

SWCPP Ref. No.:	PPSSWC-416
DA No.:	DA24/0268
PROPOSED DEVELOPMENT:	Tree Removal, Bulk Earthworks and Retaining Walls (to create 'Building Pads'), Stormwater Management and Drainage Works (including 'Naturalised Trunk Drainage Channel'), Road Construction (including a portion of a 'Collector Industrial Road' and a 'Local Industrial Road'), and Subdivision
PROPERTY ADDRESS:	272 - 280 Aldington Road, KEMPS CREEK NSW 2178 258 - 270 Aldington Road, KEMPS CREEK NSW 2178 244 - 256 Aldington Road, KEMPS CREEK NSW 2178
PROPERTY DESCRIPTION:	Lot 15 DP 253503, Lot 16 DP 253503, Lot 17 DP 253503,
CLASS OF BUILDING:	N/A
ASSESSING OFFICER	Robert Walker
APPLICANT:	Emm Consulting
DATE RECEIVED:	25 March 2024
REPORT BY:	Robert Walker, Senior Development Assessment Planner, Penrith City Council
RECOMMENDATIONS:	Approve

Assessment Report

Executive Summary

Council is in receipt of a Development Application, which seeks Development Consent, for tree removal, bulk earthworks and retaining walls (to create 'building pads'), stormwater management and drainage works (including 'naturalised trunk drainage channel'), road construction (including a portion of a 'Collector Industrial Road' and a 'Local Industrial Road'), and subdivision, at Nos. 244-280 Aldington Road, Kemps Creek.

The site is located within the 'Mamre Road Precinct' of the Western Sydney Employment Area', and is zoned part 'IN1 – General Industrial' and part 'SP2 – Infrastructure (Local Road)'.

The application was advertised and notified to nearby property owners on two (2) occasions and overall four (4) 'unique submissions' were received. Assessment has found that the proposal responds satisfactorily to the concerns raised within the submissions.

The proposed development is considered to be 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning & Assessment Act 1979*, as such requires a 'Controlled Activity Approval' (pursuant to Section 91 (2) of the *Water Management Act 2000*) and an 'Aboriginal Heritage Impact Permit' (pursuant to Section 90 of the *National Parks and Wildlife Act 1974*). Accordingly the application was referred to the NSW Department of Planning & Environment - Water and Heritage NSW, which resulted in 'General Terms of Approval' being issued by both 'Integrated Development' approval bodies.

Transport for NSW has provided concurrence to the proposed development pursuant to Section 2.35 of *State Environmental Planning Policy (Industry and Employment) 2021*.

The site is to be serviced by Sydney Water's future Recycled Water Scheme (for the Mamre Road Precinct) and Sydney Water's Regional Stormwater Scheme, and therefore the application was referred to Sydney Water for comment. In response to such final comments raised no concerns with the proposed development, subject to conditions and it is recommended that these conditions be imposed as provided within the recommended conditions.

The 'Estimated Development Cost' of the proposed development is more than \$30 million, accordingly pursuant to Section 2.19 and Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, the proposal is declared to be 'Regionally Significant Development'. Therefore pursuant to Section 4.5 (b) of the *Environmental Planning & Assessment Act 1979*, the Sydney Western City Planning Panel is the 'Consent Authority'.

Following initial assessment of the application as originally made and concerns being raised with the Applicant, the application has been amended.

An assessment of the application (as amended) has been undertaken pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and has found that the proposal satisfactorily responds to key planning considerations, including in relation to urban design, the topography of the area, future likely development opportunities, providing suitable access to adjacent properties, road design, stormwater management and potential amenity impacts.

Overall, it is considered that the proposed development is unlikely to result in any unreasonable environmental impacts and is not contrary to the public interest. Having regard to the relevant planning provisions, it is recommended that the application be approved, subject to the attached recommended conditions.

Site & Surrounds

The development site comprises of two (2) allotments, being 244-256 Aldington Road (formally known as Lot 17 in DP 253503) and 258-270 Aldington Road (formally known as Lot 16 in DP 253503), and the northern and western edges of 272-280 Aldington Road (formally known as Lot 15 in DP 253503).

The overall site (comprising of the 3 aforementioned allotments) is approximately 30.66 hectares in size and rises from a level of approximately 52m (AHD) at the Aldington Road frontage, to approximately 90m (AHD) in the rear north eastern corner. Existing vegetation includes several scattered / paddock native trees, rows of planted exotic trees alongside existing lot boundaries and pasture grasses. Other noteworthy features of the site include several farm dams and two (2) mapped watercourses / streams.

Each of the three (3) allotments have been used for rural residential type purposes until recently. Dwellings and associated outbuilding, on both 244-256 Aldington Road and 258-270 Aldington Road, were recently demolished following the issuing of Complying Development Certificates for such works (Council Reference No. CDP24/0323 and CDP24/0290). Building improvements on the overall site are now limited to a dwelling and associated outbuildings, which are located outside of the development site on 272-280 Aldington Road and are not subject to any of the proposed works.

The site frontage is subject to an approval to widen and upgrade Aldington Road, pursuant to State Significant Development Consent No. SSD-10479 (as modified), which includes a cross intersection with initial 'stub' road providing access into the subject site. It is noted that these works are referred to within such as the 'Ultimate Road Works'.

A 'place of public worship' development (known as the BAPS Temple) is currently under construction on the adjoining property immediately to the north of the site, pursuant to Development Consent No. Mod24/0119. While several rural residential type premises remain in the area, the broader area is undergoing significant transformation following the rezoning of land within the 'Mamre Road Precinct', associated with the Western Sydney Employment Area, which allows for warehousing and industrial land uses.

Proposal

The application seeks Development Consent for:

- Tree and vegetation removal.
- Bulk earthworks, including retaining walls and the establishment of five (5) developable building pads.
- Stormwater management and drainage works, including 'naturalised trunk drainage channel' works.
- Weed eradication and vegetation management works.
- Road construction, comprising of a portion of a 'Collector Industrial Road' (with a 'temporary' cul-de-sac / turning head) and an 'internal Local Industrial Road', including adjacent shared pathways.
- Provision of infrastructure and services (comprising of sewer, water, electrical and communications), for future industrial developments over the site.
- Landscaping works, including street trees and perimeter screen plantings.
- Torrens Title subdivision of three (3) existing allotments, into seven (7) lots, comprising of four (4) 'developable industrial type lots', a 'residue type lot' and two (2) 'Road Reserve' lots to accommodate the proposed roads and a portion of the future / approved widening of Aldington Road.

The four (4) proposed 'developable industrial type lots' comprise of:

- Lot 1 - 2.301 hectares, a portion comprising of the naturalised trunk drainage channel.
- Lot 2 - 1.659 hectares
- Lot 3 - 4.907 hectares
- Lot 4 - 10.05 hectares. It is noted that this lot includes two (2) separate developable building pads, which are split by a retaining wall.

While the application has been accompanied by concept layout plans for the aforementioned 'developable industrial type lots' (with warehousing type developments), they have been provided specifically to show that the lots are suitable to facilitate future likely developments and the proposal does not seek Development Consent for any buildings.

Plans that apply

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

Planning Assessment

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

Pursuant to Section 1.7 of the *Environmental Planning and Assessment Act 1979*, the provisions of Part 7 of the *Biodiversity Conservation Act 2016*, must be considered. However, as the site is identified as 'Certified Urban Capable Land' as defined by *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, pursuant to Section 7.6 of the *Biodiversity Conservation Act 2016*, Part 7 of such does not apply to development on 'Biodiversity Certified Land'.

• Section 4.14 - Bushfire prone land assessment

The site is mapped as 'bushfire prone land' and accordingly the application was accompanied by a Bushfire Assessment Report. The Bushfire Assessment Report, assessed the proposed development and found that the 'grassland type vegetation' across the site and upon the adjoining property (to the south and east), presents a 'low level of risk'. The Bushfire Assessment Report notes that future industrial type developments on the proposed lots, will require the preparation of associated Bushfire Assessment Reports, which will examine applicable setback, access and bushfire construction standards of *Planning for Bushfire Protection 2019*.

Assessment of the proposal concurs with the findings of the Bushfire Assessment Report and accordingly it is considered that the proposal satisfies the overall provisions of *Planning for Bushfire Protection 2019*. While it is noted that the Bushfire Assessment Report made no specific recommendations, it is recommended that a condition be imposed requiring the overall site to be maintained as an Asset Protection Zone.

- **Section 4.15 - Evaluation**

The application has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning & 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 considered to be 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning & Assessment Act 1979*, as such involves a 'controlled activity on waterfront land', requiring a 'Controlled Activity Approval' (pursuant to Section 91 (2) of the *Water Management Act 2000*), from the Department of Planning & Environment - Water.

Accordingly the application was referred to the NSW Department of Planning & Environment - Water, which resulted in 'General Terms of Approval' being issued.

The (conditions within the) 'General Terms of Approval' are to form part of any Development Consent which is issued, and accordingly a condition is to be imposed requiring compliance with such and any associated 'Controlled Activity Approval'.

The proposed development is considered to be 'Integrated Development' pursuant to Section 4.46 of the *Environmental Planning & Assessment Act 1979*, as the proposed development impacts upon 'Aboriginal Objects' and an 'Aboriginal Heritage Impact Permit' is required (pursuant to Section 90 of the *National Parks and Wildlife Act 1974*), from Heritage NSW.

Accordingly the application was referred to the Heritage NSW, which resulted in 'General Terms of Approval' being issued.

The (conditions within the) 'General Terms of Approval' are to form part of any Development Consent which is issued, and accordingly a condition is to be imposed requiring compliance with such and any associated 'Aboriginal Heritage Impact Permit'.

Various 'Water Management Work Approvals', which are required pursuant to Section 90 (2) of the *Water Management Act 2000*, constitute 'Integrated Development' under Section 4.46 of the *Environmental Planning & Assessment Act 1979*. In relation to such the application was referred to Water NSW, who advised that no further associated investigation is required in this regard.

Accordingly the proposed development does not constitute 'Integrated Development' in this regard. Notwithstanding this, the aforementioned referral response from Water NSW, noted that *if groundwater is*

encountered during the development and requires removal, the Proponent should contact Water NSW immediately and apply for a 'Water Supply Works Approval for Construction Dewatering'. It is recommended that a condition be imposed advising of such.

