

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA13/0686
Proposed development:	Proposed Bulk Earthworks in Two (2) Stages, Stormwater Treatment Works & Associated Tree Removal
Property address:	11 Lakeside Parade, JORDAN SPRINGS NSW 2747 14 - 52 Cullen Avenue, JORDAN SPRINGS NSW 2747 2 - 20 Lakeside Parade, JORDAN SPRINGS NSW 2747 14 - 28 Cullen Avenue, JORDAN SPRINGS NSW 2747 30 - 34 Cullen Avenue, JORDAN SPRINGS NSW 2747 36 - 52 Cullen Avenue, JORDAN SPRINGS NSW 2747
Property description:	Lot 11 DP 1176163 Lot 8 DP 1176874 Lot 21 DP 1194338 Lot 22 DP 1194338 Lot 23 DP 1194338 Lot 24 DP 1194338
Date received:	5 July 2013
Assessing officer	Aimee Lee
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for bulk earthworks, site regrading works, stormwater management works and tree removal. The works are associated with urban residential development and are permissible within the 'urban' zone under the provisions of SREP No. 30 - St Marys.

The application has been notified to adjoining properties and exhibited between 20 July to 21 August 2013. No submissions have been received.

In response to Council's request, the applicant has submitted the following additional information:

- Interim finished levels for all of the sites adjacent to the Riparian Corridor lot including the extent of batters. Upon completion of the drainage channel works, the development sites will be further regraded to match the finished levels of the Riparian Corridor, in accordance with the finished levels shown on the submitted plans.
- A North – South cross section
- Design the grading of the education site to compliment the indicative design contours for the adjoining Lots 6 and 7.

The application being an Integrated Development was referred to NSW Office of Water who raised no objection to the proposal including the amended plans. The General Terms of Approval was issued on 30 August 2013.

This application has been considered under the heads of consideration within Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended) and is to be recommended for approval subject to conditions of consent.

Site & Surrounds

The subject site is located centrally within the Western Precinct of the St Marys Development Scheme (Jordan Springs). The works are proposed to the north east of the village centre to facilitate future development for a residential / education site, village oval and village 12. The sites are separated by existing roads and a riparian corridor.

The location of the sites is bound by Greenwood Parkway to the north, Village 2 to the east, Lakeside Parade to the south and the future riparian corridor and Lakeside Parade to the West.

The surrounding area is characterised by commercial and residential development currently under construction.

Proposal

The proposal is for the following works:-

- Bulk earthworks in two (2) stages to facilitate future residential subdivision with detail of proposed excavation and fill and resulting finished ground levels
- Stormwater drainage works including the construction of temporary sedimentation basins to capture and treat runoff from the sites
- Tree removal to facilitate the proposed earthworks and road / riparian corridor creation noting that trees to be located within the Village Oval are to be retained

Plans that apply

- Western Precinct
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

• 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

The aim of the plan is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Standard conditions for the provision and maintenance of erosion and sediment control measures have been recommended to minimise the likely impact of runoff from the site associated with works to be conducted on the site. Subject to compliance with the recommended conditions the proposal will be consistent with the objectives of the REP and the strategies in relation to the strategies in relation to Total Catchment Area, Water Quality and Water Quantity.

Sydney Regional Environmental Plan No.30 - St Marys

Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30) is the main statutory planning framework document for the entirety of the St Marys Release Area. It includes zoning, zoning objectives and special provisions to control development and provides the process for land release and the approval of precinct plans. The aim of SREP 30 is to provide a framework for the sustainable development and management of the entire St Marys site.

SREP 30 is accompanied by the *St Marys Environmental Planning Strategy 2000* (EPS) which identifies the aims for the future use and management of the St Marys site and sets out specific performance objectives and strategies to address key planning issues, including conservation, cultural heritage, water and soils, transport, urban form, energy and waste, human services, employment and remnant contamination risk. The St Marys EPS identifies actions to be undertaken by local and State governments, as well as the obligations of developers. The Precinct Plan and Development Control Strategy (DCS) for the Western Precinct address the requirements of the St Marys EPS and incorporate development objectives, design principles and guidelines for the Western Precinct.

The proposed works are to facilitate future residential subdivision in accordance with the provisions of the SREP ensuring compliance with the key considerations and strategic direction outlined within this regional policy.

