

- 11 **Development Applications DA11/0511, DA11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No.1070 - 1170) The Northern Road, Llandilo**
Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd

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Objective	<i>We have access to what we need</i>
Community Outcome	<i>A City with lifestyle and housing choice in our neighbourhoods (8)</i>
Strategic Response	<i>Encourage housing that provides choice, achieves design excellence, and meets community needs (8.1)</i>

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

Council is in receipt of six (6) separate Development Applications which involve the residential subdivision of land at the Western Precinct of the St Marys Release Area known as ‘Jordan Springs.’ Each application represents an individual staging of Villages 2 and 3 land at Jordan Springs of which a total of 653 lots are to be created as result of these applications.

This report assesses all six (6) Development Applications having regard to the inter-relationship of each development site and the common issues associated with each proposal.

The land is zoned ‘Urban’ under the provisions of State Environmental Planning Policy No.30 – St Marys (SREP 30). Subdivision is permitted with consent pursuant to Clause 45 of SREP 30.

In accordance with State Environmental Planning Policy (Major Development) 2005, the capital investment value (CIV) of each application does not exceed \$10 million or exceed a threshold of 250 lots. In this regard, Penrith City Council is the consent authority for each of these applications.

The applications were accompanied with a Species Impact Statement (SIS) that was prepared in accordance with the *Threatened Species Conservation Act 1995* and the *Environmental Planning and Assessment Act 1979*. The SIS which accompanied the applications was subject to an independent peer review that was conducted by Dr. Trevor Hawkeswood of TJ Hawkeswood Scientific Consulting.

Dr. Hawkeswood concluded in his review that the existing ecological communities have been high degraded within the development site and therefore, the proposed residential subdivisions are acceptable with regard to the existing ecological value within the

Wianamatta Regional Park. The regional park is to be situated within the St Marys Release Area and would provide for an acceptable offset towards the impact to existing ecological communities within the development site.

The above applications were placed on public exhibition and notified to the owners and occupiers of adjoining and nearby properties in accordance with Penrith Development Control Plan 2010. The public exhibition period commenced on 6 June 2011 and concluded on 6 July 2011. A total of four (4) submissions were received in response to the proposal. The key issues raised in these submissions include: -

- Impact on Cumberland Plain Woodland;
- Regional Park offset;
- Adequacy of the Director General's Requirements;
- Public Interest and transparency of Council's Planning Assessment; and
- Impact of development.

The above key issues as well as others raised in the submissions have been addressed with consideration of the issues raised in Attachment No. 1 and throughout this report.

In accordance with the NSW *Threatened Species Conservation Act 1995*, Council is required to form an opinion as to whether a proposed development has a 'significant impact' to existing vegetation on the site. Should Council come to this conclusion, the relevant application(s) would need to be referred to the Director General of the NSW Office of Environment and Heritage for their concurrence.

Based on the assessment of the independent ecological consultant the proposed subdivisions would not have a significant impact on Cumberland Plain Woodland (CPW) within the development site and therefore, the applications do not require concurrence from the Director General of the NSW Office of Environment and Heritage.

Copies of the Species Impact Statement prepared by Cumberland Ecology, the Independent Peer Review report by Dr Trevor Hawkeswood and the 'Threatened species assessment guidelines' prepared by the then Department of Environment and Climate Change dated 2007 will be provided to Councillors under separate cover.

The applications have been assessed with respect to the Threatened Species Conservation Act 1995, Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. Having regard to the relevant statutory provisions and notwithstanding the submissions received, the applications are considered satisfactory and are recommended for approval, subject to the imposition of conditions.

Background

The following outlines the current approvals that have been issued for the site: -

- Stage 1A, Stage 1B and Stage 1C were the first series of Western Precinct residential subdivision proposals. A total of 109 residential lots were approved by Council at its Ordinary Meeting on 30 November 2009.

- Stage 1D consisting of 18 residential lots was approved under delegated authority on 9 March 2010.
- Stage 1E comprising a total of 98 residential lots were approved by Council at its Ordinary Meeting on 11 October 2010.
- The Stage 1F residential subdivision including 25 residential lots was approved by Council under delegated authority on 14 December 2010.
- The Stage 1G residential subdivision including 17 residential lots was approved under delegated authority on 25 January 2011.

Sales and Info Centre (DA09/1317) - Approved 20 August 2010

- A Sales and Information Centre to be constructed to the East of Main Street on a building pad proposed by this DA and Temporary car park

Main Street & Entry Collector Boulevard (DA 10/0208) - Approved 14 July 2010

- Subdivision to create a road allotment for the Main Street serving the future Village Centre and the entry collector boulevard,
- Subdivision to create a retail residue lot in the future Village Centre and a residential residue lot; and
- Earthworks to grade the retail residue lot and create a building pad for the Sales and Information Centre

Builders' Display Village Operations DA (DA 10/0371) - Approved 24 August 2010

- Use of allotments within the Stage 1D subdivision area for a Builders' Display Village, temporary car park in a residue lot

Town Square, Main Street, and Southern Entry Boulevard Landscaping and Embellishment (DA10/0680) - Approved 25 January 2011

- Landscaping and construction works involved in the provision of the Town Square, and
- Landscaping and streetscape works to road verges and medium strips along Main Street and south entry Boulevard (east section)

Village Lake (DA10/0851) - Approved 24 February 2011

- Works involved in the construction of a stormwater detention basin which will also function as a recreational resource in the form of a lake

Demolition (DA11/0022) - Approved 4 March 2011

- Demolition of roads, buildings and other structures.

Site and Surrounds

The Western Precinct, which is referred to as 'Jordan Springs' is bounded by Ninth Avenue to the north, The Northern Road and residential development in Cranebrook to the west, and land zoned for Regional Park to the south and east. The precinct has a total area of approximately 229 hectares (see Appendix No. 1 - Locality Plan). The Western Precinct is zoned entirely for urban purposes and is intended to accommodate primarily residential uses, with limited non-residential uses in the future village centre such as local retail and commercial uses.

The St Marys ADI site was endorsed by the NSW Government for inclusion on the Urban Development Program (UDP) in 1993. On 19 January 2001, *Sydney Regional Environmental Plan No. 30 – St Marys* (SREP 30) was gazetted. SREP 30 rezoned 1,535 hectares of land on the site to permit a range of urban uses and a large area of regional parkland and regional open space. The overall site comprises six development precincts, including the Western Precinct, Central Precinct and South Dunheved Precinct in the Penrith LGA and the Eastern Precinct, Ropes Creek Precinct and North Dunheved Precinct in the Blacktown LGA.

On 29 September 2006, the Minister for Planning declared the Western Precinct to be a “release area” under the provisions of SREP 30. Since that time, the Western Precinct Plan (WPP) and an accompanying Development Control Strategy (DCS) has been prepared to guide the future development of the Western Precinct. The WPP and DCS were adopted by Council at its Ordinary Meeting on 23 March 2009. The adopted WPP and DCS together act much like a Development Control Plan (DCP) in the assessment of Development Applications for the precinct.

It is anticipated that once fully developed Jordan Springs will accommodate approximately 2,450 dwellings with a residential population in the order of 6,400 people.

The proposed Stage 2 land is located centrally within the precinct and is situated to the immediate east of land within Village 1. Stage 3 is located to the immediate north of Village 1 land. The development site which encompasses all six (6) Development Applications covers an approximate area of 55.39 hectares.

The site comprises cleared pastures with stands of trees and scattered vegetation. The plant communities that predominantly occur on the subject site include patches of regenerating Cumberland Plain Woodland (CPW) and exotic dominated grassland which is derived from past historic clearing of CPW referred to as ‘derived native grassland.’ There are minor occurrences of three other communities on the subject site, being River flat Eucalypt Forest (RFEF), planted (non-indigenous) trees, and freshwater wetlands.

The Western Precinct was previously used for ammunition storage bunkers which existed across the area in until the 1990s. The Western Precinct was intensively mown and heavily grazed by kangaroos while it was used as a Defence site. Since the change in ownership, the storage bunkers have been removed and mowing has been limited to the perimeter of the Regional Park and the boundaries of the release area.

Proposed Development

Details of each Development Application are outlined as follows:

Application	Location	Proposed Development
DA11/0511 ‘Stage 3A’	Central western portion of Jordan Springs and has an approximate area of 14.7 ha.	<ul style="list-style-type: none">• Subdivision of residue Lot 3 to create 139 residential lots, public roads, seven (7) residue lots, creation of right of access and easement for services;• Design and construction of proposed internal minor roads, including the roadway, pedestrian walkways, road reserve landscaping, services and stormwater drainage infrastructure;• Construction of a temporary sediment and detention

Application	Location	Proposed Development
		basin; <ul style="list-style-type: none"> • Provision of temporary piping/ channelling connecting the permanent stormwater infrastructure to the temporary sediment and detention basin; • Bulk earthworks in the grading of residential lots and roads; and • Associated tree removal, earthworks, and landscaping.
DA11/0512 'Stage 3B'	Central northern portion of Jordan Springs and has an approximate area of 9.4ha.	<ul style="list-style-type: none"> • Subdivision of proposed residue Lot 2994 to create 138 residential lots, public roads, three (3) residue lots, and dedication of future park as a reserve; • Design and construction of proposed internal minor roads, including the roadway, pedestrian walkways, road reserve landscaping, services and stormwater drainage infrastructure; • Construction of a public reserve; • Enlargement of temporary sediment and detention basin; • Provision of temporary piping/ channelling connecting the permanent stormwater infrastructure to the temporary sediment and detention basin; • Bulk earthworks in the grading of residential lots and roads; and • Associated tree removal, earthworks, and landscaping.
DA11/0514 'Stage 2A'	Central eastern portion of Jordan Springs, with one section of the site adjoining the future Regional Park to the east. The site has an approximate area of 9.03ha.	<ul style="list-style-type: none"> • Subdivision of residue Lot 2 to create 75 residential lots, public roads, five (5) residue lots, and dedication of future park as a reserve; • design and construction of proposed internal minor roads, including the roadway, pedestrian walkways, road reserve landscaping, services and stormwater drainage infrastructure; • construction of a public reserve; • design and construction of a combined pedestrian and road crossing over a future watercourse; • construction of a temporary water and sediment detention basin and provision of temporary piping/ channelling connecting the basin to permanent stormwater infrastructure; • relocation of an existing temporary water and sediment detention basin; • bulk earthworks in the grading of the residential lot and roads; and associated tree removal, earthworks, landscaping, and channelling.
DA11/0515 'Stage 2B'	Central southern portion of Jordan Springs and has an	<ul style="list-style-type: none"> • Subdivision of Residue Lot 1997 to create 70 residential lots, public roads, and two (2) residue lots (future Stage 2C and 'living street'); • Design and construction of proposed internal minor

Application	Location	Proposed Development
	approximate area of 6.6ha.	roads, including the roadway, pedestrian walkways, road reserve landscaping, services and stormwater drainage infrastructure; <ul style="list-style-type: none"> • Provision of temporary piping/ channelling connecting the permanent stormwater infrastructure to a temporary sediment and detention basin; • Bulk earthworks in the grading of residential lots and roads; and • Associated tree removal, earthworks, landscaping.
DA11/0516 'Stage 2C'	Central eastern portion of Jordan Springs and has an approximate area of 9.03ha.	<ul style="list-style-type: none"> • Subdivision of residue Lot 2147 (from proposed Stage 2B) to create 111 residential lots, public roads, and one (1) residue lot (future 'living street'); • Design and construction of proposed internal minor roads, including the roadway, pedestrian walkways, road reserve landscaping, services and stormwater drainage infrastructure; • Provision of temporary piping/ channelling connecting the permanent stormwater infrastructure to a temporary sediment and detention basin; • Bulk earthworks in the grading of residential lots and roads; and • Associated tree removal, earthworks, and landscaping.
DA11/0517 'Stage 2D'	Central eastern portion of Jordan Springs, with two sections of the site adjoining the future Regional Park to the north and east. The site has an approximate area of 6.63ha.	<ul style="list-style-type: none"> • Subdivision of residue Lot 1998 to create 102 residential lots and public roads; • Design and construction of proposed internal minor roads, including the roadway, pedestrian walkways, road reserve landscaping, services and stormwater drainage infrastructure; • Provision of temporary piping/ channelling connecting the permanent stormwater infrastructure to a temporary sediment and detention basin; • Bulk earthworks in the grading of residential lots and roads; and • Associated tree removal, earthworks, and landscaping.

See Appendix No.2 for subdivision plans for each stage as outlined in the above table.

Statutory Situation

Environmental Planning and Assessment Act 1979

Clause 5 of the *Environmental Planning and Assessment Regulation 2000* outlines the procedures for advertised developments. The subject applications were categorised amongst other things as 'Threatened Species Development' and was therefore considered to be 'other advertised development' for the purposes of the Regulation. In accordance with Clause 89(3) of the Regulation, 'Threatened Species Development' required the public exhibition of the applications for a minimum thirty (30) days, of which had been exhibited for that period.

Pursuant to Section 5A of the *Environmental Planning and Assessment Act 1979*, an assessment must be made as to whether a development proposal is likely to have a ‘significant effect’ on any threatened species, populations or ecological communities or their habitats. This is determined through an assessment of significance referred to as a ‘seven-part test’ as identified in Section 5A(2) of the *Environmental Planning and Assessment Act 1979*. The applicant had prepared a ‘Species Impact Statement’ in accordance with the Director General’s Requirements from the NSW Office of Environment and Heritage.

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*, the applications were defined as ‘Integrated Development,’ and ‘Nominated Integrated Development.’ Concurrence pursuant to the applicable legislation was sought from the following authorities: -

- NSW Office of Water - *Water Management Act 2000*;
- NSW Rural Fire Service –*Rural Fires Act 1997*; and
- Department of Primary Industries – *Fisheries Management Act 1994*.

Concurrences/General Terms of Approval from the NSW Office of Water, NSW Rural Fire Services and the Department of Primary Industries have been received in response to each proposal.

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the applications were referred to the Sydney Regional Development Advisory Committee (SRDAC) chaired by the Roads and Traffic Authority (RTA). The SRDAC reviewed the applications and raised no objection in respect to traffic and vehicular access. Conditions were provided which requires the applicant to provide for signalised treatment of the intersection for the northern and southern approaches of The Northern Road prior to the occupation of dwellings in the proposed Stages 2 and 3.

In accordance with Clause 13B of State Environmental Planning Policy (Major Development) 2005, the following is noted in part: -

“13B General development to which Part applies

(1) This Part applies to the following development:

(a) development that has a capital investment value of more than \$10 million,

.....

(f) subdivision of land into more than 250 lots.”

The capital investment value (CIV) of each application does not exceed \$10 million nor do the lots proposed for subdivision exceed a threshold of 250 lots. In this regard, Penrith City Council is the consent authority for each of the subject applications.

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* focuses on the protection of matters of National Environmental Significance (NES). Development proposals that are likely to have a significant impact on matters of NES (“controlled actions”) must be assessed and approved under the EPBC Act by the Commonwealth Department of Sustainability, Environment, Water, Population and

Communities. On 9 December 2009, CPW was up-listed under the EPBC Act from an 'endangered' ecological community to a 'critically endangered ecological community' which is defined as an extremely high risk of extinction in the wild in the immediate future.

CPW is the main native vegetation community occurring within the Western Precinct. The ecological community was also redefined from CPW to 'Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest'. This change reflects its key location and vegetation structure and more clearly reflects its relationship with two threatened ecological communities listed under the NSW *Threatened Species Conservation Act 1995* (i.e. CPW and Shale Gravel Transition Forest in the Sydney Basin Bioregion).