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

While the subject site is located within the 'Greater Sydney Region' (as identified by the 'Housing and Productivity Contribution Regions Map'), pursuant to Clause 4 of the *Environmental Planning & Assessment (Housing and Productivity Contribution) Order 2024*, such does not apply to the Western Sydney Aerotropolis Special Contributions Area, to which the determination under former Section 7.23 of the *Environmental Planning & Assessment Act 1979*, continues to apply until 1 July 2026.

- **Section Western Sydney Aerotropolis Special Infrastructure Contributions**
Direction

The site is located within the Western Sydney Aerotropolis Special Infrastructure Contributions Area, which was introduced on 25 March 2022, pursuant to Section 7.24 of the *Environmental Planning & Assessment Act 1979*.

Accordingly, in accordance with the *Environmental Planning & Assessment (Special Infrastructure Contribution - Western Sydney Aerotropolis) Direction 2022*, a condition is to be imposed requiring the Developer to obtain, written evidence from the Department of Planning & Environment, that the Special Infrastructure Contribution for the development has been made or that arrangements are in force with respect to the making of the contribution.

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Pursuant to Section 2.3 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2 (Vegetation in Non-Rural Areas) applies to the site. The proposal involves the removal of trees and vegetation across the site in conjunction with the overall development and accordingly Development Consent has been sought for such, as required by Section 2.8.

The site is located within the 'Hawkesbury - Nepean Catchment' and therefore pursuant to Section 6.1 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6 (Water Catchments) applies to such land.

Pursuant to Section 6.2 and Schedule 6, land within the 'Hawkesbury - Nepean Catchment' is defined as a 'regulated catchment'. Accordingly an assessment has been undertaken of the proposal (including having regard to referral comments provided by Water NSW and Sydney Water, and assessment of the proposal by Council's Waterway and Development Engineering specialists) against the relevant criteria outlined within Part 6.2 Division 2 (i.e. 'water quality and quantity', 'aquatic ecology', 'flooding', 'recreation and public access', and 'total catchment management'), which found the proposal to be satisfactory in relation to such, subject to associated conditions being imposed.

The proposed development relates to land within 100m of a 'natural waterbody' in a 'regulated catchment'. Accordingly pursuant to Section 6.11, consideration must be given to proposed land uses. However given that the proposal relates to earthworks, road construction and subdivision (and does not relate to the use of the land), no further assessment is required in this regard.

It is noted that the site is located within the 'South Creek Sub-Catchment', which is not identified as being part of the 'Hawkesbury - Nepean Conservation Area Sub-Catchment' (i.e. pursuant to Schedule 6) and therefore consideration does not need to be given to the provisions of Section 6.13.

The proposal involves 'stormwater management works' in conjunction with the overall development and is on land in a 'regulated catchment'. Accordingly Development Consent has been sought for such, as required by Section 6.21.

The site is located within the 'Strategic Conservation Planning Area' and therefore pursuant to Section 13.1 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 13 (Strategic Conservation Planning) applies to such land.

The site is identified as 'Certified Urban Capable Land' as defined by Section 13.4 and therefore consideration is to be given to the provisions of Part 13.5.

As the entire site is identified as 'Certified Urban Capable Land' any associated 'Asset Protection Zone' would therefore be located wholly upon such land, as required by Section 13.15.

The proposal includes associated weed eradication and vegetation management works, and the overall layout provides for the retention of two (2) trees alongside the eastern property boundary. Assessment of the proposal (including by Council's Senior Biodiversity Officer - Ecologist) has found such to be consistent with the *Cumberland Plain Conservation Plan Mitigation Measures Guideline*, and therefore satisfactory for the purposes of Section 13.16.

State Environmental Planning Policy (Industry and Employment) 2021

Pursuant to Section 2.2 of *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 2 (Western Sydney Employment Area) of such applies to land identified on the 'Land Application Map'. The subject site is identified by the 'Land Application Map' of the Western Sydney Employment Area, as being located within Precinct 12 ('Mamre Road').

The site is zoned part 'IN1 – General Industrial' and part 'SP2 – Infrastructure (Local Road)' pursuant to *State Environmental Planning Policy (Industry and Employment) 2021*.

The objectives for the 'IN1 – General Industrial' zone are:

- *To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*
- *To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- *To minimise any adverse effect of industry on other land uses.*
- *To facilitate road network links to the M7 and M4 Motorways.*
- *To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*
- *To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.*

It is considered that the proposal is consistent with the following objectives, while not being inconsistent with the other remaining objective:

- *To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.*
- *To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- *To minimise any adverse effect of industry on other land uses.*
- *To facilitate road network links to the M7 and M4 Motorways.*
- *To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.*

The objectives for the 'SP2 – Infrastructure' zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

It is considered that the proposal is consistent with these objectives.

It is noted that pursuant to Section 2.12 land may be subdivided (but only) with Development Consent.

Consequently the proposal satisfies the provisions of Part 2.2 of *State Environmental Planning Policy (Industry and Employment) 2021*.

The following outlines assessment of the proposal in accordance with the remaining relevant provisions of Chapter 2 of *State Environmental Planning Policy (Industry and Employment) 2021*.

Consideration of Section 2.17 (Requirement for Development Control Plans)

The *Mamre Road Precinct Development Control Plan 2021* was prepared specifically for the 'Mamre Road Precinct' (which includes all of Precinct 12) and the application has been assessed having regard to the relevant provisions (as detailed separately within this report).

Consideration of Section 2.19 (Ecologically Sustainable Development)

The proposal does not relate to ecologically sustainable development type matters, including from potable water consumption or greenhouse gas emission perspectives.

Consideration of Section 2.20 (Building Height)

While the proposal involves substantial earthworks, including cut of up to approximately 11m adjacent to a ridgeline, it is considered that the overall layout, with retaining walls setback from property boundaries, is suitable when having regard to the topography of the site and adjacent land.

Accordingly, it is considered that the proposal has given adequate consideration to the topography of the site and is therefore satisfactory for the purpose of Section 2.19.

Consideration of Section 2.23 (Subdivision)

The proposed provides for five (5) developable building pads and four (4) 'developable industrial type lots', which are of sufficient size and suitable configurations, to accommodate employment generating type developments. Furthermore, the overall layout and design of the proposed (portion of the) west-east 'Collector Industrial Road', provides suitable access to the 'IN1 – General Industrial' zoned land immediately to the east.

Accordingly, it is considered that the proposal is consistent with the provisions of Section 2.23.

Section 2.24 (Public Utility Infrastructure)

The application was referred to Sydney Water and final comments raised no concerns.

Overall it is expected that adequate arrangements can be made in relation to the provision of associated infrastructure when required.

It is recommended that associated conditions be imposed to ensure that suitable public utility infrastructure is provided, which will satisfy the associated provisions of Section 2.24.

Consideration of Section 2.30 (Design Principles)

The overall layout which provides access to the 'IN1 – General Industrial' zoned land immediately to the east as envisaged by the *Mamre Road Precinct Structure Plan* and by the desired road network (established through Part 3.4.1) of the *Mamre Road Precinct Development Control Plan 2021*, with 'naturalised trunk drainage channel' and retaining walls setback from property boundaries, is considered to provide a development that is high quality in design. Furthermore, the proposal provides five (5) developable building pads which are of sufficient size and suitable configuration to facilitate future likely developments, and includes high quality landscaping (with street trees and perimeter screen plantings).

Accordingly, it is considered that the proposal is consistent with the provisions of Section 2.30.

Consideration of Section 2.31 (Preservation of Trees or Vegetation)

It is noted that pursuant to Section 2.31, Development Consent is required for the removal of trees. Accordingly the application seeks Development Consent for associated tree and vegetation removal.

The overall layout provides for the retention of two (2) trees alongside the eastern property boundary, which shall provide an element of amenity preservation.

It is recommended that associated conditions be imposed to ensure that adequate tree protection measures are implemented during construction works, which will satisfy the associated provisions of Section 2.24.

Consideration of Section 2.35 (Development within the Mamre Road Precinct)

Transport for NSW has provided concurrence to the proposed development pursuant to Section 2.35, subject to the inclusion of specific conditions, which have been included within the recommended conditions.

Consideration of Section 2.36 (Development in Areas Subject to Aircraft Noise)

While the site is identified as having a ANEC of greater than 20, the proposal does not relate to a noise sensitive type of development or provide for an increased number of dwellings. Accordingly no further assessment is required in this regard.

Consideration of Section 2.37 (Airspace Operations)

The proposal does not penetrate the identified 'prescribed airspace' and accordingly no further assessment is required in this regard.

Consideration of Section 2.38 (Development of Land Adjacent to Airport)

The proposed development is not of a type that is likely to attract birds or animals of a kind, and is unlikely to increase the hazards of operating an aircraft.

Accordingly, it is considered that the proposal is consistent with the provisions of Section 2.38.

Consideration of Section 2.39 (Water Recycling and Conservation)

The site is to be serviced by Sydney Water's future Recycled Water Scheme (for the Mamre Road Precinct) and Sydney Water's Regional Stormwater Scheme. The application was referred to Sydney Water for comment and final comments provided no objection to the proposal, subject to recommended conditions.

Accordingly, it is considered that the proposal is consistent with the provisions of Section 2.39.

Consideration of Section 2.40 (Earthworks)

The overall layout and associated earthworks, provides retaining walls which are setback from property boundaries, is tiered across the site and relates to the existing topography of the area, involves close to a balanced level of cut and fill, facilitates five (5) developable building pads for future likely developments and provides suitable access to the 'IN1 – General Industrial' zoned land immediately to the east (as envisaged by the *Mamre Road Precinct Structure Plan* and by provisions of the *Mamre Road Precinct Development Control Plan 2021*). Furthermore, it is considered that the overall earthworks will not compromise existing drainage patterns, soil stability, the amenity of adjoining land / properties or visual from any nearby waterways. While such are unlikely to impact upon any waterway, drinking water catchment or environmentally sensitive area.

As detailed separately within this report, the proposal impacts upon 'Aboriginal Objects' and the application was referred to the Heritage NSW, which resulted in associated 'General Terms of Approval' being issued.

Accordingly, it is considered that the proposal overall is satisfactory for the purpose of Section 2.40.

