

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0455
Description of development:	Equine Centre - Animal Boarding & Training Facility
Classification of development:	Class 5

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 1153722
Property address:	1 a Dharug Close, MULGOA NSW 2745

DETAILS OF THE APPLICANT

Name & Address:	C Bouzianis 1a Dharug Close MULGOA NSW 2745
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	15 April 2021
Date the consent expires	15 April 2026
Date of this decision	15 April 2021

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Sufyan Nguyen
Contact telephone number:	+612 4732 8568

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

Drawing Title	Prepared By	DWG No.	Issue	Date
Site Plan	DDC Architecture + Interior Design	17072-DA-112	4	03/02/2020
Ground Plan	DDC Architecture + Interior Design	17072-DA-200	4	03/02/2020
Roof Plan	DDC Architecture + Interior Design	17072-DA-201	3	03/02/2020
Site Sections	DDC Architecture + Interior Design	17072-DA-300	4	03/02/2020
Building Elevations	DDC Architecture + Interior Design	17072-DA-400/401	3	03/02/2020
Building Sections	DDC Architecture + Interior Design	17072-DA-500	3	03/02/2020
Materials and Finishes	DDC Architecture + Interior Design	17072-DA-800	3	03/02/2020
Site Plan Stormwater Concept	Lowry Hydraulic Services Pty Ltd	(Project 0937) SC02	B	17/03/2020
Ground Floor Stormwater Concept	Lowry Hydraulic Services Pty Ltd	(Project 0937) SC03	B	17/03/2020
Roof Plan Stormwater Concept	Lowry Hydraulic Services Pty Ltd	(Project 0937) SC04	A	09/03/2020
Sediment Control Plan Stormwater Concept	Lowry Hydraulic Services Pty Ltd	(Project 0937) SC05	A	09/03/2020
Detail Sheet Stormwater Concept	Lowry Hydraulic Services Pty Ltd	(Project 0937) SC06	A	09/03/2020

Documents:

- Bushfire Hazard Assessment Report prepared by Control Line Consulting, Ref No. 20.02.044, dated 18 February 2020;
- Contamination Assessment and Validation prepared by Geotechnique Pty Ltd, Report No. 14705/1-AA, dated 6 November 2020;
- Flora and Fauna Assessment prepared by Eco Logical Australia, Project No. 19SUT-14748, Version No. V2, dated 9 July 2020; and
- Soil and Site Assessment for Onsite Wastewater Disposal prepared by Harris Environmental Consulting, Ref: 3963WW, Version [2.0], dated 12 January 2021.

- 2 The development shall not be used or occupied until an Occupation Certificate has been issued.
- 3 The approved operating hours are from 7am to 5pm daily, with up to 5 staff and up to one client at a time via an appointment only basis.

- 4 The construction level of the equine centre, inner protection area, access/egress and utility supplies shall be in accordance with the Bushfire Hazard Assessment Report prepared by Control Line Consulting, Ref No. 20.02.044, dated 18 February 2020 and the provisions of the "Planning for Bushfire Protection Guidelines" (November 2019) including "Addendum: Appendix 3" and AS 3959 - 2009 'Construction of Buildings in Bushfire - Prone Areas'.
- 5 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 There shall be a maximum of 30 horses on the site at any one time.
- 7 No events, such as open day events and the like shall be undertaken on the site.

Environmental Matters

- 8 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 installed and 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.**

- 9 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 10 Dust suppression techniques are to be employed during construction works to reduce any potential nuisances to surrounding properties.
- 11 Mud and soil from vehicular movements to and from the site during construction works must not be deposited on the road.
- 12 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by the Certifying Authority Council. The Validation Certificate shall:
 - state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan 2014) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose

and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Development Control Plan 2014 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.”}.

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

- 13 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.

- 14 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.

- 15 In the event noise concerns are received at Penrith City Council in relation to the operation of the business, an acoustic assessment is to be provided to Council for review and approval.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 16 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.

- 17 Erosion and sedimentation controls must be established **prior to the commencement of works on-site** and maintained throughout the duration of the works until the site has been stabilised to prevent off-site transport of eroded sediments.

- 18 **Prior to the removal of any trees**, a pre-clearance survey must be conducted by a suitably qualified fauna ecologist (with a minimum of 5 years experience). Any fauna found are to be removed prior to tree removal, and managed in accordance with license conditions and best practice guidance for the persistence of the displaced fauna on site.

If during this survey, threatened species are observed, works must not commence and Council must be notified immediately.

Trees identified for removal, are to be gently agitated and lowered to the ground slowly when felling to allow

any resident fauna time to escape. This process must occur under the supervision the qualified ecologist.

Any fauna injured during this process must be submitted for veterinary treatment, followed by care by a suitably qualified wildlife carer, and later released on-site.

