

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC - 44
DA Number	DA19/0821
LGA	Penrith
Proposed Development	Construction of a Four to Six Storey Mixed Use Development including Ground and First Floor Commercial / Retail Tenancies, 154 place Child Care Centre, 138 x Residential Apartments, 12 x Town Houses and 378 x Basement & At-Grade Car Parking Spaces
Street Address	Lot 1 Wianamatta Parkway JORDAN SPRINGS NSW 2747
Applicant/Owner	La Land Pty Ltd / St Marys Land Limited
Date of DA lodgement	27 November 2019
Total number of Submissions	• 0
Number of Unique Objections	• 0
Recommendation	Deferred commencement
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV > \$30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 30 – ST Marys • Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Design Quality of Residential Flat Development) 2004 • Central Precinct Plan and Development Control Strategy • Penrith Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Landscape Plan • Central Precinct Plan • SEPP 65 and ADG Assessment • Comments from RMS • Comments from RFS
Clause 4.6 requests	• N/A
Summary of key submissions	<ul style="list-style-type: none"> • Urban Design • Geotechnical condition of the site and construction method • Parking • Potential Noise impact
Report prepared by	Pukar Pradhan
Report date	4 December 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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

Clause 4.6 Exceptions to development standards

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

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes

SWCPP Ref. No.:	PPSSWC - 44
DA No.:	DA19/0821
PROPOSED DEVELOPMENT:	Construction of a Four to Six Storey Mixed Use Development including Ground and First Floor Commercial / Retail Tenancies, 154 place Child Care Centre and 138 x Residential Apartments, 12 x Town Houses and 378 Basement & At-Grade Car Parking Spaces - Lot 1 DP 1248480,1 Wianamatta Parkway, JORDAN SPRINGS NSW 2747
APPLICANT:	La Land Pty Ltd
REPORT BY:	Pukar Pradhan, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

On 26 November 2019 Council received a Development Application from La Land Pty Ltd proposing the construction of a 4 - 6 storey mixed use shopping development which is being constructed in two (2) Stages (as a Village Centre East) located within Central Precinct at Lot 1 Wianamatta Parkway, Jordan Springs. This development will comprise of a supermarket, medical centre, pharmacy, 4 x retail/commercial premises, a swim school, a gymnasium, a child care facility and 150 dwelling s and parking spaces at ground and basement levels and associated landscaping and drainage works.

The site is zoned *"Urban"* under *Sydney Regional Environmental Plan No.30 - St Marys* and the proposed developments are permitted within the zone with Consent.

The application was notified to adjoining and nearby properties and was on public exhibition from 4 December 2019 to 31 January 2020 and there were no submissions received.

This development provides over 200 onsite parking spaces and also involves over 2,000 sqm of shop area and in accordance with Column 2 of Schedule 3 of SEPP (Infrastructure) 2007, the development is a traffic generating development. The application was referred to Transport for NSW (TfNSW) for comments. A response from TfNSW was received on 7 February 2020, which did not raise objection to the proposal and with no conditions.

The proposal is defined as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 being located within Bushfire Prone map, requiring an approval under the Rural Fire Act 1997, Section 100B. The application was referred to the NSW Rural Fire Service (RFS) and General Terms of Approval (GTA) for the development were received on 24 November 2020 raising no objection to the proposal.

In accordance with Section 2.12 of the Environmental Planning and Assessment Act 1979, the Sydney Western City Planning Panel (SWCPP) is the determining authority for the application. The proposal capital investment index (CIV) is \$47,095,357.00 and is a regionally significant development under the provisions of the State Environmental Planning Policy (State and Regional Development) 2011 being general development with a CIV of more than \$30 million. The Panel was briefed in relation to the application on 16 March 2020.

Key issues identified for the proposed development include:

- Urban Design
- Geotechnical condition of the site and construction method
- Parking
- Potential Noise impact

An assessment under Section 2.12, Section 2.15, Section 4.15 and Section 4.46 of the Environmental Planning and Assessment act 1979 has been undertaken.

The assessment of the application has demonstrated that, the design of the development results in a good contemporary architectural design, provides good pedestrian connections to surrounding areas and presents well to all streets resulting in a good urban design outcome and supported by Urban Design Review Panel (UDRP). The development is expected to make an important commercial offering for the local community and provide a positive benefit in regard to social and economic impacts to the residents of Jordan Spring and Penrith as a whole and is unlikely to have significant adverse environmental impact to the area.

Notwithstanding, there are areas of the development which require the submission of additional documents and reports. As such, it is recommended that the application be approved by way of a deferred commencement consent. These areas relate to geotechnical site conditions, waste, acoustic and traffic management. The reasons for deferred commencement conditions have been detailed within this report. Other minor matters have been included as operational conditions where relevant.

There 8 appendices to this report, as detailed below.

- Appendix 1 – Site location map;
- Appendix 2 – Architectural Plans & Photomontage;
- Appendix 3 – Landscape Plan;
- Appendix 4 – St Marys Central Precinct Plan;
- Appendix 5 – SEPP 65 & ADG assessment;
- Appendix 6 – Comments from RMS;
- Appendix 7 - Comments from NSW RFS; and
- Appendix 8 - Recommended Conditions of Consent.

Background

On 21 February 2020 - an Urban Design Review Panel (UDRP) meeting was held and the applicant was required to amend the design by considering the following:

- *The overall elevation presentation design of the development was considered to be acceptable for the area and presents well to all streets.*
- *To improve internal parking areas design and include more landscaping or to provide a podium common open space area with landscaping features with natural light openings.*
- *The commercial tenancies having dual shopfront along the Village Park frontage are usually very difficult to occupy and should consider having only street access.*
- *To improve circulation of pedestrian pathway of the development and to lead customers to retail outlets facing the streets.*
- *To remove the northern access pathway located between the two townhouse buildings.*
- *To improve lobby design.*

On 16 March 2020 - The application was presented and discussed with the Sydney Western City Planning Panel (SWCPP). SWCPP noted the overall positive response of the design outcome with respect to its massing and appearance of the development. It was advised that the development was required to consider and include the following where possible:

- *to improve the circulation through out the site,*
- *to incorporate sufficient area of open space of higher amenity at the first floor level,*
- *to consideration be given to avoiding the carpark becoming an undesirable part of the complex, and*
- *to consider the acoustic impact of a gymnasium inside a partly residential building.*

Two separate amended designs were prepared and submitted to Council/UDRP for consideration. Council's Urban Design Review Panel has reviewed the amend plans on 21 October 2020 and concluded that the development proposal submitted was responsive to the comments and with minor refinement to internal accesses the proposal results in a good urban design outcome.

On 10 November 2020 - A meeting was held with the applicant to refine the design to improve the residential lobby area, access point to the building, waste storage area, podium common open space and provide details of noise reduction elements in the building design.

The latest plans submitted on 26 November 2020 has considered those matters raised by UDRP, SWCPP and Access Committee. All assessment is now based on the latest submitted amended plans.

Site & Surrounds

The subject site is located within Jordan Springs Central Precinct. The site is rectangular in shape with four street frontages and a total area of 1.106 Ha. The site is located 3km east from The Northern Road, 2.4km to the Links Road and 5.9km to the Penrith CBD. There are newly established residential houses to the west and north of the site. A regional park, regional open space and local open space area is planned to be located to the south and east of the site. A previous area of the precinct zoned Employment has recently been rezoned as urban and is located to the north of this site.

A concept plan was prepared in accordance with the Development Control Strategy which was approved on 24 October 2019 under DA18/0620. The application also included subdivision of the land to create the Village Park and Village Centre site as well as the surrounding roads and pedestrian paths.

The site is vacant and free of any vegetation and is to be bounded by four roads on the completion of the works associated with the approved subdivision. The East-West Link Road (Road 1) and Wianamatta Parkway is to be constructed to the north of the site, linking St Marys with Jordan Springs Western Precinct. The surrounding road network is yet to be constructed and is to be delivered under separate approvals. These roads are necessary to facilitate the proposed development and therefore conditions relating to the timing and sequencing of these works is necessary in terms of the occupation and use of the site. Noting they could potentially be constructed at the same time which may have greater efficacies for programming.

Proposal

The proposal involves the construction of a Mixed-use Shopping Centre with the following components.. The development consent seeks to establish uses in the Village Centre and nominate hours of operation for the various nominated land uses so that future applications can simply be lodged for fit-out with matters such as parking and hours of operation being addressed by this consent with the except of the Childcare Centre (fit-out details have been included within the architectural package).

150 residential dwellings across four to six (4 -6) storeys buildings within 4 buildings and 12 x 2 storey townhouses consisting of four buildings:

- Block A = 35 Dwellings (3x1 beds; 23x2 beds & 9x3 beds)
 - Block B = 44 Dwellings (4x1 beds, 26x2 beds & 7x3 beds)
 - Building C = 26 Dwellings (3x1 beds, 20x2 beds & 3x3 beds)
 - Building D = 33 Dwellings (2x1 beds, 4x2 beds & 27x3 beds)
 - Townhouses = 12 (5x2 beds & 7x4 beds)
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- Specialty Shops of 869m2 gross floor area (GFA) on the ground floor;
 - Major Supermarket Retailer of 930m2 GFA on the ground floor;
 - Medical Centre of 366m2 GFA on the ground floor;
 - Pharmacy of 189m2 GFA on the ground floor;
 - Swim School Centre at level 1 accommodating up to 14 children over two 30-minute classes and four (4) staff at any one time;
 - Childcare Centre on the first floor accommodating a total of 154 children and 27 staff members as per the following:
 - 40 children between 0-2 years old (10 staff, assigned at 1 per 4 children);
 - 48 children between 2-3 years old (10 staff, assigned at 1 per 5 children);
 - 66 children between 3-5 years old (7 staff, assigned at 1 per 10 children).
 - A Gym of 488m2 GFA on level 1;
 - Commercial car wash facility (utilising of four (4) car parking spaces located on the ground floor);
 - A total of 378 onsite car parking spaces (16 Accessible spaces, 40 bicycle spaces) both at grade and within the basement.

Stage 1 will involve the following:

Construction of the southern part of basement and ground level parking area, a Supermarket, 4 Retail premises, a Swim school, a Gymnasium, a Child care facility, Common open space area and 79 Residential units within Block A & B.

Stage 2 will involve the following:

Construction of the northern part of basement and ground Level car parking area, a Medical Centre, a Pharmacy, common podium open space at level 1 and upper level residential buildings Block C & D and townhouses.

The proposed hours of operations for various components are as follows:

- Supermarket.- 6am to 10 pm daily.
- Medical- 8am to 7:30pm Monday to Saturday & 8am to 5pm Sunday
- Pharmacy- 8am to 7:30pm Monday to Sunday
- Retail Premises- 6am to 10pm Monday to Sunday
- Swim school- 8am to 7:30pm Monday to Friday and 8:30am to 3:30pm Saturday
- Child Care Centre 7am to 7 pm Monday to Friday
- Gym 24/7

Plans that apply

- Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

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

The identified Capital Investment Value (CVI) for the development is \$47,095,357. The application has been assessed in accordance with Section 2.12 of the Environmental Planning and Assessment Act 1979, and the application will be determined by the Sydney Western City Planning Panel as it has a CIV of \$20 million or greater.

