

## The City as a Social Place

### 7 ADI Site - Draft Dunheved Precinct Plan & Draft Planning Agreement

**Compiled by:** Tony Crichton, Senior Environmental Planner

**Authorised by:** Roger Nethercote, Environmental Planning Manager

**Strategic Program Term Achievement:** *Cohesive communities are formed based on sustainable, safe and satisfying living and working environments.*

**Critical Action:** *Prepare and implement plans for each new release area that deliver quality, sustainable living and working environments.*

#### **Purpose:**

*To provide Council with an assessment of the draft Dunheved Precinct Plan including an examination of the key issues that have been resolved and the main amendments made to the draft Plan. The report also advises of the status of the draft Planning Agreement for the Dunheved Precinct. The report recommends support in principle for the draft Dunheved Precinct Plan with amendments as agreed by the proponent. The report also recommends the public exhibition of the draft Planning Agreement and other procedural steps to be taken.*

#### **Background**

On 16 June 2003, Diane Beamer, who was then the Minister for Western Sydney and the Assistant Minister for Infrastructure and Planning, declared the Eastern, Dunheved North and Dunheved South Precincts to be the Stage 1 Release Areas for the ADI site. The Eastern Precinct Plan was adopted by Blacktown City Council on 4 February 2004.

The LGA boundary between Penrith and Blacktown Council areas traverses the middle of the Dunheved Precinct. The draft Dunheved Precinct Plan was jointly lodged with Penrith City Council and Blacktown City Council on 30 April 2005. It is a consolidated plan that applies to both the North Dunheved Precinct and the South Dunheved Precinct.

The Dunheved Precinct has a total area of 30.3 ha, which technically comprises a North Dunheved Precinct (18.4 ha) within the jurisdiction of Blacktown City Council and a South Dunheved Precinct (11.9 ha) within the jurisdiction of Penrith City Council. A copy of the ADI Site Precinct Plan is attached as Appendix 1. The Dunheved Precinct Framework Plan is attached as Appendix 2.

Although the Minister has formally declared two separate precincts, DoP, Delfin Lend Lease and both Councils have agreed on the lodgement of a single Plan to be determined by resolutions from the two separate Council meetings.

A joint planning process was held with Blacktown Council regarding the exhibition process, submissions from public authorities and assessment of key issues. Officers from both Councils and Delfin Lend Lease have held a number of joint workshops which have resulted in the determination of an agreed set of standards for the two precincts on issues such as road reservations, building setbacks, building heights and subdivision layout.

The Employment Development Strategy (EDS) for the full ADI site was completed in June 2003 and endorsed by the Minister for Planning a few months ago. The Dunheved Precinct represents approximately half of the total land area zoned Employment within the site and is proposed to contribute 600 direct on-site jobs.

On 10 June 2005 Delfin Lend Lease submitted a draft Outline Development Agreement (draft ODA) which was very limited in scope and proposed a small park facilities and bicycle network.

At Council's Policy Review Committee Meeting held on 27 June 2005, a presentation was provided to Councillors by Delfin Lend Lease on the Precinct Plan. Council considered a report recommending that it publicly exhibit the draft Dunheved Precinct Plan in accordance with the provisions of Sydney Regional Environmental Plan No 30 – St Marys and concurrently with Blacktown City Council. Council resolved that:-

1. *The information contained in this report on the submission of the draft Dunheved Precinct Plan be received*
2. *Council publicly exhibit the draft Dunheved Precinct Plan in accordance with the provisions of Sydney Regional Environmental Plan No 30 – St Marys, and concurrently with Blacktown City Council*
3. *Landowners in the vicinity of the Dunheved Precinct be advised of the exhibition details and Council's resolution*
4. *Penrith City Council continue discussions with Blacktown City Council to ensure economic and efficient long term management of the precinct*
5. *A funding report be prepared on the funding of the ongoing maintenance of the issues detailed in the submission attached to the report*
6. *Council pursue the development of the Christie Street linkage in conjunction with Delfin Lend Lease (DLL) and the Roads and Traffic Authority (RTA), funding contributions from realization of surplus Council/DLL/RTA land.*

The submitted draft Outline Development Agreement (draft ODA) was considered inadequate due to the absence in the draft ODA of contributions for Local Road and Intersection Upgrades and Additional Local Road and Intersection Upgrades. Both Penrith and Blacktown Council also considered that the proposal for Local Parks in a future industrial release area was considered to be inappropriate due to the potential maintenance obligation and as it was not expected to be extensively used.

Copies of the draft Precinct Plan as submitted to Council on 30 April 2005 were distributed to Councillors in September 2005 prior to the public exhibition process. A copy of the draft Plan incorporating a number of amendments negotiated with Delfin Lend Lease since that time has been recently distributed to Councillors.

### **Statutory planning requirements for adoption of draft Dunheved Precinct Plan**

Clause 15 of SREP 30 permits Council to adopt a draft Precinct Plan either -

- (i) in the form in which it was publicly exhibited;

- (ii) with amendments as agreed to by the proponent, or as proposed by the proponent in response to submissions; or
- (iii) with amendments not agreed to by the proponent, but only with the consent of the Minister.

Council cannot refuse to adopt a draft Precinct Plan unless it has obtained the agreement of the Minister to the refusal. Although a Council technically has 6 months in which to adopt a precinct plan, Delfin Lend Lease and the two Councils agreed to extend the assessment period so that additional work could be carried out by consultants and submitted to Council for assessment.

### **Submission of revised draft Outlined Development Agreement**

Following further negotiations with Delfin Lend Lease, a revised draft ODA was subsequently submitted to both Councils which incorporates revised schedules for Transport, Open Space and Recreation and Drainage. The revised draft ODA included the following works:

#### *Transport Study Works*

- ~~€€€~~ Werrington Road/Dunheved Road intersection to Parkes Avenue;
- ~~€€€~~ Werrington Road/Dunheved Road intersection;
- ~~€€€~~ Forrester Road/Christie Street intersection to South Creek.

#### *Additional Works*

- ~~€€€~~ New Link Road from Christie Street to Links Road;
- ~~€€€~~ Upgrade Links Road from new road to Dunheved Precinct boundary;
- ~~€€€~~ Upgrade Links Road (both sides) along Dunheved Precinct boundary.

#### *Open Space and Recreation*

- ~~€€€€€~~ Open Space Area associated with convenience and retail food outlets (paved, shaded outdoor seating area approximately 100 -150 m<sup>2</sup>);
- ~~€€€€€~~ 5 m wide shared pedestrian and cycle path.

#### *Drainage*

- ~~€€€€€~~ Combined detention/infiltration basins

### **Exhibition of draft Dunheved Precinct Plan and draft Outline Development Agreement**

Following the submission of the revised draft ODA, Penrith and Blacktown Councils publicly exhibited the draft Dunheved Precinct Plan and draft Outline Development Agreement for the required statutory period of 28 days from 7 September to 5 October 2005. Relevant exhibition material, including maps, the draft Plan and the draft ODA was displayed at the following venues:

Penrith City Council Foyer, Penrith Library, Penrith Council's St Marys Office, St. Marys Library, Blacktown City Council and Mt Druitt Library.

The exhibition of the draft Plan was also advertised in local newspapers covering relevant areas in Penrith and Blacktown.

Notification letters were sent to landowners in residential areas surrounding the North and South Dunheved Precincts. A comprehensive range of public authorities, Local Members, local community and business groups, including Dunheved Industrial Development Committee and ADIRAG, were notified in writing of the exhibition and invited to comment.

## **Assessment of Submissions**

Council has received a total of 30 submissions to the exhibition comprising a petition with 89 signatures, two individual letters, seven form letters and 20 submissions from Public Authorities, Service Authorities and Emergency Services organizations.

A summary of the submissions made and a brief assessment of those submissions is provided below. A detailed listing of the issues raised in submissions and a full assessment is provided in Attachment 1.

### *1. Individual submissions*

Two individual submissions have been received. Both submissions object to the draft Plan. The issues raised related to potential flooding and the biodiversity assessment.

- ~~€€€~~ The filling of the floodplain will impede creek flows and result in upstream flooding.

#### *Comments:*

*The flood modelling carried out has demonstrated that if all proposed ameliorative measures are implemented, there will only be 'minimal' increases in flood level upstream of the site of 37mm and downstream of the site of 11 mm. Council staff are satisfied with the methodology undertaken in determining the flood level and with the negligible affect that the filling of this part of the flood plain would have. This matter is addressed in more detail later in this report.*

- ~~€€€~~ The Biodiversity Assessment Report is grossly inadequate. The site has a high representation floristically of species for a remnant on the Cumberland Plain. The submission also opposes the filling of the floodplain as it will potentially cause problems for the downstream property owners.

#### *Comments:*

*The biodiversity value of the Dunheved Precinct needs to be viewed in the context of the wider biodiversity conservation outcome for the whole of the ADI Site, including the preservation of a substantial Regional Park of 900 ha. This assessment has been supported by the Department of Environment and Conservation (DEC). It should also be noted that a significant riparian corridor along the tributary to South Creek is to be established. This issue is further addressed later in the report.*

### *2. Form letters and petition*

Seven form letters and a petition raising the same issues as the form letters and containing 89 signatures have been submitted. The issues and our commentary is included in Attachment 1. A summary of the points raised is outlined below.

- ~~€€€~~ Object to the development of the floodplain, seek the collection of new floodplain data prior to the approval of the Precinct Plan and ask where is the equivalent area of compensatory floodplain storage situated?
- ~~€€€~~ Seeks information on number of truckloads required to fill the site and opposes any increased traffic on Dunheved Road. Seeks information on number of truckloads required to fill site;
- ~~€€€~~ Opposes Development Agreements and seeks assurance that Council can act in public interest;
- ~~€€€~~ Opposes any increased traffic on Dunheved Road.

*Comments:*

*Council's flood policy generally does not support filling of the flood plain (1% AEP flood level) unless it can be demonstrated that no detrimental effects will occur as a result of the filling and any associated mitigation works. The proponent carried out a modeling exercise that used the most contemporary flood model that was available (the 1991 Flood Study). The approach which was undertaken in the use of this modeling, looked at the differences in the flood levels upstream, downstream and across the site as a result of the proposed filling and mitigation measures. The model that was used for this is considered to be adequate for this exercise. The modeling was also scrutinized by Department of Natural Resources (DNR) and subjected to a peer review by an independent consultant. Both DNR and the consultant arrived at the same conclusions and have endorsed the study outcomes. This approach is also consistent with State Government's Floodplain Management Manual .*

*Details relating to the method of filling the land are more appropriately dealt with at the DA stage once the sources of fill material are known.*

*A Development Agreement, which is now known as a Planning Agreement, under the new legislation, should not be confused with a Public Private Partnership (PPP). A PPP is an altogether different process where Government may elect to enter into a contract with a private organisation for the carrying out of works in return for that organization receiving a share of the revenue so generated, such as a tollway. A Planning Agreement is a contractual agreement between the planning authority and the developer. On 8 July 2005, the Environmental Planning & Assessment Act, 1979 (EP&A Act), was amended to allow planning authorities to use planning agreements as a means to obtain contributions for a public purpose. The purpose of a Planning Agreement is to ensure that developers put in place infrastructure in a timely manner using a process that is more suitable or flexible than the traditional Section 94 process. The signing of a Planning Agreement by a Council does not bind or fetter that Council in the carrying out of its statutory planning obligations under the EP&A Act.*

*Dunheved Road is a strategic road corridor that has been planned to convey traffic in an east west direction across a major part of the City. The current construction has been designed to allow for*

*future lane amplification. The need for this upgrade will be driven by future traffic being generated by all of the release areas in the LGA.*

### *3. Public Authorities*

A total of 20 submissions have been received from public authorities, which are listed in Attachment 1.

