

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA21/0078
Proposed development:	Staged Development Application for the Demolition of an Existing Dwelling & Associated Structures and Construction of a Detached Dual Occupancy with Associated On Site Waste Water Management System
Property address:	64 - 70 Clark Road, LONDONDERRY NSW 2753
Property description:	Lot 2 DP 512998
Date received:	10 February 2021
Assessing officer	Jake Bentley
Zoning:	RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for staged demolition works and construction of a detached dual occupancy development with associated on-site sewage management systems (OSSM) at 64-70 Clark Road, Londonderry. The proposal is defined as a 'dual occupancy development' being a permitted with consent land use in the sites RU4 Primary production Small Lots zoning under Penrith Local Environmental Plan 2010 (PLEP).

During the assessment of the proposal the following issues were identified and addressed:

- dwelling B was relocated behind dwelling A in accordance with Penrith Development Control Plan 2014 provisions, and
- effluent disposal areas were relocated in accordance with the above amendment.

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners between 22 February and 8 March, 2021. No submission were received in response.

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

Site & Surrounds

The site is a rectangular shaped and 2.02 hectare sized allotment located on the southern side of Clark Road with an 80.465m width and 251.46m length. The site is identified as being bushfire prone land, flood affected and having biodiversity values in accordance with the NSW Government Biodiversity Values Map and Threshold Tool. The site is occupied by a gradual southern slope which links to an overland flow path, dam within the vegetated southern area and a house with associated outbuildings.

The surrounding sites in all directions are also zoned RU4 and are occupied by rural-residential land uses.

Proposal

The proposed development involves the following works:

Staging

- staged demolition and construction works to ensure dwelling B can be occupied at the same time as the existing dwelling. The existing dwelling will then be demolished prior to the commencement of construction for dwelling A.

Demolition

- demolition of the garage, metal shed, existing dwelling and associated structures nominated on the demolition plan.

Construction

- retention of the existing swimming pool,
- construction of two new dwellings,
- new driveway works,
- stormwater disposal to the south,
- each dwelling will be provided with a garage, bedrooms, bathrooms, kitchen, living areas and a laundry. Dwelling A will be provided with a retreat area and entertainment area adjacent to the pool,
- entry gate feature with stone cladding,
- installation of two OSSM systems with disposal areas at the northern and eastern sides of the site, and
- tree removal works.

Plans that apply

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016**

The site is identified as having biodiversity values on the NSW Government Biodiversity Values Map and Threshold Tool. The proposed works are occurring within the mapped area. A review of the map shows the biodiversity values were added to the site on 27 November, 2020. The application was lodged on 11 February, 2021. In accordance with *Clause 7.3 Clearing on land within Biodiversity Values Map exceeds threshold* of the Biodiversity Conservation Regulation, 2000 proposed development does not exceed the biodiversity offset scheme if the application for planning approval was lodged within 90 days of the site becoming mapped. The application was lodged during this 90 day period therefore, the proposal does not trigger the offset scheme due to works on mapped land.

The proposal results in some palm trees being removed within the footprint of proposed dwelling A and some small fruit trees within the effluent disposal area for proposed dwelling A. These trees are not considered to impact biodiversity values given their species and size. The proposed dwelling B will require a larger tree to be removed. This aspect has been discussed with Council's Biodiversity Officer and no issues have been raised noting a Biodiversity Development Assessment Report (BDAR) accompanied the application recommending suitable replacement plantings which will be conditioned.

In light of the above, biodiversity impacts have been appropriately assessed.

- **Section 4.14 - Bushfire prone land assessment**

The application has been accompanied by an amended Bushfire Hazard Assessment (BHA) in response to design amendments. The BHA assessed the slope and vegetation status surrounding the proposal. The areas to the north, east and west were suitably distanced from any bushfire threats whereas, land to the south was occupied by bushfire threatening vegetation 54m from the rear most dwelling. In this regard, the construction of the dwellings is required to meet bushfire attack level (BAL) 12.5. In addition, the site is required to be maintained to an asset protection zone (APZ) standard to the northern, western and eastern boundaries and 54m to the south. It is noted that no vegetation clearing is required for the APZ.

The BHA recommends that a 20,000L water supply is provided for fire fighting purposes. Recommended conditions of consent will require the proposal to comply with the BHA.

- **Section 4.15 - Evaluation**

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

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX scheme which encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

This application is subject to these requirements as it involves the construction of a detached dual occupancy development.

BASIX Certificate Nos. 1158275S and 1092204S_03 was submitted with the development application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort.

It is noted that two single dwelling BASIX Certificates were submitted as opposed to the required multi dwelling certificate. In addition, the amended plans were not stamped by the accredited assessor and had some minor window location errors. In this regard, a recommended condition of consent will require an updated multi dwelling BASIX Certificate to be submitted reflecting the updated plans.

