



Our reference: ECM 9528324
Contact: Gavin Cherry
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19 October 2021

David Schwebel
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Dear Mr Schwebel,

Response to Submissions – SSD-10479 – 200 Aldington Road Industrial Estate, Lots 54-58 DP 259135, 788-882 Mamre Road, Kemps Creek

I refer to the Department's request to provide comments in relation to the proponent's Response to Submissions for the subject development proposal.

Thank you for providing Council with the opportunity to comment.

The following comments are provided for the Department's consideration in relation to this matter.

1. Planning Considerations

It is confirmed that the applicant has engaged with Council to discuss matters raised in received submissions in an attempt to resolve them and progress the application. This has been appreciated however there are still matters that remain to be resolved, or are still raised as concerns which are outlined below:-

- Council previously raised a considerable number of landscape design matters that were deemed critical to inform the spatial arrangement of the proposed concept plan and subdivision layout, not to mention car parking design and building footprint locations. The amended and additional information includes additional concept landscape plans with indicative planting schedules only for each proposed allotment. The only plans with detailed planting densities relate to works proposed within the future road reserve.
- The suggested planting in the future / proposed road reserve is not supported as this is a maintenance burden on Council as the intended public road authority. The landscaping suggested in the verge is to be limited to street trees with supplementary canopy tree plantings and understorey plantings on each lot in all building and car park setback zones.
- At present only indicative planting schedules and cross-sectional details are provided within each lot contrary to what has been requested in all previous submissions made on this matter. The opportunities for landscaping in front setback zones, especially at intersection corners is however generally supported (such as Warehouse F & J) however this positive design and streetscape response isn't reflected on Lots C and G (but is reflected on Lot K at the northern western corner). Opportunities to replicate the landscape setback design response from Lots F, J & K on Lot C & G, to increase the intersection landscape setback, should be required to ensure a consistent landscape treatment at each corner of the intersection.

- If the application is intended to be supported in the absence of detailed on-lot landscape design plans (not indicative schedules only), then this should form a condition of consent applicable to each lot and stage prior to the issue of any construction certificate or development consent. The detailed design plans, particularly front setback landscaping, should be prepared in consultation with Council's Landscape Architecture Team and then submitted to and approved by the consent authority.
- Section 1 of the Landscape Design package (Drawing LR-017) omits to detail the resulting retaining wall height despite the heights being indicated for Sections 2 and 3 on the same drawing. The Section 1 wall exceeds the 3m maximum allowance for vertical walls and provides a poor interface outcome to the adjacent land owner. The wall would appear to be 6-7m in height and a tiered wall treatment would be more appropriate to better screen the wall from view (noting it will be visually prominent from Aldington Road as well as the neighbouring property). As an example, the stepped wall in Section 3 is a more appropriate outcome however it is noted that in this scenario, the public road has opportunity to provide for maintenance access whereas Section 1 would not allow this as easily. Nonetheless, the interface treatment of any wall to an adjoining property requires careful consideration and Section 1 and the resulting finished ground level and development arrangement on this lot warrants further consideration.
- It is still considered that there is a need for the Government to address matters already raised by Council in response to the exhibition of the Draft Precinct Wide DCP, without duplication and layering of a new site specific DCP. As a result of this, the following concerns continue to be raised:
 - o It is still considered that the suggested landscape setbacks between the front property boundary as detailed in the draft DCP are inadequate to achieve necessary streetscape outcomes given the abundance of hard stand parking areas proposed within the front setback. Council has continuously advocated for 5 - 6m minimum landscape setbacks to local streets where extensive car parking or truck manoeuvring areas are proposed forward of a building line and this position has been put to the NSW Government in response to the exhibition of the Draft DCP. If there is a suggestion that the proposed setbacks are reasonable and can be supported then this should be informed via adoption of the final DCP for this precinct and not beforehand.
 - o The amended master plans submitted still provide no depictions of the actual setback dimensions. References to "landscape setback" or "building setback" do not allow for assessment on the adequacy of that setback noting that the setbacks vary between each and every proposed allotment. This has not been addressed in the response package.
 - o Council reiterates that the proposed height of the estate pylon signs as still pursued is excessive, and these should be reduced in height or deleted altogether as an unnecessary signage feature. Council's DCP 2014 for the remainder of the LGA only allows for 7m high pylon signs (maximum 2m width) noting the proposed signage is at 12m in height. Further, only one estate pylon sign should be provided to each intersection with Aldington Road. A variation to the draft DCP is