Although no public authorities objected to the draft Plan, a total of 5 public authorities have raised issues that need to be addressed. These authorities are DNR, DoP (Metro Planning & Transport Strategy), MoT, Sydney Water and the RTA.

#### *(i) DNR*

The draft Plan has been amended to meet various minor changes requested by DNR. Key issues resolved include the use of a 20m wide riparian corridor in lieu of a proposed 20m wide drainage and use of combined water quality basins rather than detention/infiltration basins.

#### *(ii) Department of Planning (DoP)*

A number of issues raised by DoP have been resolved including phasing of development, flood evacuation, journey to work modal split, retention of trees and impact of development upon flood levels. DoP also sought more detail on future bus services and the form and management of public transport promotion, including timeframes for implementation of public transport improvements. These are valid queries, however the responsibility for the location of bus routes, frequency of service and provision of public transport improvements rests with the Ministry of Transport (MoT). This issue is further discussed in the following item.

#### *(iii) Ministry of Transport (MoT)*

The approach being pursued by the MoT in relation to bus services is based on the 43 Strategic Bus Corridors nominated in the Unsworth Report. MoT have indicated that they are not yet in a position to engage Council in a detailed bus services review given priorities being pursued elsewhere in Sydney. The key issues raised by the MoT included:

- Bus priority access should be provided into the adjacent residential subdivisions and to rail connections at St Marys and Penrith. Objects to the piecemeal approach to the development of this site;
- Bus connectivity should be provided from Dunheved Precinct to the adjacent industrial subdivisions;
- The design of the bus network for the site should integrate with the strategic bus corridor – a central spine route through AD I site is favoured;
- Unless funds are provided for start-up bus services, it is difficult to see how the stated reduction in vehicle kilometers travelled (VKT) could be achieved;

#### *Comments:*

*The St Marys Development Agreement (The Deed) and the 2005 Transport Management Study (2005 TMS) (currently being updated) provide the planning and legal framework for the provision of the scheduled regional and local road and intersection upgrades. A series of public transport improvements will be carried out following the finalisation of the 2005 TMS. The Deed does*

*provide for public transport promotion and for the subsidization for the cost of an interim bus service. Although the ADI site is currently being developed in a staged fashion, transport planning for the site is being delivered on a whole of site basis. The future declaration of additional precincts by the Minister will assist in the delivery of an integrated approach to provision of bus services across the ADI site. It is considered that the draft Dunheved Precinct Plan demonstrates good bus connectivity, recognizing that the internal road connectors that will ultimately link Dunheved Precinct to the Western, Central and Eastern Precincts are yet to be planned in detail and delivered. Council should strongly support the use of available funds within the Deed for transport promotion.*

(iv) Sydney Water

Issues raised:

- ~~€€€~~ Sydney Water requests that both flushing of toilets and all irrigation needs be met from use of recycled effluent. They have also requested that use of recycled effluent for industrial operations be actively pursued.
- ~~€€€~~ Sydney Water argues that recycled effluent should be used at all times for both flushing of toilets and irrigation use. It is argued that the use for toilets only would have implications for pipe size, costs and system design and would lead to a deterioration in water quality when recycled water is held in pipes for long periods.

Comments:

*Delfin Lend Lease argues that use of recycled effluent at all times for irrigation could potentially generate higher salinity levels and consider that they should not be forced to use recycled effluent when rainwater is available in tanks. It is considered that, where available, rainwater should be utilized for irrigation in order to reduce salinity, reduce costs and for sustainability reasons. Delfin Lend Lease was asked to negotiate the delivery of a recycled effluent scheme for the Dunheved Precinct, given that it is advancing the installation of the infrastructure required to reticulate recycled effluent to the Eastern (Ropes Crossing) Precinct. In our view, the use of recycled effluent should be pursued for the Dunheved Precinct, particularly given the St Marys STP location adjoining the site. In discussion with Blacktown Council, Delfin Lend Lease has agreed to amend the draft Plan to include development controls to require:*

- (i) the developer to provide all allotments with a separate piped supply of treated effluent from the St Marys STP, subject to continuing negotiations with Sydney Water, and other appropriate measures such as rainwater tanks;*
- (ii) developments that consume high volumes of water in their operation shall incorporate recycling initiatives in the plant's operation.*

(v) RTA

Issues raised:

- ~~€€€~~ The RTA considers that the following works will be required to meet the demands of this development;
  - ~~€€€~~ Forrester Road and Links Road – Intersection Improvements;
  - ~~€€€~~ Forrester Road and Christie Street – Intersection Improvements;
  - ~~€€€~~ Christie Street – Road rehabilitation – Forrester Road to Werrington Road;

RTA suggest that consideration be given to the provision of Traffic Control Signal (TCS) at the intersections of Forrester Road/Christie Street/Boronia Road and Forrester Road/Links Road instead of the proposed short term intersection treatments. The replacement of the roundabouts with the TCS is required by 2012 as part of the proposed strategic bus corridors work along Christie Street and Forrester Road;

- ~~€€€~~ The latest proposal of the creation of a four-way intersection at Christie Street/Lee Holm Road needs to be further investigated. Christie Street forms part of a strategic bus corridor and therefore any intersections treatment along Christie Street needs to consider bus priority measures;
- ~~€€€~~ Regarding Council's request for the dedication of part of the RTA owned land related to establishing the new Link Road to Christie Street, the RTA has not been able to consider the request in the absence of detailed information regarding the extent of land needed and the specific purpose it is required for.

*Comments:*

*Council agrees with the RTA's suggestions for road improvements to Forrester Road, Links Road and Christie Street and these are included in the schedules to the draft Planning Agreement. Council officers would support the early provision of traffic signals. The establishment of a four way intersection with the new Link Road, Christie Street and Leeholm Road is supported as the most appropriate location to provide the new traffic link into the existing Dunheved Estate. It is appropriate that bus priority measures be considered at this intersection given Christie Street will ultimately form part of the Werrington Arterial. The use of the RTA land off Christie Street to facilitate the Link Road is critical and we will be continuing to negotiate this aspect with the RTA once a design for the intersection is available. This issue is discussed later in the report.*

### **Assessment of draft Precinct Plan**

The draft Dunheved Precinct Plan consists of two volumes containing the following documents:

- ~~€€€~~ Volume 1 comprising draft Precinct Plan and draft Development Control Strategy; and
- ~~€€€~~ Volume 2 comprising the following supplementary reports:
  - ~~€€€~~ Employment Implementation Strategy
  - ~~€€€~~ Water Soils & Infrastructure Report
  - ~~€€€~~ Biodiversity Assessment Report
  - ~~€€€~~ Tree Survey
  - ~~€€€~~ Weed Management Plan
  - ~~€€€~~ Bushfire Management Plan
  - ~~€€€~~ Feral & Domestic Animal Strategy
  - ~~€€€~~ Traffic and Transport Report
  - ~~€€€~~ Contamination Management Plan
  - ~~€€€~~ Human Services and Community Facilities Report
  - ~~€€€~~ European Heritage Report
  - ~~€€€~~ Aboriginal Archaeology Report
  - ~~€€€~~ Landscape and Open Space Masterplan

## • Landscape and Open Space Handover & Maintenance Plan

The draft Dunheved Precinct Plan and draft Development Control Strategy has been assessed under an existing statutory planning framework comprising the following key documents:

- Sydney Regional Environmental Plan No. 30 (SREP 30);
- The St Marys Environmental Planning Strategy (EPS);
- The St Marys Development Agreement (The Deed).

The draft Plan and draft Development Control Strategy has included the required matters listed under SREP30. The draft Plan is also considered to have met the required performance objectives listed in the Environmental Planning Strategy (EPS).

Clause 11 of SREP 30 provides amongst other things, that a Precinct Plan must not be approved unless Council is satisfied that the Plan is consistent with the performance objectives, zone objectives and requirements prescribed by the SREP and the proposed development controls proposed in the St. Marys Environmental Planning Strategy 2000 (EPS 2000). Council must also ensure that the Precinct Plan is substantially in accordance with the Structure Plan under SREP 30.

The draft Precinct Plan and draft Development Control Strategy together address the full range of issues required under the above provisions of SREP 30. The draft Plan is also consistent with the Structure Plan under SREP 30.

### **Assessment of Key Issues**

A number of issues have emerged from both consideration of the submissions raised during the public exhibition as well as from our own assessment and the discussions we have held with officers of Blacktown Council. The key matters are outlined below together with relevant commentary. It will be noted that in a number of instances, we have reached agreement with Delfin Lend Lease to amend the draft Precinct Plan. A detailed list of these amendments are provided at Attachment 2 to this report.

The following section also includes commentary on a number of queries raised by Councillors at the presentation provided on the Dunheved Precinct Plan at the Policy Review Committee meeting 27 June 2005.

A copy of the Draft Dunheved Precinct Plan with the amendments outlined below, as agreed by Delfin Lend Lease and Blacktown Council, has been separately distributed to Councillors. However, a number of the Management Plans and Strategies, which are the supporting documents for the draft Dunheved Precinct Plan, are currently still being revised by Delfin Lend Lease. The details of these amendments are outlined in Attachment 4.

#### *1. Filling of Land and Flood Management*

The Dunheved Precinct is floodprone and requires filling of land to a depth of 1.0-1.5m. It is acknowledged that the extent of fill proposed on the Dunheved Precinct is significantly less than the volumes that would be required for the Central Precinct, if that precinct were to be declared as a release area by the Minister. As a result, the proponent was requested to model filling of the

Dunheved Precinct as well as the Central Precinct to determine the net effects on the floodplain. The relevant performance standard within SREP 30 states that *“there is to be only minimal impact upon flood levels upstream or downstream of the land to which this plan applies as a consequence of its development.”*

At the request of the two Councils, a Peer Review was carried out by Bewsher Consulting *“to study and assess the technical veracity of the modelling undertaken by SKM.”* The two Councils chose Bewshers as this organization is considered to be well equipped to access the modelling methodology employed. Bewshers concluded that *“the methodology used by SKM to model the proposed fill areas and flood storage areas within the site follows normal and accepted modelling practice. There is documentation available to substantiate much of the methodology and results. We have not found any information which raises significant concerns about the modelling work undertaken by SKM.”* This outcome has also been endorsed by the Department of Natural Resources.

The flood modelling consultants SKM were also asked by the two Councils to provide additional information on flood impact. The work carried out has provided the following results:

- When pre and post development conditions for the South Creek floodplain are compared for 1:100 year flood on large scale maps the maximum vertical increment in flood level upstream of the site is 37 mm (golf course only) and downstream is 11 mm;
- There are no discernable horizontal impacts on the 1:100 year flood extent due to the proposed development;
- Alternative modelling scenarios based on a reduced development have delivered no significant reduction in flood levels.

This additional work has further demonstrated the original modelling results that minimal increases in flood level can be expected to occur as a result of the proposed development.

Council, in the implementation of its flood policy, has not favoured substantial filling of flood plains. In cases where small scale filling of flood liable areas has been agreed to, Council has insisted upon compensatory flood storage being provided. Council’s “Interim Policy for Development of Flood Liable Land” employs a “merits based” approach for assessment.

At Council’s request, the applicant has provided clarification on the rationale of their flood modelling approach. Given the proximity of the Regional Park, the option of compensatory flood storage being provided by excavation is not as feasible as it would be in other locations. As a result, the Delfin consultants examined other appropriate measures to reduce the flood impact.

