodic.

Based on these findings, the Assessment recommended that no further assessment or management is required with respect to salinity or aggressivity of soils, and that any water infiltration will be relatively slow and therefore, there are no adverse impacts envisioned on the proposal, nor is the proposal envisioned to further impact salinity at the site. Notwithstanding this, the Assessment outlined standard management strategies that should be implemented during the earthworks and construction phases.

In this regard, the provisions of Clause 7.6 of the PLEP have been addressed, and conditions of consent have been recommended requiring the development to adhere to the management strategies outlined within the Assessment.

Clause 7.7 Servicing

As discussed under the PLEP 2010 Clause 6.2 Public utility infrastructure section above, the provision and delivery of water servicing and wastewater servicing will be delivered by the proponent as part of the proposed works and future development of the Glenmore Park Stage 3 works.

Clause 7.16A Glenmore Park Stage 3

The subject site is identified as part of "Glenmore Park Stage 3" on the Clause Application Map of the PLEP 2010 and accordingly, Section 7.16A applies to the proposal.

Subclause 3 outlines land identified on the Lot Size Map of the PLEP 2010 must not result in more dwellings on the land than the prescribed maximum number dwellings specified. In accordance with the Lot Size Map, the subject site is located within Area 11 and subsequently is restricted to a maximum of 477 dwellings on R2 zoned land, and 261 dwellings on R3 zoned land. The proposed development seeks consent for a total of 205 x R2 lots, and seven (7) x R3 super lots which will be further subdivided in future development applications. It is noted this subject development is the first subdivision development application pertaining to GP3 and therefore, Area 11 does not exceed the maximum number of dwellings permitted.

Subclause 5 outlines *development consent must not be granted for the subdivision of land in Zone r3 Medium Density Residential unless a single development application proposes both of the following:*

(a) the subdivision of land,

(b) the erection on each resulting lot of -

i. an attached dwelling, or

ii. a dwelling house, or

iii. multi dwelling housing in accordance with subclause (7).

It is noted the application, as originally submitted, included the subdivision of R3 zoned land (only), without the construction of dwellings, which did not satisfy the provisions of subclause 5. The applicant was requested to either amend the application to include the construction of dwellings, or amend the subdivision layout to consolidate all relevant R3 zoned land into 'super lots' which will be subject to further development under future integrated housing development applications (i.e. for the subdivision and dwelling construction). The subdivision has therefore been amended, ensuring all relevant R3 zoned land is contained with super lots. All residential lots that are proposed under this development application are zoned R2 - Low Density Residential (and E4 Environmental Living).

Subclause 7 outlines subdivision and dwelling development standards for multi-dwelling housing on corner lots on land zoned R3 in Area 11. This subclause does not apply as the subject development application does not seek consent for the construction of any dwellings on R3 zoned land.

Clause 7.30 Urban Heat

Section 7.30(3) of the PLEP 2010 outlines *development consent must not be granted to development on land... unless the consent authority is satisfied that and planning and design measures are incorporated to reduce the urban heat island effect that -*

- (a) maximise green infrastructure, and*
- (b) retain water in the landscape, and*
- (c) user design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and*
- (d) use building, paving other materials that minimise heat impacts, and*
- (e) reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.*

Extensive tree removal is required in order to facilitate the proposed subdivision, noting most tree removal is occurring within Certified - Urban Capable land. Notwithstanding this, considerations were made as part of the Planning Proposal to maximise opportunities to retain green infrastructure through the retention of water bodies, and increase canopy coverage, particularly through tree canopy opportunities within riparian corridors, open space areas and street verges to achieve a 40% tree canopy requirement across the broad precinct.

Subsequently, the proposal includes extensive street tree planting within the verge of all proposed roads, and the revegetation of the riparian corridor to form Linear Park 1 and District Park 2. The revegetation of LIN1 and D21 includes the planting of a canopy tree for every 15m², and the planting of shrubs for every 5m² to aid in the mitigation of urban heat.

Furthermore, the proposal includes the retention and rehabilitation of existing dams, watercourses and creates water bodies within the natural landscape or stormwater drainage and water treatment purposes which will aid in the mitigation of urban heat throughout the land.

Clause 7.31 - Affordable Housing Contribution

The site is located on land identified as "Affordable Rental Housing Contribution Area" and the proposed subdivision is for the purposes of residential accommodation. In this regard, the proposal will be subject to an affordable housing contribution calculated in accordance with the *Glenmore Park and Orchard Hills North Affordable Rental Housing Contributions Scheme*.

Council's City Planning Team have reviewed the applicant's net developable area calculation used to calculate affordable rental housing contributions in accordance with the above plan. The net developable area calculation is considered satisfactory which totals 18.979 hectares. The applicable contribution rate in accordance with the plan is \$88,737.60 per hectare. In this regard, the required affordable rental housing contribution equates to: \$1,250,312.78.

A suitable condition is recommended ensuring an affordable housing contribution is paid prior to the issue of a Subdivision Certificate.

It is noted all proposed residue lots (including the R3 super lots) have not been included in the calculation as an 88B restriction will be created on these lots not permitting any building or development unless satisfactory arrangement have been made with Council. Affordable Rental Housing Contributions will be levied on the residue lots under future development applications.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

The are no draft environmental planning instruments that specifically apply to the proposal.

Section 4.15(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	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	Complies
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
C14 Urban Heat Management	Complies
E7 Glenmore Park controls	Does not comply - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

The Applicant (Mirvac) submitted a Letter of Offer to enter in to a Voluntary Planning Agreement (VPA) for Stages 1 and 2 of Glenmore Park Stage 3 (Mirvac's Site). Council's City Planning (Strategic) section have been involved in negotiations, and staff issued an in-principal acceptance letter to Mirvac on 1 July 2025 confirming acceptance of the Letter of Offer, subject to receiving an updated Offer incorporating several minor clarifying matters. Mirvac provided an updated Letter of Offer which satisfactorily addressed the matters, and on 8 July 2025, City Planning staff sent an email to Mirvac accepting their Updated Letter of Offer, dated 1 July 2025, for Stages 1 and 2. Final negotiations in regards to the Planning Agreement are currently underway.

In light of the above, in accordance with Clause 7.7(3) of the *Environmental Planning and Assessment Act, 1979*, a condition of consent is therefore imposed requiring the planning agreement to be entered in to, and registered on title prior to the issue of any Subdivision Certificate.

Section 4.15(1)(a)(iv) The provisions of the regulations

Prescribed Conditions

Relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and other Australian Standards have been included within the recommended conditions.

Advertising and Notification

The application was notified in accordance with the requirements of the Regulations and the Penrith City Council Community Engagement Strategy and Participation Plan.

Owners consent

A signed letter obtained from all owners consenting to the Applicant acting on their behalf for the lodgement of this subject development application has been submitted.

Contributions

The Section 7.11 Glenmore Park Stage 3 Development Contribution Plan applies to the proposal. However, a Letter of Offer to enter into a planning agreement for Stage 1 and 2 of Glenmore Park Stage 3 was submitted by the proponent, which has been accepted by Council's City Planning Team. This Planning Agreement has not yet been executed, so therefore a condition of consent is recommended requiring payment of the Glenmore Park Stage 3 Development Contribution Plan are to be paid in the event that the Agreement is not executed.

Section 4.15(1)(b)The likely impacts of the development

As discussed throughout this Report, the likely impacts of the development, including any associated impacts on both the natural and built environments on site and throughout the surrounding area can be appropriately mitigated through the adherence and implementation of the recommendations provided in various technical documents, and additional conditions of consent recommended by Council's technical officers.

Furthermore, it is considered that the proposed development will not result in unreasonable social or economic impacts, noting the broader area will be undergoing significant transformation following the recent rezoning of the land for residential purposes associated with the Glenmore Park Stage 3 urban release area, and the proposed development is largely in accordance with the Glenmore Park Stage 3 Structure Plan.

Section 4.15(1)(c)The suitability of the site for the development

The site is subject of a recent Planning Proposal and rezoning of land under the PLEP 2010 for a new urban release area (i.e. Glenmore Park Stage 3), inclusive of supporting road infrastructure, school, local centre, passive and active open space areas, and stormwater infrastructure. The proposed Stage 1 subdivision is largely compliant with the GP3 Structure Plan, noting that where there are inconsistencies, it is considered sufficient information has been provided demonstrating the proposal has resulted in an improved and optimal outcome, or the proposed offsets to counter the inconsistencies are suitable. The proposed development therefore will contribute to achieving the strategic vision for the area. Further, the proposed subdivision is also consistent with the approved Letter of Offer to enter into a Voluntary Planning Agreement that applies to the land.

The proposed subdivision and associated works appropriately respond to the natural constraints and features of the site, including the topography of the land, biodiversity values, and natural watercourses. In instances where the proposed development will impact on the natural environment, appropriate mitigation and protection methods are proposed and will be implemented. It is also noted that the proposal includes extensive rehabilitation and conservation of the riparian corridor (Avoided Lands).

In light of the above, the site is considered suitable for the proposed development.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy and Community Participation Plan 2022-26, the development application was notified to surrounding properties with an exhibition date from 13 November to 13 December 2023. The application was also advertised within the local newspaper being the Western Weekender. One (1) submission was received in response.

The issues raised in the submission and Council's response are summarised below:

Issue Raised	Summarised Response
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The extent of proposed works within the mapped 'Avoided Lands' area and impact to local biodiversity, including the installation of detention basins, realignment of water courses, tree removal, construction of roads, and the installation of footpaths and picnic areas.	It should be noted that the land within the Avoided Lands, and associated watercourses is currently in a highly degraded condition due to a lack of maintenance, livestock grazing and weed invasion and infestation. Subsequently, the proposed development seeks to rehabilitate the riparian corridor within the Avoided Lands which will be extensively revegetated with native species and conserved, as per the Vegetation Management Plan. Within the Avoided Lands, the proposed development includes embellishment works for Linear Park 1 and District Park 2, including footpaths, bridges, viewing platforms, picnic areas and seating. The proposed embellishment works are in accordance with the strategic planning documents approved under the Planning Proposal, noting the works propose low-impact passive recreational infrastructure and have been designed and strategically located in areas that are already degraded and void of native trees and shrubs. However, it is noted the Landscape Plans include the provision of a centralised picnic area with shade structure and a centralised gathering space within the Avoided Lands. These facilities are not supported, are not consistent with the strategic planning documents, and are considered to likely cause adverse impact on the native vegetation. A condition of consent is therefore recommended not permitted approval of these components. The application also involves the construction and delivery of essential precinct-wide stormwater infrastructure to service the broader Glenmore Park Stage 3 precinct. It is also noted that as part of the Planning Proposal, the proposed stormwater infrastructure is located to generally align with the location of existing dams and existing riparian corridor with watercourse. The proposed stormwater delivery under this development application aligns with the broader Water Cycle Management Strategy, noting the development requires a minor realignment of an existing course and the filling and reshaping of existing dams, which are currently significantly degraded. The provision of the stormwater infrastructure will also serve as a rehabilitation opportunity to an existing degraded habitat. Further, the proposed development within the Avoided Lands is expected to improve water quality and degrade erosion and thereby not lead to adverse impacts to the ecology of the Avoided Lands, and that water quality entering natural systems will be as close as possible to neutral or beneficial when compared to pre and post development scenarios, and will not adversely impact upon the healthy and environmental areas and watercourses. In addition to the above, the application was supported by the following specialist reports: • Dam-Dewatering Assessment, • Watercourse and Riparian Lands Assessment, • Biodiversity Development Assessment Plan, and • Vegetation Management Plan These have been reviewed by Council's Ecologist, Tree Management Officer, and Environmental Management section who have raised no objections to the proposal, subject to conditions of consent requiring the development to adhere to all recommendations and mitigation measures. In this regard, the proposed works located within the Avoided Lands are considered to be acceptable.
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Inaccurate species lists provided within the submitted Biodiversity Development Assessment Report, including the omission of Swift Parrots.	Council's Ecologist reviewed the originally submitted Biodiversity Development Assessment Report (BDAR) who raised several concerns with the information provided, including the omission and lack of any assessment of Swift Parrot species. The applicant was subsequently requested to undertake further assessments and provide an amended BDAR. An amended BDAR was submitted which includes an Assessment of Significance for Swift Parrot. No other significant/threatened species were identified. The species list provided within the BDAR are considered to be satisfactory by Council's Ecologist.
Loss of natural watercourses including the dewatering of dams and impact on local biodiversity and aquatic species.	As stated above, the proposal requires the realignment and filling of some existing dams and watercourses in order to align with the approved Stormwater Cycle Management Strategy and supporting strategic planning documents that were endorsed as part of the Planning Proposal. These watercourses are already significantly degraded but will be rehabilitated and revegetated as part of the works to the watercourses and dams. The submitted documentation has demonstrated that the proposed development is expected to improve water quality and degrade erosion and not lead to adverse impacts to the ecology of the Avoided Lands. Further, water quality entering natural systems will be as close as possible to neutral or beneficial when compared to pre and post development scenarios, and will not adversely impact upon the healthy and environmental areas and watercourses. In this regard, the proposed development is not considered to adversely impact on local biodiversity and aquatic species.
Concerns regarding biodiversity offsets.	The final version of the BDAR has outlined that as a result of direct impacts to native vegetation, the ecosystem credit liability of the proposed development has been calculated as • 2 credits of Cumberland Shale Plain Woodland, • 17 credits for Cumberland Red Gum Riverflat Forest, • 4 credits for Coastal Floodplain Phragmites Reedland, and • 12 credits for the Swift Parrot. The BDAR and retirement of credits was reviewed by Council's Ecologist who raised no objections, subject to conditions of consent.
Potential for the construction of illegal bike tracks and jumps, off-lease dog walking, illegal dumping, arson and theft of wildlife within the nature reserve and impact on local biodiversity.	Council acknowledges the potential and increased risk for anti-social behaviour to occur within the riparian corridor. In this regard, fencing will be installed around the entire perimeter of the riparian corridors and areas requiring rehabilitation, in the form of bollards links with a chain or rope, to restrict access, as required within the Vegetation Management Plan. Signage will be installed at all public access points and will advise that the vegetation within the area is bushland protected, that activities such as firewood collection, rubbish dumping, and the picking of native vegetation is prohibited, and that all dogs must be leashed.

Traffic impacts to Mulgoa Road and the Northern Road.	As part of the Planning Proposal, the overall increase in traffic generation associated with the full development of Glenmore Precinct Stage 3 was assessed. The area was estimated to generate 2,967 two-way trips in the AM peak hour and 3,037 two-way trips in the PM peak hour. These vehicular movements are expected to be distributed across the internal and external road networks, including The Northern Road, Chain-O-Ponds Road, Riverflat Drive and Darug Avenue. It is not anticipated that the proposed development will have adverse impacts to Mulgoa Road, noting vehicles will primarily utilise The Northern Road (as this is the closest major arterial road linking the precinct to the broader Penrith LGA road network). It is also acknowledged that as part of traffic modelling undertaken during the Planning Proposal, it was identified that The Northern Road intersections with the future entry-boulevard (northern end of GP3) and Chain-O-Ponds Road will be experience long delays and traffic queues by 2036. To accommodate future traffic demand, intersection upgrades will be required, with delivery to be coordinated between developers, Council, and Transport for NSW. These works are not required to be undertaken under this subject development application. The current development application seeks to deliver the first stage of the Glenmore Park Stage 3 release area and is consistent with the required lot yield and density endorsed through the Planning Proposal. In this regard, the proposed development is not anticipated to generate adverse traffic impacts in the short-to-medium term, noting required infrastructure upgrades are not expected to be triggered until 2036.
Concerns regarding vehicle headlight and illumination of dwellings and impact to local fauna.	It is not anticipated that the development will result in significant adverse impacts on local wildlife, noting buffer zones and landscaping are proposed along the key edges of the riparian corridor that will act as light filters, thereby limited the spread of artificial lighting into adjacent vegetation and fauna habitat.
Request to educate future residents regarding environmental protection.	As part of the proposed development, signage will be installed throughout the Avoided Land to educate residents and visitors on the ecological importance of the native vegetation throughout the land. The signage will also include the prohibition of dumping rubbish, and wood collection, as well as include a requirement for dogs to be leashed at all times, and for visitors (both pedestrians and cyclists) to remain on designated tracks and footpaths. This signage is required to be installed as per the Vegetation Management Plan.
Potential future redevelopment of land south of Chain-O-Ponds Road.	This land is not subject to any current planning proposals or formal consideration by Council. Accordingly, it has no relevance or bearing to the assessment of this current development application.

