

JRPP Ref. No.:	2011SYW035
DA No.:	DA11/0139
PROPOSED DEVELOPMENT:	Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots and 1 residual lot, construction of the Western Linear Park, Western Hilltop Park, works in the Riparian Corridor
APPLICANT:	Landcom
REPORT BY:	Deepa Randhawa, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a development application for residential subdivision within the Caddens Release Area. The application proposes the staged residential subdivision of 45.8 hectares of land into in 346 residential lots and one residual lot along with park land and works in the riparian corridor.

The site is partly zoned R1 General Residential, SP2 Infrastructure (Water Cycle Management Facility), RE1 Public Recreation and E2 Environmental Conservation under the provisions of the Penrith Local Environmental Plan (LEP) 2009 Caddens. The proposed development is permissible across all relevant zones.

The proposed development is Crown Development and has a capital investment value in excess of \$5 million and was lodged. As such, the Sydney West Region Joint Planning Panel has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development was advertised and notified to 340 owners and occupiers of adjoining and nearby properties. There were three public submissions received in relation to the proposal which raised concerns relating to lot density, traffic, drainage and water re-use and residential amenity. These concerns are not justified as there will be no significant impacts subject to conditions recommended.

An assessment of the proposed development under the *Environmental Planning and Assessment Act 1979* has been undertaken and the proposal is satisfactory.

The proposed development is in accordance with the relevant provisions of the applicable environmental planning instruments and Development Control Plan pertaining to the land. It is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

This report recommends that the application be approved subject to recommended conditions of consent.

Background

The site forms part of the Caddens Release Area which is an integral part of the Werrington Enterprise, Living & Learning (WELL) Precinct. On 28 April 2008, Council considered a rezoning application for Caddens and the application was supported by a site specific Draft Local Environmental Plan (LEP) and Draft Development Control Plan (DCP). The LEP was gazetted on 25 September 2009 and the DCP came into effect on the gazettal date of the LEP.

The overall Caddens development scheme comprises a combination of residential development of varying densities, a local commercial centre, public recreation facilities and environmental conservation areas. The Structure Plan provided in the Caddens DCP establishes the urban structure and form for the planning and future development of the release area.

A voluntary planning agreement was entered into between Penrith Council and Landcom on 19 May 2009. This agreement provides for an affordable housing contribution, riparian land restoration works and the transfer of riparian land. Triggers arising from this agreement will occur in September this year that require Landcom to provide payment to Council of a contribution toward affordable housing. The works associated with the riparian corridor are triggered by the issue of Subdivision Certificate which will result from consent for this proposal.

Site and Surrounds

The subject site comprises 6 existing lots situated on the northern side of Caddens Road with adjoining low density rural-residential development to the south, the University of Western Sydney to the north, existing residential suburb of Kingswood to the west and existing rural lands to the east (See Appendices 1 & 2). The site has a total area of 45.8Ha and is predominantly vacant.

The topography of the site is characterised by undulating hills and low lying areas. Werrington Creek runs through the centre of the Caddens Release Area.

The Proposed Development

The proposed development includes the following:

- The subdivision of 45.8 hectares of land in seven stages from six existing lots into 347 lots.
- 346 residential lots (17 of which will be duplex lots) and one residue lot in Stage 7 (with the potential for 16 additional lots).
- The provision of bulk earthworks, servicing infrastructure, utilities and roads throughout the area.
- Development and landscaping of three open space areas, including the Western Hilltop Park, Western Linear Park and Riparian Park.
- The provision of the western sewer carrier.

The stage boundaries reflect the requirement for traffic circulation to/from the existing road network and are generally consistent with catchment boundaries for stormwater management. The staging for this application is detailed in the table below.

Table 1.2: Proposed Works for Stages 1 to 7 (Source: Cardno, 2011b)

Stage	No. of Lots	Roads	Detention / Water Quality Basins and Open Space
1	55 Residential (1 duplex lot) 1 Public Reserve lot	Roads 1, 2, 8 and 9 and associated pathways	Basin 2 Western Linear Park A portion of the Riparian Park
2	38 Residential (6 duplex lots)	Roads 4, 8 and 8B and associated pathways	-
3	42 Residential 1 Public Reserve lot	Roads 3, 7, 7A, 7B, 8, 11 and 12 and associated pathways	Western Hilltop Park
4	66 Residential (10 duplex lots)	Roads 1, 3, 8 and 9 and associated pathways	Basin 4 A portion of the Riparian Park
5	38 Residential	Roads 1, 8 and 9 and associated pathways	Basin 3 A portion of the Riparian Park
6	55 Residential	Roads 2,5, 8, 8A and 13 and associated pathways	-
7	52 Residential 1 residue (Lot 753 1.14ha) which has the potential for 16 additional lots 1 Public Reserve lot*	Roads 1, 16, 24, 26, 40 and 41 and Caddens Road reconstruction (to half road only west of Hermitage Court) and associated pathways	Future Basin 7 (not proposed for construction under the accompanying DA) Future open space area* (not proposed for construction under the accompanying DA)
TOTAL	346 (17 duplex lots) 1 residue lot with potential for 16 additional lots	-	-

* Subdivision already approved on 19 November 2010 under DA10/0421.

(Source: Statement of Environmental Effects prepared by Cardno (NSW/ACT) Pty Ltd dated 15 February 2011)

Planning Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

Section 23G – Joint Regional Planning Panels (JRPP) lodged on

The proposed development is Crown Development, has a capital investment value in excess of \$5 million and was lodged on 22 February 2011. Under Clause 13B of State Environmental Planning Policy (Major Development) 2005, the JRPP has the function of determining applications for Crown Development which has a capital investment value in excess of \$5 million and consisting of subdivision of land into more than 250 lots. The CIV of the proposed development is approximately \$26.5 million for subdivision of 347 residential lots.

The Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

Penrith City Council officers briefed the Sydney West Region Joint Planning Panel on the application on 7 April 2011.

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

State Environmental Planning Policy No. 55 (SEPP No. 55) - Remediation of Land

According to clause 7 of SEPP No. 55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

A Phase 1 and limited Phase 2 Environmental Site Assessment were undertaken as part of the rezoning application and there were no significant widespread contamination impact on the site. The Assessment recommended further investigation to ensure appropriate site conditions and remediation works are implemented as part of this development.

The applicant had commissioned Parson Brinckerhoff to undertake a Phase 2 Environmental Site Assessment. The report concludes that the site subject is free from significant contamination and the site is suitable with no evidence of broad scale contamination that would restrict development for residential land use with access to soil.

The application was referred to Council's Senior Environmental Health Officer who has reviewed this Assessment and raised no objection to the proposed subdivision in Stages 1 - 6 for residential use and also noted that the section of contaminated land in Stage 7 has been previously assessed and approved for remediation by Council under previous approval DA10/1051. The previous approval is for remediation of the land and the consent requires a Site Audit Statement to be prepared prior to any further works or use being undertaken. In view of the above, Council can be satisfied that the site is suitable for the subdivision.

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

The aim of the plan is to protect the environment of the Hawkesbury Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The applicant submitted the following documentation to address the relevant strategies within this plan and to minimise any likely impact on the River, its tributaries and surrounds:

(a) Erosion and Sediment Control

The application is accompanied by a report that contains information including a catchment plan, details of culverts, stormwater drainage system, bio-retention basins and sediment and erosion control plans.

The report states that stormwater flows from the roads and proposed allotments will be collected by an in-ground piped network and then treated in the water quality bio-retention basins before being discharged to Werrington Creek. An erosion and sediment control plan has been submitted as part of this application and prepared in accordance with SREP 20 requirements. Conditions of consent will ensure that adequate measures are in place during subdivision works stage to ensure there are no adverse impacts arising from potential erosion and sedimentation.