The submitted information from SKM indicates that minimal increases to both upstream and downstream flood levels will be achieved by the development of the Dunheved Precinct if certain flood mitigation measures are implemented. This approach is to raise the level of two bridges which span both Ropes and South Creeks and to remove the approach embankment for the old munitions bridge in order to increase the cross-sectional channel volume for Ropes and South Creeks. This allows the required performance standards in SREP 30 and the EPS to be met.

The means of importing the fill material, including ensuring that the source of fill for the Dunheved Precinct is free from any form of contamination and is validated as safe for filling purposes are detailed matters that will be canvassed in subsequent development applications.

We are satisfied that the issues raised in the 27 June 2005 report to Council concerning the flooding implications of filling the Dunheved Precinct have been satisfactorily addressed.

## *2. Biodiversity*

The majority of the Dunheved Precinct has been cleared however areas of vegetation remain in the north, southwest and southeast of the site.

The development of the Dunheved Precinct will result in the removal of areas of three endangered ecological communities, two threatened flora species and a number of Blue Box trees that are regionally significant. The retention of significant trees will be possible within the riparian and drainage corridors in the southwest of the site, however the proposal for filling of the site to a depth of 1.0-1.5 m will generally prevent the retention of existing vegetation within the precinct.

The proponents have undertaken a comprehensive 8 Part Test for the endangered and threatened species consistent with the provisions of the Environmental Planning & Assessment Act, which indicates that the loss of the vegetation is not of significant impact. DEC has indicated in its submission that provided that plantings and weed management policies within the Dunheved Precinct are sympathetic to the management of the biodiversity within the Regional Park, the DEC has no significant concerns with the biodiversity impacts of the draft Plan.

Despite the loss of vegetation (approx 3 ha) on the Dunheved Precinct, it is reasonable to conclude that this is more than balanced by the protection of significant areas (900 ha) of endangered woodland within the adjoining Regional Park. It is also reasonable to conclude that although the development of the Dunheved Precinct will result in the removal of scattered woodland, the development will not have a significant effect upon any threatened flora or fauna species.

## *3. Riparian Corridor*

Following the request of DNR, Delfin Lend Lease has agreed to Council's request to replace the proposed 20m wide drainage corridor in the upper reaches of the creek in the south-west of the site with a 20m wide riparian corridor. DNR has also requested that there be no development lots backing onto any riparian corridor and Delfin Lend Lease has agreed that, where practical, perimeter road or track will be provided adjacent to any riparian or drainage corridor within the precinct.

## *4. Drainage Basins*

DNR raised concerns that the concept of using infiltration basins to treat water quality may have implications for salinity on the site. Delfin Lend Lease, in reconsidering this aspect, has agreed to replace the infiltration basins with combined detention and water quality basins.

## *5. Bioretention Swales*

Bioretention swales convey and filter stormwater run-off through the use of vegetation as a filter medium. Delfin Lend Lease originally proposed to locate bioretention swales along both sides of all roads within the precinct as an integral part of the stormwater quality management and trunk drainage system. We have however, expressed concern in this application at the ongoing costs to Council of maintaining such infrastructure and queried the practicality of locating swales in an industrial area which is subject to heavy traffic movements. We requested that bioretention swales be limited to the western side of the main collector road only. Delfin Lend Lease has accordingly amended the draft Precinct Plan.

## *6. Recreation Space for Employees*

At the request of both Councils, the two proposed Local Parks have been removed from the original draft Dunheved Precinct Plan as it was considered to be a maintenance liability and unlikely to be regularly used, given its location in an industrial area.

As an alternative, the draft Planning Agreement which has recently been submitted to Council includes as a proposed scope of works a paved, shaded outdoor eating area, approximately 100-150 square metres, incorporating seating, shade structures and tree planting. This is proposed to be established prior to 75% of industrial establishments being established within the North and South Dunheved Precincts. Delfin Lend Lease will also use reasonable endeavours to ensure that a convenience and retail foods outlet is established in either of the Dunheved Precincts.

The draft Precinct Plan also requires that a passive recreation area be provided on each allotment for use by employees.

## *7. Public Transport Infrastructure*

The draft Precinct Plan has been amended to include two bus stops and two bus shelters at both the northern and southern ends of the main Collector Road servicing the Dunheved Precincts.

## *8. Road Network Infrastructure*

Officers from both Councils devised a consistent set of standards for both road carriageway widths and road reservation widths for both the main Collector Road and the other roads within the draft Precinct Plan. The general principle adopted was to utilize the higher road standard from either Council and accordingly Delfin Lend Lease has now agreed to adopt road carriageway widths of 15.5m and 13.5m for Collector Road and Other Roads respectively. The road carriageway widths and road reservation widths have increased from those exhibited in the draft Precinct Plan. A 3m wide parking lane has also been added to the western side of the Collector Road so that this may also be utilized as a breakdown lane.

## *9. Use of Recycled Water*

In its submission to Council, Sydney Water requests that both flushing of toilets and all irrigation needs be met at all times from the use of recycled effluent, rather than from a combination of recycled effluent and stored water from rainwater tanks. It is argued that the use of recycled effluent for toilets only would have implications for pipe size, costs and system design and would lead to a deterioration in water quality when recycled water is held in pipes for long periods. They have also requested that the use of recycled effluent for industrial operations be actively pursued.

Delfin Lend Lease argues that use of recycled effluent at all times for irrigation could potentially generate higher salinity levels and consider that they should not be forced to use recycled effluent when rainwater is available in tanks. It is considered that, where available, rainwater should be utilized for irrigation in order to reduce salinity, reduce costs and for sustainability reasons. Delfin Lend Lease was asked to negotiate the matter with Sydney Water and have commenced discussions with that authority.

The two Councils and Delfin Lend Lease have agreed to amend the draft Plan to include development controls to require: (i) the developer to provide all allotments with a separate piped

supply of treated effluent from the St Marys STP, subject to continuing negotiations with Sydney Water, and other appropriate measures such as rainwater tanks; (ii) developments that consume high volumes of water in their operation shall incorporate recycling initiatives in the plant's operation.

#### *10. Telecommunications Infrastructure*

Council's 'Sustainability Blueprint for Urban Release Areas' encourages the provision of '*advanced telecommunication infrastructure in new release areas which should provide multiple telecom services including high speed internet (including broadband), voice and data systems.*'

Although Council cannot enforce the signing of commercial contracts by developers, we are nevertheless keen to ensure that modern telecommunication infrastructure and services are provided to the Dunheved Precincts. The draft Precinct Plan has therefore been amended to require the provision of modern telecommunication infrastructure and services subject to continuing negotiations with service providers.

#### *11. Subdivision and Built Form Controls*

In our assessment of the proposed development controls contained within the Precinct Plan, we have discussed a number of appropriate changes with Blacktown Council officers to ensure that both Councils' existing controls for employment precincts can be consistently meshed into the requirements for Dunheved Precinct. The key amendments made to Part 4 of the draft Dunheved Precinct Plan (draft Development Control Strategy) are summarized below.

- *Minimum Lot Width*

The minimum lot width at the primary street frontage has been increased to 50m on the Collector Road and retained at 35m on other roads as the larger lots were expected to be located along the Collector Road.

- *Salinity Controls*

Specific salinity objectives and controls have been added to the draft Plan in order to manage and mitigate the impacts of, and on, salinity.

- *Regional Park Frontage*

A specific control has been inserted into the draft Plan in order to ensure that loading docks, loading areas and external storage areas shall be appropriately located and/or screened so as to not be visible from the Regional Park.

- *Front Setback Controls*

The draft Plan has been amended to reflect increased front building line setbacks. The front setback for the Collector Road has been increased from 5m to 9m and from 5m to 7.5m for other roads.

A specific control has been added to the draft Plan to prevent the location of water tanks within the front setback and to require screening. Minimum landscape requirements for front setback areas have also been added.

- *Carparking*

The draft Plan has been amended to specifically require carparking to be located behind the required minimum front landscaped setback area. The draft Plan has also been amended to remove the specific controls that previously permitted carparking to be shared between neighbouring lots and which also permitted shared access and turning areas between neighbouring sites. These two latter controls have been deleted as officers considered that they would create on-site problems.

- ~~€€€~~ *Employee Recreation Area*

A requirement for a minimum passive recreation area on each lot for use by employees has been added to the draft Plan.

- ~~€€€~~ *Maximum Fence Height*

The draft Plan has included a maximum fence height of 1.8m in order to screen the rear of the lots from adjacent sites.

- ~~€€€~~ *Specific Urban Design Controls*

Specific Controls relating to building design and building materials have been added to strengthen the draft Plan.

## *12. Ongoing Maintenance of Drainage, Riparian Corridors, Roads and Asset Protection Zone*

At Council's Policy Review Committee Meeting held on 27 June 2005, Council resolved, in part, that a report be prepared on the funding that may be required for the ongoing maintenance of drainage basins, riparian corridors, bioretention swales and the Asset Protection Zone.

Following discussions with officers from both Councils, Delfin Lend Lease has agreed to the removal of the proposed Local Parks in both North and South Dunheved Precincts. Penrith Council officers and Delfin Lend Lease have reached agreement that the bioretention swales should be retained on the western side of the Collector Road, but removed from other parts of the South Dunheved Precinct in order to reduce maintenance costs and as the bioretention swales were not considered to be a viable application in an industrial area.

Delfin Lend Lease submitted a "*Landscape and Open Space Handover & Maintenance Plan*" with the draft Dunheved Precinct Plan. This Plan outlines an 8 stage process which includes separate phases for approval, construction, practical completion, contract maintenance, handover and ongoing maintenance by Council.

It is also proposed that a 'Landscape and Urban Design Strategy' be prepared as a supporting document to the draft Dunheved Precinct Plan, should it be adopted. This strategy will include, amongst other things, relationship to the site open space hierarchy, standards for public domain character and presentation, design and materials treatments and principles for landscape implementation and maintenance.

Officers have carried out an investigation of the likely ongoing maintenance costs to Council of these assets and have requested that a Maintenance Management Plan and schedule of estimates of costings be submitted to Council. This is currently being prepared by Delfin Lend Lease.

We have requested that the pre-handover periods for drainage basins, riparian corridors and bioretention swales be set at 3 years and the pre-handover times for bushland and woodland be set at 12 months instead of 6 months. Delfin Lend Lease as agreed to those arrangements.

### *13. Contamination Management Plan*

The ADI site has been the subject of extensive investigation and remediation through the 1990's. The work was undertaken with the full involvement of the EPA and subsequently by an independent NSW EPA accredited Site Auditor who produced and issued the Site Audit Statements for the whole of the ADI site (Stage 2 Decontamination Audit of ADI St Marys Munitions Factory, dated 7 June 1999). The site has been remediated to a level where it is considered to pose a negligible risk to the public or the environment with regard to chemical contamination or explosive ordnance.

The submitted 'Contamination Management Plan' presents information from the remediation and validation reports for the Southern Sector East (which covers the Dunheved Precinct) and other pertinent information from the whole of the site. The objective of the Plan is to provide a framework for identifying and addressing any unexpected discovery of chemical contamination or potentially explosive ordnance and to ensure a safe working environment.

#### **Deed of Indemnity**

Council has been attempting to obtain a signed Deed of Indemnity for the former ADI site from the Commonwealth Government since May 2004. The intention of the Deed is to seek the Commonwealth Government to indemnify Council against all actions, claims and damages arising from any claim by the future land owners of the ADI Site from any currently unforeseen source of contamination.