Assessment of development proposals relating to the St Marys site is not required under the EPBC Act. Assessment and approval under Commonwealth environmental law was granted to the entire St Marys development under the former *Environment Protection (Impact of Proposals) Act 1974*, prior to the gazettal of the EPBC Act. This position was confirmed in writing by the former Commonwealth Minister for Environment Protection, Heritage and the Arts in a letter dated 31 March 2010 to the Western Sydney Conservation Alliance (WSCA).

Threatened Species Conservation Act 1995

In January 2011, Council received three (3) separate Development Applications for Stages 2A, 2B and 2C for the subdivision of Stage 2 land within Jordan Springs. Those applications were accompanied with a 'seven-part test' which made an assessment of flora and fauna within the development site.

An Assessment of Significance for these applications concluded that a Species Impact Statement (SIS) was warranted given the status of Cumberland Plain Woodland (CPW) as Critically Endangered Ecological Community (CEEC) which occurs on the site. The SIS would enable an accurate assessment of vegetation and quantify the expected impacts.

Consequently, the applicant liaised with the NSW Office of Environment and Heritage in respect to the preparation of an SIS. The Director-General Requirements which outlined the relevant matters to be addressed in an SIS was issued to the applicant on 2 May 2011.

The site is situated on land which is characterised with threatened species and is therefore categorised as 'Threatened Species Development' for the purposes of Section 78A(8)(b) of the *Environmental Planning and Assessment Act 1979*. In this respect, the subject Development Applications were accompanied with an SIS prepared by Cumberland Ecology dated May 2011. The SIS was prepared in accordance with Part 6 Division 2 of the *Threatened Species Conservation Act 1995*.

Species Impact Statement

A Species Impact Statement (SIS) was prepared by Cumberland Ecology dated May 2011 in support of the subject applications. The SIS was prepared in accordance with the Environmental Planning and Assessment Act 1979, Threatened Species Conservation Act 1995 and the Director General's Requirements which were issued by the NSW Office of Environment and Heritage.

The SIS concluded the following in respect to its assessment:

“The proposed development of the subject site and subject land will remove a large area of habitat for CPW (specifically ‘regenerating CPW’ and ‘derived native grassland’). However, and with due consideration of the restricted distribution of this CEEC in the region, the proposed development is not likely to have a significant impact on CPW such that the large and viable representatives in the Regional Park would be placed at risk of extinction. The large and continuous remnants present in the Regional Park will be protected and enhanced through a range of mitigation measures identified and retained in perpetuity.

The major affected (C)EECs/species impacted by the proposed development include G. juniperina subsp juniperina, P. parviflora, P. spicata and the Cumberland Land Snail). The young regenerating CPW on the subject land provides an area of habitat for the threatened plants, animals and communities mentioned above. However, when directly compared with the habitats of the Regional Park, these areas of habitat are considered to be degraded and of a lesser importance due to the increased level of disturbance, sparse nature and is comparatively small in size. Therefore, the loss of this habitat in the subject site and subject land is not considered to be significant.

The impact of the proposal will be more than balanced by the major conservation outcome resulting from the creation of the 900ha Regional Park. The Regional Park comprises CPW of quality and scale in a consolidated land holding, to be transferred into public ownership and subject to a Plan of Management.

When weighed against the conservation benefits, both direct and indirect, that will be derived from the 900ha Regional Park, together with the various mitigation measures afforded by the management strategies for weeds, feral and domestic animals and macrofauna, the relatively small areas of natural and semi-natural vegetation to be cleared as a result of the proposal are considered to be of minor consequence. The proposal is unlikely to result in any threatened species or ecological community becoming extinct. Known occurrences of threatened flora and fauna within the SMP are predicted to be secure in the long term as a result of the creation of the 900ha Regional Park and numerous supporting mitigation measures that are enshrined in the legal, statutory planning framework.”

The SIS was undertaken in accordance with the Guidelines produced by the Department of Environment and Climate Change (now the Office of Environment & Heritage). The key element to the SIS was the ability to trade off the Regional Park as a mitigating measure against the loss of Cumberland Plain Woodlands. As Council would be aware, this site has had a planning history that goes back more than a decade and the issue of endangered, ecological communities has been in the public arena for some considerable time. The SIS concludes that preservation of some 900ha of quality vegetation is an adequate compensation for the subsequent loss of vegetation required to facilitate the proposed development. The planning process which resulted in the Sydney Regional Environmental Plan 30 recognised this land as suitable for urban development on the basis that a large amount of Cumberland Plain Woodland would be reserved in perpetuity by virtue of the Regional Park.

In response to the submitted SIS, Council engaged the services of a suitably qualified consultant to conduct an independent peer review of the report.

Independent Peer Review

Dr. Trevor Hawkeswood of T.J Hawkeswood Scientific Consulting was formally engaged by Council Officers to conduct an independent peer review of the submitted SIS which accompanied the applications

Dr Hawkeswood has concluded the following in respect to the subject applications:

- “a. The proposed development will clear 59 ha of CPW. However, this area is mostly composed of introduced grasslands with weedy grasses and other weeds. the site has had a long history of agricultural and military uses as well as grazing by large populations of kangaroos and invasions by feral animals. Most of the CPW within the development area is actually scattered and fragmented CPW trees with some regenerating saplings. There appear to be no extensive forest/woodlands as occurring in the Regional Park. Therefore the CPW which will be removed is highly degraded and extremely depauperate in plant and animal species. All species which occur within the proposed development area also occur more abundantly in the Regional Park. From an ecological perspective, the area proposed to be cleared for the development is highly depauperate CPW and does not resemble anything like the original vegetation at the time of white settlement. Its value as a functioning ecological community is very low. Only common vertebrate species can be supported due to the almost total breakdown of the natural food chain and other ecological attributes.*
- b. The Regional Park is obviously in better condition vegetatively and with a higher biodiversity. The Plan of Management indicates that a large proportion of the Park will be conserved for restoration and scientific activities. A large number of conservation and other strategies are outlined in the Plan of Management (Section 11), including threatened species, aboriginal cultural heritage and historical heritage.*
- c. The Regional Park is a trade-off for the proposed development. In this regard and noting the poor quality of vegetation within the proposed development area and the depauperate nature of the wildlife and weed infestation, the loss of habitat is not significant.*
- d. Although the Regional Park is to be managed by the NSW Government, there are recommendations given in the Cumberland Plain Woodland Recovery Plan for the Penrith City Council which are relevant to this development and restoration/conservation of the Regional Park.”*

With respect to the above conclusion, the following comments are made in response to the applications:

- Dr Hawkeswood was engaged by Council to conduct an Independent Peer Review of the SIS prepared by Cumberland Ecology submitted in support of the subject applications. Dr Hawkeswood inspected the site on 24 June 2011 to assist in his review.
- The applications have met all requirements as outlined in the Director General’s Requirements and the Threatened Species Conservation Act 1995 in respect to the preparation of the SIS and its consideration of flora and fauna within the development site.

- The SIS has considered the matters of consideration listed under Section 5A of the Environmental Planning Assessment Act and Section 94A of the Threatened Species Conservation Act 1995 which refers to the ‘Threatened species assessment guidelines’ prepared by the then Department of Environment and Climate Change dated 2007.
- The applications for subdivision do not have a ‘significant effect’ on threatened species, population or an ecological community and therefore, do not require the concurrence from the Director-General of the NSW Office of Environment and Heritage.
- Dr. Hawkeswood has concluded in his review that the existing ecological communities are highly degraded within the development site and therefore, the proposed residential subdivisions are acceptable.
- The 900ha Wianamatta Regional Park is to be situated within the St Marys Release Area and would provide for an acceptable offset towards the impact of existing ecological communities within the development site.
- A Plan of Management (PoM) has recently been gazetted in relation to the Wianamatta Regional Park. Amongst other things, the PoM outlines a number of zones within the regional park relative to its ecological value and the potential recreational use. The recommendation by Dr Hawkeswood in respect to identifying and maintaining areas of high ecological value is consistent with those already identified in the PoM.

In this regard, the proposed subdivisions are satisfactory in respect to the *Threatened Species Conservation Act 1995* and the statutory requirements which apply to the site.

Planning Assessment

The following planning instruments are considered in the assessment of the proposed development:

- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan No.30 – St Marys;
- Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River (No.2 -1997);
- Penrith Development Control Plan 2010; and
- Western Precinct Plan (WPP) and the Development Control Strategy (DCS).

The proposed development has been assessed against the relevant heads of consideration contained in the *Environmental Planning and Assessment Act 1979*, and based on this assessment, the following issues have been identified for further consideration.

1. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP 2007) provides direction for proposed development to be considered by relevant public authorities for those listed in the schedules and any representation required in respect to the proposed development.

Clause 104 of the ISEPP 2007 provides for traffic generating development and provides in part as: -

“104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

The total number of lots as a result of the proposed subdivision of land warranted the referral of the applications to the Sydney Regional Development Advisory Committee (SRDAC) at the Roads and Traffic Authority (RTA) pursuant to Column 2 of Schedule 3 of ISEPP 2007. The applications were reported to its meeting on 15 June 2011.

The SRDAC provided their comments in respect to the proposal and raised no objection subject to conditions. Amongst other things, the following comments were noted as follows: -

- *The ultimate signalised treatment of the intersection of The Northern Road/South Entry Boulevard is to be implemented prior to the release of the first Occupation Certificate for Stage 2A, 2B, 2C and 2D.*
- *The treatment of the intersection of The Northern Road/Borrowdale Way shall be constructed to the satisfaction of the RTA and Council prior to the release of the first Occupation Certificate for Stage 3A and 3B.*

The above comments will require the applicant to make provision for signalised intersection treatments to both north and south intersections of The Northern Road into Jordan Springs. These matters will be imposed as a condition of consent.

Clause 102 of the SEPP is outlined in part as follows: -

“102 Impact of road noise or vibration on non-road development

.....

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The clause requires the consideration noise impact to development near a road which amongst other things is likely to be adversely affected by road noise or vibration.

With regard to the close proximity of The Northern Road, the Stage 3A Development Application (DA11/0511) was accompanied with a Traffic Noise Impact Report prepared by Sinclair Knight Merz (SKM). The report concluded the following: -

“The assessment has predicted noise levels at residential locations based on terrain information and traffic data for The Northern Road adjacent to the site. The predicted external noise levels were converted to approximate internal noise levels by

subtracting the estimated Weighted Sound Reduction Index of specific acoustically treated building elements such as roofs and windows.

The assessment indicates that with consideration of acoustic treatments, the night time internal noise goals outlined in the Development near rail corridors and busy roads – interim guideline (DoP, 2008), would be met for the most affected properties adjacent to the road. The predicted noise levels for properties behind the first row of houses are lower due to the shielding from the intervening buildings and therefore do not require the same level of acoustic treatment. Home owners of properties past the first row of buildings may also wish to consider higher acoustic specification building products at their own discretion.”

Traffic noise was considered in the Stage 1 development application for land of Jordan Springs with a number of recommendations to be carried out as part of that development. The report makes an assessment of road traffic noise impacts on future residential dwellings within the Stage 3A development and builds on the previous recommendations for noise mitigation from The Northern Road. The assessment considered existing noise levels and potential future noise levels based on projected increases in traffic volumes to 2021.

The design of Stage 3A has given due consideration to its interface with The Northern Road and the special requirements that come with siting new dwellings along a highly trafficked roadway. Aligning a proposed local road parallel to The Northern Road enables dwellings to be sited sufficient distance such that physical noise barriers are not required, which in turn ensures that the visual amenity and driving experience along The Northern Road is not adversely affected by the proposed development. Dwellings adjacent The Northern Road are also proposed to incorporate acoustic attenuation treatments in order to achieve compliance with recommended internal noise levels. It is further noted that an acoustic wall is to be erected along some properties directly adjoining The Northern Road.

The report recommends a number of mitigation measures in the form of building design and construction to ensure that future dwellings satisfy the relevant noise control guidelines: -

- Building orientation and layout;
- Building elements;
- Walls;
- Roof and ceiling;
- Windows and doors; and
- Ventilation.

The recommended technical construction measures will need to be tailored to individual dwelling designs. Incorporating the roadway parallel and positioning dwellings with frontage to the roadway and The Northern Road prevents the need for noise barriers to be introduced, which would have potentially affected the amenity of the dwellings private open space as well as the visual qualities of development along The Northern Road. It should be noted however that proposed Lot 3122 directly adjoins The Northern Road and therefore is proposed with a three (3) metre high acoustic wall to mitigate any acoustic issues. This wall maintains a consistent approach for noise mitigation along The Northern Road as carried out in Stage 1 land.

The linen plans of subdivision will be required to be supported by a positive covenant in accordance with Section 88B of the *Conveyancing Act 1919* requiring that future dwellings on Lots 3122, 3123, 3124, 3139, 3090, 3091 and 3092 be designed with regard to the mitigation measures summarised in the report and outlined in detail in the report.

Council's Environmental Health Department reviewed the proposed developments with regard to noise impacts and is satisfied with the findings and recommendations of the Traffic Noise Assessment and concluded that recommendations are satisfactory. A condition would be imposed which requires the inclusion of a restriction to applicable lots by virtue of a Section 88B Instrument.

As outlined in the accompanying Traffic Noise Assessment carried out in Stage 1, once The Northern Road achieves 2021 traffic volumes i.e. an annual average daily traffic volume increase of 14,000 vehicles, low mounding on the eastern side of The Northern Road and a three (3) metre high acoustic barrier wall on the western side of The Northern Road will be required. As such, these additional noise attenuation measures will not be required until the upgrade of The Northern Road has been undertaken.

Accordingly, the proposal is consistent with the provisions of ISEPP 2007.

(b) State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) provide aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Council must consider Clause 7 of SEPP 55 as follows: -

“7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

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

Clause 7(1) of SEPP 55 prevents Council from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The St Marys site has been subject to extensive contamination investigations and where necessary remediation works throughout the 1990s. The objectives of the investigation and remediation program were to assess the nature and degree of chemical contamination and/or identify any potentially explosive ordnance to allow the remediation of the site to a level where it was suitable for redevelopment for a variety of uses. The former Environment Protection Authority (EPA), now the NSW Office of Environment and Heritage (OEH) has been involved throughout this process and an EPA accredited Site Auditor has issued Site Audit Statements for the St Marys site under the *Contaminated Land Management Act 1997*.

The majority of the site has now been validated for residential and other sensitive land uses through these Site Audit Statements.

For the purposes of the remediation and validation, the St Marys site was divided into nine sectors. The Western Precinct includes the following sectors and associated Site Audit Statements (SASs):

- Part Western Sector – SAS CHK001/1.
- Part Southern West Sector – SAS CHK001/1, SAS CHK001/6 and SAS CHK001/7.

The information presented in the remediation and validation reports for these sectors has been used to develop a Contamination Management Plan (CMP) for the Western Precinct. The majority of the Precinct has been assessed by the Site Auditor to pose a negligible risk to the public or the environment with regard to chemical contamination or explosive ordnance. Areas under retained roads and building footprints which have not yet been addressed by the SASs will require future investigation and assessment. There no areas within this category contained within the site.

The CMP aims to ensure the appropriate management of any sub-surface contamination that may be encountered during works in the Western Precinct. The CMP was adopted by Council as part of the Western Precinct Plan. The CMP outlines the measures to be undertaken should contamination and/or explosive ordnance material be uncovered during the proposed works. The development proposal will be carried out in accordance with the procedures set out in the CMP and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct. This matter will be suitably conditioned.

(c) Sydney Regional Environmental Plan No. 30 – St Marys

The *Sydney Regional Environmental Plan No. 30 – St Marys* (SREP 30) is the main statutory planning framework document for the entirety of the St Marys Release Area. The overarching aim of SREP 30 is to provide a framework for the sustainable development and management of the entire St Marys site.