Consideration of Section 2.41 (Development on Flood Prone Land)

Specialist assessment of the proposal by Council's Engineering Consultant, has found that the proposal will not adversely affect flood behaviour, will not detrimentally affect drainage flow distributions or velocities, will provide safe occupation of the site, will not detrimentally affect the floodplain environment, will not result in unsustainable social or economic costs as a consequence of flooding, and is compatible with the flood conveyance and hazard.

Accordingly, it is considered that the proposal is consistent with the provisions of Section 2.41.

Consideration of Section 2.42 (Heritage Conservation)

The site is located within the vicinity of two (2) Heritage Items, the 'Brick Farmhouse' at No. 282 Aldington Road (Item No. 14) and the 'Gateposts to Colesbrook' at 269–285 Mamre Road (Item No. 13). The application was accompanied by a Statement of Heritage Impact, which found that the proposed works will

have no an adverse physical or visual impact on either of the aforementioned heritage items. Notwithstanding this, it is noted that the Statement of Heritage Impact recommends that risk mitigation measures be adopted during works.

Assessment of the proposal concurs with the findings of the Statement of Heritage Impact and it is recommended that conditions be imposed adopting the risk mitigation measures outlined within the Statement of Heritage Impact.

Consideration of Section 2.44 (Stormwater, Water Quality and Water Sensitive Design)

The overall development incorporates water sensitive design elements, integrated stormwater management elements which shall minimise impacts on adjacent land, riparian areas and bushland. Assessment of the proposal, including by Council's Senior Water Management Officer, has found that the overall development is unlikely to unreasonably impact upon water quality or water quantity in any waterway, natural water flows, the aquatic environment, or the stability of any waterway, subject to associated conditions being imposed.

Accordingly, it is considered that the proposal is consistent with the provisions of Section 2.44.

State Environmental Planning Policy (Planning Systems) 2021

As the proposed development has an 'Estimated Development Cost' of more than \$30 million and relates to 'general development', pursuant to Section 2.19 and Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, the proposal is declared to be 'Regionally Significant Development'. Therefore pursuant to Section 4.5 (b) of the *Environmental Planning & Assessment Act 1979*, the Sydney Western City Planning Panel is the 'Consent Authority'.

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

While the subject site is not identified on the 'Land Application Map' for the Western Sydney Aerotropolis, it is noted that pursuant to Section 4.3 of *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*, Section 4.13, Part 4.3 and Section 4.27 applies to land that surrounds the 'Western Sydney Aerotropolis'.

The following outlines assessment of the proposal in accordance with the relevant applicable provisions of Chapter 4 (Western Sydney Aerotropolis) of *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*.

Consideration of Section 4.17 (Aircraft Noise)

The site is identified by the Noise Exposure Contour Map, as being within an ANEC contour between 20 and 25. Given that the proposal does not relate to a 'noise sensitive development', the proposal is satisfactory in this regard.

Consideration of Section 4.19 (Wildlife Hazards)

While the site is located within the '13km Wildlife Buffer Zone' area, the proposal does not relate to 'relevant development' and accordingly no further assessment is required in this regard.

Consideration of Section 4.22 (Airspace operations)

While the site is located within the 'Obstacle Limitation Surface' area, the proposal does not penetrate the identified prescribed air space and accordingly no further assessment is required in this regard.

Accordingly the proposal is considered to satisfy the provisions of Chapter 4 (Western Sydney Aerotropolis) of *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*.

State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, Development Consent must not be granted unless consideration has been given to, 'whether the land is contaminated', 'if the land is contaminated that it 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 'if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out that the land will be remediated before the land is used for that purpose'.

The application has been accompanied by a 'Detailed Site Investigation Report' which confirms that recent remediation works and associated validation has been successfully undertaken, and concludes that the site is suitable for future industrial type land uses. Furthermore, specialist assessment of the application has been undertaken by Council's Environmental Health Officer, who raised no concerns in this regard, subject to associated recommended conditions.

Overall it is considered that the proposal satisfies the relevant provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, subject to associated recommended conditions being imposed.

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

No Draft Environmental Planning Instruments are applicable to the subject application.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Mamre Road Precinct DCP 2021

The site is located within the 'Mamre Road Precinct' and accordingly consideration is to be given to the provisions of the *Mamre Road Precinct Development Control Plan 2021*. The following key matters are noted in relation to the proposal:

Part 2.1 Mamre Road Precinct Structure Plan

The site is identified by the *Mamre Road Precinct Structure Plan* as being 'Industrial', with an indicative 'Employment Service Hub' location extending onto the front / western part of the site and an 'Indicative Industrial Road Access' providing connection for the land to the east of the site.

The proposal is substantially consistent with the *Mamre Road Precinct Structure Plan*, including through the provision of suitable access through the site to the 'IN1 – General Industrial' zoned land immediately the east, and with *Sydney Water's Regional Stormwater Scheme*.

Part 2.2 Biodiversity

The proposal includes associated weed eradication and vegetation management works, and the application has been accompanied by an associated Weed Eradication Management Plan and a Vegetation Management Plan. Furthermore the layout provides for the retention of existing trees alongside the eastern property boundary, and assessment of the proposal (including by Council's Senior Biodiversity Officer - Ecologist) has found such to be consistent with the *Cumberland Plain Conservation Plan Mitigation Measures Guideline*.

Accordingly, it is considered that the proposal is satisfactory from an overall biodiversity perspective and be consistent with the provisions of Part 2.2.

Part 2.3 Riparian Land

As detailed separately within this report, the overall development requires a 'Controlled Activity Approval' (pursuant to Section 91 (2) of the *Water Management Act 2000*) and associated 'General Terms of Approval' have been issued by the NSW Department of Planning & Environment - Water.

Given this and the overall attributes of the site, it is considered that the proposal is consistent with the relevant provisions of Part 2.3.

Part 2.4 Integrated Water Cycle Management

The overall development incorporates water sensitive design elements, integrated stormwater management elements which shall minimise impacts on adjacent land, riparian areas and bushland.

Assessment of the proposal (including by Sydney Water, and Council's Waterway and Development Engineering specialists) has found the overall development to be satisfactory from a waterway health perspective and to be consistent with the provisions of Part 2.4.

Part 2.5 Flood Prone Land

The overall development includes 'naturalised trunk drainage channel' works and provides building pads for future developments above respective flood levels.

Specialist assessment of the proposal by Council's Engineering Consultant has concluded that the proposal will not adversely affect flood behaviour and to be consistent with the relevant provisions of Part 2.5.

Part 2.6 Aboriginal Heritage

Sections of the site (including along the eastern / rear boundary adjacent to a ridgeline and a portion adjacent to Aldington Road) are identified as being of moderate to high Aboriginal archaeological potential.

Accordingly, the application was accompanied by an Aboriginal Cultural Heritage Assessment Report. The Aboriginal Cultural Heritage Assessment identified that the proposal impacts upon 'Aboriginal Objects' and therefore an 'Aboriginal Heritage Impact Permit' is required (pursuant to Section 90 of the *National Parks and Wildlife Act 1974*), from Heritage NSW. As detailed separately within this report, the application was referred to the Heritage NSW, which resulted in 'General Terms of Approval' being issued.

Part 2.7 Non-Aboriginal Heritage

The site is located within the vicinity of two (2) heritage items, and accordingly the application was accompanied by a Statement of Heritage Impact. The Statement of Heritage Impact found that the proposed works will have no adverse physical or visual impact on either of the heritage items. Given the physical separation between the heritage items and the proposed development, and development that is envisaged for the immediate area (and as shown by the *Mamre Road Precinct Structure Plan*), assessment of the proposal concurs with the findings of the Statement of Heritage Impact. Therefore it is considered that the proposal is consistent with the provisions of Part 2.7.

Part 2.8 Bushfire Prone Land

The application was accompanied by a Bushfire Assessment Report and assessment of the proposal concurs with the findings of such. Accordingly, it is considered that the proposal satisfies the relevant provisions of *Planning for Bushfire Protection 2019* and it is recommended that a condition be imposed requiring the overall site to be maintained as an Asset Protection Zone.

Part 2.9 Salinity

The application is accompanied by a Salinity, Sodicity and Aggressivity Assessment Report, which

included a Salinity Management Plan, which concluded that the proposal will not adversely impact soil salinity.

Part 2.10 Contaminated Land

The application has been accompanied by a 'Detailed Site Investigation Report' which confirms that remediation works and associated validation has been successfully undertaken, and concludes that the site is suitable for future industrial type land uses.

Specialist assessment of the application has been undertaken by Council's Environmental Health Officer who raised no concerns in this regard, subject to associated recommended conditions. Therefore it is considered that the proposal is satisfactory from a contaminated land perspective and to be consistent with the provisions of Part 2.10.

Part 2.11 Aviation Safeguarding

The application responds specifically to the aviation safeguard provisions and overall the proposal is considered to be compatible with aviation operations.

Part 2.14 Utilities Services

The overall development includes the provision of services (comprising of water, recycled water, sewer, electricity and telecommunication infrastructure) and 'naturalised trunk drainage channel' works.

Details have been provided showing the accommodation of the aforementioned services underground within the future Road Reserve areas, and it is expected that adequate arrangements can be made in relation to the provision of associated infrastructure when required.

It is recommended that associated conditions be imposed to ensure that suitable public utility infrastructure is provided, which will satisfy the associated provisions of Part 2.14.

Part 3.1 Subdivision

Each of the proposed 'developable industrial type lots', are a minimum size of 1.659 hectares, which satisfies the 1,000 sqm minimum for allotments within the 'IN1 - General Industrial' zone, and are afforded suitable access points, for cars and for heavy vehicles, from either the proposed 'Collector Industrial Road' or the 'internal Local Industrial Road'.

The application includes an Earthworks Plan, and while the proposal involves substantial earthworks, including cut of up to approximately 11m adjacent to a ridgeline, it is considered that the overall layout is suitable and practicable for future likely / industrial type developments, noting the:

- Steep topography of the site and its surrounds.
- Proposed earthworks do not reduce the high point of the ridgeline.
- 'Cut and fill strategy' has limited the overall importing of fill to 3,048 sqm.
- Application demonstrates that the design of the proposed portion of the 'Collector Industrial Road' (including the associated levels) facilitates the future extension of such onto the adjoining land to the east.
- Layout provides for the retention of existing trees alongside the eastern site boundary.
- Overall development includes vegetation management works, which involves the relocation of dead hollow-bearing trees to the proposed 'naturalised trunk drainage channel' area.
- Proposed retaining walls are setback from overall site boundaries.
- Overall development includes the provision of landscape plantings alongside various retaining walls.