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 Contamination and remediation to be considered in determining development application 'a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.'

Historical aerial photographs of the site identified unauthorised material deposition to fill a small dam at the front of the site in early 2018. The application has been accompanied by an Imported Fill Assessment which concludes that the filled area is suitable for its intended residential use. The Imported Fill Assessment has been reviewed by Council's Environmental Management Team which have raised no issues with the findings of the assessment. In this regard, the site is considered suitable for the proposal in relation to land contamination.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental	Complies - See discussion

Clause 7.2 Flood planning

The proposal has been referred to Council's Development Engineering Department which have raised no issues with the proposal in relation to flooding subject to recommended conditions of consent. The site is impacted by both overland and mainstream flooding with the flood planning level being RL 17.8m AHD. The proposed floor levels are well above this level and the flood affectation is distanced from the effluent disposal areas as well as the vehicle access to the site. In this regard, the proposal is satisfactory.

Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental

The site is zoned RU4 and is not connected to a reticulated sewage system therefore, this clause applies. The site has an area of 2.02 hectares being above the 2 hectare minimum. The staging plan shows that not more than two dwellings will be located on-site at any one time. In this regard, the proposal is considered satisfactory.

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

Draft Environmental SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating a total of seven existing SEPPs being:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

It is noted that the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land,
- maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- clearly list the remediation works that require development consent, and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
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 - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D1.1. Rural Character	Complies
D1.2. Rural Dwellings and Outbuildings	Complies - see Appendix - Development Control Plan Compliance
D1.3. Farm buildings	N/A
D1.4 Agricultural Development	N/A
D1.5. Non-Agricultural Development	N/A

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

Recommended conditions of consent will ensure the proposal complies with the relevant provisions of the Building Code of Australia and the regulations.

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

The proposed works is located within the cleared northern portion of the site away from the rear overland flow path and distanced from biodiversity valued vegetation. The application has demonstrated that sewage can be managed on-site with no adverse impacts and that the staged demolition/construction will not provide for three or more dwellings on-site at any one time. The scale of the proposal is appropriate for the area considering dwelling B will be screened and dwelling A has incorporated numerous articulation features to reduce its visual mass from east to west. In this regard, there are no adverse impacts envisioned as a result of the proposal.

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

The application has demonstrated that the cleared northern area of the site is suitable for the proposal considering its distanced from the flood prone area and bushfire threatening and biodiversity valued vegetation. The application has suitably addressed the unauthorised earthworks. In this regard, the site is considered suitable for the proposed development.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners between 22 February and 8 March, 2021. No submission were received in response.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions

Section 4.15(1)(e)The public interest

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

Section 94 - Developer Contributions Plans

The following development contribution plans apply to the subject site:

- (a) Cultural Facilities
- (b) District Open Space
- (c) Local Open Space

The following development contribution calculations apply to the proposed development.

CALCULATIONS					
<i>Dual Occupancy</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Total
2	x	3.1 (Open Space)	-	3.1	3.1
2	x	3 (Cultural Facilities)	-	3	3
AMOUNT					
Contribution Plan		Contribution Rate x Calculation		Total	
		Rate			
Cultural Facilities		3 x \$191		\$573.00	
Local Open Space		3.1 x \$733.00		\$2,271.00	
District Open Space		3.1 x \$2,028		\$6,287.00	
				NET TOTAL	\$9,131.00

Conclusion

In assessing the proposed development against relevant environmental planning instruments the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support and is recommended for approval, subject to recommended conditions.

Recommendation

That DA21/0078 for the staged demolition of structures and construction of a detached dual occupancy development with associated on-site sewage management systems at 64-70 Clark Road, Londonderry be approved subject to recommended conditions of consent.

CONDITIONS

General

1 [A001 - Approved plans table](#)