(b) Geotechnical Investigation

Cut to fill analysis for the earthworks is provided in the engineering plans. The likely duration of bulk earthworks for all of Stages 1 to 7 will be approximately 5-10 years. The sequence of operations for bulk earthworks will generally be as follows:

- Provision of erosion and sediment control measures
- Clearing of nominated areas of vegetation and either removal from site or mulching for future landscaping use on site;
- Progressive stripping and stockpiling topsoil for future reuse (depths will generally be 150mm – 200mm);
- Excavation of cut subgrade material;
- Inspection of exposed natural material to ensure conformity with design assumptions;
- Placement of cut subgrade to fill in layers no greater than 300mm in thickness and compacted to specification requirements;
- Importation of VENM and placement as additional fill where required; and
- Stabilisation works involving respreading of topsoil to a depth of 150mm followed by reseeded and hydromulching of disturbed areas.

A soil and water management plan has been submitted and reviewed as part of this application. Recommended conditions of consent will ensure that the recommendations of the geotechnical report submitted with the application are complied with during site works.

(c) Water Sensitive Urban Design (WSUD) strategy

A stormwater management report and stormwater concept plan has been submitted with this application. This report has analysed of water runoff and water demand at pre-development and post-development stage.

There are no proposed lots that are located below then 1 in 100 year ARI flood level. There are co-located stormwater detention and bio-retention basins proposed that will serve to manage stormwater quantity and quality. A water cycle management plan has also been submitted with this application and reviewed by Council's Senior Development Engineer and found satisfactory subject to the conditions of consent.

(d) Archaeological Investigation

An Archaeological assessment of the Caddens Release Area was undertaken as part of the rezoning application. This report identified nine Aboriginal sites/objects within the Release Area, however one site was later found to be non-artefactual.

Landcom commissioned Jo McDonald (2009) to undertake further subsurface testings on areas identified as having Potential Archaeological Deposits (PADs), under the Section 87 AHIP (Permit No. 3023) issued by DECC (now Office of Environment and Heritage).

The excavation program focused on four areas where objects / sites had been previously recorded, as:-

- CRA2.
- CRA7+8;
- CRA3-6;

The report concludes that pad CRA2 and CRA7+8 have a low archaeological significance, as they are either highly disturbed or contain low density archaeological information typical of the Cumberland Plain. Therefore these sites do not warrant further archaeological investigation; and pad CRA3-6 has a moderate to high archaeological significance. While the majority of this site had a low density of archaeological information, typical of the Cumberland Plain landscape, some features within this PAD provide unique information about Aboriginal occupation in the region. There is a potential for similar, as yet undisturbed, archaeological evidence elsewhere across CRA3-6; therefore, parts of CRA3-6 should form part of the conservation area proposed for the riparian corridor of Werrington Creek and should be protected from development impact and managed accordingly. Jo McDonald (2009) recommended the proponent should prepare an Aboriginal Heritage Management Plan to identify how this should be achieved.

The report also recommended that the applicant liaise with Aboriginal representative group for monitoring the initial ground clearing works within Caddens. A condition is recommended for the implementation of the recommendations of this report so as to satisfy the REP requirement of protecting cultural heritage.

(e) Impact Assessment and Vegetation Management Plan

This report incorporates a Flora and Fauna Management Strategy, Vegetation Management Works, Weed Control Techniques, fencing details that would conserve flora and fauna communities, particularly threatened species, protect existing habitat and minimise adverse environmental impacts. The vegetation management plan has been submitted and reviewed as part of this application. A condition is recommended to be imposed for the implementation of the recommendations of this plan.

Penrith Local Environmental Plan (Caddens) 2009

The site is partly zoned R1 General Residential, RE1 Public Recreation, SP2 Infrastructure and E2 Environmental Conservation under the provisions of the Penrith Local Environmental Plan (Caddens) 2009 (LEP).

Clause 1.2, 2.6 - LEP and Zones Objectives

The proposed staged subdivision and construction of infrastructure facilitate future subdivision to create residential lots and this is consistent with the aims of the LEP particularly in relation to:

- The proposed infrastructure development and subdivision will facilitate future urban developments in Caddens. The design complies with the zoning boundary under the LEP and the overall master plan of the site under the DCP.
- The proposed Stages 1-7 subdivision would stimulate ongoing development in accordance with the objectives of the LEP and DCP and facilitate the residential developments on the site.
- Stage 1 comprises a mix of residential lot sizes, ranging from 350m² to slightly over 1,000m² and provision of roads, drainage and recreational and open spaces.
- Water sensitive urban design principles have been incorporated into the design of the drainage system. Basin 2, 3, 4 and 7 are designed to function as a dual detention and bio-retention basin to manage environmental flow and achieve the water quality targets.
- The proposed public art works incorporate the historical, natural and cultural elements of Caddens into the proposed urban development.
- A public art strategy has been developed to enhance the quality of the landscape plan and provide aesthetic and historic representation of the background of Caddens.

Clause 4.1 - Minimum subdivision lot size

The site is subject to the Lot Size Map. A minimum lot size of 600m² applies to the area adjoining Caddens Road, followed by a minimum lot size of 450m² to the area further north of Caddens Road.

The proposed residential lot sizes comply with the minimum lot size plan as outlined in the LEP. Lots fronting Caddens Road are proposed to be larger lots and the lots gradually reduce in size towards the northern part of the site, consistent with the LEP requirements.

Clause 6.1(2) - Arrangements for designated State public infrastructure

This states that Council cannot grant consent for subdivision that would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area unless the Director-General has certified that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

The Director-General has provided their written certification that the proposed development is satisfactory.

6.2 Public utility infrastructure

Clause 6.2 of the LEP states that development consent cannot be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposal development is available or that adequate arrangements have been made to make that infrastructure available when required.

Public utility infrastructure (as defined in PLEP 2009) that is essential for this development includes the following:

- The supply of water,
- The supply of electricity,
- The disposal and management of sewage.

Recommended conditions of consent will ensure that water, electricity as well as disposal and management of sewage are available to this land prior to the release of Subdivision Certificate.

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

Penrith Development Control Plan 2006

The application is assessed against the relevant clauses of the DCP.

2.1 Contaminated Land

This matter has been discussed earlier in this report.

2.2 Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) aims to ensure development is appropriately designed to reduce the likelihood of crimes being committed. By introducing measures to achieve appropriate natural surveillance, access control, territorial reinforcement and space management, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Appropriate street lighting has been incorporated into the road design. Lighting will be designed in accordance with Council and Integral Energy's requirements. The proposed pathway within the Western Linear Park and the Hill top Park, and the proposed development will be well lit to maximise visibility along the pathway.

Council's Community Safety Coordinator has reviewed the proposed development with regard to community safety and CPTED principles and has provided conditions of consent that can be applied to the proposed development to minimise the crime risk associated with the development.

2.6 Landscape

The application has been accompanied by a landscape masterplan for the site which provides for high-quality embellishment by suitable landscaping which, at maturity, will complement the height, scale, design and function of the proposed development. It also defines a legible street hierarchy in accordance with the structure plan.

2.7 Notification and Advertising

The proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. The exhibition period

for the proposal was from 28 March 2011 to 27 April 2011. Council notified 340 property owners and occupiers in the surrounding area and received three submissions in relation to the proposal. These submissions are discussed in detail later in this report.

6.46 Caddens Release Area

The section of the DCP supports the objectives of the LEP and facilitates the sustainable development of the residential, mixed use, retail, open space and conservation areas of the Caddens Release Area. The proposed staged subdivision, construction of open space and infrastructure is consistent with the DCP objective.

