

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1614
Proposed development:	Torrens Title Subdivision x 2 Lots & Construction of 8 Seniors Living Townhouses
Property address:	1 a Leonay Parade, LEONAY NSW 2750
Property description:	Lot 110 DP 1135581
Date received:	24 December 2014
Assessing officer	Kate Smith
Zoning:	RE2 Private Recreation - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a Development Application for Torrens Title Subdivision x 2 Lots and Construction of 8 x Seniors Living Town Houses at 1a Leonay Parade, Leonay.

At the time of lodgement the subject site was zoned 6(c) Private Recreation under Penrith Local Environmental Plan 1998 (Urban Land), however, Penrith Local Environmental 2010 Amendment 4 was gazetted in February 2015 and the site is currently zoned RE2 Private Recreation under the provisions of this plan. The proposed development is a prohibited form of development under both planning instruments. Notwithstanding the provision of the LEP's, the proposal is permitted with consent under Clause 16 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004. The application was accompanied by a Site Compatibility Certificate issued by the Director-General.

The key issues identified for the proposed development have been resolved and included:

- Compatibility of development with surrounding area,
- extent of tree removal and quality of landscaping treatment, and
- potential site contamination.

The application has been notified to adjoining properties and exhibited between 19 January 2015 and 2 February 2015. A total of 12 submissions were received in the form of a proforma letter. The issues raised related to the proposed terrace form, materials and finishes and traffic generation. An assessment of the matters raised was undertaken and ultimately the development was considered satisfactory.

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

Site & Surrounds

The development site is located on the western side of Leonay Parade approximately 300m south of the entrance to Emu Plains Sports and Recreation Club. The development site is part of the broader golf course adjacent to the fourth tee. The development site is 2202m² in area with a frontage of 67.55m to Leonay Parade. The area contains a number of semi-mature trees that are proposed to be removed.

The development area adjoins the 'Leo Buring' cottage which is listed as a local heritage item and is opposite Leonay Public School. The broader locality is typically characterised by low density residential housing.

Proposal

The proposed development seeks consent for the construction of a seniors living development including 8 x 2 storey attached dwellings with car parking for 17 vehicles on-site, drainage and landscaping works. The proposal incorporates the following elements:

- Each dwelling will accommodate a family room, living area, dining, 1 x bedroom, kitchen, laundry, bathroom and single garage on the ground floor. While the first floor will contain a bathroom and additional bedrooms. A patio is directly accessible from the living areas and faces the golf course. Landscaping along the rear of the site is proposed to minimise any potential privacy impacts.
- The development includes one car parking space per dwelling within a single drive through garage with the associated stacked space located behind. There is one at grade visitor car parking space provided for the development.
- Vehicular access to the site is provided via a driveway off Leonay Parade. The driveway allows for one way movement through the site and a separate entrance and exit is provided.
- The development includes subdivision to excise off the development area from the parent lot. The proposed lot size is 2,202m² and has a frontage of 67.55m.

Plans that apply

- Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)
- Penrith Local Environmental Plan 1998 (Urban Land)
- Development Control Plan 2006
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX scheme that encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by the applicant.

BASIX Certificate No. 600239M has been submitted with the development application. The certificate will ensure the commitments are maintained for the life of the proposed dwellings.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Development for Seniors Housing

This policy encourages and allows for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

The subject site is currently being used for the purpose of an existing registered club (Emu Plains Sports

and Recreation Club) and adjoins land that is zoned primarily for urban purposes. It is noted that the sporting club site almost entirely adjoins land which is zoned R2 Residential Low Density except for a minor portion in the north east corner. This portion of the site adjoins other recreational zoned land. Given the zoning and location of the proposed development a current site compatibility certificate issued by the Director-General is required to accompany the application.