Permissibility

The site is zoned Urban under the provisions of SREP 30. The proposal is permitted under Clause 50 of SREP 30.

Aims of REP

The proposal would support the St Marys Environmental Planning Strategy in facilitating urban and employment-generating developments and thereby achieve the desirable environmental, social and economic outcomes.

Zone objectives

The proposal is also consistent with the zone objectives in relation to:

- supporting residential developments
- providing services to the locality

In view of the above, the proposal has demonstrated that Clause 20 is satisfied especially in relation to:

- being consistent with the performance objectives and zone objectives
- have consideration to the development control strategy
- availability of a precinct plan

Clause 20 Development consent restrictions

As stated earlier in the report, a Precinct Plan for the Western Precinct (WPP) and an accompanying Development Control Strategy (DCS) have been prepared and adopted by Council at its Ordinary Meeting on 23 March 2009 to guide the future development of the Western Precinct.

Council, in the course of assessment, has taken into consideration the precinct plan and development control strategy for the Western Precinct and is satisfied that the proposal has demonstrated:

- consistency with the terms of the planning agreement
- the performance objectives and the zone objectives and other requirements prescribed by the REP can be achieved
- development control strategies contained in the environmental planning strategy has been considered in the planning and design of the proposal

Clause 24 Conservation

The applicant has submitted a Species Impact Statement which states that the removal of a small area of habitat for the Cumberland Plains Woodland (CPW) associated with the proposal would have an insignificant impact on CPW as the large and remnants in the adjoining Regional Park will be protected and enhanced through a range of mitigation measures and retained in public ownership.

Council's Senior Biodiversity Officer raised no objection to the proposal except for the mulching of felled trees. Conditions have been recommended for inspections under the supervision of a fauna ecologist, re-use of the felled trees and provision of tree protection measures.

Subject to compliance with the recommended conditions, Council can be satisfied that the following objectives can be achieved:

- protect and conserve the existing vegetation communities, native flora and fauna species and fauna habitat
- minimise any adverse impacts on the vegetation and fauna habitats within the Regional Park and Regional Open Space zones
- the adjoining riparian corridor and road ways have been designed and located to minimise potential adverse impacts on the conservation values of the land.

Clause 28 Watercycle

The Water, Soils and Infrastructure Report prepared by SKM (WPP) has concluded that the site is not affected by PMF or 100 year ARI level in South Creek. This report proposes 4 detention basins to ensure the post development peak flows would not exceed the existing peak flows. Three of the detention basins (A1, A2 and C1) are located with the Western Precinct. One of which (the East Lake) has been constructed.

Assessment has concluded that the proposed bulk earthworks would have minimal impact on the peak flow and water quality subject to compliance with the recommended conditions for the installation and maintenance of erosion and sediment control measures.

Clause 29 Soils

The REP states that development shall have regard to soil constraints to ensure that the risk of adverse environmental and economic impacts is minimised.

A special condition has been recommended to ensure the development is carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

Clause 35 Waste management

A waste management plan is submitted with this application. It is noted that fill extracted from the site will be re-used and additional fill will be imported other areas of Jordan Springs and thereby maximising re-use and recycling and minimise waste. In view of the above, no objection is raised to the submitted plan and it will form part of the development consent. Standard conditions have been recommended by Acting Team Leader (Environment) for storage, recycle and disposal of all excavated materials and waste generated by the development.

Clause 50 Filling of land

The proposal is consistent with this clause as the site is not subject to PMF and not identified as Potential fill area, Regional Open Space, Road or Road Widening zone.

A special engineering condition has been recommended to ensure the proposal would not adversely impact upon adjoining lots or development sites due to diversion, damming, concentration or ponding of stormwater surface flows.

Clause 51 Salinity and highly erodible soils

A salinity assessment has been undertaken as part of the Western Precinct Plan. The recommendations arising from this assessment will be conditioned.

Clause 52 Tree preservation

The proposed earthworks require removal of 23 existing trees and these trees have been identified on the Tree Plan. The Species Impact Statement that accompanies the application concludes that the likely impact of the proposed development would be insignificant and it will be balanced by the adjoining regional park.

Clause 60 Services

The proposed stormwater management works will facilitate future developments for residential, education and recreation purposes in accordance with the requirement of this clause.