Penrith Development Control Plan – 2006 - Caddens Amendment

Clause	Comments	Compliance
2. Structure Plan		
2.1. Vision for Caddens Caddens is to provide a model for sustainable urban development that captures its potential arising from proximity to transport linkages and tertiary education facilities. The vision is to create a viable and vital community. Caddens is to achieve a high standard of environmental and social sustainability.	<p>The proposed subdivision in Stage 1-7 provide for a wide range of lots sizes to create a diverse range of housing form.</p> <p>The subdivision layout is in keeping up the vision for Caddens</p> <p>The proposed street network is in accordance with the requirements of the DCP in terms of the layout, horizontal alignment and street hierarchy. The proposed road hierarchy follows a hierarchy from a collector road, avenues, local roads, loop roads to minor roads</p> <p>The road and drainage works proposed as part of this application ensure the coordinated delivery of infrastructure for this development. The Section 94 Plan for the WELL Precinct which is to be levied as part of this proposal enables Council to provide for community facilities, cultural facilities, district open space and works within Werrington Creek that will assist in achieving the vision for Caddens.</p>	Yes
2.2 Urban Structure The Caddens Release Area Structure Plan	<p>The proposed residential subdivision is consistent with that in the Structure Plan of the DCP.</p> <p>The structure plan outlines a concept subdivision layout and concept road network</p> <p>All proposed lots within the Caddens Road Interface areas that are adjacent to Caddens Road range from 619.3m² to 1087m² in size. This is consistent with the required semi-rural interface character requirements under the</p>	Yes

Clause	Comments	Compliance
	<p>DCP and the requirement of lots to be greater than or equal to 600m² in these areas.</p> <p>Residential lots in the Caddens Road interface areas that are not adjacent to Caddens Road range from 450m² to 879.6m² in size. This is consistent with the required semi-rural interface character requirement in the Caddens Road interface areas that require lots not adjacent to Caddens Road to be greater than or equal to 450m².</p> <p>Residential lots in the Hilltop area range from 511.3m² to 750.7m² in size. This is consistent with the requirement for open space and lots greater than or equal to 450m² in the Hilltop area under the DCP.</p> <p>The proposed intersections into Road 1 (Caddens Bypass) from Caddens Road are designed to accommodate the future downgrade of Caddens Road.</p> <p>A public reserve known as the Western Linear Park has been proposed along the western boundary of the Caddens Release Area to provide a buffer between to the existing residential area to the east and the proposed Caddens Road Bypass.</p> <p>The subdivision layout flows from the structure plan to accommodate the residential areas on either side of a linear riparian corridor and around open space areas on hilltops and ridges.</p> <p>A range of active and passive uses are proposed within the Western Linear Park. Road 1 has been designed as a collector road to accommodate the proposed bus route.</p>	
2.3 Character Area Design Principles Caddens Road Interface	<p>The design principles under the DCP requires the residential development interfacing with Caddens Road to be characterised by generally larger lots to respond to the rural character of adjacent semi-rural areas.</p> <p>Stages 1 and 2 have eleven (11) lots that are located within the 'Caddens Road Interface'. Residential lots in this location</p>	Yes

Clause	Comments	Compliance
	range from 600m ² to slightly over 1,000m ² in size. This is consistent with the existing semi-rural character. The proposed Road No. 1- Caddens Bypass will downgrade Caddens Road to maintain it's semi rural character.	
2.4 Dwelling yield and Diversity	<p>The Caddens Release Area has to deliver a minimum of 1247 dwelling based on a minimum of 15 dwellings per hectare of net developable area.</p> <p>To achieve this goal, the Release Area is divided into four sub precincts and a minimum dwelling yield is identified for each sub precinct. This site is identified as Precinct A and the minimum dwelling yield is 377 dwellings.</p> <p>The applicant has submitted an indicative lot layout map for Stages 1-7.</p> <p>The total number of residential lots proposed within Stages 1 to 6 is 294, 17 of which will be duplex lots. Hence a total of 311 dwellings are proposed in Stages 1 to 6.I Effects</p> <p>Relevant Clauses Assessment Compliance A total of 75 lots are proposed on the Anglican Retirement Villages site and therefore, an overall total of 397 dwellings are proposed in the area of Sub Precinct A and hence the dwelling yield target of 377 dwellings will be met.</p> <p>Stage 7 forms a small part of Sub Precinct B, which has a dwelling yield target of 634. The total number of proposed residential lots in Stage 7 is 52. The Caddens DCP specifies a density of 15 dwellings per hectare of net developable land. The Stage 7 area for residential development totals approximately 2.9ha and will contribute a total of approximately 52 dwellings. Hence approximately 18 dwellings per hectare are proposed within Stage 7, which is compliant with the DCP.</p>	Yes
Clause	Comments	Compliance
3. The Public Domain		
3.1 Street Network and Design	The proposed street network is in accordance with DCP in terms of the layout,	Yes

Clause	Comments	Compliance
	horizontal alignment and street hierarchy.	
3.2 Street Furniture and Public Art	<p>Street furniture and public art works have been incorporated into the landscape masterplan which provides for both passive and active recreational open spaces. Public Art and Street furniture is provided in accordance with the public domain requirements such as the focal points, the vistas and the hierarchy of the road.</p> <p>Street furniture is designed in accordance with Australian Standards and a maintenance schedule is included.</p>	Yes
3.3 Pedestrian and Cycle Network	<p>A shared pedestrian cycleway is proposed along Road 1 in accordance with the DCP.</p> <p>All pedestrian footpaths have a minimum width of 1.5m.</p> <p>Appropriate street lighting will be provided in the public space (along the road reserve, and within open space).</p> <p>The shared pathways are fully accessible wherever road grades permit.</p>	Yes
3.4 Public Transport	Caddens Road Bypass and O'Connell Lane have been designed to accommodate future bus rout and can accommodate future bus-stops in accordance with the DCP.	Yes
3.5 Open Space, Environmental Conservation and Landscape Network	<p>The open space network and riparian corridor have been provided in accordance with the DCP.</p> <p>The Western Linear Park, Western Hilltop Park and Riparian Park are to be landscaped in accordance with the DCP as per the landscape masterplan submitted with this application.</p> <p>The Werrington Creek riparian corridor is to be managed in accordance with the Vegetation Management Plan which has been submitted and review as part of this application.</p>	Yes
3.6 Biodiversity	The Vegetation Management Plan which incorporates a Flora and Fauna Management Strategy has been submitted and reviewed as part of this application. The Plan is consistent with the requirements of the DCP.	Yes
3.7 Aboriginal and European	An Aboriginal Heritage Impact Permit issued by Department of Environment and Climate	Yes

Clause		Comments	Compliance
Heritage		Change was submitted with the application The report is focused on four areas where sites have been identified of aboriginal significance. No Aboriginal sites will be impacted by the proposed works as they are located within the conservation zone.	
3.9 Water Cycle Management		The overall design incorporates principles of Water Sensitive Urban Design. In terms of stormwater quality and quantity, Basin 2 has been designed to perform dual functions – both detention and water quality management. Details of the basin and a Water Cycle Management Plan are submitted with the application.	Yes
3.10 Contamination Management		A Phase 2 Environmental Site Assessment was submitted with this application and the assessment concludes that Stages 1-2 are free from significant contamination and the site is suitable for residential land use with access to soil.	
3.11 Salinity Management		A Geotechnical Investigation containing findings related to salinity, a Salinity Management Plan and recommendations for erosion and sediment controls has been submitted with the application.	Yes – conditions require construction standards to be complied with as per report recommendations.
Clause		Comments	Compliance
4. Residential Development			
4.1 Subdivision and Neighbourhood Design		<p>The subdivision layout, lot orientation and pedestrian/cycleway connections comply with the Caddens Structure Plan.</p> <p>The mix and size of lots complies with the requirements of the DCP. There are two minor non-compliances:</p> <ol style="list-style-type: none"> 1. Lot 742 – has a frontage of 10m. 2. Lot 743 – has a frontage of 9.59m. <p>In both cases the minimum lot width is 12.5m. Both allotments are irregular in shape which results in the frontage being slightly less than the DCP requirement. These lots still are able to meet the minimum lot size and intentions of this section of the DCP therefore this minor non compliance is considered acceptable.</p>	Yes
Clause		Comments	Compliance
5. Environmental and Residential Amenity			
5.1 Visual and Acoustic Privacy		Acoustic treatments are recommended to be required by an 88B Instrument for the lots fronting Caddens Road Bypass – Road	Yes – conditions to manage this are recommended.

