

Approved Conditions for the Development Application for Torrens Title Subdivision x 116 Lots including Public Roads at Lots 50-58, DP 1069025, 731-769 Great Western Highway (corner French Street), Werrington.

GENERAL

- 1.1 The development must be implemented substantially in accordance with the following plans/documents:
 - Plan of Subdivision, prepared by StrataSurv, reference 3140, sheet 1 of 1 dated 08.08.2012 ,revision E2;
 - Statement of Environmental Effects prepared by Cityscape Planning & Projects and dated May 2011;
 - Salinity Assessment, numbered 12481/3-1AAR, prepared by Geotechnique Pty Ltd and dated 19 May 2011;
 - Civil, Flooding & Stormwater Management Report, Issue A, Revision 5, prepared by Cardno Pty. Ltd. and dated December 2011;
 - Cut and Fill Plan, numbered ITCE998-C201, revision 02, prepared by Cardno Pty. Ltd. and dated 29 April 2011;
 - Flora and fauna survey and assessment and 7-part Tests of Significance for Lots 50-58, DP702038, cnr French Street and the Great Western Highway, Werrington, New South Wales by Dr Trevor J. Hawkeswood and dated 3 April 2011;
 - Noise and Vibration Assessment" prepared by SLR Consulting Australia Pty Ltd and dated 12 December 2012 (Report Number 610.07939.05703-R1 Revision 3).
 - Landscape Plans prepared by Site Image, Project No. SS22-2402, Drawing No. 001, issue D, Drawing No. 101, issue D, Drawing No. 102, issue D, Drawing No. 103, issue D, Drawing No. 104, issue D, Drawing No. 106, issue D, Drawing No. 107, issue D, Drawing No. 108, issue D, dated December 2011.
- 1.2 A bushfire safety authority has been issued by the Rural Fire Service (ref D11/0887 and appended to this consent) which is to be complied with at all times.
- 1.3 The General Terms of Approval issued by the NSW Office of Water, reference 10 ERM2011/0587 and appended to this consent, are to be complied with and a Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval until a copy of the Approval has been provided to the Principal Certifying Authority.
- 1.4 Work on the subdivision shall not commence until:

- A Construction Certificate 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.

DEMOLITION

- 1.5 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**.

- 1.6 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

ENVIRONMENTAL MATTERS

- 1.7 The recommendations provided in the letter report titled "Stockpile Characterisation – Lots 50-58 DP 1069025, 731-769 Great Western highway (Corner French Street), Werrington, NSW" prepared by JBS Environmental Pty Ltd dated 25 March 2013 (Ref: JBS42138-53771) are to be implemented on site. Documentation is to be provided to Council **prior to the release of the Subdivision Certificate** that demonstrates that any of the material associated with this report that has been removed off site (including all material from Stockpile 4) has been disposed of to an appropriately licensed or approved waste management facility.

- 1.8 A contamination investigation of the soil footprint of Stockpile 4 and surrounding soils is to be carried out in accordance with the relevant NSW EPA Guidelines. **Prior to the issue of the Construction Certificate**, a Report addressing this investigation and demonstrating that the land is suitable for the intended land use is to be submitted to Council for approval. Consideration should be given to the findings of the letter report titled "Stockpile Characterisation – Lots 50-58 DP 1069025, 731-769 Great Western highway (Corner French Street), Werrington, NSW" prepared by JBS Environmental Pty Ltd dated 25 March 2013 (Ref: JBS42138-53771).

If remedial works are found to be necessary, then a remedial action plan should be incorporated into this Report. On approval from Council, the footprint is to be remediated in accordance with this plan. On completion of

these remedial works, a report is to be submitted to Council for approval **prior to the release of the Subdivision Certificate** demonstrating that the site is suitable for its intended land use.

- 1.9 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 1.10 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 1.11 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 1.12 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 1.13 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 accompanying the Construction Certificate application.

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.

1.14 **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,
- clearly indicate the legal property description of the fill material source site,
- 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.”}

An EPA Accredited Site Auditor (as accredited under the Contaminated Land Management Act 1997) shall supervise the filling works. A Site Audit Statement and Site Audit Report must be submitted to Penrith City Council and any Principal Certifying Authority on completion of the filling works. The site must be suitable for its intended land use and shall not pose any unacceptable risk to human health or the environment.

The contact details of the EPA Accredited Site Auditor engaged for the works shall be provided with the Notice of Commencement.

- 1.15 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.

The “Environmental & Waste Management Plan” (EWMP Revision 1) prepared by Advanced Holdings Pty Ltd dated 10 September 2011 is to be implemented and complied with during subdivision works.

- 1.16 Demolition and construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change’s (2009) “Interim Construction Noise Guideline”.

- 1.17 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

- 1.18 All demolition and construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change’s (2009) “Interim Construction Noise Guideline”:

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

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

- 1.19 The linen plan of subdivision is to be supported by an 88B Instrument creating a Restriction as to User regarding the following:
- Lots 218-220 (Zone 1) and Lots 215-217 (Zone 2) that refers to the "Werrington Subdivision Cnr Great Western Highway and French Street - Noise and Vibration Assessment" prepared by SLR Consulting Australia Pty Ltd and dated 12 December 2012 (Report Number 610.07939.05703-R1 Revision 3). The covenant is also to:
 - o stipulate the noise criteria as outlined in the above document
 - o provide advice on the mechanisms required for each lot to meet the noise criteria, as outlined in Section 7.3 of the above 'Noise and Vibration Assessment'
 - o ensure that the noise criteria be achieved through the implementation of the recommendations of the 'Noise and Vibration Assessment'.

