

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0463
Proposed development:	Abutting Dwellings x 5, Studio Loft x 1 & Strata Title Subdivision x 2 Lots (Proposed Lots 194-198 Fernandez Lane)
Property address:	2 - 48 Lord Sheffield Circuit, PENRITH NSW 2750
Property description:	Lot 3106 DP 1184499
Date received:	13 May 2015
Assessing officer	Kate Smith
Zoning:	Zone B2 Local Centre - LEP 2010 Zone R1 General Residential - LEP 2010
Class of building:	Class 1a , Class 2 , Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for 5 x single dwellings each on their own allotment (abutting), 1 x studio and 2 x lot Strata Subdivision (of proposed Lot 194), on proposed lots 194 - 198 Fernandez Lane. Under Penrith Local Environment Plan 2010, the proposal is defined as Residential Accommodation. The land subject to this application is zoned R1 and the proposal is a permissible land use in the zoning with Council consent.

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 North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the north of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and the North West Draft Subregional Strategy. A Project Approval for the Stage 3B SSDA was approved by the Minister for Planning and Infrastructure's delegate on 28 June 2013, which created the primary allotment (lot 3102) and included bulk earthworks, remediation, roads and infrastructure that will service this proposed subdivision.

The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west side of the site with the residential suburb of Penrith located further to the east. The majority of the North Penrith site is currently under construction containing a mixture of single dwellings and terrace housing.

The proposed housing development fronts the canal and provides direct pedestrian access to the site from the boardwalk, rear access is provided to the development via Fernandez Lane. The subdivision pattern (16 x lot Torrens Title subdivision) has been approved under DA14/1346 and is yet to be registered. The overall site area is 3040m² and it is currently vacant. The canal and surrounding streets have been constructed. All landscaping and associated street furniture has been installed to the Canal and surrounding pedestrian laneways.

Proposal

The proposed development seeks approval for

- the subdivision of proposed lot 194 in DP1205685 to create 2 Strata Title Lots;
- construction of 5 single dwellings across proposed lots 194 - 198
- construction of a studio apartment above the garage on lot 194, and;
- associated landscaping, parking and drainage works.

It is noted that DA14/1346 approved the subdivision pattern, however, the land has not yet been registered. Works relating to the subdivision of the land have been carried out.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- North Penrith Design Guidelines
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Major Development) 2005
- 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

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The application is accompanied by a list of commitments as to the manner in which the development will be carried out, and the carrying out of residential development pursuant to the recommended development consent or construction certificate will be subject to a condition requiring such commitments to be fulfilled.

State Environmental Planning Policy (Major Development) 2005

New State Significant Development proposals on the site are subject to consideration under State Environmental Planning Policy (Major Development) 2005. The following previous approvals were considered under the former Part 3A major project legislation:

- Major Project Number 10-0075 – Concept Plan
- Major Project Number 10-0078 – Stage 1

The North Penrith Design Guidelines were approved as part of the concept plan and the proposed development must be assessed in accordance with these guidelines, as detailed below.

North Penrith Design Guidelines

The Design Guidelines form part of the Concept Plan and are not a Development Control Plan made by the Director General under the provisions of Section 74C of the Act. An assessment of the proposed development against the Design Guidelines has been undertaken and on balance the proposal complies with the relevant provisions. It is noted that the design guidelines have since been incorporated into Penrith Development Control Plan 2014 which came into effect on 17 April 2015.

The canal edge lots are identified in the North Penrith Design Guidelines as a key/opportunity site. The following controls apply to the development.

- 1) A minimum building height of 3 storeys is encouraged for all residential dwellings (except for ancillary dwellings).
- 2) Building form and massing is to create a strong consistent edge to the canal.
- 3) Entrances stairs to dwellings off the canal walk are to be paired together.
- 4) The ground floor level and front yard / private open space of the dwellings is to be raised above the level of the pedestrian boardwalk to provide privacy for the dwellings.
- 5) Detailing of front fencing and landscaping (fronting the canal) is to balance privacy and surveillance issues. The front fencing treatment is to be of high quality and consistent along the full length of the canal frontage.
- 6) The dwelling facades are to display high quality materials and finishes consistent with the Residential Design Palette (Appendix B).
- 7) Buildings are to take advantage of the location overlooking the canal and include high levels of glazing and front balconies and terraces.
- 8) Despite Section 11.8.3.7 Garages, Site Access and Parking, all garaging is to be from the rear lane.

The proposed development provides a contemporary design that relates well to the existing terrace housing within the North Penrith Estate. The symmetrical nature of the built form will assist in the creation of a strong urban edge to the canal, while the use of landscaping within the front setbacks will create points of difference across the front facade for individual dwellings. The design of the dwellings, having stepped rear building lines, limits opportunity for visual and acoustic impacts resulting from adjacent living and private open space areas. Pockets of landscaping along the rear laneway will assist in creating an inviting sense of place to an area which is typically underused. The external colour schedule is consistent with the North Penrith design palette. The dwellings achieve a height of 3 storeys, have courtyards raised above the boardwalk and are provided with direct pedestrian access from the canal. Consideration has been given to the location of the proposed development, being adjacent to the canal edge, and as such each dwelling is afforded balconies overlooking the canal. The development replicates similar setbacks adopted for the existing terraces elsewhere in the estate. The layout of the dwellings maximises passive surveillance opportunities along the canal edge.