SREP 30 is accompanied by the St Marys Environmental Planning Strategy 2000 (EPS) which identifies the aims for the future use and management of the St Marys site and sets out specific performance objectives and strategies to address key planning issues, including conservation, cultural heritage, water and soils, transport, urban form, energy and waste, human services, employment and remnant contamination risk. The EPS identifies actions to be undertaken by local and State governments, as well as the obligations of developers.

The Precinct Plan and Development Control Strategy (DCS) for the Western Precinct address the requirements of the St Marys EPS and incorporate development objectives and typical planning and design principles and guidelines for the Western Precinct, as discussed later in this report.

(i) Permissibility

The subject development site is zoned Urban under SREP 30. Roads and drains are permitted in the Urban zone pursuant to Clause 40(2) of the plan. The proposed subdivision is permissible only with consent in accordance with Clause 45.

(ii) Objectives of the Urban Zone

Clause 40 sets out the objectives of the Urban zone as outlined in the following: -

- (a) to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and*
- (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*
- (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*
- (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*
- (e) to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and*
- (f) to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.*

In respect to the objectives of the zone, the following comments are made: -

- The proposed development is in accordance with the ecologically sustainable development of the land, as prescribed by the WPP;
- The proposed subdivision works will not result in adverse impacts to air quality, with appropriate management measures to be incorporated during construction;
- Proposed works are confined to the Urban Zone, with the conservation significance of the Regional Park accordingly being protected;
- The proposed works will result in the disturbance to heritage items.
- The proposal represents a further stage in creating a new residential community within the Western Precinct, which will be serviced by a full range of infrastructure;
- The future dwellings within the proposed subdivision will have convenient access to a range of open space and recreation areas, including The Northern Road Oval (subject of a separate DA), the future Village Park to the north-east, the Village Oval to the south-east, and the Regional Park beyond to the east;
- The interim and long term Stormwater Management Systems to be implemented ensure appropriate water cycle management in relation to the proposal;
- The road layout of the proposed subdivision is consistent with the design and street hierarchy established within the WPP, linking into the approved surrounding road network;
- The proposal contributes towards the provision of an attractive and safe built environment which satisfies a diverse range of community needs; and

- The development supports the provision of a range of building types and forms within Jordan Springs, in close proximity to public transport, community and recreation facilities, and retail.

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

(iii) Development Provisions

A number of applicable Development Provisions contained in SREP 30 seek to control development on the site. The following provisions are applicable to the proposal and are considered as follows:

Clause 20 - Development consent restrictions

The St Marys EPS contains performance objectives for future development of the St Mary's Release Area. Council must ensure such a plan is consistent with the aims and objectives of the St Marys EPS.

Matters relating to conservation particularly in relation to the natural values within the regional park, cultural heritage, transport, urban form, energy and waste, flora and fauna, human services, soil salinity and contamination have been addressed in the Western Precinct Plan which applies to the proposal. Performance objectives for water and soils would be satisfied through the implementation of measures set out in the Interim Stormwater Management Plan, and implementation of recommendations within the Salinity Review Statement. The Waste Management Plan at will promote the minimisation of waste and maximisation of reuse and recycling both on and off site as far as practicable, consistent with performance objectives for energy and waste

The Western Precinct Plan and Development Control Strategy are treated in the same manner as a Development Control Plan that is to be used by Council in its assessment of Development Applications. These documents provide a guide to future development within Jordan Springs to ensure the achievement of the performance objectives of SREP 30 as well as those contained in the St Marys EPS.

The proposed development satisfies the relevant development objectives, planning and design principles for the Western Precinct. The key planning and design principles relevant to the development proposal are considered below: -

Section 4.3 Future Character Areas

The development proposal extends across two different character areas: the Urban Area/Neighbourhood Character Area and The Northern Road Interface. The vision for these character areas is summarised below: -

“Urban Area/Neighbourhood Character Area

The Urban Area will have the characteristics of a well designed residential neighbourhood based on the traditional neighbourhood structure of a public space or neighbourhood park at its heart. The quality of the public realm with tree lined streets and a diverse range of housing types will also help define the characteristics of the Urban Area. This character will respond to the natural attributes of the site and in particular, through the layout of streets and parks, will have a strong connection to the regional

parkland.

The street structure will be a modified grid form with a clear hierarchy expressed through street and verge widths, landscaping and the level of pedestrian amenity. Indigenous and cultural tree planting will be a key characteristic in streets and parks while links (physical and visual) to riparian corridors and the regional parkland will ensure the landscape characteristics of the site are drawn into the neighbourhoods.”

and

“The Northern Road Interface

The Northern Road Interface will partially comprise residential development which may require alternate design solutions subject to detailed noise assessment at DA stage. The results of such assessment may require solutions for landscape treatment, setbacks, road layout, frontages, lot sizes, acoustic attenuation both on the lot and dwelling and potential measures such as earth mounding/acoustic barriers. This area will comprise a range of attached, semi-detached and detached dwellings, one to two storeys in height. The area is also proposed to contain open space uses.

Key considerations will be the visual qualities along The Northern Road corridor and of the proposed subdivision, pedestrian connectivity and connections to surrounding residential areas and potential views from The Northern Road into the site. The interface with existing residential development along The Northern Road in Cranebrook will also be considered, as will the identification of clear and logical entry points to the site.”

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 visions.

Section 4.4 Subdivision Layout Principles

The development proposal is in accordance with the desired subdivision layout principles, including provision of a permeable modified grid street system and a subdivision layout which provides for housing diversity and mix.

Section 4.5 Dwelling Density

As prescribed in Section 4.5 and Clause 30(6) of SREP 30, the overall net neighbourhood density target for the St Marys site is to achieve at least 15 dwellings per hectare.

Stage	Lot Numbers	Dwellings Per Hectare
Stage 2A	75	16.22
Stage 2B	70	15.77
Stage 2C	111	17.90
Stage 2D	102	17.77
Stage 3A	139	17.38
Stage 3B	138	17.97

The proposed subdivisions are in accordance with this density target which achieves a dwelling density of ranging from 15.77 up to 17.97 dwellings per hectare. The proposal in total will achieve the net neighbourhood density.

Section 5.2 Street Types

The proposed road types and cross-sections are in accordance with the minimum provisions of the Development Control Strategy. Council's Development Engineer is satisfied with this aspect of the proposed subdivision.

Section 5.5 Concept Plans

The subdivision proposal is substantially in accordance with the updated Western Precinct Concept Plan which was reported to Council's Policy Review Meeting on 9 May 2011.

The concept plan is intended for information purposes only to provide the broader context for each Development Application. The concept plan is a 'working plan' which is subject to change as the detailed design process for the estate evolves.

Section 5B Built Form and Housing

Each of the allotments in the proposed subdivision is in accordance with the minimum criteria for subdivision under the Development Control Strategy. The following table is provided as a summary of the proposed subdivision in respect to dwelling yield and proportion for dwelling stock: -

Stage	Cumulative Total Lot Yield	Detached Housing Lots 270m² to 500m² (Target 60-70%)	Detached Housing Lots 501m² to 999m² (Target 20%-25%)
Stage 2	625	77.38%	22.10%
Stage 3	971	79.51%	20.49%

The targets identified above provide for a variety of housing choice to ensure that the net neighbourhood density prescribed in SREP 30 is achieved. The proposed subdivision achieves the net neighbourhood density of minimum 15 dwellings per hectare prescribed in Clause 30(6) of SREP.

Residential allotments range in size from 300m² to 636m² however some land will be identified for future parkland housing. The proposed lot depths are typically 30m and the proposed lot widths range in size from 10m to 16m. Future dwellings on narrower allotments will be constructed with a zero side setback on one side boundary.

Clause 51 - Salinity and highly erodible soils

Salinity has been well documented in the Western Precinct. A review of previous salinity investigations undertaken and reports prepared by others for the Western Precinct has been undertaken by Geotech Testing Pty Ltd

Geotech Testing conclude that based on the investigations undertaken to date, the moderately saline conditions encountered on site are typical of the area in general. Further, Geotech Testing acknowledge that the implementation of a Soil and Water Management Plan is imperative to maintain current conditions. In this regard, a Soil and Water Management Plan has accordingly been prepared and will be implemented.

The measures and recommendations outlined by Geotech Testing (consistent with subdivision stages 1A, 1B, 1C, and 1D) are proposed to be adopted and implemented as part of the proposed development and ultimate construction of future dwellings. These measures

will complement/update the Soil and Water Management Strategy (prepared by SKM/EIS) that forms part of the Western Precinct Plan.

Clause 52 – Tree Preservation

The proposed subdivision forming part of Stages 2 and 3 would necessitate the removal of a number of existing trees on the site. Discussion on the basis of impact and mitigation in relation to flora and fauna has been discussed previously in this report. It is considered that the extent of proposed tree removal is considered negligible relative to the extensive tracts of high quality bushland that will be conserved within the regional parkland.

Council's Landscape Architect has reviewed provisions of street trees throughout the proposed development site and is satisfied with the type of species to be used.

Clause 60 – Services

Consultation with relevant utilities service providers was undertaken in the preparation of the Western Precinct Plan and by the applicant in relation to previous DAs for the subdivision of the Western Precinct for urban land uses. From these consultations, it is concluded that the site is serviceable with water, sewer, electricity and telecommunications, subject to extensions/augmentation of utilities infrastructure as part of the future development of the Western Precinct.

In terms of electricity, the proposed development involves the creation of the future Integral Energy substation site. The dimensions of the lot have been determined in consultation with Integral Energy and will enable a future suitably sized substation facility to be developed.

The proposal satisfies the relevant provisions of Sydney Regional Environmental Plan No.30 – St Marys.

(d) Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment.

SREP 20 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision is made for adequate erosion and sediment control measures to ensure sediment as a result of the development are not deposited in the Hawkesbury-Nepean River via the stormwater system.

A detailed analysis of the existing drainage characteristics of the Western Precinct is contained in the Water, Soils & Infrastructure Report (2009) prepared by SKM that forms part of the WPP. The report concludes that the entire Jordan Springs is outside of the

Probable Maximum Flood (PMF) level of South Creek. As such, it is not at risk of flooding in the 100 year annual recurrence interval (ARI) storm event.

The following works are proposed in respect to stormwater drainage:

- Adjoining to the south of the site is the 'category 2' east-west watercourse (one of three watercourses identified within the Western Precinct Plan). The site's existing drainage patterns will be modified by the proposed subdivision and associated civil works, such that stormwater will be piped and channelled to an interim detention basin south-east of the site (proposed under Stage 2A) until such time as a more permanent basin is established in the location. – Stage 2 development;
- The site's existing drainage patterns will be modified by the proposed subdivision and associated civil works, such that stormwater will be piped and channelled to an interim detention basin south of the site (proposed under stage 3A) until such time as the future Village Lake is operational. The location of the interim sediment and detention basin proposed under stage 3A (which will also serve stage 3B) coincides with the northern end of the future 'category 3' north-south watercourse (one of three watercourses identified within the WPP);
- An existing east-west drainage line which runs through the southern portion of the subject site is to be filled in and form part of the proposed development. This particular east-west drainage line is not classified under the WPP as a watercourse/river (as confirmed by the then Department of Water and Energy) and accordingly is able to be developed.

Council's Development Engineer has reviewed the development proposal with regard to stormwater drainage and is satisfied with the stormwater quality and quantity aspects of the proposal. Council's Development Engineer has provided conditions that should be applied to the development proposal in relation to all aspects of the proposed civil engineering works, including stormwater quality and quantity matters.

2. Section 79C(1)(a)(iii) - Any Development Control Plan

The development proposal is in accordance with the relevant provisions of Penrith Development Control Plan 2006. Not all provisions of this DCP are applicable to the Western Precinct based on overriding provisions contained in the Precinct Plan and Development Control Strategy. The relevant provisions have previously been considered in this report in discussions relating to the applicable environmental planning instruments.

3. Section 79C(1)(a)(iiia) – Any Planning Agreement

St Marys Penrith Planning Agreement

The St Marys Penrith Planning Agreement is in place between Lend Lease and Council. The Planning Agreement is the principal means for identifying infrastructure requirements, facilities and services which are to be delivered for the incoming community in the Western and Central Precincts. The Planning Agreement identifies proposed work schedules, delivery timing and required contributions.

The required works and contributions are being progressively provided as the Western Precinct is developed. All works to date have been carried out in accordance with the requirements of the Planning Agreement. The works and contributions relevant to the Western Precinct include:

- Delivery of a district park (5.5 hectares), neighbourhood park (2.5 hectares), local park (1 hectare), four pocket parks (3.1 hectares), four riparian corridors (3.53 hectares) and a pedestrian and cycle path network. These facilities will be delivered concurrently with the relevant stage subdivision works (e.g. Western Pocket Park in Stage 1).
- Delivery of a multi-purpose community resource centre prior to the issue of the Occupation Certificate for the 1,200th dwelling. To date, no dwelling Occupation Certificates have been issued for the estate.
- Delivery of a temporary neighbourhood centre within 18 months after the issue of the first dwelling Occupation Certificate.
- Payment of a library contribution (\$1,350,400) as part of the required multi-purpose community resource centre prior to the issue of the Occupation Certificate for the 1,200th dwelling.
- Establishment of a community initiatives fund (\$56,295) to support emerging community groups and initiatives, commencing 12 months after the issue of the first dwelling Occupation Certificate.
- Payment of funding for a part-time community development worker for two years, commencing 18 months after the issue of the first dwelling Occupation Certificate.
- Provision of a 12 seater community bus within two years after the issue of the first dwelling Occupation Certificate.
- Undertaking of works and payment of a contribution to a combined value of \$11,705,850 for the establishment of district open space in accordance with Penrith City Council's adopted City-wide District Open Space Development Contributions Plan. This plan identifies the opportunity for the establishment of a multi-sports facility located adjacent to the Central Precinct for which the applicant will contribute works to the value of \$6,834,000 for the establishment of this facility.

This will be required within 12 months from the issue of development approval for the 500th residential lot in the Central Precinct. The balance of the funds, which will be in the form of a monetary contribution, can potentially be available for the establishment of district open space facilities elsewhere in the City. The initial component of this contribution (\$1,400,000) will be required following development approval of the 1,000th lot in the Central and Western Precincts combined.

To date, Council has approved a total of 267 residential lots with a further 653 residential lots proposed via the current Development Applications under assessment.

- Payment of a contribution of \$486,400 for cultural facilities development in accordance with Penrith City Council's adopted City-wide Cultural Facilities Development

Contributions Plan. The initial component of this contribution (50%) is due for payment upon the issue of the Occupation Certificate for the 1,000th dwelling. The balance of the contribution is due for payment upon the issue of the Occupation Certificate for the 2,000th dwelling.

- Payment of a contribution of \$20,000 towards studies to determine characteristics, needs and preferences of the community to be provided as required depending on progression of community population growth.

The proposed subdivisions do not activate any of the above requirements. Contributions outlined in the various Planning Agreements and Development Contributions Plans which apply to the development are to be reconciled at time of which the trigger points are activated. A condition is to be imposed to ensure that the applicant is reminded of their obligations under the agreements discussed above and the trigger points on which they activated.

St Marys Development Agreement

The St Marys Development Agreement dated 13 December 2002 is in place between Lend Lease and the NSW Government.

This Development Agreement relates to the entire St Marys site and includes provisions for works, dedications and contributions regarding the regional parkland, regional open space, regional transport and road infrastructure and affordable housing. Once again, these works and contributions are being progressively provided as the overall St Marys site is developed.