Referrals

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

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions
Landscape Architect	Not supported, however conditions provided
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	No objections
Traffic Engineer	No objection
Tree Management Officer	No objections

Landscape Architect

The application was referred to Council's Landscape Architect from Council's internal Design and Projects section who raised concerns with the proposed development, and subsequently requested additional information be provided and amendments be made to the proposal regarding:

- Street tree planting and placement requirements,
- Proposed shrub and groundcover plantings within street verges,
- Inadequate kerb build-outs and median strips provided to enable healthy and effective growth of trees,
- Inappropriate selection of indicative species list for street trees,
- Insufficient design of street verges for the provision of street trees, and
- Conflict between stormwater infrastructure and proposed tree within Chain-O-Ponds roundabout.

Upon review of these comments, most matters raised can be suitably resolved via conditions of consent requiring additional information, a detailed landscape design plans and amended streetscape strategy to be submitted to Council for review and approval prior to the issue of the relevant Subdivision Works Certificate. In addition a condition of consent is recommended requiring amended Civil Engineering Plans to be submitted requiring the relocation of the stormwater pipe located in the middle of the Chain-O-Ponds Road roundabout to its outer edge and away from the root zones of the proposed feature trees and landscaping.

It is noted however that comments made relating to the size and widths of kerb build-outs, median widths and street verges for the provision of street trees cannot be addressed as the proposed dimensions and widths of street verges and medians comply with the road sections prescribed within Chapter E7 Part C of the PDGP 2014. Therefore, requesting wider medians and verges is considered unreasonable, given the proposal already meets the applicable planning controls.

Section 4.15(1)(e)The public interest

There are no significant issues pertaining to the public interest envisioned as a result of the proposed development. The proposal seeks to develop the site in accordance with the recent Planning Proposal and amendments to the Penrith Local Environmental Plan 2010 supported by a site-specific precinct chapter within the Penrith Development Control Plan 2014 (E7 Part C Glenmore Park Stage 3).

The proposed subdivision will facilitate housing densities consistent with the concept plan for the land, will contribute to housing diversity, green infrastructure, interconnected open spaces, and rehabilitate degraded environmental corridors.

Section 94 - Developer Contributions Plans

A Letter of Offer to enter into a Voluntary Planning Agreement for Stage 1 and 2 of Glenmore Park Stage 3 (Mirvac's Site) was submitted by the Applicant (Mirvac), which has been accepted by Council's City Planning Team. The Letter of Offer identifies that the Voluntary Planning Agreement will exclude the application of Section 7.11 Development Contributions under the *Environmental Planning and Assessment Act 1979*.

However, noting the Planning Agreement has not yet been formally executed, a condition of consent is recommended requiring Section 7.11 contributions under the Glenmore Park Stage 3 Development Contribution Plan be paid in the event that the Agreement is not executed.

Conclusion

In assessing this proposal against the relevant environmental planning policies, including the Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014, and relevant State Environmental Planning Policies, the proposal satisfies the aims, objectives and provisions of these policies. Where the proposal is inconsistent with the PDCP, the application has appropriately demonstrated the development achieves an optimal outcome.

Further the application is accompanied by a Letter of Offer to enter into a planning agreement which has been accepted by Council staff.

Overall, the proposed development is unlikely to have any unreasonable impacts on the surrounding natural, social or economic environments. Given the recent Planning Proposal, the site is suitable for the proposed development and the proposal is in the public interest.

Therefore, the development application is worthy of support and is recommended for approval, subject to conditions of consent.

Recommendation

1. That DA23/0955 for the staged torrens title subdivision for the creation of 205 residential lots, 5 rural-residential lots, 7 super lots, and 5 residue lots and public roads, including demolition works, land remediation, bulk earthworks, stormwater management works, and public domain landscaping works for Stage 1 of Glenmore Park Stage 3; and for bulk earthworks for Stage 2 of Glenmore Park Stage 3, be approved, subject to the attached conditions of consent.
2. That those who made a submission objecting to the proposed development are notified of the outcome of the application's determination.

CONDITIONS

General

- The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:-

Plan No.	Plan Title	Prepared By	Revision	Date
Architectural Plans				
300070-DA-S1-001	Cover Sheet, Index of Drawings & Locality Sketch	ADW Johnson	E	4/11/2024
300070-DA-S1-003	Locality Plan - Local Context	ADW Johnson	E	4/11/2024
300070-DA-S1-004	Overall Site - Natural Surface Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-005	Overall Masterplan	ADW Johnson	E	4/11/2024
300070-DA-S1-006	Staging Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-012	Proposed Active Transport Links Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-101	Overall Subdivision Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-102	Stage 1A Subdivision Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-103	Stage 1A Detail Plan - Sheet 1	ADW Johnson	E	4/11/2024
300070-DA-S1-104	Stage 1A Detail Plan - Sheet 2	ADW Johnson	E	4/11/2024
300070-DA-S1-105	Stage 1B Subdivision Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-106	Stage 1B Detail Plan - Sheet 1	ADW Johnson	E	4/11/2024
300070-DA-S1-107	Stage 1B Detail Plan - Sheet 2	ADW Johnson	E	4/11/2024
300070-DA-S1-108	Stage 1B Detail Plan - Sheet 3	ADW Johnson	E	4/11/2024
300070-DA-S1-111	Indicative Driveway, Building Envelope & Waste Disposal Overall Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-112	Indicative Driveway, Building Envelope & Waste Disposal Plan - Sheet 1	ADW Johnson	E	4/11/2024

300070-DA-S1-113	Indicative Driveway, Building Envelope & Waste Disposal Plan - Sheet 2	ADW Johnson	E	4/11/2024
300070-DA-S1-114	Indicative Driveway, Building Envelope & Waste Disposal Plan - Sheet 3	ADW Johnson	E	4/11/2024
300070-DA-S1-115	Indicative Driveway, Building Envelope & Waste Disposal Plan - Sheet 4	ADW Johnson	E	4/11/2024
300070-DA-S1-201	Road Hierarchy Plan	ADW Johnson	E	4/11/2024
300070-DA-S1-211	Typical Road Cross Sections - Sheet 1	ADW Johnson	E	4/11/2024
300070-DA-S1-212	Typical Road Cross Sections - Sheet 2	ADW Johnson	E	4/11/2024
300070-DA-S1-213	Typical Road Cross Sections - Sheet 3	ADW Johnson	E	4/11/2024
300070-DA-S1-214	Typical Road Cross Sections - Sheet 4	ADW Johnson	E	4/11/2024
Civil Plans				
30070-S1-CENG-001	Cover Sheet & Locality Sketch	ADW Johnson	G	18/10/2024
30070-S1-CENG-002	Index of Drawings	ADW Johnson	G	18/10/2024
30070-S1-CENG-003	General Notes	ADW Johnson	G	18/10/2024
30070-S1-CENG-004	Overall Site Plan	ADW Johnson	G	18/10/2024
30070-S1-CENG-005	Staging Plan	ADW Johnson	G	18/10/2024
30070-S1-CENG-006	Demolition Plan	ADW Johnson	G	18/10/2024
30070-S1-CENG-007	Tree Clearing Plan	ADW Johnson	G	18/10/2024
30070-S1-CENG-101	Detail Plan - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-102	Detail Plan - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-103	Detail Plan - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-104	Detail Plan - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-105	Detail Plan - Sheet 5	ADW Johnson	G	18/10/2024
30070-S1-CENG-106	Detail Plan - Sheet 6	ADW Johnson	G	18/10/2024
30070-S1-CENG-107	Detail Plan - Sheet 7	ADW Johnson	G	18/10/2024

30070-S1-CENG-108	Detail Plan - Sheet 8	ADW Johnson	G	18/10/2024
30070-S1-CENG-109	Detail Plan - Sheet 9	ADW Johnson	G	18/10/2024
30070-S1-CENG-110	Detail Plan - Sheet 10	ADW Johnson	G	18/10/2024
30070-S1-CENG-111	Detail Plan - Sheet 11	ADW Johnson	G	18/10/2024
30070-S1-CENG-211	Typical Road Cross Sections & Details - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-212	Typical Road Cross Sections & Details - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-221	Road Longitudinal Section - Chain O Ponds Road - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-222	Road Longitudinal Section - Chain O Ponds Road - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-223	Road Longitudinal Section - Chain O Ponds Road - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-224	Road Longitudinal Section - Chain O Ponds Road - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-225	Road Longitudinal Section - Road No. 1 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-226	Road Longitudinal Section - Road No. 1 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-227	Road Longitudinal Section - Road No 2 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-228	Road Longitudinal Section - Road No 2 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-229	Road Longitudinal Section - Road No 2 - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-230	Road Longitudinal Section - Road No 3 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-231	Road Longitudinal Section - Road No 3 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-232	Road Longitudinal Section - Road No 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-233	Road Longitudinal Section - Road No 5	ADW Johnson	G	18/10/2024

30070-S1-CENG-234	Road Longitudinal Section - Road No 6 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-235	Road Longitudinal Section - Road No 6 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-236	Road Longitudinal Section - Road No 6 - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-237	Road Longitudinal Section - Road No 6 - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-238	Road Longitudinal Section - Road No 7	ADW Johnson	G	18/10/2024
30070-S1-CENG-239	Road Longitudinal Section - Road No 8	ADW Johnson	G	18/10/2024
30070-S1-CENG-240	Road Longitudinal Section - Road No 9	ADW Johnson	G	18/10/2024
30070-S1-CENG-241	Road Longitudinal Section - Road No 10	ADW Johnson	G	18/10/2024
30070-S1-CENG-242	Road Longitudinal Section - Road No 11 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-243	Road Longitudinal Section - Road No 11 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-244	Road Longitudinal Section - Road No 12 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-245	Road Longitudinal Sections - Road No 12 & Road No 13	ADW Johnson	G	18/10/2024
30070-S1-CENG-246	Road Longitudinal Section - Road No 14	ADW Johnson	G	18/10/2024
30070-S1-CENG-247	Road Longitudinal Section - Road No 15	ADW Johnson	G	18/10/2024
30070-S1-CENG-248	Road Longitudinal Section - Road No 16 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-249	Road Longitudinal Section - Road No 16 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-250	Road Longitudinal Section - Road No 17	ADW Johnson	G	18/10/2024
30070-S1-CENG-251	Road Longitudinal Section - Road No 18	ADW Johnson	G	18/10/2024
30070-S1-CENG-252	Road Longitudinal Section - Road No 19	ADW Johnson	G	18/10/2024
30070-S1-CENG-253	Road Longitudinal Section - Road No 20	ADW Johnson	G	18/10/2024

30070-S1-CENG-254	Road Longitudinal Section - Road No 21	ADW Johnson	G	18/10/2024
30070-S1-CENG-255	Road Longitudinal Section - Road No 22	ADW Johnson	G	18/10/2024
30070-S1-CENG-256	Road Longitudinal Section - Road No 23 - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-257	Road Longitudinal Section - Road No 23 - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-258	Road Longitudinal Section - Road No 24	ADW Johnson	G	18/10/2024
30070-S1-CENG-301	Roundabout Concept Plan - Chain O Ponds Road & Road No 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-302	Roundabout Concept Plan - Road No 1 & Road No 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-311	Driveway Detail Plan - Lots 1079, 1080, 1081	ADW Johnson	G	18/10/2024
30070-S1-CENG-312	Driveway Detail Plan - Lot 1147	ADW Johnson	G	18/10/2024
30070-S1-CENG-401	Stormwater Detail Plan - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-402	Stormwater Detail Plan - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-403	Stormwater Detail Plan - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-404	Stormwater Detail Plan - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-405	Stormwater Detail Plan - Sheet 5	ADW Johnson	G	18/10/2024
30070-S1-CENG-406	Stormwater Detail Plan - Sheet 6	ADW Johnson	G	18/10/2024
30070-S1-CENG-407	Stormwater Detail Plan - Sheet 7	ADW Johnson	G	18/10/2024
30070-S1-CENG-421	Stormwater Longitudinal Sections - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-422	Stormwater Longitudinal Sections - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-423	Stormwater Longitudinal Sections - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-424	Stormwater Longitudinal Sections - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-425	Stormwater Longitudinal Sections - Sheet 5	ADW Johnson	G	18/10/2024

30070-S1-CENG-426	Stormwater Longitudinal Sections - Sheet 6	ADW Johnson	G	18/10/2024
30070-S1-CENG-427	Stormwater Longitudinal Sections - Sheet 7	ADW Johnson	G	18/10/2024
30070-S1-CENG-428	Stormwater Longitudinal Sections - Sheet 8	ADW Johnson	G	18/10/2024
30070-S1-CENG-429	Stormwater Longitudinal Sections - Sheet 9	ADW Johnson	G	18/10/2024
30070-S1-CENG-430	Stormwater Longitudinal Sections - Sheet 10	ADW Johnson	G	18/10/2024
30070-S1-CENG-431	Stormwater Longitudinal Sections - Sheet 11	ADW Johnson	G	18/10/2024
30070-S1-CENG-432	Stormwater Longitudinal Sections - Sheet 12	ADW Johnson	G	18/10/2024
30070-S1-CENG-433	Stormwater Longitudinal Sections - Sheet 13	ADW Johnson	G	18/10/2024
30070-S1-CENG-434	Stormwater Longitudinal Sections - Sheet 14	ADW Johnson	G	18/10/2024
30070-S1-CENG-435	Stormwater Longitudinal Sections - Sheet 15	ADW Johnson	G	18/10/2024
30070-S1-CENG-436	Stormwater Longitudinal Sections - Sheet 16	ADW Johnson	G	18/10/2024
30070-S1-CENG-437	Stormwater Longitudinal Sections - Sheet 17	ADW Johnson	G	18/10/2024
30070-S1-CENG-438	Stormwater Longitudinal Sections - Sheet 18	ADW Johnson	G	18/10/2024
30070-S1-CENG-439	Stormwater Longitudinal Sections - Sheet 19	ADW Johnson	G	18/10/2024
30070-S1-CENG-440	Stormwater Longitudinal Sections - Sheet 20	ADW Johnson	G	18/10/2024
30070-S1-CENG-441	Stormwater Longitudinal Sections - Sheet 21	ADW Johnson	G	18/10/2024
30070-S1-CENG-442	Stormwater Longitudinal Sections - Sheet 22	ADW Johnson	G	18/10/2024

