

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0352
Proposed development:	Additions (Residential) - Farm Shed
Property address:	122 - 126 East Wilchard Road, CASTLEREAGH NSW 2749
Property description:	Lot 11 DP 227370
Date received:	17 April 2015
Assessing officer	Lauren Van Etten
Zoning:	E4 Environmental Living - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a rural Shed. Under Penrith Local Environmental Plan 2010, the proposal is defined as a rural shed including development for the purpose of garaging of plant and trucks.

The subject site zoned E4 Environmental Living and the proposal is a permitted land use in the zoning with Council consent as it is considered ancillary to the existing approved dwelling on the site.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Site & Surrounds

The subject site is situated on the south western side of East Wilchard Road and is approximately 293m west of the intersection at Church Street and East Wilchard Road. It is 2.23Ha in area, is orientated in a north-eastern direction and the subject area of land is relatively flat.

The site is currently occupied by an existing single storey clad frame dwelling and a detached garage.

The surrounding area is characterised by large lot rural-residential land uses.

Proposal

The proposed development includes the following aspects:

- Construction of colour-bond rural shed to be used as storage for a truck, plant machinery, farm animal feed and hobby equipment; and
- Associated landscaping.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• Section 79BA - Bushfire prone land assessment

Section 79BA sets out requirements in regard to construction in bushfire prone land and it states:

1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:*

*(a) is satisfied that the development conforms to the specifications and requirements of the document entitled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (**the relevant specifications and requirements**), or*

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

Under the *Planning for bushfire Protection Guidelines* a shed that is located more than 10 metres from a building of another class does not need to comply with relevant construction requirements of the main building. The proposed rural shed is located 65m from the existing dwelling on the site and therefore the shed is not considered to be a development which is **special fire protection purpose** and no construction requirements under AS3959-2009 is required for the proposed shed.

• Section 79C - Evaluation

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

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP No. 20 applies to the subject land and stipulates that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of SREP 20.

The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality. The proposal will have minimal impacts and will not compromise the water or scenic qualities of the river environment given the drainage arrangements and erosion and sediment control measures to be employed during construction and reinforced by conditions

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies

Clause 2.3 Permissibility

The subject site is zoned E4 Environmental Living under Penrith Local Environmental Plan 2010.

The proposal is for a rural shed for the purposes of storage of 1 truck and plant equipment operated only by the occupier of the property and does not involve any business activity.

The proposal is a permitted land use in the zoning with Council consent as it is considered ancillary to the existing approved dwelling on the site.

The development is permissible land use as it demonstrates to be consistent with the zone objectives as it:

- § Is appropriately located behind the existing dwelling;
- § Protects and enhances the scenic quality and rural character as it is an appropriate scale of development for the site;
- § Assists in meeting the demand for hobby farms and rural/residential development in Penrith;
- § Does not create unreasonable demands now or in the future, in relation to infrastructure, services and facilities;
- § Is suitably embellished by landscaping which preserves and improves the natural scenic quality whilst ensuring the views from the main road and the rural character of the area is not compromised.
- § Will be suitably managed to prevent excessive soil erosion or run-off.

It is noted that truck parking areas are exempt under certain circumstances however the inclusion of the shed requires consent under Schedule 2 of LEP 2010- Exempt Development.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

Penrith Development Control Plan 2014

Development Control Plan 2014 applies to all land subject to Local Environmental Plan (LEP) 2010. While this development application was lodged prior to the commencement of this DCP, the relevant controls were considered as part of this assessment.

Site Planning and Design Principles

This section aims to provide a 'whole of site' approach encompassing building orientation and placement on the site. In this regard, the proposal complies generally with the provisions of this section. The proposed development is situated in a suitable position on the site and is sympathetic to the sites attributes.

C6 Landscape Design

The application is supported by a landscape concept plan which features native trees aimed to suitably screen the rural shed and embellish views to the site.

The proposed landscaping demonstrates adherence to the relevant objectives of the DCP in regard to the following aspects:

- § Ensure the rural setting of the city is maintained and enhanced by appropriate landscaping of properties and developments.
- § Achieve landscaping which will perform a role in enhancing, screening or providing scale to a development as necessary and is of an appropriate scale and character.
- § Encourage utilisation of species which are suitable for the micro climate and soils of the site.
- § Ensure landscaping plans are adequate to describe the theme, detail and method of planting.