All Development Consents are conditioned with advisory conditions reinforcing Lend Lease's obligations under this Development Agreement. Enforcement of compliance with these obligations rests with the NSW Department of Planning.

4. Section 79C(1)(a)(iv) – The Regulations

Clause 5 of the *Environmental Planning and Assessment Regulation 2000* outlines the procedures for advertised developments. The subject applications are categorised amongst other things as 'Threatened Species Development' and is therefore considered to be 'other advertised development' for the purposes of the Regulation. In accordance with Clause 89(3) of the Regulation, 'Threatened Species Development' requires the public exhibition of the applications for a minimum thirty (30) days, of which has been exhibited for that period.

5. Section 79C(1)(b) – The Likely Impacts of the Development

Context and Setting

The development proposal is consistent with the existing character of other development in the surrounding suburbs. 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.

Access and Traffic

Vehicular access to the proposed subdivision will initially be through local roads constructed in Stage 1. Access will ultimately be provided via the intersection of The Northern Road and the southern entry collector road recently constructed as part of Stage 1 connection. Interim connection to Stage 3 land will utilise the southern collector road until such time the northern entry point to The Northern Road has been constructed. This is subject to a separate Development Application (DA11/0792).

The applications had been accompanied by a Traffic Impact Assessment Report prepared by Halcrow dated May 2011 and related to Stages 2 and 3 lands respectively. The report summarises the following points:

- *The temporary signals would also address the RTA's safety issues relating to pedestrians crossing The Northern Road.*
- *Village 2 includes the construction of internal roads and intersections. Traffic modelling indicates that the Road 8 and Main Street intersection would operate with a good level of service as a priority intersection. In addition, Road 8 and Road 25 intersection would also operate satisfactorily as a roundabout.*
- *The intersections within the subdivision are proposed to be either tee intersections or priority four way intersections.*
- *The road system layout is permeable and would discourage high vehicle speeds through limiting road lengths.*
- *Pedestrian, bus and cycle facilities are proposed within the subdivision which is consistent with the Development Control Strategy.*
- *The development of the St Marys site and Western Precinct within it has been the subject of numerous studies which have broadly defined the development yield and internal road system.*
- *A Development Control Strategy was developed which addresses streets types, public transport, pedestrian and cycle facilities and traffic management within the Western Precinct.*
- *Village 1, 2, Stage 3A and 3B combined would generate an AM and PM peak hour of 829 trips per hour while the Saturday peak hour equates to 781 trips per hour.*
- *Traffic modelling indicates that the signalised seagull arrangement at The Northern Road and Southern Entry Boulevard intersection would operate satisfactory to cater for estimated traffic flow of Village 1, Village 2, Stage 3A and 3B combined.*
- *Stage 3 includes the construction of internal roads and intersections. Traffic modelling indicates that the internal intersections would operate with a good level of service.*
- *The proposed road cross sections are generally consistent with the typologies set out in the 'Western Precinct Development Control Strategy', as developed with Penrith City Council.*

Halcrow concludes that traffic modelling indicates that the interim intersection of the Southern Entry Boulevard and The Northern Road would operate satisfactorily upon the occupation of Villages 1, 2, Stage 3A and 3B of Jordan Springs.

In accordance with previous advice from the Roads and Traffic Authority (RTA) it will be necessary that the ultimate (permanent) treatment of the intersection of The Northern Road and the southern entry collector road is satisfactorily completed prior to the issue of a Subdivision Certificate.

Written correspondence from the RTA dated 12 May 2011 provides that the interim signalised intersection of the southern collector road and The Northern Road would need to be constructed and operation by 1 December 2011. It should be noted that a permanent intersection would be constructed during the upgrade of The Northern Road of which such details are currently on placed on public exhibition. The applicant has been required to forward a bond to the RTA for these works prior to the release of the Subdivision Certificate for Stages 1D, 1E and 1F for security should the timeframe not be met. The bond would be used towards construction by the RTA in that scenario.

Council's Traffic Engineer has reviewed the proposed development with regard to access and traffic considerations and has provided the following comments: -

"The design of the subdivision and road layout appears consistent with the Western Precinct Framework Plan within the Western Precinct Plan, and other previous detailed planning documents prepared by Halcrow MWT.

The traffic report indicates that Traffic volumes on the internal roads are expected to be up to 829 vehicles per hour within the subject stages. Road intersections will either be T-intersections or four way intersections, requiring give way controls etc. Threshold treatments are proposed to reinforce the traffic priority at the intersections. Sight distances should be reviewed to identify locations which may require 'stop' or 'give way' controls."

In light of the above, the proposals are satisfactory in respect to access and traffic.

Heritage

The management of Aboriginal archaeology on the site is to be undertaken in accordance with approvals that have been issued by the then Department of Environment, Climate Change and Water (DECCW). An Aboriginal Heritage Impact Permit (No. 10996059) has been issued by the then DECCW under Section 90 of the *National Parks and Wildlife Act 1974*. The permit covers the subject site which identifies 39 archaeological sites across the Western Precinct.

An Indigenous Heritage Assessment report prepared by Jo McDonald Cultural Heritage Management Pty Ltd was submitted in support of the proposal within Stages 2 and 3 lands.

The report for Stage 2 and 3A have concluded that no further salvage works as required in the permit have been completed. However, it is noted that a salvage location identified within the permit is situated on land within proposed Stage 3B. Salvage excavation work is required in this area and as such, salvage work is to be conditioned prior to any construction work.

Bushfire Risk

The land in the Western Precinct of the St Marys Release Area is bushfire prone. The application has been accompanied by a Bushfire Protection Assessment prepared by Eco Logical Australia Pty Ltd. The Bushfire Protection Assessment provides a review of the subdivision proposal in relation to the measures contained in the Bushfire Protection Assessment adopted by Council as part of the Western Precinct Plan.

The NSW Rural Fire Service (RFS) has assessed the development proposal and has issued a Bush Fire Safety Authority for the proposal pursuant to the *Rural Fires Act 1997*, subject to General Terms of Approval (GTAs). Specific recommendations have been to each of the proposed stages of subdivision and are summarised below. The conditions would ensure that the proposed subdivision is compliant with Section 100B of the *Rural Fires Act 1997*, Clause 44 of the *Rural Fires Regulation 2008*, and ‘Planning for Bushfire Protection 2006’ (RFS 2006):

- *Temporary/Asset protection zones are to be provided to the proposed subdivision*
- *Asset protection zone landscaping is to comply with the NSW Rural Fire Service document ‘Planning for Bushfire Protection 2006’ inner protection area requirements as listed in Appendix 2. Section A2.2 of PBP and guided by the fuel management principles listed in Section 4 of this report.*
- *Landscaping across the subdivision is to comply with the principles of ‘Planning for Bushfire Protection 2006.’*
- *A hydrant water supply should be installed in accordance with Australian Standard AS 2419.1.*
- *Public roads are to comply with the NSW Rural Fire Service document ‘Planning for Bushfire Protection 2006’*
- *Electrical services should be underground and if overhead lines are used, overhanging branches should be trimmed according to “Vegetation Safety Clearances” issued by Energy Australia (NS179, April 2002).*
- *Gas services are to be installed and maintained in accordance with AS/NZS 1596:2008 (Standards Australia 2008).*
- *Adequate bushfire emergency procedures will be the responsibility of future occupants.*
- *Temporary overland trails are to be relevantly provided.*

The conditions outlined in the bush fire safety authority are to form part of the conditions of Development Consent.

Social and Economic

The proposed developments represent a significant commencement toward the creation of a new greenfield master planned estate in Penrith. The proposed developments would provide major social and economic benefits to the wider community to the future residents of the area.

The development of land zoned urban for residential purposes provides for a variety of housing choice within Penrith. This will be complemented with education and community services, public transport as well as parks and open spaces which are positive outcomes for a new release area. The development framework established under SREP 30 would continue to deliver economic development and employment opportunities for the local community.

6. Section 79C(1)(c) – The Suitability of the Site for the Development

The site attributes are conducive to the development proposals. The proposals have been designed in a manner consistent with the character of the locality. The site forms part of a planned estate with many of the suit suitability and capability opportunities being resolved in the earlier planning of the St Marys Release Area. The land has been identified for exactly this purpose and to deliver urban development conducive to both state and local government considerations.

The proposed development is located within land that is zoned for urban purposes under SREP 30. The zoning of the land has been made after consideration of a number of issues throughout the planning stage of the St Marys Release Area and reflected in the Western Precinct Plan, Development Control Strategy and SREP 30. The subdivision of land is permitted in the zone.

7. Section 79C(1)(d) – Any Submissions made in relation to the Development

(a) External Referrals

The following authorities were consulted as per the relevant legislation as follows: -

- NSW Office of Water - *Water Management Act 2000*;
- NSW Rural Fire Service –*Rural Fires Act 1997*
- Department of Primary Industries – *Fisheries Management Act 1994*.

Concurrences from these authorities have been received in response to each proposal.

With respect to Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the applications were referred to the Sydney Regional Development Advisory Committee which was chaired by the Roads and Traffic Authority. No objections were raised by the committee, subject to conditions.

(b) Public Submissions

The applications were placed on public exhibition and notified to the owners and occupiers of adjoining and nearby properties in accordance with Penrith Development Control Plan 2010.

The public exhibition period commenced on 6 June 2011 and concluded on 6 July 2011. A total of four (4) submissions were received in response to the proposal. The key issues raised in these submissions were: -

- Impact on Cumberland Plain Woodland;
- Regional Park offset;
- Adequacy of the Director General's Requirements;
- Public Interest and transparency of Council's Planning Assessment; and
- Impact of development.

The above key issues as well as others raised in the submissions have been addressed with consideration of the issues raised in Appendix No. 3 and throughout this report. The issues raised do not warrant refusal of the subject Development Application.

(c) Internal Referral

The table below summarises the results of internal referrals in relation to the proposals:

Referrals	Comments
Building Surveyor	No objection, subject to conditions.
Development Engineer	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
Community Safety	No objection, subject to conditions.
Parks Construction and Maintenance	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.

8. Section 79C(1)(e) – The Public Interest

The site is suitable for the proposed developments. Subdivision is permissible in the Urban zone and it has been demonstrated that the proposals meet the aims and objectives of the environmental planning instruments which applies to the site. The proposed subdivision is considered to be site responsive and is in the spirit of the planning framework which has been envisioned for the Western Precinct.

The properties in the immediate vicinity of the site were notified of the development proposals. In considering the issues raised in the submissions, it is unlikely that the proposed developments would adversely impact on adjoining properties, subject to recommended conditions of consent.

Section 94 Contributions

The St Marys Penrith Planning Agreement includes provisions relating to works and contributions which off-set the payment of Section 94 contributions under the above contributions plans. These works and contributions will be provided as the Western Precinct is progressively developed. Refer to the Planning Assessment section of this report for discussion on this matter (See Section 3).

Conclusion

The proposed developments have met the requirements outlined in legislation and planning provisions which apply to the site. The provisions outlined in the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995* and the *Environmental Planning and Assessment Regulation 2000* have been met as demonstrated throughout this report.

The statutory framework for the Western Precinct has been in place for a number of years and has anticipated urban development on the subject site. The proposed subdivision maintains consistency with the zoning of the site and its design and function is in accordance with the precinct plan and guidelines as outlined in the Sydney Regional Environmental Plan No.30 – St Marys, Western Precinct Plan and Development Control Strategy.

The applications for subdivision does not have a ‘significant effect’ on threatened species, population or an ecological community and therefore, does not require concurrence from the Director-General of the NSW Office of Environment and Heritage.

The proposed developments are unlikely to have a negative impact on the surrounding environment. The concerns raised by the submitters are acknowledged, however, on balance, the proposed developments are considered to be satisfactory and the grounds of objection are not considered sufficient to justify refusal of the Development Applications.

The proposed developments represent a significant commencement toward the creation of a new greenfield master planned estate in the City of Penrith. The proposed developments will not only provide major social and economic benefits to the wider community but also to the future residents of the estate. The site is suitable for the proposed developments and the proposals are in the public interest.

On balance, the application is considered satisfactory and having regard to the matters discussed in this report and notwithstanding the submissions received, the proposal is recommended for approval, subject to the imposition of conditions.

RECOMMENDATION

That:

1. The information contained in the report on Development Applications DA11/0511, DA11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No.1070 - 1170) The Northern Road, Llandilo be received.
2. That Council form the opinion that the subject applications do not have a 'significant effect' on threatened species, population or an ecological community as concluded in the Independent Peer Review carried out by Dr Trevor Hawkeswood and discussed throughout this report.
3. Development Application DA11/0511 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
 - 3.1 A001 Approved plans
 - A005 Integrated approval authority's consent
 - A042 Asset protection zones in bush fire areas
 - A044 Compliance with NSW Rural Fire Service GTAs
 - A046 Obtain Construction Certificate before commencement of works
 - B004 Dust
 - B005 Mud/soil
 - C003 Uncovering relics
 - D001 Sediment and erosion control measures
 - D002 Spray grass
 - D005 No filling without prior approval
 - D06A Validation of fill material
 - D009 Covering of waste storage area
 - D010 Appropriate disposal of excavated or other waste
 - D013 Traffic noise and acoustic report
 - D014 Plant and equipment noise
 - G001 Installation of services and service clearances
 - G002 Section 73
 - G004 Integral Energy clearance

H01F	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H012	Site classification
H041	Hours of construction work
K101	Works at no cost to Council
K201	Sediment and erosion control
K202	Roads Act
K205	CC for subdivision works
K206	Road design criteria table
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K504	Restriction as to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 3.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

Landscaping

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 3.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 3.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 3.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 3.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 3.7 For development within Stage 3A, noise levels from or in the premises shall not exceed the relevant noise criteria detailed in 'Lend

Lease Stage 3 Development Jordan Springs: Noise Impact Assessment' prepared by Sinclair Knight Merz (SKM) and dated 19 July 2011. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of future dwellings on the site and (where relevant) shall be shown on plans accompanying the Construction Certificate application.

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

- 3.8 Prior to the issue of a Subdivision Certificate, a positive covenant is to be registered against the new land titles for lots 3122, 3123, 3124, 3139, 3090, 3091 and 3092, that:
- (a) refers to the 'Lend Lease Stage 3 Development Jordan Springs: Noise Impact Assessment' prepared by Sinclair Knight Merz (SKM) and dated 19 July 2011
 - (b) stipulates the noise criteria as outlined in the above document and ensures that it be achieved
 - (c) provides advice on the mechanisms required for that lot to meet the criteria.
- 3.9 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 3.10 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 3.11 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 3.12 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 3.13 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 3.14 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.

- 3.15 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 3.16 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 3.17 The conditions outlined in the General Terms of Approval from the NSW Department of Primary Industries – Fisheries shall be adhered to where appropriate.
- 3.18 Prior to the issue of a Construction Certificate, documentary evidence from a suitably qualified archaeological consultant shall be submitted to the Principal Certifying Authority (PCA) confirming satisfactory completion of any required archaeological salvage works on the site. A copy of the precinct-wide Section 90 consent previously issued by the Department of Environment, Climate Change and Water (DECCW) shall also be submitted to the PCA prior to the issue of a Construction Certificate.

Should any archaeological relics be uncovered during the course of the works, 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.

- 3.19 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 3.20 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on The Northern Road.
- 3.21 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9115, sheets DA01 – DA17, revision D, dated 11/05/2011.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate

documentation.