30070-S1-CENG-443	Stormwater Longitudinal Sections - Sheet 23	ADW Johnson	G	18/10/2024
30070-S1-CENG-444	Stormwater Longitudinal Sections - Sheet 24	ADW Johnson	G	18/10/2024
30070-S1-CENG-445	Stormwater Longitudinal Sections - Sheet 25	ADW Johnson	G	18/10/2024
30070-S1-CENG-446	Stormwater Longitudinal Sections - Sheet 26	ADW Johnson	G	18/10/2024
30070-S1-CENG-447	Stormwater Longitudinal Sections - Sheet 27	ADW Johnson	G	18/10/2024
30070-S1-CENG-448	Stormwater Longitudinal Sections - Sheet 28	ADW Johnson	G	18/10/2024
30070-S1-CENG-449	Stormwater Longitudinal Sections - Sheet 29	ADW Johnson	G	18/10/2024
30070-S1-CENG-450	Stormwater Longitudinal Sections - Sheet 30	ADW Johnson	G	18/10/2024
30070-S1-CENG-451	Stormwater Longitudinal Sections - Sheet 31	ADW Johnson	G	18/10/2024
30070-S1-CENG-452	Stormwater Longitudinal Sections - Sheet 32	ADW Johnson	G	18/10/2024
30070-S1-CENG-453	Stormwater Longitudinal Sections - Sheet 33	ADW Johnson	G	18/10/2024
30070-S1-CENG-454	Stormwater Longitudinal Sections - Sheet 34	ADW Johnson	G	18/10/2024
30070-S1-CENG-455	Stormwater Longitudinal Sections - Sheet 35	ADW Johnson	G	18/10/2024
30070-S1-CENG-456	Stormwater Longitudinal Sections - Sheet 36	ADW Johnson	G	18/10/2024
30070-S1-CENG-457	Stormwater Longitudinal Sections - Sheet 37	ADW Johnson	G	18/10/2024
30070-S1-CENG-461	MB3 Basin Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-462	MB4 Basin Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-463	Rain Garden E Plan & Details	ADW Johnson	G	18/10/2024

30070-S1-CENG-464	Rain Garden H Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-465	Rain Garden A Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-466	Rain Garden B Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-467	Rain Garden G Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-468	Typical Rain Garden Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-471	On-line Swale Detail Plan, Longitudinal Section & Typical Section	ADW Johnson	G	18/10/2024
30070-S1-CENG-472	Temporary Diversion Drain No. 1 Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-473	Temporary Diversion Drain No. 1 Longitudinal Section	ADW Johnson	G	18/10/2024
30070-S1-CENG-474	Temporary Diversion Drain No. 2 (2A) Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-475	Temporary Diversion Drain No. 2 (2B) Plan & Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-501	Overall Site Regrade Plan	ADW Johnson	G	18/10/2024
30070-S1-CENG-502	Site Regrade Plan - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-503	Site Regrade Plan - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-504	Site Regrade Plan - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-505	Site Regrade Plan - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-511	Site Sections - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-512	Site Sections - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-513	Site Sections - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-514	Site Sections - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-515	Site Sections - Sheet 5	ADW Johnson	G	18/10/2024
30070-S1-CENG-516	Site Sections - Sheet 6	ADW Johnson	G	18/10/2024
30070-S1-CENG-517	Site Sections - Sheet 7	ADW Johnson	G	18/10/2024

30070-S1-CENG-518	Site Sections - Sheet 8	ADW Johnson	G	18/10/2024
30070-S1-CENG-519	Site Sections - Sheet 9	ADW Johnson	G	18/10/2024
30070-S1-CENG-520	Site Sections - Sheet 10	ADW Johnson	G	18/10/2024
30070-S1-CENG-521	Site Sections - Sheet 11	ADW Johnson	G	18/10/2024
30070-S1-CENG-522	Site Sections - Sheet 12	ADW Johnson	G	18/10/2024
30070-S1-CENG-523	Site Sections - Sheet 13	ADW Johnson	G	18/10/2024
30070-S1-CENG-524	Site Sections - Sheet 14	ADW Johnson	G	18/10/2024
30070-S1-CENG-525	Site Sections - Sheet 15	ADW Johnson	G	18/10/2024
30070-S1-CENG-526	Site Sections - Sheet 16	ADW Johnson	G	18/10/2024
30070-S1-CENG-527	Site Sections - Sheet 17	ADW Johnson	G	18/10/2024
30070-S1-CENG-528	Site Sections - Sheet 18	ADW Johnson	G	18/10/2024
30070-S1-CENG-529	Site Sections - Sheet 19	ADW Johnson	G	18/10/2024
30070-S1-CENG-530	Site Sections - Sheet 20	ADW Johnson	G	18/10/2024
30070-S1-CENG-551	Lot Benching & Retaining Wall Detail Plan - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-552	Lot Benching & Retaining Wall Detail Plan - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-553	Lot Benching & Retaining Wall Detail Plan - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-561	Typical Lot Benching Sections	ADW Johnson	G	18/10/2024
30070-S1-CENG-601	Erosion & Sediment Control Plan - Sheet 1	ADW Johnson	G	18/10/2024
30070-S1-CENG-602	Erosion & Sediment Control Plan - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-603	Erosion & Sediment Control Plan - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-604	Erosion & Sediment Control Plan - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-611	Erosion & Sediment Control Details	ADW Johnson	G	18/10/2024
30070-S1-CENG-701	Signage & Linemarking Plan - Sheet 1	ADW Johnson	G	18/10/2024

30070-S1-CENG-702	Signage & Linemarking Plan - Sheet 2	ADW Johnson	G	18/10/2024
30070-S1-CENG-703	Signage & Linemarking Plan - Sheet 3	ADW Johnson	G	18/10/2024
30070-S1-CENG-704	Signage & Linemarking Plan - Sheet 4	ADW Johnson	G	18/10/2024
30070-S1-CENG-705	Signage & Linemarking Plan - Sheet 5	ADW Johnson	G	18/10/2024
30070-S1-CENG-706	Signage & Linemarking Plan - Sheet 6	ADW Johnson	G	18/10/2024
30070-S1-CENG-707	Signage & Linemarking Plan - Sheet 7	ADW Johnson	G	18/10/2024
Landscape Plans				
Linear Park 2 (Riparian Area) Plans				
L-01	Coversheet	D	habit8	21/03/2024
L-02	Contents	D	habit8	21/03/2024
L-03	Design Intent and Precedent Imagery	D	habit8	21/03/2024
L-04	Design Philosophy	D	habit8	21/03/2024
L-05	Site Analysis	D	habit8	21/03/2024
L-06	Illustrative Landscape Masterplan	D	habit8	21/03/2024
L-07	Public Art & Street Furniture Strategy	D	habit8	21/03/2024
L-08	Planting Strategy	D	habit8	21/03/2024
L-09	Indicative Planting Schedule	D	habit8	21/03/2024
L-10	Landscape Concept Plan 01	D	habit8	21/03/2024
L-11	Landscape Concept Plan 02	D	habit8	21/03/2024
L-12	Landscape Concept Plan 03	D	habit8	21/03/2024
L-13	Landscape Concept Plan 04	D	habit8	21/03/2024
L-14	Landscape Section A-A	D	habit8	21/03/2024
L-15	Landscape Section B-B	D	habit8	21/03/2024
L-16	Landscape Section C-C	D	habit8	21/03/2024
L-18	Detail Concept: Picnic Area 2	D	habit8	21/03/2024

L-19	Detail Concept: Viewing Deck	D	habit8	21/03/2024
Stage 1 Subdivision + Streetscape Strategy				
L-01	Coversheet	C	habit8	04/04/2024
L-02	Design Intent and Precedent Imagery	B	habit8	04/04/2024
L-03	Street Tree Masterplan	B	habit8	04/04/2024
L-04	Pedestrian and Cycle Network	B	habit8	04/04/2024
L-05	Typical Detail Concept Plan A (Key Intersection)	B	habit8	04/04/2024
L-06	Typical Detail Concept Plan B (Minor Intersection)	B	habit8	04/04/2024
L-07	Typical Detail Concept Plan C (Minor Road)	B	habit8	04/04/2024
L-08	Typical Detail Concept Plan D (Boulevard)	B	habit8	04/04/2024
L-09	Typical Streetscape Section - Entry Boulevard	B	habit8	04/04/2024
L-10	Typical Streetscape Section - Local Road	B	habit8	04/04/2024
L-11	Indicative Planting Schedule	B	habit8	04/04/2024
L-13	Landscape Details (Typical)	B	habit8	04/04/2024
L-14	Street Tree Planting Details (Typical)	B	habit8	04/04/2024
Report / Document Title		Prepared By		Date
Arboricultural Impact Assessment		Temporal Tree Management		27/10/2023
Biodiversity Development Assessment Report, version 5		Cumberland Ecology		02/06/2025
Archaeological Technical Report, revision 6		Artefact Heritage Services		17/10/2023
Archaeological Test Excavation Report revision 4		Artefact Heritage Services		03/04/2024
Aboriginal Cultural Heritage Assessment Report, revision 7		Artefact Heritage Services		07/05/2025
Bushfire Assessment Report, version 1.5		Blackash Bushfire Consulting		11/07/2024
Construction Traffic Management Plan, V02		TTPP Transport Planning		30/10/2023
DA Acoustic Assessment, revision 1		Renzo Tonin & Associates		03/04/2024
Dam Dewatering Assessment, revision V1f		Sydney Environmental Group		26/10/2023
Flood Addendum Letter		J. Wyndham Prince		30/10/2023
Geotechnical Investigation Report, revision 2		Core Geotech		14/06/2024
Operation and Maintenance Plan, issue C		ADW Johnson		October 2024
Public Art Strategy		habit8		03/04/2024

Remedial Action Plan, revision v3f	Sydney Environmental Group	12/03/2024
Road Safety Audit - Concept Design, revision A	WSP	30/10/2023
Soil Salinity Assessment, revision v1	Sydney Environmental Group	27/10/2023
Stage 2 Detailed Site Investigation, revision v3f	Sydney Environmental Group	12/03/2024
Traffic Impact Assessment, version V04	TTPP Transport Planning	30/10/2024
Vegetation Management Plan for Linear Park 1, version 5	Cumberland Ecology	04/04/2024
Waste Management Plan	-	30/10/2023
Water Cycle Management Plan, issue D	ADW Johnson	November 2024
Watercourse and Riparian Lands Assessment, version 3	Cumberland Ecology	30/10/2023

- Mirvac's Updated Letter of Offer, dated 1 July 2025.

2 The development is required to comply with the conditions and requirements outlined within the following:

(a) Fisheries Management Act 1994 - Department of Primary Industries (Fisheries) General Terms of Approval, dated 30 November 2023.

(b) National Parks and Wildlife Act 1979 - Department of Climate Change, Energy, the Environment and Water General Terms of Approval, dated 22 May 2024.

(c) Rural Fires Act 1997 - NSW Rural Fire Service Bushfire Safety Authority General Terms of Approval, dated 19 August 2024.

(d) Water Management Act 2000 - Department of Planning and Environment - Water General Terms of Approval, dated 8 April 2024.

Where separate approvals are required, evidence of this approval from the relevant authority, is to be provided to the appointed Certifying Authority **prior to the issue of any Subdivision Works Certificate** (where relevant).

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 **Prior to the issue of any Subdivison Works Certificate**, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed Certifying Authority and the Council that includes and addresses the following:

(a) A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site.

(b) The above letter is required to confirm if any survey infrastructure will be affected or impacted upon by the proposal. If no impact is identified this must be detailed by the Registered Land Surveyor.

(c) In the event that survey infrastructure is identified on the subject site and will be affected or impacted upon by the approved development, a copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report) is required.

The applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.

Note: Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General.

- 4 **Prior to the issue of any Subdivision Certificate**, documentary evidence must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council addressing survey mark preservation and protection. This evidence must include:

(i) A copy of any Surveyor-General's Approval for the Deferment of any Survey Marks granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the draft deposited plan) or

(ii) A letter, signed by a current NSW Registered Land Surveyor including her or his Board of Surveying and Spatial Information (BOSSI) identification number, stating that all survey marks shown on the Deposited Plan as referring to, or being connected to, the boundaries of the subject land remain in place at the completion of development works.

Note: Pursuant to Section 38 of the Surveying and Spatial Information Act 2002, if it is likely that any new survey mark will be disturbed by associated works (for example, footpath or kerb and gutter construction), a surveyor may defer the placement of those marks.

- 5 Where a Surveyor-General's Approval for Survey Mark Removal has been granted by NSW Spatial Services, documentary evidence of restoration of the removed survey marker must be prepared by a Registered Surveyor and submitted to the appointed certifying authority and the Council **prior to the issue of a Subdivision Certificate (where applicable)**.

The documentary evidence is to consist of a letter Signed by a Registered Land Surveyor confirming that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal under condition "Survey Infrastructure – Identification and Recovery" have been complied with.

- 6 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding earthworks), an updated Detailed Landscape and Streetscape Strategy shall be submitted to Penrith City Council's Head of Development Services for review and approval and shall incorporate the following:

- Amended/additional plans to include the 2.5m wide shared path along Road No. 14, and relevant street trees.
- Exact species for each proposed street tree shall be nominated on the plans (an indicative list is not adequate). See below table for specific comments/amendments to be made.
- Species diversity shall be maximised and streetscape identity and wayfinding shall be established for Local Streets.
- Species shall be appropriate to the site conditions and fit for purpose, responding to the species selection criteria and and Draft Street Tree Masterplan species list which can be provided upon request.
- The Tree Schedule is to be amended to reflect accurate tree dimensions.
- Edging between mulch and turf shall be spade edge.

<u>Planting/Species</u>	<u>Comment</u>
<u>Location</u>	
Boulevard Street	The Flindersia australis is not acceptable.
Boulevard Median	Both species (i.e. Platanus x acerifolia and Angophora floribunda) are not acceptable due to being over-sized for the width of the median.
Boulevard Footpath	The Elaeocarpus reticulatus is not acceptable. Consideration should be given in Waterhousia "Amaroo or Green Avenue". Increase species diversity.
Street Nodes (at intersection)	The Magnolia grandiflora is not acceptable. Substitute Tristaniopsis laurine for T. 'Luscious'.
Secondary Streets (2x Species)	Both species (i.e. Acmena smithii and Corymbia 'Summer red') are not acceptable. Diversity of species in streets is required across the estate, with different species in each street for climate resilience, wayfinding, local character and biodiversity. Multiple species in a street can be considered. Deciduous species on east-west street should be considered for solar access and mitigate heat impacts.
Roundabout	See notes above.
Central Median Understory	See notes above.
Feature Planting & Kerb Build Outs	See notes above.

- 7 As marked in red on the stamped approved plans, this consent does not approve 'Picnic Area 1' located within Linear Park 1. All associated structures, paving and other works in relation to Picnic Area 1 shall be deleted from the plans and replaced with the connecting 1.2m wide footpath.

The deletion of Picnic Area 1 shall be reflected in amended Landscape Plans which shall be submitted to the Principal Certifying Authority **prior to the issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks).

- 8 **Prior to the Issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks), Landscape Plans that include full details of species for all areas of the treatment measures including filter, batter and maintenance access tracks shall be submitted to the Head of Development Services of Penrith City Council for review and approval.

- 9 **Prior to the issue of any Subdivision Work Certificate** for civil works (excluding bulk earthworks), detailed Operation and Maintenance manual and a Water Quality Monitoring Program for the proposed stormwater treatment measures shall be submitted to Council for approval. The manual should include detail on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures. The plan should include details including but not limited to, the following:

- i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
- ii. Site access description
- iii. Likely pollutant types, sources and estimated loads
- iv. Locations, types and descriptions of measures proposed
- v. Operation and maintenance responsibility
- vi. Inspection methods (including inspection checklists)
- vii. Maintenance methods (frequency, equipment and personnel requirements);
- viii. Landscape and weed control requirements
- ix. Operation and maintenance costs;
- x. Waste management and disposal options; and
- xi. Reporting.

A Draft Water Quality and Wetland Monitoring Program shall be prepared by a suitably qualified expert and be submitted to Council for approval.