The proposed roads are located within 'Road Reserve' lots which are proposed as part of the associated subdivision.

Part 3.2 Views and Visual Impacts

It is considered that the overall layout is satisfactory from a visual impact perspective, given that:

- The proposed earthworks do not reduce the high point of the ridgeline.
- The layout provides for the retention of existing trees alongside the eastern site boundary (being adjacent to the aforementioned ridgeline).
- The overall development includes the provision of landscape plantings alongside the eastern site boundary, in a deep soil type setback area to accommodate a mature screen trees.

Part 3.4.1 Road Network, Hierarchy and Design

The application was accompanied by a detailed Traffic and Transport Assessment Report, which include an analysis of traffic related matters associated with the proposed development, including in relation to the efficiency of the road system, as required by Part 3.4.1 (C1).

The application details that access into the site is to be provided by way of a 'signalised intersection' (i.e. as approved by State Significant Development Consent No. SSD-10479, as modified). Accordingly, it is recommended that conditions be imposed to ensure the completion of all associated works, which will provide suitable road access to each of the proposed 'developable industrial type lots' and satisfy the requirements of Part 3.4.1 (C2).

In accordance with Part 3.4.1 (C3), the Mamre Road Precinct is to be developed generally in accordance with the 'desired road network' structure and hierarchy, which includes indicative internal 'Local Industrial Roads' and 'Collector Industrial Roads'. The 'desired road network' indicates a west-east 'Collector Industrial Road' from Aldington Road through the site, along with two (2) south-north 'Local Industrial Roads' from the aforementioned west-east 'Collector Industrial Road' and a connecting west-east 'Local Industrial Road' along the northern site boundary.

While the proposed development includes the provision of the westernmost south-north 'Local Industrial Road' terminating with a cul-de-sac, the overall layout does not include the easternmost south-north 'Local Industrial Road' or the west-east 'Local Industrial Road' along the northern site boundary. Accordingly, the proposed arrangement involves a variation to Part 3.4.1 (C3).

In accordance with Part 3.4.1 (C7), variations to the 'desired road network' must demonstrate that such, *not detrimentally impact on access to adjoining properties and will not impede the orderly development of adjoining properties in accordance with the Structure Plan*. The application has specifically addressed the relevant variation provisions and overall it is considered that such satisfactorily demonstrates that the proposed road network is suitable given that:

- A large scale 'place of public worship' development is currently under construction on the property immediately to the north of the site, which is to be accessed via separate entry and exit driveways fronting Aldington Road.
- The overall layout of the 'place of public worship' does not facilitate a 'Local Industrial Road' along its southern site boundary.
- The easternmost south-north 'Local Industrial Road' and the west-east 'Local Industrial Road' are not relied upon for access to any other land / properties, and therefore such are not required to facilitate orderly development in the area.

In accordance with Part 3.4.1 (C12), the *road pattern is to facilitate 'through-roads' with cul-de-sacs to be avoided unless dictated by topography or other constraints*. However the proposed south-north 'Local Industrial Road' terminates with a cul-de-sac. Notwithstanding this, the application has specifically acknowledged the non-compliance and overall it is considered that such is suitable in this instance, given

- The steep topography of the site.
- That a large scale 'place of public worship' development is currently under construction on the property immediately to the north of the site, and its overall layout does not facilitate a 'Local Industrial Road' along its southern site boundary (i.e. as indicated by the 'desired road network').
- The easternmost south-north 'Local Industrial Road' and the west-east 'Local Industrial Road' (i.e. as indicated by the 'desired road network') are not relied upon for access to any other land / properties, and therefore such are not required to facilitate orderly development in the area.

The configuration of the proposed roads meet the applicable 'preferred road typologies' and facilitates manoeuvring by the necessary (Performance Based Standard) heavy vehicle. Furthermore, assessment of the proposal, including by Council's Senior Traffic Engineer, Council's Engineering Consultant and Transport for NSW, has found the proposal to be satisfactory from an overall transport network perspective and to be consistent with associated provisions of Part 3.4.1 (C11), (C17), (C18), (C19) & (C20), subject to the associated recommended conditions being imposed.

Part 3.4.3 Public Transport, Pedestrian and Cycle Network

The proposal includes the delivery of footpaths (and shared pathways) and assessment has found the overall configuration, to cater for all users (including people with diverse abilities) in line with current Australian Standards

It is recommended that associated conditions be imposed to ensure that suitable pedestrian connections are provided, which will satisfy the associated provisions of Part 3.4.3.

Part 3.5 Council's Engineering Works and Construction Standards

Assessment of the proposal, including by Council's Engineering Consultant, Council's Senior Water Management Officer and Council's Senior Traffic Engineer, found the proposal to be consistent with associated Council standards, subject to associated conditions being imposed.

Part 4.2.3 Landscaping

The overall layout provides for the retention of existing trees alongside the eastern property boundary and includes significant landscaping works, including street trees and perimeter screen plantings.

The provision of perimeter screen plantings ahead of proposals for the 'developable' building pads / proposed lots, will assist in the establishment of the landscaping and should provide more timely benefit in mitigating, overall visual impacts (associated with the proposed earthworks, including the retaining wall and amenity impacts upon the place of public worship premises (which is currently under construction immediately to the north of the site).

Furthermore, the proposed landscaping scheme, includes 'preferred' species types, a mixture of plant species types, and a mix of medium and large canopy trees, and overall is considered to be consistent with associated provisions of Part 4.2.3 (C5), (C8) & (C12).

While the general arrangement of the associated street tree planting, which includes the provision of passively irrigated street trees, is considered to be satisfactory, concern is raised in relation to the species that are proposed. Accordingly, it is recommended that a condition be imposed requiring consultation being had with Council's Strategic Asset Management Team (and endorsement being provided), in relation to the final street tree species.

Part 4.2.11 Fencing

The application is accompanied by a Fencing Plan which details fencing to be provided across the site, which includes 2.1m high palisade immediately along the (future) Aldington Road frontage, 1.8m high galvanised chain wire fencing immediately along the rear / eastern site boundary and alongside the

proposed road (immediately around the perimeter of the proposed future Road Reserve areas), and an unknown type of fencing along the top of various retaining walls.

Concern is raised regarding the streetscape outcome that would result by providing fencing immediately along road frontages and which is not set behind (or within) landscaped areas. Furthermore, the proposed configuration of such fencing is inconsistent with associated provisions, including of Part 4.2.11 (C4) & (C5). While the type (and height) of the proposed retaining wall fencing is unknown, the delivery of such is considered to be necessary from a safety perspective at this stage and accordingly it is recommended that this fencing be provided as 1m high ball type fencing / handrails painted black.

Accordingly, it is recommended that a condition be imposed requiring the provision of an amended Fencing Plan, which limits the approval of associated fencing to 1.8m high black PVC coated chain wire fencing immediately along the rear / eastern site boundary, the retaining wall safety type fencing and fencing around with naturalised trunk drainage channel.

Part 4.3 Amenity

The application does not relate to any 'use' of the site or involve any buildings, and accordingly the Noise Impact Assessment provided in support of the proposal, does not have regard to the future likely development of the proposed 'building pads' / lots.

While the application was accompanied by a Construction Environmental Management Plan, such indicated various matters as 'to be confirmed' and did not have regard to all existing / relevant sensitive receivers. Accordingly, it is recommended that a condition be imposed requiring the provision of an updated Construction Environmental Management Plan, along with other construction management type conditions, which shall require the proposed works to be suitably managed and to minimise amenity impacts, and provide for compliance with the provisions of Part 4.3.

Part 4.4 Earthworks and Retaining Walls

The application has been supported by a Geotechnical Report and an Erosion and Sediment Control Plan as required by relevant provisions of Part 4.4.

The overall earthworks, including the associated retaining walls are considered to be generally suitable and to be consistent with the provisions of Part 4.4.1, noting that:

- Existing trees alongside the eastern site boundary are to be retained
- The overall layout is tiered across the site and does not reduce the high point of the ridgeline.
- The 'cut and fill strategy' has limited the overall importing of fill to 3,048 sqm.
- The overall stormwater management arrangements provide for compliance with relevant provisions.
- Retaining walls are setback from overall site boundaries and proposed street frontages.
- Proposed retaining walls that are greater than 2m in height and which address proposed street frontages, are tiered and landscaped.

Notwithstanding this, it is noted that the relationship between the proposed retaining walls separating the developable building pads and the adjacent proposed lot boundaries, is unclear. Given that in accordance with the Part 4.4.1 (C8), that *the 'toe' of all retaining walls are to be setback 2m into the property boundary*, it is recommended that a condition be imposed requiring the provision of an updated Subdivision Plan, which demonstrates that all proposed retaining walls are setback adequately from the adjacent associated boundaries.

Furthermore, it is noted that the finish and materials of the proposed retaining walls are unclear. Given that in accordance with the Part 4.4.1 (C14), *retaining wall design and materials are to complement the landscape design*, and in order to minimise any potential overall visual impacts, it is recommended that :

condition be imposed requiring the face of all retaining walls to comprise of either textured masonry block of a muted tone or a textured concrete with a muted tone finish.

Overall, assessment of the proposal, including by Council's Engineering Consultant, has found the proposal to be consistent with key provisions of Part 4.4, subject to associated recommended conditions.

Part 4.5 Waste Minimisation and Management

While a Waste Management Plan accompanied the application, it is noted that such includes details which are unrelated to the proposed development. Notwithstanding this, given the nature of the proposed development (which does not involve any demolition works or relate to any ongoing use), it is recommended that a condition be imposed requiring the provision of an updated Waste Management Plan.

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

While there are no Planning Agreements which apply specifically to the proposed development, Owners of 244-256 Aldington Road and 258-270 Aldington Road are part of a 'Land Owners Group' who have a Planning Agreement with Council (executed on 1 July 2025), to upgrade Aldington Road (including in the existing Road Reserve area to the front of the site) and to dedicate the respective lot frontages.

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

Part 3 Division 1 - Making Development Applications

The application was made in accordance with the requirements of Part 3 Division 1.