- 3.22 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- 3.23 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 3.33 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the design of the roundabout at the intersection of Road No's 9 & 25 complies with Austroads guidelines. The roundabout is to incorporate pedestrian refuge facilities and bicycle crossing facilities. The provision of irrigation and drainage for landscaping is also to be incorporated.
- 3.34 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.
- 3.35 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plans numbered WP V3a STP Issue C dated 19/05/2011 & WP V3a STP2 Issue C dated 19/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 3.36 Prior to the issue of a Subdivision Certificate the treatment of the intersection of The Northern Road / Borrowdale Way shall be constructed to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 3.37 Prior to the issue of a Subdivision Certificate the proposed traffic signals at the intersection of Road No's 8, 20 & 21 are to be implemented to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 3.38 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance

period will apply to the ultimate water quality / detention system when completed.

- 3.39 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
- 3.40 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement, as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
- 3.41 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 3.42 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
4. Development Application DA11/0512 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 4.1
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|------|--|
| A001 | Approved plans |
| A005 | Integrated approval authority's consent |
| A042 | Asset protection zones in bush fire areas |
| A044 | Compliance with NSW Rural Fire Service GTAs |
| A046 | Obtain Construction Certificate before commencement of works |
| B004 | Dust |
| B005 | Mud/soil |
| C003 | Uncovering relics |
| D001 | Sediment and erosion control measures |

D002	Spray grass
D005	No filling without prior approval
D06A	Validation of fill material
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
D013	Traffic noise and acoustic report
D014	Plant and equipment noise
G001	Installation of services and service clearances
G002	Section 73
G004	Integral Energy clearance
H01F	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H012	Site classification
H041	Hours of construction work
K101	Works at no cost to Council
K201	Sediment and erosion control
K202	Roads Act
K205	CC for subdivision works
K206	Road design criteria
K207	Road safety audit
K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction as to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting

M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 4.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

Landscaping

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 4.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the

development.

- 4.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 4.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 4.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 4.7 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 4.8 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 4.9 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 4.10 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 4.11 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 4.12 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 4.13 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 4.14 Prior to the issue of a Construction Certificate, documentary evidence from a suitably qualified archaeological consultant shall be submitted to the Principal Certifying Authority (PCA) confirming satisfactory completion of any required archaeological salvage works on the site. A copy of the precinct-wide Section 90 consent previously issued by the Department of Environment, Climate Change and Water

(DECCW) shall also be submitted to the PCA prior to the issue of a Construction Certificate.

Should any archaeological relics be uncovered during the course of the works, 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.

- 4.15 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 4.16 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on The Northern Road.
- 4.17 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9115, sheets DA30 – DA41, revision B, dated 13/05/2011.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 4.18 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 4.19 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.

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- 4.20 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V3b STP Issue A dated 19/05/2011.
- Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.
- 4.21 Prior to the issue of a Subdivision Certificate the treatment of the intersection of The Northern Road / Borrowdale Way shall be constructed to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 4.22 Prior to the issue of a Subdivision Certificate all subdivision works in Village 3A are to be completed to the satisfaction of the Principal Certifying Authority.
- 4.23 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.
- 4.24 No earthworks are to occur within the proposed park and all earthworks within the park will be the subject of a separate development application. The park shall not be dedicated to Council until works within the park are complete.
- 4.25 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
- 4.26 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement, as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
- 4.27 An arborist report relating to the trees proposed to be retained shall be

submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.

4.28 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.

5. Development Application DA11/0514 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:

- 5.1 A001 Approved plans
- A005 Integrated approval authority's consent
- A042 Asset protection zones in bush fire areas
- A044 Compliance with NSW Rural Fire Service GTAs
- A046 Obtain Construction Certificate before commencement of works
- B004 Dust
- B005 Mud/soil
- C003 Uncovering relics
- D001 Sediment and erosion control measures
- D002 Spray grass
- D005 No filling without prior approval
- D06A Validation of fill material
- D009 Covering of waste storage area
- D010 Appropriate disposal of excavated or other waste
- D013 Traffic noise and acoustic report
- D014 Plant and equipment noise
- G001 Installation of services and service clearances
- G002 Section 73
- G004 Integral Energy clearance
- H01F Stamped plans and erection of site notice
- H002 Provision of site facilities prior to commencement of construction works
- H012 Site classification
- H041 Hours of construction work
- K101 Works at no cost to Council
- K201 Sediment and Erosion Control
- K202 Roads Act
- K205 CC for Subdivision Works
- K206 Road Design Criteria Table
- K207 Road Safety Audit
- K213 Water Quality

K224	Inter-allotment Drainage
K225	Bus Stops
K301	Sediment & Erosion Control - Installation
K304	Matters to addressed prior to commencement of Subdivision Works
K401	Erosion and Sediment Control
K404	Services - Underground
K405	Street Lighting
K406	Drainage Connection
K407	Major Filling
K408	Soil Testing - Subdivisions
K503	Stormwater Compliance
K504	Restriction to User and Positive Covenant
K507	Line marking & Signage
K510	Street Signs
K511	Bond for Final Wearing Course
K513	Maintenance Bond
K514	Subdivision Compliance Documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 5.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping

that may act as an entrapment spot or obscure the effectiveness of the lighting.

- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

Landscaping

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

Village Park

- DA 11/0514 for the Stage 2A subdivision indicates that the layout of Village Park ensures that opposite/adjoining buildings overlook it. This is supported as this will enable increased casual surveillance of these areas.

- 5.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 5.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 5.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 5.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 5.7 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 5.8 All sites are to be benched in the subdivision to limit cut and fill to be

minimal on the site and negate the need for retaining walls.

- 5.9 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 5.10 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 5.11 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 5.12 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 5.13 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 5.14 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 5.15 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA0 – DA16, revision B, dated 17/05/2011.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 5.16 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of

trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.

- 5.17 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the design of the roundabout at the intersection of Road No's 8 & 25 complies with Austroads guidelines. The roundabout is to incorporate pedestrian refuge facilities and bicycle crossing facilities. The provision of irrigation and drainage for landscaping is also to be incorporated.
- 5.18 Structural design certification by a suitably qualified engineer – NPER (Structural) of the bridge structure shall accompany any construction certificates issued for civil works.
- 5.19 Prior to the issue of a Construction Certificate detailed plans of the proposed culvert structure on Road No 8 are to be submitted to Penrith City Council.
- 5.20 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.
- 5.21 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2a STP Issue C dated 06/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 5.22 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.
- 5.23 Prior to the issue of a Subdivision Certificate the timing for the delivery of the proposed traffic signals at the intersection of Road No's 8, 20 & 21 is to be formally agreed to by Penrith City Council. Any interim intersection arrangement is to be approved by the Local Traffic Committee.
- 5.24 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.

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- 5.25 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
- 5.26 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement, as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
- 5.27 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 5.28 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
6. Development Application DA11/0515 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 6.1
- | | |
|------|--|
| A001 | Approved plans |
| A005 | Integrated approval authority's consent |
| A042 | Asset protection zones in bush fire areas |
| A044 | Compliance with NSW Rural Fire Service GTAs |
| A046 | Obtain Construction Certificate before commencement of works |
| B004 | Dust |
| B005 | Mud/soil |
| C003 | Uncovering relics |
| D001 | Sediment and erosion control measures |
| D002 | Spray grass |
| D005 | No filling without prior approval |
| D06A | Validation of fill material |
| D009 | Covering of waste storage area |

D010	Appropriate disposal of excavated or other waste
D013	Traffic noise and acoustic report
D014	Plant and equipment noise
G001	Installation of services and service clearances
G002	Section 73
G004	Integral Energy clearance
H01F	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H012	Site classification
H041	Hours of construction work
K101	Works at no cost to Council
K201	Sediment and erosion control
K202	Roads Act
K205	CC for Subdivision Works
K206	Road design criteria table
K207	Road Safety Audit
K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction as to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees

M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 6.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

Landscaping

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 6.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 6.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

- 6.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 6.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 6.7 No work associated with this development is to be undertaken in the vicinity of the existing bitumen road located in the south east of the site until such time as an EPA Accredited Site Auditor has issued a Site Audit Statement for the area, it has been deemed suitable for its intended use, and the Site Audit Statement has been submitted to Council.
- 6.8 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 6.9 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 6.10 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 6.11 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 6.12 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 6.13 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 6.14 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 6.15 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 6.16 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince,

reference number 9111, sheets DA20 – DA27, revision E, dated 17/05/2011.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

6.17 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.

6.18 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.

6.19 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2b STP Issue C dated 19/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

6.20 Prior to the issue of a Subdivision Certificate all subdivision works in Village 2A are to be completed to the satisfaction of the Principal Certifying Authority.

6.21 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.

6.22 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will

apply to the ultimate water quality / detention system when completed.

- 6.23 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
 - 6.24 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement, as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
 - 6.25 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
 - 6.26 The proposed street tree planting plan is to be revised to incorporate an informal street tree arrangement. Details are to be submitted and approved prior to the issue of a Construction Certificate.
 - 6.27 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
7. Development Application DA11/0516 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 7.1 A001 Approved plans
 - A005 Integrated approval authority's consent
 - A042 Asset protection zones in bush fire areas
 - A044 Compliance with NSW Rural Fire Service GTAs
 - A046 Obtain Construction Certificate before commencement of works
 - B004 Dust
 - B005 Mud/soil

C003	Uncovering relics
D001	Sediment and erosion control measures
D002	Spray grass
D005	No filling without prior approval
D06A	Validation of fill material
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
D013	Traffic noise and acoustic report
D014	Plant and equipment noise
G001	Installation of services and service clearances
G002	Section 73
G004	Integral Energy clearance
H01F	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H012	Site classification
H041	Hours of construction work
K101	Works at no cost to Council
K201	Sediment and erosion control
K202	Roads Act
K205	CC for subdivision works
K206	Road design criteria table
K207	Road safety audit
K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order

M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 7.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

Landscaping

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 7.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised)

are also to be adopted and implemented as a part of the development.

- 7.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 7.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 7.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 7.7 No work associated with this development is to be undertaken in the vicinity of the existing bitumen road located in the south east of the site until such time as an EPA Accredited Site Auditor has issued a Site Audit Statement for the area, it has been deemed suitable for its intended use, and the Site Audit Statement has been submitted to Council.
- 7.8 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 7.9 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 7.10 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 7.11 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 7.12 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 7.13 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 7.14 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.

7.15 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.

7.16 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA40 – DA48, revision F, dated 17/05/2011.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

7.17 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.

7.18 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.

7.19 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2c STP Issue D dated 20/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

7.20 Prior to the issue of a Subdivision Certificate all subdivision works in Village 2A & 2B are to be completed to the satisfaction of the Principal Certifying Authority.

7.21 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the

satisfaction of the Roads & Traffic Authority.

- 7.22 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.
- 7.23 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
- 7.24 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement, as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
- 7.25 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 7.26 The proposed street tree planting plan is to be revised to incorporate an informal street tree arrangement. Details are to be submitted and approved prior to the issue of a Construction Certificate.
- 7.27 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
8. Development Application DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 8.1 A001 Approved plans

A005	Integrated approval authority's consent
A042	Asset protection zones in bush fire areas
A044	Compliance with NSW Rural Fire Service GTAs
A046	Obtain Construction Certificate before commencement of works
B004	Dust
B005	Mud/soil
C003	Uncovering relics
D001	Sediment and erosion control measures
D002	Spray grass
D005	No filling without prior approval
D06A	Validation of fill material
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
D013	Traffic noise and acoustic report
D014	Plant and equipment noise
G001	Installation of services and service clearances
G002	Section 73
G004	Integral Energy clearance
H01F	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H012	Site classification
H041	Hours of construction work
K101	Works at no cost to Council
K201	Sediment and erosion control
K202	Roads Act
K205	CC for subdivision works
K206	Road design criteria
K207	Road safety audit
K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans

L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 8.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

Landscaping

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be

avoided.

- 8.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 8.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 8.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 8.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 8.7 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 8.8 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 8.9 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 8.10 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 8.11 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 8.12 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 8.13 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 8.14 All works/regulatory signposting associated with the proposed

development are to be at no cost to the Roads & Traffic Authority.

- 8.15 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA50 – DA56, revision B, dated 17/05/2011.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 8.16 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 8.17 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.
- 8.18 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2d STP Issue B dated 20/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 8.19 Prior to the issue of a Subdivision Certificate all subdivision works in Village 2A are to be completed to the satisfaction of the Principal Certifying Authority.
- 8.20 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.

- 8.21 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.
- 8.22 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
- 8.23 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement, as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
- 8.24 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 8.25 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.

9. Those who made a submission be advised of Council's decision.

ATTACHMENTS/APPENDICES

- | | | |
|----------------------------|----------|------------|
| 1. Locality Plan | 1 Page | Appendix |
| 2. Subdivision Plans | 6 Pages | Appendix |
| 3. Response to submissions | 18 Pages | Attachment |