unwarranted and unreasonable and the cumulation and visual impact of the proposed signage structures requires reconsideration, especially any suggestion for a signage width of 3m which continues to be excessive and an unsympathetic element within the streetscape.

2. Development Contributions

- Councils Section 7.12 Citywide Contribution Plan is currently applicable to this site however this will change in the very immediate future. The suggestions in the response documents that Council will pursue acquisition for broader road widening along Aldington Road have also not been agreed / established and requires adoption of a precinct wide Contributions Plan that is yet to be resolved noting that the DCP which informs necessary infrastructure has not yet been adopted. The determination of the application cannot proceed until such time as the Precinct Wide Contributions Plan is adopted, the works / contributions required can be reflected within Condition of Consent or evidence of a planning agreement with Council is provided stemming from agreements via Council's City Planning – Contributions Team.
- It is understood that the subject land owner, in conjunction with a number of other land owners on Aldington Road, have provided Council with a draft letter of offer to enter into a VPA to deliver upgrades to Aldington Road. These discussions are ongoing and the application should not be determined until such time as this matter is resolved and agreed to by all parties involved.

3. Traffic Management and Road Design Considerations

- The SSD amended and further information has not fully addressed the appropriateness of the proposed road network and key intersections with the Mamre Road DCP which is yet to be adopted. Further the amended information has not fully addressed the need for the ultimate Aldington Road / Abbots Road reconstruction prior to any development proceeding.
- Detailed design plans for the ultimate arrangement of Aldington Road and Abbots Road is required prior to the consideration of any development form, as the development must respond to the adopted design plans for upgrade of existing local roads. Consideration of the proposal ahead of this adoption will not allow for orderly development with on lot arrangements on a master / concept plan that may not be deliverable or suitable when the final alignment and form of the road is known.
- The proposed intersection and temporary / part road construction works including drainage and civil infrastructure works on Aldington Road must also be informed by infrastructure requirements outlined within the DCP and Contributions Plan when adopted. Key comments outlined in recent advice to the applicant was as follows

“• Road widths are to be in accordance with the final adopted Mamre Road Precinct DCP.

• Full details of the temporary intersection on Aldington Road and the Temporary Road to service Stage 1 works shall be provided with the application.

• A mechanism is to be proposed for closure of the Temporary Road (from Road 04 to Aldington Road) upon

construction and dedication of either the southern access Road 01 or the northern access road.