Clause	Comments	Compliance
	No 1 (Collector Road) in accordance with the Traffic Noise Assessment report by Wilkinson Murray reference 06219-C Version C dated January 2010.	
5.3 Sustainable Building Design	Further assessments on the siting, internal layout and design of dwellings will be carried as part of the applications for individual houses.	

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

The Caddens Release Area is part of the Werrington Enterprise Living and Learning Precinct which will see the development of a new urban community within this area that would capture the opportunities presented by the sites access to education facilities, transport links, and planned new residential and employment areas

Caddens Release Area Plan identifies residential developments to be the principal land use is to cater for 1247 dwellings with open spaces distributed throughout the estate. The release area was formerly used for rural purposes, and was highly modified by grazing and semi-rural activities.

The broader Caddens Release Area is surrounded by a range of urban development in various densities. The existing suburbs of Claremont Meadows and Kingswood are located to the east and west respectively. The site is bordered to the north by the University of Western Sydney “Kingswood” campus and to the south by existing rural residential lands.

A Structure Plan for the Caddens Release Area has been formulated having regard to the existing surroundings and natural features of the site. To preserve the rural character of the locality, development facing and accessing Caddens Road will contain larger, wider lots that provide a transition between the new urban area and the rural landscape to the south. The Western Linear Park has been planned to provide mass planting with a rural theme and to act as a visual and acoustic barrier to the adjacent existing Kingswood residential area.

The principal land use at Caddens will be residential. The residential areas will be located on either side of a linear riparian corridor and around open space areas on hilltops and ridges. Active and passive open spaces will be distributed throughout Caddens and integrate with the natural features of the Werrington Creek riparian corridor. The area will be legible and highly accessible and incorporate a bus route, cycle routes and walking tracks.

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

Penrith Council’s Strategic Plan 2005-2009 outlines an approach to new urban areas in Penrith that seeks to form cohesive communities based on sustainable, safe and satisfying living and working environments. A key focus area of the Plan is building sustainable communities, by preparing and implementing plans for each new release area that deliver quality, sustainable living and working environments.

Caddens Release Area is one of the nine new urban release areas representing a major urban growth to provide a wide diversity and mix of housing types to meet current and emerging community needs.

The Caddens Release Area earmarked for urban development is based on a vision for a model for sustainable urban development that captures its potential arising from proximity to transport linkages and tertiary educational facilities.

The proposed staged subdivision of this application would facilitate achievement of the vision of Caddens and WELL Precinct as a whole through:

- The provision of a diverse range of housing forms and densities to meet the needs of different ethnic background, age groups and family types.
- Maintaining a high standard of residential amenity
- Maintain a high standard of environmental and social sustainability
- Provision of an integrated road networks, pedestrian and cycle paths that enhance accessibility of the site within and beyond Caddens
- Protection of vegetation and views from hilltops and ridges

In view of the above assessment, Council can be satisfied that the site is suitable for the proposed staged subdivision and infrastructure subject to conditions.

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

Referrals

The application was reviewed by the following stakeholders and their comments have formed part of the assessment:

<i>Referral Body</i>	<i>Comments Received</i>
<i>Senior Development Engineer</i>	No Objections subject to conditions.
<i>Building Surveyor</i>	No Objections subject to conditions.
<i>Local Plan Team</i>	Comments are detailed in Section 9 below.
<i>Environment Officer</i>	No objections subject to conditions.
<i>Community Safety Coordinator</i>	No objection subject to conditions.
<i>Senior Cultural Development Officer</i>	No objection subject to conditions.
<i>Landscape and Urban Design Supervisor</i>	No objection subject to conditions.
<i>Parks Construction and Maintenance Manager</i>	No objection subject to conditions.

<i>Senior Environmental Health Officer</i>	No objection subject to conditions.
<i>NSW Office of Water</i>	General Terms of Approval is issued for the proposal. The applicant shall seek Controlled Activity Approval prior to commencement of works.
<i>Office of Environment and Heritage- Aboriginal Heritage</i>	An AHIP already granted. No General Terms of Approval required.
<i>Department of Primary Industries</i>	General Terms of Approval issued for the proposal.
<i>Rural Fire Service</i>	General Terms of Approval issued for the proposal.

Community Consultation

In accordance with Chapter 2.7 of Penrith Development Control Plan 2006 – Notification and Advertising, the proposal was exhibited and notified to nearby and adjoining residents with the exhibition and submission period from 28 March 2011 to 27 April 2011. Council notified 342 residences in the area and has received three submissions in response.

The following issues were raised in the submissions received and have formed part of the assessment.

Issue	Comments
Noise, air and vibration from construction of Road 1	A construction management plan is to be submitted and a condition of consent requires this to occur prior to commencement of works. This will ensure that potential noise, air and vibration impacts are appropriately managed throughout the construction phase.
Increase in noise levels resulting from increase in local traffic	An acoustic assessment has been submitted with this development application. Acoustic controls are required for some lots and a restriction on title for these lots is to be created as per the conditions of consent.
Hazard created by bike lanes	Shared pedestrian and bicycle lanes are common place in new release areas. The meandering nature of the lane will assist in regulating the speed of users.
Water pressure improvement required	A condition of consent is included to ensure that the development consults with Sydney Water prior to the release of Subdivision Certificate.
Air quality reduction from increase in	The additional local vehicular traffic

local traffic	generated by this development is not significant and is unlikely to impact on air quality conditions.
Privacy on eastern side of Kingscote Place	There is a large landscape buffer between the existing properties in Kingscote Place and the proposed new lots. This landscape buffer will provide satisfactory separation.
No stormwater or grey water recycling	The current application proposes subdivision and roof water re-use with rain water tanks is likely to be the subject of future development applications for the new buildings.
Revised street pattern does not allow right turn into Kingscote Place which prevents access to Orchard Hills Public School	The proposed street pattern accords with the structure plan which is included in DCP 2006. Kingscote Place is a cul-de-sac and no connection from this place and the Caddens Release Area is proposed.
Size of lots proposed (too small)	The proposed lot sizes comply with the LEP minimum lot size requirements. Lots fronting Caddens Road are larger providing the transition from rural land to the south of this land.
General drainage concerns	Council's Senior Development Engineer has reviewed the drainage plans submitted with this application and raises no objection to the concept included in this proposal.

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

Section 94 Contributions

The following Section 94 Contribution Plans are applicable to Caddens Release Area:

- Penrith City Council Development Contributions Plan - Cultural Facilities
- Penrith City Council Development Contributions Plan - Library Facilities
- Penrith City District Open Space Facilities Development Contributions Plan
- Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan.

On 7 June 2010 the then Minister for Planning applied a \$20,000 per lot cap to all new residential development. Further to this on 31 August 2010 the cap was increased by the Minister to \$30,000 per dwelling for the development contributions in release areas, including within the WELL Precinct (which includes Caddens).

The applicant proposed a unilateral offer to deliver alternative infrastructure delivery for the Caddens Release Area in response to the \$30,000 cap on residential development contributions.

Council reported on the unilateral offer at its meeting of 21 February 2011 where it is resolved not to enter into an "In Kind" arrangement or a Voluntary Planning Agreement with Landcom.

The unilateral offer was not accepted for the following key reasons:

- The proposal did not achieve a nexus between facilities offered and the needs associated with the actual development.
- The proposal did not address the wider needs of the new community which exist beyond the Landcom site. Particularly those required facilities which occur beyond Landcom's holdings, notably community facilities, transport facilities, cultural facilities and district open space.
- The offer did not address delivery of essential road infrastructure, the need for which arises from this development.

Under the WELL Section 94 Plan Council has the discretion as to whether to accept offers of works in kind (e.g. land or facilities) and since facilities required for residents of the new development will not be achieved via the offer, the offer was rejected.

