

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0523.01
Proposed development:	Modifications to Approved Alterations & Additions to Existing Place of Public Worship
Property address:	26 - 48 Kingswood Road, ORCHARD HILLS NSW 2748
Property description:	Lot 43 DP 811320
Date received:	15 November 2016
Assessing officer	Clare Aslanis
Zoning:	RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 9b
Recommendations:	Approve

Executive Summary

Council is in receipt of a modification application for an approved Development Application for alterations and additions to an existing place of public worship at the subject site. The subject site is zoned RU4 Primary Production Small Lots under the Penrith Local Environmental Plan 2010 and the proposal is a permissible land use in the zoning with Council consent.

Background

The applicant did not attend a pre-lodgement meeting with Council officers. The existing development 'Place of Public Worship and Associated Parking' (DA34/92) was approved by Council on 21 August 1992.

Council also granted consent to a Section 96 modification application (DA11/1390) for the following works:

- Sealing of existing overflow car park for 81 car parking spaces and a total of 224 car parking spaces on the site.
- Landscaping and drainage works in association with the overflow car park.

The subject modification application relates to alterations and additions approved under DA14/0523 that included:

- Additions to include a porch for a covered drop off/pick up area.
- Additions of approximately 280sqm to include a new foyer area, additional amenities (18 pans), parent room and storage.
- Alterations to refit existing amenities.
- Additions to include a minister's preparation area, security room and garage of approximately 80sqm.
- New roof awning over existing entry on the northern elevation.
- Demolition of an existing dwelling and concrete outbuilding and construction of a new meeting hall.
- New parking area to replace car spaces displaced by porch construction.

Site & Surrounds

The subject site is situated on the north-eastern corner of the intersection of Kingswood Road and Castle Road, Orchard Hills, approximately 500m north of the M4 Motorway. It is rectangular in shape, 2.255ha in area and orientated in a north-south direction. The site has a slope which falls from the north-west to the south.

The site is currently occupied by an existing single storey rendered brick and colourbond roof place of public worship with associated parking. The site also contains a single storey dwelling and shed.

The surrounding area is characterised by rural/residential properties. Directly to the north, east and west are large lot residential properties; to the south is large lot agricultural land.

Proposal

The originally approved development includes the following aspects:

- Additions and alterations to the existing main meeting hall comprising:
 - Additions to include a porch for a covered drop off/pick up area.
 - Additions of approximately 280sqm to include a new foyer area, additional amenities (18 pans), parent room and storage.
 - Alterations to refit existing amenities.
 - Additions to include a minister's preparation area, security room and garage of approximately 80sqm.
 - New roof awning over existing entry on the northern elevation.
- Demolition of an existing dwelling and concrete outbuilding and construction of a meeting hall having an area of approximately 90sqm. A new parking area with 9 car spaces (including 1 accessible space) was proposed to replace those displaced from the porch construction.

The proposed modifications to the proposal include the following aspects:

- Main building
 - Increase in floor area by 30sqm;
 - Extension of the ministers preparation area;
 - Extension of awning to existing meeting hall;
- Changes to front building elevations including a revised colour scheme that include:
 - Roof & guttering - Colorbond Monument
 - Down pipes - Colorbond Monument
 - Walls - Austral Expressions - Blackstones
 - Doors - Dulux Grand Piano Half Strength
- Smaller meeting hall
 - Change of orientation;
 - Increase in floor area by 145sqm;
 - Increase in car parking area; and
 - Increase in the amenities.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **Section 79C - Evaluation**

The modified development has been assessed in accordance with the matters for consideration under Section 79C and Section 96(1A) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

- **Section 96(1A) - Modifications involving minimal environmental impact**

1. *Section 96(1A) – Modifications involving Minimal Environmental Impact*

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 (the Act), Council may modify a development consent provided several parameters are satisfied. These parameters are discussed below.

- (a) *The proposed modifications are of minimal environmental impact.*

The subject application does not appreciably alter the likely environmental, social and economic impacts of the proposal.

- (b) *The modified development is substantially the same development as was previously approved.*

The modified development meets the test of being substantially the same development as was previously approved. The Section 96 application proposes minor changes to the approved use. No other intent is sought by the Section 96 application.

- (c) *The application has been notified where required.*

In accordance with *Penrith DCP 2014*, the application was notified to nearby and adjoining residents and no submissions were received.

- (d) *Any submissions received from the notification process have been considered.*

Not applicable.

Each of the relevant criteria under Section 96(1A) of the Act has therefore been satisfied. The development as modified will achieve minimal environmental impact and is substantially the same development as was originally approved.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The proposed modifications will not change or alter the existing stormwater management system

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 7.5 Protection of scenic character and landscape values	
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 4.3 Height of buildings	Complies
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.10 Heritage conservation	Complies
Clause 7.2 Flood planning	Complies
Clause 7.7 Servicing	Complies
Clause 7.20 Orchard Hills	Complies

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	Complies
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	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	Complies - see Appendix - Development Control Plan Compliance
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
E10 Orchard Hills controls	Complies

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

The modifications are minor to the overall development and are unlikely to have any adverse negative impacts.