It is noted that the development does not comply with solar access requirements in that the courtyards of each dwelling do not receive a minimum of 2hrs of sunlight. However, the lack of solar access provided to the dwellings are a direct result of the lots orientation (being orientated in a north-south direction) and expectation of building height and density in this location. Despite the lack of solar access to the private courtyards, the dwellings are strategically positioned adjacent to the canal edge and as such are afforded a high open space amenity outcome which on balance outweighs the lack of solar access to the courtyard.

An assessment of the development against the above controls has been undertaken and the development is considered to be satisfactory.

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 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 4.1 - Minimum subdivision lot size	Complies

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

North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	

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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

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

The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment. Additionally, the development will not generate any significant social or economic impacts.

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

The site attributes are conducive to the development proposal. The proposal has been designed in a manner consistent with the future character of the locality.

Section 79C(1)(d) Any Submissions

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 will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

Condition C4 of MP10-0075 (as amended) and Condition B8 of MP10-0078 (as amended) stipulate the rates for Section 94 contributions on the site and are consistent with the \$20,000 Ministerial cap for Section 94 plans. The condition states that:

1) Contributions shall be made payable to Penrith City Council for the purposes of district open space facilities at a rate per dwelling type as shown below.

Development Type	Contribution
Residential flat building, Multi dwelling housing and Shop-top housing	\$1,566 for each new dwelling
Dwelling houses, Dual occupancies and subdivision	\$2,427.30 for each new dwelling or new lot
Housing for older people	\$1,174.50 for each new dwelling.

2) The contributions are to be paid to Council prior to Construction Certificate being issued for a dwelling,
3) Deferred or periodic payments may be permitted subject to agreement from Council. Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance,
4) If not paid within the current quarterly period, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan.

Note: Section 94 Contributions are not required for the community facility or any other non-residential development.

Based on the above information, the following contributions are applicable:

CALCULATION					
Proposal/Category					
6 new dwellings inc. studio					
No. of units	x	Rate	-	Credit for existing dwelling/s	Total
6	x	\$2,736	-	0	\$16,416
					\$16,416

It is noted that Section 94 Developer Contributions were not levied on the subdivision application (DA14/1346) and as such will be applied to this application.

Conclusion

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

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

Recommendation

1. That DA15/0463 for the construction of 5 x single (abutting) dwellings, 1 x studio and strata title subdivision x 2 (proposed lot 194) on proposed lots 194 - 198 Fernandez Lane be approved subject to the attached conditions.

General

1 A001

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

Drawing	Drawing Ref	Revision	Prepared By	Dated
Ground Floor Plan	1951-10	D	Reggie's Residential Design & Drafting	8/7/2015
First Floor Plan	1951-11	C	Reggie's Residential Design & Drafting	8/7/2015
Second Floor Plan	1951-12	C	Reggie's Residential Design & Drafting	8/7/2015
Elevation Details	1951-13	C	Reggie's Residential Design & Drafting	8/7/2015
Sections	1951-14	C	Reggie's Residential Design & Drafting	8/7/2015
Roof Plan	1951-15	C	Reggie's Residential Design & Drafting	8/7/2015
Long Section Detail	1951-16	C	Reggie's Residential Design & Drafting	8/7/2015
Landscape Plan	1951-17	C	Reggie's Residential Design & Drafting	8/7/2015
Fencing Detail	1951-18	C	Reggie's Residential Design & Drafting	8/7/2015
Erosion & Sediment Control Plan	1951-19	C	Reggie's Residential Design & Drafting	8/7/2015
Construction Waste Management Plan	1951	-	Admark Constructions Pty Ltd	-
Strata Subdivision Plans	Sheets 1-4 of 4		John Walton	-

2 A008 - Works to BCA requirements (Always apply to building works)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 A009 - Residential Works DCP (no specific section)

All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.

4 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

5 A038 - LIGHTING LOCATIONS

Prior to the issue of an Occupation Certificate, a lighting system shall be installed 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 shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

6 A039 - Graffiti

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

7 A046 - Obtain Construction Certificate before commencement of works

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

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

Prior to the issue of Construction Certificate, the land to which the development consent relates shall be registered at Land and Property Information division of the Department of Lands as a separate lot in accordance with consent number DA14/1346 and documentary evidence provided to Penrith City Council.

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

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

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

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

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

Environmental Matters

11 [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.

12 [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.

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 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

14 [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).

15 [E005 - Smoke detectors-interconnect](#)

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

Utility Services

16 [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.

17 [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.

Construction

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

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

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

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

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

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

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

19 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

20 H032 - Painting

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

21 H033 – Clothes line

Prior to the issue of an Occupation Certificate, clothes drying facilities are to be provided for each dwelling. The clothes drying facilities are to be positioned and screened from public view.

22 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

23 [K202A - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

24 [K208 - Stormwater Discharge \(Minor Development\)](#)

Stormwater drainage from the site shall be discharged to the:

- a) street drainage system in Fernandez Lane

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

Landscaping

25 [L001 - General](#)

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

26 [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.

Subdivision

27 [M008 - Linen Plan](#)

Prior to the issue of a Strata Subdivision Certificate, submission of the original linen plan and ten (10) copies shall be made.

The linen plan shall indicate 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.

Development Contributions

28 **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 \$16,416 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 S94 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

29 **P001 - Costs**

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

30 **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

31 **Q009 - Strata Certificate**

A Strata Certificate shall be obtained from the Principal Certifying Authority prior to lodgement of the strata plan with the Land and Property Information division of the Department of Lands. The Strata Certificate will not be issued if:

- (a) any of the conditions in this consent issued for the buildings on the land are outstanding, and
- (b) if the Final Occupation Certificate for the buildings, the subject of the strata plan, has not been issued.

32 **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.

33 **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.

34 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the dwellings.

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.