

Our Ref: 7222566
Contact: Belinda Borg
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7 July 2016

Planning Services
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Fiona Gibson

Dear Ms Gibson,

***Nepean Health Precinct – Mixed Use Development
S75W MODIFICATION:STAGE 1 PROJECT APPLICATION (MP09_0220)
11 Barber Avenue Kingswood***

I refer to the above development application and your letter dated 28 June 2016 inviting comments in relation to the Modification of the Nepean Health Precinct Mixed Use Development at the abovementioned property.

Council has examined the proposal and we wish to provide the following comments:

1. Section 94 Contributions

The Major Project Application outlined that the Capital Investment Value (CIV) of the Concept Plan was \$108,906,616 and the CIV of the Stage 1 Project Application was \$69,446,453. At the time of determination, the Section 94 contributions were \$200,166.80. When considering the overall cost of the development, the contributions equate to 0.2% of the cost of Stage 1 of Construction. Council does not agree that the payment of Section 94 Contributions would affect the viability of the development and payment of Section 94 contributions should be made prior to the release of a Construction Certificate as outlined within the existing conditions of consent.

However, in the event that the Department of Planning was to agree to the deferred payment of the Section 94 contributions, Condition B15 should be amended as follows:

B15 Development Contributions

Prior to the issue of a Construction Certificate (excluding a Staged Construction Certificate for excavation, shoring, piling and underpinning) the Propoent is to pay monetary contributions to Penrith City Council in accordance with the following Section 94 Contributions Plan identified in the table below:

Contribution Plan Name	Amount
<i>Cultural Facilities</i>	<i>\$10,713.60</i>
<i>Footpaths</i>	<i>\$6,998.40</i>
<i>Local Open Space</i>	<i>\$45,288.00</i>
<i>District Open Space</i>	<i>\$125,280.00</i>
<i>Neighbourhood Centre</i>	<i>\$11,836.00</i>
<i>Total</i>	<i>\$200,166.80</i>

2. Extension of the Consent

It is noted that Condition A6 states the consent will lapse 5 years after the determination date unless construction work authorised by this Project Approval has physically commenced.

Clause 95A of the Environmental Planning and Assessment Act enables a 1 year extension if a consent was to lapse in less than 5 years. The consent as issued was the maximum permitted 5 year duration and as such a further extension of the consent is not possible as outlined within the above clause.

3. Site Description

While it is noted that Stage 1 wholly sits within Lot 100 DP 701623, a number of the conditions within the determination refer to Stage 2 of the development. Clarification should be provided in relation to the need for a separate application for Stage 2, and in the event that a separate approval is required, no objection is raised to altering the description of the subject site.

Should you have any further enquiries or need information regarding the above please contact me on (02) 4732 7505.

Yours faithfully,

Belinda Borg
Senior Environmental Planner