The monitoring program must be undertaken at no cost to Council, for the duration of the 3-year establishment and maintenance period. The monitoring plan must cover all aspects of the stormwater treatment measures including water body and raingardens.

The monitoring program shall provide sufficient details to demonstrate that the bioretention system and pond are both treating stormwater to the intended design, as well as demonstrate that the vegetation has established to a satisfactory standard (e.g., 95% coverage with planted vegetation and >95% weed free) and is in condition consistent with the design, and to Council's satisfaction at the time of handover.

- 10 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks) updated stormwater plans are to be submitted to Council's Development Services Manager for review and approval. All underdrainage in the bioretention systems must be constructed with sewer grade slotted UPVC pipes to increase reliance for maintenance and renewal. Details of a level spreader and scour protection at stormwater outlets also need to be provided to Council for review and approval. Details of an access path to MB3 from the raingarden H access path is also required to be provided to the satisfaction of Council's requirements.

Demolition

- 11 All demolition works are to be conducted in accordance with *AS 2601-2001 The demolition of structures*.

SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the *SafeWork NSW Code of Practice Demolition Work August 2019*, is required.

Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

- 12 Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

- Work Health and Safety Act 2011,
- Work Health and Safety Regulation 2017,
- SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019,
- SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019,
- Australian Standard AS2601-2001 The demolition of structures

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the Asbestos Policy Penrith City Council 2014.

All asbestos laden waste must be disposed of at a waste management facility licensed by the NSW Environment Protection Authority to receive asbestos waste.

- 13 All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- 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.

In the event that the work relates to activities inside the building and does not involve external walls or the roof, and does not involve the interim use of equipment that emits offensive noise, then the works are not restricted to the hour stated above. The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.

Heritage/Archaeological relics

- 14 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

- 15 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.
- 16 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

- 17 **Prior to subdivision works commencing**, site remediation works shall be carried out generally in accordance with the 'Remedial Action Plan: 'Stage 1 & Stage 2' Works - Glenmore Park Development Stage 3, Chain-O-Ponds Road and The Northern Road, Mulgoa NSW', prepared by Sydney Environmental Group Pty Ltd, dated 8 March 2024 (Ref. 2080-RAP-01-171023.v3f) as well as the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPC2013], applicable NSW Environment Protection Authority Guidelines and the Penrith Development Control Plan.

An appropriately qualified person/s shall:

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

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

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

- Written notification that the site remediation works have been completed **is to be submitted within 30 days of the said works having been completed.**
- A Validation Report, prepared by an appropriately qualified person, **is to be submitted within 60 days of the said works having been completed and before any other works can occur on the land.** The report shall certify that the remediation works have been carried out in accordance with the approved 'Remedial Action Plan: 'Stage 1 & Stage 2' Works - Glenmore Park Development Stage 3, Chain-O-Ponds Road and The Northern Road, Mulgoa NSW', prepared by Sydney Environmental Group Pty Ltd, dated 8 March 2024 (Ref. 2080-RAP-01-171023.v3f), the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPC2013], relevant NSW Environment Protection Authority Guidelines and the Penrith Development Control Plan.

{For the purpose of this condition an appropriately qualified person is defined as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 18 An appropriately qualified person/s shall:
- Supervise all filling works.
 - (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum)
 - be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.
 - 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.

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

- 19 All waste materials stored on-site during works are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully enclosed when the site is unattended.
- 20 Waste materials associated with the development are to be classified and disposed of at a lawful waste facility or, if suitable, re-used / recycled. Such works are to be undertaken in accordance with the approved waste management plan, where applicable.

Where the disposal location of waste materials have not been identified in an approved waste management plan, details shall be provided to the Certifier prior to those works commencing.

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

- 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 suitable waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

Waste licensing requirements apply in NSW. Where required, the waste contractor and waste facility are to be licensed by the NSW Environment Protection Authority. Reference should be made to the NSW Environment Protection Authority for licensing requirements.

- 22 **Prior to the issue of any Subdivision Works Certificate**, a Construction Noise and Vibration Impact Assessment and Management Plan, prepared by a suitably qualified acoustic consultant, is to be prepared and submitted to Penrith City Council for approval. This assessment is to consider (at minimum) the noise and vibration impacts associated with the subdivision works phase, as well as details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the Council approved Management Plan are to be implemented and adhered to during all subdivision works.

{Note: consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Engineers Australia, or the Association of Australasian Acoustical Consultants at the grade of member.}

- 23 The Dam Decommissioning Work Method Procedure included in Sections 8 and 9 of the 'Dam Dewatering Assessment: 'Stage 1 and Stage 2' Works - Glenmore Park Development Stage 3, Chain-O-Ponds Road and The Northern Road, Mulgoa NSW, prepared by Sydney Environmental Group Pty Ltd dated 27 October 2023 (Ref. 2080-DDA-01-121023.v1f) is to be implemented and adhered to during subdivision works.

- 24 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, the "unexpected finds" shall be addressed by an appropriately qualified environmental consultant and works carried out generally in accordance with the Unexpected Finds Protocol detailed in Section 9.3.6 of the approved 'Remedial Action Plan - Stage 1 & Stage 2 Works - Glenmore Park Development Stage 3 (Report No. 2080-RAP-01-171023.v3f, dated 8 March 2024).

Should contamination be found during development works and should remediation works be required, Penrith City Council is to be notified prior to commencement of remediation. All remediation works are to be carried out in compliance with State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021, applicable NSW EPA Contaminated Land Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure 2013 [NEPC2013].

In the event of remediation, on completion of those site remediation works, the following documentation is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days of the said works having been completed.
- A Validation Report, prepared by an appropriately qualified person, is to be submitted within 60 days of the said works having been completed. The report shall certify that the remediation works have been carried out in accordance with section 7 of the approved 'Remedial Action Plan for Stage 1 Bulk Earthworks' prepared by JBS&G and dated 22 March 2024 (version: L13 Rev 0), the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPC2013], relevant NSW Environment Protection Authority Guidelines and the conditions of this consent.

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

- 25 Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.
- 26 Should contamination be found during development works (outside the scope of the Council approved Remedial Action Plan), and should remediation be required, Penrith City Council is required to be notified and consulted before the remediation works commence.
- 27 **Prior to works commencing**, a site plan is to be submitted to Penrith City Council for approval that shows key site locations during the remediation works, including but not limited to the proposed locations of vehicle and personnel entry/exit, any unloading area, any decontamination zones and those areas that may be used for stockpiling of contaminated or other materials. This plan is also to show all sediment and erosion control measures that will be installed.

The approved plan is to be adhered to throughout all stages of the remediation works.

- 28 **Post-demolition and prior to the commencement of any subdivision works** within the areas of environmental of concern (AECs) and the potential areas of environmental concern (PAECs), the Supplementary Contamination Assessment, as referenced in Section 6 and Section 7 of the Council approved 'Remedial Action Plan: 'Stage 1 & Stage 2' Works - Glenmore Park Development Stage 3, Chain-O-Ponds Road and The Northern Road, Mulgoa NSW', prepared by Sydney Environmental Group Pty Ltd, dated March 2024 (Ref. 2080-RAP-01-171023.v3f) is to be undertaken. The assessment is to be carried out by an appropriately qualified person in accordance with relevant NSW Environment Protection Authority Guidelines, the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPC2013] and the Penrith Development Control Plan.

Post-demolition and prior to the commencement of any subdivision works, the Supplementary Contamination Assessment is to be provided to Penrith City Council for approval. If Penrith City Council is not the certifying authority, a copy of Council's approval is to be submitted to the Private Certifying Authority. No subdivision works are to commence within the AECs and PAECs until the assessment has been submitted and approved by Penrith City Council.

Should it be identified in the assessment that remediation works outside the scope of the approved Remedial Action Plan are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works, except as otherwise agreed in writing by Penrith City Council.

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

- 29 **Prior to the removal of vegetation**, the Fauna Management Plan in Section 5 of the Vegetation Management Plan prepared by Cumberland Ecology dated 4 April 2024 is to be separated out and prepared into a separate Fauna Management Plan and amended to include the following:
- For any woody material from native trees removed including root balls of trees that cannot be used in Linear Park for habitat, evidence of consultation with organisations such as Local Land Services, Landcare, NSW National Parks and Wildlife Service, Councils Bushland Management Team or other similar organisations that could receive donated salvaged woody material to create habitat in restoration sites or for conservation projects.
 - Pre-clearance surveys for Cumberland Plain Land Snail and translocation of shells and live individuals are undertaken within the development footprint (certified and non-certified land).
 - Management of macropods prior to and during construction.

The plan must be submitted to Penrith Council's Senior Biodiversity Officer for approval. Once approved the Fauna Management Plan is to be implemented in its entirety.

30 **Prior to clearing of vegetation**, the following must be complied with:

a) The class and number of species credits identified in the table of Species credits must be retired – like for like must be retired to offset the residual biodiversity impacts of the development. The applicant shall retire the class and number of ecosystem credits, as summarised in the Credit report for ID 00042317/BAAS17027/23/00042319 and replicated below to offset the impacts of the development.

b) The requirement to retire credits outlined in the Credit Report for Assessment ID 00028822/BAAS17064/21/00028823 and replicated below may be satisfied by payment to the Biodiversity Conservation Trust of an amount equivalent to the class and number of species credits, as per any quote provided by the Biodiversity Conservation Trust. The credits, as per the Credit Report for Assessment ID 00042317/BAAS17027/23/00042319 are to be retired once.

c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Penrith City Council's Senior Biodiversity Officer.

Table of species credits required to be retired - like for like:

Impacted species credit species	Number of species credits	IBRA subregion from which credits can be used to offset the impacts of the development	Species that can be used to offset the impacts from development
Lathamus discolor / Swift Parrot	12	Anywhere in NSW.	Lathamus discolor / Swift Parrot

31 **Prior to any works commencing on site**, the Applicant is to engage a qualified Project Arborist with a minimum Level 5 qualification (AQF – Australian Qualification Framework) and shall prepare and submit a Bushland Protection Fencing Plan to Penrith City Council for review and approval.

The Project Arborist shall oversee the installation of the temporary bushland protection fencing which is to be installed around the extent of the works as shown on the Overall Site Plan Revision G prepared by adw Johnson dated 18 October 2024.

The fencing is to be 1.8m high Chainwire fence to restrict accidental clearing and stockpiling of materials within vegetation to be retained or compaction of soil from machinery.

At the base of the fencing sediment control fencing is to be installed.

Evidence the temporary bushland protection fencing is to be submitted to Council's Senior Biodiversity Officer. A site inspection may be required by relevant Council officers to validate location and appropriateness of the fencing.

No works are to commence until confirmation has been received in writing that the fencing is suitable.

32 **Prior to clearing of vegetation**, the following must be complied with:

a) The class and number of ecosystem credits in the table of ecosystem credits required to be retired – like for like – non-threatened ecological community must be retired to offset the residual biodiversity impacts of the development. The applicant shall retire the class and number of species credits, as summarised in the Credit

report for ID 00042317/BAAS17027/23/00042319 and replicated below to offset the impacts of the development and

b) The class and number of ecosystem credits in the table of ecosystem credits required to be retired – like for like – threatened ecological community must be retired to offset the residual biodiversity impacts of the development. The applicant shall retire the class and number of species credits, as summarised in the Credit report for ID 00042317/BAAS17027/23/00042319 and replicated below to offset the impacts of the development

c) The requirement to retire credits outlined in the Credit Report for Assessment ID 00042317/BAAS17027/23/00042319 and replicated below may be satisfied by payment to the Biodiversity Conservation Trust of an amount equivalent to the class and number of species credits, as per any quote provided by the Biodiversity Conservation Trust. The credits, as per the Credit Report for Assessment ID 00042317/BAAS17027/23/00042319 are to be retired.

d) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Penrith City Council's Senior Biodiversity Officer.

Table of ecosystem credits required to be retired – like for like- non-threatened ecological community:

Impacted Plan Community Type	Number of ecosystem credits	Hollow bearing trees (HBTs)	IBRA subregion from which credits can be used to offset the impacts from development	Trading group that can be used to offset the impacts from development.
Coastal Freshwater Lagoons	4	No	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or, Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site	Coastal Freshwater Lagoons. Coastal Freshwater Lagoons > = 70% and <90% This includes PCT's: 3962, 3963, 3964, 3965, 3966, 3967, 3971, 3972, 3975, 3976

Table of ecosystem credits required to be retired – like for like- threatened ecological community:

Impacted threatened ecological community	Number of ecosystem credits	Hollow bearing trees (HBTs)	IBRA subregion from which credits can be used to offset the impacts from development.	Trading group that can be used to offset the impacts from development
River-Flat, Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	8	Yes	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or, Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 686, 828, 835, 941, 1108, 3145, 3181, 3185, 3188, 3192, 3258, 3328, 4024, 4025, 4039, 4041, 4058, 4138.

River-Flat, Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	9	No	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or, Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCT's: 3145, 3181, 3185, 3188, 3192, 3258, 3328, 4024, 4025, 4039, 4041, 4058, 4138.
Cumberland Plain Woodland in the Sydney Basin Bioregion.	2	Yes	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or, Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	Cumberland Plain Woodland in the Sydney Basin Bioregion This includes PCT's: 3319, 3320.

- 33 Any area that is subject to the Vegetation Management Plan (VMP) must be managed in accordance with the Vegetation Management Plan prepared by Cumberland Ecology dated 4 April 2024 in perpetuity by the property owner(s).

All reports specified in the Vegetation Management Plan are to be submitted to Penrith City Council's Senior Biodiversity Officer within 2 months of the time frame specified in the Plan.

- 34 Approval is granted for the removal of the trees shown on the Tree Clearing Plan Revision G prepared by ADW Johnson dated 18 October 2024 with the following requirements.
- (a) All trees approved to be removed are to be clearly identified on the site.
 - (b) All trees to be retained are to be provided with appropriate tree protection fencing
 - (c) Removal of trees must be undertaken by an Arborist with a minimum of AQF (Australian Qualification Framework) Level 3 Arborist.
 - (d) All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing the Risks of Tree Work (Safe Work Australia 2023).
 - (e) Removal of trees especially those that are located in close proximity to other trees that are to be retained shall be undertaken so the above and below ground parts of trees to be retained are not damaged. This requires (but is not limited to) tree protection measures being installed prior to removal of trees (e.g., tree protection fence, ground protection) and careful dismantling to ensure the canopy of trees to be retained is not damaged/broken).
 - (f) Stump grinding/removal of root systems shall not occur if it will damage the root system of adjacent trees to be retained. Stumps are to be treated in a manner that is non-destructive to other trees to be retained.
- 35 **Within four (4) weeks** following the tree removal works on site, a report prepared by a suitably qualified person verifying that all commitments and harm minimisation measures required by the approved Fauna Management Plan as required by condition of consent have been satisfied and submitted to Penrith Council's Senior Biodiversity Officer.
- 36 No trees or native vegetation (other than those shown on the Tree Clearing Plan, Revision G, prepared by ADW Johnson, dated 18 October 2024) are to removed, ringbarked, cut, topped, lopped, slashed, mown, or wilfully destroy vegetation above or below ground without prior consent/ approval from Penrith City Council.

- 37 **Prior to issue of a Subdivision Works Certificate or prior to any earthworks commencing**, a Dam Dewatering Plan is to be prepared and submitted to Penrith City Council's Senior Biodiversity Officer for review and approval.