- 19 A weed management plan is to be prepared in consultation with Hawkesbury River County Council and submitted to Penrith City Council for approval. The plan must address A. treatments for *Senecio madagascarensis* (Fireweed) B. controls/treatments to prevent increased weed invasion associated with the works.

The first treatment for Fireweed is to be conducted **prior to the commencement of works on-site**.

- 20 All trees that are identified for removal, once felled in accordance with the Consent Conditions, are to be retained for use on site to provide for fauna habitat.

Recommendations for reuse of the material (provided by the experienced bushland regenerator) must be outlined in the replanting plan.

- 21 Soil and material stockpiles, and machinery are to be located within already cleared areas (away from the dripline of retained trees).
- 22 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those shown on the plan submitted as Figure 4, within the Flora and Fauna Assessment prepared by Eco Logical Australia, Project No. 19SUT-14748, Version No. V2, dated 9 July 2020 without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 23 No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained, specifically in the Flora and Fauna Assessment prepared by Eco Logical Australia, Project No. 19SUT-14748, Version No. V2, dated 9 July 2020.

All trees that are required to be retained, within the vicinity of the subject site and along access routes, are to be protected in accordance with the minimum tree protection standards as outlined in AS 4970-2009 'Protection of trees on development sites'.

Prior to commencement of any works on-site, an inspection of tree protection measures implemented in association with the construction footprint is to be undertaken by Penrith Council Officers.

- 24 3 trees are to be planted on the subject property (within the vicinity of the subject site) for every 1 tree removed.

Trees must selected as per the Flora and Fauna report recommendations, notably:

- Red Bloodwood (a minimum of ten)
- Grey Gum
- Sydney Red Gum
- Eucalyptus crebra

Planting must be completed within 1 month after works are completed.

A planting guide, prepared by a qualified bushland regenerator (with a minimum of 5 years experience), is to be submitted for Council approval, **prior to the commencement of works on-site**.

The trees must be maintained (and replaced where losses occur), for a period of 3 years or until they reach a height of 3.5 meters, whichever comes first.

A report (including photographic evidence) must be submitted to Council to confirm establishment of the replacement plants, to these specifications. Council may undertake an inspection to confirm this condition has been satisfied.

- 25 Waste control measures will be established before works begins and maintained throughout the duration of the works, through until their completion to prevent off-site transport of waste associated with the development.
- 26 **Prior to the issue of a Construction Certificate**, a manure management plan is to be provided to Council. The manure management plan shall be designed to minimise odours and be implemented onsite at all times.

BCA Issues

- 27 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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Health Matters and OSSM installations

- 28 The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

Utility Services

- 29 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 before an Occupation Certificate is issued for the development.

- 30 **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

- 31 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-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 on-site, 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.

32 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 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.

33 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 that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

- 34 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 4732 7777 or visit Penrith City Council's website for more information.

- 35 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.

- 36 **Prior to the issue of a Construction Certificate**, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged with 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:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from Transport for NSW for classified roads.

- All works associated with the Roads Act approval must be completed **prior to the issue of an Occupation Certificate**.
- 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.

37 The stormwater management system shall be consistent with the stormwater concept plans lodged for development approval, prepared by Lowry Hydraulic Services Pty Ltd, Project No. 0937, Drawing No's: SC02-SC03, Revision B, dated 17/03/2020 and SC04-SC06, Revision A, dated 09/03/2020, subject to the following amendment:

- a) The proposed absorption pit shall have a minimum capacity of 2000L/50m² of impervious area; and
- b) An operation and Maintenance Manual for the Stormwater Treatment measures shall be prepared.

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

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

38 Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

39 **Prior to the issue of an Occupation Certificate**, the Principal Certifier shall ensure that any works associated with a Section 138 Roads Act approval (if required) have been inspected and signed off by Penrith City Council.

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

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

41 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

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

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

drawings.

- 42 **Prior to the issue of an Occupation Certificate**, a restriction on the use of land and positive covenant relating to the stormwater management system (including water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Drainage Specification for Building Developments – Appendix F.
- 43 The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems, including stormwater treatment measure/s.

Landscaping

- 44 All landscape works are to be constructed in accordance with the stamped approved plans and Appendix F4: Technical Information and C6 Landscape Design of the *Penrith Development Control Plan 2014*.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

- 45 The approved landscaping for the site shall be constructed by a suitably qualified and experienced landscaped professional.
- 46 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in *Penrith Development Control Plan 2014*.
- 47 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.
- 48 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 49 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 50 Existing landscaping is to be retained and maintained at all times.