The applicant initially submitted a proposal which was inconsistent with the submitted Site Compatibility Certificate dated 23 January 2013, as the proposal involved an increase in the number of units. A new Site Compatibility Certificate dated 31 August 2015 has now been issued for the subject proposal. The certificate certifies that the site is suitable for more intensive development; and the proposed development is compatible with the surrounding environment and surrounding land uses, having had regard to the criteria specified in Clause 25(5)(b).

Given the above, the development satisfies the requirements of Clause 4(1), 4(5), 23 & 24 of the SEPP and is permitted with development consent.

Subdivision

The proposed development includes the subdivision of land which is permitted under Clause 21 of the SEPP.

Site-related Requirements

The residents of the proposed development will have access, by a suitable access pathway, to a bus stop which is located approximately 250m north of the development site. The 688 & 1688 Lower Blue Mountains Bus Service operates from this bus stop on weekdays and weekends providing transport to Lennox Centro Shopping Centre, Nepean Shopping Centre and Penrith Central Business District. These destinations provide shops, retail and commercial services, recreational facilities, community services and the practice of a general medical practitioner. The development proposes the use of an existing footpath on the eastern side of Leonay Parade, however, in accordance with the requirements of the SEPP it is considered that a new path along the western side of Leonay Parade would be a more direct, convenient and a safer path of travel for the occupants. It is noted that if the existing footpath on the eastern side of Leonay Parade was utilised, residents would be required to cross the road a total of four times before reaching the bus stop. this includes crossing Leonay Parade twice. As such, recommended conditions of consent will require a new footpath along the western side of Leonay Parade to service the development.

The broader site is identified as being bushfire prone, however, the proposed development site is substantially removed from this area and therefore the provisions relating to planning for bushfire protection are not relevant.

The site is currently occupied by a registered club to which water and sewer are both available. As such, it is considered that the development will be connected to a reticulated water system and have adequate facilities for the removal of sewerage. Relevant conditions of consent will require a Section 73 Certificate prior to the issue of a Construction Certificate for the development.

Design requirements

The application was accompanied by a site analysis. The siting and design of the proposed development has been designed to maximise the streetscape presentation. The built form character of the area is a mix of one and two store residential dwellings of mixed ages and architectural styles. While it is considered that a physical break in the built form would enhance the development, on balance, the proposed attached dwellings will not be detrimental to the streetscape character of Leonay Parade. The development has incorporated a range of architectural measures to ensure that the development will positively contribute to the residential character of Leonay Parade and the surrounding locality. The proposed increase landscaping treatment around the perimeter of the development will enhance the proposal and make sure there is a harmonious fit with the existing residential landscape setting and the adjoining golf course.

Development standards

The proposed development complies with the standards specified under Clause 40 of the SEPP. In particular, it is noted that the land is greater than 1,000m², the frontage is greater than 20m and the height of the development is less than 8m. Further, the Statement of Environmental Effects confirms the development complies with the requirements of Clause 41 and Schedule 3 of the SEPP. Recommended conditions of the consent will ensure compliance with these requirements.

Development standards that cannot be used as grounds to refuse consent

The SEPP provides a number of standards that cannot be used to refuse development consent. It is noted that this report recommends approval of the subject development application. It is acknowledged that the development complies with all of the development standards, including building height, density and scale, landscaped area, deep soil zones, solar access, private open space and car parking.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The subject site forms part of a golf course associated with the Emu Plain Sports and Recreation Club. The site has been in operation as a golf course since 1938. The application was accompanied by a Stage 1 Preliminary Contamination Report prepared by Compaction & Soil Testing Services Pty Ltd and dated 15 April 2015. The report determined the potential for site contamination and assessed whether the site is suitable, from a contamination perspective, for the proposed development.

While there were some contaminants detected, which is likely a result from the use of pesticides, herbicides and insecticides, the concentrations were below the health investigation levels and will not affect the suitability of the site. As such, it is considered that the site is suitable for standard residential use and does not pose an unacceptable risk to human health or the surrounding environment.