At its meeting of 27 June 2011 Council considered a further report on the funding of essential infrastructure in the WELL Precinct. In determining this matter it was resolved that :

1. *Council seek the Minister's commitment to make and exempt ('grandfather') the revised WELL Precinct Development Contributions Plan, the District Open Space Plan, and the Cultural Facilities Plan, as adopted by Council on 24 May 2010.*
2. *Council endorse Option 2, as outlined in this report, as a policy approach in dealing with current and future Development Applications, such that:*
 - a. *development contributions up to \$30,000 will be applied, and directed to recreation, community, administration and selected road facilities in the WELL S94 Plan, and the revised District Open Space Plan and the current Cultural Facilities Plans;*
 - b. *conditions imposed on the development consent will require proponents to provide all required drainage works, to be delivered in accordance with DCP 2006;*
 - c. *conditions imposed on the development consent will require proponents to provide all roads which are 100% apportioned to the Caddens sub-precinct, to be delivered in accordance with DCP 2006.*

On the basis of the above, Council's preferred position in relation to the application would be imposition of the requirements of the WELL Precinct, District Open Space and Cultural Facilities Plans in their revised forms adopted by Council on 24 May 2010.

In calculating the required Section 94 payments Landcom provided that the net developable area was 26.0771Ha and the lots to be created are 346. Council has calculated the net developable area as 22.6171Ha this is because the area to be developed as the Caddens Bypass Road which is a collector road is being solely

developed on land owned by Landcom and at the cost of Landcom. Therefore it is considered that this area should not be included as developable area and which reduces this area down to 22.617Ha.

The rates that have been used are based on the rates in the revised WELL Precinct Plan as per the recent resolution of Council. The developer is required by way of conditions of consent to provide all required drainage and road works.

The attached schedule (Appendix 6) provides a break down of the Section 94 contributions which come to a total of \$9,945,996. There are 346 lots being created which means that the amount per lot comes to \$28,745 which is able to be levied as it falls under the State Government's \$30,000 cap.

As a result the development will deliver all the requirements of the vision for Caddens by way of an environmentally and socially sustainable community. The assessment concludes that proposed staged subdivision, construction of open space and infrastructure is consistent with the objectives of the EP&A Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Therefore Council can be satisfied that this application, subject to conditions, will be in the public interest.

Conclusion

The proposed staged subdivision and associated infrastructure are appropriately located within the R1 General Residential, SP2 Infrastructure (Water Cycle Management Facility), RE1 Public Recreation and E2 Environmental Conservation zones under the provisions of the Penrith Local Environmental Plan 2009 (Caddens) (LEP)). It is consistent with the aims, objectives and provisions of the LEP and DCP.

The proposal is also consistent with the existing and future characteristics of the area specifically in relation to:

- Maintaining the rural character of the locality to the south.
- Accomplishing its role in being a residential release area as identified by the State Government.
- Accomplishing the vision for Caddens in relation to sustainability by providing different land use activities, a hierarchy of roads, pedestrian and cycle ways that improve accessibility and at the same time integrate with other land uses.
- Provide a high standard of residential amenity.

The proposed development represents a significant commencement toward the creation of a new planned residential area in the City of Penrith. The proposed development will not only provide major social and economic benefits to the wider community but also to the future residents of the precinct.

The application has been assessed against the relevant heads of consideration contained in Section 79C of the Environmental Planning and Assessment Act 1979 and have been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendations

1. The information contained in the report on the staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots and 1 residual lot, construction of the Western Linear Park, Western Hilltop Park, works in the Riparian Corridor, be received.
2. The subject Development Application be approved, subject to the imposition of the following conditions:
 - 2.1 The development must be implemented substantially in accordance with the plans listed below and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing/Document Title	Prepared By	Dated	Reference
Site Plan	Cardno	Jan 11	210018-CDA-002 2
DA Staging Plan	Cardno	Jan 11	210018-CDA-003 2
Indicative Lot Layout	Cardno	Jan 11	210018-CDA-004 2
Indicative Lot Layout	Cardno	Jan 11	210018-CDA-005 2
Indicative Lot Layout	Cardno	Jan 11	210018-CDA-006 2
General Arrangement	Cardno	Jan 11	210018-CDA-100 1
General Arrangement	Cardno	Jan 11	210018-CDA-101 2
General Arrangement	Cardno	Jan 11	210018-CDA-102 2
General Arrangement	Cardno	Jan 11	210018-CDA-103 2
Cut and Fill	Cardno	Jan 11	210018-CDA-110 1
Cut and Fill	Cardno	Jan 11	210018-CDA-111 2
Sediment and Erosion Control Plan	Cardno	Jan 11	210018-CDA-120
Sediment and Erosion Control Plan	Cardno	Jan 11	210018-CDA-121 2
Sediment and Erosion Control Plan	Cardno	Jan 11	210018-CDA-122 2
Sediment and Erosion Control Details	Cardno	Jan 11	210018-CDA-123
Bioretention Basin 2	Cardno	Jan 11	210018-CDA-351 1
Bioretention Basin 3	Cardno	Jan 11	210018-CDA-352 1
Bioretention Basin 4	Cardno	Jan 11	210018-CDA-353 1
Bioretention Basin 7	Cardno	Jan 11	210018-CDA-354 1
Werrington Creek Pond	Cardno	Jan 11	210018-CDA-355 2
Catchment Plan	Cardno	Jan 11	210018-CDA-400 2
Catchment Plan	Cardno	Jan 11	210018-CDA-401 1

Statement of Environmental Effects	Cardno	15 Feb 2011	YN210018/R2698v3
Civil Engineering Assessment	Cardno	Jan 11	YN210018
Geotechnical Investigations	Parsons Brinckerhoff	June 2008	
Phase 2 Environmental Site Assessment	Parsons Brinckerhoff	July 2009	
Construction and Operational Noise Assessment	Wilkinson Murray	Jan 10	06219-C
Water Cycle Management Plan	EDAW	July 2009	
Arboricultural Report	Sydney Arboricultural Services	Dec 2008	CR OH 111208 Pda
Archaeological Subsurface Investigations	Jo McDonald	July 2009	
Aboriginal Heritage Impact Permit	Department of Climate Change and Water	17 May 2010	AHIP number: 1114128 AHIS number: 3274
DA Masterplan (Landscape)	Place	3 July 2009	
Vegetation Management Plan	Ecological	6 Oct 2009	0029-0072
Werrington Creek Rehabilitation Conceptual Design	EDAW	June 2009	08503007.01

- 2.2 All roadworks, drainage works and dedications, required to effect the approved development consent shall be undertaken at no cost to Penrith City Council nor shall the cost or the value of such works and dedications be offset or be eligible for offset against developer contributions payable under this consent.

General Terms of Approval

NSW Office of Water

- 2.3 The applicant must, at all times, comply with the General Terms of Approval (Ref 10 ERM2011/0466 File No. 9054886) issued by the New South Wales Office of Water dated 27 June 2011.
- 2.4 The applicant must apply to New South Wales Office of Water for a Controlled Activity Approval. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council and the Principal Certifying Authority.

NSW Department of Primary Industries

- 2.5 A Controlled Activities Approval (CAA) under the Water Management Act is to be obtained from the NSW Office of Water for excavation works within the

riparian zone. Note that under s.199 of the Fisheries Management Act New South Wales Department of Primary Industries is to consider comments raised by DPI-Fisheries prior to issuing such an approval. If a CAA is not required for these works, under s.199 of the Fisheries Management Act the public authorities that will be conducting these works will need to notify DPI-Fisheries and consider any further comments raised by New South Wales Department of Primary Industries.

- 2.6 Erosion and sediment control measures are to be used during the proposed landforming and excavation works to ensure there is no escape of sediment and turbid plumes into the aquatic environment.

