

Referral Response - Major Developments - Engineer

Application Number:	Rev23/0007
Referral Officer	Jacob Strong
Referral Unit	Major Developments - Engineer
Date of referral	29 March 2024
Land to be developed (Address):	Lot 3003 DP 1184498 184 Lord Sheffield Circuit PENRITH NSW 2750
Proposed Development:	Review of Determination (Refusal) of DA22/0213 for Construction of Part 13 and Part 31 Storey Mixed Use Development with One Level of Basement Car Parking, Five Storey Podium with Above-Ground Parking, Through-Site Link, Retail Tenancies, Supermarket, Child Care Centre, Indoor Recreation Facility and Two Residential Towers. Tower A has 241 Apartments and Tower B has 75 Apartments. Proposal includes an Offer to Provide Community Infrastructure being an Indoor Recreation Facility on Level One (Concurrent Review Application Rev23/0008 for DA22/0214).

Recommendation

Not supported, however conditions provided

Detailed assessment

Reference is made to Development Engineer Referral Response dated 20/1/24. I have reviewed the application and the following documents/plans against the Development Engineering Referral Checklist attached:

Title	Prepared by	Drawing No.	Rev	Date
Response to RFI Letter	Urbis	-	-	7/3/24
Amended Architectural Plans	Crone Architects	DA-01-00001 to 40006	A, B, C	17/11/21, 14/12/23, 6/3/24
Flood Response to RFI	Northrop	-	-	28/2/24
Transport Response to RFI	Stantec	301400273	-	22/3/24

The proposed application is unsatisfactory. Prior to further assessment by Development Engineering the following matters must be addressed by the applicant:

Flooding

- Regarding compliance with Principle LEP Clause 5.21, as the development proposes more than 150 dwellings, the application shall be referred to Department of Planning who will coordinate a response with Infrastructure NSW (INSW) and NSW SES to determine if the development will exceed the capacity of evacuation routes. As previously advised, Department of Planning concurrence is required.

Easements

- The applicant's Response to RFI Letter dated 7/3/24 shows an easement for electricity that differs from the submitted within the Site Survey Plan dated 3/2/17 and the Civil Plans. Evidence of the easement amendment shall be submitted.

Please refer back to Development Engineering once the above matters have been addressed by the applicant. As

per request from Development Services, conditions have been provided.

Note to Development Services

1. The applicant has proposed a Loading Dock Management Plan (LDMP) to be prepared for managing heavy vehicle access to the loading dock utilising a one-way access. Please ensure an appropriate condition is applied.

REFERRAL CHECKLIST – MINOR DEVELOPMENT

	YES	NO	N/A
Has Pre-lodgement advice been reviewed?	x		
Has Property & Rating been checked for property affectations?			x
Has Exponare been checked for property affectations?	x		
Internal Comments: A review has been undertaken of PL21/0074, DA22/0213, DA22/0214 and Rev23/0008. Development Engineer Referral Responses have not been registered for DA22/0213 or DA22/0214 within ECM or InfoStore. Dev Eng advice has been accessed through ICON and the SWCPP Assessment Report.			
Mainstream Flooding	YES	NO	N/A
Is the site affected by Mainstream Flooding?		x	
Internal Comments: Affected by the PMF - to be considered for evacuation purposes.			
Overland Flow Flooding	YES	NO	N/A
Is the site affected by Local Overland Flow Flooding?	x		
1. Have flood levels been issued by Flood Plain Management?	x		
2. Are levels on plans to AHD?	x		
3. Is a Flood Impact Assessment or Overland Flow Flood Report required?			x
4. Is the proposal consistent with the relevant LEP and DCP provisions?	x		
5. Is the proposal outside the Floodway?	x		
6. Is the flood risk associated with the development acceptable (Access, Hazard & Evacuation)?	x		
7. Has the proposal considered the Flooding Practice Note prepared by A. Wilkinson dated 6 October 2021 regarding Flood Evacuation and Climate Change?			x
8. Is a referral to SES recommended for Regional Evacuation Capacities?			x
9. Is a Climate Change Assessment required when considered against the Flooding Practice Note prepared by A. Wilkinson dated 6 October 2021?			x
Internal Comments: The 1%AEP overland flow flood level affecting the property is estimated to be RL26.9m AHD. The applicant's response demonstrates that the development site is outside of the PMF for both Penrith CBD FRMS&P and Cranebrook Overland Flow Flood Study. As such, no further flood assessment or information is required.			
General Matters for Consideration	YES	NO	N/A
Is the proposal consistent with Council's Stormwater Drainage Specification for Building Developments?	x		
Is the proposal compliant with AS 2890.1/2/6 i.e. garages, aisle and handle widths, gradients, turning paths, ramps etc?		x	
Are proposed earthworks and site levels satisfactory?			x
Has the condition of the road frontage, including all infrastructure, been assessed?	x		
Internal Comments:			