The requirements of Statement Environmental Planning Policy No. 55 - Remediation of Land have therefore been satisfied.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by *Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme*. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures. Stormwater from the development will drain to Council's street drainage system. Council's Development Engineers have reviewed the application and subject to recommended conditions of consent relating to stormwater and erosion and sediment controls have no objections to the proposal.

Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)

Provision	Compliance
Clause 2 - Heritage aims and objectives	Complies
Clause 8 - Heritage items	N/A
Clause 9 - Development in the vicinity of heritage items	Complies
Clause 10 - Heritage conservation areas	N/A
Clause 11 - Heritage advertisements	N/A
Clause 12 - Conservation incentives relating to heritage items	N/A

Penrith Local Environmental Plan 1998 (Urban Land)

Provision	Compliance
Clause 7 - Aims and Objectives of the Plan	Complies
Clause 9 - Zone Objectives	Complies
Clause 9 - Zone Permissible	N/A
Clause 10 - Subdivision controls	N/A
Clause 10 - Subdivision objectives	N/A
Clause 10A - Subdivision Glenmore Park	N/A
Clause 11 - Controls for Dual Occupancy and Multi-unit Housing	N/A
Clause 11 - Objectives for Dual Occupancy and Multi-unit Housing	N/A
Clause 12 - Building Envelope	N/A
Clause 12 - Maximum External Wall Height	N/A
Clause 12 - Minimum Landscape	N/A
Clause 13 - Provisions for Environmental Performance	Complies
Clause 14 - Design Principles in development generally	Complies
Clause 15 and Schedule 3 - Development for additional purposes	N/A
Clause 16 - Activities Unaffected by this Plan	N/A
Clause 17 - Community Services and Infrastructure	Complies
Clause 18 - Temporary Use of Land	N/A
Clause 19 - Near boundary of Adjoining Zones	N/A
Clause 19A - Acquisition of Land	N/A
Clause 20 - Acquisition of Land reserved for roads	N/A
Clause 22 - Acquisition of Land within Zone 5(B), 6(B) or 7(A)	N/A
Clause 23 - Development of Land within Zone 5(B), 6(B)	N/A
Clause 24 - Acquisition of land within zone 6D by the Corporation	N/A
Clause 25 - Community use of educational establishments and tertiary institutions	N/A
Clause 26 - Additional matters for consideration for development in zones 6A, 6B or 6D	N/A
Clause 27 - Advertising of development applications for restaurants and kiosks in Zone No.6A, 6C or 6D	N/A
Clause 28 - Tree Preservation	Complies
Clause 29 - Prohibited access	N/A
Clause 30 - Development on contaminated land	Complies

Clause 31 - Development for the purposes of advertisement	N/A
Clause 32 - Flood Liable Land	N/A
Clause 33 - Development of certain land for medical centres	N/A
Clause 34 - Consent required for subdivisions	Complies
Clause 35 - Development of land at North Penrith	N/A
Clause 36 - Thornton Hall and land in the vicinity	N/A
Clause 37 - Land in the vicinity of Combewood	N/A
Clause 37A and Schedule 5 - Claremont Meadows Stage 2	N/A
Clause 38 - Development of the Werrington Mixed Use Area	N/A

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

Penrith Local Environmental Plan (LEP) 2010

Penrith Local Environmental Plan 2010 commenced on 25 February 2015. The subject application was lodged on 24 December 2014. Therefore, in accordance with Clause 1.8A of the LEP, the proposed application shall be assessed as if this plan had not commenced. Despite this, the subject site is currently zoned RE2 Private Recreation under Penrith Local Environmental Plan 2010. An assessment of the development against the draft LEP has been undertaken and there are no additional matters of relevance to the development.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	Complies
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	Complies
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies
Chapter 4.7 - Guidelines for subdivision	Complies

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

Tree Preservation

This portion of the site is mapped as containing remnant Riverflat Eucalypt Forest which is listed an Endangered Ecological Community under the Threatened Species Conservation Act 1995. Although a Flora and Fauna Assessment is not required, the removal of any trees on the site requires an arboricultural assessment and where practical established trees shall be retained. A Tree Report prepared by About Trees was submitted with the application. The report supported the proposed tree removal across the site.