Section 35 - Additional Requirements for Development Applications in Certain Areas of Sydney

The site is located within the 'Mamre Road Precinct' (being 'Precinct 12' of the Western Sydney Employment Area) and the application has been accompanied by an assessment of the consistency of the development with the *Mamre Road Precinct Structure Plan* (being the applicable 'relevant plan' for the Mamre Road Precinct), as required by the subject regulation.

Section 42 - Consent Authority to Seek General Terms of Approval

'Written Notice' of the application (and all accompanying documentation) was given to the 'Integrated Development' approval bodies. Furthermore, copies of all submissions received during the public exhibition period was also given to the 'Integrated Development' approval bodies.

Section 44 - Notice of Proposed Consultations about Aboriginal Heritage Impact under the National Parks and Wildlife Act 1974

Aboriginal Community Consultation was undertaken prior to 'General Terms of Approval' being issued by Heritage NSW pursuant to Section 90 of the *National Parks and Wildlife Act 1974*. Furthermore, it is noted that the associated 'General Terms of Approval' require consultation with the registered Aboriginal parties to be maintained continuously.

Section 50 - Consent Authority to Seek Concurrence

'Written Notice' of the application (and all accompanying documentation) was given to Transport for NSW as a 'Concurrence Authority'. Furthermore, copies of all submissions received during the public exhibition period was also given to Transport for NSW.

Part 3 Division 5 - Development Applications for Nominated Integrated Development

The proposed development is considered to be 'Nominated Integrated Development', pursuant to Schedule 1, Clause 7 of the *Environmental Planning & Assessment Act 1979*. Accordingly, notice of the Development Application (including an advertised in a local newspaper and as notified to adjacent property owners) has been given in accordance with the requirements of Section 56.

Section 66 - Contributions Plans for Certain Areas in Sydney

The *Mamre Road Precinct Development Contributions Plan 2022* applies to land to which the application relates and therefore the subject application can be determined for the purpose of Section 66.

Section 70 - Erection of Signs

It is recommended that a condition be imposed requiring the erection of a sign in a prominent position on the site for the duration of works, providing details (including of the principal certifier and the principal contractor) as required by this Section.

Section 74 - Shoring and Adequacy of Adjoining Property

It is recommended that a condition be imposed in relation the protection and support of adjacent buildings, structures and works on adjoining land, as required by Section 74.

Part 4 Division 3 - Post-determination Notifications

Notice is to be given following determination (of the subject application), to those who made a submission and to the 'Integrated Development' approval bodies, in accordance with the requirements of Sections 87 and 90.

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

It is considered that the overall development does not provide any adverse unreasonable environmental, social or economic impacts, noting that the broader area is undergoing significant transformation following the rezoning of land within the Mamre Road Precinct (associated with the Western Sydney Employment Area), subject to the recommended conditions being imposed.

The proposal responds to the existing topography of the area, the proposed building pads are suitable to facilitate future likely developments and the overall layout provides suitable access to the undeveloped 'IN1 – General Industrial' zoned land immediately to the east.

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

Assessment of the application has found the site to be suitable for the proposed development, subject to the recommended conditions.

Section 4.15(1)(d) Any Submissions

Community Consultation

The application as originally was advertised (through a notice in a local newspaper) and notified to adjacent property owners from 13 May 2024 until 11 June 2024, in accordance with the *Penrith City Council Community Engagement Strategy & Community Participation Plan 2022*. Two (2) submissions were received as a result of this process, which raised concerns with the proposal.

Subsequently, the application (including the proposed layout) was amended and was therefore considered to be 'Nominated Integrated Development'. Accordingly, the application was re-advertised (through a notice in a local newspaper) and re-notified to adjacent property owners from 31 March 2025 until 27 April 2025, in accordance with the associated 'Nominated Integrated Development' provisions and the *Penrith City Council Community Engagement Strategy & Community Participation Plan 2022*. A further two (2) submissions were received as a result of this process, which raised concerns with the proposal.

Overall four (4) 'unique submissions' were received and included the following concerns:

- Concern was raised in relation to the inclusion of the front / western portion of the land at No. 272-280 Aldington Road as part of a proposed 'Road Reserve' lot.

Response: The application, including the configuration of the proposed subdivision, was amended in response to this concern, and the proposed subdivision no longer includes the front / western portion of the land at No. 272-280 Aldington Road as part of a 'Road Reserve' lot.

- Concern was raised in relation to the inadequate consideration provided within the supporting Construction Environmental Management Plan, of potential amenity impacts upon the existing / to be retained residence at No. 272-280 Aldington Road.

Response: Assessment of the proposal (including by Environmental management specialist) concurs with this, and accordingly it is recommended that a condition be imposed requiring the provision of an updated Construction Environmental Management Plan, along with other construction management type conditions, which shall require the proposed works to be suitably managed and to minimise amenity impacts.

- Concern was raised in relation to possible ongoing noise related impacts upon the 'place of public

worship' which is currently under construction.

Response: The proposal does not relate to any 'use' of the site or involve any buildings. Accordingly the Noise Impact Assessment provided in support of the proposal, does not have regard to the future likely development of the proposed 'building pads' / lots, and noise related matters (including possible noise impacts upon any sensitive receivers), and this will be considered as part of subsequent applications for building and / or use related proposals.

- Concern was raised regarding the proposed retaining wall (and associated earthworks / cut) in the vicinity of the eastern site boundary, and potential impacts upon the adjoining property (including future development opportunities).

Response: The application details that the 'zone of influence' associated with the proposed earthworks, does not extend to the location of a future likely building on the adjoining property (i.e. at a setback of 5m from the respective rear / side boundary, as required by the applicable minimum requirements of Part 4.2.2 of the *Mamre Road Precinct Development Control Plan 2021*). Notwithstanding this, given the extent of the proposed earthworks within the vicinity of property boundaries, it is recommended that a condition be imposed requiring the design of all retaining walls being in accordance with relevant Australian Standards and certification of structural adequacy being obtained from a practicing Structural Engineer.

- Issue was raised regarding the delivery and funding of the proposed west-east 'Collector Industrial Road', and the provision of access to the 'IN1 – General Industrial' zoned land immediately to the east.

Response: The proposed west-east 'Collector Industrial Road' forms part of the overall development and is to be delivered by the Applicant from Aldington Road through the site to the immediate vicinity of the eastern property boundary. This will facilitate access to the 'IN1 – General Industrial' zoned land immediately to the east, by future extension to the east in conjunction with associated development of the such land.

- Concern was raised regarding the indicative road levels provided for the future extension of the west-east 'Collector Industrial Road' into the ('IN1 – General Industrial' zoned) land immediately to the east and potential associated stormwater management difficulties.

Response: The Applicant has now deleted reference to such from the supporting drawings in response to this concern being raised. The drawings simply note that the road design on the adjoining land is to be subject to associated development. Notwithstanding this, it is considered that the design (including the levels) of the proposed west-east 'Collector Industrial Road' is suitable for future extension to the east.

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
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Traffic Engineer	No objection
Planning and Sustainability	No objections - subject to conditions

Section 4.15(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The *Mamre Road Precinct Development Contributions Plan 2022* applies to the subject site and 'Contributions' are to be levied on the associated 'Net Developable Area'. Accordingly an associated condition is to be imposed requiring payment of such (i.e. as included within the recommended conditions).

It is noted that the contribution specifically relates to the development of proposed Lot 1, Lot 2, Lot 3 & Lot 4 in the Subdivision of Lot 270 and the 'internal Local Industrial Road'. The proposal does not involve major earthworks (i.e. the creation of 'Building Pads') or stormwater management works on proposed Lot 1 in the Subdivision of Lot 15 and therefore it is considered that such does not constitute 'subdivision as a final lot for the future construction of buildings or other structures' on this land. Accordingly, pursuant to Part 1.7, 'Contributions' on proposed Lot 1 in the Subdivision of Lot 15, are not to be levied under the *Mamre Road Precinct Development Contributions Plan 2022*, as part of the proposed development.

Conclusion

Having regard to the assessment of the application, the proposed development can be summarised as follows:

1. The site is located within the 'Mamre Road Precinct' of the Western Sydney Employment Area', and is zoned part 'IN1 – General Industrial' and part 'SP2 – Infrastructure (Local Road)' pursuant to *State Environmental Planning Policy (Industry and Employment) 2021*.
2. The proposed development is considered to meet the objectives for both the 'IN1 – General Industrial' and the 'SP2 – Infrastructure (Local Road)' zones.
3. The proposal satisfactorily responds to key planning considerations, such as in relation to urban design, topography of the area, future likely development opportunities, providing suitable access to adjacent properties, road design, stormwater management and potential amenity impacts.
4. It is considered that the proposal responds satisfactorily to the concerns raised within the submissions.
5. It is considered that the proposal will not provide any significant adverse or unreasonable impacts on the broader area.

Based on the assessment of the application in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, it is considered that the proposal is suitable for the site and that overall the application is acceptable.

Recommendation

That Development Application No. DA24/0268, be approved subject to the following recommended conditions.

