

<b>JRPP Ref. No.:</b>	2011SYW035
<b>DA No.:</b>	DA11/0139
<b>PROPOSED DEVELOPMENT:</b>	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
<b>APPLICANT:</b>	Landcom
<b>REPORT BY:</b>	Deepa Randhawa, Senior Environmental Planner, Penrith City Council

## **Supplementary Assessment Report**

This development application was reported to the Joint Regional Planning Panel meeting of 21 July 2011 and the determination of application was deferred due to unresolved Section 94 (S94) contributions applicable to the proposed development. The resolution of the meeting was to defer the decision pending further discussion between Council and the applicant in relation to the proposed S94 contributions condition and a further report be brought to the Joint Regional Planning Panel. A copy of the report to the Joint regional Panel dated 21 July 2011 is attached for your reference.

The panel also requested details of:-

Council's table of cost for S94 contributions for the subject development and what actions Council has taken to reconcile the S94 Contributions Plan with the 30,000 cap on contributions?

Implications of the cap on the feasibility of developing private lands within the precinct.

***Council's table of cost for S94 contributions for the subject development and the actions Council has taken to reconcile the S94 Contributions Plan with the 30,000 cap on contributions:-***

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

1. WELL Precinct Plan s94 Plan
  - Local Open Space - Land (towards active and passive open space)
  - Local open space - works (for embellishment of the active and passive space)
  - Traffic & Transport Management facilities not 100% apportioned to the Caddens sub-precinct (i.e. those facilities the need for which derives from development across the WELL Precinct)
  - Community Facilities Land
  - Community Facility Works
  - Plan Administration
2. District Open Space Plan
3. Cultural Facilities Plan

The total contributions of \$52,852 payable in accordance to the above plan would apply to the current development under the WELL Precinct Plan, Cultural Facilities Plans and City Wide District Open Space Plan.

This represents a gap of \$22,852 per lot between Council's current S94 Contribution Plan and the \$30,000 cap.

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

Council reported on the unilateral offer at its meeting of 21 February 2011 where it resolved not to enter into an "In Kind" arrangement or a Voluntary Planning Agreement with Landcom as the offer failed to achieve a nexus between facilities offered and the needs associated with the actual development.

Council had requested that the Minister of Planning exempt the WELL Precinct S94 plans from the \$30,000 cap through his making of our revised WELL Precinct and District Open Space Development Contributions Plans. Council is still awaiting Ministerial determination.

In the meanwhile Council on 27 June 2011 examined 12 options for responding to the \$30,000 cap and resolved to address the issue by capping contributions at \$30,000 per lot/dwelling and conditioning all drainage and selected traffic management facilities. This response was considered the best mechanism for achieving the requirements of the \$30,000 cap, the WELL Precinct vision, the Local Environmental Plan and Development Control Plan, and a practical means of delivering infrastructure. These plans are yet to be endorsed by the Department of Planning.

In addition in accordance with Ministerial Directions, Council reviewed our contributions plans which apply to the WELL Precinct and achieved:

- reductions of approximately 20% for residential development in Caddens under the WELL Precinct s94 Plan and
- reductions of 51% under the District Open Space Plan.

It is the rates under these revised plans which were applied to the application reported to JRPP on the 21 July 2011. A total sum of \$10,015,230 for the 346 lots being created was applied which accounted for the amount of \$28,945 per lot, which falls under the State Government's \$30,000 cap.

In order to ensure of all the obligations of the infrastructure as required under the S94 Contribution Plan is delivered, the applicant was required to undertake all roadworks and drainage works as well as related road and drainage dedications, required to effect the approved development consent at no cost to Council.

Landcom did not endorse Council's recommendation and presented a unilateral offer.

Council and Landcom since then have held a series of meetings which has resulted in the following agreement being struck;

- Council to accept Landcom's submitted Unilateral Offer for land and works in lieu of S94 contributions for the WELL s94 Plan (2008).