The following is noted:

- A semi-mature Norfolk island pine is located in the vicinity of the development site. This tree is to be retained and protected in accordance with the recommendations of the tree report, this aspect shall be suitably conditioned.
- A mature *Casurina Cunninghamii* is located within the road verge. The removal of this tree is not proposed by the landscape plan and shall be conditioned to be retained. This tree on its own does not meet the definition of the 'River Flat Eucalyptus Forest EEC' under the NSW TSC Act (1995) or of the 'Cumberland Plains Woodland' under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act). A Seven Part Test, Species Impact Statement or referral to the Federal Environment Minister is not necessary in this instance.

Recommended conditions of consent will ensure that the development complies with the recommendations of the tree report.

Further to the above, concerns were raised initially with the quality and quantity of landscaping provided across the development site. Given the context of the development being within a particularly leafy suburb of the Penrith LGA this is an important aspect of the development and will assist in ensuring the development is compatible with the surrounding area. The applicant submitted a revised landscape plan with red pen sketches showing additional landscape planting for the development. Recommended conditions of consent will require an amended landscape plan consistent with the sketches submitted to Council and the above referred tree report.

Heritage

The application was accompanied by a Heritage Impact Statement as the development site adjoins a local heritage item, 'Leo Buring' Cottage. The submitted statement concludes that the proposed development is unlikely to impact on the heritage significance of the item for the following reasons:

- The significance of the cottage is more linked with a famous identity rather than the cottage itself. The cottage is representative of a 1920's bungalow, however, this component in itself is not particularly significant. The building provides a tangible association with the winemaker and the vineyard and golf links established in the 1920's.
- The curtilage of the typical bungalow would traditionally be much smaller than that which currently exists around the item. There is a hedge around the property which defines the cottage site and provides an appropriate level of separation between the new development and the existing cottage.
- Visually the new development is located on a different angle and when viewed along Leonay Parade will not impede on views to the heritage item. Landscaping will also assist in screening the new development so that it does not dominate the streetscape.
- The bulk and scale of the development is sympathetic to the item. The new development references the double gable ends of the cottage as well as matching the cottage roof pitch.
- The form, sitting and proportions of the development are sympathetic to the heritage item.

The application was referred to Council's Heritage Advisor and it was suggested that the development provide an increased setback to the heritage item. However, in consideration of the submitted Heritage Impact Statement, on balance it is considered that the proposed development is unlikely to impact on the significance of the item and an increased setback is not required in this instance. Further, the existing site conditions, being that the development is adjacent to the fourth tee, limits the opportunity for providing a larger setback to the development as it would encroach on the operation and function of the golf course.

Social and Economic Impacts

It is unlikely that the proposal will present any ongoing social or economic impacts on the locality. The proposed development meets the aims and objectives of the Seniors Living SEPP.

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

The application has demonstrated that the proposed development is suitable for the site. There are no significant natural or built environment constraints that would hinder the proposed development and appropriate measures can be employed to mitigate potential impacts.

Further, the Director-General has issued a current Site Compatibility Certificate for the proposed development. For this certificate to be issued the Director-General must be of the opinion that the site of the proposed development is suitable for more intensive development and is compatible with the surrounding environment.

Section 79C(1)(d) Any Submissions

Community Consultation

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

Community consultation

In accordance with Chapter 2.7 (Notification and Advertising) of Penrith Development Control Plan 2006, the proposed development was notified to nearby and adjoining owners and occupiers.