Notwithstanding that Blacktown City Council received a signed Deed of Indemnity from the Commonwealth Government in the late 1990s, the Commonwealth Government has advised that it cannot now provide an indemnity out of a purported obligation arising from a similar indemnity provided to Blacktown City Council. We have been advised that Council has no legal entitlement to an indemnity from the Commonwealth Government.

We have sought from Council's solicitors, Phillips Fox, advice whether Council has an argument that the Commonwealth Government should execute the draft Deed of Indemnity. We are advised that the Commonwealth Government has implemented a policy which states that a set of guidelines should be satisfied before the Commonwealth provides an indemnity. In August 2005, Council wrote to the Commonwealth Department of Finance and Administration and addressed the specific criteria listed in the guidelines provided by the Commonwealth Government.

The Commonwealth Government advised that the Council's submissions have not identified any clear risk to Council, or basis for the Commonwealth to issue an indemnity. The Commonwealth Government has advised that it is of the view that the draft indemnity provides no further protection to Council than that afforded by section 145B of the Environmental Planning and Assessment (EP&A) Act. This Section provides that if the Council acts in good faith with respect to issues of contamination in planning for future development of the area, that the Council will not be liable to any party at law.

Council's solicitor has advised that it would appear that the Commonwealth Government accepts that the land is contaminated, but asserts that the question as to whether the Commonwealth should take responsibility for that contamination depends upon the Council identifying a particular risk to it, in relation to which it is not afforded protection under Section 145B of the EP&A Act.

Council's solicitors have advised that the draft indemnity is of limited scope and operation and consider that there are very few circumstances where the draft indemnity would act in favour of the

Council. The solicitors have advised that the draft indemnity would not apply to the Council where the good faith defence is available under section 145B of the EP&A Act.

Notwithstanding that the Commonwealth Government has so far refused to sign the Deed of Indemnity, our solicitors advise that a considerable degree of protection is available to Council under section 145B of the EP&A Act and it is reasonably considered that this should not otherwise prevent Council from adopting the draft Dunheved Precinct Plan.

### **Draft Planning Agreement**

The gazettal on 8 July 2005 of the Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2005 has extended the means by which planning authorities may obtain development contributions to be applied for the provision of public amenities and services and for other purposes. Local government now has the capacity to negotiate with developers in order to seek the provision of contributions towards facilities and services within Planning Agreements. This level of legal certainty was not previously available to Councils when negotiating developer agreements.

A draft Outline Development Agreement was lodged with Council in August 2005. However, based on the legal advice we have received, we have considered that the Councils should utilize the new Planning Agreement legislation as the appropriate legal mechanism for the delivery of contributions and services for the Dunheved Precinct.

Council has been specifically requested by Delfin Lend Lease to permit a draft Planning Agreement to be created under Part 3 of the St. Marys Development Agreement that it has entered into with the State Government. Council's solicitors have provided legal opinion to Council on this matter and have indicated that there would be no disadvantage to Council in following this approach.

A draft St Marys Penrith Planning Agreement has been prepared by the proponent and was submitted to Council in April 2006 following extensive negotiations with Delfin Lend Lease. This draft Planning Agreement supersedes the former draft Outline Development Agreement that was formerly exhibited alongside the draft Dunheved Precinct Plan. A copy of the submitted Schedules to the draft Planning Agreement, as currently amended, appears as Attachment 3.

Council officers and Delfin Lend Lease have negotiated a revised Schedule of Works, the notional value of those works and their timing. In our view, the proposed works now reflects an appropriate level of infrastructure delivery to effectively support the development of the Dunheved Precinct. The summary of the proposed works is as follows:

#### Schedule 1 – Local Transport Works

##### *(i) Transport Management Study Works*

- Werrington Road – between Dunheved Road roundabout and Parkes Avenue roundabout;
- Forrester Road & Links Road intersection;
- Forrester Road & Christie Street intersection;
- Werrington Road & Dunheved Road intersection;
- Christie Street - between Forrester Road Roundabout & South Creek.

*(ii) Accelerated Transport Management Works*

- €€€ Werrington Road – between Dunheved Road roundabout and Parkes Avenue roundabout;
- €€€ Werrington Road & Dunheved Road intersection;
- €€€ Christie Street - between Forrester Road Roundabout & South Creek.

*(iii) Additional Joint Venture Funded Transport Works*

- €€€ New Road Connection – Christie Street to Links Road (part contribution);
- €€€ Links Road Upgrade – Along Dunheved Precinct Frontage;
- €€€ Forrester Road Upgrade – Between Ropes Creek and Links Road Roundabout;
- €€€ New Footpath along Links Road – between Forrester Road/Links Road Roundabout and Collector Road entrance to Dunheved Precinct;
- €€€ Plan Administration Charge for Planning Agreement.

Schedule 2 – Local Open Space Works

- €€€ Open space area associated with convenience & retail food outlets;
- €€€ Convenience & retail food outlet;
- €€€ Bicycle Path.

Schedule 3 – Stormwater Drainage Infrastructure

- €€€ Combined water quality basins

Given the expanded content of the negotiated infrastructure now agreed to be delivered, it is considered that Council can endorse the proposed works schedules for inclusion into the draft Planning Agreement. If Council is of a mind to agree to the proposed works, once a response has been received from our solicitors and any necessary amendments made to the provisions within the Agreement, it would then be appropriate for the draft Planning Agreement to proceed to public exhibition. It would be appropriate for Council's Legal Officer and Environmental Planning Manager to be given delegated authority for finalizing the Planning Agreement for public exhibition.

It is relevant to note that once Council adopts a Precinct Plan, development proposals can be submitted to Council, with the expectation that they will be determined. The legal advice received from Council's solicitors has recommended that the draft Planning Agreement be finalised, publicly exhibited and duly executed prior to formal adoption by Council of the draft Dunheved Precinct Plan and supporting documentation. This will ensure there is a clear infrastructure delivery mechanism endorsed by Council before Development Applications are required to be determined.

## Proposed Dunheved Link Road

Council in its last consideration of the Dunheved Precinct Plan urged that further discussions be held with Delfin Lend Lease and the RTA concerning the most appropriate means to achieve a new link road between the existing Dunheved Estate and Christie Street. Since that time, we have had extensive discussions with these two stakeholders, as well as the convener of the Dunheved Industrial Development Committee. Those discussions have ranged around agreeing on the most appropriate alignment and land take for the proposed road, estimating the cost of the new works and looking at a process for freeing up otherwise land locked or under-utilised land holdings in the immediate area to provide a means for funding the link road construction.

Delfin Lend Lease has submitted to Council a draft Concept Plan for a link road between the Christie Street/Lee Holm Road intersection to a point adjacent to the Dunheved Golf Course. This proposal was recently presented to the Councillor Workshop held on 8 May. The Concept Plan nominates a proposed route and an initial estimate of costings. The proposal has been referred to the RTA who have indicated a preferred intersection geometry with Christie Street. Delfin Lend Lease has been requested to finalise a concept design for the intersection.

The proposal which we see value in moving forward would consider the future development opportunities for in the order of 20 hectares of currently undeveloped land, held in private and public ownership, in the vicinity of Christie Street and the disused ADI rail spur line. The bulk of this land is already zoned 4(a) General Industrial, however, given the individual size, shape and location of these allotments, they have not for practical reasons moved forward for development. It is proposed that the development opportunities in this area be re-examined including the potential reconfiguration of the allotments to facilitate their future development. The benefits of this approach are seen as:

- Freeing up existing industrial zoned land for economic development;
- Providing a source of funding the proposed link road construction;
- Creating new jobs in addition to those which will emerge in the new Dunheved Precinct on the ADI site;
- Providing a means to enhance the visual appearance and address of the existing Dunheved Industrial Estate and its presentation to the future Werrington Arterial;
- Providing a catalyst for development renewal in the adjoining industrial areas.

The RTA in discussions has indicated support in principle for the proposed Link Road. They have also indicated the importance of ensuring that there are appropriate turning lanes provided at the intersection as well as providing for future bus priorities. The RTA is yet to formally confirm its preparedness to dedicate the Link Road corridor to Council as road, however this is expected soon.

Given that taking the approach outlined above will take some time to advance, we have discussed with Delfin Lend Lease the most appropriate mechanism for moving forward to determine the final design, cost, funding arrangements and delivery mechanism for the Link Road. To that end, Delfin Lend Lease has proposed entering into a Heads of Agreement with Council to delineate a collaborative process for the parties to move forward to establish the Link Road. Delfin Lend Lease has offered to act as project manager to facilitate the investigations and the development of the adjoining land.

The Heads of Agreement is intended to establish a framework for the development of the land and the further assessment, design, approval, funding and construction of the Link Road. It is intended

to establish a Project Control Group for the Link Road to advance the project. The objectives of the Project Control Group will be to enable the further assessment, design, approval, funding and construction of the Link Road and to determine the manner of the apportionment of the funding and the relevant benefiting ownerships required to deliver the Link Road.

In our view, this is an appropriate course of action particularly and would effectively delineate responsibilities for a joint approach to delivering the Link Road. A draft of the Heads of Agreement has been recently submitted to Council and is currently being assessed by the Legal Officer. In our view, it would be appropriate for Council to resolve to enter into a suitable Heads of Agreement once the terms of that arrangement have been finalised and the Legal Officer be delegated the authority to endorse the final Agreement.

### **Management Plans and Strategies**

A series of Management Plans and Strategies has been prepared to sit alongside the draft Precinct Plan and draft Development Control Strategy to provide more detailed information and guidelines concerning specific management responses that will be required over time to support the development. Those are outlined in the earlier section titled 'Assessment of Draft Precinct Plan'.

In discussions with Delfin Lend Lease and Blacktown Council, a number of mostly minor amendments have been agreed to advance to the supporting documents, and are outlined in Attachment 4. These however are yet to be completed.

Council's solicitors, Phillips Fox, have advised that given there are a number of Management Plans and Strategies which form part of the draft Dunheved Precinct Plan and which are yet to be amended by Delfin Lend Lease, it is not considered prudent for Council to formally adopt the draft Dunheved Precinct Plan at this stage. Council could however, based on the level of agreement reached with Delfin Lend Lease and the amendments now made to the draft Precinct Plan, give consideration to endorsing the draft Precinct Plan in principle, and with a formal approval being subject to the satisfactory execution of the Planning Agreement and the receipt of all necessary amended documents.

### **Conclusion**

The Dunheved Precinct will make a notable contribution to delivering new employment opportunities, not only in relation to the ADI Site development, but also in relation to Council's aspirations to creating new jobs across the City. It also represents the first phase of implementation of the ADI Employment Strategy within Penrith, which is the vehicle to ensure that Council's policy of creating new jobs in association with this new urban release area development materialises.

The public submissions made to the exhibition of the draft Dunheved Precinct Plan have been carefully assessed and it is considered that the issues raised have been effectively dealt with in relation to the proposals advanced by Delfin Lend Lease and the amendments made to the draft Precinct Plan.

The submissions received from the State Government authorities have been appropriately addressed and the relevant aspects identified in the report incorporated in the amended draft Precinct Plan. As indicated in the report, issues raised concerning the early provision of bus services will require further addressment by the MoT and it is recommended that we write to that agency to seek their advice as to the appropriate timing for this consideration to occur.

Engineering consultants carried out a detailed flood modelling exercise, and a separate engineering consultant also conducted a peer review process. In our view, the studies carried out demonstrate that the proposed development will have minimal impact on flood levels.

In relation to the funding of management arrangements previously raised by Council, Delfin Lend Lease has agreed to pre-handover periods of 3 years for drainage basins and increased pre-handover periods of 3 years for riparian corridors and bioretention swales for this site. Delfin Lend Lease has also agreed to increase the proposed contract maintenance period for bushland and woodland from 6-12 months. In our view, this is an appropriate outcome.

