

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/1104
Proposed development:	Installation of a manufactured dwelling for the temporary use as a sales office with associated ancillary works (car park, signage, landscaping).
Property address:	225 Caddens Road, CADDENS NSW 2747 200 Cadda Ridge Drive, CADDENS NSW 2747 198 Cadda Ridge Drive, CADDENS NSW 2747 196 Cadda Ridge Drive, CADDENS NSW 2747
Property description:	Lot 222 DP 1229230 Lot 223 DP 1229230 Lot 224 DP 1229230 Lot 225 DP 1229230 Lot 225 DP 1229230
Date received:	1 November 2018
Assessing officer	Kathryn Sprang
Zoning:	Zone R1 General Residential - LEP 2010
Class of building:	Class 5
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the installation of a manufactured dwelling to be used as a temporary sales office and construction of associated temporary car park, landscaping, fencing and signage across four adjoining sites at: 225 Caddens Road, 200 Cadda Ridge Drive, 198 Cadda Ridge Drive, 196 Cadda Ridge Drive.

The four sites are all adjoining and are on a prominent corner. The sites are all zoned R1 General Residential, under the provisions of Penrith Local Environmental Plan 2010.

It is also noted that there is an existing temporary stormwater drainage channel that is running through 225 Caddens Road & 200 Cadda Ridge Drive that is benefitting Penrith City Council and drains stormwater from Caddens Road. The stormwater drainage easement was created as a temporary measure until Sydney Water approval could be obtained to build the stormwater drainage under Caddens Road. Sydney Water approval is required as they also have assets in a similar location to the proposed stormwater pipes and wanted assurances that their assets would not be damaged as a consequence of the stormwater drainage infrastructure.

Given that some of the proposed development will be built over this temporary drainage channel, a deferred commencement consent is recommended. This will ensure that no structures are to be built or placed over the affected properties until such time as the drainage works within Caddens Road are completed to Council's satisfaction and the temporary drainage easement is extinguished.

The proposed development is defined as a manufactured dwelling, and is to be used as a temporary sales office. An office use is prohibited in the zone and this is discussed further in the report.

The subject application was notified to adjoining property owners and placed on public exhibition from 13 November 2018 to 27 November 2018. No submissions were received in response to this application. An assessment under the relevant provisions of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to conditions.

Site & Surrounds

The subject sites are situated on a prominent area at the junction of Caddens Road & Cadda Ridge Drive Caddens. The four subject lots have a combined area of 2205.9m² and an approximate combined street frontage of 170m. Access to the car park and the sales office will be via Caddens Road.

The sites are currently vacant with no significant vegetation. There is, as previously discussed, a stormwater channel that is across two of the subject lots.

The surrounding area is characterised by a mixture of single and two storey dwellings. It is noted that surrounding the sites there is recent and ongoing construction to deliver the residential development of the Caddens area.

Proposal

The specific elements of the proposal are as follows:-

- Installation of a manufactured dwelling to be used as a sales office;
- Construction of a temporary car park containing 15 parking spaces, including one accessible parking space;
- Construction of 3 pylon signs (1 business identification and two way finding signs) and 1 building identification signage;
- Construction of a 2.4m black palisade fence around the perimeter of the sites;
- Use of the proposed manufactured dwelling as a sales office for a period of five (5) years; and
- Landscaping.

The manufactured dwelling to be used as a sales office has a floor area of 88.2m² and comprises of a sale floor area, meeting room, office, kitchen/laundry and bathroom facilities.

The dwelling will have a deck/verandah to the east, fronting the junction of Caddens Road & Cadda Ridge Drive, with access ramps up from the car park area to this deck and the front of the dwelling.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• 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 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy No 64—Advertising and Signage

An assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 64—Advertising and Signage:

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

The proposed signage is temporary and while the general vicinity is under going construction it is relevant and not out of character of the area.

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

The area is going to be residential in nature and under various stages of construction. There is no approved outdoor advertising within sight of the site. Given that the signage is temporary in nature and is associated with land sales in the area it is appropriate.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

There are no environmentally sensitive, heritage or natural/conservation areas nearby. There are rural and residential development areas nearby to the subject sites, however the signage is temporary, is not illuminated, and setback in from the property boundaries. It is not anticipated that the signage will detract

from the visual quality of these areas.