Landscaping

- 2.7 The current pathway connections to Hilltop Park and pedestrian desire lines are not supported. Revised details shall be submitted for the approval of Penrith City Council prior to construction.
- 2.8 Details of the limestone flagstone pavers shall be submitted and approved by Council prior to construction. The pavers, with or without application of sealer, shall comply with the slip standards and shall maximise resilience and minimise maintenance.
- 2.9 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Public Art

- 2.10 Details of the hardwood timber surface seating with steel edging in the Western Hilltop Park including type of hardwood, dimensions, details of contour lines and surface protection coatings (for anti-graffiti purposes) and on-going maintenance, shall be submitted for the approval of Penrith City Council prior to construction.
- 2.11 Details of the 25 mm thick high density laminate work surface for the BBQ and bench in Western Hilltop Park including materials, surface protection coatings ongoing maintenance - graffiti removal and protection from grease shall be submitted for the approval of Penrith City Council prior to construction.
- 2.12 Details of the design to the sandstone block of the BBQ and bench in the Western Hilltop Park shall be submitted for the approval of Penrith City Council prior to construction. The design shall demonstrate that it would not give rise to placement of rubbish from the BBQ.
- 2.13 Details of maintenance and replacement of light fitting of the recessed lighting into the ground of the Western Hilltop Park including availability of timer shall be submitted for the approval of Penrith City Council prior to construction.
- 2.14 Details of the concrete pavement in the Riparian Park including depth and width of the contour lines and backfill, if applicable, shall be submitted for the approval of Penrith City Council prior to construction and demonstrate

compliance with AS 1428 'Design for Access and Mobility'.

- 2.15 Details of the crate seating in the Riparian Park including type of hardwood, dimensions, surface protection coatings for anti-graffiti and on-going maintenance purposes, shall be submitted for the approval of Penrith City Council prior to construction.
- 2.16 Details of the elliptical shade structure including materials for roofing and water-cut panel, final finishes, surface coating of the mild steel/aluminium, on-going maintenance, timer system for the LEP lighting shall be submitted for the approval of Penrith City Council prior to the issue of a Construction Certificate.

The design of the structure is to take into account the climb ability factor with the BBQ and seating being placed under this shade structure.

The applicant shall also submit engineering details and drawings for the structure, foundations, wind loading etc before fabrication for approval.

- 2.17 Details of the art markers at the Western Entrance including surface protection coatings for anti graffiti and ongoing maintenance shall be submitted for the approval of Penrith City Council prior to construction.

The design shall take into account climbability, sharp edges, width and depth of contour lines.

- 2.18 Prior to construction, the applicant shall submit details of the text on the vehicular bridge for Council's approval. The applicant shall explore the potential of using local, historical, contemporary and indigenous references.

Community Safety

Lighting

- 2.19 Street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- 2.20 Key pedestrian and cycle networks specified in the Chapter 6.46 Caddens of the Penrith Development Control Plan 2006 shall be well lit in accordance with Integral Energy standards and requirements.

Landscaping

- 2.21 Planting along pedestrian pathways and communal/public spaces in the western linear park should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathway.
- 2.22 Street planting shall utilise appropriate vegetation (low height less than 1m or with high canopies) to maximise passive surveillance and enable clear lines of

sight for pedestrians and vehicular traffic.

- 2.23 Regular maintenance shall be provided to ensure that landscaping is regularly pruned to maintain clear lines of sight and enhance the public amenity.

Street furniture and public artwork

- 2.24 All public art work and street furniture should be placed in locations which have high levels of passive surveillance and be constructed of sturdy, vandal resistant materials where possible to minimise opportunities for malicious damage and graffiti vandalism. Anti-graffiti coatings should be used for painted surfaces.
- 2.25 All incidents of graffiti and vandalism shall be reported to the Police, and must be repaired promptly.

Residential Subdivision

- 2.26 The management actions identified in the Vegetation Management Plan prepared 6 October 2009 by Ecological Australia Pty Ltd (Appendix O of the Caddens Release Area – Proposed Residential Subdivision - Statement of Environmental Effects 15 February 2011) are to be implemented.

Western Sewer Carrier

- 2.27 The works shall be implemented in accordance with the management actions identified in the Vegetation Management Plan prepared 20 December 2010 by Ecological Australia Pty Ltd (Appendix F of the Caddens Release Area – Proposed Western Sewer Carrier - Statement of Environmental Effects 15 February 2011).
- 2.28 A minimum of 5 trees are to be re-planted in suitable areas on the site for every healthy native tree removed for the development. These trees are to be of local provenance and consistent with the native vegetation located on the site.
- 2.29 All replacement trees planted are to be maintained until they become established and self supporting, for a minimum period of 2 years. If any planted tree dies within this period it is to be replaced with a tree of the same species and to the greatest extent practicable, the same maturity as the tree that died.
- 2.30 Prior to construction, the applicant shall submit, for the approval of Penrith City Council, details including but not limited to materials, dimensions, surface protection coatings and on-going maintenance of any works and/or structures to be constructed by the applicant and maintained by Penrith City Council.

DEMOLITION

- 2.31 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition.**

- 2.32 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 2.33 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.34 A geotechnical engineering report is to be submitted regarding the extent of excavation and filling on the proposed lots and is to include individual site classifications for each lot in accordance with AS 2870.

ENVIRONMENTAL MATTERS

- 2.35 All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
- 2.36 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 2.37 **No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council.**

The Validation Certificate shall:

- ☐ state the legal property description of the fill material source site,
- ☐ be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- ☐ provide details of the volume of fill material to be used in the filling operations,
- ☐ provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- ☐ (based on the fill classification) determine whether the fill material is

suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- ☐ Supervise the filling works,
- ☐ (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

2.38 Prior to construction commencement, a Construction Environmental Management Plan (CEMP) is to be prepared for the site and submitted to Council for review and acceptance. The CEMP is to take into consideration all the recommendations and proposed mitigation measures in the ‘Statement of Environmental Effects’ for the ‘Proposed Residential Subdivision’ and ‘Proposed Western Sewer Carrier’ prepared by Cardno, dated 15th February 2011 (including all appendices and Reports) and should include at minimum the following plans

- Erosion and Sediment Control Plan
- Salinity Management Plan
- Noise and Vibration Management Plan
- Dust Management Plan
- Waste Management Plan

2.39 The development shall be carried out in accordance with the recommendations set out in the ‘Caddens Land Release State 1-7 Construction and Operational Noise Assessment’ Report No. 06219-C prepared by Wilkinson Murray dated January 2010.

- 2.40 The development shall be carried out in accordance with the recommendations set out in the 'Caddens Release Geotechnical Investigation' Report No. 2116975A/PR_6628_Rev C, prepared by Parsons Brinckerhoff dated June 2008.
- 2.41 For development within Stages 1, 4, 5 and 7, noise levels from or in the premises shall not exceed the relevant noise criteria detailed in "Caddens Land Release Stages 1-7, Construction and Operational Noise Assessment", Report number 06219-C prepared by Wilkinson Murray and dated January 2010. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of future dwellings on the site.
- 2.42 Prior to the issue of a Subdivision Certificate, a positive covenant is to be registered against each new land title that:
- (a) Is referred to in Section 7.5 of the report titled "Caddens Land Release Stages 1-7, Construction and Operational Noise Assessment", Report number 06219-C prepared by Wilkinson Murray and dated January 2010. These lots have been indentified as:
 - Stage 1, lots 101, 103-121, 138, 139, 144-155
 - Stage 4, lots 414-437
 - Stage 5, lots 501-536, 538
 - Stage 7, lots 701-709, 720-730
 - stipulates the noise criteria as outlined in the above document
 - provides advice on the mechanisms required for that lot to meet the noise criteria (such as those recommendations itemised in Section 7 of the above document)
 - (b) advise that a certificate is to be obtained from a qualified acoustic consultant certifying that (where required) future dwellings and any other relevant sections of the development (including air conditioning units) have been constructed to meet the noise criteria in accordance with the approved acoustic report and any relevant Australian Standards.
- 2.43 No work associated with this development is to be undertaken in the vicinity of Stage 7 until such time as an EPA Accredited Site Auditor has issued a Site Audit Statement for the area, it has been deemed suitable for its intended use, and the Site Audit Statement has been submitted to Council.