The Panel was briefed in relation to the application on 16 March 2020 and matters raised at the meeting has been considered and addressed in the latest plans.

- **Section 4.14 - Bushfire prone land assessment**

The site is located within Council's Bushfire Prone Map and as such consideration has been given to the bush fire requirements for the construction of residential building component of the development. The application was referred NSW to Rural Fire Services (RFS) on 28 November 2019 for their comments.

On 24 November 2020, NSW RFS provided their General Terms of Approval (GTA) for the development raising no objection to the proposal, a recommended condition has been imposed requiring compliance with the GTA requirement.

- **Section 4.15 - Evaluation**

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

- **Section 4.46 - Integrated development**

The development has been assessed in accordance with the integrated development provisions under Section 4.46 of the Environmental Planning and Assessment Act 1979. In this regard, the application was referred to the RFS on 28 November 2019. On 24 November 2020, NSW RFS provided their General Terms of Approval (GTA) under Division 4.8 of the Environmental Planning and Assessment Act 1979, and Bush Fire Safety Authority, under Section 100B of the Rural Fires Act 1997, for the development raising no objection to the proposal.

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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 [SEPP Education], applies to the application as the development includes a proposal for a Centre Based Child Care facility for 154 children comprising of:

- 40 children between 0-2 years old (10 staff, assigned at 1 per 4 children);
- 48 children between 2-3 years old (10 staff, assigned at 1 per 5 children); and
- 66 children between 3-5 years old (7 staff, assigned at 1 per 10 children).

The child care centre will be located at level 1 above the commercial ground level and accessible via a stair or the lift. The hours of operation are from 7am to 7 pm Monday to Friday.

The proposed childcare centre has been assessed against relevant criteria of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The proposal is considered to meet the requirements, aims and objectives of this Policy as summarised below:

Clause 22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

- Concurrence of the Regulatory Authority is not required for this application, as the proposal provides sufficient indoor unencumbered space and outdoor unencumbered space as required under Clause 107 and 108 of the Education and Care Services National Regulations

Clause 23 Centre-based childcare facility—matters for consideration by consent authorities

- Clause 23 requires that before determining an application for a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline (2017).

The proposal has been assessed against the Child Care Planning Guideline, and the development is considered to meet the objectives and design principles of the Guideline, as summarised below.

Child Care Planning Guideline (CCPG) (August 2017)

Section 2 Design Principles

- The proposal is consistent with the Design Principles. The site is contextually suitable for a childcare centre being located within level 1 of the main Village centre precinct complex and accessible from the street.
- The design achieves good quality amenity for children and provides large landscaped areas to encourage dynamic and interesting learning spaces.
- The design of the building responds to the site's context, enhance the streetscape and add to local character.

Section 3.1 Site Selection and Location

- A childcare centre is a permissible land use on the site. The proposal is compatible with surrounding development, which comprises of predominately residential (dwellings) and adjoins with recreational (regional public parks).
- The proposal is not in proximity to sensitive uses, such as industry, petrol stations, agricultural uses, waste management facilities, classified road.
- The site and location is considered to be suitable for the facility.

Section 3.2 Local Character, streetscape and the public domain interface

- The childcare centre is located on Level 1 of a mixed used development. Access is provided via stairs from ground level, a lift from the ground floor and basement. There is clear delineation between the public sphere and childcare centre.

Section 3.3 Building Orientation, envelope and design & Section 3.4 Landscaping

- The location of the childcare centre to the south-west corner of the development provides a good outlook with views across to the adjacent future Village Park. In terms of the outdoor play area, the landscaping is well considered, providing substantial planting.
- The landscape design is fluid, encouraging interesting outdoor play and learning opportunities.

Section 3.5 Visual and Acoustic Privacy

- Balconies associated with the residential component of the development at level 1 provides screen planting in order to minimise the potential of overlooking outdoor play area and the gym. Further 1.40m high balustrades will be required to minimise visual and noise impacts to residents.
- Child Care Centre has been enclosed from the streets to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout.

3.7 Hours of Operation

- The proposed hours of operation are from 7am to 7pm Monday to Friday.

3.8 Traffic, Parking and Pedestrian Circulation

- The parking requirements under DCP 2014 for the Child Care Centre with 154 children and 27 staff equates to 42 spaces. The development provides for 195 common commercial on site parking spaces at basement and ground floor. 17 at ground parking spaces located at the NE & SW area have been nominated for drop off and pick up areas. These areas would be utilised off peak hours (early in the morning and later afternoon) when it is not busy. Furthermore, some of the 18 on street parking spaces can be used for short term parking if required. The parking provision therefore is considered to be satisfactory.

4.8 An emergency and evaluation procedures

- As a plan was not submitted with the DA a condition of consent is recommended to require An emergency and evaluation procedures in addition to bushfire evacuation plan to be submitted to Council's satisfaction, prior to the issue of the Construction Certificate.

4.8 Outdoor space requirements

- A total of 1,078sqm outdoor area is required for 154 children and the proposal provides for 1142m² which is compliant and is sufficient space for up to 163 children.

The proposal is generally consistent with the CCPG.

State Environmental Planning Policy (Infrastructure) 2007

This development provides over 200 onsite parking spaces and also involves over 2,000 sqm of shop area and in accordance with Column 2 of Schedule 3 of SEPP (Infrastructure) 2007, is traffic generating development required to be referred to TfNSW for comments.

A referral letter was sent to TfNSW on 17 December 2019 for comments and a response from the TfNSW on the proposal was received on 7 February 2020, raising no objection to the proposal and no conditions being recommended.

State Environmental Planning Policy (State and Regional Development) 2011

The proposal is identified as being Regionally Significant Development under the Policy as the proposal has a capital investment value which exceeds \$30 million.

State Environmental Planning Policy No 55—Remediation of Land

An assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) and the application is satisfactory in this regard. A detailed summary is provided below:

Two Site Audit Reports have been submitted which covers the site subject of this application, however these reports are not the most relevant to proposed works, with Council holding Site Audit Statement No. KJL 214 Stage 3D, issued by Kylie Lloyd of Zoic Environmental Pty Ltd, on its records. This document has been reviewed with consideration of the proposed development. It is noted that the Site Audit Statement states that the site is suitable for commercial and industrial uses, residential with minimal opportunity for soil access, including units, and day care centres, preschools, and primary schools, subject to management of basement excavation works in accordance with the 'Site Sourced Reused Materials Management Plan' prepared by JBS&G. This management plan document has not been provided to Council. In turn, given that this document is referenced in the Site Audit Statement, and is to be complied with during works, it is required to be provided to Council for review and will be recommended as a condition of consent.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential apartment buildings of three or more storeys and containing four or more self-contained dwellings. An assessment has been undertaken of the proposal against State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development (SEPP 65) and the proposal is found to be satisfactory, subject to recommended conditions of consent.

SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained in SEPP 65 and the matters contained in the Apartment Design Guide (ADG). A design verification statement prepared by PBD Architects (Registered Architect), verifying that the design quality principles set out in Part 2 of the SEPP for residential part of the development are achieved for the development and that it meets the objectives of Part 3 and Part 4 of the Apartment Design Guide (ADG) (as is required by Schedule 1 of the Regulations).

The proposal is considered to be acceptable when assessed against the nine Design Quality Principles of Schedule 1. The development design was examined by Council's Urban Design Review Panel on a number of occasions. Several design amendments were required, in particular that informed the introduction of podium common open space area at level-1 above ground floor car parking area, limiting shops to one street frontages, improving pedestrian circulations and Improvements to residential lobbies.

The amended design was considered to be of high standard that responded to the context and presented well to the streets and the area.

Council's Urban Designer found the proposal to be of acceptable quality and representative of the principles contained within the Policy.

The provisions of Clause 30 of SEPP 65 states:

- *Standards that cannot be used as grounds to refuse development consent or modification of development consent*

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

Comments:

A Traffic Report Prepared by McLaren Traffic Engineering and Road Safety Consulting was submitted with the application. It concludes that the 378 parking spaces for the retail and commercial premises and the residential component of the development are sufficient and consistent with other similar types of mixed use development area in Penrith local area. Whilst it does not comply with Council's parking requirements, the car parking calculations in accordance with RMS guideline show that the development will have a short fall of two (2) parking space only. This minor variation is has been justified with 3 different traffic reports taken for other similar developments in Penrith area. Councils traffic engineer has examined the proposal and have considered it to be reasonable for this scale of development and hence, the proposal complies with the car parking requirements for this development and is discussed in another part of this report.

(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,

Comments:

Residential sections of the development complies with the minimum apartment sizes as required by the ADG.

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Comments:

All ceiling heights of habitable rooms are over the minimum height of 2.70m and compliant with the ceiling height requirements.

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

(a) the design quality principles, and

(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

(3) To remove doubt:

(a) sub-clause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in sub-clause (1), including on the basis of sub-clause (2), and

(b) the design criteria specified in sub-clause (1) are standards to which clause 79C (2) of the Act applies.

An assessment has been undertaken of the proposed development in relation to the nine (9) design quality principles and Apartment Design Guidelines of the SEPP. The assessment concludes that the proposed residential development has been well designed, presents well to both streets, has a good urban design outcome and it is generally consistent with the aims and objectives of SEPP 65 and Apartment Design Guidelines (see Appendix 5).

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) which aims to protect the environment of the Hawkesbury-Nepean River, by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the requirement to assess the development in terms of its impact on water quality.

Councils Water Management Officer and Senior Development Engineer have examined the application and considers that the proposed stormwater treatment measures can comply with the requirements of the Water Sensitive Urban Design (WSUD) Policy and the drainage system and has raised no objections to the proposed application subject to imposition of several recommended conditions.

Subject to conditions requiring the development to provide erosion and sediment control measures prior to the commencement of works and until completion of all works on site, the proposal will be consistent with the Policy, particularly in relation to total catchment management and water quality in the area.

Sydney Regional Environmental Plan No.30 - St Marys

The subject site is zoned **Urban** under the Sydney Regional Environmental Plan No. 30 St Marys. The proposed 'Centre-Based Child Care Facilities', 'Housing', 'Local Retail or Commercial Premises', 'Medical Centres', 'Recreation Facilities' and 'Restaurants' are permissible with consent within the Urban Zone.