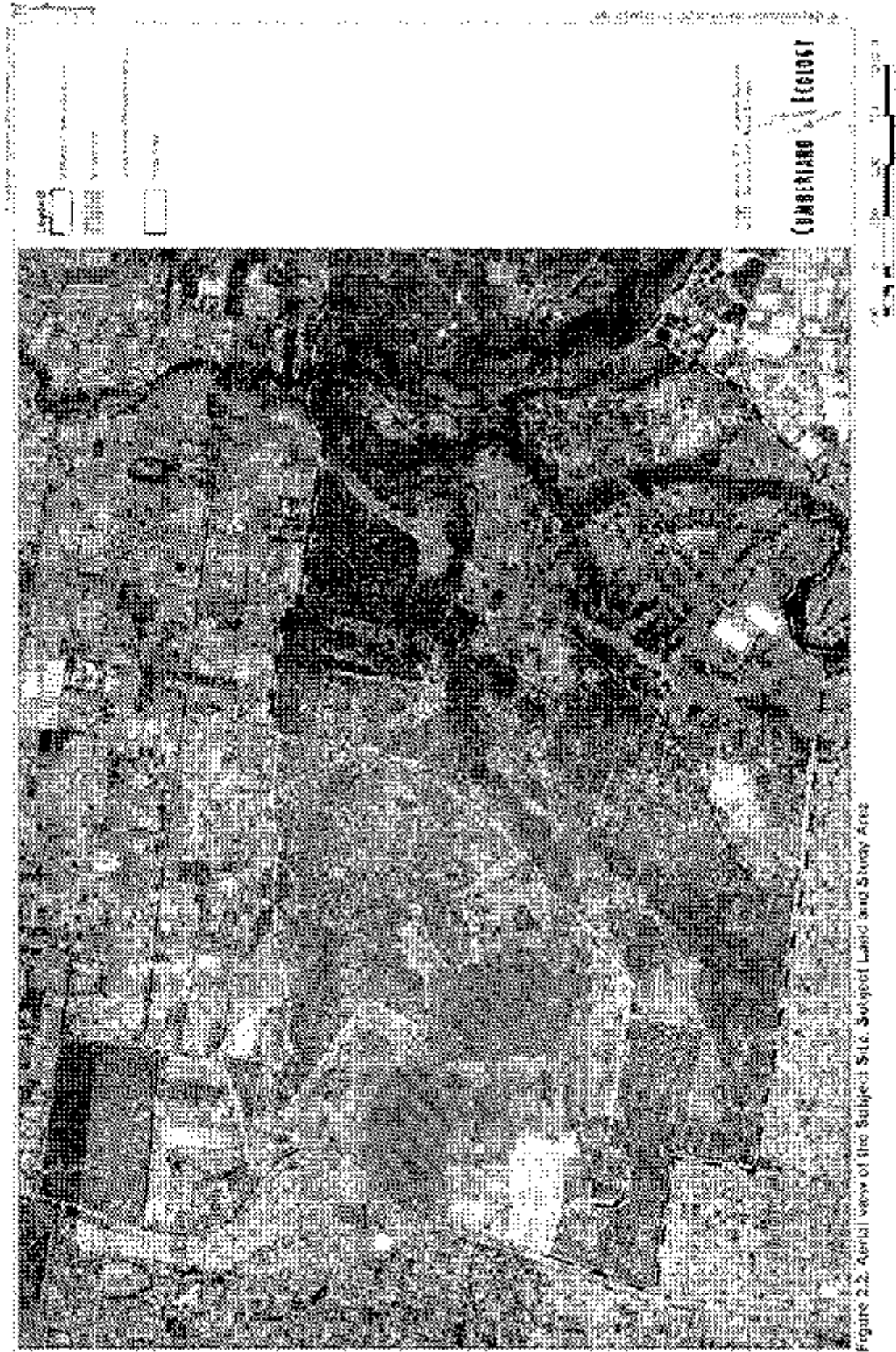


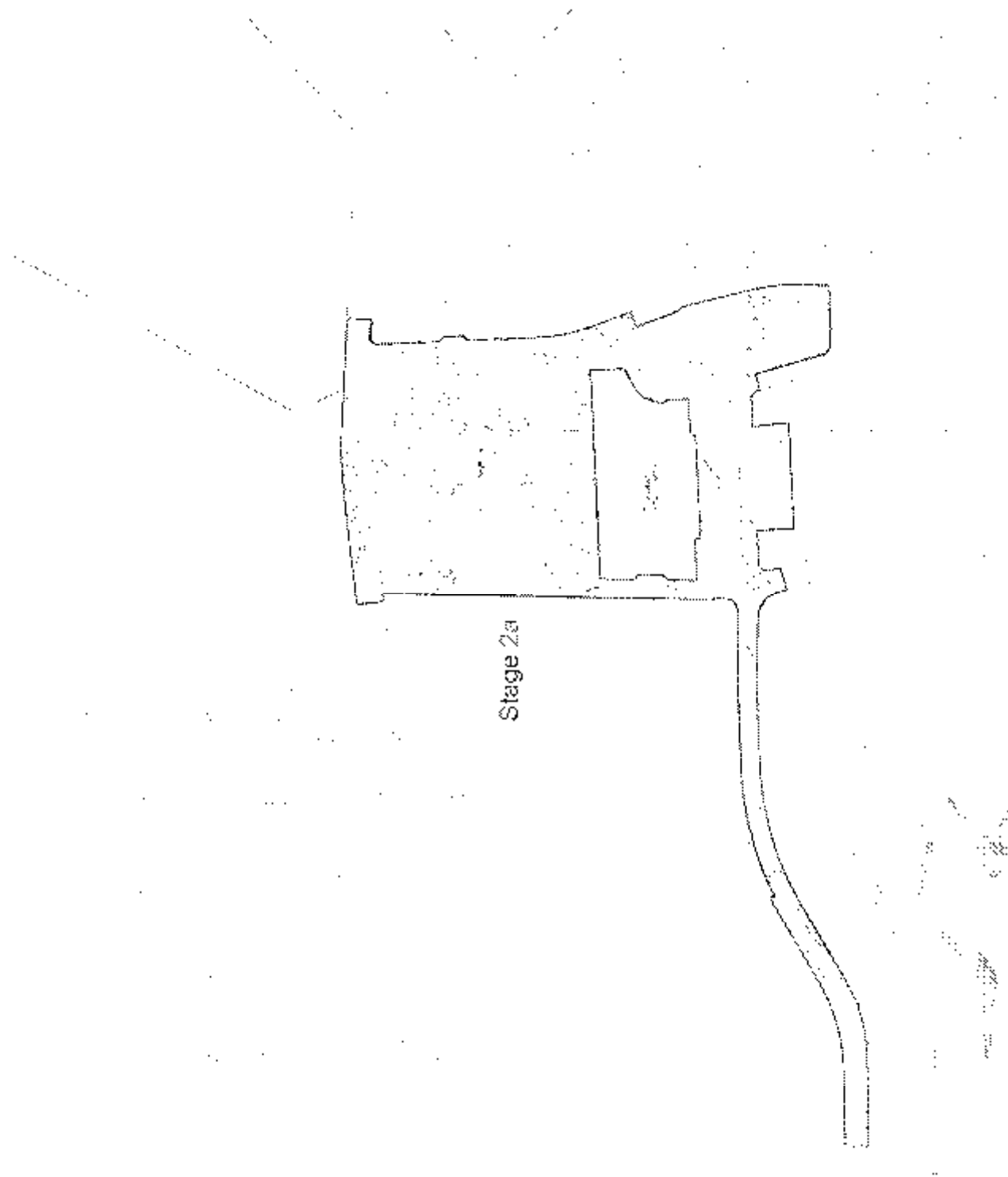
Figure 2.2. Aerial view of the Subject Site, Subject Land and Survey Area

The title block and legend are located at the top of the page. On the left, there is a small inset map showing the location of the site within a larger regional context. Below the inset map is a legend with four entries: 'Lot Number' (represented by a solid line), 'Easement' (represented by a dashed line), 'Easement of Way' (represented by a dotted line), and 'Other Section 101 Area 26' (represented by a hatched pattern). To the right of the legend is the 'Death Line' logo, which includes the text 'Death Line Limited' and 'A Division of the Department of Planning and Infrastructure'. Below the logo is the text 'Village 3 - DA33 Existing Core Bars Plan'. To the right of the logo is a north arrow and the text 'Scale: 1:1000'.





The top section of the page contains an inset map on the left showing the location of the site within a larger regional context. To the right of the inset map is a legend with four items: 1. A solid line representing the 'SUBDIVISION BOUNDARY'. 2. A dashed line representing the 'EXISTING COAST GUARD PLAN'. 3. A dotted line representing the 'EXISTING COAST GUARD PLAN'. 4. A solid line with a dashed center representing the 'EXISTING COAST GUARD PLAN'. Below the legend is a scale bar labeled '0 100 200 METERS'. To the right of the scale bar is the 'Deftin Land Limited' logo, which includes the text 'Deftin Land Limited', 'A subsidiary of Deftin Group Limited (Incorporated in New Zealand)', and 'Deftin Group Limited (Incorporated in New Zealand)'. Below the logo is the text 'Deftin Group Limited (Incorporated in New Zealand)'. To the right of the logo is a north arrow pointing upwards. Below the north arrow is the text 'North'. To the right of the north arrow is the text 'Scale: 1:10,000'. Below the scale is the text 'Date: 15/08/2011'. To the right of the date is the text 'Page: 1 of 1'. Below the page number is the text 'Sheet: 1 of 1'. Below the sheet number is the text 'Village 2 - Data Existing Coast Guard Plan'. Below the title is the text 'Scale: 1:10,000'. Below the scale is the text 'Date: 15/08/2011'. Below the date is the text 'Page: 1 of 1'. Below the page number is the text 'Sheet: 1 of 1'. Below the sheet number is the text 'Village 2 - Data Existing Coast Guard Plan'.





ATTACHMENTS



Date of Meeting: Monday 15 August 2011

Delivery Program: A City of Opportunities

Issue: Encourage housing that provides choice, achieves design excellence, and meets community needs (8.1)

Report Title: Development Applications DA11/0511, DA11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No.1070 - 1170) The Northern Road, Llandilo