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

The proposed modifications will not diminish the site's suitability for the development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed modification was notified to nearby and adjoining residents.

Council notified 10 residences in the area and the exhibition period we between 1 December and 15 December 2016. Council has received no submissions in response.

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
Environmental - Environmental management	No objections - subject to conditions

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

The proposed modifications are unlikely to raise any additional issues of public interest.

Conclusion

The proposed modifications to approved alterations and additions to an existing place of public worship have been assessed against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The proposed modifications are consistent with the requirements of the relevant planning instruments and development control plan and the proposal remains a permissible land use in the RU4 - Primary Production Small Lots *zone* under Penrith Local Environmental Plan 2010.

Recommendation

1. That DA14/0523.01 for modifications to approved alterations and additions to an existing place of public worship at 26-48 Kingswood Road, Orchard Hills, be approved subject to the attached condition modifications.

General

1 [A003 - Deferred Commencement use only](#)

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

Plan	Numbered	Drawn By	Dated
Site Plan	4447-1502 (Revision L)	Dutaillis Architects	7 November 2016
Overall Floor Plan	4447-1503 (Revision K)	Dutaillis Architects	7 November 2016
Part Floor Plan	4447-1504 (Revision H)	Dutaillis Architects	7 November 2016
Part Floor Plan	4447-1505 (Revision I)	Dutaillis Architects	7 November 2016
Elevations and Section Plan	4447-1506 (Revision K)	Dutaillis Architects	7 November 2016
Roof Plan	4447-1508 (Revision D)	Dutaillis Architects	7 November 2016
Site and Floor Plan (New Meeting Hall)	5785-501 (Revision E)	Dutaillis Architects	20 October 2016
Part Floor Plan (New Meeting Hall)	5785-503 (Revision H)	Dutaillis Architects	20 October 2016
Floor Plan (New Meeting Hall)	5785 -504 (Revision K)	Dutaillis Architects	20 October 2016
Elevations and Section Plan (New Meeting Hall)	5785-505 (Revision G)	Dutaillis Architects	20 October 2016
Stormwater Management Plans	C1.01 to C5.01 (Revision 2)	Sparks and Partners	8 November 2016

Retaining wall materials and colours shall be sympathetic to the rural setting.

As amended under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

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

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

3 [A039 - Graffiti](#)

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

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

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

Demolition

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

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

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

6 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

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

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

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

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

7 B004 - Dust

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

8 B005 - Mud/Soil

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

9 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

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

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

Environmental Matters

10 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

11 D002 - Spraygrass

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

12 D005 – No filling without prior approval (may need to add D006)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

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

No fill material shall be imported to the site until such time as a 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 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 Contaminated Land Development Control Plan) 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 Contaminated Land 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."}.

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.

14 **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.

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

A Waste Management Plan shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. 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

16 **E006 - Disabled access and facilities**

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

17 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

18 **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.
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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.

19 **E01A - BCA compliance for Class 2-9**

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.

Construction

20 **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.

21 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.

22 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

23 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

24 K002 - WAE drawings and certificates

After completion of all the engineering works, Work-as-Executed Drawings and Certificates are to be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments - Part 1 Design and Part 2 Construction. A copy of Work-as-Executed Drawings and Certificates are also to be submitted with Penrith City Council, if Council is not the Principal Certifying Authority.

25 K027 - Car Parking

A total of 224 off-street parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved schedule of external finishes. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Landscaping

26 L001 - General

Landscaping to screen the proposed carpark shall be provided in the setback area fronting Kingswood Road, Orchard Hills. A detailed landscape plan for that area shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. Landscape works are to be constructed in accordance with Section F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

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.

27 L008 - Tree Preservation Order

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.

28 L012 - Existing landscaping (for existing development)

Existing landscaping is to be retained and maintained at all times.

Payment of Fees

29 P001 - Costs

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

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.

31 Q05F - Occupation Certificate for Class 10

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

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

32 [R101 - Operational Approval prior to use](#)

The on-site sewage management (OSSM) system shall be installed and operated in accordance with the recommendations contained in the 'Wastewater Management Plan: Proposed Alterations and Additions - 26 Kingswood Road, Orchard Hills, NSW' (prepared by Martens & Associates Pty Ltd, dated 4 December 2014, Ref. P1404110JR01V05) and the Wastewater Management Plan (prepared by Martens & Associates Pty Ltd, dated 4 December 2014, Drawing SK001 at Appendix D) and the conditions of this consent.

Prior to the issue of the Occupation Certificate, an 'Approval to Operate' for the OSSM system is to be sought from and issued by Penrith City Council.

33 [R102 - OSSM System Type and Disposal Area \(all systems\)](#)

All wastewater generated on the site is to be diverted to a 25 KL balance tank, which is to dose to the existing Gebel Aquasafe extended aeration unit and be disposed of by way of sub-surface irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Wastewater Management Plan (prepared by Martens & Associates Pty Ltd, dated 4 December 2014, Drawing SK001 at Appendix D) and have a minimum area of 2208m².