The proposed development is consistent with the aims and objectives of the REP. The particular objectives of the *Urban* zone are addressed as follows:

- (a) to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and*
 - The proposed development includes 150 residential dwelling and non-residential uses associated with the future urban residential development of the precinct.
- (b) to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and*
 - The proposed non-residential uses will be compatible with the future residential amenity and will primarily serve local residents.
- (c) to provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and*
 - The proposal provides for provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres. This objective will be addressed through other future stages of development in the estate in accordance with the Council endorsed Precinct Plan.
- (d) to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and*
 - The proposal provides for townhouses and apartments with optimum access to employment, public transport and services, while ensuring residential amenity. This objective will be addressed through other future stages of development in the estate in accordance with the Council endorsed Precinct Plan.
- (e) to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and*
 - This objective will be addressed through other future stages of development in the estate in

accordance with the Council endorsed Precinct Plan.

(f) to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.

- The proposed development will not have a negative impact on biodiversity or conservation in the regional parkland.

As outlined above, the proposed development satisfies each of the relevant objectives of the *Urban* zone.

There are several special provisions contained in SREP 30 which seek to control development on the St Marys site. These provisions are considered below.

Clause 20 – Development Consent Restrictions

- *The consent authority must be satisfied that proposed developments are consistent with the applicable zone objectives and performance objectives (relating to conservation, cultural heritage, water and soils, transport, urban form, energy and waste, human services, employment and remnant contamination risk). The consent authority must also consider the development control strategies contained in the EPS, the applicable Precinct Plan and any relevant Development Agreement.*
- The site is located within the Village Centre area identified in the Framework Plan (Figure 11) of the Precinct Plan and Development Control Strategy.
- This site was specifically created under the parent subdivision application DA18/0620 which also established the infrastructure framework e.g. roads and services etc.
- A concept plan for the Village Centre, which identifies proposed land uses, dwelling yield and types, road network and car parking arrangements, and pedestrian and cycle network was lodged and approved under DA18/0620.
- The proposed development is generally consistent with the concept plan and was examined and supported by Council's UDRP.
- The development proposal suitably satisfies each of these matters.

Clause 44 – Consultation with National Parks and Wildlife Service

- *Consultation with the Department of Environment, Climate Change and Water (DECCW), which incorporates the National Parks and Wildlife Service, is required regarding development proposals adjoining the regional parkland.*
- The Development Application was not referred to DECCW as there are no works proposed adjacent to the regional parkland.

Clause 51 – Salinity and Highly Erodible Soils

- The Soil and Water Management Plan forming part of the Central Precinct Plan includes recommended strategies to be implemented to address potential soil salinity issues should they occur. Specific measures to prevent the proposed development resulting in increased soil salinity are to be implemented on the site and are detailed on the submitted engineering plans. These measures are consistent with the Precinct Plan recommendations and aim to reduce rainwater infiltration in locations at which recharging of the water table is likely to result in saline minerals rising up through the soil (e.g. use of salt-resistant stormwater pipe materials to prevent leakage into the groundwater system).

Clause 52 – Tree Preservation

- *This clause requires approval for tree removal.*
- There are no existing trees proposed for removal as part of the application.

Clause 59 restricts commercial/retail premises (as defined under Schedule 4) on land zoned Urban to a maximum:

1(b) (ii) Central, Dunheved North and Dunheved South Precincts (combined)—2,500 square metres.

1(b)(2) However, sub-clause (1) (b) does not apply if the consent authority is satisfied that, after the proposed development is carried out, the total gross floor area (including the gross floor area of all other buildings used for retailing in the locality) will not be greater than the total required to reasonably service the local residential community and workforce.

- Schedule 4 identifies commercial/retail premises that are restricted by the above floor area requirement, to include *Clubs, Fast food take away restaurants, Hotels, Local retail or commercial buildings, Medical centre, Restaurants.*

- The proposed development contains supermarket, medical centre, pharmacy, general retail and commercial space having a combined floor area of 2,689sqm (note, this calculation excludes the childcare centre, indoor recreation facility (swim school & gym) as these are not identified in schedule 4 as being restricted).
- The proposal slightly exceeds the maximum floor area of commercial retail premises by 189 sqm area however, whilst it exceeds the nominated floor area, it is noted that the land previously zoned for employment has been rezoned for urban purposes and a dwelling cap of 2,000 dwellings now sits within SREP-30.
- The proposed development will not only provide major social and economic benefits to the wider community but also to the future residents of the Jordan Springs estate.
- Considering that the increase in floor area only equates to 0.07% and increased dwellings expected for Jordan Springs, this minor variation is considered to be reasonable and warrants support.

Clause 60 – Services

Suitable arrangements must be made for the adequate supply of utilities. Consultation with utility service provider was undertaken by the applicant in the preparation of the Central Precinct Plan and in relation to the development proposal. Adequate provision has been made for the supply of water, sewerage, electricity and gas to the estate.

Clause 62F - Subsidence risk (applicable for sites located within subsidence map area)

The objectives of this clause are to ensure that development in areas of subsidence risk—

- *(a) does not disturb the underlying geotechnical conditions of the land, and*
- *(b) is restricted on unsuitable land, and*
- *(c) does not endanger life or property.*

Sub-Clause (3) states that, before determining a development application for specified development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development is responsive to the risk of subsidence—

- *(a) the development's design and construction methods,*
- *(b) the specific geotechnical constraints of the site,*
- *(c) wastewater management, stormwater and drainage across the site.*

Comments;

The site is not located within the subsidence map. However, the following has been considered in relation to the subsidence risk associated with this site:

The applicant has submitted structural engineering documentation (engineering details of the design and construction methods of building structure or foundation construction of the development) to demonstrate that the proposed construction methodology is suitable for the current site conditions. The Structural

Assessment (dated 20 November 2020, prepared by ACSES Engineers) is based on a Geotechnical Report from Douglas and Partners dated 2 November 2018. The Douglas and Partners report classifies the site as "M", this was based on no intrusive investigations being undertaken. The Douglas and Partners Report also states that the condition of filling of this site is similar to that elsewhere in Jordan Springs East.

This site contains approximately 7m of fill to achieve the current land form. Evidence of subsidence has been evolving throughout the estate noticeably over the last 12 months. In response to Council's concerns notations have been placed on the Planning Certificates for all properties within the Jordan Springs Central Precinct.

Development Application No. DA18/0620 which creates the land to which this development is sited, was approved ahead of Council's knowledge of this emerging matter, therefore it is reasonable to request that comprehensive and contemporary geotechnical testing and certification is undertaken to confirm the existing site conditions in relation to this current application. The results of which are required to understand any implications this may have on the design and construction of the proposed development.

There is an issue of timing here, in that, the subdivision consent also has conditions relating to the filling and compaction of land. There are 5 referenced conditions which all require earthworks on the site be undertaken in accordance with relevant Australian Standards and have varying levels of certification that must be submitted to Council prior to the release of the subdivision certificate.

It has been requested from Council that the applicant provide a comprehensive geotechnical assessment on the current site conditions to be submitted to Council for consideration and approval as part of this Development Application. The assessment is required to fully investigate the site and provide an assessment of compaction and ground conditions, certifying that the site conditions are suitable for the proposed development, this will extend to the entire site, not just the proposed village centre location as the development has a direct interface with adjoining roads and infrastructure to service the development.

The report shall include but not be limited to; investigation of any fill currently on site and its compaction, any underlying pre-fill platforms and their compaction and suitability, full depth geotechnical testing, a site classification report in accordance with the requirements of AS2870 and an assessment of the proposed development, its engineering and geotechnical design.

Whilst this Clause of the SREP is not strictly applicable, the principles have been applied in this instance given the information emerging within other areas of the estate. The documents submitted to date in relation to this application have not conclusively demonstrated that the soil compaction and construction methods proposed are suitable.

Given the subdivision application that creates the Village Centre site has already been approved (although not yet registered), it appears practical and reasonable to approve this development subject to the submission of the above reporting requirements to Council's satisfaction as a deferred commencement approval. This gives an opportunity for the applicant and developer to provide the documents necessary to continue with the proposed development and subdivision.

With the provision of 5 year consents in response to the recent COVID pandemic, the issue of a deferred commencement condition would be a way forward that continues working towards providing facilities for the existing community - given there are a substantial number of dwellings already constructed and occupied within the precinct, while being able to address the site conditions in further detail. The design has undergone extensive urban design reviews to achieve a vibrant village centre with a range of facilities within a residential setting.

Recommended conditions of consent have carefully considered the timing and sequencing of construction as it relates to the broader road network and the registration of the subdivision to facilitate this development.

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

Draft Environment State Environmental Planning Policy

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating a total of seven existing SEPPs being:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – HawkesburyNepean River (No.21997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property*

It is noted that the proposed changes to State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land. The proposed new land remediation SEPP will:

- Provide a statewide planning framework for the remediation of land,
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- Clearly list the remediation works that require development consent, and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Does not comply - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Does not comply - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Does not comply - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies

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

Penrith City Council, St Marys Land Limited and Lend Lease Development entered into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has provisions for open spaces, transport, human services and infrastructure works for the St Marys Development Site and was based on an approximate dwelling yield of 970 for the Central Precinct.

In September 2018, an amended Central Precinct Plan (Amendment No 1) came into force which included an increase in the number of dwellings from 970 to 1400 in the Central Precinct. This amendment to the Central Precinct Plan required a re-evaluation of the open space, community facilities and associated infrastructure required by the community. As such, a revised Development Agreement with Council was executed in December 2018.

Residential Dwelling Yield

The dwelling yield for Central Precinct is capped in the VPA by traffic capacity at 1,450 dwellings for the central precinct. The latest 'dwelling forecast' provided by LendLease (in their letter of 7 April 2020) for the Central Precinct has been increased to 1,465 dwellings and the anticipates dwellings for the village centre site is 145. This has increased since the previous 'dwelling forecast' for the Village Centre which nominated only 100 dwellings.

The proposal proposes 150 x dwellings and exceeds the anticipated dwelling count for the site by 5 x dwellings. Therefore, the additional 5x dwellings being over the anticipated 145x dwellings for the village centre site (not be captured by the VPA), would need to be charged contribution fees. This has been included in the condition of consent.

Open Space

The proposed new boundary of the residue lot (identified as Lot 3224 on the Plan of Subdivision which is intended for the future use as the Village Park) in DA18/0620, provides sufficient area to achieve the required amount of open space area of 1.22ha for the Village Park, as required under the Central Precinct Plan and Planning Agreement. This application does not reduce the area required.

Road Infrastructure

As detailed in the assessment report prepared for Stage 3B2 (DA17/0889), the Traffic Modelling (*St Marys Development Site Regional Traffic Modelling - Traffic and Transport Assessment* dated October 2017) which informed the current Precinct Plan and the revised Planning Agreement included the East-West Connector road in the base project network. The current Precinct Plan and Development Control Strategy (Amendment No.1) came into effect September 2018 and accommodated an increase in the total number of dwellings from 970 to 1,400-1,600, necessitating a revised Planning Agreement.

The current application for the Village Centre will require the construction and delivery of the East-West Connector Road which is yet to be constructed, a condition of consent has been imposed requiring to complete the road works and all other conditions under DA18/0620 consent prior to the issue of the Occupation Certificate in order to accommodate the proposed development. Similar conditions have been imposed across a number of consents within the precinct to ensure that the necessary infrastructure is in place to service the community.