Despite our endeavours to obtain a signed Deed of Indemnity from the Commonwealth Government in relation to the past contamination of parts of the ADI site, Council's solicitors have advised that the draft Indemnity is of limited scope and may not provide for any substantial protection in addition to that now provided by the changes to the Environmental Planning and Assessment legislation. Both Council's solicitors and the Legal Officer have advised that it is reasonable to consider Council should not be prevented from adopting the draft Dunheved Precinct Plan in the absence of obtaining the Indemnity.

Extensive negotiations have been held with Delfin Lend Lease to arrive at an agreed schedule of infrastructure works required to support the development of the Dunheved Precinct. Those works include measures which would be immediately required as a result of development occurring in this Precinct, as well as the implications created from Blacktown Council endorsing the development of the Eastern (Ropes Crossing) Precinct. In addition, Delfin Lend Lease has agreed to accelerate a number of road works that would be more relevant to support the development of the Western and Central Precincts yet to be released, but for which there is advantage in bringing forward in order to support the development of the Dunheved Precinct. Accordingly, it is recommended that Council endorse the works schedules attached to the report as the basis of the draft Planning Agreement to be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act.

In relation to advancing the establishment of a new Link Road between the existing Dunheved Industrial Estate and Christie Street, a mechanism to move forward has been negotiated with Delfin Lend Lease and it is recommended that Council enter into a suitable Heads of Agreement to provide the means for a collaborative approach to be pursued to the design and delivery of the new Link Road.

Given the current status of the advancement of the proposed Planning Agreement and the need to have revisions of all documents supporting the draft Precinct Plan finalised, it is not considered appropriate for Council to formally adopt the Precinct Plan at this stage. However, in order to provide some clarity for the proponent so that they may commence consideration of the next development phase for the Dunheved Precinct, it is relevant for Council to indicate that it is fundamentally satisfied with the outcomes reached to-date. Accordingly, it is recommended Council provide in principle support for the draft Dunheved Precinct Plan.

A further report will be presented to Council following the exhibition of the draft Planning Agreement and receipt of the revised draft Precinct Plan and supporting documentation. This would allow consideration by Council of the formal adoption of the Dunheved Precinct Plan and the related Planning Agreement to be executed concurrently.

## **RECOMMENDATION**

That:

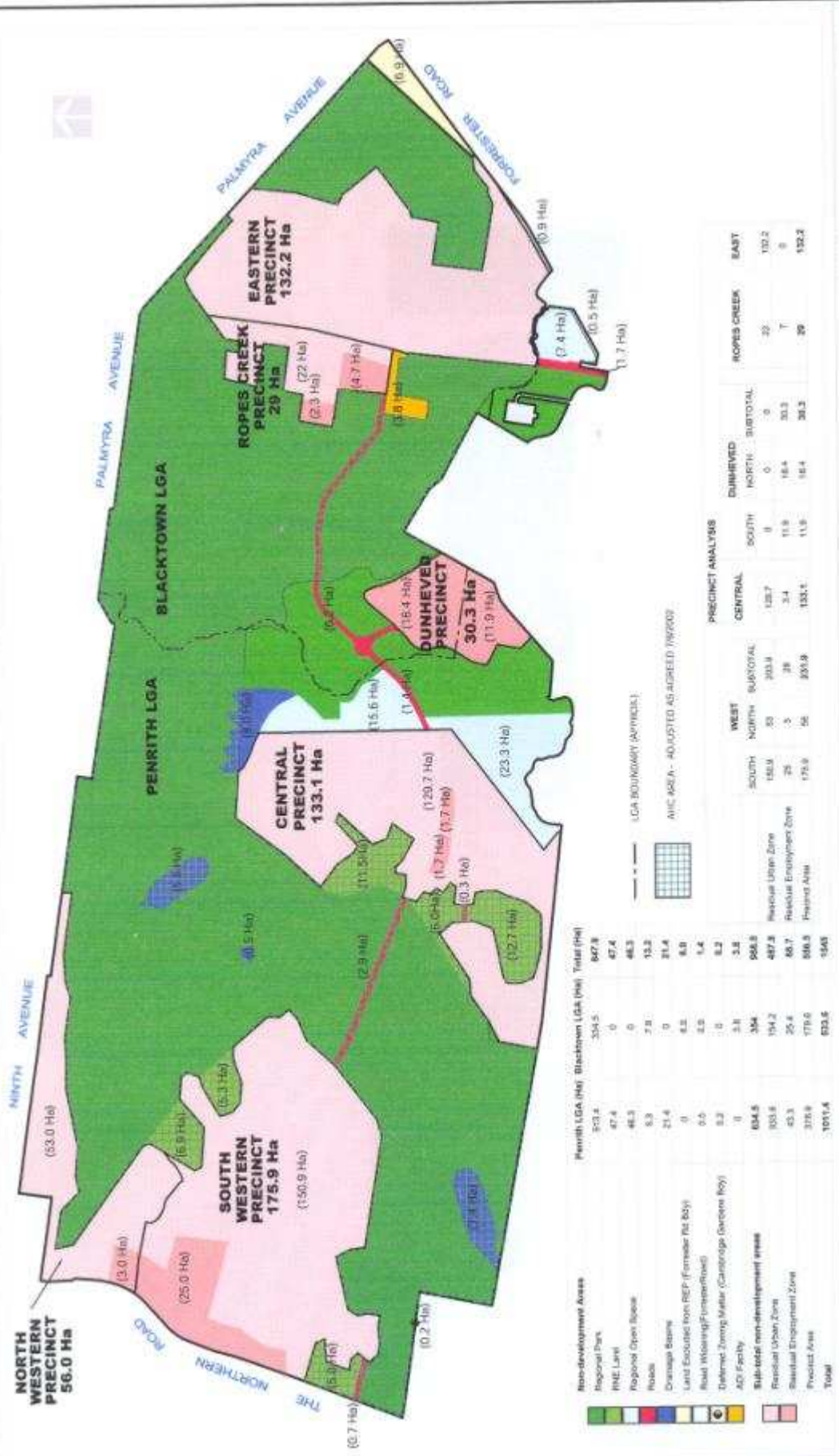
1. The information contained in the report on ADI Site - Draft Dunheved Precinct

Plan & Draft Planning Agreement be received.

2. Council endorse in principle the draft Dunheved Precinct Plan submitted by Delfin Lend Lease, with the amendments as agreed to by the proponent outlined in the report and in the attachments.
3. A further report be presented to Council following the exhibition of the draft Planning Agreement and receipt of the revised draft Precinct Plan and supporting documentation for consideration of the formal adoption of the two documents.
4. Council endorse the proposed works schedules included in the Attachments to this report for their inclusion in the draft Planning Agreement.
5. Council publicly exhibit the draft Planning Agreement in accordance with the provisions of the Environmental Planning & Assessment Act, 1979 and Regulations and authorise the Legal Officer and Environmental Planning Manager to finalise the content of the draft Planning Agreement prior to the formal public exhibition process.
6. Council enter into a Heads of Agreement with Delfin Lend Lease regarding the advancement of the proposed Link Road between the Dunheved Industrial Area and Christie Street and that the General Manager be authorised to execute the Agreement.
7. Council write to the Ministry of Transport to confirm the appropriate approach and timing for the delivery of bus services in the Dunheved Precinct and the Dunheved Business Park
8. Delfin Lend Lease be advised of Council's decision.

#### **ATTACHMENTS/APPENDICES**

<b>1.</b>	ADI Precinct Map	1 Page	Appendix
<b>2.</b>	Dunheved Precinct Framework Plan	1 Page	Appendix
<b>3.</b>	Assessment of Submissions	7 Pages	Attachment
<b>4.</b>	Key Amendments to Draft Dunheved Precinct Plan	2 Pages	Attachment
<b>5.</b>	Schedules for Draft Planning Agreement	4 Pages	Attachment
<b>6.</b>	Amendments to Management Plans and Strategies	3 Pages	Attachment



Non-development Areas	Penrith LGA (Ha)	Blacktown LGA (Ha)	Total (Ha)
Regional Park	53.2	354.5	847.8
RNE Land	47.4	0	47.4
Regional Open Space	48.3	0	48.3
Roads	8.9	7.8	15.2
Orange Sains	21.4	0	21.4
Land Excluded from REP (Former Mt Boy)	0	4.5	4.5
Road Widening (Interpreted)	0.0	0.0	0.0
Defence Zoning Matter (Canberra Defence Proj)	0.0	0.0	0.0
ACT Facility	0.0	0.0	0.0
<b>Sub-total non-development areas</b>	<b>634.5</b>	<b>354.5</b>	<b>989.0</b>
Residential Urban Zone	103.6	194.2	297.8
Residential Employment Zone	45.3	25.4	70.7
Project Area	376.9	177.6	554.5
<b>Total</b>	<b>1051.4</b>	<b>626.6</b>	<b>1678.0</b>

PRECINCT ANALYSIS	WEST		CENTRAL		DUNHEVER		EAST	
	SOUTH	NORTH	SOUTH	NORTH	SOUTH	NORTH	SOUTH	NORTH
Residential Urban Zone	185.0	80	128.7	0	0	0	32	110.2
Residential Employment Zone	28	5	3.4	11.9	16.4	16.4	7	0
Project Area	175.9	56	333.8	11.9	16.4	16.4	29	132.2

**Palmyra Land Information Constraints**

Note: Data provided by DLAP - April 2001 & is subject to confirmation by best survey.

Areas shown have been rounded.