- *Aldington Road and Abbots Road are currently rural roads and are unsuitable for heavy vehicle traffic in their current state. As the development will rely upon Aldington Road for access to the site, Aldington Road and Abbots Road are to be upgraded to a distributor road (as per Mamre Road Precinct Draft DCP) from the development site to the intersection with Mamre Road, including a signalised intersection with Mamre Road. Earthworks and Boundary / Road Interface Treatments “*
- In the event that the assessment advances to a point of determination ahead of the DCP adoption (contrary to the recommendations within this letter), then the following conditions are considered essential:-
 - ***Prior to the commencement of any Construction Certificate or an works approved by this consent, the Certifier shall ensure that any possible agreed staged connection to Aldington Road with access only from the south includes that Aldington Road fronting the site and south of the site, Abbots Road, Mamre road and intersections are reconstructed to the ultimate design or any staged works are agreed and constructed to the satisfaction of the Department of Planning, Industry and Environment, TfNSW and Council. This shall include:***
 - *Any contributions plans or Voluntary Planning Agreements being agreed and complied with to the satisfaction of Department of Planning, Industry and Environment, TfNSW and Council.*
 - *An Operational Traffic Management Plan that restricts or controls heavy vehicle, staff and visitor vehicle access to only from Aldington Road (fronting and south of south of site), Abbots Road, Mamre Road until the ultimate Aldington Road (fronting and north of site), Aldington Road connection to Southern Link Road, Bakers Lane, Mamre Road and Southern Link Road are completed to the satisfaction of the Department of Planning, Industry and Environment, TfNSW and Council*
 - ***Prior to the commencement of any works approved by this consent, the Certifier shall ensure that a minimum of four Electric Vehicle Charging Stations (EVCS) are to be provided within the car parking areas of each warehouse development. The charging stations are to be designed to accommodate the requirement of commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors). A minimum of six additional car parking spaces are to be designed to be readily retrofitted as EVCS parking spaces at each warehouse development. The installed EVCS car parking spaces are to be signposted and marked as for the use of electric vehicles only and are to be located as close as possible to the building accesses after accessible parking space priority. EVCS are to be free of charge to staff and visitors.***
 - ***Prior to the issue of any Construction Certificate or the commencement of any works approved by this consent, the Certifier shall ensure that complying numbers of secure, all weather bicycle parking, end of journey facilities, change rooms, showers, lockers are to***

be provided at convenient locations at each warehouse development in accordance with Council Development Control Plan (DCP) C10 Section 10.7, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).

- ***Prior to the issue of any Construction Certificate or the commencement of any works approved by this consent, the Certifier shall ensure that:***
 - (a) Off street access and parking complies with AS 2890.1, AS 2890.2 and AS2890.6.*
 - (b) Sight distances for driveways at the street frontage have been provided in accordance with AS 2890.1 and AS 2890.2. The required sight lines around the driveway entrances shall not to be compromised by landscaping, fencing or signage.*
 - (c) All vehicles can enter and exit the site in a forward direction.*
- *The access driveway widths must accommodate swept movements of the largest vehicle servicing the site and be designed to conform with AS 2890.1, AS 2890.2 and Council requirements.*
- *The entry and exit driveways in the car park are to be presented in a way to highlight the right of way of pedestrians and cyclists on the road frontage.*
- *All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.*

4. Waterways Considerations

- The revised information notes that the two OSD/Water treatment basins are proposed to ensure Council's stormwater management requirements are met, alongside future GPT's positioned on each development lot. The basins must remain in the ownership and maintained by the Developer and not be dedicated to Council.
- There is currently no suggestion for on-lot OSD or stormwater treatment. As such, the proposed bioretention basins will also need to have capacity for OSD. As raised previously, Council does not support the resulting combined OSD / WSUD functions and resulting configurations of the 2 stormwater management basins nor the outcomes established via the proposed master plan. This includes the proposed depth which will not accommodate suitable planting to meet WSUD requirements.
- The proponent is again requested to reconsider the design and configuration of the stormwater management basins. This should include but not be limited to, the inlet design and flow configuration, depth of maximum ponding, sizing of basin, provision for access for maintenance, and vegetation densities and species. In this regard, there are many technical design guidelines (including those referenced in the Draft DPIE Music Modelling Toolkit which was referenced), available to assist in any revised design, including on Council's website which includes specifications for the design of bioretention systems.

- The proposed the stormwater management approach is not fully consistent with Section 2.6 (Integrated Water Cycle Management) of the Draft DCP and this should be resolved prior to the approval of any stage.
- The application is seeking approval of Stage 1 works with a request to resolve the management for future stages as part of future applications, and when the Mamre Precinct Regional stormwater management arrangements are in place. The approach to stormwater management as a whole should be resolved prior to any approvals being granted as any early allowance would be premature if an overall strategic plan to manage stormwater is not established.