3 Views and vistas

- Does the proposal obscure or compromise important views?

Not anticipated.

- Does the proposal dominate the skyline and reduce the quality of vistas?

No

- Does the proposal respect the viewing rights of other advertisers?

N/A. No other approved signage in the near vicinity.

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
The combined site area is over 2000m², with a combined street frontage of 170m. Given that the site is quite large, the signs are to be setback off the property boundary and the site is also to be generously landscaped the scale is appropriate.

- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

Yes.

- Does the proposal reduce clutter by rationalising and simplifying existing advertising?

There is no existing signage however, during the assessment of the DA , signage has been reduced and simplified with the removal of flag poles, and logos off some of the directional signage.

- Does the proposal screen unsightliness?

No.

- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

No. Pylon signage has a maximum height of 2m.

- Does the proposal require ongoing vegetation management?

Yes. It is anticipated that the vegetation also proposed with the DA will be maintained regularly so as not to obscure any of the pylon signs.

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Yes. The signage is appropriate given it is across four lots with an area over 2000m².

- Does the proposal respect important features of the site or building, or both?

The signage is to be constructed in conjuncture with the building and landscaping of the site and is temporary in nature. It therefore is appropriate in its setting.

- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Yes.

6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Yes. Some of the directional signage incorporates the business logos.

7 Illumination

N/A. No illuminated signage proposed.

8 Safety

- Would the proposal reduce the safety for any public road?

Not anticipated. Signs are setback in from the boundary and are fixed structures, with no illumination.

- Would the proposal reduce the safety for pedestrians or bicyclists?

Not anticipated. Signs are setback in from the boundary and are fixed structures.

- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Not anticipated. Signs are setback in from the boundary and are fixed structures.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with 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 2.3 Permissibility	Complies - See discussion
Clause 2.8 Are the temporary use of land requirements achieved?	Complies - See discussion

Clause 2.3 Permissibility

Sales offices are a prohibited use in the R1 General Residential zone.

However, despite the above, it can be considered a permissible temporary use of the land as per clause 2.8 of Penrith LEP 2010 (see below discussion).

Clause 2.8 Are the temporary use of land requirements achieved?

Clause 2.8 Temporary Use

Clause 2.8 of Penrith Local Environment Plan 2010 relates to the temporary use of the site. It states:

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

(3) Development consent must not be granted unless the consent authority is satisfied that:

(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and

(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and

(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

The building to be used as a sales office can be considered a dwelling as it contains: cooking facilities, laundry facilities and a bathroom.

The proposed development includes the placement of the manufactured dwelling to be used for the purpose of a sales office. The sales office is placed over four lots. The proposed location of the temporary sales office is considered to be appropriate for the following reasons:

- The location of the sales office is appropriate with large setbacks to the adjoining residential sites and is not anticipated to adversely impact on the adjoining land uses or the amenity of the neighbourhood;
- It is not anticipated that the location of the sales office will adversely impact on the environmental attributes or features of the land; and
- The temporary structures (dwelling, signage, fencing), including the car parking area will be removed from the site after the temporary use is completed and the land restored as far as it is practicable, to the condition it was in before the commencement of the use.

The sales office will support the release of a new subdivision within Caddens, therefore a 2 year time limit is supportable in this instance. Although the applicant has requested 5 years, it is considered that 2 years is a suitable period of time. This timeframe provides an acceptable balance between the needs of the applicant to promote the new release area, while acknowledging that an office use is not permitted in the residential zone. A subsequent modification application to extend this timeframe can be lodged, should a further period be required.

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

Development Control Plan 2014

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

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

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005 (LGR 2005)

This Regulation sets standards for the following:

- The design, construction, maintenance and operation of manufactured home estates, caravan parks and camping grounds.
- The design, construction and installation of manufactured homes and other movable dwellings.
- Promotion of the health, safety and amenity of the occupiers of those dwellings.