- Landcom to pay contributions towards the District Open Space (\$859,110) and Cultural Facilities (\$117,300) under the District Wide Plans.
- Landcom to construct the full width of O'Connell Lane at an estimated cost of \$3.2M (subject to confirmation of costs by Landcom and in conjunction with the Stage 5 subdivision works) from the southern boundary of the Stage 5 culvert crossing to the boundary of O'Connell Street.
- Council to take the risk for any latent conditions in the construction of O'Connell Lane, including material excavation, contamination and remediation.
- Landcom and Council to enter into a deed for Council to pay Landcom approximately \$2.023M for the balance of the 3.9ha Southern Sports fields land within 5 years of development consent.
- Council to allow temporary road closures for the proposed Caddens Road intersections of Roads 2 and 13 with temporary allowance for turning of service vehicles.
- Landcom to accept a condition of consent confirming site boundary treatment works for Caddens Road as document in its submitted Development Application plans.

Landcom's offer proposes to dedicate land and embellish facilities in the Caddens Release Area as a "unilateral offer for land and works" to the equivalent value in aggregate of the WELL contributions plan and pay the S94 Contributions for District Open Space Plan and Cultural facilities Plan.

The offer is accepted by Council and forms part of the Development Consent.

***The implications of the \$30,000 cap on the feasibility of developing private lands within this precinct***

The \$30,000 cap in its own would not permit construction of the essential infrastructure required for development of nearly all private lands within the WELL Precinct. Across the WELL Precinct, District and Cultural Facilities Plans an infrastructure financing gulf of \$46.5 million occurs as a result of the imposition of the cap.

The \$30,000 cap will only be sufficient to fund required infrastructure for less than 10% of total WELL Precinct dwelling numbers assumed in the Plan on private lands.

The \$30,000 cap is most inadequate in underfunding infrastructure in those precincts where the bulk of residential on private lands is programmed to occur, namely Caddens and South Werrington Urban Village. An equally sizeable cap-related infrastructure funding shortfall would occur in the UWS and TAFE lands identified for residential development.

An absence of adequate infrastructure results in an inability to achieve the requirements of the Caddens LEP and DCP and the objectives of the WELL Precinct Vision.

Council is not able to finance this gap from general revenue and it is considered inequitable to expect Penrith City residents or WELL Precinct residents to meet such a sizeable shortfall through special rates variations and therefore any application on private land will have to take into account all the obligations of the infrastructure as required under the S94 Contribution Plan including required roadworks and drainage works as well as development of cultural and community facilities at no cost to Council.

## **Conclusion**

The proposed staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots is consistent with the aims, objectives and provisions of the Penrith Local Environmental Plan 2009 (Caddens) (LEP) and S94 Contribution Plans for Cultural Facilities, District Open Space Facilities Development Contributions Plan and Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan.

The applicant has been given the opportunity to review the recommended conditions of consent and agreement has been reached between both Council and Landcom.

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 as detailed in the previous report. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

## Recommendation

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 generally 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.

