

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1152.02
Proposed development:	Modification of Development Description & Conditions 12-18 & 44
Property address:	1 Hudson Street, PENRITH NSW 2750
Property description:	Lot 2391 DP 1184497
Date received:	16 April 2015
Assessing officer	Clare Aslanis
Zoning:	RE1 Public Recreation - LEP 2010
Class of building:	Class 1a , Class 7a , Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a modification to and approved development application for the construction of 9 attached dwellings at North Penrith.

An assessment under Section 96 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Site & Surrounds

The North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the north of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and the North West Draft Subregional Strategy.

The greater locality is characterised by a mixutre of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New Industrial development is located immediately to the west side of the site with the residential suburb of Penrith located further to the east.

A Project Approval for the Stage 2D SSDA was approved by the Minister for Planning and Infrastructure's delegate on 28th June 2013, which created proposed Lot 2391 and included bulk earthworks, remediation, roads and infrastructure that will service this proposed subdivision.

This part of the North Penrith site is vacant with medium density development and Smith's Paddock to the east of the subject site. However, the future development will consist of medium and high density development to the south and the east, while further to the south is the proposed North Penrith village centre. The site has a frontage to new roads within the North Penrith site including Empire Circuit, Hudson Street and William Hart Crescent. The Torrens title subdivision was previously approved through DA14/0923.

Proposal

The proposed modification involves:

- the change of description of the development to "abutting dwellings"
- the deletion of conditions 12, 13, and 15 - 17
- the amendment of conditions 14, 18 and 44.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 96(1A) - Modifications involving minimal environmental impact

The development has been assessed in accordance with the matters for consideration under Section 79C and Section 96(1A) 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

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	
Clause 2.3 Zone objectives	
Clause 2.3 Permissibility	
Clause 2.5 Additional permitted uses for particular land	
Clause 2.6 Subdivision - consent requirements	
Clause 2.7 Demolition requires development consent	
Clause 2.8 Are the temporary use of land requirements achieved?	
Clause 4.1 - the minimum lot size	
Clause 4.1AA Minimum subdivision lot size for community title schemes	
Clause 4.2 Rural Subdivision	
Clause 4.3 Height of buildings	
Clause 4.4 Floor Space Ratio	
Clause 4.5 Calculation of floor space ratio and site area	

Clause 4.6 Exceptions to development standards	
Clause 5.1 Relevant acquisition authority	
Clause 5.10 Heritage conservation	
Clause 5.11 Bush fire hazard reduction	
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	
Clause 5.13 Eco-tourist facilities	
Clause 5.2 Classification and reclassification of public land	
Clause 5.3 Development near zone boundaries	
Clause 5.4 Controls relating to miscellaneous permissible uses	
Clause 5.5 Development within the coastal zone	
Clause 5.6 Architectural roof features	
Clause 5.7 Development below mean high water mark	
Clause 5.8 Conversion of fire alarms	
Clause 5.9 Preservation of trees or vegetation	
Clause 5.9AA Trees or vegetation not prescribed by development control plan	
Clause 6.1 Earthworks	
Clause 6.10 Villages of Mulgoa and Wallacia	
Clause 6.11 Orchard Hills	
Clause 6.12 Twin Creeks	
Clause 6.13 Waterside Corporate	
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	
Clause 6.15 Location of sex services premises and restricted premises	
Clause 6.2 Salinity	
Clause 6.3 Flood Planning	
Clause 6.4 Development on natural resources sensitive land	
Clause 6.5 Protection of scenic character and landscape values	
Clause 6.6 Servicing	
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	
Clause 6.9 Mulgoa Valley	
Schedule 1 Additional permitted uses	

The proposal remains compliant with the LEP.

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

There are no draft Environmental Planning Instruments that apply to the proposal.

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

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

Fire safety

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary.

The application has been referred to Council's Building Surveyors for assessment with the following comments being provided:

The proposed development complies with the requirements of the Regulations.

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

The proposed modifications are unlikely to cause any environmental impact.

The proposed deletion and amendments of conditions are minor in nature and simply removing conditions that are generally associated with a class 2 building rather than a class 1a. The amended conditions are requested to refer to multiple construction and occupation certificates to enable purchasers to obtain loans from banks.