Clause 51 of the LGR 2005 states that a manufactured home must be of a design certified by a practising structural engineer to be structurally sound.

Additionally, Clause 67 of the LGR 2005 states that compliance plates must be attached to an accessible part of the manufactured home, any associated structure(s) connected with the manufactured home and any associated structure. These aspects shall be imposed through conditions of consent.

This regulation also requires that a registered notice of completion for installation (Clause 68) and certificates of completion (Clause 69) are included in notifying Council, once installation of the manufactured homes is complete. These aspects shall also be imposed through conditions of consent.

Subject to conditions, the proposal satisfies the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable dwellings) Regulation 2005.

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

Context and Setting

The proposed temporary are permitted land use as per clause 2.8 of the Penrith LEP 2010. Currently majority of the surrounding area has just been constructed or is under construction. Therefore a temporary sales office is appropriate in the current context of developing the surrounding area in Caddens. The use is temporary so it is envisioned that when the area is substantially developed and/or sold the sales office will cease to operate and the land will be restored back to the original condition prior to the use.

Access, Transport and Traffic

Access to the site is provided from Caddens Road .Fifteen (15) on site parking spaces, including one (1) accessible parking space is provided to ensure appropriate levels of on-site parking are provided to support the temporary sales office.

The existing road network is capable of accommodating the temporary use without adversely impacting on vehicular movements within the locality.

Noise and Vibration

The proposed development is not expected to create an acoustic nuisance during construction and post-construction use of the sales office. The setbacks of the sales office from the adjoining residential dwellings and the limitation on the proposed hours of operation will ensure the sales office is operated in a manner, so as not to detrimentally impact on the existing residential amenity of the locality.

Site Design

The design and location of the proposed sales office and associated car park is appropriate for the locality.

Social and Economic

The proposed development will service the potential land owners of the new land release within Caddens. This in turn will provide socio-economic benefits to the locality.

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

The site attributes are conducive to the development. It will not impact significantly on the amenity of the area, its future character or traffic. Therefore, the construction of the temporary sales office and associated car park is suitable in this locality and the site is suitable for the development.

Section 79C(1)(d) Any Submissions

Community Consultation

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

Community consultation

In accordance with Penrith Development Control Plan 2014 – Appendix F4 Notification and Advertising, the proposed development was notified to nearby and adjoining residents from 13 November 2018 to 27 November 2018. No submissions were received.

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

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

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

Conclusion

In assessing this application against the relevant instruments being Sydney Regional Planning Policy No. 20 – Hawkesbury Nepean River, State Environmental Planning Policy No 64 - Advertising and Signage, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, with appropriate conditions, the proposal satisfies the applicable requirements.

The proposed development will provide an appropriate space to assist in the sale of land within the Caddens.

With the recommended conditions of consent, it is considered unlikely to have a negative impact on the surrounding properties and environment. The site is suitable for the development proposed .

Recommendation

That DA18/1104 for the Installation of a manufactured dwelling for the use of a temporary sales office and associated car parking, signage and landscaping at Lots 225, 223, 222, 224, DP 1229230, 196, 198, 200, Cadda Ridge Drive & 225 Caddens Road, Caddens be granted deferred commencement consent, subject to the attached conditions:

CONDITIONS

General

1 [A001](#)

The development must be implemented in accordance with the following stamped approved plans issued by Penrith City Council:

Plan/ Report Reference	Page No/Reference Number	Issue	Prepared by	Dated
Landscape Master Plan (amendments in red)	3	-	-	March 2018
Sales Office Signage Master Plan (amendments in red)	4	-	-	March 2018
Landscape Planting Plan (amendments in red)	6	-	-	March 2018
Plant Schedule/Planting Palette	7	-	-	March 2018
Stormwater and Soil & Water Management Plan	110358/DA401	1	J. Wyndham Prince	02/10/2018
Office - Ground Floor Plan	A.03	-	-	26/06/2016
Left and Right Elevation	A05	-	-	31/07/2016
Front and Back Elevation	A06	-	-	31/07/2016

and other plans, the application form, Waste Management Plan or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions.