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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the Environmental Planning and Assessment Regulation 2000.

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, can and has be imposed as conditions of consent where applicable.

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

Context and Setting

The proposal presents a suitable urban design outcome on the site having regard to the site context. The design of the development adopts a highly sculptural building form with splayed balconies to create visual interest of the buildings. The proposal provides facades with rendered walls with vertical score lines / grooves, textures render and compressed fibre cement cladding, with deep shadow casting balconies and the use of various architectural elements such as dynamic curved recesses and sharp angles to give the buildings a distinct form. The proposed building will be of a high architectural quality and will significantly improve the streetscape of the site's four frontages.

In terms of built form, the proposal presents of an appropriate scale of 2 storey townhouses along the eastern side of the site which will relate well to the future 1 & 2 storey residential dwellings envisaged for the adjoining site. It provides 3 to 4 storey along the northern and southern side of the site and 6 storey built form adjacent to the regional park. The proposed building height of 6 storey is consistent with the Village Centre building height guideline. When viewed from the surrounding context, the built form of the development appears varied, presenting well to all streets making the development compatible with the existing and future developments in the area.

The development will offer enhanced public domain to all frontages through improved pedestrian access, public domain upgrades and quality landscaping. The proposed development responds well to the context and existing and future residential character as envisaged by the Precinct Plan by providing a mixture of two storey townhouses, three, four and five storey built forms to ensure that the development is compatible with the future 1 & 2 storey smaller scale of residences and existing residential developments.

The design has been modified several times and the final design has been examined by Urban Design Review Panel and was found to be of a good contemporary design that responds to the site and surround that presents well to all streets. The scale of the development is considered to have regard to bulk and scale envisaged within the Village Centre site.

The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

The proposed Development will form a key feature for future local residents living in the Jordan Springs estate and Central Precinct.

Landscape Design

A landscape plan prepared by Site Image Landscape Architects was submitted with the application showing street planting, a reasonable amount of greenery within the common open area (COS) and child care outdoor area and within some other areas available for the residents/occupants and customers to use daily for outdoor activities. Whilst the development falls short in landscaped area required by the DCP, with the availability of a regional park and public open area located to the west and south of the site for residents/occupants and customers to use daily for outdoor activities, it is considered the the shortfall of landscape area can be supported for this development.

Notwithstanding, the internal landscaped area within the COS will need a number of improvements which

include a reduction in paved areas and increased planting areas and details of plant selections for the development to be provided. A condition has therefore been recommended to provide amended plan and vegetation details to Council for consideration and approval..

Stormwater Management

In relation to the treatment of stormwater, a precinct stormwater management was prepared for the development in the form of precinct bio-retention systems. A temporary sediment basin proposal for the area is currently under assessment by Council. The proposal was accompanied by a detailed stormwater plan with associated on-site detention and Water Sensitive Urban Design (WSUD) elements which shows that the stormwater runoff from the car park, will be treated with an Ocean Protect Vortsentry HS12, prior to connecting to Council's drainage network. In relation to water conservation measures, rainwater tanks are proposed with connections for reuse of the landscaped area and the residential buildings will be managed as per the requirements of the BASIX certificate.

The submitted information were reviewed by Council's Development Engineer and Waterways Officer and was found that the proposal is able to comply with Council's requirements. While a MUSIC link report was submitted, insufficient information is provided to understand what is proposed in terms of irrigation / water reuse. As such additional information has been required to demonstrate compliance with Section 3.1 of Council's WSUD Policy as a condition of consent. No objection was raised to the proposal subject to recommended conditions.

Subsidence

The site has been filled from its natural ground level to achieve the current form to allow for drainage system to work and development to occur on this site under previous bulk earthworks consents. It is noted that varying levels of subsidence exists within Jordan Springs Central Precinct therefore geotechnical reports are required. This aspect has been discussed within this report as it relates to subsidence risk provisions detailed within SREP-30.

Traffic and Parking

It is expected that there will be an increase in the volume from traffic entering and leaving the site and local traffic as a result of the proposal. Council's Traffic Engineer has examined the development and advised that the traffic generated from this development is unlikely to negatively impact on the local network.

Council's Traffic Engineer has advised that, whilst there is a short fall in parking spaces, the provision of 378 on site parking spaces is considered to be sufficient to cater for the customers visiting the development considering that many local residents will either cycle or walk to the Centre. Conditions of consent are recommended with regard to the allocation of car parking spaces and compliance with applicable Australian Standards related to parking, manoeuvring and sight lines.

Access to the site relies upon the use of the east-west link road and Wianamatta Parkway which provides a left in and left out arrangement for customer vehicles and delivery trucks. As there is proposed to be a median strip separating the laneways along Wianamatta Parkway, trucks/vehicles coming from the west will need to use the traffic signals to make a left turn at the intersection of Road 1 at the north eastern corner of the site and continue east to use the round-a-bout to make a U-turn. Given this arrangement it is likely that large delivery trucks may be tempted to use the local residential roads to minimise making a U-turn at the round-a-bout. This is likely to have impacts on the amenity of residential properties nearby. As the development has not provided a truck movement route plan for consideration, a condition has also been recommended to provide a detailed Traffic Management Plan showing delivery and commercial waste trucks can access the site without the use of residential local roads in order to minimise any potential amenity impacts to local residents of the area. This requirement has been recommended to be addressed as a deferred commencement condition to ensure the amenity of the surrounding neighbourhood is maintained.

Noise Impacts

The proposal was accompanied by an Acoustic Assessment prepared by Acoustic Logic which concludes that the development is capable of complying with the noise intrusion requirements of NSW Planning and the requirements of the Penrith City Council Development Control Plan 2014. The Acoustic Report was reviewed by Council's Environmental Management Team and has advised that the noise assessment fails to demonstrate that the potential noise impacts from outdoor play area of the Child Care, the operation and noise mitigation measures of the Gym (including details of construction materials for the gymnasium), podium common open space area and internal car parking area at ground level will have minimal adverse noise impact to the residential apartments and satisfactorily meet the requirements of the NSW EPA Noise Policy for Industry (2017). The applicant has not provided additional information as to date to satisfactorily address these matters.

In view of the above, Council's Environmental Management Team has recommended that the applicant provide the additional noise report demonstrating the extent of the noise impact from the operation of child care, gym, outdoor area including details of construction materials for the gymnasium mitigation measures to comply with the requirements of the NSW EPA Noise Policy for Industry (2017) and Council's Policy prior to the consent being operational. Accordingly, this information has been required to be submitted as part of a *deferred commencement condition* in order to ensure that the noise generated from the development is acceptable and can meet the Industrial Noise Policy.

Construction at the site will have a temporary affect on the amenity of the area due to noise from construction traffic, equipment and machinery. Standard conditions of consent are recommended with regard to hours of construction, noise and dust suppression and soil and sediment control.

Waste Management

The application has been accompanied by a waste management plan WMP which suitably describes the likely waste generation of the proposal. The development makes provision for the storage of commercial wastes at ground level and residential wastes at basement level on the site, including the provision of bin enclosure areas. The following operational waste management measures are provided:

- 8 x individual chute systems, with a recycling and a residual chute provided to each residential core that connects to a collection area in the basement;
- One large bulky commercial waste storage area at ground level;
- The use of a truck turning table provided at ground level will enable waste collection trucks to enter and leave the site in a forward direction.
- Residential wastes and bulky wastes storage area are located at basement and will be collected by smaller Council's garbage trucks.

The WMP has been examined by Council's Waste Management Officer and advised that whilst the areas for both commercial and residential wastes area provided on site, the application fails to demonstrate that the garbage truck is able to reverse in to basement waste collection spot without impacting upon the post or parked vehicles and this may result in impacting on the adjacent two columns and vehicles parked within some parking areas. The rooms provided for garbage chutes also fails to demonstrate that it is sufficient to cater for bin movements properly. The proposed waste management system and plan is therefore found to be unacceptable and not in accordance with Council's DCP 2014.

Given the basement appears of a sufficient size to accommodate the waste requirements and a solution to the above is achievable, amended plans have been requested as part of a deferred commencement condition in order to ensure that the waste management and facilities can be provided in accordance with Council's Policy.

Accessibility

The applicant has submitted an Access Report prepared by J Square Access Consulting dated 4 November 2019. The Access Report concludes that the proposal will provide 17 accessible parking spaces for people with disabilities with 10 lifts to approach and enter the proposed Centre. The report summarises and identified compliance matters for the development in terms of the BCA including Part D3 Access for People with Disabilities.

The detailed design recommendations of the report has been required to be incorporated into the Construction Certificate plans and the works carried out and certified accordingly prior to the occupation of the building.

The proposal was reported to Council's Access Committee at its meeting held on 6 March 2020. At that meeting the Committee raised no objection to the proposal but requested the following matters be considered in Council's assessment of the proposal:

- *Locations of accessible parking spaces in close proximity to the medical centre.*
- *provision of a ramp to access the medical centre and pharmacy.*

The above has been provided in the latest amended plans.

The development was reviewed by Council's Building Surveyor and found to be satisfactory

Safety, Security and Crime Prevention

Crime Prevention through Environmental Design (CPTED) aims to ensure development is appropriately designed to reduce the likelihood of crimes being committed. Council's Community Safety Officer has reviewed the proposed development with regard to community safety and CPTED principles. As part of these referral comments, conditions of consent have been provided to enhance safety and security for future users of the proposed development and to minimise the crime risk associated with the development.

Social and Economic Impacts

The proposed development represents a significant commencement toward the creation of a new village centre within a greenfield master planned estate in the City of Penrith. The proposed development will not only provide major social and economic benefits to the wider community but also to the future residents of the Jordan Springs estate.

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

- Subject to the submission of satisfactory geotechnical information and engineering specifications the subject site is suitable for development as a village centre, the site has been determined by the overarching planning framework and is consistent with the approved concept plan.
- The proposal has been designed in a manner consistent with the character of the locality.

Section 4.15(1)(d) Any Submissions

Community Consultation

(ii) Community Consultation

In accordance with Penrith Development Control Plan 2014 and the Environmental Planning and Assessment Regulations, the proposed development was advertised in the local newspaper and notified from 4 December 2019 to 31 January 2020 and there were no submissions received.

Referrals

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

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

Development Engineer

Council's Engineering Team do not support the application on the geotechnical matters and traffic management issues associated with the loading dock.

Both of these matters have been recommended to be addressed through deferred commencement conditions.

Traffic Engineer

Council's Traffic Team do not support the proposal on the traffic management issues associated with the loading dock arrangement.

Section 4.15(1)(e)The public interest

- The proposed development is permissible in the *Urban* zone and the proposal meets the aims and objectives of the relevant environmental planning instruments. The uses are compatible and will meet the needs of the Jordan Springs community. The sites location is suitable and well connected to other planned community facilities and uses including the proposed village park, regional open space areas and community activation shelter.
- The proposed development is likely to improve the overall appearance of the site.
- No public submissions were received by Council in relation to the proposal.