5. Biodiversity Considerations

Allocation of Plant Community Types and TEC status

- A table provided in the Executive Summary and further provided in Table 8 incorrectly identifies that PCT 835 is not listed under the EPBC Act. This community is listed as critically endangered ecological community under the EPBC Act. Like the other two threatened ecological communities that are listed under the EPBC, the reporting should include a statement as to whether the vegetation present within the development site meets the condition threshold for listing under the EPBC Act.

Predicted Species

- Table 15: Justification for exclusion of predicted ecosystem credit species has not adequately given proper assessment to the inclusion and exclusion of species as per Section 6.4 of the Biodiversity Assessment Method (2017). As per Section 6.4.1.4 A threatened species is predicted as requiring assessment if that species meets all of the criteria a) – f) that are relevant to the species. A criterion is not relevant to a species if the species' profile in the Threatened Biodiversity Data Collection does not contain information for that criterion. According to the DPIE guidance provided in the BAM Assessor Up-date – Number 19 – July 2019 any species can be taken off the list if the species:
 - a) has habitat constraints listed in the Threatened Biodiversity Data Collection (TBDC) and none of these constraints are present on the site. Documentation in the Biodiversity Assessment Report should reflect the TBDC information and evidence that the features are not present.
 - b) is vagrant to the area. Vagrancy is taken as the record being well outside the species range or natural distribution. The suspect record will need to be reviewed against the species known distribution and the assessor will need to confirm with species experts that it is likely to be a vagrant. If agreed by experts the assessor should contact DPIE to have the record quarantined from BioNet Atlas and re-labelled as vagrant. The BAR will need to contain supporting information such as who was contacted, when, their credentials and the resultant response from DPIE.
 - c) is unable to use the habitat constraints listed in the TBDC, or known microhabitats that the species requires to persist on or use because the habitat constraints are degraded to the point where the species will no longer be present. Evidence in the BAR could include reference to the attribute scores for in the vegetation integrity assessment to illustrate the poor condition of the site. Other information sources include peer-

reviewed or other published information relating to the microhabitats the species, photographic evidence and maps etc that illustrate these features are significantly degraded

The BDAR has excluded the following predicted species: Australasian Bittern, Speckled Warbler, Spotted Quoll, White-bellied Sea-Eagle, Eastern Osprey, Australian Painted Snipe, Freckled Duck. This justification is not in accordance with the BAM as a number of the species excluded do not have listed habitat constraints and the justification has not detailed the habitat constraints identified in the BAM-C and the Threatened Biodiversity Data Collection Tool that needs to be considered and how the habitat within the development site or within specified buffer distances is not present. This reporting requirement may not change the Ecosystem credits required for the development. However, this should be communicated back to the applicant and addressed.

Flora Candidate Species Credit species

- The justification for exclusion of species is not sufficient for *Pimelea spicata*, *Caladenia tessellata*, *Cynanchum elegans*, *Grevillea juniperina* subsp. *juniperina*, *Hibbertia* sp. Bankstown, *Marsdenia viridiflora* subsp. *viridiflora* endangered population, *Maundia triglochoides*, *Persicaria elatior*, *Persoonia hirsuta*, *Pilularia novae hollandiae*

The BDAR needs to justify further that microhabitats that the species requires to persist on or habitat constraints identified by the BAM-C are degraded to the point where the species will no longer be present. Evidence in the BAR could include reference to the attribute scores for in the vegetation integrity assessment to illustrate the poor condition of the site. Other information sources include peer-reviewed or other published information relating to the microhabitats the species, photographic evidence and maps etc that illustrate these features are significantly degraded.

- No survey efforts in forms of survey tracks across the development site has been provided to demonstrate that these species have not been detected through surveys performed.