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

Western Precinct

Provision	Compliance
Western Precinct Plan	Complies

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

The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended and St Marys Development Agreement are in place between Lend Lease, Council and NSW Government. These agreements facilitate the delivery of open space, community facilities and services for Western and Central Precincts and payment of contributions in stages. The proposed bulk earthworks do not activate neither of the agreements.

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

Context and setting

As stated earlier in the report, the site is zoned Urban under SREP 30 and intended to accommodate primarily residential uses with limited non-residential uses such as local retail and commercial uses. The Precinct Plan and Development Control Strategy for the Western Precinct have identified 4 major types of development including:

- A Village Centre Character Area comprising a mix of retail, commercial, community, open space and residential uses in the southern part of the precinct
- Residential developments in the remainder of the precinct
- Construction of roads, including external connections to The Northern Road an Ninth Avenue and east to the Central Precinct
- Provision of local open space, riparian corridor and stormwater basins

The proposed earthworks, stormwater management works and associated tree removal would facilitate delivery of the above.

Access, traffic and transportation impacts

Trucks movements associated with transportation of fill will be occurring on existing roads for a limited period. However there will be no fixed route to and from the site.

A special engineering condition has been recommended for the submission of a Construction Traffic Management Plan for Council's approval to minimise any likely adverse impact on the surrounding road network. In addition, a Roads Act Application for any road closures or road occupancy shall be submitted if required.

Water, soil, air and microclimate

To minimise the impact on water quality, soil erosion and sedimentation, contamination and air quality, standard conditions have been recommended for:

- provision of erosion and sediment control measures;
- restriction on the importation of fill; and
- implementation of dust suppression techniques

Special conditions have also been recommended to ensure the development is carried in accordance with the Salinity Review, Contamination Management Plan and Site Audit Statment for the Western Precinct.

Flora and Fauna

Council's Senior Biodiversity Officer reviewed the Species Impact Statement submitted with this application and raised no objection to the proposal. Conditions have been recommended to be imposed in the consent.

Noise and vibration

To maintain the acoustic privacy and amenity of the surrounding developments, the standard condition restricting work hours has been recommended.

Socio-economic Impacts

The proposal would facilitate delivery of the developments identified for the Western Precinct.

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

The site is suitable for the proposed development for the following reasons:

- The proposal is a permissible land use under the provisions of SREP 30.
- It is consistent with aims of the REP and zone objectives.
- The proposal is consistent with the St Marys Western Precinct Plan.

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 was exhibited and notified from 20 July to 21 August 2013. Council notified 178 owners and occupiers of neighbouring properties and did not receive any submissions in response.

Referrals

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

Referral Body	Comments Received
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions

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

The proposed development is consistent with the objectives of the EP&A Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

Conclusion

The proposed development is appropriately located within Urban zone under the provisions of SREP 30 and is generally consistent with the aims and objectives of the REP other relevant strategies.

Furthermore, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective subject to recommended conditions.

Recommendation

That DA13/0686 for proposed bulk earthworks to be carried out in two (2) stages, stormwater treatment works and associated tree removal at Lot 11 DP 1176163 No. 14-52 Cullen Avenue, JORDAN SPRINGS NSW 2747, be approved subject to conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following stamped-approved plans/documents, the application form and any supporting information issued by Penrith City Council, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan No	Prepared By	Date
Jordan Springs – Village 12 Bulk Earthworks			
Cover Sheet, Index & General Notes	9343/05CC01 Issue B	J Wyndham Prince	undated
Bulk Earthworks Sheet 1 of 2	9343/05CC02 Issue C	J Wyndham Prince	01/11/13
Bulk Earthworks Sheet 2 of 2	9343/05CC03 Issue C	J Wyndham Prince	01/11/13
Site Sections No. 1,2 &3	9343/05CC04 Issue C	J Wyndham Prince	01/11/13
Site Sections No. 4	9343/05CC05 Issue B	J Wyndham Prince	15/10/13
Soil &Water Management Plan, Notes and Details	9343/05CC06 Issue C	J Wyndham Prince	01/11/13
Jordan Springs – Education/Residential Site Bulk Earthworks			
Cover Sheet	9343/06DA01 Issue B	J Wyndham Prince	undated
Notes and Legend	9343/06DA02 Issue A	J Wyndham Prince	06/06/13
Bulk Earthwork Plan	9343/06DA03 Issue D	J Wyndham Prince	06/11/13
Site Sections	9343/06DA04 Issue B	J Wyndham Prince	01/11/13
Soil and Water Management Plan	9343/06DA05 Issue D	J Wyndham Prince	06/11/13
Jordan Springs – Village Oval Site Bulk Earthworks			
Cover Sheet	9343/07DA01 Issue A	J Wyndham Prince	undated
Notes and Legend	9343/07DA02 Issue A	J Wyndham Prince	17/06/13
Bulk Earthwork Plan	9343/07DA03 Issue C	J Wyndham Prince	06/11/13
Site Sections	9343/07DA04 Issue B	J Wyndham Prince	06/11/13
Soil and Water Management Plan	9343/07DA05 Issue C	J Wyndham Prince	06/11/13