Section 94 - Developer Contributions Plans

The development will result in an excess of dwelling yield as identified under the St Marys Penrith Planning Agreement. The existing VPA factored 145 dwellings in the calculation and the development proposal is for a total of 150 dwellings which exceeds that number by 5 dwellings. Hence, Section 7.11 for Cultural Facilities and Penrith City Local Open Space are applicable for the excess 5 dwellings and the amount payable is outlined below:

The following Section 7.11 calculations apply to the proposed development.

AMOUNT		
S.7.11 Contribution Plan	Contribution Rate x Calculation rate	Total
Local Open Space	10 x \$ 2,027.00	\$ 20, 270.00
Cultural facilities	12 x \$ 185.00	\$ 2,220.00
Other		
	NET TOTAL	\$ 22,490.00

Conclusion

The proposed development is in accordance with the relevant provisions of the environmental planning instruments, Precinct Plan, Development Control Strategy and DCP pertaining to the land.

- The proposed development represents a significant commencement toward the establishment of a new village centre within a Central Precinct of Jordan Springs and in the City of Penrith.
- The proposed development will not only provide major social and economic benefits to the wider community but also to the future residents of the estate.
- The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory.
- The proposed development is unlikely to have a negative impact on the surrounding environment.
- The proposal is in the public interest.
- The proposal is therefore worthy of Council's support, by way of deferred commencement.

As outlined in the body of the report, a deferred commencement approval is recommended to allow the applicant and developer to address the geotechnical matters in greater detail while providing some certainty for the community around the delivery and development of the site as the Village Centre for Central Precinct.

Recommendation

1. That DA19/0821 for the construction of a Mixed Use Development of the Village Centre East, at 1 Wianamatta Parkway Jordan Springs, approved by way of a Deferred Commencement determination subject to the attached conditions;

CONDITIONS

General

- The development must be implemented substantially in accordance with the following plans and documents approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Doc. No.	Issue	Title	Prepared By	Date
Architectural Plans				
1909-DA.100	C	Basement Plan	PBD Architects	24/11/2020
1909-DA.101	C	Ground Floor Plan	PBD Architects	24/11/2020
1909-DA.102	C	Level 1 Plan	PBD Architects	24/11/2020
1909-DA.103	C	Level 2 Plan	PBD Architects	24/11/2020
1909-DA.104	C	Level 3 Plan	PBD Architects	24/11/2020
1909-DA.105	C	Level 4 Plan	PBD Architects	24/11/2020
1909-DA.106	C	Level 5 Plan	PBD Architects	24/11/2020
1909 DA200	C	North & South Elevations	PBD Architects	24/11/2020
1909 DA201	C	East & West Elevations	PBD Architects	24/11/2020
1909-DA300	C	Sections A - A	PBD Architects	24/11/2020
1909-DA301	C	Sections B - C	PBD Architects	24/11/2020
1909-DA302	C	Section D	PBD Architects	24/11/2020
1909 DA700	B	Adaptable layout Type A	PBD Architects	01/07/2020
1909 DA701	B	Adaptable layout Type	PBD Architects	01/07/2020
Landscape Plans				
SS19-4130- 101	C	Landscape Plan Ground Floor	Site Image Landscape Architects	03/07/2020
SS19-4130- 102	C	Landscape Plan Level 1	Site Image Landscape Architects	03/07/2020
SS19-4130- 103	C	Landscape Plan Level 2	Site Image Landscape Architects	03/07/2020
SS19-4130 - 104	C	Landscape Plan Level 3	Site Image Landscape Architects	03/07/2020
SS19-4130 - 105	C	Landscape Plan Level 4	Site Image Landscape Architects	03/07/2020
SS19-4130 - 106	C	Landscape Plan Level 5	Site Image Landscape Architects	03/07/2020
SS19-4130 - 501 502	A	Landscape Details	Site Image Landscape Architects	03/07/2020
1909-D.100	C	Materials and finishes	PBD Architects	-
Civil Engineering Plans				
20190092 SW200	C	Stormwater Concept Design Basement	SCG Engineering Value	27/02/2019

20190092 SW201	C	Stormwater Concept Design Ground Floor Plan	SCG Engineering Value	27/02/2019
20190092 SW202	C	Stormwater Concept Design First Floor Plan	SCG Engineering Value	27/02/2020
20190092 SW203		Stormwater Concept Design Roof Plan	SCG Engineering Value	27/02/2020
20190092 SW300	C	Stormwater Details	SCG Engineering Value	27/02/2020
20190092 SW400	C	Soil Erosion & Sediment Control Plan and Details	SCG Engineering Value	27/02/2020

- Access Statement of Compliance by Square Access Consulting Ref: 1328 Revision A dated 4 /11/2019.
- Operational Waste Management Plan by Elephant Foot recycling Solutions, Report No. SO181 Revision C dated 17/07/2020.
- Traffic Report by McLaren Traffic Engineering and Road Safety Consultants, dated 30/11/2020.
- BASIX Certificate No. 1046539M dated 01/11/2019.
- The Geotechnical Report and any engineering documents approved by Council in relation to the deferred commencement conditions specified in Schedule 1.
- Any other documents, plans or information submitted to and approved by Council in relation to the deferred commencement conditions specified in Schedule 1.

- 2 A copy of the General Terms of Approval (GTA) issued on 24 November 2020 by the NSW to Rural Fire Services (RFS) under the Rural Fire Act 1997, Section 100B shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council **with the copy of the Construction Certificate**, if Council is not the Principal Certifying Authority.
- 3 The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.
- 4 **Prior to the occupation of the following tenancies within the building**, a separate development approval is to be obtained for the fit-out of the following:
 - Swim School
 - Gymnasium
 - Supermarket
 - Medical Centre
 - Pharmacy
 - Car Wash
 - Other Retail/Commercial Premises
- 5 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

- 6 The approved operating hours for the development are:
- Swim School: 8.00am to 7.30pm Mondays to Fridays, and 8.30am to 3.30pm Saturdays.
 - Gymnasium: 24 hours Monday to Sunday.
 - Supermarket: 6.00am to 10.00pm Monday to Sunday.
 - Medical Centre: 8.00am to 7.30pm Mondays to Saturdays, and 8.00am to 5.00pm Sundays.
 - Pharmacy: 8.00am to 7.30pm Monday to Sunday.
 - Child Care: 7.00am to 7.00pm Monday to Friday, with staff able to access facility from 6.30am..
 - Car Wash: 7.00am to 6.00pm Monday to Sunday.
 - Other Retail/Commercial Premises: 6.00am to 10.00pm Monday to Sunday.
- 7 All materials and goods associated with the use shall be contained within the building at all times.
- 8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 9 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 10 **Prior to the issue of an Occupation Certificate**, all recommendations made in Section 5 of the Access Report prepared by J Square Access Consulting dated 4 November 2019 shall be carried out and completed and documentary evidence of compliance shall be prepared by a qualified person and submitted Council.
- 11 Any roof mounted plant, ducting or services infrastructure shall be screened from view. No approval is granted for the installation of ducting, conduit, plant or services infrastructure, including down pipes and balcony drainage, on the external facades of the building.
- Prior to the release of the Construction Certificate**, drawings are to be submitted to Council showing that all roof mounted plant, ducting or services infrastructure and down pipes have been integrated in the design of the building and elevations and materials/ finishes complimentary to the developments design.
- 12 **Prior to the release of the Construction Certificate**, the applicant is to submit to Council details of the proposed art works outlined in Preliminary Public Art Strategy report prepared by PBD Architects dated July 2020 for consideration and approval.
- 13 **Prior to the release of the Construction Certificate**, *an emergency and an evaluation management plan* in accordance with section 4.8 of the Childcare Planning Guidelines and a bushfire evacuation management plan in accordance with Planning for Bushfire Protection 2006 shall be prepared for the child care facility and submitted to Council for consideration and approval.
- 14 **Prior to the issue of the relevant Construction Certificate and/or relevant Occupation Certificate (as relevant)**, the following community safety and crime prevention through environmental design (CPTED) requirements shall be satisfied:

Lighting

- a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses.

- The lighting shall be the minimum level of illumination necessary for safe operation.
- The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).
- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.
- All areas intended to be used at night must allow appropriate levels of visibility. This includes central arcade area, pedestrian pathways, communal areas, access ramps, stairwells, lifts and lift lobbies, bin area, any possible places for intruders to hide internal shop fronts and basement car park must be lit to the minimum Australian Standard of AS1158.
- All shop frontages must be well lit (e.g. under awning lighting) to improve visibility of this area at night and to minimise opportunities for graffiti and malicious damage.

Basement Car Parking

- A security/boom gate system with access control systems must be installed on vehicle entry points to the car park to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- All areas of the car park must be well lit, with consistent lighting to prevent shadowing or glare.
- All surfaces in the car park must be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
- CCTV cameras should be provided for this development and are recommended for the basement car park, particularly on entry/exit points, including lift lobbies and stairwells.

Landscaping

- Vegetation throughout the development must be regularly pruned to ensure that sight lines are maintained allowing for natural surveillance.

Communal/Public Areas

- Vegetation in front planter boxes must be kept at a low level so as not to obstruct surveillance of the building entrances.
- Each individual dwelling should be clearly numbered.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed in all tenancies and areas where public access is restricted.
- Access to the internal mall areas must be restricted after hours.
- Australian Standard 220 – door and window locks must be installed in all tenancies.
- A monitored alarm system must be installed.
- Site supervisors or security guards must be provided.
- CCTV must be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Entrances to the shops off the central arcade must be clearly identifiable through design treatments and signage. Walls between the shops and the arcade must be glazed/see through.
- The layout of individual shops must support good surveillance of the shop entrances by staff. (i.e. shop counters/reception desks should be located at the front of the store facing the shop entrance).
- Authorised guests should be escorted to apartments by residents or intercom systems could be provided to enable guests to be 'buzzed in'.

Amenities

- The amenities (male and female toilets and parents room) are not located in a highly visible location with access down a long I-shaped corridor. Mirrors and adequate lighting must be provided in this corridor to

allow users to see around corners.

Ownership & Space Management

- Building management must ensure all areas of the building is well maintained at all times, particularly those areas accessed by the public.
- Practices must be in place to ensure the speedy repair or cleaning of damaged or vandalised property, including the swift removal of graffiti.
- Management should provide information to residents and commercial tenants advertising where to go for help and how to report maintenance or vandalism problems.

Way Finding/Finding Help

- Signs should be large and legible, and use strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- Location maps and directional signage should be provided for the proposed development to assist with way finding.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities.

Heritage/Archaeological relics

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

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

Environmental Matters

- 16 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.

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

18 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

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.

19 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Report approved by Council under Condition C of Schedule 1 condition.

The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application**.

A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

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

20 All vehicle washing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

21 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.

22 Prior to the issue of a Construction Certificate, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.

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

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

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

24 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.