The plan is to provide details on the following:

- Outline a staged process for construction including dewatering dams and moving aquatic fauna to other waterbodies on site while constructing other waterbodies on site and then relocating aquatic fauna from other waterbodies on the site.
- Proposed relocation site shown on a map and details on how fauna will be transported for any aquatic fauna that cannot be relocated on site.
- Details of relevant licences and permits required such as Section 37 Fisheries management Act 1994, Biodiversity Conservation Licence or permit from NSW Department of Primary Industries (for those species listed under the Fisheries Management Act).
- Procedure of notifying NSW Fisheries of the activity 48 hours prior to relocation of fish.
- If large numbers of predatory fish (e.g., Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.
- Methods to prevent injury to fauna during pumping of water from the dam.
- Details of how exotic pest species will be humanely euthanised in a manner consistent with the Prevention of Cruelty to Animals Act 1979.
- Methods of disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways.
- Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam.
- Details on the appropriate timing (season) for dewatering.
- Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).

Once the Dam Dewatering Report is approved the Dam Dewatering Plan is to be implemented.

- 38 The decommissioning of the dam is to be undertaken in accordance with the Council approved dam dewatering plan as required by condition of consent.

- 39 **Prior to clearing of vegetation** for the landscaping works within Linear Park 1, bushland protection fencing, bunting and/or other appropriate methods to delineate the approved footprint from the bushland to be retained is to be installed prior to clearing of vegetation or any works within Linear Park.

A pre-clearance survey is to be undertaken for Cumberland Plain Land Snails by a qualified and experienced Ecologist and any shells or live snails found are to be moved into suitable vegetation located outside of the footprint.

Evidence that surveys and bushland protection fencing or bunting to delineate the clearing footprint has been installed and carried out is to be provided to Penrith City Council's Senior Biodiversity Officer. Clearing is to not occur until confirmation is received that measures installed and surveys undertaken are satisfactory.

A site inspection by relevant officer(s) may be required.

- 40 Hygiene protocols are to be implemented prior to and during works to minimise the risk of potential spread of *Phytophthora cinnamomi* and other pathogens on or off the site. Measures outlined in the 'Protocols to protect priority biodiversity areas in NSW from *Phytophthora cinnamomi*, myrtle rust, amphibian chytrid fungus and invasive plants' Hygiene guidelines prepared by the Department of Planning, Industry and Environment 2020 are to be implemented.

Evidence that the measures are being carried out on site are to be recorded and if requested provided to relevant Penrith City Council's officer(s).

- 41 **Prior to the issue of a Subdivision Certificate or within twelve (12) months of development consent being granted (whichever comes first)** all actions identified in Phase 1 Site preparation and Phase 2 - Restoration Works Commence in Table 8 of the approved Vegetation Management Plan prepared by Cumberland Ecology dated 4 April 2025 must be completed to the satisfaction of Penrith City Council's Senior Biodiversity Officer. This includes:

- Seed collection, cleaning, and storage.
- Establishment of fixed monitoring points
- Placement of salvaged habitat features
- Installation of signage
- Installation of permanent fencing
- Site preparation completed.
- Irrigation is installed (if required).
- Jute matting/mulch is installed.
- Supply and install tubestock.
- Primary weed control completed.

A statement (including photographic evidence) certifying compliance with this task is to be provided by the engaged Bush Regenerator and submitted to Penrith Council's Senior Biodiversity Officer for review and approval.

An inspection of the works may be required by the relevant Council's officer(s) to ensure this condition has been satisfied.

- 42 **Prior to the issue of a Subdivision Works Certificate**, a suitably qualified and experienced (minimum Certificate III Natural Area Restoration) Bush Regenerator is to be engaged/ appointed to carry out the works as per the Council approved Vegetation Management Plan prepared by Cumberland Ecology dated 4 April 2024 and the following details provided to Penrith Council's Senior Biodiversity Officer:

- a) Name / Business name
- b) Qualification/s:
- c) Contact number and email

If the Bush Regenerator is replaced, Penrith Council is to be notified in writing of the reason for the change and details of the new Bush Regenerator within 7 days.

Utility Services

43 **Prior to the issue of a Subdivision Certificate**, the following service authority clearances shall be submitted to the Principal Certifying Authority:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 obtained from Sydney Water confirming that water and wastewater servicing infrastructure is available to the development.
- a certificate from the relevant electricity service provide stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements.
- a certificate from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

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

44 **Prior to the issue of any Subdivision Certificate**, a compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water's assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before a Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

45 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding earthworks), 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.

46 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding earthworks), 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.

- 47 **Prior to the issue of any Subdivision Works Certificate**, the plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Construction

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

The following details are to be displayed in a maximum of two 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 two signs stating the above details is to be erected:

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

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

49 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.

Engineering

- 50 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
- 51 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 Subdivision Works 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 52 Lodgment of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development.

These works may include but are not limited to the following:

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of Utilities (water, sewer, power, telecommunications)
- d) Establishment of a construction work zone

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval(s) must be completed **prior to the issue of any Subdivision Certificate** as applicable.
- On completion of any awning over the road reserve, a certificate from a practicing 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.

- 53 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks), the Certifier shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with and approved by Penrith City Council (being the Roads Authority under the Roads Act) for provision of the Chain-O-Ponds Road upgrade works.

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 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with any Subdivision Works Certificate.
- Separate approval may be required from the Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed **prior to the issue of any Subdivision Certificate** as applicable.

- 54 A Subdivision Works Certificate(s) is to be approved by the Certifier for the provision of any subdivision works (road, drainage, earthworks, etc.).

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that engineering plans are consistent with the stamped approved plan/s prepared by Adw Johnson, reference number 300070, Drawin No. S1-CENG-001 to 735, revision G, dated 18/10/2024, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)
- Inter-allotment 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 Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

- Subdivision Works Certificates are now lodged via the NSW Planning Portal. Further information on the lodgement process can be found on the NSW Planning Portal website. Council's Development Engineering Department can provide this service and can be contacted on 4732 7777 to obtain a formal fee proposal prior to lodgement on the portal or if you require any assistance with the lodgement process.

- 55 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks), the Certifier shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Median	Verge Width	Footpath Width	ESA
Chain-O-Ponds Road (CH 0 to CH 150)	Varies	16m	2m	Minimum: 2m (Southern side) & 4m (Northern side)	2.5m (Northern side)	1x10 ⁶
Chain-O-Ponds Road (CH 150 to CH 315)	20.115m	14m	2m	Minimum: 2m (Southern side) & 4m (Northern side)	2.5m (Northern side)	1x10 ⁶

Chain-O-Ponds Road (CH 420 to CH 536.881)	20.115m	12m	NA	Minimum: 2m (Southern side) & 4m (Northern side)	2.5m (Northern side)	1x10 ⁶
Road No. 1	24m	15m	3m	4m (Western side) & 5m (Eastern side)	1.5m (Western side) & 2.5m (Eastern side)	1x10 ⁶
Road No. 2 (CH 321.509 to CH 570.429)	17.8m	13m	NA	1m (Northern side) & 3.8m (Southern side)	1.5m (Southern side)	1x10 ⁶
Road No. 2 (CH 570.429 to CH 728.877)	20.8m	12m	NA	3.8m (Southern side) & 5m (Northern side)	1.5m (Southern side) & 2.5m (Northern side)	1x10 ⁶
Road No. 3 (CH 0 to CH 483.825)	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 3 (CH 483.825 to CH 540)	12.8m	8m	NA	3.8m (Northern side) & 1m (Southern side)	1.5m (Northern side)	5x10 ⁵
Road No. 4	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 5	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 6	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 7	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 8	15m	10.5m	NA	3.5m (Eastern & Southern sides) & 1m (Western & Northern sides)	1.5m (Eastern & Southern sides)	5x10 ⁵
Road No. 9	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 10	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 11	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵
Road No. 12	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ⁵

Road No. 13	12.8m	8m	NA	3.8m (Western side) & 1m (Eastern side)	1.5m (Western side)	5x10 ³
Road No. 14 (CH 0 to CH 113.398)	16.6m	8m	NA	4.8m (Western side) & 3.8m (Eastern side)	2.5m (Western side) & 1.5m (Eastern side)	5x10 ³
Road No. 14 (CH 113.398 to CH 153.714)	12.8m	8m	NA	3.8m (Eastern side) & 1m (Western side)	1.5m (Eastern side)	5x10 ³
Road No. 15	15.6m	8m	NA	3.8m (Both sides)	1.5m (Both sides)	5x10 ³

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

- 56 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 Subdivision Works Certificate or Roads Act application. The audit must also include the Chain-O-Ponds Road upgrade and reduction of current speed limit.

Prior to the issue of the Subdivision Works Certificate for civil works (excluding bulk earthworks) **or Section 138 Roads Act approval**, the Certifier 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 Certifier for information purposes.

- 57 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by ADW Johnson Pty Ltd, Project number 300070, Drawing numbers 300070-WCMP-001 - 735, Issue G, Dated 18/10/2024, commitments made in the Water Cycle Management Strategy prepared by ADW Johnson Pty Ltd, Glenmore Park Stage 3 Eastern Precinct and Stage 1 Residential Subdivision, Issue D dated November 2024 and commitments made in the Mulgoa Linear Park 1 Riparian Area landscape plans prepared by Habit8, drawing numbers L-01 – L19, Issue D, dated 21/03/2024.

Engineering plans and supporting calculations are to be prepared by a suitably qualified engineer and shall accompany the application for a Subdivision Works Certificate.

Prior to the issue of any Subdivision Works Certificate for civil works (excluding bulk earthworks) the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments, Council's Water Sensitive Urban Design (WSUD) Policy.

- 58 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks), the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

- 59 **Prior to the commencement of any works on-site (including demolition works)**, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

- 60 **Prior to the issue of a Roads Act approval**, a Performance Bond is to be lodged with Penrith City Council for works associated with Chain-O-Ponds Road upgrade.

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

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

- 61 The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development then the dilapidation report shall be submitted to Council **prior to the issue of any Subdivision Works Certificate** and then updated and submitted **prior to the issue of any Subdivision Certificate** confirming no damage has occurred.

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

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

- 63 Work on the subdivision shall not commence until:

- a Subdivision Works Certificate (if required) has been issued;
- a Certifier 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.

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

- 65 All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's 'Design Guidelines for Engineering Works for Subdivisions' and 'Developments and Engineering Construction Specification for Civil Works' and Geotechnical Investigation Report by Core Geotech Pty Ltd, Ref: CG23-0500-D, Rev 2, dated 14 June 2024.

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

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

- 67 Upon completion of all works in the road reserve, all verge areas fronting 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.

- 68 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.

- 69 **Prior to the issue of any Subdivision Certificate**, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.
- 70 **Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- 71 **Prior to the issue of any Subdivision Certificate**, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- 72 **Prior to the issue of any Subdivision Certificate** for civil works (excluding bulk earthworks) **and installation of regulatory/advisory signage and line marking**, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Note:

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

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

The proposed names must be in accordance with NSW Address Policy and User Manual by Geographical Names Board.

Note:

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

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

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

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

Note:

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

- 75 **Prior to the issue of any Subdivision Certificate**, an Outstanding Works Bond for the construction, landscaping and implementation of the bioretention basins is to be lodged with Penrith City Council.

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

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

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

- 76 **Prior to the issue of any Subdivision Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for all subdivision works.

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

Note:

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

77 **Prior to the issue of any Subdivision Certificate**, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:

a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works 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 0.3m intervals. All levels are to be shown to AHD.

d) CCTV footage in USB format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage 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 and certificate certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction Specification and Geotechnical Investigation Report by Core Geotech Pty Ltd, Ref: CG23-0500-D, Rev 2, dated 14 June 2024. 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 inter-allotment drainage lines indicating distances to boundaries and depths.

k) Soil testing for each lot to be classified according to AS2870 Residential Slabs and Footings.

78 **Prior to the issue of any Subdivision Certificate** for civil works (excluding bulk earthworks) **or prior to the dedication of any public reserve or drainage reserve to Penrith City Council**, the Principal Certifier shall ensure that a Deed of Agreement for the upkeep and maintenance of any public reserve or drainage reserve has been entered into between the Proponent and Penrith City Council. Contact Council's Asset Management Department on 4732 7777 for a model Deed of Agreement.

79 Any Stormwater Quality Improvement Devices (SQIDs), including Gross Pollutant Traps (GPTs), Water Aeration Devices etc constructed/installed as part of the development shall be operated and maintained by the proponent for a 12-month defect liability period following completion of the works.

Regular inspection records and evidence of cleaning regimes undertaken are required to be submitted to Penrith City Council at the completion of the defect liability period.

80 Prior to the handover of the stormwater treatment infrastructure, Council requires that all requirements outlined in Council's WSUD Technical Guidelines are met. These include the following:

- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
- The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure
- Where applicable, the build-up of sediment has resulted in no more than a 10% reduction of operational volume
- Asset inspections for defects have been completed and, if any defects are found, rectified to the satisfaction of Council
- The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
- Design drawings have been supplied in a format acceptable to Council
- Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council
- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)
- Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)
- The condition of the infrastructure and associated with the land complies with the approved design specification.
- Vegetation densities in the basin and surrounding vegetated areas (i.e. batters) should have a coverage of >95% and be >95% weed free. This is to be certified by a suitably qualified ecologist / horticulturalist with 5 years relevant experience.
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided.
- Inspection and maintenance forms provided
- Vegetation establishment period successfully complete (3 years unless otherwise approved by Council)
- Copies of all required permits (both construction and operational) have been submitted.
- A detailed report on the Water Quality and Waterbody Monitoring Program undertaken during the 3-year establishment and maintenance period, shall be submitted to Council.
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following
 - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)

- ii. Site access description
- iii. Likely pollutant types, sources and estimated loads
- iv. Locations, types and descriptions of measures proposed
- v. Operation and maintenance responsibility
- vi. Inspection methods (including inspection checklists)
- vii. Maintenance methods (frequency, equipment and personnel requirements);
- viii. Landscape and weed control requirements
- ix. Operation and maintenance costs;
- x. Waste management and disposal options; and
- xi. Reporting.

Prior to the handover of the basins, the following will also need to be completed:

- A Geotechnical Engineer must be engaged by the developer to undertake in-situ Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practice Note 1 of the FAWB guidelines. Test points are to be spatially distributed. Where the hydraulic conductivity of the filter media differs from the rate specified in MUSIC of 125 mm/hr (tolerance 125mm/hr to a maximum of 400mm/hr), remediation works will be required over the whole filter area to restore the conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance of the rate specified in MUSIC for the bioretention system; and
- A Horticulturalist or ecologist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience, is to certify that the planting within the basins and associated vegetated areas, is of the same quality in type and quantity as per the subdivision works certificate approved landscape plans, that any plants lost have been replaced, the area is >95% free of weeds, rubbish, and that any areas of scour or disrepair have been restored

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

82 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks), the following information is to be submitted to Council for review

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

- 83 Handover of assets to Council will not occur until Council is satisfied that they are constructed in with the approved plans, conditions of approval and all certification requirements have been complied with:
1. Vegetated systems (e.g. bioretention measure/s) are required to remain 'on maintenance' for a minimum period of three (3) years or as otherwise approved and a performance-based inspection has been undertaken with Council.
 2. The on-maintenance period for all vegetated systems can be considered as on-maintenance once 90% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
 3. Certification is required to be provided for the installation of the filter media to demonstrate that the media complies with the approved specifications. At a minimum compliance is required with the "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration).
 4. Photographs of the construction of the vegetated system are required as part of certification. A minimum of one labelled, date stamped photograph is required to be provided following each of the following construction phases:
 - i. Installation of the overflow pit and bulking out / trimming profiling
 - ii. Installation of under drainage
 - iii. Installation of cleanout points
 - iv. Installation of drainage layer
 - v. Installation of transition layer
 - vi. Installation of filtration media
 - vii. Laying of geofabric protection for build-out phase
 - viii. Laying of turf temporary protection layer
 - ix. Final planting

Hold points for the above will also need to be held with Council's representative during the construction and embellishment of the basins.

