

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/0819.02
<b>Proposed development:</b>	S4.55(1A) Modification to the Floor Layout and Conversion of the Verandah to a Study
<b>Property address:</b>	78 Matthew Bell Way, JORDAN SPRINGS NSW 2747
<b>Property description:</b>	Lot 3799 DP 1200053
<b>Date received:</b>	30 October 2021
<b>Assessing officer</b>	James Heathcote
<b>Zoning:</b>	URBAN ZONE (SREP30 - ST MARYS)
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a Section 4.55(1a) modification to an approved detached dual occupancy at 78 Matthew Bell Way, Jordan Springs NSW 2747 (Western Precinct).

The proposed modifications include changes to the change the southern veranda into a study and rearrangement of the kitchen and living room (dwelling 1 ground floor changes only). The proposed modifications are of minimal environmental impact, including minor changes to ground floor layout of dwelling 1. No other changes are proposed by this modification application.

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified between 15 November and 29 November 2021. 3 adjoining properties were notified and no submissions were received in response.

As such, no planning concerns are raised regarding the proposed modification, with the proposal being substantially the same as the originally approved residential development.

Note: The expiry date on the consent is 22 December 2020. Section 4.53 of the Environmental Planning and Assessment Act 1979, Clause (6C) states that "for a development consent that lapsed after the commencement of the prescribed period and before the commencement of subsection of (6)(c) - (a) the development consent is taken not to have lapsed, and (b) subsection (6)(c) applies to the development consent". Clause (8) states that in this section the prescribed period means the period commencement of 25 March 2020 and ending on 25 March 2022.

An assessment under Section 4.55(1A) and Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

## Site & Surrounds

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### Properties of the site:

The subject site is located on a corner lot in Matthew Bell Way, approximately 30m south-east from the intersection of Britannia Road and Matthew Bell Way, in Jordan Springs. The property faces out to woodland separating the Western and Central precincts of Jordan Springs, 10m across the road.

The site has a total area of 873.1m<sup>2</sup>, with a 52m rounded frontage to Matthew Bell Way.

The site is currently vacant.

### Site Constraints:

- Bushfire prone land (entirely).
- 0.9m wide easement for access and maintenance (south boundary line).
- 2m wide easement for drainage (west boundary line).

### Site Application History:

- DA17/0819.02 - Subject application.
- DA17/0819.01 - Extension of consent #Approved 4/12/2019.
- DA17/0819 - Construction of a detached dual occupancy #Approved 20/12/2017.

## Proposal

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The proposed modifications to the approved detached dual occupancy include:

- Change southern veranda into a study (dwelling 1 ground floor changes only).
- Rearrangement of kitchen and living room (dwelling 1 ground floor).
- Modification to Condition 1 to reflect amended plans.

## Plans that apply

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- Western Precinct

## Planning Assessment

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- **Section 4.15 - Evaluation**
- **Section 4.55(1A) - Modifications involving minimal environmental impact**

The development has been assessed in accordance with the matters for consideration under Section 4.15 and Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- The proposed modifications are of minimal environmental impact, including minor changes to ground floor layout of dwelling 1. No other changes are proposed by this modification application.
- As such, the development is substantially the same development as the original approval.

In accordance with Section 4.55(3), consideration has been given to the matters referred to in Section 4.15(1A) that are of relevance to the development subject of this application.

### **Section 4.15(1)(a)(i) The provisions of any environmental planning instrument**

## Section 4.15(1)(a)(iii) The provisions of any development control plan

### Western Precinct Plan

Provision	Compliance
Western Precinct Plan	Complies

## Section 4.15(1)(b)The likely impacts of the development

### Visual Impact

The proposal is for a internal reconfiguration of one of the approved Units only. There is no visual change to the proposal from a street perspective.

### Visual and Acoustic Amenity and Privacy

The proposed modifications will have no impact to the visual and/or acoustic amenity of neighboring properties nor the future occupants of the approved dual occupancy.

## Section 4.15(1)(d) Any Submissions

### Community Consultation

In accordance with Penrith Council's Community Engagement Strategy, the proposed development notified to 3 adjoining properties 15 November and 29 November 2021. No submissions more received in response.

## Conclusion

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Council is able to modify a previously issued development consent involving minimal environmental impacts. There being no outstanding planning considerations, the Section 4.55(1A) application is considered to be worthy of Council's support.

## Recommendation

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That DA17/0819.02 for a Section 4.55(1a) modification to the floor layout and conversion of the verandah to a study to an approved detached dual occupancy at 78 Matthew Bell Way, Jordan Springs NSW 2747, be approved subject to the attached recommended conditions.

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, the BASIX Certificate numbered 825170M\_02 and the application form and any supporting information issued by Penrith City Council, except as amended in red on the attached plans and by the following conditions.