DRAWINGS	COMPANY	DRAWING NUMBER	REV	DATE
COVER SHEET	Cardno	210018-CDA-001	2	11/02/11
SITE PLAN	Cardno	210018-CDA-002	2	11/02/11
DA STAGING PLAN	Cardno	210018-CDA-003	2	11/02/11
INDICATIVE LOT LAYOUT (SHEET 1 OF 3)	Cardno	210018-CDA-004	2	11/02/11
INDICATIVE LOT LAYOUT (SHEET 2 OF 3)	Cardno	210018-CDA-005	2	11/02/11
INDICATIVE LOT LAYOUT (SHEET 3 OF 3)	Cardno	210018-CDA-006	2	11/02/11
GENERAL ARRANGEMENT PLAN (SHEET 1 OF 4)	Cardno	210018-CDA-100	1	14/01/11
GENERAL ARRANGEMENT PLAN (SHEET 2 OF 4)	Cardno	210018-CDA-101	2	11/02/11
GENERAL ARRANGEMENT PLAN (SHEET 3 OF 4)	Cardno	210018-CDA-102	2	11/02/11
GENERAL ARRANGEMENT PLAN (SHEET 4 OF 4)	Cardno	210018-CDA-103	2	11/02/11
CUT AND FILL PLAN (SHEET 1 OF 2)	Cardno	210018-CDA-110	1	14/01/11
CUT AND FILL PLAN (SHEET 2 OF 2)	Cardno	210018-CDA-111	2	11/02/11
CONTOUR PLAN (SHEET 1 OF 3)	Cardno	210018-CDA-112	1	14/01/11
CONTOUR PLAN (SHEET 2 OF 3)	Cardno	210018-CDA-113	2	11/02/11
CONTOUR PLAN (SHEET 3 OF 3)	Cardno	210018-CDA-114	2	11/02/11
SEDIMENT AND EROSION CONTROL PLAN (SHEET 1 OF 3)	Cardno	210018-CDA-120	1	14/01/11
SEDIMENT AND EROSION CONTROL PLAN (SHEET 2 OF 3)	Cardno	210018-CDA-121	2	11/02/11
SEDIMENT AND EROSION CONTROL PLAN (SHEET 3 OF 3)	Cardno	210018-CDA-122	2	11/02/11
SEDIMENT AND EROSION CONTROL DETAIL	Cardno	210018-CDA-123	1	14/01/11
TYPICAL SECTIONS (SHEET 1 OF 2)	Cardno	210018-CDA-130	1	14/01/11
TYPICAL SECTIONS (SHEET 2 OF 2)	Cardno	210018-CDA-131	2	11/02/11

PROPOSED PLAN OF SUBDIVISION - STAGE 1	Cardno	210018-CDA-200	2	11/02/11
PROPOSED PLAN OF SUBDIVISION - STAGE 2	Cardno	210018-CDA-201	2	11/02/11
PROPOSED PLAN OF SUBDIVISION - STAGE 3	Cardno	210018-CDA-202	2	11/02/11
PROPOSED PLAN OF SUBDIVISION - STAGE 4	Cardno	210018-CDA-203	2	11/02/11
PROPOSED PLAN OF SUBDIVISION - STAGE 5	Cardno	210018-CDA-204	2	11/02/11
PROPOSED PLAN OF SUBDIVISION - STAGE 6	Cardno	210018-CDA-205	2	11/02/11
PROPOSED PLAN OF SUBDIVISION - STAGE 7	Cardno	210018-CDA-206	2	11/02/11
ROAD LONG SECTIONS- ROAD 1	Cardno	210018-CDA-300	2	11/02/11
ROAD LONG SECTIONS- ROAD 1 (CONT)	Cardno	210018-CDA-301	2	11/02/11
ROAD LONG SECTIONS- ROAD 1	Cardno	210018-CDA-302	2	11/02/11
ROAD LONG SECTIONS- ROAD 2	Cardno	210018-CDA-303	1	14/01/11
ROAD LONG SECTIONS- ROAD 3	Cardno	210018-CDA-304	1	14/01/11
ROAD LONG SECTIONS- ROAD 4,5 & CADDENS ROAD	Cardno	210018-CDA-305	1	14/01/11
ROAD LONG SECTIONS- ROAD 7, 7A & ROAD 7B	Cardno	210018-CDA-306	1	14/01/11
ROAD LONG SECTIONS- ROAD 8	Cardno	210018-CDA-307	1	14/01/11
ROAD LONG SECTIONS- ROAD 8 (CONT) & ROAD 8A	Cardno	210018-CDA-308	1	14/01/11
ROAD LONG SECTIONS- ROAD 8B & ROAD 9	Cardno	210018-CDA-309	1	14/01/11
ROAD LONGITUDINAL SECTIONS - ROAD 9 (CONT) ROAD 11 & ROAD 12	Cardno	210018-CDA-310	1	14/01/11
ROAD LONGITUDINAL SECTIONS ROAD 13 & ROAD 48	Cardno	210018 CDA 311	1	14/01/11
ROAD LONGITUDINAL SECTIONS - ROAD 24, 25 & ROAD 26	Cardno	210018-CDA-312	1	14/01/11
ROAD LONGITUDINAL SECTIONS - ROAD 16, 40, 41 AND CADDENS ROAD	Cardno	210018-CDA-313	2	11/02/11
ROUNDAABOUT DETAILS PLAN - ROAD 1 & ROAD 2	Cardno	210018-CDA-320	1	14/01/11
ROUNDAABOUT DETAILS PLAN - ROAD 1 & ROAD 40	Cardno	210018-CDA-321	1	14/01/11
PROPOSED CULVERT DETAILS - ROAD 1 OVER WERRINGTON CREEK	Cardno	210018-CDA-350	2	11/02/11
BIORETENTION BASIN 2 DETAILS PLAN	Cardno	210018-CDA-351	1	14/01/11
BIORETENTION BASIN 3 DETAILS PLAN	Cardno	210018-CDA-352	1	14/01/11
BIORETENTION BASIN 4 DETAILS PLAN	Cardno	210018-CDA-353	1	14/01/11