Section 94

51 Food shall not be prepared or handled at the premises for the purposes of sale as defined in Chapter 3 of the ANZFA Food Safety Standards. To sell food includes:

- (a) barter, offer or attempt to sell; or
- (b) receive for sale; or
- (c) have in possession for sale; or
- (d) display for sale; or
- (e) cause or permit to be sold or offered for sale; or
- (f) send, forward or deliver for sale; or
- (g) dispose of by any method for valuable consideration; or
- (h) dispose of to an agent for sale on consignment; or
- (i) provide under a contract of service; or
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work;
- (k) dispose of by way of raffle, lottery or other game of chance; or
- (l) offer as a prize or reward; or
- (m) give away for the purpose of advertisement or in furtherance of trade or business; or
- (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; or
- (o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions, where 'public institution' means 'public institution' as defined in the Act, if it is so defined; or
- (p) sell for the purpose of resale.

52 This condition is imposed in accordance with Penrith City Council's Section 7.12 Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$4,000.00 is to be paid to Council prior to the issue of a Construction Certificate** (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 7.12 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 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

53 Prior to the commencement of any earthworks, construction or demolition works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 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 6.6 of the Environmental Planning and Assessment Act 1979.

54 **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 6.6 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 6.6 of the Environmental Planning and Assessment Act 1979.

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

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.

Operation of OSSM

- 56 The on-site sewage management (OSSM) system and effluent management area shall be installed and operated in accordance with the:
- “Environmental and Health Protection Guidelines - On-Site Sewage Management for Single Households”
 - AS 1547:2012,
 - Council's On-Site Sewage Management and Greywater Reuse Policy,
 - Current (at the time of installation) NSW Health Accreditation documentation,
 - The Wastewater Report prepared by Harris Environmental Consulting, Ref: 3963WW, Version [2.0], dated 12 January 2021 and
 - The Effluent Management Area Plans prepared by Harris Environmental Consulting, Ref: 3963WW, Version [2.0], dated 12 January 2021, and
 - The conditions of this consent.
- 57 All wastewater generated on the site is to be diverted to NSW Health Accredited, Aerated Waste water Treatment Systems and be disposed of by way of surface irrigation in the approved effluent management areas. Each effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by Harris Environmental Consulting, Ref: 3963WW, Version [2.0], dated 12 January 2021 and have the following minimum areas of:
- Primary dwelling and Equine Centre - 778 m²;
 - Secondary dwelling - 556 m²; and
 - Horse stables - 1,061 m².
- 58 Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.** In this regard, the septic tank(s) and disposal area(s) will need to be inspected on completion of the system's installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.
- A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority
- 59 The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.
- 60 All house drainage and sanitary plumbing shall be carried out in accordance with the requirements of the Plumbing and Drainage Act 2011 and the Plumbing Code of Australia.
- 61 The design of the irrigation system for the effluent management area is to be such that:
- The distribution line is to be buried from the tank to the designated disposal area;
 - The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area; and
 - The treated wastewater can be evenly irrigated across the entire designated disposal area.
- 62 All irrigation pipework and fittings shall comply with AS 2698 “Plastic Pipes and Fittings for Irrigation and Rural Applications”. In this regard:
- The irrigation system is not to be connected to/not capable of connection to the mains water supply;
 - Standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used;

- All distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level;
- Spray irrigation equipment connected to distribution lines shall be fixed; and
- Spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.

63 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

64 A minimum of two signs shall be erected within the effluent management area. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.

65 The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:

i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- the chlorinator,
- replenishment of the disinfectant,
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and filters,
- the slime growth on the filter media, and
- the operation of the sludge returns system.

ii. The following field tests are to be carried out at every service:

- free residual chlorine using DPD colorimetric or photometric method,
- pH from a sample taken from the irrigation chamber,
- dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.

iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.

iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.

v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:

- given to the property owner and another to the applicant (if not the same), and
- forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown

outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

- 66 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.
- 67 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 68 All stormwater and seepage shall be diverted away from the septic tank and the disposal area.
- 69 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.
- 70 The effluent management area shall be protected from possible stock damage.
- 71 **Prior to the issue of a Construction Certificate**, the NSW Health Accreditation documentation is to be submitted to Council. If Council is not the certifying authority, a copy of Council's written approval is to be provided to the Private Certifying Authority.
- 72 **Prior to the issue of an Occupation Certificate** and before the onsite sewage management system can be used, an Approval to Operate is to be sought from and issued by Penrith City Council.

Prior to the issue of the 'Approval to Operate', a Commissioning Certificate for the OSSM system shall be provided to Penrith City Council for approval. This Certificate shall certify that the aerated wastewater treatment system (AWTS) has been installed and is operating in accordance with the conditions of its NSW Health accreditation documentation.

SIGNATURE

Name:	Sufyan Nguyen
Signature:	

For the Development Services Manager