Scale: 1:30,000 @ A3

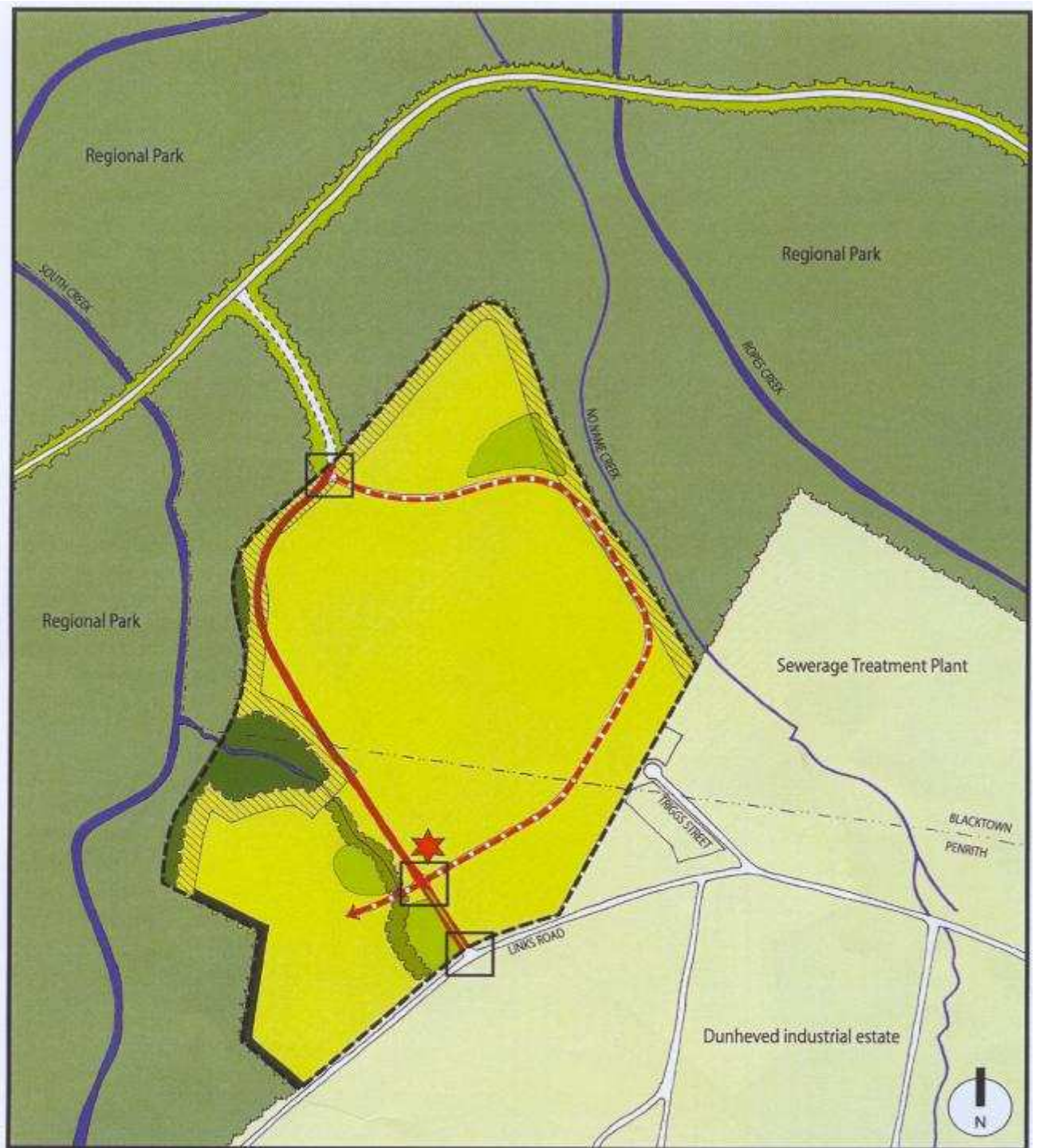
Date: 16/02/2005

Code Ref: DM7-254c.dwg



# ST MARYS DEVELOPMENT

## LAND USE PLAN - SREP 30 & AHC BOUNDARIES



## Framework Plan (indicative layout)

m0 100 200 300

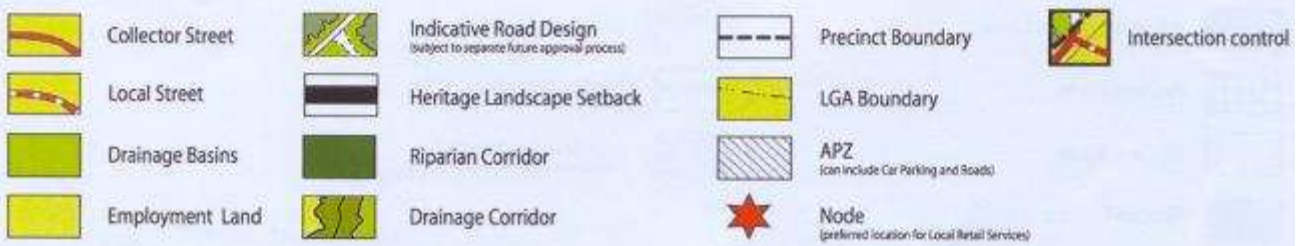
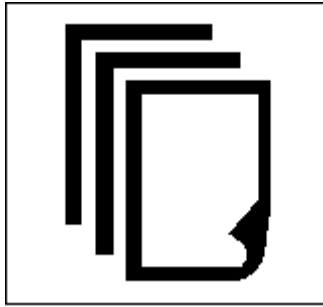


Figure 16 - Dunheved Precincts Framework Plan

# ATTACHMENTS



Date of Meeting: Monday 22 May 2006

Master Program: The City as a Social Place

Issue: New Release Areas

Report Title: ADI Site - Draft Dunheved Precinct Plan & Draft Planning Agreement

Attachments:

- Assessment of Submissions
- Key Amendments to Draft Dunheved Precinct Plan
- Schedules for Draft Planning Agreement
- Amendments to Management Plans and Strategies

## Attachment 1

### Assessment of Submissions – ADI Dunheved Precinct Plan

Council has received a total of 30 submissions to the exhibition comprising a petition with 89 signatures, two individual letters, seven form letters and 20 submissions from Public Authorities, Service Authorities and Emergency Services organizations.

#### Individual submissions

Two individual submissions have been received. Both submissions object to the draft Plan.

##### *Issues raised – Submission 1:-*

- The filling of land will present a threat to upstream localities. South Creek and Ropes Creek have always flowed through the site unimpeded. The filling of the floodplain will impede the flow and the result will be massive upstream flooding.

##### *Comments:-*

- Flood modelling has been carried out to investigate the impact of filling of part of the floodplain and to determine what flood mitigation measures should be introduced to ensure that the proposed development only results in 'minimal' flood impact. The flood modelling has demonstrated that if all proposed ameliorative measures are implemented, there will only be 'minimal' increases in flood level upstream of the site of 37mm and downstream of the site 11 mm. Council staff are satisfied with these results. This matter will be assessed in more detail later in this report.

##### *Issues raised – Submission 2:-*

- The Biodiversity Assessment Report is grossly inadequate. The site has a high representation floristically of species for a remnant on the Cumberland Plain. The submission also opposes the filling of the floodplain as it will potentially cause problems for the downstream property owners.

##### *Comments:-*

- It is acknowledged that the development site has Biodiversity value. However this is balanced by the fact that a substantial Regional Park of 900 ha is being preserved. This assessment has been supported by the Department of Environment and Conservation (DEC) and also by the Land and Environment Court (LEC) in the Xavier College case. It should also be noted that significant riparian corridor along the tributary to South Creek is to be established.

#### Form letters and petition

Seven identical form letters and a petition raising the same issues as the form letters and containing 89 signatures have been submitted.

##### *Summary of Issues raised:-*

Object to draft Dunheved Precinct Plan for the following reasons:-

- €€€ It is irresponsible to allow development of South Creek floodplain;
- €€€ New data should be used rather than 1991 floodplain data to assess the draft Plan;
- €€€ Draft Plan should not be approved prior to new floodplain data being gathered;
- €€€ Council should not permit ADI filling whilst denouncing filling for North West Growth Centres;
- €€€ Where is the equivalent area of compensatory floodplain storage situated?
- €€€ Seeks information on number of truckloads required to fill site;
- €€€ Opposes Development Agreements and seeks assurance that Council can act in public interest;
- €€€ Opposes any increased traffic on Dunheved Road.

*Comments:-*

- €€€ Council's flood policy generally does not support filling of the flood plain (1% AEP flood level) unless it can be demonstrated that no detrimental effects will occur as a result of the filling and any associated mitigation works. The proponent carried out a modeling exercise that used the most contemporary flood model that was available (the 1991 Flood Study). The approach which was undertaken in the use of this modeling, looked at the differences in the flood levels upstream, downstream and across the site as a result of the proposed filling and mitigation measures. The model that was used for this is considered to be adequate for this exercise. The modeling was also scrutinized by Department of Natural Resources (DNR) and subjected to a peer review by an independent consultant. Both DNR and the consultant arrived at the same conclusions and have endorsed the study outcomes. This approach is also consistent with State Government's Floodplain Management Manual .
- €€€ The floodwater mitigation measures employed have been designed to increase the channel capacity for Ropes Creek and South Creek so as to prevent upstream flooding. This mechanism is an effective means of preventing upstream flooding under the local conditions on this site rather than the traditional means of providing compensatory floodplain storage by way of excavation;
- €€€ Details are not known at this stage of the source of fill material or the number of external truck movements which may be required. These are matters which are more appropriately dealt with at the DA stage;
- €€€ A Development Agreement, which is now known as a Planning Agreement, under the new legislation, should not be confused with a Public Private Partnership (PPP). A PPP is an altogether different process where Government may elect to enter into a contract with a private organisation for the carrying out of works in return for that organization receiving a share of the revenue so generated, such as a tollway.
- €€€ A Planning Agreement is a contractual agreement between the planning authority and the developer. On 8 July 2005, the Environmental Planning & Assessment Act, 1979 (EP&A Act), was amended to allow planning authorities to use planning agreements as a means to

obtain contributions for a public purpose. The purpose of a Planning Agreement is to ensure that developers put in place infrastructure in a timely manner using a process which is more suitable or flexible than the traditional Section 94 process. By no means does the signing of a Planning Agreement by a Council bind or fetter that Council in the carrying out of its statutory planning obligations under the EP& A Act. Indeed it is the obligation of the Council to ensure that it is not fettered in any way in the carrying out of its planning functions whilst at the same time ensuring that it is pursuing the orderly development of land and the timely and equitable provision of infrastructure to meet the needs of new residents in new release area developments. Council would not be a party to any agreements which would fetter its obligations to the public;

- ~~€€€~~ Dunheved Road is a strategic road corridor that has been planned to convey traffic in an east west direction across a major part of the City. The current construction has been designed to allow for future lane amplification. The need for this upgrade will be driven by future traffic being generated by all of the release areas in the LGA.

### **Public Authorities**

Twenty submissions have been received from the following public authorities:-

- ~~€€€~~ Darug Tribal Aboriginal Corporation;
- ~~€€€~~ Department of Environment & Conservation (DEC);
- ~~€€€~~ Department of Natural Resources (DNR);
- ~~€€€~~ Department of Planning (Metropolitan Planning Division);
- ~~€€€~~ Department of Planning (Transport Strategy Division);
- ~~€€€~~ Ministry of Transport;
- ~~€€€~~ NSW Department of Community Services;
- ~~€€€~~ NSW Department of Primary Industries (Mineral Resources Division);
- ~~€€€~~ NSW Department of Primary Industries (Fisheries Division);
- ~~€€€~~ State Emergency Service;
- ~~€€€~~ Sydney Water Corporation;
- ~~€€€~~ Telstra;
- ~~€€€~~ Transgrid;
- ~~€€€~~ Agility;
- ~~€€€~~ Federal Department of Environment & Heritage;
- ~~€€€~~ Integral Energy;

- ~~€€€~~ NSW Heritage Office;
- ~~€€€~~ NSW Rural Fire Service;
- ~~€€€~~ Sydney West Area Health Service;
- ~~€€€~~ RTA

Although no public authorities objected to the draft Plan, a total of 5 public authorities have raised issues that need to be addressed. These authorities are DNR, DoP (Metro Planning & Transport Strategy), MoT, Sydney Water and RTA.

## **DNR**

The draft Plan has been amended to meet various minor changes requested by DNR.

### *Issues raised:-*

- ~~€€€~~ Proposed 20m wide drainage corridor to be amended to riparian corridor;
- ~~€€€~~ Perimeter road to not back onto any riparian or drainage corridor;
- ~~€€€~~ Concern over use of ‘infiltration basins’;
- ~~€€€~~ No filling permitted in riparian or drainage corridor or APZ;

### *Comments:-*

- ~~€€€~~ The draft Precinct Plan has been revised to include the following amendments:-
- ~~€€€~~ The proposed 20m wide drainage corridor has been amended to a riparian corridor;
- ~~€€€~~ Where practical, access roads rather than development lots shall back onto the drainage and riparian corridors;
- ~~€€€~~ Combined water quality basins will be used rather than detention/infiltration basins;
- ~~€€€~~ Filling may be required in APZ as roads must be designed to facilitate flood evacuation.

## **DoP – Metropolitan Planning Division**

A number of issues raised by DoP have been resolved including phasing of development, flood evacuation, journey to work modal split, retention of trees and impact of development upon flood levels.