BIORETENTION BASIN 7 DETAILS PLAN	Cardno	210018-CDA-354	1	14/01/11
WERRINGTON CREEK POND	Cardno	210018-CDA-355	2	11/02/11
CATCHMENT PLAN (SHEET 1 OF 2)	Cardno	210018-CDA-400	2	11/02/11
CATCHMENT PLAN (SHEET 2 OF 2)	Cardno	210018-CDA-401	1	14/01/11
SERVICES MASTERPLAN - WATER, SEWER & STORMWATER (SHEET 1 OF 3)	Cardno	210018-CDA-500	1	14/01/11
SERVICES MASTERPLAN - WATER, SEWER & STORMWATER (SHEET 2 OF 3)	Cardno	210018-CDA-501	2	11/02/11
SERVICES MASTERPLAN - WATER, SEWER & STORMWATER (SHEET 3 OF 3)	Cardno	210018-CDA-502	2	11/02/11
WESTERN SEWER CARRIER PLAN SHEET 1 OF 2	Cardno	210018-CDA-550	2	14/02/11
WESTERN SEWER CARRIER PLAN SHEET 2 OF 2 AND DETAILS	Cardno	210018-CDA-551	3	28/02/11
WESTERN SEWER CARRIER AZIMUTH SETOUT PLAN	Cardno	210018-CDA-552	3	28/02/11
WESTERN SEWER CARRIER LONGITUDINAL SECTION AND DETAIL	Cardno	210018-CDA-553	2	28/02/11
STATEMENT OF ENVIRONMENTAL EFFECTS- PROPOSED RESIDENTIAL DEVELOPMENT	Cardno	YN210018/R2698v3	3	15/02/11
CIVIL ENGINEERING ASSESSMENT	Cardno	YN210018/10-0388	2	10/02/11
GEOTECHNICAL INVESTIGATION	Parsons Brinckerhoff	2116975APR_6628	D	06/07/09
PHASE 2 ENVIRONMENTAL SITE ASSESSMENT	Parsons Brinckerhoff	2116943APR_9627	B	14/07/09
CONSTRUCTION AND OPERATIONAL NOISE ASSESSMENT	Wilkinson Murray	06219-C	C	27/01/10
PRELIMINARY DESIGN STAGE ROAD SAFETY AUDIT – STAGES 1-6	Traffic Solutions	07.08.142	Final	29/06/09
PRELIMINARY DESIGN STAGE ROAD SAFETY AUDIT – STAGE 7	Traffic Solutions	07.08.142	Final	24/02/10
WATER CYCLE MANAGEMENT PLAN	EDAW	-	Final	Jul '09
PRE-DEVELOPMENT ARBORICULTURAL REPORT	Sydney Arboricultural Services	CR OH 111208 Pda	Final	Dec '08
SEVEN PART TEST AND EPBC ASSESSMENT	Eco Logical	0029-0072	1	17/09/09