2 [A007 - VARIABLE TIME PERIOD](#)

The approved structure (temporary sales and display office) is limited to a period of 2 years after the date of issue of any Occupation Certificate. After this time the use is to cease and the structure is to be removed from the premises and the land returned to its natural state, so as to facilitate future residential development.

If the applicant seeks to continue the use and structure beyond this time they will need to lodge a Section 4.55 application or a new Development Application, prior to the 2 year period lapsing.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

4 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours are from 9:00am to 5:00pm Mondays to Saturdays, and 10:00am to 4:00pm Sundays.

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

A **Construction Certificate** shall be obtained prior to commencement of any building works for the carpark, signage, fencing and landscaping.

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

The holder of an approval to operate a manufactured home must give Council written notice of the installation of a manufactured home or associated structure within 7 days after its completion.

The notice:

- Must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and
- Must include the particulars contained on each compliance plate relating to the manufactured home or associated structure.

The notice must be accompanied by:

- A copy of the engineer's certificate for the manufactured home or associated structure, and
- A fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with.

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

Signs are not to be illuminated outside of approved operating hours.

8 [A Special Condition 01 - Flag Poles](#)

In accordance with Clause 67 of the **Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**, a compliance plate must be attached to an accessible part of each of the following structures:

- a manufactured home,
- an associated structure that forms part of a manufactured home,

A compliance plate must specify the following:

- the name of the manufacturer of the manufactured home or associated structure,
- the unique identification number for each major section of the manufactured home,
- the month and year during which the manufactured home or associated structure was constructed,
- the design gust wind speed for the manufactured home or associated structure,
- a statement that the manufactured home or associated structure complies with the requirements of this Division,
- the name of the practising structural engineer by whom the engineer's certificate has been issued in respect of the manufactured home.

A unique identification number must be permanently marked on each major section of the manufactured home.

Environmental Matters

9 [D007 - Cut and fill of land requiring Validation Certificate –limited to footprint](#)

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

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

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

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

10 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

11 [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.

12 [D Special \(BLANK\)](#)

Amplified music and public address systems associated with the development are not to be audible at the boundaries of the property. No amplified music or public address systems are to be used externally, including in the carpark.

BCA Issues

13 [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
-

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

Utility Services

14 [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 an Occupation Certificate.

15 [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

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

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

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

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

Signage but no more than 2 signs stating the above details 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.

17 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

18 H041 - Hours of work (other devt)

Construction 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

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, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

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

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

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

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

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

21 **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 Section 138 Roads Act application, including 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 stormwater drainage connection to the existing Kerb Inlet Pit in Cadda Ridge Drive, Caddens.

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

22 [K210 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J. Wyndham Prince, reference number 110358/DA401, revision 1, dated 02/10/2018.

Engineering plans and supporting calculations for the stormwater management systems of the proposed building and car park 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) policies.

23 [K222 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

24 [K225 - Performance Bond](#)

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for stormwater connection into the Kerb Inlet Pit and associated works within the road reserve.

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 Department on (02) 4732 7777 for further information relating to bond requirements.

25 [K405 - Turf to Verge](#)

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

26 [K406 - Underground Services](#)

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

27 [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.

Landscaping

28 [L002 - Landscape construction](#)

The approved landscaping for the site must be constructed by an appropriately qualified landscape professional.

29 [L003 - Report requirement](#)

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by an appropriately qualified landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

Certification

30 **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.

Schedule 1 (Deferred Commencement)

31 **S Special (Deferred commencement condition)**

- A. Prior to the issue of an operational consent, and within 2 years from the date of this consent, evidence that the drainage works within Caddens Road, Caddens have been completed to the written satisfaction of Penrith City Council is to be provided to Council, as well as providing evidence that the temporary drainage easement has been extinguished.

Lots 222 and 223 of DP 1229230 form part of the development site and currently have an existing drainage easement benefiting Penrith City Council.

Should the drainage works not be completed to Council's satisfaction and/or the evidence that the easement has been extinguished within 2 years from the date of this consent, this consent shall lapse.