

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA20/0797
<b>Proposed development:</b>	Demolition of Existing Structures & Torrens Title Subdivision x 2 Lots
<b>Property address:</b>	49 Gibbes Street, REGENTVILLE NSW 2745
<b>Property description:</b>	Lot 114 DP 1687
<b>Date received:</b>	27 November 2020
<b>Assessing officer</b>	Jacqueline Klincke
<b>Zoning:</b>	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	N/A
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for the removal of asbestos in the existing house, demolition of existing structures, and a two (2) lot Torrens Title Subdivision at 49 Gibbes Street, Regentville. The proposed subdivision is consent under the provisions of clause 2.6 of the *Penrith Local Environmental Plan 2010* (PLEP)

The key issue identified during the assessment of the application was in relation to potential contamination of land. The applicant was advised of this issue and subsequently, additional information was submitted in response.

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F4 of the *Penrith Development Control Plan 2014*, the application was notified to nearby and adjoining property owners between 14 December 2020 and 1 February 2021. No submissions were received in response.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to the attached conditions of consent.

## Site & Surrounds

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The subject site is legally known as Lot 114 Section C of DP 1687. The site has an area of 1393m<sup>2</sup> and is rectangular in shape, with a width of 30.5m and depth of 45.7m. The lot currently contains a single storey brick and tile dwelling, detached garage and swimming pool, as well as a number of trees.

Surrounding development is residential in nature, predominantly single storey dwellings in an established residential area. A townhouse development is located at 47 Gibbes Street containing one and two storey dwellings.

Gibbes Street is divided into two sections with a creek located between the two parts. The subject site is located in the south western section of Gibbes Street and adjoins Mulgoa Road in proximity to the intersection with Glenmore Parkway. Glenmore Park Town Centre is located approximately 1.3km to the south. The M4 motorway/Mulgoa Road intersection is located 540m to the north east.

### Site History:

- DA14/0486 - Demolition of Existing Structures and Torrens Title Subdivision x 2 Lots (approved, however not enacted)
- DA19/0432 - Demolition of Existing Structures and Construction of a Two-Storey 66 place Childcare Centre (refused)

## Proposal

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The application seeks consent for the removal of asbestos in the existing house, demolition of existing structures, and a two (2) lot Torrens Title subdivision.

The proposed subdivision results in the following:

- Lot 11 will have a total land area of 696.7m<sup>2</sup> (measuring 15.24m x 45.72m), and
- Lot 12 will have a total land area of 696.7m<sup>2</sup> (measuring 15.24m x 45.72m).

There is no tree removal proposed as part of this development application.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 4.15 - Evaluation

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

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

## State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP) applies to the site and commenced on 1 October 2020. The subject site is identified to be within a 'wildlife buffer zone' of the Western Sydney Airport site, however, the under Clause 21, the development does not trigger the requirement for further consideration with regard to wildlife and the operation of the airport. In addition, the site is identified as being located within the Obstacle Limitation Surface Map area. The approved development does not penetrate the prescribed air space identified under Clause 24, and due to the nature of the proposal (i.e. subdivision), no further concerns are warranted.

## State Environmental Planning Policy No 55—Remediation of Land

Due to concerns raised in regards to the potential of land contamination, the applicant was requested to undertake a detailed site investigation which was subsequently provided. The submitted Detailed Site Investigation and Hazardous Materials Assessment reports were referred to Council's Environmental Management Officer who is satisfied that the site is suitable for the proposed subdivision and for future ongoing residential use, noting that the investigation identified that asbestos is present within the dwelling that is proposed to be demolished.

Whilst so, a satisfactory management plan for managing the removal of this asbestos has been provided. Adherence to this management plan is ensured via a recommended condition of consent. In this regard, an assessment has been undertaken of the proposed development against the relevant criteria and requirements within the *State Environmental Planning Policy No. 55 - Remediation of Land* (SEPP 55) and the proposal is considered satisfactory.

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 4.1 - Minimum subdivision lot size	Complies - See discussion
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies

### Clause 4.1 - Minimum subdivision lot size

Clause 4.1 and the associated Lot Size Map of the *Penrith Local Environmental Plan 2010* specifies the applicable minimum lot size for the subject site is 550m<sup>2</sup> for standard lots. The subject site is approximately 1393m<sup>2</sup> and the proposed subdivision results in:

- Lot 1 being 696.7m<sup>2</sup> in total size, and
- Lot 2 being 696.7m<sup>2</sup> in total size.

In this regard, the resultant subdivided lot sizes comply with the prescribed minimum lot size standard.

In addition, Clause 4.1 requires subdivided lots within the R2 zone to have a minimum width of 15m for standard lots. Both lots contain a minimum width of 15.24m and in this regard, the proposed dimensions of each subdivided lot complies with the prescribed minimum lot widths.

## Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

It is noted the *Draft Environment SEPP*, *Draft Remediation of Land SEPP*, *Draft Vegetation SEPP* and *Draft Design and Place SEPP* apply to the subject site but while so, do not affect the recommendation of this report.

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	Complies - see Appendix - Development Control Plan Compliance
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

## Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the subject proposal.

## Section 4.15(1)(a)(iv) The provisions of the regulations

The proposal is assessed as being capable of complying with the applicable provisions of the Building Code of Australia and as required by the Regulations, subject to conditions of consent.

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

The proposed development is unlikely to result in any significant adverse impacts to the surrounding natural, built and socioeconomic environment. The subdivision pattern is designed in a manner that is consistent with the existing and future residential character of the locality and are of appropriate sizes and dimensions to have the capacity to accommodate future residential development. Subject to conditions of consent, the each lot provides acceptable stormwater drainage systems and the local road system is capable of accommodating the minor additional traffic generated by the development. Furthermore, adherence to the submitted management plan for the removal of the asbestos present in the existing dwelling has been ensured via recommended conditions of consent.

## Section 4.15(1)(c) The suitability of the site for the development

The subject site is of a suitable size to cater for the proposed subdivision given the resulting lot sizes and is designed in a manner consistent with the character of the locality. In addition, it is considered there are no land contamination issues evident on the site and will therefore not impact any potential future development. In this regard, the site is suitable for the proposed subdivision.

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

### Community Consultation

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F4 of the *Penrith Development Control Plan 2014*, the application was notified to nearby and adjoining property owners and exhibited between 14 December 2020 and 1 February 2021. No submissions were received 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 - subject to conditions
Environmental - Environmental management	No objections - subject to conditions

## Section 4.15(1)(e)The public interest

There are no issues relating to the public interest envisioned as a result of the proposed development.

## Section 94 - Developer Contributions Plans

The following Section 7.11 plans apply to the site:

- Cultural Facilities
- District Open Space
- Local Open Space

The following Section 7.11 calculations apply to the proposed development:

<b>Calculation for 2 x Lot Torrens Title Subdivision</b>					
<b>Open Space</b>					
No. of lots	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.1	-	3.1	3.1
<b>City wide</b>					
No. of lots	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.0	-	3.0	3.0
<b>AMOUNT</b>					
<b>S.711 Contribution Plan</b>		<b>Contribution Rate x Calculation rate</b>			<b>Total</b>
Cultural Facilities		3 X 190.00			\$570.00
District Open Space		3.1 X 2,057.00			\$6,376.00
Local Open Space		3.1 X 744.00			\$2,305.00
		<b>NET TOTAL</b>			<b>\$9,251.00</b>

## Conclusion

In assessing the proposed development against the relevant environmental planning policies, being the *State Environmental Planning Policy No. 55 - Remediation of Land*, *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*, *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposal and there are no negative impacts envisioned as a result of the proposal. Therefore, the application is worthy of support, subject to recommended conditions of consent.

## Recommendation

That DA20/0797 for the removal of asbestos, demolition of existing structures, and 2 x Lot Torrens Title Subdivision at 49 Gibbes Street, Regentville, by approved, subject to the attached conditions of consent.

# CONDITIONS

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## General

### 1 [A001 - Approved plans table](#)

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

Drawing Title	Drawing Number	Revision	Prepared By	Dated
Plan of Proposed Subdivision	23391P	-	Vince Morgan Surveyors	12.11.20

- Detailed Site Investigation, prepared by ECON Environmental, Document No. 21-1149, revision A, dated 3/5/2021
- Hazardous Material Assessment, prepared by ECON Environmental, Document No. 21-1149HAZ, revision A, dated 3/5/2021

## Demolition

### 2 [B001 - Demolition of existing structures](#)

**Prior to the issue of a Subdivision Certificate**, all buildings and structures on the site shall be demolished and all demolition works shall be satisfactorily completed.

### 3 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

### 4 [B003 - ASBESTOS](#)

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

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

Demolition works are to be carried out in accordance with the recommendations of the Hazardous Building Materials Assessment prepared by Econ Environmental Pty Ltd (Ref: 21-1149HAZ) dated 3 May 2021.

At the completion of demolition works, the applicant is to submit to Council a report demonstrating that the hazardous building materials identified in the Hazardous Building Materials Assessment have been removed and disposed of at a lawful waste facility.

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

### 5 [B004 - Dust](#)

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

## 6 B005 - Mud/Soil

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

## 7 B006 - Hours of work

Demolition and subdivision works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the work relates to works inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the works are not restricted to the hours stated above.

The provisions of the *Protection of the Environment Operations Act 1997* in regulating offensive noise also apply to all construction works.

## 8 B special BLANK

Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019
- SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019
- Australian Standard AS2601

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the *Asbestos Policy Penrith City Council 2014*.

## Heritage/Archaeological relics

### 9 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

### 10 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.

The approved sediment and erosion control measures are to be maintained until the land, that was subject to the works, has been stabilised and grass cover established.