ARCHAEOLOGICAL SUBSURFACE INVESTIGATIONS AT CADDEN'S RELEASE	Jo McDonald Cultural Heritage Management	-	-	Jul '09
SECTION 90 AHIP	Dept. of Climate Change and Water	AHIP No.1114128 AHIMS No. 3274	-	17/05/10
LANDSCAPE DA MASTERPLAN STAGES 1-6 AND STAGE 7	PLACE	-	-	03/07/09
VEGETATION MANAGEMENT PLAN	Eco Logical	0029-0072	1	06/10/09
CONTROLLED ACTION DETERMINATION	Dept. Energy, Water, Heritage and the Arts	EPBC 2010/5429	-	22/07/10
PROPOSED UNILATERAL OFFER FOR LAND AND WORKS	Cardno	YN210081/11-0039	F	07/03/11
SITE AUDIT REPORT	Golder Associates	097623019 007 R Site Audit No. RJP022	-	14/09/09
TRAFFIC NOISE ASSESSMENTS	Wilkinson Murray	PT160609 TRAFFIC.DOC	D	25/05/09
WERRINGTON CREEK REHABILITATION CONCEPTUAL DESIGN	EDAW	08503007.01	1	June '09
STATEMENT OF ENVIRONMENTAL EFFECTS- PROPOSED WESTERN SEWER CARRIER	Cardno	YN210018/R2694v3	3	15/02/11
SEVEN PART TEST AND EPBC ASSESSMENT – SEWER CARRIER MAIN	Eco Logical	10SGBECO-0089	1	20/12/10
VEGETATION MANAGEMENT PLAN	Eco Logical	10SGBECO-0089	1	20/12/10
LANDCOM LETTER TO COUNCIL	Landcom	-	1	16/02/11

- 2.2 The applicant must carry out the roadworks and drainage works, and dedicate land on which those roadworks and drainage works are located, in accordance with the document entitled 'Caddens Release Stages 1-7 Proposed Unilateral Offer for Land and Works' dated March 2011' in lieu of Section 94 contributions for the WELL Section 94 Plan (2008).
- 2.3 Notwithstanding any other condition of this consent, this consent permits separate construction certificates and subdivision certificates to be issued for the development approved by this consent in stages, provided that all conditions of consent relevant to the development incorporated within each stage have been complied with prior to the release of the construction certificate or subdivision certificate for that stage.

## **GENERAL TERMS OF APPROVAL**

### **NSW Office of Water**

- 2.4 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.
- 2.5 The applicant must apply to the New South Wales Office of Water for a Controlled Activity Approval. The Construction Certificate will not be issued for the relevant stage of the subdivision 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**

- 2.6 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 to be in accordance with the Caddens DCP. Any revised details shall be submitted for the approval of Penrith City Council prior to construction of the Hilltop Park.
- 2.8 Details of the limestone flagstone pavers shall be submitted and approved by Council prior to construction of the relevant park. The pavers installed 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 of the Western Hilltop Park.

- 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 of the Western Hilltop Park.
- 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 of the Western Hilltop Park.
- 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 of the Western Hilltop Park.
- 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 of the Riparian Park 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 of the Riparian Park.
- 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 LED lighting shall be submitted for the approval of Penrith City Council prior to the issue of a Construction Certificate for construction of the Western Hilltop Park.

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 of the Western Entrance.

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

- 2.18 Prior to construction, of the proposed culvert crossing the riparian corridor, the applicant shall submit details of the text to be incorporated on the proposed culvert crossing the riparian corridor 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 The applicant will submit detailed drawings of the landscaping prior to construction of planting along pedestrian pathways and communal/public spaces in the western linear park. 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 during the maintenance period 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.

## **RESIDENTIAL SUBDIVISION**

- 2.25 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**

- 2.26 Associated works for the western sewer carrier 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).
- 2.27 All works within the Western Sewer Carrier are to be provided in accordance with Sydney Water's requirements.

## **DEMOLITION**

- 2.28 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.**

2.29 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**

2.30 **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) or a suitably qualified geotechnical engineer 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.”}

2.31 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 15<sup>th</sup> 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

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

2.33 The development shall be carried out generally 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.

2.34 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.

2.35 A Restriction as to User over the following nominated lots shall be created under Section 88B of the Conveyancing Act 1919:

- 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

Any dwelling to be constructed on the nominated lots is to meet the noise criteria referred to in 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.