Council notified 24 properties in the area and has received 12 submissions in response. Submissions made to Council were in the form of a proforma letter with 3 specific issues. These issues have been addressed below.

The application was placed on exhibition between 19 January 2015 and 2 February 2015.

Submissions

The following issues were raised in the submissions received and have formed part of the assessment.

<i>Issue Raised</i>	<i>Comments</i>
<i>Traffic - Leonay Parade is a busy road and this development will add to congestion.</i>	<i>Council's Traffic Engineers have assessed the development and raise no objections to the proposal. The proposed traffic generation is minimal and will not impact on the local road network. Separation of the access points assists further in this regard.</i>
<i>Construction - the use of inferior materials for the construction of the dwellings. Houses in the area are made of brick.</i>	<i>The development will be primarily constructed by brick at ground level with the use of timber cladding on the first floor. The development incorporates a number of materials and finishes that are typically used in modern dwelling construction.</i>
<i>Terrace style dwellings are unwanted and unsuitable for Leonay. This type of development would set an undesirable precedence for the area.</i>	<i>While terrace style buildings are not typically found in Leonay the design and siting of the dwellings ensure that the form is compatible with the surrounding area. The development has incorporated a number of design measures which assists in reducing the bulk and scale of the development. The development is unlikely to set a precedence in the area as 'multi-unit housing' is not a permissible form of development in Leonay. The proposed development has been assessed under State Environmental Planning Policy (Housing for Seniors or persons with a disability) 2004, this policy sets aside local planning controls that would ordinarily prevent this type of development.</i>

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
Heritage	Not supported
Environmental - Waterways	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	No objection subject to conditions

Waste Services

Council provides a collect and return service for seniors living developments. The proposed plans do not include the provision of a bin collection area to service the development. A recommended condition of consent will require a bin collection area to accommodate 8 x 240lt bins (4 x residual & 4 recycling) compliant with the requirements of Section C5 Waste Management of Penrith Development Plan 2014.

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

The proposal is unlikely to raise any significant issues of public interest. The site is suitable for the proposed development. The proposed development is permissible and meets the aims and objectives of the relevant environmental planning instruments. Specifically, the development increases the supply and diversity of housing to meet the needs of seniors and is of a good design which is compatible with the surrounding area. The development ensures that the future occupants will have access by bus to a range of services located in Penrith and Emu Plains.

The properties in the immediate vicinity of the site were notified of the proposal. It is unlikely that the proposed development will adversely impact on adjoining properties, subject to recommended conditions of consent.

Section 94 - Developer Contributions Plans

The following Section 94 calculations apply to the proposed development.

Calculation for Seniors Living Development x 8 units

Open Space

No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
8	x	1.5	-	0	12

City wide

No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
8	x	1.5		0	12

AMOUNT

S.94 Contribution Plan	Contribution Rate x Calculation rate	Total
District Open Space	12 x \$1,842	\$22,104
Local Open Space	12 x \$666	\$7,992
	NET TOTAL	\$30,096

Conclusion

In assessing this application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and relevant provisions. 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 DA14/1614 for Torrens Title Subdivision x 2 Lots and Construction of 8 x Seniors Living Town houses at 1a Leonay Parade Leonay, be approved subject to the attached conditions.
2. That those making submissions are notified of the determination.

General

1 A001a

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, BASIX Certificate No. 600239M and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing	Drawing Ref	Revision	Prepared By	Dated
Site & Ground Floor Plan	A01	E	PreTech Pty Ltd	1.10.2015
First Floor Plan	A02	E	PreTech Pty Ltd	1.10.2015
Elevations	A03	C	PreTech Pty Ltd	1.10.2015
Elevations & Sections	A04	B	PreTech Pty Ltd	1.10.2015
Stormwater Concept Design	SW02 – SW06	B	S&G Consultants Pty Limited	15.12.2014
Landscape Plan (as amended)	L-01 & L-02	A	Ray Fuggle Associates	Nov 2015

2 A001b - Obtain Construction Certificate before commencement of works

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

3 A001c - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

4 A004 - Dust

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

5 A005 - Mud/Soil

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

6 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}.