A condition of development consent is recommended to ensure landscaping is implemented in accordance with the plan submitted to Council.

Furthermore, tree protection and retention conditions are also recommended to ensure the proposed landscaping is suitably integrated with existing vegetation on the site.

Chapter D1 Rural Lands

The DCP objectives ensure:

- a) To establish the rationale and controls for environmentally appropriate development;*
- b) To ensure the siting, size, design, external appearance and uses of farm buildings do not detract significantly from the rural and environmental qualities of the locality;*
- c) To ensure that farm buildings promote and support sustainable agriculture and other permissible rural land uses in the rural areas of the City; and*
- d) To ensure farm buildings are sited with regard to good site planning principles.”*

It is considered that the objectives of the DCP have been satisfied. The proposed shed, subject to landscape embellishment, will not have a significant adverse impact on East Wilchard Road and will not impact on the environmental qualities of the locality.

In addition, it is noted that the proposed shed location will not impact the existing onsite wastewater management system or the designated effluent irrigation area for the dwelling and therefore is considered to be consistent with this section of the DCP.

Section 1.3 Farm Buildings

The controls for farm buildings also apply to all sheds and outbuildings ancillary to any permissible use of rural land (specific to the relevant zone), whether or not that use is considered an agricultural use. The proposed shed complies with the majority of the DCP requirements. This is addressed in the appendix to this report.

Standard	Required	Proposed	Compliance
Size	200 m ² if < 3Ha	198 sqm	Yes
Height	Ext. walls = max.5m Ridge = 8m	5m 8m	Yes
Roof Pitch	15 ° to 25°	18°	Yes
Front Setback	setback behind the building line of the existing dwelling	65m behind dwelling	yes
Setback from side boundaries	5.0m	5.0m	Yes
Setback from dwellings	10m	65m behind dwelling	Yes
And from structures	15m	65m	Yes
From dwellings on adjoining properties	20m	45m	Yes
Setbacks from watercourses	40m	150m	yes
Landscape	buffers between farm buildings and nearby dwellings	Refer to landscape concept plan	yes

Colours	Consistency with the prevailing colours of the locality, complement the colours of the natural vegetation and background of the property, such as grey, brown, beige and green	Shale grey roof, and windspray walls	
Materials	reflect the rural setting and consist of traditional materials that are present in the locality non-reflective materials	Colorbond – consistent with sheds in the area Conditioned, as in previous DA12/0475	Yes yes
Street elevation	Suitable level of detailing Narrowest elevation of farm buildings should face the road	Landscape outcome will screen from the street overtime, as will the position of the shed substantially behind the existing dwelling. 13.2 to side and 15m to street	yes Minor variation considered worthy of support given the setback

Section 79C(1)(a)(iii) The provisions of any development control plan

Section 79C(1)(a)(iv) The provisions of the regulations

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development. There are no further matters under the EP&A Regulations requiring consideration.

Section 79C(1)(b)The likely impacts of the development

Built and Natural Environment

Flora and Fauna

The subject site is mapped as containing *Shale/Gravel Transitional Forest* which is listed as *Endangered Ecological Communities* under the *Threatened Species Conservation Act 1995*.

The proposed rural shed is situated in an area of land which has been significantly cleared and no further vegetation removal is required or proposed as part of the development. Accordingly, Council can be satisfied that the proposed development in its locality, will have no adverse effect on the mapped community and relevant impact assessment reporting is not warranted in this circumstance.

Context and Setting

The proposal is consistent with the bulk, scale, colour and design of other development in the locality. The development is set well back from the street and will therefore not impact on the streetscape or amenity of the area. No trees are proposed to be removed as part this application.

Heritage conservation

The property is not identified as being of heritage significance, subject to any Heritage Order of identified as a Heritage Item under a planning instrument.

Urban design

Visual Impacts - The proposal is consistent with the bulk, scale, colour and design of other development in the locality. The proposed development is situated on a large parcel of land and setback from the street and is complimented by appropriate landscape screening; it will have minimal visual impacts on the area.

The proposed development employs building materials consistent with the surrounding area and proposed grey tones consistent with the rural area.

Noise Impacts – these will be no significant impact to noise and therefore will not interfere with the neighbourhood.