25 **Prior to the issue of the Construction Certificate**, submission of a detailed Acoustic Report prepared by a qualified person demonstrating method of construction and elements used in the construction of the Gymnasium in the building in order to minimise potential noise impacts.

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

27 **Twelve (12) months after the issue of the Occupation Certificate**, an Acoustic Compliance Report is to be submitted to and approved by Council.

The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the Acoustic Report approved by Council under Condition C of Schedule 1 condition. It is also to consider the requirements of the NSW Environment Protection Authority's Noise Policy for Industry, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

28 Cleaning and maintenance activities undertaken within the child care facility are to be undertaken with all windows and doors closed.

Landscape maintenance of the child care facility which requires the use of powered tools is to be undertaken only between 7.00am and 6.00pm.

- 29 A public contact number is to be displayed on the child care facility signage and this phone line must be operational during business hours. A complaint register is to be maintained and must include complaint details and any actions taken to address those complaints. A copy of the complaint register is to be provided to Council upon request.
- 30 A Noise Management Plan (NMP) for the child care facility is to be prepared and submitted to Penrith City Council for consideration and approval **prior to the issue of an Occupation Certificate**. The NMP shall be prepared by suitably qualified persons, and may need to be amended to include any comments provided by Council. The NMP is to:
- address all noise related aspects of the development's operational phases, including:
 - how the restriction on the number of children playing outside will be managed
 - a schedule describing the times of outdoor play for each group of children; and
 - address the relevant conditions of this consent; and
 - recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s), with consideration of the recommendations of the Acoustic Report approved by Council under Condition C of Schedule 1; and
 - incorporate a program for ongoing monitoring and review to ensure that the NMP remains contemporary with relevant environmental standards.

The Council approved Noise Management Plan is to be implemented and complied with at all times.

- 31 Appropriate signage is to be installed in the carpark and at the entrance of the child care facility requesting patrons to minimise noise and protect the amenity of the Town Centre. In this regard:
- **Prior to the issue of the Occupation Certificate** a suitable signage plan is to be submitted to Council for approval.
 - The signage plan is to provide details on the location, sizing and wording of the proposed signs.
 - **Prior to the issue of the Occupation Certificate** the signs are to be installed as per the approved signage plan.
- 32 **Prior to the issue of the Construction Certificate**, a Construction Noise and Vibration Impact Assessment and Management Plan is to be prepared and submitted to Council for approval. 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.
- The recommendations of the Council approved Management Plan are to be implemented and adhered to during the construction phase of the development.
- 33 The removal of materials during basement excavation works are to be managed in accordance with the 'Site Sourced Reused Materials Management Plan' prepared by JBS&G (dated 14 May 2019, Ref: 50628-109724 (Rev 1)), as endorsed by a NSW Accredited Site Auditor and as referred to in Site Audit Statement No. KJL 214 Stage 3D.

- 34 The loading dock is to only be used between 7.00am and 6.00pm, with delivery and service vehicles generated by the development also restricted to these times.

Forklifts to service the loading and unloading of delivery vehicles are to be electric or LPG type (no diesel forklifts) and use non-tonal movement beacons.

Garbage compaction is to only occur within the loading dock area, not externally on the site.

- 35 All mechanical plant and equipment is to comply with the noise criteria established in the Acoustic Report approved by Council under Condition C of Schedule 1 condition.

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information assessed by a suitably qualified acoustic consultant is to be supplied to demonstrate compliance with the established noise criteria.

- 36 The outdoor play area of the child care facility is to only be used between 7.00am and 6.00pm. The outdoor play area is not to be used between 6.00pm and 7.00pm.

Due to noise requirements, restrictions apply to the number of children allowed in the outdoor play area of the child care facility at any one time. A maximum of:

- 20 children aged 0-1 years and
- 50 children aged 2-5 years are permitted.

- 37 **Prior to issue of Construction Certificate for the area of the development containing the nominated gymnasium**, an Acoustic Impact Assessment (AIA) shall be prepared by a qualified person detailing sound proofing methods in the construction of interior (floor, wall and ceiling) of the gym to demonstrate that there will be minimal/acceptable noise impacts to upper and lower levels of the buildings and submitted to council for consideration and approval.

- 38 All waste collection and storage areas are to be kept clean and tidy for the life of the development. All doors and vents are to be protected against vermin infestation and regularly inspected and cleaned (jet washed).

- 39 Any liquid discharge from the air handling system, resulting from operation, maintenance and/or cleaning operations, are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

- 40 **Prior to the issue of an Occupation Certificate** the developer is to enter into a formal agreement with Penrith City Council to use Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

Note:

- By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.
- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

- 41 The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- All on-site waste collection infrastructure, doors and access points (Waste Collection Room, Bulky Goods Collection Room, basement access) are to be locked/accessed through Councils Abloy Key System. System specifications are outlined in section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods and commercial waste) are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods and commercial waste) are to provide automatic lighting and mechanical ventilation.
- All on-site waste collection infrastructure (waste collection, bulky goods collection rooms and commercial waste) to incorporate 180-degree outwards opening doors.
- The commercial waste collection room to be enclosed, walled and locked in accordance with section 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline' document.

- 42 The 'Site Sourced Reused Materials Management Plan' prepared by JBS&G (dated 14 May 2019, Ref: 50628-109724 (Rev 1)), as endorsed by a NSW Accredited Site Auditor and as referred to in Site Audit Statement No. KJL 214 Stage 3D, is to be submitted to Council.

- 43 A maximum of 154 children are permitted to attend the child care facility at any one time, with compliance of the following:

- 0-1 years - 20 places;
- 1-2 years - 20 places;
- 2-3 years - 48 places;
- 3-4 years - 22 places; and
- 4-5 years - 44 places.

BCA Issues

- 44 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).
- 45 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Health Matters and OSSM installations

- 46 All food shop construction works shall be carried out in accordance with the requirements of the Australian Institute of Environmental Health "National Code for the Construction and Fitout of Food Premises" 1993, the Food Act 2003 and Food Regulation 2004.

Detailed plans and specifications for the construction of the premises and installation of fittings, furnishings and equipment to all food preparation and storage areas **are to be submitted with the Construction Certificate application** regarding the fitout of the food shop.

- 47 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

- 48 The applicant shall register all regulated systems (as defined by the Public Health Act, 1991) with Penrith City Council by completing the form "Details of Regulated System" and returning it to Council prior to the system's operation.

The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

The regulated system shall be maintained in accordance with the maintenance and cleaning requirements of the Public Health Act, 1991 and Public Health (Microbial Control) Regulation 2000, AS 3666.2:1995 "Air Handling and Water Systems of Buildings—Microbial Control", and the New South Wales Code of Practice for the Control of Legionnaires Disease. A copy of the summary maintenance reports for airhandling shall be submitted to Penrith City Council within 14 days of such work being completed.

- 49 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. Details of the installation of the kitchen exhaust system shall be submitted with the Construction Certificate application.

- The kitchen exhaust system must be designed to prevent or minimise air pollution including the emission of odours, vapours and oils in accordance with the Protection of the Environment Operations Act 1997.
- The exhaust hood must completely cover the equipment to be ventilated and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.
- The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.
- Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person or the Company who installed the exhaust system to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2 and that all practical pollution control measures have been installed to achieve the requirements of the Protection of the Environment Operations Act 1997. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

- 50 If the car wash site uses hot or warm-water systems and stores the heated water in tanks or transit piping, this is defined as a regulated system under the Public Health Act 2010. The construction and operation of the premises must therefore comply with the Public Health Act 2010, the Public Health Regulation 2012 and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease. The occupier is required to register with and notify Council of the existence of the warm-water system.

- 51 Any cooling towers and warm water systems are to be registered with Penrith City Council by completing the regulated systems registration form.

This form is to be returned to Council **prior to the operation of the system.**

The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au:

- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- if the system is installed after he or she becomes the occupier, within one month after the system is installed.

The occupier of the premises must notify Council within 7 days of any change of details.

- 52 **Prior to the release of the Construction Certificate**, the following details for the Child Care Centre shall be submitted to Council for consideration and approval:

- Details of the finish of the walls and ceiling (note acoustic panels not permitted in food preparation areas);
- Details and location of coving to all floor wall joins;
- Details and location of shelving to the storage area for food and packaging;
- Construction material of shelving indicating lowest shelf at least 150mm above ground level
- Details of materials used on benches in kitchen;
- Reference to the construction of the premises being in accordance with the Australian New Zealand Food Standards Code, Food Safety Standard 3.2.3 "Food Premises and Equipment" and the AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises";
- Hand wash facilities fitted with a hands free operation warm water through a common spout (hand washing facilities are for the sole purpose of hand washing in the kitchen and in the bottle preparation areas)
- Location of separate sink for (a) washing of vegetables and fruit (b) hand washing (c) washing (required) and sanitizing sinks (if no dishwasher)
- Location of any floor wastes (if being installed) and cleaners sink (may be in laundry);
- Details and location of all equipment in the kitchen including, but not limited to ovens, fridges, freezers, dishwasher etc.;
- Location of personal staff storage area
- Any fluorescent light fittings being fitted with a smooth faced diffuser and identified on the plan;
- Location and information of mechanical ventilation for oven/stove in accordance with Section 2.5.2 of AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises";

Utility Services

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

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

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

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

- 55 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

- 56 **No approval is granted for free standing fire hydrant booster sets, heat shields or the like along the street frontages of the development. All fire hydrant boosters are to be integrated into the design of the building and are to be located within cupboards and the like.**

Prior to the issue of a Construction Certificate, Penrith City Council must be consulted over the location of the Fire Services infrastructure as the location of the booster or heat shields may impact on other services and building, driveway or landscape design already approved by Council.

Construction

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

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

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

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

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

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

- 58 Prior to the commencement of construction works:

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

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

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

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

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

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

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

- 59 **Prior to the issue of the Construction Certificate**, a Construction Waste Management Plan is to be submitted to Council for approval. This Plan is to address all waste materials generated during the construction phase of the development, including details of the proposed waste volumes, on site storage and management, designated waste contractors and waste facilities.

The Council approved Waste Management Plan must be implemented and adhered to on site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.

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

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

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

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

Engineering

- 61 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 62 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

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

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

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

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

Note:

- Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

64 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC, Project 20190092, Drawing numbers SW100-500, Revision C, dated 3/08/2020

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

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

65 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

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

67 **Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for any civil upgrades.

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

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

68 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming no damage has occurred.

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

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

Note:

a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

70 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

71 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

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

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

- 73 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 74 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F

- 75 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the:

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

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

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

Notes:

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

- 77 **Prior to the issue of any Occupation Certificate**, signage which is clearly visible from the public road to indicated the entry to delivery and commercial waste collection area and entry and exit to the main facility shall be placed within the development site.
- 78 Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 79 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s
- 80 **Prior to the issue of the Construction Certificate**, 3 motor bicycle parking areas shall be provided within the commercial parking area and shall be shown on the plans for consideration and approval.
- 81 **Prior to the issue of an Occupation Certificate**, the road corridor known as the East-West Connector Road (as detailed in the Central Precinct Plan) and connecting road network which links Jordan Springs Central Precinct, Ropes Crossing and Dunheved Industrial Precinct shall be delivered and dedicated as public road to accommodate the increased dwelling density as a result of this consent, to the written satisfaction of the Development Services Manager, Penrith City Council.