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

During the 3-year maintenance period, the developer is to submit to Council's Asset Management Department a quarterly report outlining all maintenance activities undertaken on the Stormwater treatment measures. This is to be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience.

A final report shall be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience on completion of the establishment period, and be submitted to Council for approval.

- 84 **Prior to issue of any Subdivision Works Certificate** for civil works (excluding bulk earthworks), the Certifier shall ensure that the proposed waterbodies have been designed and certified to be in accordance with the Royal Lifesaving Guidelines.

- 85 **Prior to the dedication of any public reserve or drainage reserve containing waterbody to Penrith City Council**, the proposed waterbody shall be classified as declared or not declared in accordance with Dam Safety NSW requirements in accordance with the Dam Safety Act 2015 and Dam Safety Regulation 2019. Evidence shall be provided to Penrith City Council from Dam Safety NSW confirming the classification of the waterbody and supporting reports demonstrating compliance with the Dam Safety Act and Regulation submitted to Penrith City Council for acceptance.

Landscaping

- 86 All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 – Landscape Design of the Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state.

- 87 Upon completion of the landscape works associated with the development and **prior to the issue of a Subdivision 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.

A Subdivision Certificate should not be issued until such time as a satisfactory Implementation Report has been received and endorsed. 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.

- 88 All plant material associated with the construction of approved landscaping is to be planted in accordance with the planting specifications within the Penrith Development Control Plan 2014.

- 89 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.

- 90 All trees that are required to be retained as part of the development are to be protected in accordance with Penrith Development Control Plan 2014 - Appendix F4 – Technical Information under supervision by a suitably qualified Consulting Arborist.

- 91 No trees are to be removed, ring barked, 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 Chapter C2 – Vegetation Management of Penrith Development Control Plan 2014 and Council's Tree Preservation Order and Policy.
- 92 A minimum 18 month plant establishment period is to be provided for all street trees and trees on public land. If plantings die or vandalised during this 18-36 month period, they are to be replaced (at no cost to Council) with plants of the same species and, to greatest extent practicable, be of the same maturity as the vegetation which died or was removed. The maintenance period of the replacement plant shall then be restarted.

Council's Tree Management Team is to sign off on the acceptance of trees at the end of the 18-36 month period.

- 93 Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal. For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages.

For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

- 94 Upon completion of the bulk earthworks and once benched levels have been established for the site, a geotechnical assessment is to be undertaken to determine the soil and ground conditions of the site. The Geotechnical Assessment, as well as a Tree Report detailing the methodology of how street trees will thrive within the site is to be prepared and submitted to Penrith Council's Arboricultural Team for review and approval prior to street tree planting. The report should also consider the use of root barriers to prevent long term damage to surrounding infrastructure from street trees and confirm if this is required on a street by street basis depending on the space available and intended design outcomes.
- 95 **Prior to the issue of any Subdivision Works Certificate**, details regarding the material, colour and finish of retaining walls shall be provided to Council for approval. The retaining walls shall be of high quality material and finish (in particular those visible from public areas) and be consistent across the estate.

Retaining walls shall be of masonry construction.

Lighter colour retaining walls shall be used to minimise urban heat island effects.

Note: this condition does not apply to sandstone log retaining walls identified on the approved plans.

- 96 **Prior to the issue of any Subdivision Works Certificate** for civil works (excluding earthworks), amended Civil Engineering Plans shall be submitted to the Principal Certifying Authority to relocate the stormwater pipe located within the middle of the Chain O Ponds Road roundabout to along its outer edge and away from the root zones of the future trees and landscaping.

Subdivision

- 97 **Prior to the issue of the Subdivision Certificate**, the following is to be submitted:

An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant -

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

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

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

Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council by completing the Street Address Confirmation Application Form found on Council's website. Instructions for completion and submission are outlined on the form.

- 98 **Prior to the issue of any Subdivision Certificate**, the final plan of subdivision is to be supported by an 88B instrument creating the following encumbrances:

- a) Lot 1144 - restriction requiring any future dwelling to be designed so as to be oriented and present to the Entry Boulevard and provide pedestrian access; no fencing shall be erected along the frontage to the Entry Boulevard.
- b) Lots 1119-1121 and 1217-1220 - no development or building shall be allowed or permitted on the lot unless satisfactory arrangements have been made with Penrith City Council.
- c) Restriction on the land - temporary asset protection zone.
- d) Easement for support - to cover all embankments that extend into the lots if the batters are steeper than 5:1.
- e) Easement for drainage.
- f) Residue allotments - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
- g) Easement for electrical substation.
- h) Easement for public access.
- i) Easement for access, maintenance and construction.
- j) Easement for access and services.
- k) Any other easements identified during the construction process.

Council shall be nominated as the only authority permitted to modify, vary or extinguish the relevant encumbrances.

- 99 A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- 100 **Prior to the issue of a Subdivision Certificate**, the linen plans are to nominate that proposed roads shown on the approved subdivision plan are to be dedicated as public road in accordance with Section 9 of the Roads Act 1993.
- 101 **Prior to the issue of a Subdivision Certificate**, the deposited plan shall identify the length of the zero lot line on the boundary of the relevant lots, consistent with the maximum lengths based upon lot widths in Section E7.5.5.1 of Chapter C7 Glenmore Park Stage 3 in the Penrith Development Control Plan 2014.

Development Contributions

- 102 **Prior to the issue of any Subdivision Certificate**, the applicant is to enter into, and register on the title the Planning Agreement relating to Mirvac's Updated Letter of Offer, dated 1 July 2025 for Stages 1 and 2.

Prior to the issue of any Subdivision Certificate, a matrix table shall be submitted to and endorsed by Penrith City Council's Head of City Planning detailing any infrastructure works, development contributions and/or land dedication: required as a result of this development consent and the Planning Agreement. All applicable infrastructure works, development contributions and/or land dedications shall be completed prior to (or concurrently with, in the case of land dedications) the issue of a Subdivision Certificate or as detailed in the endorsed matrix table.

In the event that the Planning Agreement is not executed, Section 7.11 contributions under the Glenmore Park Stage 3 Development Contributions Plan are to be paid to Council **prior to the issue of any Subdivision Certificate** (rates are subject to quarterly review).

- 103 This condition is imposed in accordance with clause 7.31 of the *Penrith Local Environmental Plan 2010* and the *Glenmore Park and Orchard Hills North Affordable Rental Housing Contributions Scheme*, as adopted by Council on 20 March 2023. Based on the current rates applicable to affordable housing contributions payable under this Contributions Scheme, **\$1,250,312.78 is to be paid to Council prior to issue of a Subdivision Certificate** being issued for this development (the rates are subject to indexation). If not paid within the same financial year in which the development consent was issued, this contribution will be reviewed at the time of payment in accordance with the adopted Contributions Scheme.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Contributions Scheme is available on Council's website.

Note. Contributions may be staged in accordance with the approved Staging Plan and are to be paid prior to the issue of the relevant subdivision certificate for the development.

- 104 **Prior to the issue of a Subdivision Certificate**, the Housing and Productivity Contribution (HPC) set out in the table below is required to be made.

Stage 1 (i.e. Stage 1A):

Housing & Productivity Contribution	Amount (\$)
Housing and Productivity Contribution	\$ 1,297,622.15
Strategic Biodiversity Component	\$ 1,488,077.46
Total Contribution Payable	\$ 2,785,699.61

Stage 2 (i.e. Stage 1B):

Housing & Productivity Contribution	Amount (\$)
Housing and Productivity Contribution	\$ 1,177,522.16
Strategic Biodiversity Component	\$ 955,628.31
Total Contribution Payable	\$ 2,133,150.47

The HPC must be paid using the NSW Planning Portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

Certification

- 105 **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 1979, 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 6.6 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 of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

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

Operation of OSSM

- 107 The contents of the existing wastewater tanks are to be removed by a licensed waste contractor to a licensed waste facility. The disconnected wastewater tanks shall be removed to a licensed waste facility.
Documentation of the collection and disposal of waste are to be retained and provided to Council on request.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

E7 Glenmore Park

The subject site is located within Glenmore Park Stage 3 (GP3). In this regard, Chapter E7 Part C - Glenmore Park Stage 3 applies to the development and the application has therefore assessed against the relevant controls, as discussed below:

7.5.2 Structure Plan

7.5.2.2 Urban Structure

As discussed throughout this Report, the GP3 precinct has been recently rezoned for urban residential release purposes, including the provision of future local and distributor roads, local open spaces, an educational establishment, local centre, and associated services, community facilities and stormwater infrastructure. The rezoning has resulted in a recent amendment to the PLEP 2010, and changes to the PDCP 2014 to include a site-specific chapter (E7 Part C - Glenmore Park Stage 3) to facilitate the development of the precinct.

Figure E7.58 in Section 7.5.2.2 of the PDCP 2014 depicts a Structure Plan of GP3 to establish the structure and form for the planning and future development of the precinct. A comparison of the Structure Plan against the proposed subdivision is provided in Figure 12 below, with key inconsistencies highlighted in yellow:

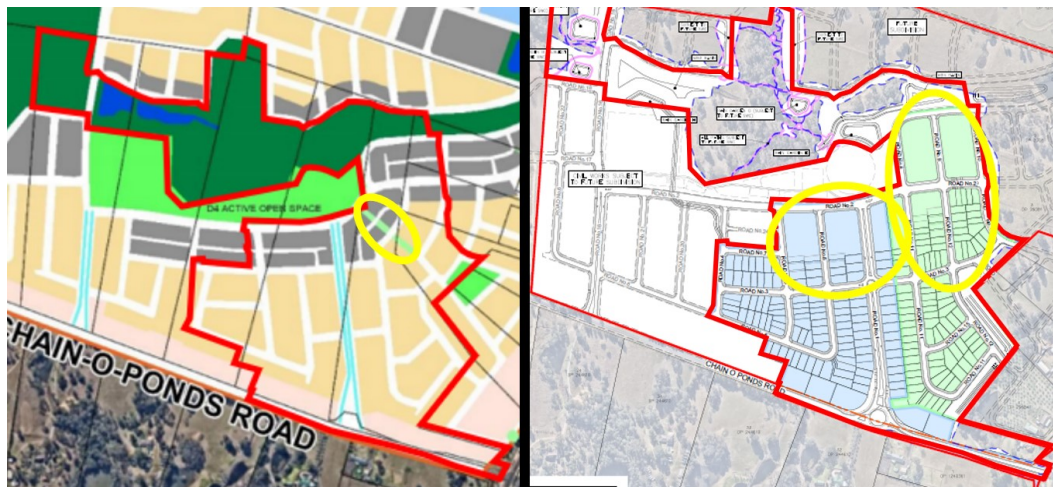


Figure 12. Comparison of GP3 Structure Plan (left) and Proposed Development (right).

Source: PDCP, Figure E7.58 (left) and ADW Johnson, drw. no. 30070-S1-CENG-005, revision G (right).

As depicted above, the proposed development contains inconsistencies with the Structure Plan. These inconsistencies are discussed below:

- **Reorientation of Lots**

The proposed subdivision layout seeks to reorientate lots adjacent to District Park 4 (D4) from an east-west orientation (as set up under the Planning Proposal and PDCP 2014) to a north-south orientation and remove laneways associated with the R3 zoned lots. Prior to the lodgement of this application, the Applicant undertook a detailed civil engineering assessment and found that the east-west arrangement of the lots along the southern and eastern ends of D4

would create extremely steep street blocks, thereby requiring multiple level changes (both internal and external), as shown in Figure 13 below:

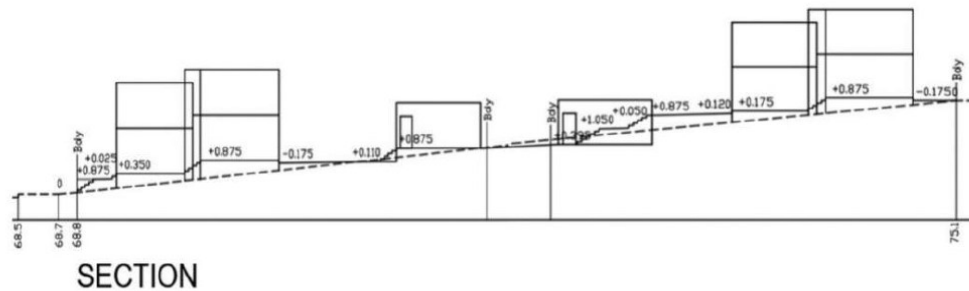


Figure 13. Indicative Section.

Source: GLN Planning, dated 16/7/2024.

It was considered by the Applicant that this was a poor outcome, and therefore, to improve the internal and external amenity of lots and dwellings for future occupants, and to minimise unnecessary additional construction costs, this application seeks to reorientate the street blocks to a north-south orientation. This also allows for a greater amount of fall to be accommodated by side boundary retaining walls (up to 1.5m in height) stepping down the site, thereby creating a superior outcome for future residents.

This approach, in conjunction with the applicant's justification in providing a superior outcome, is accepted by Council in this instance, and therefore, the reorientation of the street blocks is appropriate and a variation to the Structure Plan is warranted.

- **Reorientation and Arrangement of R3 Lots**

As a consequence of the reorientation of lots (particularly the R3 zoned lots), concerns were raised regarding the future development potential of the super-lots. The intention of the Planning Proposal and Structure Plan was to set up rear loaded R3 lots (through the provision of laneways) so that dwellings front D4 to encourage passive surveillance of the open space areas and ensure that rear and side elevations of dwellings (including associated fencing) are not visible from the public domain and open space areas.

However, as a result of the reorientation, the shortest boundary (i.e. side boundaries) of the super-lots now front D4, and in conjunction with the removal of laneways, concerns were raised regarding the streetscape presentation of future R3 development. The Applicant therefore was requested to submit further information (including indicative building envelope plans) to demonstrate that the future development of the R3 super-lots can/will maintain a suitable presentation to D4.

Discussions were subsequently held with the Applicant, and concept plans were tabled demonstrating rear-loaded terraces with laneways can be achieved, whilst ensuring a presentation is still provided to District Park 4. The indicative dwelling designs did not propose side boundaries to D4.

Given this, no further concerns were raised, noting the development and subdivision of the R3 lots will be subject to a future development application.

- **Omission of Linear Park 4**

The proposal seeks to not provide Linear Park 4 (LIN4), which is 1,416m² of open space (being approximately 12m wide by 120m in length), located south-east of D4, and is intended to provide a green connection and active transport link between D4 and Local Park 2 (L2). LIN4 is also identified deliverable open space item within the PDCP 2014 and GP3 Contributions Plan. The proposed removal of LIN4 in its entirety therefore required discussions with Council's City Planning team and was included as part of negotiations with the Applicant regarding the submitted Letter of Offer to enter into a Planning Agreement.

During those discussions, the Applicant advised that as part of the Planning Proposal of GP3, the Public Domain Open Space Strategy (PDOSS) initially depicted LIN4 to include a large triangle shaped space directly adjacent to L2 (which was also larger in size) and was capable in providing larger recreational offerings to service a wider catchment, as depicted in Figure 13 below:



Figure 14. Public Domain Open Space Masterplan (Linear Park 4).

Source: GLN Planning, Public Domain Open space Strategy, dated 2022 (now superseded).