7 A038 - LIGHTING LOCATIONS

Prior to the issue of an Construction Certificate, a lighting system shall be designed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting must provide at least 20 Lux at ground level. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

8 A039 - Graffiti

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

9 A Special (BLANK)

Prior to the issue of a Construction Certificate, documentation shall be submitted demonstrating compliance with the requirements of Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

10 A Special (BLANK)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all requirements of Condition 9 have been installed and provided for the development.

11 A Special (BLANK)

Prior to the issue of a Construction Certificate, the plans shall be amended to incorporate a bin collection area designed to accommodate 8 x 240lt bins, each with a foot print of 0.6m by 1m. The bin collection area shall comply with the multi dwelling housing requirements on page 13 of Chapter C5 Waste Management of Penrith Development Control Plan 2014.

Heritage/Archaeological relics

12 C003 - Uncovering relics

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

13 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.

14 D002 Spraygrass

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

15 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.

16 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.

17 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

18 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).

19 [E Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, an Accessibility Report shall be submitted to and approved by Council. The report shall detail the development's compliance with the Building Code of Australia, Disability (Access to Premises - Buildings) Standards 2010, AS 1428 and AS 4299 and any relevant requirements of Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

20 [E Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the architectural plans shall be amended to reflect any works required as a result of compliance with the recommendations of the Accessibility Report as required by Condition 18.

Utility Services

21 [G001 - Installation of services and Service Clearances \(subdivision\)](#)

Prior to the issue of a Subdivision Certificate, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water,
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

These clearances are to be submitted to the Principal Certifying Authority.

22 [G002 - Section 73 \(not for](#)

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 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 the issue of a Construction Certificate**.

23 [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.

Construction

24 [H001 - Stamped plans and erection of site notice](#)

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

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

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

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

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

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

25 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

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

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

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

26 [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 and frame stage with eaves and gutters installed.

27 [H032 - Painting](#)

Prior to the issue of an Occupation Certificate, the building is to be painted internally and externally in accordance with the approved colour schedule.

28 [H033 – Clothes line](#)

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

29 [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

30 **K101 - Works at no cost to Council**

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

31 **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 the issue of any Construction Certificate**. The bond and applicable fees are in accordance with Councils adopted fees and charges.

An application form together with an information sheet and conditions are available on Councils website.

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

32 **K202 - Section 138 Roads Act – Minor Works in the public road**

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

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

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

Note: Approvals may also be required from the Roads and Maritime Service for classified roads.

33 **K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of path paving works on the western side of Leonay Parade.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 or visit Penrith City Councils website for more information.

Note: 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. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.

All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

34 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC Consulting Engineers reference number 20140334, drawing No's SW01-05, revision B, dated 15-12-2014. The volume of stormwater discharge to the kerb and gutter shall be in accordance with Council's Stormwater Drainage for Building Developments. Additional kerb outlets may be required.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and **shall accompany the application for a Construction Certificate.**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

35 **K223 - Access, Car Parking and Manoeuvring – Minor Development**

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

- a) Off street access and parking complies with AS2890.1.
- b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
- d) The clear internal width is 3.8m for single garages
- e) All cars can enter and exit the site in a forward direction

36 **K224 - Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include but not limited to the following, vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, parking management for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

37 **K225 - Performance Bond**

Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Penrith City Council for path paving works along the western side of Leonay Parade.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note: Contact Penrith City Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

38 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Service's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

39 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of any 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.

40 [K504 - Stormwater Compliance](#)

Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

41 [K505 - Restriction as to User and Positive Covenant](#)

Prior to the issue of any Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

42 [K515 - Maintenance Bond](#)

Prior to the issue of an Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for path paving works along the western side of Leonay Parade.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note: Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.