UTILITY SERVICES

- 2.44 All services (water, sewer, electricity, telephone and gas), including the provision of service conduits and stub mains, are to be installed within the proposed public roads before final inspection of the engineering works.
- 2.45 **Prior to the release of the linen plan**, the following service authority clearances shall be obtained:
- ☐ a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and

- ☐ a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- ☐ a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

CONSTRUCTION

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

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

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

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

ENGINEERING

2.47 All construction plans shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

2.48 **Prior to commencement of works** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Utility lead in works.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

2.49 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted prior to commencement of works.

2.50 **Prior to commencement of works**, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in detailed construction plans.

2.51 Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a maximum pit spacing of 40m. A stub connection shall be provided for lots without a pit with location details to be provided on the works as executed drawings.

2.52 **Prior to commencement of works** the Certifying Authority shall ensure that all bus stops have been designed in accordance with the requirements of the Disability Discrimination Act 2002 (DDA), Disability Standards for Accessible Public Transport (DSAPT) and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

Prior to the Commencement of Works

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

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

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

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

2.55 **Prior to the Commencement of Works** a dilapidation report of all infrastructure fronting the development in Caddens Road is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

2.56 **Work on the subdivision shall not commence until:**

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

Requirements during Construction

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

2.58 All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities' regulations and standards.

2.59 Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

2.60 All filling shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

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

2.61 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

2.62 Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
 - c) Overland flowpath works
- Have been satisfactorily completed in accordance with the approved plans and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

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

2.63 **Prior to the issue of a Subdivision Certificate** any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Penrith City Council.

Any rectification works within Caddens Road will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

2.64 **Prior to the issue of a Subdivision Certificate**, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City

Council and approved by the Local Traffic Committee.

Notes: Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 for further information on this process.

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

- 2.65 **Prior to the issue of a Subdivision Certificate** street signs are to be erected at road intersections.

Note: proposed road names can be selected from an approved list. An application for other names, in accordance with Penrith City Council's Street Naming Policy, can also be made. The regulations imposed under the Roads Act require that the proposed road names are advertised on two occasions; firstly as a proposal, and secondly as an official naming. This process means that you must pay the required advertising fee to Council before the Council can commence this process. Applications for road naming should be made as soon as possible to ensure that this process does not delay the issue of a Subdivision Certificate.

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

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

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

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

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

The value of the bonds shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 2.68 **Prior to the issue of a Subdivision Certificate** a maintenance bond is to be lodged with Penrith City Council for the subdivision works.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

2.69 Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - I. Compaction reports for road pavement construction
 - II. Compaction reports for bulk earthworks and lot regrading.
 - III. Soil classification for all residential lots
 - IV. Statement of Compliance
- h) Structural Engineer's construction certification of all structures.

2.70 Prior to the commencement of works the Principal Certifying Authority and/ or Certifying Authority shall ensure that stormwater drainage and runoff from the western linear park is to be designed so as to ensure overland flows west of

Road No 1 do not inundate the existing properties. Overland flow paths are to cater for all storm events up to and including the 1 in 100 year event.

2.71 Subdivision works shall be provided generally in accordance with the engineering concept plans prepared by Cardno, reference number 210018-CDA, revision 2, dated 11/02/2011 and the Water Cycle Management Plan by EDAW dated July 2009.

The Certifying Authority shall ensure that detailed construction drawings include, but not be limited to, the following subdivision works.

- Roads and drainage
- Stormwater pre-treatment systems / gross pollutant traps
- Detention and Bio-retention basins
- Overland flowpaths
- Interallotment drainage
- Bus stops
- Kerb blisters
- Cycle facilities
- Footpath facilities
- Earthworks
- Retaining walls
- Access driveways
- Vehicle laybacks for each lot
- Landscaping works
- Creek rehabilitation works

Engineering plans to be approved prior to construction must address or be supplemented by:

- (a) Construction drawings incorporating salinity measures in accordance with the with the requirements of the report 'Caddens Release Geotechnical Investigation' by Parsons Brinckerhoff reference 2116975A/PR_6628 Revision D dated 06/07/2009.
- (b) All turning movements within the development must be designed for a minimum of a Heavy Rigid Vehicle in accordance with AS2890.2. All turning movements must be checked against the Australian Standard and certified by the designer that they comply.
- (c) Appropriate regulatory signs such as 'No Parking' and 'No Stopping' must be located within the development where parking of vehicles will impede the movements of a Heavy Rigid Vehicle.
- (d) Specification and installation details of the bio-retention system and gross pollutant trap.
- (e) An operation and maintenance manual for the temporary sediment and detention basin
- (f) An operation and maintenance manual for the permanent detention and bio-retention basin and gross pollutant trap.
- (g) The inclusion of staging details for the conversion of the temporary sediment and detention basin into the permanent detention and bio-retention system.

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people.

The Certifying Authority shall ensure that the subdivision works have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

2.72 Prior to commencement of works the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works. Road pavement widths, verge areas and footpaths are to be designed in accordance with Penrith DCP 2006 - Section 6.21 Caddens.

2.73 Stormwater runoff shall be detained and pre-treated generally in accordance with the principals of best practice for Water Sensitive Urban Design. The stormwater detention systems and water quality treatment systems for the subdivision shall be designed in accordance with the Water Cycle Management Plan by EDAW dated July 2009.

The proposed drainage basins shall be constructed as a temporary detention and sediment control basin until such time as 80% of the contributing catchment has been fully developed. The basin batters and associated external areas shall be fully landscaped and embellished at this stage.

The implementation of any bio-retention system shall be delayed for a period of 2 years or until such times as 80% of the dwellings in the catchment have been completed and land vegetated. Maintenance of the bio-retention systems shall be undertaken by the developer for a minimum period of 12 months after completion of the works.

The Principal Certifying Authority or Certifying Authority shall ensure the following documentation is provided prior to commencement of works:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual / schedule for the proposed device

A copy of the approved operation and maintenance manual / schedule shall be submitted to Penrith City Council prior to commencement of works.

2.74 Where it is intended to handover water management basins to Council for ongoing operation and maintenance a formal agreement relating to the handover must be in place prior to the commencement of such works. Council will not be in a position to formally accept the drainage basins or associated land unless:

- The land and drainage basins are dedicated to Council at no cost
- Sealed and dedicated road access is available to the basins
- The basins and associated external works are complete including all surrounding roads, installation of the bio-retention system and full embellishment of the land to be dedicated.
- The basin has been landscaped and embellished in accordance with Council's requirements and an agreed establishment period has elapsed.
- The final works are satisfactory as demonstrated by works-as-executed plans and appropriate certification.

2.75 All bicycle path design and construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and Austroads Cycling Aspects to of Austroads Guides.