However, as part of amendments to the Planning Proposal during its, the area of L2 was reduced (meaning it no longer was capable of serving a broader catchment and could only provide local play spaces for the immediate area), thereby not requiring a connection to the broader open space network and active transport link. Further, the triangle portion of LIN4 was removed, however the remainder of LIN4 was retained to perform an overland flow function. The amendments made to the PDOSS (and subsequently reflected in the PDCP 2014) is shown in Figure 15 below:

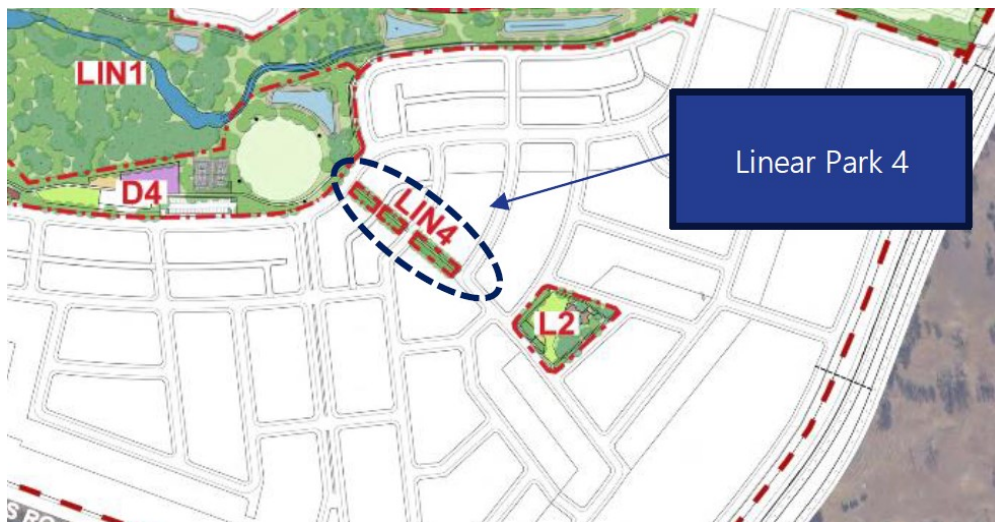


Figure 15. Master Plan with Open Space Areas.

Source: PDCP 2014, Figure E7.59.

Further, as part of the amendments to the proposed bulk earthworks strategy and revised masterplan layout through lot reorientation (as discussed above), the Applicant has advised that the overland flow function associated of LIN4 is no longer required. This has also been confirmed by Council's Development Engineer, and is reflected in the approved precinct-wide Water Cycle Management Strategy.

It is also noted that LIN4 is not reflected in any PLEP 2014 zoning maps, and is solely a requirement under the GP3 Structure Plan and Indicative Open Space Concept Plan within the PDCP 2014. LIN4 is depicted as a long narrow strip of land adjoining side boundaries of residential properties, thereby causing significant security and privacy concerns and not providing an effective and functional outcome for the community.

As an offset to its removal, the Applicant has proposed an additional 1,100m² of open space (currently zoned R2 land) to the south-eastern corner of D4. Further, to replace the lost active transport link, the application has been amended to include the provision of a 2.5m wide shared path connecting L2 to the east-west Collector Road (Road No. 2). The additional open space area provided to D4 (shaded in purple), and additional shared path along Road No. 14 (shaded in blue) is depicted in Figure 16 below:

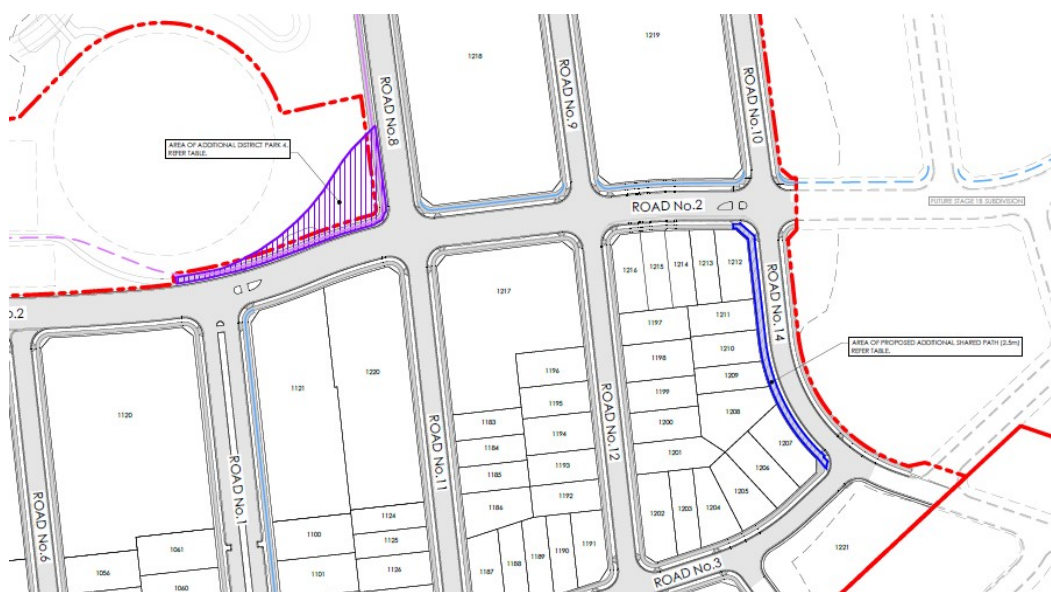


Figure 16. Linear Park 4 and Active Shared Path Substitution Plan.

Source: ADW Johnson, drw. no. 300070-PSK-197.

In support of this proposed offset and replacement, the Applicant also provided concept landscape plans, demonstrating that the additional open space to D4 can enable additional opportunities for canopy planting, act as a viewing/seating area overlooking the village green/AFL/cricket oval, and provide a visual buffer between the oval and the Collector Road (subject to separate development approval).

After consideration with Council's City Planning team, the proposed removal of LIN4, and its replacement to the south-east corner of D4 and additional shared path is accepted. This amendment has also been incorporated into the Letter of Offer.

7.5.2.3 Dwelling Yield

Section 7.5.2.3 requires residential development to:

- Comply with the dwelling caps prescribed within the PLEP 2010,
- Ensure the minimum lot size of R2 zoned land is 300m², however must vary to promote diversity of housing by offsetting with larger lots,
- Ensure the minimum lot size of R3 zoned lots is 180m², however must be offset by larger lots to promote diversity of housing, and
- Single residential dwelling lots are to be a minimum of 25m deep, noting variations to this can occur for corner or irregular shaped lots.

As discussed in Section 'Clause 7.16A Glenmore Park Stage 3' of this Report, as this proposal is the first subdivision development application for Area 11 of Glenmore Park Stage 3, the precinct does not exceed the maximum number of dwellings permitted. A total of 205 x R2 zoned lots are provided (out of a maximum 477 permitted), and seven (7) x R3 zoned super-lots are provided that will be further subdivided under future development applications (noting a maximum 261 dwellings are permitted on R3 zoned land).

Further, the R2 zoned lots are provided with varying lot sizes, ranging from 300m²-693m² (for standard lots), and 442m²-591m² for battle-axe lots, thereby adequately promoting housing diversity.

Whilst the development of the R3 super-lots will be subject to future development applications, the Applicant submitted an indicative subdivision/general arrangement plan of an R3 super-lot, demonstrating that it can be appropriately subdivided to provide a variety of lot sizes (whilst ensuring each are greater than 180m²) to promote housing diversity.

7.5.3 Public Domain

7.5.3.1.1 Corridors

Section 7.5.3.1.1 outlines developments are to:

- Retain, rehabilitate and restore native vegetation within environmental corridors,
- Ensure the quality and quantity of stormwater does not adversely impact on the health of environmental areas and corridors,
- Provide terrestrial connectivity for fauna movement along corridors and provide appropriate fauna crossing measures, and

- Ensure uses not compatible with protecting and enhancing areas of high biodiversity value (including Avoided Lands identified on the Cumberland Plain Conservation Plan) do not encroach into these areas.

As previously discussed within this Report, the proposal:

- Has ensured that most of the native vegetation within the Avoided Lands are conserved, maintained, actively managed, and significantly revegetated to improve the health and viability of native biodiversity, as outlined within the Vegetation Management Plan.
- Includes the construction and delivery of stormwater management infrastructure located generally to align with the location of existing dams and watercourse and areas of native vegetation that are significantly degraded, and will serve as a rehabilitation opportunity.
- Ensures that any embellishment works are designed to not require the removal of native trees and shrubs or damage to the natural environment.
- Has demonstrated that water quality entering natural systems will be as close to neutral or beneficial.
- Provides low-impact passive recreational infrastructure strategically located in areas that consist of degraded native vegetation.

Therefore, the proposed works within the existing environmental corridor comply with Section 7.5.3.1.1 of the PDCP 2014.

7.5.3.1.2 Bushfire Hazard Management

The entire site is bushfire prone land and subsequently, the application was supported with a Bushfire Assessment Report, prepared by BlackAsh Bushfire Consulting).

The Bushfire Assessment Report (the Report) outlined that:

- The proposed bulk earthworks and subdivision will be able to comply with the PBP 2019 document, subject to the creation of temporary asset protection zones, managed to a BAL of 12.5 until the next stages of work within Glenmore Park Stage 3 are undertaken,
- Asset Protection Zones from retained vegetation will be managed to Inner and Outer Protection Area distances in accordance with the PBP 2019 document,
- The proposed local road network is accepted as meeting the requirements of the PBP 2019 document,
- The local road network is capable in providing a safe operational and emergency management access, and
- Water, future hydrant supplies, and utility services will be provided in accordance with the PBP 2019 document.

The proposal is classified as *integrated development* under Section 100B of the *Rural Fires Act 1997* and the application was therefore referred to the NSW RFS. The NSW RFS granted General Terms of Approval, dated 19 August 2024, subject to conditions regarding:

- The management of the entire site as an inner protection area;
- A restriction on title be placed on the relevant land surrounding the subdivision for the purposes of a temporary asset protection zone in accordance with the Bushfire Assessment Report, prepared by BlackAsh, dated 11 July 2024;
- Perimeter roads and non-perimeter roads are to comply with the relevant sections of the PBP 2019 document;
- The provision of water, electricity, and gas shall comply with the relevant sections of the

- PBP 2019 document; and
- Any landscaping within the required asset protection zone is to comply with the relevant section of the PBP 2019 document.

In this regard, conditions of consent have been imposed ensuring adherence to the NSW RFS General Terms of Approval. In light of the above, the application complies with Section 7.5.3.1.2 of the PDCP 2014.

7.5.3.1.3 Water Management

The proposed development includes the realignment of an existing watercourse, the reshaping of existing dams, and will construct and deliver key stormwater management infrastructure including detention basins, raingardens and ponds. The proposal aligns with the approved precinct-wide Glenmore Park Stage 3 Water Cycle Management Strategy which demonstrated water quality entering natural systems will be as close as possible to neutral or beneficial when compared to pre and post development scenarios, and will not adversely impact upon the healthy and environmental areas and watercourses. The application was also reviewed by Council's Development Engineering and Waterways sections who raised no objections to the proposal, subject to conditions of consent. Therefore, the proposal complies with the requirements of this section of the PDCP 2014.

7.5.3.1.4 Flood Management

As previously discussed within this Report, the subject site is affected by overland flow flooding, particularly around the vicinity of existing natural drainage lines and watercourses. The application was subsequently accompanied by a Water Cycle Management Plan (for Stage 1) and a Flood Addendum Letter whereby modelling was prepared for the existing and developed conditions in both the 20% AEP and 1% AEP storm event, and the Probable Maximum Flood (PMF) event, and assessed consistency with the precinct-wide Water Cycle Management Strategy. The flood results demonstrated:

- All residential lots are completely flood-free in the 1% AEP storm event,
- There are no impacts to properties upstream of Chain-O-Ponds Road as a result of the development,
- There are no impacts to properties downstream of the Stage 1 boundary as a result of the development, and
- The proposed development will achieve the objectives and flooding outcomes prescribed within the overarching precinct-wide Water Cycle Management Strategy for Glenmore Park Stage 3.

The development application was also referred to Council's Development Engineer who raised no objections, subject to conditions of consent. In this regard, the proposal meets the requirements of Section 7.5.3.1.4 of the PDCP 2014.

7.5.3.1.5 Trees

Section 7.5.3.1.5 outlines development proposals must:

- In certified urban capable land - where practical, existing mature trees and significant trees are to be conserved for their natural functions and aesthetic value.
- In riparian corridors - existing native vegetation is to be protected, and corridors are to be revegetated to be fully structured native vegetation communities to provide habitats and

movement for flora and fauna species.

The proposal requires the removal of 302 trees, noting most trees are positioned outside the conservation areas and located within urban certified land. The retention of all trees located on Certified Capable Land is not considered to be practicable in this instance, noting extensive earthworks are required to facilitate the subdivision and supporting infrastructure. To offset this loss, the proposal includes extensive street tree planting within the verge of all proposed roads.

Further, whilst the proposed development has ensured that most of the native vegetation within the riparian corridor and Avoided Land are conserved, maintained, and actively managed to improve their health and viability, the proposal does include minor clearing of native vegetation as a consequence of delivering necessary stormwater and road reserve infrastructure. As outlined throughout this report, this proposed tree removal and clearing is considered to be appropriate in this instance, noting extensive rehabilitation and revegetation of the riparian corridor is proposed as part of the works located within LIN1 and D2 and the proposed clearing is located in areas where native vegetation is significantly degraded.

7.5.3.2 Access and Movement

7.5.3.2.1 Urban Structure

Section 7.4.3.2.1 requires development proposals to be generally consistent with the Indicative Active Transport Plan, Road Hierarchy Plan and Road Sections.

As per the Indicative Active Transport Plan within the PDCP 2014, the subject proposal is required to provide an active transport link within the road reserve of both the Entry Boulevard (Road No. 1) and a portion of the north-east Collector Road, and within the open space of D4, the edges of LIN1, and Linear Park 4. The proposal generally complies with this requirement, noting that due to the omission of LIN4 and associated transport link, a new 2.5m shared pathway is proposed along a portion of Road No. 14 connecting L2 with the Road. No. 2 (east-west collector road) and the broader active transport network of the precinct. Figure 17 below depicts the proposed active transport links (solid lines) that will be provided as part of the subdivision works of Stage 1:

Figure E7.62 of Section 7.5.3.2.3 provides an indicative bus route, demonstrating potential bus stops located along the entry Boulevard Road, and East-West Collector Road. The proposal provides compliant road sections of these roads (as discussed below in section 7.5.3.3.3) which are able to cater for future bus services.

7.5.3.2.4 Pedestrians and Cyclists

The proposal will deliver shared paths for cyclists and pedestrians within the required road reserves and open space, noting shared footpaths and cycles are incorporated into the design of the road hierarchy and relevant road sections, as discussed in Sections 7.5.3.2.1 and 7.5.3.3.3 of this Appendix.

7.5.3.3 Streetscapes

7.5.3.3.1 Landscape Character

The proposal includes extensive street tree planting within the verge of all proposed roads, and subsequently submitted a Streetscape Landscape Strategy. However, it is noted Council's Landscape Architect from Council's internal Design and Projects section raised concerns with the proposed tree planting and requested amendments be made and further information be provided regarding planting and placement requirements, and species selection. Conditions of consent are recommended in this regard requiring detailed landscape design plans and an amended streetscape landscape strategy be submitted and approved by Council prior to subdivision works to ensure the streetscape and landscape character is appropriate and to Council's satisfaction.

7.5.3.3.2 Street Furniture and Public Art

The proposal seeks to adopt a consistent use of materials and finishes (including furniture) to provide a theme throughout the precinct. The application was supported by a Public Art Strategy with additional information within the Landscape Plans. Further consultation will also be undertaken with Council's Assets section during construction works and at the time of dedication.