Fauna candidate Species credit species

- The plot data suggests there a number of hollow-bearing trees present within the development site, but no details have been provided in the BDAR of what the size of the hollows are. The Glossy Black-cockatoo has been removed as the assessor has stated 'The presence of this species was not identified, and it was determined that the habitat is substantially disturbed such that this species is unlikely to occur in the development site.' Hollow-bearing trees are identified as a habitat constraint for breeding. This justification is not in accordance with the BAM.
- The justification for *Petaurus norfolcensis* (Squirrel Glider) "It was determined that the habitat is substantially disturbed such that this species is unlikely to occur within the development site" was also considered not sufficient. Further explanation is required to exclude this species from further assessment.
- Based on the survey effort for Cumberland Plain Land Snail it appears the survey has not extended to all areas of mapped native vegetation. This

species is known to occur in small areas of habitat including at the base of paddock trees.

Serious and Irreversible impact assessment

- The information provided in Table 30: Evaluation of an impact on a TEC is not consistent with the question in Section 10.2.2 of the Biodiversity Assessment Method 2017 specifically question 2. The BDAR has provided calculations for the question: The extent and overall condition of the TEC within an area of 1500 metres, and then 5000 metres, surrounding the proposed development footprint. In the case of strategic biodiversity certification projects, the extent and overall condition of the TEC may be assessed across the IBRA sub region. Section 10.2.2.1 (d) states 'the extent and overall condition of the potential TEC within an area of 1000ha, and then 10,000ha, surrounding the proposed development footprint.'
- The assessment area for the SAIL assessment in the BDAR is conflicting with the BAM 2017

6. Landscape Design Considerations

In addition to the planning comments earlier in this correspondence, please see below further comments from Council's Landscape Architecture Team for consideration and address in the assessment.

- Walls with fencing require full height screen planting, for full length. Additional height and screening to be provided if there is storage or parking (trucks or cars). The Department is requested to ensure that any exposed retaining walls can be suitably screened and ameliorated noting walls are proposed in excess of 5 metres in height throughout the development.
- Carpark planting is inadequate with small trees which are not acceptable. Maximum canopy and shading is to be provided across the carpark with supporting engineered tree pits for rootzones and to support and enable the health and longevity of trees planted. Note comments above in the planning section regarding conditions of consent for detailed landscape design plans and / or separate development applications for development on each created allotment (excluding Stage 1 works).
- Some boundaries involve 6m high retaining walls only 3m off the boundary with no detail regarding fencing or maintenance to these difficult to access areas. This requires further consideration.
- The proposed warehouses adjacent to the easement at the north western corner of the development has little capability for canopy tree planting. The built forms are sized and positioned so there is no or minimal opportunity for screening and canopy which should reduce visual impact, particularly as seen from Aldington Rd / public domain. Opportunities to reconfigure the truck turning area to increase the Aldington Road landscape setback is encouraged (with potential that further maneuvering areas could extend into the easement).

- Drawing No LR-014 may be incorrectly suggesting trees are proposed within the easement. This should be clarified as to whether this is permitted.
- The submission package does not sufficiently address the constraints that come with the easement – a typical cross section should be provided through the easement and adjacent warehouses to demonstrate what landscaping can be provided and resultant visual impact. There should also be a 'vegetation type' for easement planting, as distinguished from Type 3 On Lot Planting (refer drawing LR-004)
- Street Tree Plantings: Species and spacings are not supported due to suitability to soils and conditions, available rootzone volume, lack of biodiversity, interest, and lack of contribution to wayfinding and place identity. There must be demonstration of continuous canopy and appropriately sized trees in the verges, backed up by densely planted (with large trees providing continuous canopy) setbacks and carparks. Canopies in the public and private domains should overlap. Depending on the species, Council's Street and Park Tree Management Plan suggests trees are positioned 5m from light poles. The proposal indicates 12m+ from light poles, which is not supported. Additional street trees and spacing adjustments are required to fill these gaps to maximise canopy along verges. It is not possible for verges with less than 2m between path and kerb to sustain anything larger than a medium sized tree. Without larger verges, large trees must be only accommodated in setbacks. The spacing of medium sized trees must be appropriate to the canopy width to achieve continuous canopy
- Street Tree planting is also required along Aldington Road.
- Organic mulch under street trees in turf is requested. No stone or gravel mulch, groundcovers, shrubs or native grasses are permitted as outlined within the planning comments in this letter.
- Bio-basin Design: There is likely opportunity to provide canopy trees on the embankments of OSD / Bio-basins with appropriate species, and as a result increase canopy cover and cooling. This should be clarified.
- There may be opportunity to consolidate paths to avoid parallel duplication paths. This should be clarified.
- Given there is a suggestion of a 75m wide hardstand area between warehouses, 4,5 and 7, canopy planting in 7m wide garden beds should be provided where currently only provision is made for shrubs and groundcovers.