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

Drawing Title	Sheet/	Job/Drawing No.	Issue	Prepared By	Dated
Site Plan	01	JMA-075	I	J Mammone Architecture	27/05/2021
Detailed Site Plan	02	JMA-075	I	J Mammone Architecture	27/05/2021
Demolition Plan	03	JMA-075	I	J Mammone Architecture	27/05/2021
Staging Diagrams	04	JMA-075	I	J Mammone Architecture	27/05/2021
Erosion and Sediment Control Plan	06	JMA-075	H	J Mammone Architecture	30/03/2021
Ground Floor Plan (Dwelling A)	07	JMA-075	I	J Mammone Architecture	27/05/2021
Floor Plan (Dwelling B)	3/10	20058-5	F	Accurate Design and Drafting	02/06.2021
Roof Plan	08	JMA-075	H	J Mammone Architecture	30/03/2021
Elevations	09	JMA-075	H	J Mammone Architecture	30/03/2021
Elevation - Finishes	10	JMA-075	H	J Mammone Architecture	30/03/2021
Sections	11	JMA-075	H	J Mammone Architecture	30/03/2021
Elevations	4/10	20058-5	F	Accurate Design and Drafting	02/06/2021
Elevation, Section & Details	5/10	20058-5	F	Accurate Design and Drafting	02/06/2021
Landscape Plan and Fence Details	12	JMA-075	I	J Mammone Architecture	27/05/2021
Window Schedule and Pool Plan	13	JMA-075	H	J Mammone Architecture	30/03/2021
External Finishes Dwelling A	14	JMA-075	I	J Mammone Architecture	27/05/2021
External Finishes Dwelling B	15	JMA-075	I	J Mammone Architecture	27/05/2021

- Waste Management Plan, prepared by J Mammone Architecture and dated 25 January, 2021,
- Soil and Site Assessment for On-site Wastewater Disposal, prepared by Harris Environmental Consulting, Version 2.0 and dated 25 May, 2021, and
- Bushfire Hazard Assessment, prepared by Harris Environmental Consulting, Version 2.0 and dated 9 June, 2021.

Note: This consent permits the issue of staged Construction and Occupation Certificates. Any reference in this consent to requirements relating to the issue of a Construction or Occupation Certificate is taken to be required at the relevant stage.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

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

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

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

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

4 [A041 - CONSTRUCTION IN BUSHFIRE AREAS](#)

The building shall be constructed in accordance with the provisions of the approved Bushfire Hazard Assessment, prepared by Harris Environmental Consulting, Version 2.0 and dated 9 June, 2021, "Planning for Bushfire Protection" November 2019, and to BAL 12.5 construction under AS3959-2018 "Construction of buildings in bushfire-prone areas".

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

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

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

The rainwater tanks shall not be constructed with plastic materials noting the bushfire prone nature of the site and in accordance with the provisions of Chapter C3 Water Management of Penrith Development Control Plan 2014.

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

Prior to the issue of a Construction Certificate, the application shall be accompanied by a multi dwelling BASIX Certificate reflecting the approved plans.

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

A set of stairs shall be provided at the rear of dwelling B to provide access to the rear yard from the elevated floor level.

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

The development must be carried out in accordance with the approved staging plan. No more than two dwellings (either occupied or under construction) are permitted on the site at any one time.

Demolition

10 [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**.

11 [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 SafeWork Asbestos Licence.

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

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

Environmental Matters

12 [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 for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

13 [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.

14 **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 Development Control Plan 2014) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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.

15 **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.

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

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

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

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

17 **D014 - Plant and equipment noise**

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

18 **D**

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

19 **D**

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

BCA Issues

20 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Health Matters and OSSM installations

21 F006 - Water tank & nuisance

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

Utility Services

22 G003 - Section 73 Certificate for single rural dwellings & dual occs only

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.**

23 G004 - Integral Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

Construction

24 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 is 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.

25 **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 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.

26 H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)

The rainwater tanks are to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tanks and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.

Before the rainwater tanks can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted **prior to the issue of the Occupation Certificate**.

27 H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)

The catchment area for the rainwater tanks includes the parts of the roof of the dwellings from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as air conditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

28 H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

29 H039 - Rainwater tank pumps (Also impose H036, H037 & H038)

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

30 [H041 - Hours of work \(other devt\)](#)

Construction and demolition 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 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.

Swimming Pools

31 [J002 - Fencing when water in pool](#)

Where the swimming pool is capable of holding water, the pool area shall be restricted from access in accordance with AS1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.

32 [J004 - Pool fence \(residential\)](#)

At all times, the swimming pool is to be surrounded by a child-resistant barrier that:

- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
- is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

33 [J009 - Backyard pool safety package \(add J010\)](#)

To promote pool safety awareness in the City and ensure that pool owners are actively ensuring the safety of all users of their pool, the "Backyard Pool Safety" package was developed in conjunction with Penrith City Council and State government agencies.

It is the pool owners' responsibility to purchase and read the information package prior to using the swimming pool.

34 [J010 - Pool board/ sign \(add J009\)](#)

A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and must:

- be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith), and
- bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council.

35 [J011 - NSW Swimming Pool Register](#)

The swimming pool must be registered on the NSW Swimming Pool Register. If the pool is not already registered it shall be registered when/if it is capable of holding water and **before the issue of an Occupation Certificate**. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au.