- NOTE: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.

2.36 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

2.37 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.

2.38 **Prior to the release of the subdivision certificate plan for the relevant stage**, 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

2.39 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

2.40 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.

2.41 **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) All 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).

2.42 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks for each relevant stage by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the construction certificate application.

2.43 **Prior to issue of a construction certificate for the relevant stage of the development**, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the construction certificate.

2.44 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.

2.45 **Prior to issue of a construction certificate for the relevant stage of the development**, the Certifying Authority shall ensure that 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.

2.46 **Prior to the issue of a construction certificate** the temporary sediment basin for Stage 7 shall be located within the footprint of the ultimate detention and water quality basin (B7.2). The basin shall be designed to cater for the sediment loading from Stage 7 subdivision works and is to provide an interim detention function until the implementation of the ultimate detention and water quality basin (B7.2) by others.

2.47 The existing dam located immediately upstream of basin 7.2 is to be filled and compacted to the satisfaction of Council

2.48 **Prior to the commencement of works on site for the relevant stage of the development**, 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.

2.49 **Prior to commencement of works for the relevant stage of the development** a Traffic Control Plan including details for pedestrian management, shall be prepared

in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and 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.

- 2.50 **Prior to issue of a construction certificate for the relevant stage of the development** 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 relevant stage.

## **REQUIREMENTS DURING CONSTRUCTION**

- 2.51 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.52 All proposed services within the proposed subdivision are to be located underground in accordance with relevant authorities' regulations and standards.
- 2.53 Street lighting is to be provided for all new works within new and existing streets within the proposed subdivision to Penrith City Council's standards.
- 2.54 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.

- 2.55 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
- 2.56 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.

**2.57 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.

**2.58 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.

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

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

**2.59 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.

**2.60 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.

**2.61 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.

2.62 **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.

2.63 Prior to the issue of a Subdivision Certificate for the relevant stage of the development 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.

2.64 Prior to the issue of a construction certificate for Stage 1 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. Details are to be provided with the Construction certificate application.

2.65 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
- Temporary road closures at the intersections of Caddens Road and Roads No 2 and 13.
- Temporary allowance for turning of service vehicles road No 2 and 13 until the closure of Caddens Road west of the O'Connell Lane intersection.

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 documented turning movements (excluding temporary road closures) 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.

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

2.67 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the subdivision works for the relevant stage of the development have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

2.68 Prior to the issue of the Construction Certificate for the relevant stage of the development 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.

2.69 Stormwater runoff shall be detained and pre-treated generally in accordance with the principles 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 for stages 1-6 shall be constructed and maintained 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.

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.

If development has not been completed in accordance with the criteria referenced above, Council will consider alternative arrangements.

The Principal Certifying Authority or Certifying Authority shall ensure the following documentation is provided prior to the issue of a construction certificate for the bio retention system:

- 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.

2.70 Council will accept the dedication of the drainage basins or associated land where:

- The land and drainage basins dedication to Council is in accordance with Landcom's unilateral offer in lieu of Section 94 contributions for the WELL Section 94 Plan (2008) and Landcom's submitted report 'Caddens Release Stages 1-7 Proposed Unilateral Offer for Land and Works' dated March 2011.
- Sealed vehicular 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, or an alternative option such as a bond is provided to Council for any outstanding works required at dedication.
- 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.

2.71 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**

2.72 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 frontage treatment works in Caddens Road as documented in its submitted plans prior to the release of each relevant stage:
- (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) 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.
- (e) 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.
- (f) Notwithstanding the above conditions (2.70 a) – f)) The applicant is to make provisions for temporary road closures at the intersections of Caddens Road and Roads No 2 and 13. Temporary allowance for turning of service vehicles within the road reserve of Road No 2 and 13 is required prior to the release of Subdivision Certificate. The temporary road closures to remain until the closure of Caddens Road west of the O'Connell Lane intersection.
- (g) For the Stage 5 subdivision works;
  - (i) Subject to condition (g)(ii), construction of O'Connell Lane from its intersection with O'Connell Street to its intersection with Road No 1, generally in accordance with the plans prepared by Cardno reference 600