7. Engineering and Stormwater Management Considerations

- The civil engineering drawings (Lot F) indicate that Aldington Road and Abbots Road is the subject of works within this application with no design detail for those works. Any suggestion of works must form part of the application via design drawings. If the indication of works is due to the suggested letter of offer, this is yet to be agreed to by Council and is a



critical threshold issue requiring resolution prior to the progression of this application.

- Basin A still discharges low and emergency overflow to private property owned by others without an indication or demonstration of a secured easement or owners consent for the resulting discharge. This aspect is critical to the assessment of stormwater management and if consent cannot be obtained, a substantial redesign of the proposal may be required and in this event, Council would typically request an application be withdrawn until such time as a legal point of discharge is demonstrated and the proposal suitably responds to this.
- In the event that the matters raised within this correspondence are all resolved to the satisfaction of the consent authority, the following engineering conditions of consent are requested to be reflected within any notice of determination issued:-
 - **Prior to the commencement of any Construction Certificate or any works approved by this consent**, Prior to the commencement of construction works for any estate road(s) that connects to the existing public road network, the Applicant shall obtain approval for the works under section 138 of the Roads Act 1993.
 - **Prior to the commencement of any Construction Certificate or any works approved by this consent**, Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).
 - A **Subdivision Works Certificate** shall be issued for any subdivision works.
 - **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by AT&L, reference number 19-609-C1000 revision, B, dated 08-09-21, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.
 - The subdivision works may include but are not limited to the following:
 - Public and private roads
 - Stormwater management (quantity and quality)
 - Interallotment drainage
 - Private access driveways



- Sediment and erosion control measures
- Flood control measures
- Overland flow paths
- Traffic facilities
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

- A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for Construction Certificate.
- A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.
- Prior to the Section 138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority for information purposes.

- The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (AT&L, reference number 19-609-C1000 revision, B, dated 08-09-21).

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

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

- Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by Cardno reference number NW30034 revision 3, dated 16 September 2021



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

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

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

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

Note:

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

b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by

- Work on the subdivision shall not commence until:
 - a Construction Certificate (if required) has been issued;
 - a Principal Certifying Authority has been appointed for the project, and;
 - any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.
- Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.



- All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

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

- Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- Prior to the issue of any Subdivision Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.
- Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- Prior to the issue of select Subdivision Certificate, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

1. Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.

2. Allow eight (8) weeks for approval by the Local Traffic Committee.

3. Applicable fees are indicated in Council's adopted Fees and Charges

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

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:



a) Contact Penrith City Council's Engineering Services Department on 4732 7777 for advice regarding the application process and applicable fees.

b) Allow eight (8) weeks for notification, advertising and approval.

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

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

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

Note:

a) Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.

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

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

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

Note:

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

- Prior to the issue of a Subdivision Certificate a Maintenance Bond is to be lodged with Penrith City Council for all public roads and road works.

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

- Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A



copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

- a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - ☐ Compaction reports for road pavement construction
 - ☐ Compaction reports for bulk earthworks and lot regarding.
 - ☐ Soil classification for all residential lots
 - ☐ Statement of Compliance
- i) Structural Engineer's construction certification of all structures



- Prior to the issue of a Subdivision Certificate the following easements shall be created on the plan of subdivision
 - a) Easements for drainage
 - b) Right of carriageway
 - c) Any other easements identified during the construction process
- The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

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

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me on (02) 4732 8125.

Yours sincerely

Gavin Cherry
Development Assessment Coordinator