CONDITIONS

General

- 1 The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as varied by any conditions within this Consent:
 - Vegetation Removal Plan, dated May 2025
 - General Arrangement Plan, Drawing No. 22-1041-C1005, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Road Sections Sheet 1, Drawing No. 22-1041-C1010, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Road Sections Sheet 2, Drawing No. 22-1041-C1011, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Road Sections Sheet 3, Drawing No. 22-1041-C1012, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Details Sheet 1, Drawing No. 22-1041-C1013, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Details Sheet 2, Drawing No. 22-1041-C1014, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Site Sections Sheet 1, Drawing No. 22-1041-C1015, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Site Sections Sheet 2, Drawing No. 22-1041-C1016, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Site Sections Sheet 3, Drawing No. 22-1041-C1017, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Site Sections Sheet 4, Drawing No. 22-1041-C1018, Issue D, prepared by AT&L, dated 16 May 2025
 - Typical Site Sections Sheet 5, Drawing No. 22-1041-C1019, Issue D, prepared by AT&L, dated 16 May 2025
 - Naturalised Trunk Drainage Channel Plan Sheet 1, Drawing No. 22-1041-C1020, Issue D, prepared by AT&L, dated 16 May 2025
 - Naturalised Trunk Drainage Channel Plan Sheet 2, Drawing No. 22-1041-C1021, Issue D, prepared by AT&L, dated 16 May 2025
 - Naturalised Trunk Drainage Channel Cross Section Sheet 1, Drawing No. 22-1041-C1024, Issue D, prepared by AT&L, dated 16 May 2025
 - Naturalised Trunk Drainage Channel Cross Section Sheet 2, Drawing No. 22-1041-C1025, Issue D, prepared by AT&L, dated 16 May 2025
 - Naturalised Trunk Drainage Channel Long Section, Drawing No. 22-1041-C1026, Issue D, prepared by AT&L, dated 16 May 2025
 - Interim Operational Phase Stormwater Management Plan, Drawing No. 22-1041-C1028, Issue D, prepared by AT&L, dated 16 May 2025
 - Interim Operational Phase Stormwater Management Section, Drawing No. 22-1041-C1029, Issue D, prepared by AT&L, dated 16 May 2025
 - Bulk Earthworks General Arrangement Plan, Drawing No. 22-1041-C1031, Issue D, prepared by AT&L, dated 16 May 2025
 - Bulk Earthworks Cut & Fill Sections Sheet 1, Drawing No. 22-1041-C1035, Issue D, prepared by AT&L, dated 16 May 2025
 - Bulk Earthworks Cut & Fill Sections Sheet 2, Drawing No. 22-1041-C1036, Issue D, prepared by AT&L, dated 16 May 2025
 - Bulk Earthworks Plan Sheet 1, Drawing No. 22-1041-C1041, Issue D, prepared by AT&L, dated 16 May 2025
 - Bulk Earthworks Plan Sheet 2, Drawing No. 22-1041-C1042, Issue D, prepared by AT&L, dated 16 May 2025

- Bulk Earthworks Plan Sheet 3, Drawing No. 22-1041-C1043, Issue D, prepared by AT&L, dated 16 May 2025
- Bulk Earthworks Plan Sheet 4, Drawing No. 22-1041-C1044, Issue D, prepared by AT&L, dated 16 May 2025
- Roadworks & Stormwater Drainage Plan Sheet 1, Drawing No. 22-1041-C1061, Issue D, prepared by AT&L, dated 16 May 2025
- Roadworks & Stormwater Drainage Plan Sheet 2, Drawing No. 22-1041-C1062, Issue D, prepared by AT&L, dated 16 May 2025
- Roadworks & Stormwater Drainage Plan Sheet 3, Drawing No. 22-1041-C1063, Issue D, prepared by AT&L, dated 16 May 2025
- Roadworks & Stormwater Drainage Plan Sheet 4, Drawing No. 22-1041-C1064, Issue D, prepared by AT&L, dated 16 May 2025
- Roadworks & Stormwater Drainage Plan Sheet 5, Drawing No. 22-1041-C1065, Issue D, prepared by AT&L, dated 16 May 2025
- Road Longitudinal Sections Sheet 1, Drawing No. 22-1041-C1071, Issue D, prepared by AT&L, dated 16 May 2025
- Road Longitudinal Sections Sheet 2, Drawing No. 22-1041-C1072, Issue D, prepared by AT&L, dated 16 May 2025
- Road Longitudinal Sections Sheet 3, Drawing No. 22-1041-C1073, Issue D, prepared by AT&L, dated 16 May 2025
- Road Longitudinal Sections Sheet 4, Drawing No. 22-1041-C1074, Issue D, prepared by AT&L, dated 16 May 2025
- Road Longitudinal Sections Sheet 5, Drawing No. 22-1041-C1075, Issue D, prepared by AT&L, dated 16 May 2025
- Road Longitudinal Sections Sheet 6, Drawing No. 22-1041-C1076, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall General Arrangement Plan, Drawing No. 22-1041-C1091, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 1, Drawing No. 22-1041-C1092, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 2, Drawing No. 22-1041-C1093, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 3, Drawing No. 22-1041-C1094, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 4, Drawing No. 22-1041-C1095, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 5, Drawing No. 22-1041-C1096, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 6, Drawing No. 22-1041-C1097, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 7, Drawing No. 22-1041-C1098, Issue D, prepared by AT&L, dated 16 May 2025
- Retaining Wall Profiles Sheet 8, Drawing No. 22-1041-C1099, Issue D, prepared by AT&L, dated 16 May 2025
- Fencing Plan, Drawing No. 22-1041-C1121, Issue D, prepared by AT&L, dated 16 May 2025
- Dam Dewatering Plan, Project No. 23SYD-5214, prepared by Eco Logical Australia, dated 16 October 2023
- Fill Management Plan, Reference No. FMP.v2f, prepared by ADE Consulting Group, dated 23 November 2023
- Vegetation Management Plan, Version No. 4, prepared by Eco Logical Australia, dated 20 February 2025
- Weed Eradication Management Plan, Version No. 1, prepared by Eco Logical Australia, dated 3 November 2023

- Landscape Master Plan, Drawing Nos. LDA-00 to LDA-24, Revision B, prepared by Geoscapes, dated 18 February 2025
 - Unexpected Finds Protocol, Reference No. A101023.0847.00, Version No. V3f, prepared by ADE Consulting Group, dated 19 December 2024
 - Draft Plan of Subdivision of Lot 270, Reference No. 51393 005DP, prepared by LTS Surveyors, Issued 31 January 2025
 - Draft Plan of Subdivision of Lot 15, Reference No. 51393 006DP, prepared by LTS Surveyors, Issued 24 October 2024
- 2 Prior to the issue of a Subdivision Works Certificate, the Vegetation Management Plan (prepared by Eco Logical Australia, dated 20 February 2025) is to be amended and approved by the Senior Biodiversity Officer, Penrith City Council, addressing the following:
- The 'Performance Criteria' in Table 8 are to be changed so that in all years the performance criteria / target for weeds is < 2% priority weeds cover and < 5% environmental weeds cover.
- 3 Prior to the issue of a Subdivision Works Certificate, the Draft Plan of Subdivision of Lot 270 (prepared by LTS Surveyors, issued 31 January 2025), is to be amended and approved by the Senior Development Assessment Planner, Penrith City Council, which demonstrates that:
- all proposed retaining walls are setback a minimum of 2m (including the 'toe' of all retaining walls) into the respective property from the adjacent proposed lot boundary.
- 4 A 'Controlled Activity Approval' (pursuant to Section 91 (2) of the *Water Management Act 2000*) is to be obtained from the NSW Department of Planning & Environment - Water, and evidence of such submitted to Penrith City Council, prior to the issue of any Subdivision Works Certificate.

The development is to comply with the conditions and requirements outlined within the General Terms of Approval (Reference No. IDAS-2024-10295), issued by the NSW Department of Planning & Environment - Water, on 21 August 2024, and any conditions and / or requirements of the associated 'Controlled Activity Approval'.

- 5 An 'Aboriginal Heritage Impact Permit' (pursuant to Section 90 of the *National Parks and Wildlife Act 1974*) is to be obtained from Heritage NSW, and evidence of such submitted to Penrith City Council, prior to the issue of any Subdivision Works Certificate.

The development is to comply with the conditions and requirements outlined within the General Terms of Approval (HMS Application Id No. 9923), issued by Heritage NSW, on 5 April 2025, and any conditions and / or requirements of the associated 'Aboriginal Heritage Impact Permit'.

- 6 If groundwater is encountered during the development and requires removal, the Applicant is to contact Water NSW immediately and apply for a 'Water Supply Works Approval for Construction Dewatering'. It is noted that failure to do so may result in the NSW Department of Natural Resources Access Regulator taking compliance action under the *Water Management Act 2000*.

As part of any such 'Water Supply Works Application' a Dewatering Management Plan may need to be provided, along with an 'Authority to Discharge Groundwater' and an updated Geotechnical Report, that outlines the volume of water to be taken and the time frame of dewatering.

- 7 In accordance with Section 74 of *Environmental Planning and Assessment Regulation 2021*, the Applicant must at their own expense:

- (a) protect and support any building, structure or work on adjoining land from possible damage from the excavation,
- (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

Note: These requirements do not apply if:

- (a) the person having the benefit of the development consent owns the adjoining land, or
- (b) the owner of the adjoining land gives written consent to the condition not applying.

- 8 In accordance with the *Mamre Road Precinct Development Control Plan 2021*, the maintenance access road is only to be used by maintenance vehicles and not to be used by development traffic to access any of the proposed lots.

Heritage/Archaeological relics

- 9 To mitigate any unintentional adverse impacts of the proposed works on the nearby heritage items, a heritage induction is to be undertaken by all site workers. This will ensure that all site workers are informed of the heritage values of the study area and their responsibilities.
- 10 If any archaeological relics are uncovered during the course of works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

Relics are historical archaeological resources of local or State significance, and are protected in New South Wales under the *Heritage Act 1977*.

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

11 All associated works are restricted to the following hours:

- 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.

The provisions of the *Protection of the Environment Operations Act 1997* and the *NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009*, also apply to all works.

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

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

14 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."}

15 The importing of any fill material to the site is to be undertaken in accordance with the approved Fill Management Plan (prepared by ADE Consulting Group, dated 13 November 2023).

- 16 (a) Prior to the issue of a Subdivision Works Certificate, a Waste Management Plan specific to the development, prepared by a suitably experienced / qualified person and which addresses the relevant provisions of Part 4.5 of the *Mamre Road Precinct Development Control Plan 2021*, is to be approved by the Principal Certifier.
- (b) The final approved Waste Management Plan must be implemented and adhered to at all times.
- (c) All resulting waste materials stored on-site are to be contained within a designated area such as a waste bay or bin, to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully contained when the site is unattended.
- (d) Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used / recycled.
- (e) Should any anthropogenic waste materials be encountered during development works, they are to be removed from the site and disposed of at a lawful waste management facility.
- (f) 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.
- 17 (a) Prior to the issue of a Subdivision Works Certificate, a revised Sediment and Erosion Control Plan, along with a supporting associated Report, is to be prepared and certified by a Certified Professional in Erosion and Sediment Control, and approved by the Principal Certifier. The controls must include use of 'Type A' or 'Type B' sediment basins with an automated system of flocculant dosing, in accordance with the requirements of the Technical Guidance for Achieving Wianamatta–South Creek Stormwater Management Targets (DPE 2002), and adopt the commitments made in the Erosion and Sediment Control Plan (prepared by AT&L, dated 27 October 2023), which was provided in support of the Development Application.
- (b) Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the final approved Sediment and Erosion Control Plan and the Subdivision Works Certificate, and in accordance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.
- (c) The Applicant must ensure that the delivery and operation of all erosion and sediment controls on the site, are supervised and certified by a Certified Professional in Erosion and Sediment Control. Monthly audits are to be completed by a Certified Professional in Erosion and Sediment Control and kept on record for the duration of the works and an additional 12 months following completion of works.
- (d) Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 18 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.