7.5.3.3.3 Road Sections

Section 7.5.3.3.3 of requires development proposals to be generally in accordance with the Road Hierarchy demonstrated in Figure E7.63 of the PDCP 2014. As required within the Road Hierarchy Plan, the Stage 1 subdivision is subject to the provision of:

- Chain-O-Ponds Road Interface,
- Chain-O-Ponds Road East Interface,
- Entry Boulevard (Chain-O-Ponds Road),
- Collector Road (adj to development on both sides),
- Collector Road (adj to bushfire hazard/Active District Park/District Park 1),
- Minor Local Road,
- Minor Local Perimeter Road (adj to bushfire hazard), and
- Minor Local Perimeter Road (adj to Local Park/District Park 3).

The application was subsequently supported by a Road Hierarchy Plan (see Figure 18 below) and Road Section Plans, demonstrating that the proposal is largely consistent with the PDCP 2014 Road Hierarchy Plan.

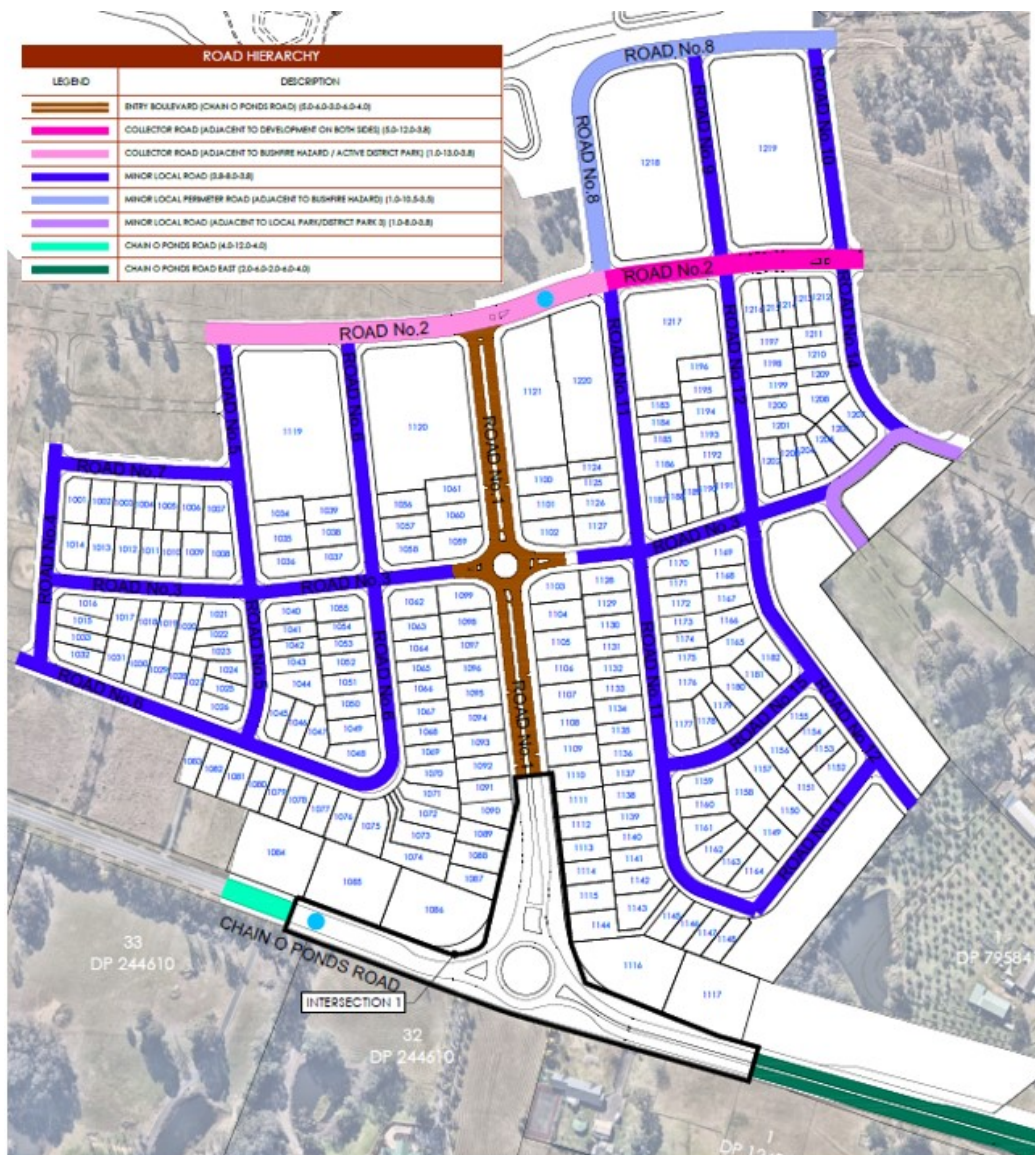


Figure 18. Road Hierarchy Plan.

Source: ADW Johnson, drw. no. 30070-DA-S1-201, version E.

Council's Development Engineering Section also reviewed the proposal who raised no objections to the proposed road hierarchy and section plans. Conditions of consent have therefore been imposed requiring all roads to comply with the relevant dimensions.

7.5.3.4 Open Spaces

In accordance with Figure E7.81 in Section 7.5.3.4 (depicted in Figure 19 below), the subject site contains Linear Park 1 (LIN1), Linear Park 4 (LIN4), a portion of District Park 2 (D2), and a portion of Local Park 2 (L2):



Figure 19. Open Space Concept Plan.
Source: PDCP 2014, Figure E7.81.

As discussed above, the application seeks to remove LIN4, and replace with additional open space to the south-east corner of D4. This has been accepted and incorporated into the Letter of Offer. Further, the proposal does not include the any works (other an earthworks) for L2. This will be subject to a future development application.

In this regard, the proposal seeks to only construct and embellish Linear Park 1, and a portion of D2.

Section 7.5.3.4 outlines D2 is prescribed with a Tree Canopy Target of 75%, and LIN1 is prescribed with a Tree Canopy Target of 76%. As part of the rehabilitation and revegetation of the waterways and riparian corridor (being located within both D2 and LIN1), the proposal will achieve compliance with both the 75% and 76% canopy target, noting the Vegetation Management Plan outlines the following densities for the proposed revegetation works along the riparian corridor:

- Canopy trees @ 1 unit / 15m²,
- Shrubs @ 1 unit / 5m², and
- Groundcovers @ 1-3 units / 1m².

7.5.3.4.1 Open Spaces - District Parks

The development site includes a portion of D2 (i.e. north-west corner which serves to act as an extension of LIN1. As per Section 7.5.3.4.1, Part 4, D2 as a whole should provide recreational embellishments, retain and revegetate native vegetation, landscaping, car parking, and seating and shading opportunities, as demonstrated as per Figure 19 above. It is also noted that key stormwater infrastructure including a detention basin and raingarden is required to be located in D2 as per the precinct-water Water Cycle Management Strategy.

The portion of D2 to which this proposal relates to is subject to the existing riparian corridor, watercourse, and extensive stormwater management infrastructure. In this regard, the submitted Landscape Strategy and Civil Plans indicates that extensive tree retention and revegetation works are proposed, in addition to the delivery of stormwater infrastructure, and

low-impact passive recreational infrastructure including footpaths. These works and embellishments are in line with the requirements of D2, noting other portions of D2 will be delivered under future stages and other land owners.

7.5.3.4.2 Open Spaces - Local (Neighbourhood) Parks

The application does not propose any works (other than earthworks) for L2. The embellishment and delivery of L2 will be subject to a future development application, noting coordination and planning between adjoining landowners is required for the future development of this open space.

7.5.3.4.3 Linear (Riparian Corridor Edge) Parks

A key objective for Linear Parks outlined in Section 7.5.3.4.3 is to *"encourage an active lifestyle for residents by providing recreation and educational opportunities"*, and subsequently, movement-oriented/low impact recreation use throughout the park should be encouraged. Further, this Section outlines a key performance measure of linear parks includes the provision of *"facilities including seating, outdoor fitness equipment and interpretive signage are provided along the outer edge"*.

The proposed embellishment works of LIN1 includes the provision of a perimeter path, and footpaths within the middle of the park itself. These footpaths are supported given this infrastructure supports movement-oriented recreation (i.e. walking and cycling), and are low-impact and strategically located in areas of degraded biodiversity.

However, with consideration to the above objective and performance measure, the proposed embellishment works also includes a gathering space and picnic area (with shade structure) located centrally within LIN1. It is not considered that the proposed gathering space and picnic area supports movement-oriented recreation. Further, they are likely to cause adverse impact on the Avoided Lands and are inconsistent with the objectives of the C2 zone. Therefore the centralised gathering space and picnic area is not supported, and a condition of consent is subsequently recommended not permitting approval to these works.

7.5.4 Private Domain

7.5.4.1 Subdivision

Section 7.5.4.1 requires the subdivision of land to appropriately consider the topography of the land, ensure lots are benched and provided with necessary retaining walls, and provide optimal block sizes and orientations to maximise solar access and passive surveillance.

As discussed throughout this Report, significant engineering design works have been undertaken across the development site to reduce the quantum of earthworks (where practicable), achieve a balance of cut and fill, and minimise retaining wall heights to deliver benched lots. Subsequently, the subdivision pattern has been modified from the Structure Plan. However, it is considered that modified subdivision layout provides an improved outcome that better responds to the topography of the land, noting retaining walls heights across the precinct are limited to a maximum height of 1.5m along some side and rear boundaries, and secondary street frontages, whilst also providing better amenity outcomes to future residents in terms of solar access.

Further, all proposed lots are greater than 25m in depth, and comply with the minimum lot

width requirement, being greater than 10m in width for R2 zoned lots.

7.5.4.2 Dwelling Diversity

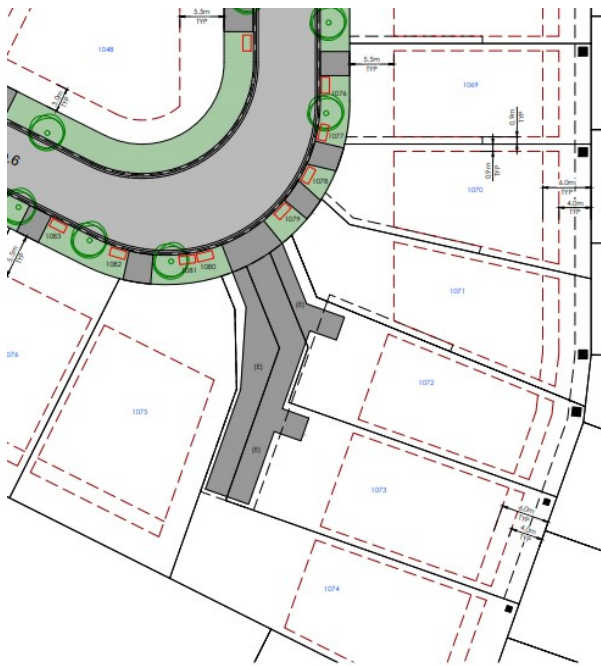
Section 7.5.4.2 seeks to promote diverse housing forms by enabling varying lot sizes (and lot frontages) to facilitate differing affordability price points and provide varied streetscapes.

The proposal appropriately promotes diversity for R2 zoned land through including a variety of lot widths and frontage widths throughout the subdivision, noting 39 x lots (19%) are provided with a lot width between 10m-12.5m, 78 x lots (38%) are provided with a width of 12.5m-15m, and 34 x lots (17%) are provided with irregular widths, being either corner lots, containing splayed frontages, or are battle-axe lots. Further, the Subdivision Plans have demonstrated that all lots are provided with a compliant minimum depth of 25m.

In regards to the R3 zoned lots, lot diversity under the PDCP 2014 is based on the assumption of 80m street block frontages for R3 zoned lots. However, the application proposes approximately 50m street blocks. As discussed above, the Applicant provided indicative plans demonstrating that housing diversity can still be achieved with a reduced block length by varying the lot sizes and frontage widths. This matter will be assessed as part of future development applications for the development of the R3 super-lots.

7.5.4.3 Shared Driveways

The proposed subdivision results in three (3) x adjoining battle-axe style lots, off Road No. 6 which require a shared driveway to serve the 3 allotments, as depicted in Figure 20 below:



of way. Further, the application suitably demonstrated an appropriate location of garbage bins to on the kerb for kerbside waste collection for each lot. The proposed shared driveway is therefore considered acceptable in this instance.

7.5.5 Typical Development Forms

7.5.5.1 Dwellings on R2 Low Density Residential Lots

Section 7.5.5.1 outlines allotment requirements for R2 Low Density Residential lots. In particular:

- Lots are to be a minimum size of 300m²,
- Lots are to have a minimum frontage of 10m, and
- For R2 zoned lots with a width of 12.5m or less, a zero-lot line model is permitted, and easements for access and maintenance will be created on the adjoining lot to allow dwellings to be constructed on the zero-lot line boundary to provide separation for future dwellings.

In light of the above, all proposed R2 zoned lots are provided with an area of 300m² or greater. Further, whilst the majority of lots are provided with a minimum frontage greater than 10m, some lots are provided with a frontage less than 10. However, these lots are either battle-axe lots or contain a splayed frontage whereby lots widen further along its depth, thereby providing a lot width greater than 12m. Building Envelope Plans were submitted with the application demonstrating that these lots can still achieve a suitably designed dwelling with compliant setbacks.

In addition, standard lots provided with a frontage of 12.5m or less have been appropriately identified as zero-lot line lots. The adjoining lots have subsequently been identified to be burdened with an easement for access and maintenance to provide suitable separation for future dwellings.

7.5.6 Lot Development, Grading and Earthworks

Bulk earthworks is provided throughout the entire site (except within the Avoided Lands under the CPCP), to facilitate the development of Stages 1 and 2 of GP3 (Mirvac's Site). The proposed earthworks include the filling of existing drainage lines and gullies, filling of existing dams, lowering of steeper/higher areas, the realignment of part of an existing watercourse in the centre of the site, and the benching of all residential lots to create flat pads for future dwelling construction.

The proposed earthworks seek to achieve a balance of cut and fill across the development site with an estimated volume of 432,000m³ of cut and 436,000m³ of fill, a maximum cut of 6-6.5m and a maximum fill of 10m-11m, and retaining walls located along lot side, rear and secondary street frontage boundaries to a compliant height ranging between 0.5m-1.5m (noting the PDGP 2014 permits a maximum retaining wall height of 1.5m). It is noted that the proposal results in a significant change to the natural topography of the land, however it is acknowledged that this outcome would have been expected as part of the rezoning and master planning of the land to permit the future residential redevelopment.

It is noted however, that as part of a detailed civil engineering design assessment conducted by the applicant prior to the lodgement of the development application, it was found that street blocks located adjacent to District Park 4 would be extremely steep, thereby requiring multiple

level changes, both externally and internally (within future dwellings) which was considered to be a poor outcome. Subsequently, the proposal seeks to re-orientate several street blocks to a north-south orientation which provides an overall improved outcome, noting level changes can appropriately be accommodated by side boundary retaining walls (up to a maximum height of 1.5m).

In light of the above, the proposed development is considered to appropriately respond to the site's natural topography as much as possible, and provides compliant height retaining walls throughout the precinct.

7.5.7 Development Staging

As per Section 7.5.7 and Figure E7.93 of the PDCP 2014, it is predicted that the development of GP3 will likely progress in stages, noting development will continue southwards from the existing Glenmore Park Stage 2 boundary, and that development will commence northwards from Chain-O-Ponds Road. This development application enables the orderly development of GP3 to commence from the south, by providing key vehicle access through the delivery of new road infrastructure and connection to Chain-O-Ponds Road. It also provides essential services and other critical infrastructure including stormwater, water, sewer and electricity to the precinct. This in turn will support and unlock the development of adjoining stages within GP3, which are reliant on the timely delivery of such infrastructure by the Applicant (Mirvac).