43 [K601 - Stormwater Management system operation and maintenance](#)

The stormwater management systems shall continue to be operated and maintained for the life of the development in accordance with the final operation and maintenance management plan.

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

All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.

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

The required sight lines around the driveway entrances are not to be compromised by street trees, landscaping or fencing.

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

Signage indicating the location of visitor parking is required at the driveway entrance.

47 [K Special Condition \(BLANK\)](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by S&G Consultants Pty Ltd, project reference number 20140334, Drawing Numbers SW01-06 revision B, dated 15/12/2014. The volume of stormwater discharge to the kerb and gutter shall be in accordance with Council's Stormwater Drainage for Building Developments. Additional kerb outlets may be required.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and **shall accompany the application for a Construction Certificate**. The rainwater tanks shall be connected for reuse as required by the BASIX certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

A detailed operation and maintenance manual for the stormwater treatment measures shall be submitted to Council for approval **prior to the issue of an Occupation Certificate**.

48 **K Special Condition (BLANK)**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and 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.

49 **K Special Condition (BLANK)**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

50 **K Special Condition (BLANK)**

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

51 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the internal width of all garages is widened to a minimum distance of 3.8m. Full details are to be submitted with the application for a Construction Certificate.

52 **K Special Condition BLANK**

Prior to the issue of an Occupation Certificate, a continuous 1.5m wide concrete footpath is to be constructed in the verge along the western side of Leonay Parade from the entry driveway, across the frontage of the development site, to the existing bus shelter north of the development site at the entrance of the Emu Plains Sports and Recreation Club. Full details are to be submitted with the application for a Roads Act approval.

Landscaping

53 **L001a Special (BLANK)**

Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted to Council for approval detailing the proposed additional landscaping as marked in red on the approved Landscape Plan dated Nov 2015.

54 **L001b - General**

Prior to the issue of an Occupation Certificate, all landscape works are to be completed 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.

55 **L002 - Landscape construction**

The approved landscaping for the site must be planted by a suitably qualified landscape professional. All required landscaping works shall be installed for the development **prior to the issue of an Occupation Certificate**.

56 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

57 **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.

58 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those shown on the approved plans and identified in the Tree Report prepared by About Trees and dated 14/04/2014) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

59 **L010 - Retain existing trees (no tree bond required)**

The trees identified for retention by the Tree Report prepared by About Trees and dated 14/04/2015 shall be retained and duly protected during the construction of the development.

Tree protection measures shall:

- be installed before any works can commence on site including the clearing of site vegetation, and
- comply with the standards prescribed by the Tree Report and the minimum tree protection requirements prescribed in Chapter C6 Landscape Design of Penrith Development Control Plan 2014, and
- be certified by the author of the Tree Report before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".

Subdivision

60 **M008 - Linen Plan**

Prior to the issue of a Subdivision Certificate, the original Linen Plan and ten (10) copies shall be submitted. The original linen plan shall detail all drainage easements, rights of way, restrictions and covenants.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

61 **M014 - Surveyors certificate**

A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

62 **M Special (BLANK)**

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the kinds of people referred to in subclause (1) of Clause 18. The restriction shall be registered on the land title **prior to the issue of an Occupation Certificate**.

63 **M Special Condition (BLANK)**

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

Development Contributions

64 **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, \$22,104 is to be paid to Council **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 Section 94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

65 **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 Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$7,992 is to be paid to Council **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 Section 94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

66 **P001 - Costs**

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

67 **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

68 **Q008 - Subdivision Certificate**

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

69 **Q010 - BASIX Certificate (dont use anymore)**

The commitments listed in the BASIX Certificate for the dwellings, and forms part of the development consent, is to be maintained during the life of the dwelling. Where the commitments require replacement, the replacement must be identical to or is at a higher star rating to that listed in the BASIX Certificate.

70 **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.

71 [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 issue of an Occupation Certificate.

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.