- 19 (a) Prior to the issue of the Subdivision Works Certificate, a revised Construction Environmental Management Plan is to be prepared by a suitably experienced / qualified person and approved by the Environmental Health Officer, Penrith City Council. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifier.

The revised Construction Environmental Management Plan, must also have regard to / detail:

- all 'sensitive receivers', including the residence at No. 272-280 Aldington Road and the 'place of public worship' on the adjoining property immediately to the north of the site.
- include final details (rather than 'to be confirmed').
- management roles, responsibilities and contact information.
- waste management (including solid and liquid waste).
- dust management.
- pollution incident and response.
- community communications.
- Conditions of Consent.

(b) All actions are to be implemented and all works carried out, in accordance with the final approved Construction Environmental Management Plan.

- 20 (a) Prior to the issue of the Subdivision Works Certificate, a revised Construction Noise and Vibration Impact Assessment and associated Management Plan, is to be prepared by a suitably qualified Acoustic Consultant and approved by the Environmental Health Officer, Penrith City Council. This assessment is to consider (at minimum) the noise and vibration impacts associated with the construction 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.

(b) The recommendations of the approved Management Plan are to be incorporated in to the revised / final version of the Construction Environmental Management Plan.

(c) The recommendations of the final approved Construction Noise and Vibration Management Plan, are to be implemented and adhered to during all works.

Note:

- For the purpose of this condition a suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

- 21 Prior to the issue of the Subdivision Certificate, a Positive Covenant is to be registered against Lot 1, Lot 2, Lot 3 & Lot 4, that refers to the Operational Noise Report (SLR Project No: 610.31010,00009, Revision 1.0), prepared by SLR Consulting Australia, dated 13 February 2025 ('the SLR Report').

The Positive Covenant is also to:

- Reference Table 5 'Project Noise Trigger Levels' of the SLR Report.
- Reference Table 6 'Sleep Disturbance Screening Levels' of the SLR Report.
- Provide advice on the requirement for the preparation of a Noise Impact Assessment Report (prepared by a suitably qualified Acoustic Consultant), that is to confirm whether the future development, considerate of cumulative development of Lots 1 to 4, can comply with the noise criteria established in the SLR Report, and that determines the necessary mitigation and management controls to achieve compliance with the noise criteria.

The authority recorded as empowered to vary, modify or extinguish the positive covenant is to be Penrith City Council.

- 22 (a) 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, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified Environmental Consultant, in accordance with the approved Unexpected Finds Protocol (prepared by ADE Consulting Group, dated 19 December 2024).

(b) 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 (Resilience and Hazards) 2021*, applicable *NSW EPA Contaminated Land Guidelines* and the *National Environment Protection (Assessment of Site Contamination) Measure 2013*.

- 23 (a) The existing dams are to be decommissioned in accordance with the approved Dam Dewatering Plan (prepared by Eco Logical Australia, dated 16 October 2023).

Note: The recommendations of the approved Dam Dewatering Plan, include that further investigation of dam sediment is to be undertaken. Should the investigation determine that the dam sediment is not suitable for the proposed use, the sediment is to be addressed in accordance with the approved Unexpected Finds Protocol (prepared by ADE Consulting Group, dated 19 December 2024).

(b) Prior to the issue of a Subdivision Certificate, the engaged Aquatic Ecologist is to prepare and submit a report to the Senior Biodiversity Officer, Penrith City Council, certifying that the dam dewatering works have been completed in accordance with the approved Dam Dewatering Plan. The report is also to outline:

- the measures undertaken and details of the number and species of any aquatic fauna rescued and relocated during dam dewatering works.
- details of the location(s) of where any fauna was relocated.

24 (a) Prior to works commencing, the Applicant shall engage a qualified Project Arborist with a minimum Level 5 qualification (AQF – Australian Qualification Framework) for the duration of the works, who shall ensure Tree Protection measures are applied in accordance with *AS4970 – 2009, Protection of trees on development sites* and any associated Conditions of Consent.

(b) Prior to works commencing on the site:

- All trees which are to be retained (i.e. trees identified to be retained on the approved Vegetation Removal Plan), are to be provided with appropriate tree protection fencing, trunk protection and ground protection (where access is required within the Tree Protection Zone) in accordance with *AS4970 – 2009, Protection of Trees on development sites*.
- The engaged Project Arborist, is to certify (by way of a Compliance Certificate or other written document) that the tree protection measures have been installed in accordance with *AS4970 – 2009, Protection of trees on development sites*. The Compliance Certificate or other suitable documentation, shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works, and a copy of such submitted to Council with the “Notice of Commencement”.

- 25 To mitigate and ameliorate the impacts associated with the development on resident fauna, the following is required to be complied with:
- (a) During any tree removal, an experienced and qualified Ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity.
 - (b) Prior to clearing habitat trees all non-habitat vegetation should be cleared first to allow appropriate space for the felling of habitat trees and retrieval of any fauna that may be present within the habitat trees.
 - (c) Trees with hollows shall be lopped in a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the 'grab' attachment of a machine.
 - (d) Where it is safe and feasible disturbed fauna should be left alone to relocate naturally into retained / adjacent bushland. The supervising Ecologist is to provide guidance on whether works need to.
 - (e) Any injured fauna is to be placed into the hands of a wildlife carer (please note only appropriately vaccinated personnel are to handle bats). Any fauna that is injured due to vegetation removal, must be reported immediately to the Senior Biodiversity Officer, Penrith City Council.
 - (f) Any injured fauna is to be appropriately cared for and released on site when rehabilitated.
 - (g) Where possible hollows should be sectionally dismantled from felled hollow-bearing trees and attached to a retained tree in retained bushland within the site that will not compromise the health and safety of the host tree. This is to be done by a qualified and experienced climbing Arborist under the direction of the Ecologist. Where this cannot occur, the hollow limb will be placed on the ground in retained bushland.
 - (h) Logs should be salvaged from the development area and cut into 3m lengths. A minimum of one log per 1,000 sqm is required to be introduced into the Vegetation Management Plan area. Logs are to be relocated into the Vegetation Management Plan area under the direction of the Ecologist. Logs from the largest diameter cohort are to be used where they can be installed without damaging native vegetation.
 - (i) Suitable upper tree branches are to be salvaged and evenly distributed across the Vegetation Management Plan area under the direction of the Ecologist to be used for brush batting.
- Note:
- Where additional measures are identified by the Ecologist these should be implemented, documented, and included in the reporting.
- Evidence that the measures above have been undertaken shall be submitted to the Senior Biodiversity Officer, Penrith City Council, within four (4) weeks of vegetation being cleared.
- 26 All actions identified in the approved Weed Eradication Management Plan (prepared by Eco Logical Australia, dated 3 November 2023) are to be implemented.

27 All performance criteria for the primary works stage / initial works, within the final approved Vegetation Management Plan, must be completed to the satisfaction of the Senior Biodiversity Officer, Penrith City Council, prior to the issue of a Subdivision Certificate. This includes:

- Seed collection, cleaning, and storage.
- Site preparation completed.
- Installation of irrigation (if required).
- Jute matting / mulch being installed.
- Installation of tube-stock.
- Primary weed control completed.
- Permanent fencing installed.

A statement (including photographic evidence) certifying compliance with this task, provided by the author of the Vegetation Management Plan or an equally qualified and experienced person, must also be produced to the Senior Biodiversity Officer, Penrith City Council, prior to the issue of a Subdivision Certificate.

It is noted that an inspection of the works may be required by the relevant Council's Officer(s).

28 (a) Any area that is subject to the final approved Vegetation Management Plan, must be managed in accordance with such in perpetuity by the property Owner(s).

(b) All reports specified / required by the final approved Vegetation Management Plan, are to be submitted to the Senior Biodiversity Officer, Penrith City Council, within two (2) months of the time frame specified in the Plan.

Utility Services

29 A Compliance Certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Assessment by Sydney Water will determine the availability of water and wastewater services, which may require extensions, adjustments and / or connections to Sydney Water mains. Make an early application for the Compliance Certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

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 Water Servicing Coordinator or Sydney Water.

30 The plans must be approved by Sydney Water prior to any works commencing and / or the issuing of a Subdivision Works Certificate. 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 a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

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

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

- 32 **Prior to the issue of any Subdivision Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure has been installed to service Lots 1 to 4, in accordance with:
- The relevant 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.

Construction

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

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

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

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

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

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

- 34 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) If an excavation 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).
- (c) If the work 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 fence must be erected between the work site and the public place.
- 35 All retaining walls shall be set out by a registered surveyor and a Survey Certificate submitted to the Principal Certifier, confirming the location of all footings in relation to the site / lot boundaries and the associated levels.

Engineering

- 36 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to affect the consented development, shall be undertaken by the Applicant at no cost to Penrith City Council.
- 37 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.

- 38 Lodgement 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 / shared pathways)
- 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 controlled drainage infrastructure)
 - iii. Reconstruction of concrete footpath / shared pathway across the site 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.

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:

- All works associated with the Roads Act approval(s) must be completed prior to the issue of any Subdivision Certificate.

- 39 Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that the Engineering drawings / plans (including the Stormwater design drawings) are consistent with the stamped approved plan and the Civil Works Package (prepared by AT&L, dated 16 May 2025) provided in support of the Development Application, and that all 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, Council's Stormwater Drainage for Building Developments, the Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets (NSW Government, 2022), and best engineering practice.

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

Note:

- Subdivision Works Certificate Applications 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.

- 40 **Prior to the issue of any Subdivision Works Certificate**, 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	Verge Width	Footpath (min. 1.5m wide)	ESA
Road 01	25.6m	15.4m	4.6m (north) & 5.6m (south)	1.5m (north) & 2.5m (south)	1 x 10 ⁷
Road 02	24.0m	15.0m	5.0m (west) & 4.0m (east)	2.5m (west) & 1.5m (east)	1 x 10 ⁷

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

- 41 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 Application.