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

No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certificate shall:

- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
- clearly state the legal property description of the fill material source site and the total amount of fill tested,
- 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.

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 work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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."

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

All demolition and other waste materials associated with the subdivision works and that are 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(s) shall to be fully enclosed when the site is unattended.

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

All excavated material and other wastes generated as a result of the development 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 Subdivision 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.

14 **D014 - Plant and equipment noise**

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

15 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer, then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

## 16 D Special BLANK

Should any "unexpected finds" occur during site demolition and earthworks, including but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such, "unexpected finds" shall be addressed by an appropriately qualified environmental person/consultant.

All remediation works within the Penrith Local Government Area are Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

Note: For the purpose of this condition, an appropriately qualified person is defined 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."

## Utility Services

### 17 G001 - Installation of services and Service Clearances (subdivision)

**Prior to the issue of a Subdivision Certificate**, the following service authority clearances shall be obtained and provided to the Principal Certifying Authority:

- a Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be obtained from Sydney Water;
- a certificate from Endeavour Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a certificate 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.

### 18 G006 -

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

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

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

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

## Engineering

#### 19 [K201 - Infrastructure Bond](#)

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

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

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

#### 20 [K303 - Matters to be Addressed Prior to Commencement of Subdivision Works](#)

Work on the subdivision shall not commence until:

- a Subdivision Works Certificate (if required) has been issued;
- a Certifier has been appointed for the project, and;
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been satisfied.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of any engineering works or clearing associated with the subdivision.

#### 21 [K404 - Soil Testing - Subdivisions](#)

Soil testing is to be carried out to enable each lot to be classified according to AS 2870 Residential Slabs and Footings. The results shall be submitted to Penrith City Council **prior to the issue of any Subdivision Certificate**.

#### 22 [K502 - Completion of Subdivision Works](#)

**Prior to the issue of any Subdivision Certificate**, the Principal Certifier shall ensure that any subdivision works required by this consent have been satisfactorily completed.

## Landscaping

#### 23 [L007 - Tree protection measures—no TMP with DA](#)

All trees on site are required to be retained as part of the subdivision and are to be protected in accordance with the minimum tree protection standards prescribed in the *Penrith Development Control Plan 2014*.

#### 24 [L008 - Tree Preservation](#)

No trees are to be removed, ringbarked, cut, topped or lopped or willfully destroyed during demolition and subdivision works without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## Subdivision

## 25 [M008 - Subdivision Certificate requirements](#)

**Prior to the issue of a Subdivision Certificate**, the following is to be submitted:

(a) An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant:

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

(b) 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.

**Prior to lodgement of the Subdivision Certificate application, street address numbering must be obtained/approved by Penrith City Council's Rates Team. Proposed street addresses can be forwarded to [council@penrith.city](mailto:council@penrith.city) for approval.**

## 26 [M014 - Surveyors certificate](#)

A Surveyor's 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.

## Development Contributions

### 27 [N001a - Section 7.11 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$570.00 is to be paid to Council prior to a Subdivision 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 7.11 Contributions 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 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

### 28 [N001b - Section 7.11 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$6,376.00 is to be paid to Council prior to a Subdivision 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 7.11 Contributions 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 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

29 [N001c - Section 7.11 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,305.00 is to be paid to Council prior to a Subdivision 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 7.11 Contributions 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 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## Certification

30 [Q008 - Subdivision Certificate](#)

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

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C2 Vegetation Management

The proposal does not involve the removal of any trees and a condition of consent has been recommended ensuring that all trees present on site are protected and retained. Subsequent development applications for future development on the newly created lots will address any prospective tree removal.

#### C3 Water Management

##### C3.6 Stormwater Management and Drainage

The application was referred to Council's Development Engineer who have outlined that the lots have the grade and capability to drain stormwater to the street which is compliant.

#### C4 Land Management

##### C4.4 Contamination Lands

As previously stated within this report, the submitted Detailed Site Investigation report identified asbestos present in the existing dwelling which is proposed for demolition as part of the proposed subdivision. A Hazardous Materials Assessment report with management plan was therefore provided and referred to Council's Environmental Management Officer who reviewed the report and considered the proposed remediation to be appropriate. Adherence to this management plan and provisions in regards to land contamination is ensured via conditions of consent.

#### C11 Subdivision

##### C11.1 General Subdivision Requirements

The proposed subdivision pattern is designed in a manner that is consistent with the existing and future residential character of the locality. The lots meet the minimum lot size and width requirements stipulated within the PLEP 2010 and have the capability to accommodate the future development of land uses permissible in the R2 Low Density Residential zone.

##### C11.3.3 Allotment Dimensions

As previously stated within this report, the proposed subdivision results in an acceptable lot size (i.e. 696.7m<sup>2</sup> for each lot) and allotment dimensions with a minimum greater than 15m (i.e. 15.24m) to enable the siting and construction of suitable future residential development and vehicular access.