Prior to the Issue of a Subdivision Certificate

2.76 Prior to the issue of a Subdivision Certificate for the relevant stage the following works must be constructed to the satisfaction of Penrith City Council, as the Roads Authority, in accordance with S138 of the Roads Act 1993:

- (a) Provision of the following roadworks in Caddens Road for the full site frontage prior to the release of the relevant stage:
 - i. A 25mm re-sheet of the existing road pavement including a 30m extension into Kingswood Road and associated linemarking and provision for guide posts.
 - ii. Shoulder reconstruction, table drain regrading and turfing, street tree planting and verge works on the northern side. The work is to include provision for 600mm dish drain with pits and a drainage connection to the subdivision drainage system. The shoulder is also to be sealed adjacent to the dish drain.
 - iii. Retrimming of the southern shoulder.
 - iv. Undergrounding of aerial communication cables on the northern side of Caddens Road.
- (b) Provision of kerb and gutter, central median, drainage and road pavement construction for a new intersection at Caddens Road and Road No 1 at the western end of the development prior to the release of stage 1.
- (c) Provision of kerb and gutter, drainage and road pavement construction for a new intersection at Caddens Road and Road No 2 prior to the release of stage 1.
- (d) Amplification/reconstruction of the existing culverts under Caddens Road located within the vicinity of Road No 2 and Road No's 11/12 prior to the release of stage 3.
- (e) Provision of kerb and gutter, drainage and road pavement construction for a new intersection at Caddens Road and Road No 13 prior to the release of stage 6.
- (f) Provision of necessary works within Caddens Road to implement road closures in accordance with the Caddens Release Area – Transport Management and Accessibility Plan dated 7 March 2008 prepared by Masson Wilson Twiney prior to the release of the relevant stage.
- (g) Provision of kerb and gutter, drainage and road pavement construction for a new intersection at Caddens Road, Hermitage Court and Road No 1 at the eastern end of the development prior to the release of stage 7.

- (h) Provision of kerb and gutter, drainage, shared cycleway and half road pavement construction on the north side of Caddens Road at the eastern end of the development from Chainage 370 to Chainage 550 prior to the release of stage 7.
- (i) Provision of kerb & gutter (both sides), foot paving (eastern side), drainage and full width pavement construction 12m wide in O'Connell Lane from O'Connell Street to Caddens Road generally in accordance with Penrith Development Control Plan 2006 Section 6.21 Caddens. This work will include construction of a roundabout at the intersection of Road No1 and O'Connell Lane and the coordination of new utility services and the relocation of any existing utility services as part of the roadworks prior to the release of stage 5.

2.77 An application shall be made for the approval of detailed engineering drawings including the payment of application and inspection fees. Prior to the commencement of works for any stage the relevant Roads Act approvals relating to that stage must be obtained from Penrith City Council as the Roads Authority.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note:

- Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
-
- Contact Penrith City Council's Development Engineering Unit on (02) 4732 7777 to ascertain applicable fees.

Operational Phase

2.78 The temporary sediment and detention basin and the final detention and bio-retention basin are to be operated and maintained by the applicant in accordance with the operational and maintenance management plans in perpetuity or until such time as the land and drainage basin has been formally handed over to Council.

SUBDIVISION (GENERAL)

2.79 Work on the subdivision is not to commence until:

- ☐ a Principal Certifying Authority has been appointed for the project, and
- ☐ any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

2.80 Submission of the original Linen Plan and ten (10) copies. The Linen Plan must indicate that:

(a) "It is intended to dedicate all new roads to the public as road"

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- ☐ The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- ☐ All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

SECTION 94

2.81 This condition is imposed in accordance with the Direction by the Minister for Planning (effective from 15 September 2010) regarding Development Contributions for new residential development and Penrith City Council's Section 94 Contributions Plan(s) for Werrington Enterprise Living and Learning (WELL) Precinct, Cultural Facilities, and Penrith City District Open Space Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$9,945,996 is to be paid to Council **prior to release of a Subdivision Certificate (linen plan) being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan(s). The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for the Werrington Enterprise Living and Learning (WELL) Precinct, Cultural Facilities, and Penrith City District Open Space Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

PAYMENT OF FEES

2.82 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

2.83 **Prior to the commencement of any works on site**, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

CERTIFICATION

2.84 A Subdivision Certificate is to be obtained **prior to the release of the linen plan of subdivision for the relevant stage/s**. The Subdivision Certificate will not be issued until all conditions of consent, except for those relating to ongoing operational matters, have been completed.



**Primary
Industries**

Our ref: OUT11/9161
Your ref: DA11/0139



Penrith City Council
(Attn: Deepa Randhawa)
PO Box 60
PENRITH NSW 2751

Dear Ms Randhawa,

DEVELOPMENT APPLICATION NO. DA11/0139

PROPERTY: Caddens Release Area – Caddens Road, Kingswood

PROPOSAL: Subdivision, parkland and associated roads and infrastructure along with construction of western sewer carrier main

Thankyou for your letter received 27 May 2011 requesting NSW Department of Primary Industries (DPI) - Fisheries comment on the above proposal. DPI-Fisheries has reviewed the above proposal in light of the policies and provisions under the *Fisheries Management Act 1994* and has no objections providing the following general terms of approval are included in any development consent issued for this proposal:

1. A Controlled Activities Approval (CAA) under the *Water Management Act* is to be obtained from the NSW Office of Water for excavation works within the riparian zone. Note that under s.199 of the *Fisheries Management Act* this authority is to consider comments raised by DPI-Fisheries prior to issuing such an approval. If a CAA is not required for these works, under s.199 of the *Fisheries Management Act* the public authorities that will be conducting these works will need to notify DPI-Fisheries and consider any further comments raised by this Department.
2. Erosion and sediment control measures are to be used during the proposed landforming and excavation works to ensure there is no escape of sediment and turbid plumes into the aquatic environment.
3. All other relevant authorities have no objections to this proposal.

For any further information please telephone me on (02) 9527 8552.

Yours sincerely,

Carla Ganassin
Conservation Manager, Aquatic Habitat Protection Unit

30 May 2010

NSW Department of Primary Industries – Cronulla Fisheries Centre
PO Box 21, Cronulla NSW 2230
202 Nicholson Pde, Cronulla
Tel: 02 9527 8411 Fax: 02 9527 8576
www.dpi.nsw.gov.au



Office of Water

The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Contact: Greg Brady
Phone: 02 47298 134
Fax: 02 4729 8141
Email: greg.brady@ohn.nsw.gov.au

Our ref: 10 ERM2011/0466
Our file: 9054886
Your ref: DA11/139

Attention: Peter Wood

Dear Sir



27 June 2011

**Re: Integrated Development Referral – General Terms of Approval
DA11/139 - Residential subdivision, stages 1-7 including parks and sewer main,
Caddens Road, Kingswood (Caddens Release Area)**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant applies for and obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval **after consent** has been issued by Council **and before** the commencement of any 'works' on waterfront land.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website

<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Greg Brady
Instream Development Officer
NSW Office of Water -



General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		10 ERM2011/0466	File No:	9054886
Site Address		Caddens Road, Kingswood (Caddens Release Area)		
DA Number		DA11/139		
LGA		Penrith City Council		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA11/139 and provided by Council:</p> <ul style="list-style-type: none">(i) Site plan, map and/or surveys(ii) Structural design and specifications(iii) Vegetation Management Plan(iv) Erosion and Sediment Control Plan(v) Rehabilitation Plan <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>			
3	N/A			
4	N/A			
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>			
6	<p>The consent holder must carry out a maintenance period of five (5) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>			
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</p>			
8	<p>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.</p>			
9	N/A			

Our Reference		10 ERM2011/0466	File No:	9054886
Site Address		Caddens Road, Kingswood (Caddens Release Area)		
DA Number		DA11/139		
LGA		Penrith City Council		
Number	Condition			
Access-ways				
10	N/A			
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.			
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other then in accordance with a plan approved by the NSW Office of Water.			
13	N/A			
14	N/A			
15	N/A			
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.			
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.			
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.			
19	N/A			
20	N/A			
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.			
22	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor in accordance with a plan approved by the NSW Office of Water.			
23	The consent holder must establish a riparian corridor along the Werrington Name in accordance with a plan approved by the NSW Office of Water.			
END OF CONDITIONS				

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 8741 5175

Facsimile: 8741 5433

e-mail: development.assessment@rfs.nsw.gov.au



The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Your Ref: DA11/0139
Our Ref: D11/0822
DA11053178055 MM

ATTENTION: Deepa Randhawa

14 July 2011

Dear Ms Randhawa

Integrated Development for 55-71 Caddens Road Kingswood 2747

I refer to your letter dated 16 March 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions.

For any queries regarding this correspondence please contact Michael Murrell on 8741 5175.

Yours sincerely

Nika Fomin
Team Leader Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.