Prior to the issue of the Subdivision Works Certificate, 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.

- 42 Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the development, have been designed in accordance with the *Mamre Road Precinct Development Control Plan 2021*, AS2890.1, AS2890.2 and AS2890.6.
- 43 To mitigate the impact of construction traffic, prior to the commencement of any works on-site (including demolition works) associated with any stage or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council and Transport for NSW for review and approval via development.ctmp.cjp@transport.nsw.gov.au.

Note:

- Reference to 'prior to the issue of any Construction Certificate', is to be taken as 'prior to the issue of any Subdivision Works Certificate'.
 - Approval of the Construction Traffic Management Plan by Council may be subject to consideration by Council's 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.
- 44 The Applicant shall have a Dilapidation Report prepared for all surrounding land and buildings, and Council owned infrastructure, to confirm that no damage occurs due to the excavation / works associated with the development. The Dilapidation Report must be submitted to the Principal Certifier prior to the issue of any Subdivision Works Certificate, and if Council is not the Certifier for the development, then a copy of the Dilapidation Report must also be submitted to Council prior to the issue of any Subdivision Works Certificate.
- Following the completion of works, the Applicant is to have the Dilapidation Report updated, confirming that no damage has occurred. The updated Dilapidation Report must be submitted to the Principal Certifier prior to the issue of any Subdivision Certificate, and if Council is not the Certifier for the development, then a copy of the updated Dilapidation Report must also be submitted to Council prior to the issue of any Subdivision Certificate.
- 45 Works must not commence until:
- a Subdivision Works Certificate has been issued;
 - a Certifier has been appointed for the project, and;
 - any other matters prescribed in the Development Consent, by the *Environmental Planning & Assessment Act 1979* and by the *Environmental Planning & Assessment Regulation 2021*, have been satisfied.

A Notice of Commencement of works is to be submitted to Penrith City Council at least five (5) days prior to the commencement of works.

- 46 Street lighting is to be provided for all new / proposed roads to Penrith City Council's standards.

47 (a) All retaining walls are to be designed in accordance with relevant Australian Standards. The retaining wall in the vicinity of the eastern site boundary is to be designed for a loading of 20kPA live loads with 5kPA dead loads, and allow for use of the area within the 'zone of influence' by vehicles. The Subdivision Works Certification Application is to be accompanied by confirmation / certification of structural adequacy which has been given by a practicing suitably qualified Structural Engineer.

(b) The face of all retaining walls fronting any road (existing or proposed) or associated with the naturalised trunk drainage channel, are to comprise of textured masonry blocks (i.e. decorative Loc-A-Bloc Australia 400 or 600 series or similar) of a muted tone. The face of all other retaining walls is to comprise of textured concrete with a muted tone finish or textured masonry blocks of a muted tone.

(c) All earthworks and associated retaining walls are to be completed in accordance with relevant Australian Standards (including AS3798) and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

Notes:

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

48 (a) Prior to the issue of any Subdivision Certificate, a practicing Structural Engineer is to provide certification to the Principal Certifier of the structural adequacy of all earthworks and associated retaining walls, and confirmation that such works have been completed in accordance with relevant Australian Standards (including AS3798).

(b) Soil testing is to be carried out to enable each lot to be classified according to AS2870. The results of the soil testing must be submitted to the Principal Certifier prior to the issue of any Subdivision Certificate, and if Council is not the Certifier for the development, then a copy of the soil testing must also be submitted to Council prior to the issue of any Subdivision Certificate.

49 All 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.

50 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.

51 Prior to the issue of any Subdivision Certificate or the dedication of roads as Public Road Reserve (whichever occurs first), the Principal Certifier shall ensure that all works associated with a S138 Roads Act Approval, have been completed, inspected and signed off as satisfactory by Penrith City Council.

52 Land to be dedicated to Council as 'Public Road' (i.e. Road 1, Road 2 and the Aldington Road frontage as shown on the approved Draft Plan of Subdivision of Lot 270, and Road 6 on the approved Draft Plan of Subdivision of Lot 15), is to be dedicated to Council free of charge, in accordance with the works schedule of the *Mamre Road Precinct Development Contributions Plan 2022*.

- 53 **Prior to the issue of any Subdivision 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 issuing of the Subdivision Certificate, where Penrith City Council is not the Principal Certifier.

- 54 Prior to the issue of any Subdivision Certificate, the Principal Certifier shall ensure that the stormwater management systems and the overland flowpath works:

- have been satisfactorily completed in accordance with the approved Subdivision Works Certificate and any Conditions of this Development 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 systems, shall be provided as part of the Works As Executed drawings.

- 55 Prior to the issue of any Subdivision Certificate, a restriction on the use of land and positive covenant relating to the:

- stormwater management systems (including the future provision of on-site detention and water sensitive urban design required for each allotment); and
- overland flowpath 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.

- 56 Prior to the issue of any Subdivision Certificate, and installation of any 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.

- 57 **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.

Notes:

- 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.

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

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council.

Note:

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

- 59 Prior to the issue of any Subdivision Certificate, a Maintenance Bond is to be lodged with Penrith City Council for the construction of new roads and drainage systems.

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

Note:

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

60 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 certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction Specification. The report shall include:
 - Compaction reports for road pavement construction.
 - Compaction reports for bulk earthworks and lot regarding.
 - Soil classification for all 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.

61 Prior to the issue of any Subdivision Certificate, the following easements shall be created on the Plan of Subdivision:

- Easements for drainage.
- Right of carriageway.
- Any other easements identified during the construction process.

62 Prior to the issue of any Subdivision Certificate, the following roadworks (i.e. as provided for by State Significant Development Consent No. SSD-10479, as modified) are to be completed to the satisfaction of Penrith City Council:

- The 'Ultimate Road Works' for the widening of Abbots Road and Aldington Road, as described in the '1000-series civil works package Phase 1 and 2', between the northern site boundary and Mamre Road, including the signalisation of the cross intersection providing access into the subject site / development; and
- The Mamre Road / Abbots Road Intersection Works, as described in the '2000-series civil works package'.

63 The stormwater management systems shall be operated and maintained in perpetuity for the life of the development, in accordance with the final operation and maintenance management plan.

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

Landscaping

64 Prior to the issue of a Subdivision Works Certificate, consultation is to be had with Council's Assets Management Team in relation to the species of street trees and the Landscape Master Plan (prepared by Geoscapes, dated 18 February 2025) is to be amended:

- to incorporate street tree species consistent with Council's Street Tree Master Plan (as applies at the time); and
- to indicate that all street trees are to be provided as 'passively irrigated street trees' (i.e. in accordance with associated provisions of the Sydney Water Stormwater Scheme Infrastructure Design Guideline and the *Mamre Road Precinct Development Control Plan 2021*).

The final Landscape Master Plan is to be approved by the Principal Certifier, prior to the issue of a Subdivision Works Certificate.

65 Prior to the issue of a Subdivision Works Certificate, the Fencing Plan (prepared by AT&L, dated 16 May 2025) is to be amended and approved by the Principal Certifier. Fencing associated with the development / to be shown, is to be limited to the following:

- 1.8m high black PVC coated chain wire fencing immediately along the rear / eastern site boundary; and
- 1m high ball type fencing / handrails painted black, along the top of retaining walls (i.e. in accordance with the provisions of Part 4.4.1 (C9) and as shown on Figure 23 of the *Mamre Road Precinct Development Control Plan 2021*) and around with naturalised trunk drainage channel.

66 (a) All landscape works are to be completed in accordance with the final approved Landscape Master Plan, prior to the issuing of any Subdivision Certificate.

(b) 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.

(c) Upon completion of all works in the future Road Reserve areas, all verge areas are to be turfed from the back of kerb to the associated adjacent Lot boundaries, 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.

(d) Landscaping shall be maintained:

- in accordance with the final approved Landscape Master Plan;
- to achieve its mature dimensions and form, unless otherwise specified and approved (for example hedging); and
- in a healthy state (with regular weeding and watering when required).

Note:

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

67 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 1994*, 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 work of Sydney Water and is 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 Sydney Water assets, see Sydney Water's webpage 'Wastewater Blockages'. For guidance on how to plant trees near Sydney Water assets, see Diagram 5 – Planting Trees within *Sydney Water's Technical Guidelines – Building Over and Adjacent to Pipe Assets*.

68 On completion of the landscape works associated with the development, a Landscape Implementation Report is to be prepared by a suitably qualified and experienced landscape professional, attesting to the satisfactory completion of the landscaping works for the development.

A copy of the Landscape Implementation Report is to be provided to the Principal Certifying Authority, prior to the issue of any Subdivision Certificate.

69 The site is to be maintained as an Asset Protection Zone, in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

Subdivision

70 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, 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.

Development Contributions

71 Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Mamre Road Precinct Development Contributions Plan 2022*, a monetary contribution of \$13,232,655 shall be paid to Penrith City Council. The contribution specifically relates to the development of Lot 1, Lot 2, Lot 3 & Lot 4 in the Subdivision of Lot 270 and the 'internal Local Industrial Road', and has been calculated in accordance with the Mamre Road Precinct Development Contributions Plan 2022, as follows:

- Transport Works \$4,096,651
- Transport Land Acquisition \$4,765,974
- Open Space Works \$656,861
- Open Space Land Acquisition \$3,641,878
- Plan Administration \$71,291

The amount paid is to be adjusted at the time of the actual payment in accordance with the provisions of the *Mamre Road Precinct Development Contributions Plan 2022*. The Contribution is to be paid prior to the issue of any Subdivision Certificate.

This development contribution may be satisfied by a voluntary planning agreement or works-in-kind agreement entered into between the Council and the Applicant.

An application for deferred or periodic payment may be considered by the Council in accordance with the provisions of the *Mamre Road Precinct Development Contributions Plan 2022*.

A copy of the *Mamre Road Precinct Development Contributions Plan 2022* is available on Council's website.

- 72 A special infrastructure contribution must be made in accordance with the *Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Aerotropolis) Determination 2022* (as in force when this development consent takes effect).

A person may not apply for a subdivision certificate or construction certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information

A request for assessment by the Department of Planning and Environment of the amount of the contribution that is required under this condition can be made through the NSW Planning Portal. Please refer enquiries to SICContributions@planning.nsw.gov.au.