The connecting road network includes all road works as required by DA18/0620 and DA17/0889 for the roads surrounding the Village Centre site and extension of Wianamatta Parkway.

- 82 **Prior to the issue of any Occupation Certificate for any Stage of the development**, the Principal Certifying Authority is to ensure that all residential car parking spaces are numbered and line marked, and allocated as follows:
- A minimum of one car parking space within the basement residential car parking area is to be provided for the use of each one or two bedroom unit.
 - A minimum of two car parking spaces are to be provided for the use of each 3 bedroom unit.
 - Each adaptable unit is to be provided with a minimum of 1 accessible parking space.
 - A minimum of 27 car parking spaces, inclusive of one accessible space, is to be sign posted and line marked for the use of childcare centre staff and visitors only generally in accordance with the stamped approved plans. Signage is to be erected advising users of these 14 spaces that the childcare centre car parking spaces are for staff and visitors, between the hours of 7.00am and 7.00pm weekdays only.
- 83 Subleasing of car parking spaces is not permitted by this Consent.
- 84 All vehicles are to enter and exit the site in a forward direction.
- 85 **Prior to the issue of a Construction Certificate**, an updated Stormwater Management Strategy shall be prepared and be submitted to Council for approval. The updated strategy shall include details on the proposed water conservation measures as per the requirements of Section 3.1 of Council's WSUD Policy.

Landscaping

- 86 All landscape works are to be constructed in accordance with the plans approved by Council under condition number D under Schedule 1 condition and in accordance with Council's Development Control Plan 2014.

Landscaping shall be maintained:

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

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

- 87 The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

- 88 Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional or a Landscape Consultants.

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

- 89 All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

Development Contributions

- 90 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,220.00 is to be paid to Council prior to a Construction Certificate being** issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

- 91 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$20,270.00 is to be paid to Council prior to a Construction / Subdivision Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Certification

- 92 Prior to the commencement of any building works on site, the proponent is to:

(a) employ a Principal Certifier to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifier" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Two (2) days before any building works are to commence on site, the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

93 Prior to the commencement of any earthworks, construction or demolition works on site, the proponent is to:

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

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

Information to accompany the Notice of Commencement

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

The following documentation shall accompany the "Notice of Commencement" to be submitted to Penrith City Council:

- A Compliance Certificate certifying that sediment and erosion control measures has been installed in accordance with condition 20.
- A copy of the Traffic Control Plan for the development/site in accordance with condition 71 & 72.

94 An Occupation Certificate shall be sought from the Principal Certifying Authority prior to occupation of or commencement of use of each stage of the development. Before the Occupation Certificate can be issued for each stage of the development, a Compliance Certificate or other documentation suitable to the Principal Certifying Authority shall be sought indicating that all conditions of this development notice, but not those conditions relating to the operations of the development, commensurate with that stage of the development have been satisfied or met prior to the occupation or use of that stage of the development.

A copy of the Compliance Certificate or other documentation shall be submitted to Penrith City Council if obtained from an accredited certifier. A copy of the Occupation Certificate is also to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Schedule 1 (Deferred Commencement)

95 This consent is granted subject to deferred commencement conditions pursuant to s4.16(3) EP&A Act in Schedule 1.

The development consent is not to operate until the applicant satisfies Penrith City Council (Council), in accordance with the regulations, as to any matter specified in Part A of this consent.

Prior to this consent becoming operational, the following conditions must be complied with to Council's satisfaction:

Each of the following conditions must be satisfied within 24 months of the date of this "Deferred Commencement" consent. Should these conditions not be satisfied within this time period, the consent will lapse.

- A. A comprehensive geotechnical assessment is required to be submitted to Council for consideration and approval. The geotechnical assessment is required to fully investigate the entire site being, Lot 1 DP 1248480 and provide an assessment of compaction and ground conditions, certifying that the land is suitable for the proposed development.

The report shall include but not be limited to; investigation of any fill currently on site and its compaction, any underlying pre-fill platforms and their compaction and suitability, full depth geotechnical testing, a site classification report in accordance with the requirements of AS2870 and an assessment of the proposed development, its engineering and geotechnical design.

- B. A revised Acoustic Report is to be prepared by a suitably qualified acoustic consultant and submitted to Penrith City Council for approval.

This Acoustic Report is to consider the relevant guideline documents (such as the *Noise Policy for Industry, Australian Standard AS2107:2016* and the *Guideline for Child Care Centre Acoustic Assessment*), as well as the assessment, findings, conclusions and recommendations of the 'Jordan Springs East Town Centre: Noise Impact Assessment' (prepared by Acoustic Logic Consultancy Pty Ltd, dated 21 July 2020, revision 3, reference 20191181.1/2107A/R3/AW). In addition, at minimum, it is to:

- establish an appropriate noise criteria for each component of the development, including the residential units (internal and private open spaces), communal open spaces, mechanical plant, car park, loading dock areas (garbage collection and deliveries), the child care facility, and external residences;
- address road traffic noise intrusion;
- address the potential noise impacts associated with the use of the residential units (including private open spaces), communal open spaces, car park, loading dock areas (garbage collection and deliveries) on sensitive receivers (including the residential units, private and communal open spaces, the child care facility, external residences);
- address the potential noise impacts associated with the operations of the child care facility, with particular attention given to the use of the outdoor play area on sensitive receivers (including the residential units, private and communal open spaces, external residences);
- give consideration to the potential noise impacts caused by reverberation / echo within the central airspace between the buildings;
- confirm whether the established noise criteria can be achieved for each component of the development, particularly demonstrating that residential units across the various buildings and levels can meet the criteria. Predicted noise levels are to be provided, both with and without the implementation of any recommendations;
- make recommendations to ensure that the established noise criteria can be achieved.

- C. The following waste management requirements shall be submitted to Council for approval as follows:
- An integrated and enclosed on-site waste loading bay within basement 1 to be provided for Councils standard waste collection vehicle in accordance with section 2.2 of the 'residential flat building waste management guideline' document provisions.
 - Amended swept path models to be provided showing unobstructed access is provided for Councils standard waste collection vehicle with little or not need to reverse in accordance with 5.3.4.1, subsection 3 of the C5 Waste Management DCP. Council vehicles specifications to be accommodated in accordance with section 2.3.1 of the 'residential flat building waste management guideline' document.
 - The waste chute rooms located in basement 1 to be designed, incorporate infrastructure and provide respective clearances in accordance with section 3.5.1 of the 'residential flat building waste management guideline' document provisions.
 - The waste collection room located in basement 1 to be designed, incorporate infrastructure and provide respective clearances in accordance with section 3.5.2 of the 'residential flat building waste management guideline' document provisions.
 - The bulky goods collection room located in basement 1 to be designed, incorporate infrastructure and provide respective clearances in accordance with section 3.5.3 of the 'residential flat building waste management guideline' document provisions.
 - The chute inlets on each residential level to be located within cupboards (maximum depth of 150mm) and incorporate the following; dual self-closing sealed doors, ventilation, waterproofing and permit accessible resident access.
 - The commercial waste collection infrastructure and vehicle manoeuvres to be provided in accordance with section 2.2.9 of the 'residential flat building waste management guideline' document provisions.
 - A bin lift to be provided in accordance with section 3.5.4 of the 'residential flat building waste management guideline' document provisions to permit the movement of 240L bins (proposed to service the ground floor townhouses) to the waste collection room located in basement 1.
 - The ground floor waste collection room to be designed in accordance with section 3.5.2 of the 'residential flat building waste management guideline' document provisions.
- D. An amended landscaping package shall be submitted to Council that correlates with the landscape design indicated on the approved architectural plans. The package shall include a plant schedule including plant species and pot sizes and the irrigation system proposed for all landscaped areas.
- Consideration to be given to achieving a landscape solution that maximises on the use of the proposed voids within the first floor level. Where this area is to provide for canopy cover, the landscape package shall detail how this may be achieved and the maintenance and lifespan of this design.
- E. A Traffic Management Plan is to be submitted to Council for consideration and approval which demonstrates that the traffic routes for delivery and large trucks to the site do not rely upon any residential roads within the estate to access the site. Delivery trucks shall be limited to the existing and future collector roads.
- The Traffic Management Plan shall also detail the largest vehicle to access the site, any operating requirements that may have conflicting access requirements for the loading dock and delivery times to ensure there is no queuing within the road reserve.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

Penrith Development Control Plan 2014 applies to the land. The proposal has been assessed having regard to the provisions of Part C – Controls applying to all land uses, the relevant elements of **Development Control Strategy for Central Precinct** with the following key sections noted for further consideration.

C1 - Site Planning and Design

The development has been designed in a contemporary architecture with varying building height from 2 and 4 to 6 storey that provides a good design outcome that responds to the existing and future developments of the area and unique characteristics of the site. The development is to serve as the primary focal point of the Jordan Springs East Estate. This has been more detailed under *Likely Impact* heading.

C2 - Vegetation Management

- The submitted landscape plans details the planting of row of trees along the four streets in association with the proposed development.
- The proposal provides for one deep soil planting and plantings within planter boxes at ground level. within the podium common open space area.
- Planting are also provided within balconies of level 1 for privacy and visual purposes.

The proposal provides for a total planting area of 1,569sqm and 200sqm roof area in building A that equates to 17% of the site area (taking podium COS area) which fall short of 13% of the area requirement of 30% landscaping. The applicant has submitted that the residents and occupant are able to use a vast open space area located within the regional open space area located to the south and west of this site and requests for the variation to be supported.

Whilst the proposal provides a shortfall in landscape area, a reasonable amount of landscaping area within the common open space area is available for the residents to enjoy, furthermore, residents can also utilise and access the regional public park and large open space area to be located to the south and west in close proximity of this site, in view of this, the short fall of landscaping area for this instance is considered reasonable and can be supported.

However, the landscaping design for the podium area at level 1 is unsatisfactory. It is therefore recommended that amended landscape plan be submitted addressing these to Council for consideration and approval. The design should be more 'fluid' to provide a more continuous landscape theme throughout the development and be similar to the design for the childcare center. Amended architectural plans were received which will form a base for the revised landscaping package.

C3 - Water Management

The applicant has submitted a Soil and Water Management Plan including associated stormwater and Water Sensitive Urban Design measures that will ensure appropriate water management measures are implemented. Council's Senior Water Management Officer has reviewed the proposal provides for appropriate Water Sensitive Urban Design measures and found that the proposal is able to satisfactory Council's policy. However, insufficient information is provided to understand what is proposed in terms of irrigation / water reuse and as such this has been conditioned to be provided with the construction certificate.