Attachments: Response to submissions

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>1. The consent authority determining these DA's must not issue development consent due to the impact the development proposals will have on Cumberland Plain Woodland (CPW) which is listed as a Critically Endangered Ecological Community (CEEC). 59 hectares of this CEEC will be destroyed if consent is given for these DA's. Mary and Development Company (Defin Lend Lease) admits in its Species Impact Statement (SIS) at page 7-2 that a total of 169 hectares of CPW will be impacted by development proposed within the Western Precinct.</p>	<p>Not agreed.</p> <p>The presence of CPW in the proposed development areas does not prevent the consent authority from issuing development consent.</p> <p>The SIS has duly considered the impacts of the proposed development on CPW and concluded that the majority of such vegetation is in a degraded condition (that is, it is recent regrowth, and/or derived native grassland), or in the form of fragmented patches of trees.</p> <p>Larger and much better examples of CPW are conserved within the 900ha Regional Park and these are of a sustainable size. The SIS findings are wholly consistent with the SREP 30, the primary statutory environmental planning instrument for the St Marys project. SREP30 allocates the most intact remnants of CPW vegetation on the St Marys Property to the 900ha Regional Park and identifies zones for development within the more disturbed areas.</p>	<p>The proposed development is acceptable and its impact is 'not significant' on threatened species, population or an ecological community.</p> <p>Loss of CPW is not considered significant in respect to the proposed developments.</p>
<p>2. The proponent concludes in its SIS that such huge losses of CPW do not constitute a significant impact. They go on to argue that an existing public reserve (the proposed Regional Park) can be used by them (a private company) as an offset to mitigate the impact their development proposal will have on CPW within the subject site and other development areas elsewhere within the ADI Site. The consent authority needs to seek out where such a significant impact with no real offset outcome has been allowed elsewhere within the Cumberland Plain.</p>	<p>Not agreed.</p> <p>The primary statutory planning instrument for the site, SREP30, established the principle of the 900ha Regional Park as the major conservation outcome for the property. The Regional Park includes the major occurrences of forest and woodland vegetation within the property including the most intact remnants of CPW. It is both appropriate and valid for the proponent to rely on the 900ha Regional Park as a significant conservation outcome, (the offset), for the development of other lands, including the Western Precinct.</p>	<p>The Regional Park is the major conservation outcome for the property.</p> <p>The Regional Park does include the major occurrences of forest and woodland vegetation within the property including the highest quality remnants of CPW.</p>
<p>3. The SIS relied upon by Maryland Development Company is flawed and fails to meet statutory requirements under the NSW Threatened Species Conservation Act 1995. Therefore it cannot be relied upon by a consent authority to inform approval. The SIS fails to adequately assess the impact on a local occurrence of CPW, that being the</p>	<p>Not agreed.</p> <p>The SIS has considered the impacts of the proposed development, as required, including the impact of development on the vegetation that will remain within the 900ha Regional Park.</p>	<p>The SIS has met the statutory requirements of the ISC Act as well as addressed the DGRs (Director General's Requirements).</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>unique remnant within the Western Precinct and part of the Regional Park. It fails to assess the impact that the clearing of 59 hectares of CPW plus the uses and management practices within the proposed Regional Park will have on this local occurrence of CPW. It fails to consider the impact that the clearing of 59 hectares of CPW plus the uses and management practices within the proposed Regional Park will have on Priority Conservation Land (the RP is mapped as a Priority Conservation Land) which the Cumberland Plain Recovery Plan states equates to Critical Habitat.</p> <p>4. Effect of the proposal on Cumberland Plain Woodland (CPW) The proposed development of Villages 2 and 3 within the western precinct is likely to have a significant impact on a local occurrence of CPW and its habitat. The Species Impact Statement (SIS) is deficient in not providing a full and adequate assessment of likely impacts as required under Section 110 of the TSC Act (1995)</p>	<p>No: agreed.</p> <p>The SIS was prepared on the basis that the clearance of derived native grass and patches of CPW are likely to be "significant" in the terms of Section 5a of the EP&A Act.</p> <p>By preparing the SIS, the proponent has taken appropriate steps to consider in detail the impacts of the proposed development on CPW and upon threatened species. Based upon current data collected in 2011, the SIS has examined and measured the losses of CPW and derived native grasses and concluded that the losses are sustainable and that they will not jeopardise the conservation outcome within the 900ha Regional Park. On that basis, the SIS concludes that the impacts of the development will not be significant as the major proportion of the local occurrence will be conserved - in perpetuity - within the 900ha Regional Park, under the governance of the State Government (NPWS).</p>	<p>Since the 900 ha Regional Park will be conserved, the 59 ha development site would not be significant considering that a large portion of this 59 ha is introduced grassland, i.e. grassland composed almost entirely of introduced weedy grasses, e.g. <i>Eragrostis curvula</i>. <i>Digitaria</i> spp.</p>
<p>5. Significant impact on a local occurrence of CPW The seven-part test (paragraph c) requires consideration of impacts on a local occurrence of CPW. Although the seven-part test (chapter 7 of the SIS) fails to clearly define the extent of the local occurrence it is assumed that CPW within the Regional Park is part of this occurrence. In the context of the seven-part test (DECC Threatened Species Assessment Guidelines 2007) the study area comprises the subject site and any additional</p>	<p>No: agreed.</p> <p>The assessment provided in the SIS does not underestimate the impact of the proposal on the local occurrence of CPW. The local occurrence clearly includes the CPW within the adjacent areas of the Regional Park, and it also includes areas to the north and north-east of the Western Precinct.</p> <p>The SIS has examined whether or not a viable local occurrence of CPW can be retained in the St Marys property and concluded that</p>	<p>The development would not have a significant impact on the CPW local occurrence. A total of 900 ha is to be preserved in the Regional Park. The SIS has addressed this concern.</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>areas that are likely to be directly or indirectly affected by the proposal. The assessment provided in the SIS underestimates the impact of the proposal on the local occurrence of CPW by including vegetation on outside of the impact zone (diluting the impact).</p> <p>According to the DECC guidelines a local occurrence may include adjacent vegetation on if areas of the same community are contiguous and that exchange of genetic material is likely to occur but no such justification is provided in the SIS. There is an argument for the local occurrence to include some CPW to the north and north-east; however, the extent adopted in the SIS is not ecologically justified with significant barriers identified including a creek-line and different vegetation types (Alluvial Woodland, Shale Grave Transition Forest); cultural landscape features that contain cleared areas, earth mounds, roads and buildings that will be largely preserved as cultural heritage values and existing access tracks and roads. These features create degraded or sub-optimal habitat for CPW species. Restoration of CPW is known to be significantly impaired in sites that have been exposed to soil disturbance including earthworks, cultivation and use of fertilisers (Paragraph 14 of Final Determination). Future development of visitor facilities within the Western Visitor Precinct as outlined in the Regional Park Masterplan (Dec 2010) will create additional barriers (and enforce existing ones) to plant/animal movements and genetic exchange.</p> <p>In such circumstances it is clearly not appropriate to extend the "local occurrence" of CPW as has been done in the SIS or to undertake an impact assessment across this larger area.</p>	<p>extensive and viable remnants of CPW occur within the 900ha Regional Park and these are part of the local occurrence. These extensive and viable remnants within the Regional Park will be conserved in perpetuity. Hence there will be a viable local occurrence of CPW retained within the St Marys project in the long term.</p>	
<p>6. Underestimation of CPW It is highly likely that the extent of CPW to be affected</p>	<p>Not agreed.</p>	<p>The amount of CPW to be affected by the proposed</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>Within the subject site has been underestimated. Over 50% of vegetation within the subject site is identified as exotic dominated grassland despite the broad classification criteria established in the Final Determination. Paragraphs 2 & 6 of the Final Determination refer in detail to the variable and degraded nature of CPW. An analysis of quadrat data from grassland identified in the SIS as exotic dominated and excluded from CPW indicates that >50% of the species recorded in several quadrats were native and characteristic species as listed in paragraph 3 of the Final Determination. The native grasses identified in these quadrats e.g. A11 APR-46 were reasonably well represented with cover/abundance values of between 2 and 5 (25%-100% cover in modified Braun-Blanquet system used). This vegetation is consistent with the critically endangered CPW as listed under the TSC Act.</p> <p>This level of classification undertaken for CPW within the western precinct has not been applied within the Regional Park with no consideration of cleared or exotic dominated areas in comparative assessment. The outcome is that the extent of CPW within the western precinct has been underestimated and the extent within the Regional Park overestimated resulting in a flawed impact assessment.</p> <p>Importance of CPW to be impacted</p> <p>The importance of CPW to be impacted within the western precinct to the long term survival of CPW in the locality has been significantly undervalued in the SIS for the following reasons:</p> <ul style="list-style-type: none"> It is representative of a critically endangered community (CEC) that faces an extremely high risk of extinction. The recent upgrading of CPW reflects the ongoing loss of this community and the lack of any effective recovery planning. Only 9% of 	<p>The SIS has used the latest quadrat data and transect data to measure the areas of CPW and derived native grassland in the Western Precinct, using the latest criteria for identification of derived native grassland from the Final Determination.</p> <p>The Western Precinct has been highly modified historically and this is reflected in the quadrat data and mapping which show that broad areas are now dominated by exotic grasses.</p> <p>There has been a comparable survey in the Regional Park, using a similar number of quadrat samples. The 900ha Regional Park has forest and woodland and relatively little derived native grassland. It has very small areas of exotic grassland as the majority of the forest and woodland ground stratum are dominated by native species.</p>	<p>development has not been underestimated in the SIS. Quadrat work has been undertaken both in the proposed development area as well as in the Regional Park.</p>
<p>7. Importance of CPW to be impacted</p> <p>The importance of CPW to be impacted within the western precinct to the long term survival of CPW in the locality has been significantly undervalued in the SIS for the following reasons:</p> <ul style="list-style-type: none"> It is representative of a critically endangered community (CEC) that faces an extremely high risk of extinction. The recent upgrading of CPW reflects the ongoing loss of this community and the lack of any effective recovery planning. Only 9% of 	<p>No, agreed.</p> <p>The SIS has not undervalued the vegetation of the Western Precinct. It has mapped and shown the occurrences of CPW and derived native grassland and duly assessed the occurrences of critically endangered vegetation.</p> <p>The SIS study has also shown that such vegetation is fragmented, that it consists predominantly of grassland areas and that many of the grassland areas are dominated by exotic species. The SIS makes conclusions that are consistent with those of the SREP30</p>	<p>The vegetation to be removed by the proposed development is mostly weed infested and fragmented, exposed and highly degraded with exotic grasses and feral animals. It therefore does not represent typical CPW of high quality (biodiversity).</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>remaining CPW is on NPWS estate and 39% of priority lands as identified in the Cumberland Plain Recovery Plan (CPRP 2011).</p> <ul style="list-style-type: none"> • It is part of one of the largest extant remnants of CPW on the Cumberland Plain and contributes to the overall size of the remnant and associated flora and fauna values, increases east-west connectivity and support and buffering for areas within the Regional Park. • CPW within the subject site is of similar conservation value to that within the north-western precinct of the Regional Park. Native species richness is comparable (as supported by survey data) and it allowed to regenerate the structure would also be similar. Much of the CPW within the north-western precinct of the Regional Park had similar canopy cover, structure and native species richness to current vegetation within the subject site prior to recognition as a protected area. 	<p>and finds the 900ha Regional Park will support a substantial and viable area of CPW, meaning that the local occurrence of this vegetation will be secure in the long term.</p>	
<p>3. Impacts on the Regional Park</p> <p>Impacts on the adjoining Regional Park are not fully identified and assessed in the SIS. The boundary is presently buffered by scattered trees and derived grassland in relatively good condition. The "new" environment will largely comprise roads, pathways and mounds. The requirements for bushfire protection minimize the retention of existing trees and new landscape plantings. There will be significant changes in local environmental conditions that will cause "edge effects" over a distance of at least 20-40 m. Such edges can act as traps and concentrators for wind-borne nutrients and pollutants from adjoining urban landscapes with cascading effects on ecological processes. There is likely to be degradation of habitat for many species.</p>	<p>Not agreed.</p> <p>The SIS has considered edge effects but concludes that these are manageable. Such conclusions are consistent with those of the Precinct Plan. (Refer SIS Executive Summary.)</p>	<p>The SIS has mentioned edge effects and concludes these are manageable. The issue raised lists a number of edge effects that would be applicable over a distance of 20-40 metres.</p> <p>Most of the proposed development area is already suffering from edge effects in any case, e.g. weed invasion and feral animals. Pollution is not an important factor within the proposed</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>increased weed invasion, greater predation pressure on native fauna and reduced opportunities for pollination and dispersal of plant propagules. Further impacts are also likely due to proposed works connecting the perimeter road to roads and pathways within the Regional Park (Masterplan, 2010) resulting in increased edge effects in the vicinity of these access points and along the road/cycle-ways. The mitigation measures identified in the SIS are inadequate; no functional buffer zone is provided.</p> <p>Adjoining land within the Regional Park has been identified as Priority Conservation Land (PCL) in the Cumberland Plain Recovery Plan (CPRP 2011). PCL is equivalent to critical habitat with no additional requirement to identify critical habitat (CPRP 2011). Paragraph (e) of the seven-part test requires consideration of whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly). The SIS should have clearly defined that critical habitat is no longer required for CPW and the importance of adjoining PCL impacts on PCL should be treated seriously.</p> <p>9. Regional Park as a proposed offset</p> <p>The Regional Park is not considered to be an appropriate offset for impacts on CPW and other threatened biota resulting from this proposal. The only real reason provided in the assessment for concluding an insignificant impact is that larger and buffer areas of CPW are protected within the Regional Park. This assumption is flawed and reliance on the Regional Park as an offset is challenged for the following reasons:</p> <ul style="list-style-type: none"> There is insufficient information or evidence to conclude that CPW within the north-western part of the Regional Park is of greater conservation value than CPW in parts of the western precinct. Aerial 	<p>Not agreed.</p> <p>The primary statutory planning instrument for the St Marys project is SREP30. The 900ha Regional Park, created by SREP 30, was defined following detailed studies that showed the best and most extensive areas of CPW and other threatened vegetation and species, occurred in the designated park area. The 900ha Regional Park is the major conservation outcome for the St Marys project. It is valid for the SIS to refer to the Regional Park as an "offset" for the impacts anticipated in the Western Precinct. Conservation of CPW is a primary focus for the Regional Park. This is clearly set out in SREP30 and the approved Plan of Management for the Regional Park.</p>	<p>development area because of the degraded nature of the site, extremely low biodiversity and probable absence of most native pollinators due to extinction or severe population depictions.</p>
		<p>The Regional Park is the major conservation outcome for the project and the St Marys REP generally. It was purposeful and intent on conservation and protection of CPW. High quality vegetation areas will be locked up and restored.</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>Photographs testify to the extent of past clearing across this area and an analysis of quadrat data indicates that CPW within the subject site is of similar floristic value. The regeneration potential of CPW has been ignored despite the regeneration that has occurred within adjoining areas in recent years. Over 50% of CPW within the Regional Park has been subject to clearing, fragmentation and grazing. It is fragmented by roads, degraded areas and development (existing and proposed).</p> <ul style="list-style-type: none"> Regional Parks are multi-use reserves that cannot provide a level of conservation commensurate with a CEEC. The management objectives and conservation outcomes are limited by legislation (National Parks and Wildlife Act 1974 No 80), the St Mary's Development Agreement (2002) and SREP 30 St Mary's. To achieve a primary conservation focus CPW on priority conservation land should be protected within a nature reserve or national park. Only around 40% of extant CPW will be managed primarily for conservation within a Primary Habitat Focus zone. Remaining areas will be affected by development and operation as visitor or recreational precincts e.g. western, southern, central, northern, central and main precincts or managed as secondary habitat focus areas where conservation is one of a range of management objectives. This is despite the entire park being identified as "priority land" in the Cumberland Plain Recovery Plan (2011) and contrary to the objectives of the plan. The Regional Park is an existing reserve that is invalid as a further offset for a current development application. It was determined by national criteria and listed in 1999 prior to any development planning or proposals 	<p>Quadrat data indicates that broad areas of the vegetation in the Western Precinct have limited proportions of native grasses and high proportions of exotic grasses.</p>	<p>There is a plan of management for the Regional Park that marries conservation and use. It seeks to protect and regenerate areas of CPW that will serve to enable this vegetation community to become "inter-generational". This is a great outcome and one that is simply not recognised by opponents to this 'trade-off'.</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>There is no or limited evidence provided to indicate that CPW or other threatened biota to be lost or modified is well represented and secure within primary conservation areas of the Regional Park.</p>	<p>Not agreed.</p> <p>The impacts of proposed development of the Western Precinct upon CPW have been anticipated and allowed for within the balanced provisions of SREP30, with the majority of medium and high quality CPW located within the 900ha Regional Park.</p> <p>As indicated in the SIS, CPW and derived native grassland will be cleared as a result of the proposed development in the Western Precinct, but the majority of this is degraded, and grassland rather than woodland.</p> <p>It is incorrect to state that only a small percentage of the total area of CPW on the St Marys project will be protected and managed at the level required within the Regional Park. SREP30 has already established that the majority of viable CPW is in the 900ha Regional Park and as a result, this will be conserved - in perpetuity.</p> <p>Not agreed.</p>	<p>The cumulative effects of the development would not be significant considering that the Regional Park will be conserved in its entirety and in perpetuity. As noted previously most of the proposed development area is grassland comprised of introduced grasses and other weeds.</p>
<p>10 Cumulative impacts</p> <p>Cumulative impacts of proposed development within the western precinct and across the SMP is significant. The SIS claims, that within the Western Precinct alone, a further 189 ha of CPW will be impacted by development. Some 40ha have already been cleared by Stage 1. This is a significant loss of an important remnant as determined by its critically endangered status and as part of one of the largest remaining areas of CPW, much of which is identified as priority conservation land. Only a small percentage of the total area of CPW on the SMP will be protected and managed at the level required within the Regional Park. This is not consistent with a CEEC or the objectives and principles of the Cumberland Plain Recovery Plan (2011). It is also inconsistent with the principle of environmental sustainability as identified in Section 11.14 of the St. Marys Development Agreement (2002) to achieve preservation, protection and improvement (where possible) of biodiversity values.</p> <p>11. The SIS points to Regional Park as the primary mitigation measure for impacts on CPW (see from S.9).</p> <p>A: S 12 it is stated that the mitigation measures (including the regional park as the foremost mitigation measure) are part of the "offset package". As such, the issue of whether the regional park meets the requirements for offsetting per DECCW's Principles should be assessed. The consultant's assessment of the project against the principles of offsetting at para 6.3.3, pg 6.7 are woefully inadequate</p> <p>A: page 7.2 the consultant concludes:</p>	<p>The 900 ha Regional Park was established as the conservation outcome for the St Marys project and meets the requirements for offsetting within OEH's principles (see Table 1 of Cumberland Ecology's answers to submissions)</p> <p>Response to issue 9 is relevant here.</p>	<p>The 900 ha Regional Park was established as the conservation outcome for the St Marys project and meets the requirements for offsetting within OEH's principles (see Table 1 of Cumberland Ecology's answers to submissions)</p> <p>Response to issue 9 is relevant here.</p>
<p>*REFER TABLE 1 – OEH PRINCIPLES AND RELEVANCE TO THE ST MARYS PROJECT AND REGIONAL PARK</p>	<p>The 900ha Regional Park was established as the conservation outcome for the St. Marys project and clearly meets the requirements for offsetting within DECCW's Principles. The 13 principles for OEH (previously DECCW) have been reproduced verbatim in a table at the end of this document and a response provided for each. The Regional Park complies with the principles.</p>	<p>The 900 ha Regional Park was established as the conservation outcome for the St Marys project and meets the requirements for offsetting within OEH's principles (see Table 1 of Cumberland Ecology's answers to submissions)</p> <p>Response to issue 9 is relevant here.</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>The proposed development of the subject site will collectively remove an area of approximately 23ha of regenerating CPW and a total of 36ha of derived native grasslands that are in poor condition, being dominated by exotic species. Additionally, cumulative impacts of the Western Precinct development are likely to remove or modify a further 62ha of regenerating CPW and 68ha of derived native grassland. This is not likely to have an adverse effect on the extent of the community such that its local occurrence is likely to be placed at risk of extinction because the community is well represented within the adjacent Regional Park where it has a higher conservation value and is in better condition.</p> <p>However, the SIS does not identify management regimes within the Regional Park and activities that do not have a conservation purpose.</p> <p>12. A: SIS pg 7.3 the consultant considers whether there is likely to be any adverse impact on critical habitat and concludes that "No critical habitat for this endangered ecological community has currently been identified by the Director-General of the OEH.</p> <p>This is true, but fails to acknowledge that the approach taken in the CPW Recovery Plan is that the declaration of critical habitat is not a priority because other measures will be employed to increase security of regional conservation priorities, including "priority conservation lands". The Regional Park is part of those priority conservation lands</p>		
<p>13 SIS - COMPLIANCE WITH DIRECTOR GENERAL'S REQUIREMENTS Note: the structure of the SIS and the comments below is based on the Director General's Requirements SIS 1.3 states that sections 110(2)(g) & 110(3)(d) do</p>	<p>Not agreed. The SIS responds to the DGRs, as required, and includes a full assessment of the likely effect of the action on those species and</p>	<p>This point has been clarified by Cumberland Ecology and the applicant.</p>
	<p>Noted.</p>	<p>Noted.</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
<p>not need to be addressed by the SIS, however, no justification is given. Although the DG has power to limit or modify the SIS requirements under section 110, the DGR is silent on explicit exclusion of sections 110(2)(g) & 110(3)(d). Therefore sections are not validly excluded and should be included in the SIS.</p> <p>Those sections require that a SIS must include the following information as to threatened species and populations: ecological communities; a full assessment of the likely effect of the action on those species and populations, including, if possible, the quantitative effect of local populations in the cumulative effect in the region</p>	<p>populations, including, if possible, the quantitative effect of local populations in the cumulative effect in the region.</p>	
<p>14 DGR 2.3 - requires reference to the Scientific Committee determinations. SIS 2.4 does not specifically refer to this. http://www.environment.nsw.gov.au/determinations/cum_berlandwoodlandsFD.htm</p>	<p>Not agreed</p> <p>This refers to the Final Determination of CPW as a critically endangered ecological community. The SIS specifically refers to and makes use of this document. Refer Chapter 5.2</p>	<p>This point has been clarified by Cumberland Ecology and the applicant.</p>
<p>15. Assessment of the likely impacts on threatened species and populations that are known or are likely to occur in the area under section 110(2)(b) must include all species known or are likely to occur. SIS Table 3.1 details which fauna & flora species are like to occur in the area. There are 26 fauna species and 8 flora species considered as likely to occur in the locality, however, SIS Chapter 5 does not assess all species listed in Table 3.1. DGR 5.1 states "if adequate surveys/studies have been undertaken to categorically demonstrate the species does not occur in the study area, or if not resident, will not utilise habitats on site on occasion, or if off-site, be influenced by off-site impacts of the activity, that species does not have to be considered further." SIS Chapter 5, Section 4.5 & 5.2 excludes many of the species listed in Table 3.1 without justification in accordance with DGR 5.1.</p>	<p>Not agreed.</p> <p>All species that are known or relatively likely to occur within the Western Precinct of the Regional Park have been assessed within the SIS.</p>	<p>Council's Independent Consultant is satisfied with the SIS.</p>