Access, traffic and transportation impacts

The proposal involves the storage of a truck and other equipment associated with the property, a condition of consent has been issued to ensure the driveway is appropriately sealed to accommodate the increase in vehicle movements.

2 access driveways currently exist on the site off East Wilchard Road. It would be in the best interest (in this locality) to support this current driveway arrangement to limit the impact of the truck movement on site and to enable separate and direct vehicular access to the exiting carport on the site. Furthermore, the extend driveway arrangement will allow the truck to enter and exit the site in a forward direction.

A condition of consent is recommended to ensure the driveway is appropriately sealed to accommodate the increase in vehicle movements.

The proposal will not generate traffic and will have no or minimal impact on the local road system.

Social and Economic Impacts

Infrastructure and Services

There is adequate provision of services and infrastructure to support the development.

Health, safety and compatibility issues

The proposed development safeguards the health and safety of the occupants and will not generate any significant issues for the desired future character of the area.

Section 79C(1)(c)The suitability of the site for the development

The site attributes are conducive to the development. The proposal for the shed and its use for domestic purposes is considered to be suitable for this location and this is supported by the planning instruments which permit such development. The proposed shed is located to the rear of the existing dwelling and within in area surrounded by similar development. Therefore, the use is suitable in this locality.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents. Council notified 2 owners and residences in the area and has received no submissions in response.

The application was the application advertised between 22/4/2015 and 06/05/2015.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

Section 79C(1)(e)The public interest

The proposed development is not considered to be contrary to the public interest.

Conclusion

The subject development has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 and is found to comply within the relevant planning instruments and subject to conditions of development consent, is worthy of support.

Recommendation

That DA15/0352 for Farm Shed at 122-126 East Wilchard Road CASTLEREAGH NSW 2749 be approved subject to the attached conditions

General

1 [A001](#)

The development must be implemented substantially in accordance with the site plan dated 3.07.12, the elevation plan dated 16/10/12 and the floor plan dated 22/5/12, drawn by A Bonnici 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.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A009 - Residential Works DCP \(no specific section\)](#)

All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.

4 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

5 [A020 - Use of building](#)

The building shall not be used under any circumstances for any commercial, industrial or habitable residential activity.

6 [A030 - No retail sales](#)

No retail sale of goods shall be conducted from the subject premises.

7 [A031 - No vehicle sales](#)

No motor vehicles are to be displayed for sale on the subject premises.

8 [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

9 [A038 - LIGHTING LOCATIONS](#)

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

10 [A039 - Graffiti](#)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

11 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

12 [A Special \(BLANK\)](#)

The roof of the structure is to be a dull, non-reflective surface and colour.

13 [A Special \(BLANK\)](#)

The landscape planting approved in this consent is to be undertaken **prior to the issue of an Occupation Certificate**.

Demolition

14 [B004 - Dust](#)

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

15 [B005 - Mud/Soil](#)

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

Heritage/Archaeological relics

16 **C003 - Uncovering relics**

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.

Environmental Matters

17 **D001 - Implement approved sediment& erosion control measures**

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.

18 **D002 Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

19 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

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, considered and approved by 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.

{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."}.

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.

20 **D009 - Covering of waste storage area**

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.

21 **D010 – Appropriate disposal of excavated or other waste**

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.

22 D014 - Plant and equipment noise

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA Issues

23 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

Construction

24 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

25 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

26 H041 - Hours of work (other devt)

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

27 K016 - Stormwater

Roof water drains shall be discharged in a manner that will not create a nuisance to adjoining properties.

28 K026 - Stabilised access

All land required for vehicular access within the site is to be stabilised.

29 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

Note:

1. Approvals may also be required from the Roads and Maritime Service for classified roads. 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).

30 [K Special - K041 \(Infrastructure restoration bond\) \(not adopted by Council. Used by planners\)](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

31 [K Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) Vehicular access and internal manoeuvring has been designed for a Heavy Rigid vehicle in accordance with AS2890.2.
- b) All vehicles can enter and exit the site in a forward direction

Landscaping

32 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved site plan dated 22/5/12, Appendix F5 "Technical Information" of Development Control Plan 2014.

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.

33 [L006 - Aust Standard](#)

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

34 [L008 - Tree Preservation Order](#)

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.

Certification

35 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

36 Q05F - Occupation Certificate for Class10

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation/use of the shed.**

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.