C4 - Land Management

The site has been filled and compacted to achieve its existing land form. As outlined within other areas of this report, the application is recommended for a deferred commencement approval.

C5 - Waste Management

The key objective of this section is to ensure that the volume of waste generated is minimised and waste is re-used or recycled. A construction waste management plan has been submitted with the application. Additionally the proposal incorporates the following operational waste management measures:

- -8 x individual chute systems, with a recycling and a residual chute provided to residential core that connects to a collection area in the basement;
- Commercial wastes storage area is located at ground floor with the provision of a turning platform.
- The use of a truck turning table will enable vehicles to enter and leave the site in a forward direction.
- One waste storage area is provided at the rear of Pharmacy for townhouses.
- Bulky waste storage area in the basement;
- Holding area for collection day at the basement level and ground floor level which will be serviced by Council's waste vehicles.

The application was referred to Council's Waste Management Officer who has examined the waste management system and has advised that whilst, the submitted documents show the provisions of separate commercial, residential waste storage areas, it still fails to demonstrate that sufficient area have been provided for Council's garbage truck to be able to collect the wastes in basement and also not impact on the columns or vehicles parked near the waste storage area and smaller chute storage area can function satisfactorily. It is therefore recommended that amended plans and details be provided to Council for consideration and approval.

C10 - Transport, Access and Parking

The development provides adequate on site parking spaces. This development required to provide the following number of car parking spaces:

Description	DCP requirements and proposed	RMS Requirements and proposed	comments
Residential parking (150 Units) 1/1 bedrooms 1/2 bedrooms 2/3 bedrooms Visitors	16 x 1 bedrm = 16 sp 101 x1 & 2 beds = 101sp 33 x3 & more beds = 66sp 1/5 units 150/5 = 30 sp	16 x 1 bedrm = 16sp 101 x1 & 2 beds = 101sp 33 x3 & more beds = 66sp 1/5 units 150/5 = 30 spaces	16 accessible parking included in residential. 27 visitor spaces provided shortfall of 3 spaces
Total residential	213 spaces	213 spaces	

Supermarket 1/10m2	930m2 = 93 spaces	42sp/100m2 = 29.3sp	
Retail outlet 1/30sqm	869m2 = 34 spaces	45sp/1000m2=29.3sp	
CCC 154 children 27 Staff	1/10 child = 15.4 spaces 1/1staff = 27 spaces	1sp/6 children = 24 spaces 27 staff 27 spaces	Included within overall Commercial parking area
Gym 488m2	7/100sqm = 34 spaces	4.5sp /100m2 = 22sp	Excess of 2 spaces
Swim school	7 student & 4 staff	11 spaces	
Health Care 3/1 doctor 1/staff	5 Docs = 15 spaces 3 staff = 3 spaces Total = 18 spaces	3sp/doc = 15spaces 1/ adm staff = 3sp Total 18 spaces	
Pharmacy 156m2	1/30 = 6.3 spaces	45/1000m2 = 6sp	
Commercial 286m2	1/40 = 7 spaces	9/1000m2= 1.9=2sp	
Car wash	2 staff = 2 spaces	2 staff = 2 spaces	4 carwash area
Total Commercial Parking	269 spaces	195 spaces	195 spaces for other uses
Overall Total Parking requirement	482 required	380 required	provided 378 a short fall of <ul style="list-style-type: none"> 104 spaces for DCP 2 spaces short for RMS

The proposal thus provides 213 residential and visitor parking spaces and 165 commercial parking spaces for the development.

- The development requires to provide a total of 482 on-site parking spaces according to the DCP.
- The proposed development provides for 378 space including residential and this is a short fall of 104 parking spaces.
- The development requires to provide a total of 380 on-site parking spaces according to the RMS guidelines.
- The proposed development provides for 378 space including residential and this is a short fall of 2 parking spaces.

The application was accompanied with a Traffic Report which also examined other three traffic reports prepared for the following Shopping Centres:

- *Jordan Springs Town Centre (Colston Budd Hunt and Kafes)*
- *Caddens Precinct Centre (Colston Budd Rogers and Kafes)*
- *Cranebrook Village Shopping Centre Redevelopment (Transport and Traffic Planning Associates)*

The report concludes that that for each of the above sites, the RMS car parking rates were utilised to calculate the parking demands and the use of the rates provided in the RMS Guide are generally accepted within the Penrith City Council LGA for shopping centre developments

and is therefore reasonable to apply these rates to the subject site and that the shortfall of 2 spaces is reasonable.

Whilst there is a large short fall of 104 on site parking spaces in accordance with the DCP, the development is only 2 parking spaces short in accordance with the RMS guidelines. There is also high likelihood of customers of Jordan Springs walking or bicycling to the development, and some customers using different facilities available in the development site which, will have an overlap in parking demands. In view of the past approved shopping centres, the provision of 378 on site parking spaces plus 18 additional parking spaces available around the site is considered to be adequate for the proposed development. The short fall of parking spaces is unlikely to cause parking issue for the development and is considered to be reasonable and the variation to car parking is recommended for support.

Council's Traffic Engineer and Development Engineer have examined the traffic report and car parking justification provided by the applicant and supported their justification for the shortfall of onsite parking provision of the proposal. Concerns have been raised about the potential use of residential local road by the delivery trucks which may have amenity impact to the nearby residents. It is therefore recommended that a details traffic route of delivery trucks be submitted for consideration and approval.

C12 Noise and Vibration

The likely noise impacts have been discussed under the heading Likely Impacts and as it fails to provide satisfactory information on noise mitigation measures, appropriate conditions have been recommended to provide additional information of noise minimising measures used for the child care outdoor area, Gym and for other activities to minimise noise impacts to the residential units. These have been required under schedule 1 conditions in the deferred commencement conditions.

St Marys Central Precinct Plan and Development Strategy

The Central Precinct Plan and Development Control Strategy (DCS), being much like a Development Control Plan (DCP) that is to be used by Council in its assessment of Development Applications, provide the parameters to ensure that future development within the Central Precinct achieves the performance objectives of SREP 30 as well as those contained in the St Marys EPS.

The Central Precinct has a total area of 133 ha and contain 94.6 ha of land for urban uses and 38.4 ha for employment use. The subject site with 1.106 Ha total area was specifically created for the Village Centre East site within the Central Precinct. The proposed mixed use development is in accordance with the relevant development objectives and typical planning and design principles and guidelines for the Central Precinct.

The key planning and design principles relevant to the development proposal are considered below.

Section 4.3 Future Character Areas

The development proposal is situated in the Village Centre character area. The vision for this character area is summarised below.

Village Centre Character Area

The Village Centre is to contain a mixed use development including local retail, community and educational facilities and commercial facilities and some higher density housing within easy access of surrounding residential neighbourhood. The ground floor is to accommodate shops, offices, markets, restaurants/cafés and community use with upper level residential, office and community uses and incorporate residential opportunities with apartments, attached houses, shop top housing and detached housing, housed in 2 to 4 storey (up to 6 storey

apartments) building oriented to the street. The focus of the village centre will be streets containing a mix of retail, commercial, community and education facilities serving the local population.

The proposed development provides a mixed use development that includes a mix of retail and commercial facilities within the ground floor including a supermarket and retail outlets, a medical centre, a pharmacy and a swim school and townhouses that will create a lively pedestrian oriented street active environment. It provides for a gymnasium and a child care facility, a common open space area, townhouses on level 1 and a group of residential flat buildings at upper levels resulting in a development that is consistent with the parameters set for the character of Village Centre within the Central Precinct. The village center will provide a vibrant mixed-use village center within easy access of the surrounding residential neighbourhoods to serve a broad spectrum of the community.

The Village Centre Concept plan setting out proposal for the Village Centre is required to be prepared incorporating design principles that takes into consideration of the *urban structure and public domain elements, including proposed land uses and the relationship with the Employment zone and the Regional Open Space, dwelling yield and types, road network and car parking arrangements, pedestrian and cycle network and proposed staging of development.*

- The Village Centre concept plan was examined by Council's UDRP and has undergone several amendments to the design and the final plan has been considered to be of good urban design that responds to the context of the area and is consistent with the village character envisaged by the Precinct Plan and is an acceptable urban design suitable for the Village Centre.
- The proposal provides 150 dwellings with various dwelling types including adaptable units and livable units within the residential part of the development.
- Council's traffic engineer has examined the traffic and parking impact from the proposal and have supported the proposal subject to conditions.
- It has considered pedestrian and cycle network in the design and provides for adequate bicycle parking spaces within the development.
- The proposal will be constructed in two stages.

Based on the various components of the development proposal as discussed in this report, the development proposal is in accordance with the preceding character area and consistent with the Village Centre envisaged by the Central Village Plan.

Development Control Strategy

Part 5 of the Precinct Plan provides Development Control Strategy (DCS) that provides/control guidelines for developments within Jordan Springs and relevant applicable controls for the Village Centre are discussed below:

Dwelling Density

The applicable target dwelling density of 15 hectares is to be considered in the broader context of all relevant opportunities and initiatives to replace car travel with public transport, walking and cycling. The proposal delivers a total of 150 dwellings across 1.106ha which is greater than the minimum density of 15dwgs/HA. The number of dwelling proposed is in excess by 5 dwelling and given the the location of the Village Centre site and walkability to public transport, open space, and local services it is considered that it has the capacity to accommodate increased densities. The application has been levied with a section 7.11 contribution for the excess 5 dwelling as part of the condition of consent.

Building height

The Village Centre stipulates the building height in the development site are to be of 2 to 4 storey and up to 6 storey for apartment buildings oriented to the street. The development provides 4 to 6 storey varied building heights which is consistent with the DCS.

Street Tree Planting

The landscape treatment should provide a continuous street tree canopy located within the road reserve between the footpath and the kerb. The proposal provides adequate continuous street planting along the four street frontages as required by this section.

Character Areas

The proposal provides a large mixed use building with an appropriate built form and varying building height and good design to the street edge that is consistent with the desired urban character envisaged on this site.

Visual and Acoustic Privacy

The development has been designed to provide adequate separation of buildings and landscaping to minimise and mitigate cross viewing and potential noise impacts between apartments within the subject site. Appropriate conditions will be included to provide details of noise reduction measures from the operation of the child care open outdoor area, and gymnasium construction with the Construction Certificate documents to Council for consideration and approval.

Non Residential Buildings (Village Centre)

A range of uses including office, community, educational , residential and recreational uses may be considered within a mixed use building.

The development meets this requirements by providing a range of uses including, medical centre, pharmacy. swim school, retail and commercial including a supermarket at ground level and a child care facility, gymnasium on the first floor and residential units within four towers within the development.

In accordance with an effective place making and public art strategy for the village centre, it is proposed to include two arts at the north/eastern passage way and south-western passage way that create a sense of arrival and vibrant destination. However, details of the design of the structure has not been provided and as such has been conditioned to provide these prior to the release of construction certificate.