267 dated 20 December 2010, and the Penrith Development Control Plan 2006 Section 6.21 Caddens (“O’Connell Lane Works”) to a Maximum Cost to Landcom is required prior to the release of the Stage 5 Subdivision Certificate. The O’Connell Lane Works include the provision of kerb and gutter (both sides), foot paving (eastern side), drainage, full width pavement (12m wide), the construction of a roundabout at the intersection of Road No. 1 and O’Connell Lane and the co-ordination of new utility services and the relocation of any existing utility services .

“Maximum Cost to Landcom” means \$3.2M exclusive of GST indexed in accordance with the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics, applying at the time construction is commenced, and includes the cost of latent conditions including but not limited to contamination and unsuitable ground material.

- (ii) If, before Landcom commences the O’Connell Lane Works, Landcom considers that the actual cost of construction will exceed the Maximum Cost to Landcom, Landcom may give written notice to Council whereupon Council must review the scope of works and/or the funding of construction so that the actual cost to Landcom does not exceed the Maximum Cost to Landcom (Landcom Maximum Cost Notice). If Landcom and Council fail to agree on changes to the scope or alternative funding arrangements within 6 months of receipt of the Landcom Maximum Cost Notice, Council agrees to accept an amount equivalent to the Maximum Cost to Landcom and payment of this amount will fulfil Landcom’s obligation to construct O’Connell Lane, in accordance with condition (g)(i), and satisfy the requirements for the release of the Stage 5 Subdivision Certificate.
  
- (h) An application shall be made for the approval of detailed engineering drawings including the payment of application and inspection fees. Prior to the issue of a construction certificate 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.

## **SUBDIVISION (GENERAL)**

### **2.73 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.

2.74 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

2.75 .In lieu of Section 94 contribution payments for the WELL Section 94 Plan (2008), the applicant shall dedicate the land and provide the facilities referred to in the document 'Caddens Release Stages 1-7 Proposed Unilateral Offer for Land and Works (Cardno March 2011) at no cost to Council, and in accordance with that document.

2.76 No future WELL Section 94 Plan (2008) contributions are payable in relation to the 17 Duplex lots proposed (1 Duplex lots in Stage 1, 6 Duplex lots in Stage 2 and 10 Duplex lots in Stage 4) and the equivalent of 16 lots (residue lot) in Stage 7.

2.77 The applicant shall pay development contributions for the Cultural Facilities, and Penrith City District Open Space Facilities prior to the release of a Subdivision Certificate for the relevant Stages as listed in the following Schedule;

<b>Facilities</b>	<b>Qty*</b>	<b>Rate**</b>	<b>Amount</b>
<b>CW - Cultural Facilities</b>	<b>1,020</b>	<b>\$115.00</b>	<b>\$117,300.00</b>
<b>CW - District Open Space</b>	<b>1,054</b>	<b>\$815.00</b>	<b>\$859,010.00</b>
<b>Total Contributions</b>			<b>\$976,310.00</b>

*\*The above calculations are based on a total of 346 dwellings less the credit for the 6 existing allotments. Any additional dwellings will be required to pay contributions as per the applicable citywide development contribution plans.*

*\*\*City Wide Facilities Rates have been indexed to June 2011.*

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. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

## **STAGE 7 SOUTHERN SPORTS FIELDS**

2.78 Within 5 years of this development consent, the Applicant and Council will enter into a binding agreement in relation to the balance of the 3.9ha Stage 7 Southern Sports Fields Land for Council to pay Landcom approximately \$2.023M exclusive of GST indexed from March 2011 to the time of sale in accordance with The Housing Price Index – Established House Prices (Sydney) published by the Australian Bureau of Statistics.

## **PAYMENT OF FEES**

2.79 **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**

2.80 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.

3. That those making submissions be advised of the determination.

---

### **Attachments:-**

A copy of the original report to Joint Regional Planning Panel dated 21 July 2011.