Engineering

- 1 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.
- 2 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site** or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

- 3 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:
 - i. Utilities (water, sewer, power, telecommunications)
 - ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
 - iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve
- g) Temporary ground anchors that encroach below the road reserve (for basement construction).

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 Occupation Certificate or 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.

- 4 **Prior to the issue of any Construction Certificate**, 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 the following works:
1. Relocation of existing southern pedestrian crossing within Dunshea Street further north to the frontage of Tower B.
 2. Upgrade of 2 x pedestrian crossings (one of which to be relocated) within Dunshea Street and 1 x pedestrian crossing within Lord Sheffield Circuit to be fully compliant raised threshold pedestrian crossings, including street lighting, signage and linemarking.
 3. Provision of pedestrian fencing within Dunshea Street, fronting the commuter car park directing pedestrians to the pedestrian crossings on Dunshea Street.

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 the Construction Certificate or 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 Occupation Certificate or Subdivision Certificate as applicable.
- 5 The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by AT&L, reference number 17450, drawing number DAC101 to DAC111, revision E, dated 30/11/21.

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

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

- 6 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3 Plumbing and Drainage – Stormwater Drainage.
- 7 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that building works have been designed outside of the extent of the existing electrical easement or appropriate owners consent is obtained for the works.
- 8 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land to the adopted flood planning level of RL 27.4m AHD (flood level + 0.5m freeboard).
- 9 **Prior to the issue of any Construction Certificate**, 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.
- 10 **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.

- 11 Prior to the issue of a Roads Act approval, a Performance Bond is to be lodged with Penrith City Council for upgrade of pedestrian crossings within Dunshea Street and Lord Sheffield Circuit.

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.
- 12 **Prior to the issue of any Construction Certificate**, a geotechnical investigation report and strategy shall be submitted to the Certifier to ensure the stability of any adjoining Council owned infrastructure and surrounding developments. The technical direction GTD 2012/001 prepared by Transport for NSW should be used as a guide for preparing the geotechnical investigation report and strategy.
- 13 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 Construction Certificate** and then updated and submitted prior to the issue of any Occupation Certificate confirming no damage has occurred.
- 14 **Prior to commencement of any works** associated with the development, a Traffic Guidance Scheme, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited TfNSW traffic controller.

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

Note:

- A copy of the Traffic Guidance Scheme shall accompany the Notice of Commencement to Penrith City Council.
 - Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of any Construction Certificate or Subdivision Works Certificate.
- 15 Prior to the issue of any **Occupation Certificate**, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 16 **Prior to the issue of any Occupation Certificate**, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

- 17 Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the flood control works
- have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
 - have met the design intent with regard to any construction variations to the approved design, and;
 - Any remedial works required to be undertaken have been satisfactorily completed.

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

18 Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the flood control works shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

19 **Prior to the issue of any Occupation Certificate 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.

Notes:

- 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.

20 **Prior to the issue of any Occupation Certificate**, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier.

21 Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for upgrade of pedestrian crossings within Dunshea Street and Lord Sheffield Circuit.

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.