### *Issues raised:-*

- ~~€€€~~ How will the proposed modal split of 50-60% private cars & 40-50% other modes be achieved and how will contained growth in vehicular kms traveled be achieved?

- How will filling of the site affect those trees to be retained?

*Comments:-*

- Initiatives introduced to encourage an improved modal split include public transport, urban design and facilities that encourage cycling and walking. A critical element will be the early introduction of bus services prior to potential residents and workers purchasing second cars within households, however this is dependent upon the Ministry of Transport issuing new bus contracts to operators. Council should strongly encourage the early introduction of bus services to serve the Dunheved Precinct and the existing Dunheved Industrial area.
- Trees within riparian corridors will be retained where possible.

### **DoP – Transport Strategy Division**

*Issues raised:-*

- Queries whether the performance objectives of SREP 30 and the EPS have been effectively demonstrated;
- Seeks more detail on intended routes and frequencies of bus services, form and management of public transport promotion and implementation timeframe of public transport improvements.

*Comments:-*

- It is considered that the draft Plan has met the requirements of both SREP 30 and the EPS, although it is acknowledged that contracts are yet to be signed for the provision of early bus services for the Dunheved Precinct. The draft Plan has indicated the location of ultimate public transport bus routes, however both interim and ultimate public transport bus routes and services are the responsibility of the Ministry of Transport (MoT). Council should actively pursue the early provision of bus services to both the Dunheved Precinct and the existing Dunheved Business Park with MoT.

### **MoT**

- The MoT has taken an altogether different approach to the provision of bus services and public transport infrastructure to that taken in the St Marys Development Agreement (The State Deed). The MoT approach is based on the 43 Strategic Bus Corridors nominated in the Unsworth Report.

*Issues raised:-*

- MoT would prefer to see a Transport Management & Accessibility Plan (TMAP) for the whole of the ADI site;
- The draft Outline Development Agreement is deficient;

- Bus priority access should be provided into the adjacent residential subdivisions and to rail connections at St Marys and Penrith. Objects to the piecemeal approach to the development of this site;
- Bus connectivity should be provided from Dunheved Precinct to the adjacent industrial subdivisions;
- The design of the bus network for the site should integrate with the strategic bus corridor – a central spine route through AD I site is favoured;
- Bus stop infrastructure is not mentioned in the draft Outline Development Agreement;
- Unless funds are provided for start-up bus services, it is difficult to see how the stated reduction in vehicle kilometers travelled (VKT) could be achieved;

*Comments:-*

- The St Marys Development Agreement (The Deed) and the 2005 Transport Management Study (2005 TMS) (currently being updated) provide the planning and legal framework for the provision of the scheduled regional and local road and intersection upgrades. A series of public transport improvement will be carried out following the finalisation of the 2005 TMS;
- The draft Outline Development Agreement has been revised as a draft Planning Agreement with additional proposed items;
- Although the ADI site is currently being developed in a staged fashion, transport planning for the site is being delivered in a whole of site basis. The declaration of additional precincts may assist in the delivery of an integrated approach to provision of bus services across the ADI site. It is considered that the draft Plan demonstrates good bus connectivity;
- Council should strongly support the use of available funds within the Deed for transport promotion.

**Sydney Water**

*Issues raised:-*

- Sydney Water requests that both flushing of toilets and all irrigation needs be met from use of recycled effluent at all times. It is argued that the use of recycled effluent for toilets only would have implications for pipe size, costs and system design and would lead to a deterioration in water quality when recycled water is held in pipes for long periods;
- Fire supply should be taken from the potable system;
- Sydney Water requests that possible landfill impacts on the 900mm sewer carrier on the Dunheved Precinct be evaluated and that protection arrangements be adopted;
- They have also requested that use of recycled effluent for industrial operations be actively pursued.

*Comments:-*

- ~~€€€~~ Delfin Lend Lease argues that use of recycled effluent at all times for irrigation could potentially generate higher salinity levels and consider that they should not be forced to use recycled effluent when rainwater is available in tanks;
- ~~€€€~~ The two Councils consider that, where available, rainwater should be utilized for irrigation in order to reduce salinity, reduce costs and for sustainability reasons;
- ~~€€€~~ As the Councils could not enforce the use of recycled effluent for irrigation use, Delfin Lend Lease was asked to negotiate the matter with Sydney Water as the picture would be clearer when end users are known;
- ~~€€€~~ The two Councils and Delfin Lend Lease have agreed to amend the draft Plan to include development controls to require:-
  - (i) the developer to provide all allotments with a separate piped supply of treated effluent from the St Marys STP, subject to continuing negotiations with Sydney Water, and other appropriate measures such as rainwater tanks;
  - (ii) developments that consume high volumes of water in their operation shall incorporate recycling initiatives in the plant's operation.

**RTA**

*Issues raised:-*

- ~~€€€~~ The Traffic and Transport Report submitted as part of the draft Dunheved Precinct Plan has failed to acknowledge the roadwork improvements identified in the 2004 Sims Varley Traffic study relevant to the development. The RTA considers that the following works will be required to meet the demands of this development.
  - ~~€€€~~ Forrester Road and Links Road – Intersection Improvements
  - ~~€€€~~ Forrester Road and Christie Street – Intersection Improvements
  - ~~€€€~~ Christie Street – Road rehabilitation – Forrester Road to Werrington Road

Currently it is proposed to do minor improvement works at the intersections of Forrester Road/Christie Street/Boronia Road and Forrester Road/Links Road. It is suggested that consideration be given to the provision of Traffic Control Signal (TCS) at the intersections of Forrester Road/Christie Street/Boronia Road and Forrester Road/Links Road instead of the proposed short term intersection treatments. This will avoid creating possible extra costs associated with the future replacement of the roundabouts. The replacement of the roundabouts with the TCS is required by 2012 as part of the proposed strategic bus corridors work along Christie Street and Forrester Road.

- ~~€€€~~ The latest proposal of the creation of a four-way intersection at Christie Street/Lee Holm Road needs to be further investigated. Christie Street forms part of a strategic bus corridor and therefore any intersections treatment along Christie Street needs to consider bus priority measures. The proposed Traffic Control Signals at the intersection of Christie Street and

Lee Holm Road will be considered for concurrence by the RTA when the following information is made available:

- ~~€€€~~ Comparative investigation and analysis of alternative treatments at the intersection.
- ~~€€€~~ Details of whether the proposed treatment meets the Austroads warrants for Traffic Control Signals.
- ~~€€€~~ Analysis of intersections capacities with associated Level of Service and Degree of Saturation figures for existing and future traffic conditions.
- ~~€€€~~ Intersection layouts as designed to cater for the traffic demand and in accordance with the RTA Standards.
- ~~€€€~~ The report on “Options, Concept Design and Costing “for the proposed link road from Christie Street does not clearly indicate the reasons why the link road is connected to Links Road rather than Dunheved Circuit. Further, it is suggested that the road reserve and carriageway width of the proposed link road should align with the existing roads.
- ~~€€€~~ The Dunheved Precinct Traffic and Transport Report has not considered the sustainable transport options seriously. The report has not included any walking catchment analysis. The walking catchment of 400 m for the internal bus route needs to be maximised to encourage public transport usage. Maximising of the walking catchment may require realignment of collector road (proposed bus route).
- ~~€€€~~ In the vicinity of the precinct, the bus services are proposed along Forrester Road. The report should identify the requirements in terms of infrastructure and service provision to run the buses via the precinct.
- ~~€€€~~ The proposed shared path (remote from the actual precinct) may be beneficial to through movements. However, it has very little benefit to the precinct. The collector road should have shared path on both sides of the road and the major local roads should have shared path at least on one side of the road.
- ~~€€€~~ Regarding your request for the dedication of part of the RTA owned land in the area for road works, the RTA has not been able to consider the request in the absence of detailed information regarding the extent of land needed and the specific purpose it is required for. Without this information it has not been possible to commence discussion with the relevant sections of the RTA, including Property Section, which is responsible for managing RTA owned land.

*Comments:-*

- ~~€€€~~ Council agrees with the first issue raised – this is included in the schedules to the draft Planning Agreement. Council officers would prefer the early provision of traffic signals;
- ~~€€€~~ Council recognises that a considerable design exercise is required in order to advance the proposed link road and bus priority measures need to be incorporated;

- Council supports the construction of the new link road over the alignment proposed by Delfin Lend Lease as it provides an additional link to the Dunheved Precinct and the Dunheved Business Park and preferred left in-left out traffic movements. This should be the primary consideration in an industrial area. There is no reason why a public transport route could not operate along Links Road;

## Attachment 2

### Key Amendments made to the draft Dunheved Precinct Plan

#### Riparian and Drainage Network

- 20m wide drainage corridor renamed as Riparian Corridor;
- Where practical, a perimeter road or track will be provided adjacent to any riparian or drainage corridor within the precinct;
- Use of combined water quality basins in lieu of detention/infiltration basins due to salinity issues;
- Utilise bioretention swales on western side of Collector Road and alternative engineering solutions for water quality in other locations;
- Addition of new salinity objectives and controls;

#### Recreation Space and Shop for Employees

- Remove proposed Local Open Space areas;
- Addition of Outdoor Eating Area 100-150 square metres;
- Encourage local shop to be established;

#### Public Transport Infrastructure

- Addition of four bus shelters as well as bus stops;

#### Road Network Infrastructure

- Increased carriageway widths for Collector Road from 11.5 m to 15.5 m and increased road reservation widths from 20.3 m to 22.8 m;
- Increased carriageway for Other Roads from 13.0 m to 13.5 m and increased road reservation widths from 20.6 m to 21.1 m;
- Addition of 3m wide parking /breakdown lane on western side of Collector Street;
- Provision of 3.8m wide footway widths for all roads;
- Addition of 0.5m wide verge to western side of Collector Road;

## **Use of Recycled Water**

- ~~€€€~~ the developer to provide all allotments with a separate piped supply of treated effluent from the St Marys STP, subject to continuing negotiations with Sydney Water, and other appropriate measures such as rainwater tanks;
- ~~€€€~~ developments that consume high volumes of water in their operation shall incorporate recycling initiatives in the plant's operation;

## **Telecommunications Infrastructure**

- ~~€€€~~ The draft Precinct Plan now requires the provision of modern telecommunication infrastructure and services subject to continuing negotiations with service providers;

## **Subdivision and Built Form Controls**

### *Minimum Lot Width*

- ~~€€€~~ the minimum lot width at the primary street frontage has been increased to 50m on the Collector Road and retained at 35m on other roads;

### *Salinity Controls*

- ~~€€€~~ specific salinity objectives and controls have been added to the draft Plan;

### *Regional Park Frontage*

- ~~€€€~~ control added to ensure that loading docks, loading areas and external storage areas shall be appropriately located and/or screened so as to not be visible from the Regional Park;

### *Front Setback Controls*

- ~~€€€~~ the front building line setback for the Collector Road has been increased from 5m to 9m and from 5m to 7.5m for Other Roads;
- ~~€€€~~ controls added to prevent the location of water tanks within the front setback and to require screening. Minimum landscape requirements for front setback areas have also been added;

### *Carparking*

- ~~€€€~~ carparking now specifically required to be located behind the required minimum front landscaped setback area. Specific controls that previously permitted carparking to be shared between neighbouring lots and which also permitted shared access and turning areas between neighbouring sites now deleted;

### *Maximum Fence Height*

- ~~€€€~~ a maximum fence height of 1.8m has been included in order to screen the rear of the lots from adjacent sites;

*Specific Urban Design Controls*

- specific controls relating to building design and building materials have been added to strengthen the draft Plan;
- remove reference within the draft Plan to “urban character.”