2 A005 - APPROVED BODYS CONSENT (FOR INTEGRATED DAS)

A copy of the General Terms of Approval issued by the NSW Office of Water (Ref 10 ERM2013/0610) dated 30 August 2013 under the Water Management Act shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

3 A046 - Obtain Construction Certificate before commencement of works

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

4 A Special (BLANK)

Construction Certificates shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Penrith City Council.

5 **A Special (BLANK)**

The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.

6 **A Special (BLANK)**

The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

7 **A special BLANK**

Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline".

8 **A special BLANK**

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

- 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 that are carried out inside a building that 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 construction works.

9 **A special BLANK**

The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

Demolition

10 **B004 - Dust**

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

11 **B005 - Mud/Soil**

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

Environmental Matters

12 **D002 Spraygrass**

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

13 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

14 **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 area 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.

15 **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 of 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.

16 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling 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 Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

17 **D Special BLANK**

Felled trees are to be re-used as large-woody debris habitat features within the Jordan Springs/Western Precinct area. This should be in proposed natural areas such as the riparian corridor. Mulching is only to be carried out if necessary and all mulch is to be used within the Western Precinct and is not to be used in the Regional Park.

18 **D Special BLANK**

Prior to the removal of any trees associated with development activities, an inspection for hollows and hollow dependent threatened fauna is to be undertaken under the supervision of a fauna ecologist. Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated.

19 **D Special BLANK**

No trees or other vegetation (including understory species) other than those identified in the Tree Plan for Village Centre Bulk Earthworks (Lend Lease, 20-06-2013), are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those proposed for the subdivision) without the prior consent of Penrith City Council.

20 **D Special BLANK**

All trees to be retained are to be protected throughout development activities in accordance with AS 4970-2009. No fill, machinery, or materials are to be placed or stored within the drip-line of any tree on site.

Engineering

21 **K201 - Sediment & Erosion Control - CC Approval**

Prior to the Issue of a Construction Certificate

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

22 **K301 Sediment & Erosion Control - Installation**

Prior to the Commencement of Works

(a) Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(b) Seven (7) days prior to the commencement of works on site a Construction Traffic Management Plan shall be submitted to Penrith City Council for approval demonstrating that the works will not have an adverse impact on the surrounding road network. A Roads Act Application shall be submitted to and approved by Penrith City Council and the Roads and Maritime Services for any road closures or road occupancy required by the development works as detailed by the Construction Traffic Management Plan.

23 **K401 Erosion and sediment control**

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

24 **K407 Major Filling**

All filling shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority

25 [K502 Works as executed - General](#)

Prior to the Issue of an Occupation Certificate

After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority:

a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines.

b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.

c) A Geotechnical Report certifying that all earthworks have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:

- Compaction reports for bulk earthworks.
- Statement of Compliance

26 [K Special Condition BLANK](#)

General

The filling of any land is not to have any adverse impact upon adjoining lots or development sites by the diversion, damming, concentration or ponding of stormwater surface flows.

Landscaping

27 [L007 - Tree protectionmeasures–no TMPwith DA](#)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Chapter 2.6 Landscape of the Penrith Development Control Plan.

28 [L008 - Tree PreservationOrder](#)

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.

29 [L008 - Tree PreservationOrder](#)

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.

Payment of Fees

30 [P001 - Costs](#)

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

31 [P002 - Fees associatedwith 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

32 Q001 - Notice of Commencement & Appointment of PCA1

Prior to the commencement of any earthworks, construction or demolition 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.