Description	Reference	Prepared By	Date	Revision
Landscaping Schedule & External Finishes	DA-003	Dziner's Den Architects	22.11.17	C
Site Plan	DA-005	Dziner's Den Architects	22.11.17	C
Site Elevation	DA-006	Dziner's Den Architects	04.09.17	B
Site Section	DA-007	Dziner's Den Architects	04.09.17	B
External Finishes	DA-009	Dziner's Den Architects	04.09.17	B
Ground Floor – TH1	DA-101	Dziner's Den Architects	22.11.17	C
First Floor – TH1	DA-102	Dziner's Den Architects	04.09.17	B
Landscape Plan – TH1	DA-106	Dziner's Den Architects	22.11.17	C
Elevations – TH1	DA-111	Dziner's Den Architects	22.11.17	C
Elevations – TH1	DA-112	Dziner's Den Architects	04.09.17	B
Ground Floor – TH2	DA-201	Dziner's Den Architects	04.09.17	B
First Floor – TH2	DA-202	Dziner's Den Architects	04.09.17	B
Landscape Plan – TH2	DA-206	Dziner's Den Architects	04.09.17	B
Elevations – TH2	DA-211 & DA-212	Dziner's Den Architects	04.09.17	B

and as amended by the following:

Description	Reference	Prepared By	Date	Revision
Cover Sheet & Drawing List	DA-000	Dziner's Den Architects	11.10.21	D
Notes - Basix & Nathers	DA-002	Dziner's Den Architects	11.10.21	D
Site Plan	DA-005	Dziner's Den Architects	11.10.21	D
External Finishes	DA-009	Dziner's Den Architects	11.10.21	D
Ground Floor – TH1	DA-101	Dziner's Den Architects	11.10.21	D
First Floor – TH1	DA-102	Dziner's Den Architects	11.10.21	D
Landscape Plan – TH1	DA-106	Dziner's Den Architects	11.10.21	D

Elevations – TH1	DA-111	Dziner's Den Architects	11.10.21	D
Elevations – TH1	DA-112	Dziner's Den Architects	11.10.21	D
Door Schedule TH1 & TH2	DA-301	Dziner's Den Architects	11.10.21	D
Window Schedule TH1	DA-302	Dziner's Den Architects	11.10.21	D

**As amended on 15 December 2021 in accordance with Section 4.55(1a) of the Environmental Planning and Assessment Act 1979.**

2 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

3 **A039 - Graffiti**

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

4 **A041 - CONSTRUCTION IN BUSHFIRE AREAS**

The dwelling shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006 including "Addendum: Appendix 3" and "AS3959 - 2009 'Construction in Bushfire Prone Areas'". In this regard the following applies:

- Gutter and Valley Guard is to be installed in the development in accordance with Clause 4.3.5 of "Planning for Bushfire Protection" 2006; and
- All development is required to comply with "Addendum: Appendix 3" of "Planning for Bushfire Protection" 2006 particularly Clause A3.7; and
- The development is to be constructed to a BAL-29 construction under "AS3959-2009 'Construction of buildings in bushfire-prone area'"

5 **A046 - Obtain Construction Certificate before commencement of works**

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

## Demolition

6 **B003 - ASBESTOS**

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any works commence on the site.**

**Prior to commencement of any works on site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

7 **B004 - Dust**

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

8 **B005 - Mud/Soil**

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

## Environmental Matters

9 **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.

10 **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.

11 **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.

## **BCA Issues**

12 **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).

## **Utility Services**

13 **G003 - Section 73 Certificate for single rural dwellings & dual occs only**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to an Occupation Certificate being issued for the development.

14 **G004 - Integral Energy**

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

15 **G006 -**

**Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**Prior to the issue of an Occupation Certificate**, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

## Construction

16 **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 is 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.

## 17 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.

## 18 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

## 19 H032 - Painting

Prior to the issue of an Occupation Certificate, the building is to be painted internally and externally.

## 20 H033 – Clothes line

Prior to the issue of an Occupation Certificate, clothes drying facilities are to be installed and screened from public view.



21 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

22 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

23 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

24 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

25 [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.

26 [H Special \(Retaining Walls\)](#)

All retaining walls are to be of masonry construction.

## Engineering

27 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

28 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

29 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) 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.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

30 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

31 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

32 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

## Landscaping

### 33 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans and chapter C6 Landscape Design of Penrith 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.

### 34 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

### 35 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.

### 36 L Special (Unit 2 Rear Elevation Articulation)

Prior to the issue of an Occupation Certificate, in addition to the proposed native ground cover marked F on 'Landscape Plan - TH1', a mix of trees and bushes shall be planted along the south facing wall of Unit 2 (15m in length).

## Payment of Fees

### 37 P001 - Costs

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

### 38 P002 - Fees associated with Council land (Applies to all works & add K019)

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

### 39 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.

### 40 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 of the dwelling.

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.