The system and effluent management area are to be installed and managed in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS 1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- the 'Wastewater Management Plan: Proposed Alterations and Additions - 26 Kingswood Road, Orchard Hills, NSW' (prepared by Martens & Associates Pty Ltd, dated 4 December 2014, Ref. P1404110JR01V05), and
- the 'Wastewater Management Plan' (prepared by Martens & Associates Pty Ltd, dated 4 December 2014, Drawing SK001 at Appendix D), and
- the approved Hydraulic Report.

The system is to be utilised for a maximum daily wastewater load of 4840 litres in accordance with the approved Wastewater Report.

34 [R103 - Council inspections for Installation](#)

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.

35 [R104 - No alterations without approval](#)

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.

36 [R105 - Plumbing Code of Australia](#)

All house sewer and plumbing work shall be carried out in accordance with the Plumbing Code of Australia.

37 [R106 - AWTS - Design of Irrigation System](#)

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.
- The treated wastewater can be evenly irrigated across the entire designated disposal area.
- Sited so as not to contaminate any natural watercourses that traverse the subject property.

38 **R107 - AWTS - Irrigation pipework (surface or sub-surface)**

All irrigation pipework and fittings shall comply with AS2698 "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,
- **sub-surface drip irrigation lines are also to be installed in accordance with AS 1547:2012 and are to evenly distribute treated effluent over the designated disposal area, and**
- **all subsurface drip irrigation is to be buried within a minimum of 250mm of topsoil in accordance with AS 1547:2012. Mulch is not to be used as part of the minimum top soil requirement.**

39 **R109 - No effluent runoff**

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

40 **R110 - EMA Signage**

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.

41 **R111 - AWTS Servicing**

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 sub-surface irrigation lines 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.

42 **R114 - EMA Turfed**

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.

43 **R115 - No structures on EMA**

No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area. The effluent management area is not to be used as a carpark at any time.

44 **R116 - Diversion of stormwater from EMA**

All stormwater and seepage shall be diverted away from the septic tank and the disposal area by using an agricultural drain or earthen bund and dish drain.

45 **R117 - No plants for human consumption within EMA**

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.

46 **R123 - Hydraulic Report**

Prior to the issue of the Construction Certificate, a Hydraulic Report is to be submitted to Council for approval that demonstrates how the wastewater generated across the site will be transferred to the approved treatment system, and how wastewater will be distributed evenly across the approved Effluent Disposal Area using sub-surface irrigation. This Report is to include an amended Site Plan showing the location of all pipework, any pump stations and all other associated infrastructure required.

47 **R124 - Operational Wastewater Management Plan**

Prior to the issue of the Occupation Certificate, an Operational Wastewater Management Plan (OWMP) for the system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by a suitable qualified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The OWMP is to address:

- All environmental aspects of the operation of the on-site sewage management system
- All systems and controls to be implemented to minimise the potential for any adverse environmental impacts
- A program for ongoing monitoring and review to ensure that the OWMP remains contemporary with relevant environmental standards. Council is to be consulted prior to any amendments of the OWMP. Council may request a review of the OWMP or any proposed amendments.

The OWMP should include but is not limited to the following:

- System information (including specifications and site plans)
- Monitoring and testing
- Maintenance and servicing program (treatment system and irrigation system)
- System performance
- System failure contingency
- Odour management
- Landscape and disposal area management
- Health and safety

The on-site sewage management system is to be operated in accordance with the requirements of this Plan.

48 **R51 - Works at no cost to Council**

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

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

49 **R52 - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with 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.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

50 **R53 - 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 application, 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) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- c) Road occupancy or road closures
- d) The placement of hoardings, structures, containers, waste skips, signs, etc in the road reserve
- e) 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) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

51 **R54 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Sparks + Partners, Job number 16192, revision 2, dated 08.11.2016.

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

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

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

52 **R55 - 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, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

53 **R56 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, 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 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

54 **R57 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

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

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

55 **R58 - 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.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

56 **R59 - 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.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

57 **R60 - 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 Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

58 **R61 - Works as executed – General and Compliance Documentation**

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

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 Certifying Authority.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

59 **R62 - Stormwater Compliance**

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

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

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

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

60 **R63 - Restriction as to User and Positive Covenant**

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

- a) Stormwater management systems (water sensitive urban design)

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

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

61 **R67 - Stormwater Management system operation and maintenance**

The stormwater management systems 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.

As inserted under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 21 February 2017.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

D5 Other Land Uses

The proposed modifications do not diminish compliance with this plan. No additional car parking spaces are required given that the modifications are limited to increase in size to the minister's preparation area and awning; external colours and finishes; change of orientation of the small meeting hall; and increase in size of amenities area. There are no increases to the floor area to spaces used for worship services.

All setbacks remain compliant.