Matters raised in Submissions

Issue raised	Applicant's Comments	Council's Comments
16 DGR 5.3.1- in describing the condition of the habitat, the subject site's fire history and source of the fire must be provided. SIS does not include this anywhere nor state that no fires occurred.	Not agreed. The SIS notes that fires have occurred on site. Refer Chapter 5.6. and Chapter 6.2.4.	Council's Independent Consultant is satisfied with the SIS.
17 DGR 5.5.3- The SIS must include details of the condition and use of other parts of the subject area and why these can or cannot be considered as feasible alternatives. SIS 5.7 refers to SREP 30 (which is effectively Figure:Map 1.2)- this shows uses of other parts, but not their condition. DGR 6.4- comparable section regarding feasible alternatives for endangered ecological communities. SIS 5.7 fails to justify the alternatives having regard to the biophysical, economic and social considerations and the principles of ecologically sustainable development (as stated in s110(3)(e)). Those considerations are not specifically referred to in SIS 5.7 nor does it refer to the relevant sections of a Statement of Environmental Effects, Environmental Impact Statement or Review of Environmental Factors (if any & if dealt with). DGR 6.4. DGR 6.4- 'SIS must also include details of the condition & use of other parts of the subject area and why these can or cannot be considered as feasible alternatives' - SIS 5.7 does not specifically state this.	Not agreed. The SIS clearly shows the condition of vegetation within the Regional Park and within the Western Precinct. Moreover, it makes use of a suite of references that also contain various assessments of vegetation condition across the St Marys project, such as the Precinct Plan for the Western Precinct. The section on feasible alternatives explains the detailed assessment process that led to the gazetting of SREP30 and the zoning of the Western Precinct for development as part of a balanced approach within the St Marys project. Such considerations entailed biophysical, economic and social considerations. Refer Chapter 5.7..	Both the Applicant's SIS and Council's Independent Consultant are satisfied that this is a pre-planned site and earmarked for this form of development. The Regional Park is a conservation outcome.
18. DGR 6 - Assessment of likely impacts on threatened ecological communities. SIS 5.1 does not comprehensively assess the impacts -the nature, extent and timing of the proposal and all associated actions. SIS 5.1 covers only one or two of the possible actions listed in DGR 6	Not agreed. The SIS responds to the DGRs as required. The details of the nature, extent and timing of the proposal and associated actions are provided in Chapter 2 of the SIS. The impact assessment Chapter focusses upon assessing the impacts and is clearly set out within that Chapter. Not agreed. The major amelioration measure for all communities and species is the 900ha Regional Park, which conserves the major	The SIS has responded adequately to all of the DG requirements, as confirmed by Council's Independent Consultant. The Regional Park is the offset. The Regional Park has been justified throughout the SIS.
19. SIS Chapter 6- some of the measures proposed to mitigate adverse effects possibly do not include a proper justification as required under section 110(2)(i) & 110(3)(f)		

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<p>Section 110(2)(i):</p> <p><i>A full description and justification of the measures proposed to mitigate any adverse effect of the action on the species and populations, including a compilation in a single section of the statement of those measures.</i></p> <p>Section 110(3)(f) is the equivalent section for ecological communities.</p> <p>20 DGR 6.2.1- assessment of habitat in the study area (where area, Western Precinct being a small part of it), must include:</p> <ul style="list-style-type: none"> - Description of each CEEC including: <ul style="list-style-type: none"> a) <i>Description of those areas where the community may only be represented by soil stored seed with no or few above-ground components</i> - SIS 5.4 does not appear to address this b) <i>Description of disturbance history and recovery capacity</i> - <i>Consideration should be given to the results (preliminary or otherwise) of restoration projects being undertaken at other sites that contain the ecological community when assessing its recovery capacity</i>- <p>SIS 5.4.1 fails to do this. Rather it limits the comparison of the Western Precinct to the proposed Regional Park. Also, it treats the grasslands (paragraph 3) as a more degraded form of the community which inherently dismisses the importance and integral nature of the grasslands to the Cumberland Plain Woodland.</p> <ul style="list-style-type: none"> - <i>Comparison of the affected community with the CEEC as determined by the NSW Scientific Committee</i>- SIS 5.4.1 does not appear to address:reference this. 	<p>occurrences of vegetation and threatened species on the St Marys project. The Regional Park has been justified throughout the SIS. Other mitigation measures mentioned in the SIS include tree retention and weed control. Refer Chapter 6.2.</p> <p>Not agreed.</p> <p>The CPW examiner in the SIS includes assessment of extant wood and as well as grassland areas Refer Executive Summary.</p>	<p>The SIS has assessed the value of extant woodlands vs grassland areas.</p>

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<p>21 DGR 6.2.2: discussion of other occurrences of each CEEC populations in the locality must be provided. This must include:</p> <ul style="list-style-type: none"> - Comparison of other known occurrences and their habitats with those of the study area in terms of remnant sizes, connectivity, species diversity, abundances, quality & condition (including level of disturbances, weed diversity and abundances); – SIS 5.3 & 5.6.2 does not properly compare on the basis of remnant sizes, connectivity, species, abundances, quality & condition for each CEEC. - Relative significance of the subject site for each CFFC in the locality and region – <p>SIS 5.3 under each CEEC, under sub-headers 'habitat' in the locality and 'distribution of similar habitats in the region' fails to properly address this requirement. On y describes, but does not state the actual relative significance'. More detailed required.</p>	<p>Not agreed.</p> <p>The SIS compares the condition of the other occurrences of EECs in the locality and region.</p>	<p>Accept the Applicant's response.</p>
<p>22. Section 110(2)(e1) & 110(3)(b2)- an assessment of whether any of those species, populations or ecological communities is at the limit of its known distribution.</p> <p>The wording of the Act suggests the <i>general</i> known distributions rather than that in the study area specifically. Hence, SIS 5.5 approach of limiting it to the study area may be insufficient to satisfy s110.</p>	<p>Not agreed.</p> <p>None of the plant or animal species considered within the SIS is at the absolute limit of its distribution within the Western Precinct, therefore it is not relevant to go into detail about this in the SIS.</p>	<p>Accept the Applicant's response.</p>
<p>23 DGR 6.3 & 6.4.1 requires a discussion of the relative significance of the subject site of each CEEC in the locality. Followed by discussion of other known occurrences of each affected CEEC. The assessment must 'consider and compare' the differences in remnant sizes, connectivity, species diversity, abundances, quality & condition (including level of</p>	<p>Not agreed.</p> <p>The only relevant critically endangered ecological community (CEEC) is CPW. The vegetation within the locality (ie within 10 km of the centre of the subject site) also includes a suite of other reserves that are described in Section 5.6.2. The main occurrence of relevance in the locality remains the Regional Park.</p>	<p>Accept the Applicant's response.</p>

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<p>disturbances, weed diversity and abundances), tenure and long-term security of other known occurrences and habitats in the locality with those in the study area.</p> <p>SIS 5.5 & 6.3 fails to properly assess the differences as it does not consider and compare rather it only describes and does not come to a conclusion of the relative significance of each CEEC.</p> <p>24 DGR 6.4.2: <i>The location, nature and extent of habitat removal or modification which may result from the proposed action including the cumulative loss of habitat from the study area (including all proposed DAs and those areas in the subject area already with development consent or identified for development) and the impacts of this on the viability of the CEEC in the locality.</i></p> <p>SIS 5.6.1: does not sufficiently satisfy this requirement. It only describes the impact of the subject site (Western Precinct) compared to the subject area (ADI site) & does not consider or compare the impact of Western Precinct's sites with the other all proposed DAs such as the Central or Eastern Precinct (marked pink) on Figure 1.2.</p> <p>SIS 5.6 refers to Table 5.1. But Table 5.1 only considers the proportion in terms of the Western Precinct site with the general ADI site. It does not specifically consider the cumulative impacts of the other proposed DA sites.</p>	<p>which has been assessed as having extensive areas of CPW in good condition, with less weed invasion than that which occurs in the Western Precinct. This section mentions:</p> <p>"Within the Region, there are core CPW remnants at Keirns Creek, Prospect Reservoir, Shanes Park, Orchard Hills RAAF base, the 900ha Regional Park on the SMP Hawkesbury Reserve, Lansdowne Park, Boral-Lower Canal (Prospect) and on the Wonderland site at Eastern Creek (NSW NPWS, '997c)."</p> <p>These large remnants are generally in better condition than the habitats in the Western Precinct, with more tree canopy cover and fewer exotic species than the grassland areas of the Western Precinct.</p>	
	<p>Not agreed.</p> <p>The SIS concludes that the 900ha Regional Park provides a major sustainable conservation outcome that will include conservation of CPW, other EECs and threatened species. In drawing that conclusion, it was assumed that the other development precincts have or will be cleared. Therefore, DAs that are likely to be relevant to the local occurrences of threatened flora and fauna have been taken into account by the SIS. Impacts from DAs outside the SMP property have not been detailed within the SIS as they are clearly outside the control of the applicant.</p> <p>As stated above, the only CEEC of relevance is CPW and the SIS clearly assess the proportion of the CEEC to be affected by the proposal, in relation to the extent of the CEEC and the impact on its viability at the local level. The SIS also examines the local occurrence in the Western Precinct and nearby Regional Park) and measures the amount to be cleared and examines the implications of clearance for the vegetation within the 900ha Regional Park.</p>	<p>The Regional Park conserves EEC in perpetuity. EEC will be conserved.</p>

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<p>DGR 6.4.2. also requires an assessment of the proportion of the CEEC to be effected by the proposal, in relation to the extent of the CEEC, and the impact of this on the viability of the endangered ecological community at the local level. SIS 5.6. - does not directly address this for each CEEC.</p>		
<p>25. DGR 7.1 - Measures proposed to avoid, reduce or ameliorate impacts should only be proposed where it can be clearly demonstrated that they have been successfully applied elsewhere. The likely efficacy of such measures with respect to the current proposal should be assessed in detail.</p> <p>SIS 6.2 & 6.3 do not refer to any examples of successful application of the suggested management strategies or refer to their likely efficacy in any detail. Relevantly, the SIS does not identify management regimes within the Regional Park and activities that do not have a conservation purpose.</p>	<p>Not agreed</p> <p>The Western Precinct is a development precinct and as such the majority of habitat within it will be cleared. There is little scope for avoidance or mitigation measures to be deployed within the precinct itself and so no justification of these measures is provided.</p> <p>The SIS identifies as its major amelioration measure, the creation of the 900ha Regional Park. This measure has been developed in consultation with the State Government (QEH). Regional Parks have been successfully used in many places to conserve native vegetation. Indeed, such park lands are a major means by which western Sydney native vegetation is being conserved and managed and CPW has been able to be conserved and managed within them. For example, Western Sydney Parklands. Covering 5,280 hectares, the Parklands stretch 27 kilometres from Quakers Hill to Leppington.</p>	<p>The Regional Park conserves EEC in perpetuity. FFC will be conserved</p>
<p>26. In recent months Penrith Council sought approval from the community for an increase in rates for its activities. The rationale provided to the community, in publications and media, identified the protection of the environment as a primary justification. In fact it was pointed out that services to the environment would be drastically reduced if this rate increase wasn't approved.</p> <p>During Penrith Councils representations and community engagement it became apparent that there was a significant tension within the community about granting</p>	<p>N/A</p> <p>No comment</p>	<p>This matter is irrelevant in respect to the consideration of these applications</p>

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approval for this rate rise. It turned out that a significant proportion of the funds from this rate increase were to be given to the Penrith Business Alliance and that there is a lack of transparency around this organization, which is at odds with the public accountability of a government body.		
27 It would now appear that Delfin Lend Lease, a prominent member of the Penrith Business Alliance, is seeking to get approval for a further massive development of the ADI site through this council approval process in a rush and without adequate public scrutiny.	N/A No comment	This matter is irrelevant in respect to the consideration of these applications
28 Object to the lack of scrutiny undertaken by Penrith City Council (PCC) to properly evaluate, in a public and transparent manner, this enormous development. The community knows that the extension of Jordan Springs on this scale will have a huge impact on roads, services and the Federally listed and critically endangered Cumberland Plains Woodland. The impact of nearly 500 new households and 1000 additional cars on the environment, services and streets of Penrith should make this council at the very least conduct a thorough, transparent and publicly accountable assessment	These issues are addressed comprehensively in the statutory planning instruments for the St Marys project, the approved Jordan Springs (Western) precinct plan and the development application sites.	The applications have been assessed and processed in accordance with the applicable requirements outlined in the legislation and Council's environmental planning instruments. The proposals are considered satisfactory.
29 Believes that the PCC raises the cost of government in this community and at the same time treats with contempt the rights of the community to transparency around development. We believe that through this DA approval process PCC has sought to remove its accountability for the destruction of a critically endangered habitat that it holds responsibility for. The PCC is by all appearances failing to act in the public interest	N/A No comment	The applications have been assessed in accordance with the provisions of relevant legislation and Council's environmental planning instruments. The applications have met the requirements outlined in these provisions and are therefore in the public interest.
30. In fact in a recent telephone conversation advice was received from Roger Neithe that the independent	N/A No comment	The identity of the consultant who carried out the

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<p>assessment' by Penrith Council was yet to be finalised. As first we were advised that the identity of the company that conducted the council's assessment was confidential and a week later, that the report has not in fact been completed, and additionally that it has nothing to do with the DA. These variations raise serious questions of propriety.</p> <p>31. The Community has a right to demand a full assessment of this critical development, including PCC's assessment of the veracity of DLL's Species Impact Statement followed by the release of the council's independent assessment for public review.</p> <p>To that end, a call for an extension by three months to the public review process following the release of the independent consultants report, advice and information that is claimed to have been received by PCC on this development and that has not been made available to the public.</p> <p>This information is 'Open Access Information' and the complete disregard for making this advice available to the public in a timely manner, appears negligent at best, or at worst a serious corruption of public accountability.</p> <p>32. This is a formal request to have the public viewing and submission time for the above DA's extended by thirty days.</p> <p>The reason for this request is because Penrith City Council have not followed due process to allow for the full and proper evaluation of the Endangered Species Impact Statement so not making it practical to test the efficacy of the document(s) lodged by Deiphir Leird Lease. Penrith City Council have refused local residents requests to view and/or question any peer reviewed</p>	<p>N/A No comment</p>	<p>independent peer review was not revealed during their assessment to ensure the integrity of the review was maintained. The identity of the consultant has now been revealed and his conclusion is discussed in the report. The application was placed on public exhibition in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The applications have met their statutory requirements in respect to notification and public exhibition.</p>
<p>The statutory period for public viewing and assessment of development applications is clearly set out in the EP&A Act. This DA is consistent with these timeframes.</p>	<p>The period for public exhibition and assessment of development applications is set out in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The exhibition period has been satisfied for the subject applications.</p>	<p>The period for public exhibition and assessment of development applications is set out in the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The exhibition period has been satisfied for the subject applications.</p>

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<p>reports on the Endangered Species Impact Statement thereby making it impossible to establish whether or not appropriate and pertinent matters have been properly covered.</p> <p>Without sighting the peer review documents or having the opportunity to discuss findings with the organisation who apparently conducted the review there is no evidence that a proper peer review has taken place. With no evidence of a peer review process having taken place I can only conclude the possibility that such a review has not taken place and therefore it will be improper to close the public viewing and the submission date for comments and/or objections.</p>		
<p>33. That group may have pulled the proposal out but it has not stopped the retainer fence on the ADI centre to be moved up past Borrowdale Way lights. How far are these people going to go? This will mean more of the forestry will go. In the Sydney basin which includes us up here, there are empty office blocks because of the social networking and more and more people are working at home. So why not use these for Apartments at reasonable prices.</p>	N/A No comment	<p>The ands subject to these applications have been zoned 'urban' under the Sydney Regional Environmental Plan No.30 - St Marys. The Western Precinct has been identified in providing for residential development and a village centre with retail and commercial uses which would provide services to the area. Measures are to be imposed to ensure that vegetation within the release area is suitably managed. The and within Jordan Springs are identified for a variety of housing types to ensure that housing choice and dwelling mix meets the needs of the population.</p>