**Attachment 3**

**DRAFT PLANNING AGREEMENT**

**Proposed Schedules 1, 2 & 3**

**9 May, 2006**

**Schedule 1**

**Transport**

Item	Proposed Scope of Works	Timing of Works/Other Considerations
<b>Transport Management Study Works</b>		
ITEM 1 (RN.01) :- Werrington Road – between Dunheved Road roundabout and Parkes Avenue roundabout.	Upgrade to 2 lanes in each direction with sealed shoulders and line marking. (See Drawing SK-011 in Annexure 2B).	<p>100% funded by the Joint Venture. Value of works to be recognised as an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time..</p> <p>Notional value of works : \$574,275</p> <p>Full scope of works to commence on registration of sub-division plan creating the 2,000<sup>th</sup> residential allotment from the St Marys Project.</p>
ITEM 2 (RN.05) :- Forrester Road & Links Road Intersection	Staged removal of existing roundabout and installation of traffic signals.	<p>100% funded by the Joint Venture. Value of end stateworks to be recognised as an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time.. Note: TMS is premised on Central and Western Precinct development. This has identified the need for signals at this intersection. If interim upgrade of roundabout is proposed, no offsets will be made for redundant works in staged development.</p> <p>The Joint Venture will use reasonable endeavours to ensure that delivery of this item is considered in conjunction with the contribution for the St Marys Bus Priority Works to be made under Clauses 16.9 to 16.17 of Part 2 of the St Marys Development Agreement.</p> <p>Full scope of works to commence on registration of sub-division plan creating the 2,000<sup>th</sup> residential allotment from the St Marys Project.</p>

		Notional value of works \$551,007
ITEM 3 (RN.06) :- Forrester Road & Christie Street Intersection	Staged removal of existing roundabout and installation of traffic signals.	<p>100% funded by the Joint Venture. Value of end state works to be recognised as an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time. Note: TMS is premised on Central and Western Precinct development. This has identified the need for signals at this intersection. If interim upgrade of roundabout is proposed, no offsets will be made for redundant works in staged development.</p> <p>The Joint Venture will use reasonable endeavours to ensure that delivery of this item is considered in conjunction with the contribution for the St Marys Bus Priority Works to be made under Clauses 16.9 to 16.17 of Part 2 of the St Marys Development Agreement.</p> <p>Full scope of works to commence on registration of sub-division plan creating the 2,000<sup>th</sup> residential allotment from the St Marys Project.</p> <p>Notional value of works \$1,036,123</p>
ITEM 4 (RN.13) :- Werrington Road & Dunheved Road intersection.	Replace existing roundabout with signals and add 2 fifty metre turn bays (See Drawing SK-010 in Annexure 2C).	<p>100% funded by the Joint Venture. Value of end state works to be recognised as an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time. .</p> <p>Notional value of works \$541,435</p> <p>Full scope of works to commence on registration of sub-division plan creating the 2,000<sup>th</sup> residential allotment from the St Marys Project.</p>
ITEM 5 (RN.19):- Christie Street -- between Forrester Road roundabout and South Creek.	Line marking and signage to establish 2 lanes each way. (See Drawing SK-012 in Annexure 2D).	<p>100% funded by the Joint Venture. Value of end state works to be recognised as an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time.</p> <p>Notional value of works : \$54,649</p>
<b>Accelerated Transport Management Study Works</b>		
ITEM 1 (RN.01):- Werrington Road - between Dunheved Road roundabout and Parkes Avenue roundabout.	Upgrade to 2 lanes in each direction with sealed shoulders and line marking. (See drawing SK-011 in Annexure 2B.)	Full scope of works to commence on registration of subdivision plan creating the 2,000 <sup>th</sup> residential allotment from the St Marys Project.
ITEM 2 (RN.13):- Werrington Road & Dunheved Road intersection.	<p>Replace existing roundabout with signals and add 2 turning bays to be undertaken as follows:</p> <p>Stage 1: upgrade intersection to 2 lane roundabout.</p> <p>Stage 2: replace existing roundabout with signals and add 2 fifty metre turn bays</p>	<p>Stage 1 to be implemented following adoption of Dunheved Precinct Plan unless otherwise agreed.</p> <p>Full scope of works to commence on registration of sub-division plan creating the 2,000<sup>th</sup> residential allotment from the St Marys Project.</p>
ITEM 3 (RN.19):-	Line marking and signage to establish 2 lanes each way.	Works to commence on approval of "end user" development applications for 30% of the

Christie Street – between Forrester Road roundabout and South Creek.	(See Drawing SK-012 in Annexure 2D).	Dunheved Precincts.
<b>Additional Joint Venture Funded Transport Works</b>		
ITEM 6 :- New road connection – Christie Street to Links Road.	Construct new road linking Christie Street and Links Road and upgrade of Links Road south of Dunheved Precinct western boundary	Subject to separate agreement.
ITEM 7:- Links Road Upgrade – Along Dunheved Precinct frontage.	Upgrade Links Road along Dunheved Precinct road frontage.	100% funded by Joint Venture. Works do not form an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time .  Works to commence within twelve months of approval of first DA for Dunheved Precincts.
ITEM 8 :- Forrester Road Upgrade – between Ropes Creek and Links Road roundabout.	Upgrade Forrester Road to 4 lanes with sealed shoulders between Ropes Creek and Links Road roundabout ( not including the Ropes Creek bridge).	Roadworks to be carried out through an RTA Repair Program with the Joint Venture funding the non-RTA funded component. RTA will fund \$500,000. Value of works will not be an offset in the St Marys Project Transport contributions as detailed in the TMS from time to time . Full scope of works to commence on registration of sub-division plan creating the 4,000 <sup>th</sup> residential allotment from the St Marys Project.
ITEM 9 :- New footpath along Links Road – between Forrester Road/ Links Road roundabout and Collector Road entrance to Dunheved Precinct.	Construct 1.2m wide pedestrian pathway (or 2.0m wide footpath/cycleway) along Links Road between Forrester Road/Links Road roundabout and Collector Road entrance to Dunheved Precinct.	The Joint Venture will use reasonable endeavours to ensure this is delivered as part of the contribution for Regional Cycleways to be made under Clause 16.18 (e) (i) of Part 2 of the St Marys Development Agreement.
ITEM 10 :- Plan Administration Charge for Planning Agreement.	Payment of a Plan Administration fee of \$..... for the Dunheved Precinct..	100% funded by the Joint Venture.  Note – prefer this be included in Clause 21.11 as per current draft of Agreement.

## Schedule 2

### Open Space and Recreation

Item	Proposed Scope of Works	Timing of Works
ITEM 11 :- Open space area associated with convenience and retail food outlets	A paved, shaded outdoor eating area, approximately 100-150 square metres, incorporating seating, shade structures and tree planting (design, size and treatment to be finalised through Landscape and Urban Design Strategy and future DA/s).	Prior to occupation of 75% of industrial establishments within the North and South Dunheved Precincts.

ITEM 12:- Convenience and retail food outlet	Joint Venture to use reasonable endeavours, by negotiating in good faith with end use purchasers of suitable parcels of land, to ensure that a convenience and retail foods outlet is established in either of the Dunheved Precincts.	Prior to occupation of 75% of industrial establishments within the Dunheved Precincts.  Joint Venture will use reasonable endeavours to ensure this is delivered in conjunction with the open space area referred to above.
ITEM 13 :- Bicycle Path	Provision of a maximum 5 metre wide shared pedestrian and cycle path on the western side of the main Collector Street and associated signage, barrier rails and refuges as required.  Extent of works to reflect concept plan included as Figure 21 in draft Precinct Plan for Dunheved Precincts (See Annexure 4b).	Works to be completed concurrently with drainage works and roadworks within the North and South Dunheved Precincts. but no later than one year after the day on which development consent is granted for the adjoining associated stage.

### Schedule 3

#### Stormwater Drainage Infrastructure

Item	Proposed Scope of Works	Timing of Works
ITEM 14 :- Combined water quality basins	Construct 2 water quality basins along tributary to South Creek within Dunheved South Precinct.	Works to be completed concurrently with roadworks within the Dunheved Precincts.

### Attachment 4

#### Amendments to Management Plans & Strategies

Strategy	Page No &/or Section	Amendment
Traffic and Transport Report (Hutcheson Transport Solutions)	Appendix A	Amend figures pp. 21-26 to reflect Figures 28, 30, 31 and 32 in Draft Precinct Plan
<b>Landscape and Open Space Masterplan</b> (Environmental Partnership)	Page 8	Amend to reflect Section 7 and Table 4 in Draft Precinct Plan
	Figures 3 and 2.1	Remove local open space and rename drainage corridor (as 20m wide riparian corridor)
	Section 1.4	Amend to reflect removal of local open space and incorporate description of outdoor eating area
	Section 2.3	Amend to reflect Section 7 and Table 4 in Draft Precinct Plan

	Page 42	Remove reference to local open space and incorporate description of outdoor eating area
	Figures 4.1, 4.2 and 4.3	Amend to reflect Figures 30, 31 and 32 in Draft Precinct Plan
<b>Landscape and Open Space Handover and Maintenance Plan</b> (Environmental Partnership)	Figure 3.3 and Section 3.4	Amend to reflect removal of local open space, renaming of drainage corridor (as 20m wide riparian corridor) and incorporate description of outdoor eating area
	Section 2.2 (f)	Amend "On Maintenance" period for Bushland Character and Woodland Character from 6 months to 12 Months
	Section 3.2 (a)	Amend to add the following requirement : "A Maintenance Management Plan and costings shall be submitted to Council at handover. This shall include plans showing location of pipes, pumps, electrical connections etc and a maintenance regime for equipment.
	Figure 3.4, Section 1.3 and 1.5, Column 7 of table	Change grass cutting schedule from once per week to "as per Council's mowing schedules."
<b>Water, Soils and Infrastructure Report</b> (SKM)  (Note: Given the amount of additional information that has been prepared for BCC and PCC since the lodgement of the Draft Precinct Plan, it is not possible at this stage to identify all specific amendments to the report)	Executive Summary	Amend to reflect amendments described below
	Section 2.7	Amend to reflect additional flood impact assessment undertaken by SKM, dated 15 February 2006.
	Section 2.8, "Sewer"	Amend last paragraph to read: "Additionally, there are two rising mains with diameters of 750 mm and 450 mm running from the SPS along Links Road and into the STP."
	Section 2.8, "Potable Water"	Amend first paragraph to read: "Sydney Water services the existing Dunheved Industrial area. There is a 150 mm potable watermain and a 225 mm PE main delivering effluent from St Marys STP to Dunheved Golf Course that run along Links Road."
		Amend third paragraph to read: "The most appropriate location for all Sydney Water potable water services...."
	Section 4.1.3	Amend to state that reuse supply will cater for toilet

		flushing, industrial processes and irrigation.
	Section 5	Amend to incorporate additional information prepared by SKM in response to BCC memo dated 12 July 2005 (SKM information submitted to BCC on 20 February 2006)
		Amend to reflect revised sections (Section 3.9, Table 5, Section 11.11 and Section 12.15) of Draft Precinct Plan relating to use of recycled effluent and rainwater tanks
		Amend to incorporate additional flood impact assessment undertaken by SKM, dated 15 February 2006.
	Section 6	Amend to incorporate additional flood impact assessment undertaken by SKM, dated 15 February 2006.
<b>Biodiversity Assessment</b>		
	Fig J1	Amend Indicative Framework Plan to replace Drainage Corridor with Riparian Corridor
<b>Fire Management Plan</b>		
	Fig 3	Amend Fig 3 to replace Drainage Corridor with Riparian Corridor