ENGINEERING

- 1.20 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 1.21 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority 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.
- 1.22 Subdivision works shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by STRATA SURV drawing No 3140 Stage 3 , Revision E2 dated 08.08.2012.

Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following subdivision works.

- a) On-site detention system
- b) Roads and drainage
- c) Stormwater drainage
- d) Stormwater pre-treatment systems
- e) Overland flowpath
- f) Interallotment drainage
- g) Bus Stops
- h) Cycle Facilities.

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate 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.

- 1.23 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
1	23.60	14.0	4.8 & 2.0median	1.5 & 2.5 North shared	5x10 ⁶
2	21.60	12	4.8	2.5both side	1x10 ⁶
3	21.60	12	4.8	2.5both side	1x10 ⁶
4	15.60	8	3.8	both sides	5x10 ⁴
5	15.60	8	3.8	both sides	5x10 ⁴
6	15.60	8	3.8	both sides	5x10 ⁴
9	15.60	8	3.8	both sides	5x10 ⁴

- 1.24 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 with the Construction Certificate application.

Prior to the issue of the Construction Certificate, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 1.25 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater - Environmental Targets/ Treatment Techniques- October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- 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 with notification of the Construction Certificate issue.

- 1.26 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and

parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

All bicycle path construction is to be in accordance with the relevant provisions of the RTA's *NSW Bicycle Guidelines* and AUSTROADS *Guide to Road Design – Part 6A: Pedestrian and Cyclist Paths*.

- 1.27 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.
- 1.28 **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.
- 1.29 **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:

- 1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- 1.30 **Prior to Issue of Construction Certificate:** Full details and supporting calculations of the existing pond which drains proposed Road 1 and Employment area (i.e. OSD and Water quality) and modification works required shall be submitted to Council for approval.
- 1.31 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 1.32 All existing (aerial) and proposed services for the development including power lines on the French street frontage are to be located or relocated underground in accordance with relevant authorities regulations and standards.
- 1.33 Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

- 1.34 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 1.35 Prior to the issue of select a Subdivision Certificate the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
- Have been satisfactorily completed in accordance with the approved Construction Certificate 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.

- 1.36 **Prior to the issue of a Subdivision Certificate**, and installation of regulatory / advisory line marking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

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

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

- 1.37 **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.

- 1.38 **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:

- 1) Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

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

- 1.40 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 Exceedance 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:
 - Compaction reports for road pavement construction
 - 1 Compaction reports for bulk earthworks and lot regrading.
 - 2 Soil classification for all residential lots
 - 3 Statement of Compliance
 - h) Structural Engineer's construction certification of all structures
- 1.41 A minimum of 4mx4m splay corners are required on corner allotments at each intersection. Road design plans are to reflect this.

LANDSCAPING

- 1.42 All landscape works are to be constructed in accordance with the stamped-approved plans and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.
- Landscaping shall be maintained:
- in accordance with the approved plan, and
 - in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.
- If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.
- 1.43 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 2 landscape works.
- 1.44 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.
- i. Implementation Report
 - Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2

- An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

- On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.
- This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

1.45 No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

SUBDIVISION (GENERAL)

1.46 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"
- (b) "It is intended to dedicate Lot L as a public reserve"

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

All dedications of roads/drainage/reserves 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.

1.47 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

- a) Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
- b) Residue Allotment no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
- c) Access is denied from stage 1 to the Great Western Highway.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

- 1.48 Prior to the issue of a Subdivision Certificate an 88B instrument shall be submitted to the Principal Certifying Authority with the subdivision plan. The 88B instrument may incorporate, but not be limited to based on other conditions of this consent, the following:

- a) Easement for support
- b) Residue Allotment
- c) Right of Carriageway
- d) Easements
- e) Restriction as to users
- f) Positive covenants
- g) Access denied

Widths of drainage easements and details of non standard wording can be obtained from Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Council shall be nominated as the only authority permitted to modify, vary or rescind the above restrictions, covenants and easements.

- 1.49 Prior to the issue of a Subdivision Certificate or Occupation Certificate a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.

The Subdivision Certificate shall not be issued until all conditions of consent except those relating to ongoing operational matters, have been completed.

- 1.50 All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

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 and internet services to all proposed allotments in the subdivision, including any necessary easements.

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

SECTION 94

1.51 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for:

- Cultural Facilities;
- District Open Space; and
- Werrington Enterprise Living and Learning (WELL) Precinct

These plans can be inspected at Council's Civic Centre, 601 High Street, Penrith.

Based on the current rates detailed in the accompanying schedule attached to this Notice, pay a development contribution of \$27,307 per lot for open space and community facilities which for 106 lots is \$2,894,542.

This amount is to be paid to Council prior to a Subdivision Certificate 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. 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.

No section 94 Contributions have been charged for the four (4) super lots as the lots will be levied for Section 94 contributions when a future development application is lodged in regard to their development.

In the event that a Voluntary Planning Agreement, that is based applicant's letter of offer dated 14th February 2013, is entered into that provides for delivery of infrastructure identified in the abovementioned plans, this condition will cease to apply to this consent.

2. A copy of the decision is forwarded to external authorities for their record; and
3. That those making submissions are notified of the determination.