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

The site attributes are conducive to the development proposal. The proposal has been designed in a manner consistent with the future character of the area and for the intended development of the sites for terrace housing.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

Community consultation

In accordance with Chapter 2.7 of the Penrith Development Control Plan for the City of Penrith 2006 – Notification and Advertising, the proposed development did not have to be notified.

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
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest given the nature and scale of the proposal.

Conclusion

In assessing this modification application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and provisions of these policies. In its current form, the proposal will have a positive impact on the surrounding character of the area. The proposed design is site responsive, complies with key development standards and is in the public interest. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA14/1152.02 for the modification of the approved construction of 9 attached dwellings at proposed Lot 2391, be approved subject to the attached conditions.

General

1 [A001](#)

The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, the BASIX Certificates and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan	Numbered	Drawn By	Dated
Group Plans	DA01 to DA10 (Rev A)	DKO Architecture	21 July 2014
Lot 169 Plans	DA-D00-169 to DA-D05-169 (Rev A)	DKO Architecture	21 July 2014
Lot 170 Plans	DA-C00-170 to DA-C04-170 (Rev A)	DKO Architecture	21 July 2014
Lot 171 Plans	DA-A00-171 to DA-A04-171 (Rev A)	DKO Architecture	21 July 2014
Lot 172 Plans	DA-A00-172 to DA-A04-172 (Rev A)	DKO Architecture	21 July 2014
Lot 173 Plans	DA-C00-173 to DA-C04-173 (Rev A)	DKO Architecture	21 July 2014
Lot 174 Plans	DA-C00-174 to DA-C04-174 (Rev A)	DKO Architecture	21 July 2014
Lot 175 Plans	DA-A00-175 to DA-A04-175 (Rev A)	DKO Architecture	21 July 2014
Lot 176 Plans	DA-A00-176 to DA-A04-176 (Rev A)	DKO Architecture	21 July 2014
Lot 177 Plans	DA-E00-177 to DA-E04-177 (Rev A)	DKO Architecture	21 July 2014
Landscape Plan Lot 169	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 170	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 171	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 172	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 173	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 174	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 175	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 176	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 177	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014

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

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

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

Prior to the issue of Construction Certificate the land to which the development consent relates shall be registered at Land and Property Information division of the Department of Lands.

Following registration of the subdivision the applicant is to demonstrate compliance with any restrictions on the use of the land arising from the 88b instrument/s that impact on the approved plans. The documentation shall be submitted to the Principal Certifying Authority for consideration and approval prior to the issue of a Construction Certificate.

Environmental Matters

7 **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.

8 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{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."}

9 **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.

10 **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

11 **E005 - Smoke detectors-interconnect**

The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.

12 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

13 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

14 [E01A - BCA compliance for Class 2-9](#)

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).

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

Utility Services

15 [G003 - Section 73 Certificate for single rural dwellings & dual occs only](#)

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

16 [G004 - Integral Energy](#)

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

17 [G005 - Rainwater tank- Plumbing](#)

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

Construction

18 [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.

19 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.

20 H009 - Cut / fill details

Details of all excavations for the proposed building works, indicating the maximum cut and fill levels shall be provided for consideration and approval prior to the issue of a Construction Certificate. Cut and fill is limited to a maximum of 1 metre, in accordance with Penrith Residential Construction Works Development Control Plan.

21 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

22 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings". Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

23 H015 - Termites

Details of the proposed termite management system shall be submitted for consideration and approval prior to the issue of a Construction Certificate. Council recommends that consideration be given to protection against subterranean termites in situations where termite resistant construction is used.

24 **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.

25 **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.

26 **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.

27 **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.

28 [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

29 [K016 - Stormwater](#)

Roof water drains shall be discharged into the street gutter or common line.

30 [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)

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.

31 [K208 - 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.

32 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

Landscaping

33 [L001 - General](#)

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

34 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plans, and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and 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

35 [L003 - Report requirement](#)

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.

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.

36 [L005 - Planting of plant](#)

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

37 [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.

38 [L006 - Aust Standard](#)

Deleted

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.

39 [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.

Development Contributions

40 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$24,471.00 is to be paid to Council by Urban Growth NSW prior to a Construction 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. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

41 [P001 - Costs](#)

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

42 [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

43 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.

44 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 each of the 9 dwellings.

The nine Certificates 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 9 Occupation Certificates and all necessary documentation supporting the issue of the Certificates are to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act 1979.