Engineering

36 [K201 - Infrastructure Bond](#)

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

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

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

37 [K202 - S138 Roads Act - Minor Works in the Public Road](#)

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, 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 verge reinstatement of redundant vehicular crossings)
- b) Road opening for any proposed utilities/stormwater
- c) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
- 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 Asset Management Department on 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.
- All works associated with the Roads Act approval must be completed **prior to the issue of any Occupation Certificate as applicable**.

38 [K209 - Stormwater Discharge - Minor Development](#)

Stormwater drainage from the site shall be discharged to a level spreader system. The stormwater drainage system shall be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments. In this regard, each dwelling shall incorporate rainwater tanks sized in accordance with clause 5.3 of Penrith City Council's Stormwater Drainage for Building Developments Specification. The design shall ensure that the development has no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

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

39 [K214 - Flooding - Floor Levels](#)

Prior to the issue of any Construction Certificate, the Certifier shall ensure that all habitable floor levels are in accordance with the stamped approved plans and above RL 17.8m AHD (adopted flood level + 0.5m freeboard).

40 [K501 - Penrith City Council Clearance - Roads Act / Local Government Act](#)

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

Landscaping

41 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

42 L003 - Report requirement

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

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

43 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with Penrith Development Control Plan 2014.

44 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

45 L007 - Tree protection measures—no TMP with DA

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Penrith Development Control Plan 2014.

46 L10

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained. Tree protection measures are to be implemented according to Australian Standard AS 4970-2009 'Protection of trees on development sites'.

47 L11

No native vegetation is to be removed, nor trees ringbarked, cut, topped or lopped or wilfully destroyed (other than the trees approved for removal) without the prior consent of Penrith City Council and in accordance with Penrith Development Control Plan 2014, the Biodiversity Conservation Act 2016 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

48 L13

The fallen tree, logs, leaf litter and debris is to be retained in situ on site as habitat and to maintain soil stability and structure. This material should be placed within the retained vegetation at the rear of the site.

49 L14

As per the Biodiversity Development Report, prepared by Ecological Consultants Australia Pty Ltd and dated March, 2021 it is a requirement of this approval that replacement planting is to occur at an offset ratio of 10:1.

The replacement planting is to occur within the retained vegetation at the southern end/rear of the property. The plants selected *must* be consistent with the Endangered Ecological Community - *Shale Gravel Transition Forest* and sourced from a local native nursery to ensure the plants are seasoned to local conditions.

Five advanced growth mid story or canopy species (minimum pot/bag size, 16L) can be selected, along with five additional ground or shrub species. Please refer to the NSW Scientific Committee's final determination for a plant list: <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2011-2012/shale-gravel-transition-forest-in-the-sydney-basin-bioregion-minor-amendment-determination>

The plants are to be planted at the front edge of the existing vegetation. The plants must be planted according to the nursery's advice and may require watering for their initial establishment.

A record of the plants selected and photographic evidence of the planting being completed, is to be provided to Council for confirmation, **prior to works commencing**.

Replanting may be conducted by the landholder or an experienced bush restoration contractor.

50 L15

The BDAR has identified weeds on site and the risk of spread. Under a General Biosecurity Duty, according to the Biosecurity Act 2015, an approved weed management plan will be required. An approved weed management plan from Hawkesbury River County Council must be supplied to Council, **prior to works commencing**.

It is a requirement that weeds are managed on the property in perpetuity.

51 L16

Prior to works commencing, including tree removal and demolition associated with approved development activities, a pre-clearance inspection for protected native fauna is to be undertaken by a licenced wildlife handler. Any affected fauna must be managed for persistence on site and according to license requirements and best practices. A local wildlife veterinarian and WIRES are to be contacted in the case of any injured fauna. All expenses are to be at the cost of the applicant.

The wildlife handler is also to provide advice to ensure the exclusion and prevention of harm to wildlife during the development activities.

No wildlife is to be removed from the location, with the exception of injured wildlife for the sole purpose of treatment, and must be released back on site.

The wildlife handler is to provide a report to Council of actions and affected wildlife within two weeks of conducting the pre-clearance inspection/wildlife management actions.

52 L17

Prior to the issue of the Occupation Certificate, hedge planting shall be provided to the western side of dwelling A's garage capable of screening the garage wall.

Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **Cultural Facilities**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$573.00** is to be paid to Council **prior to a Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for **Cultural Facilities** may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **District Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$6,287.00** is to be paid to Council **prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for **District Open Space** may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **Local Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,271.00** is to be paid to Council **prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for **Local Open Space** may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

56 [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 1979, 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 of 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.

57 Q05F - Occupation Certificate for Class10

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

58 R101 - Operational Approval prior to use

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”
- Australian Standards AS1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the 'Soil and Site Assessment for Onsite Wastewater Disposal' (4001WW V2.0) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021,
- the 'Wastewater Management Plan Details Sheets 1 & 2' (4001WW) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021,
- And, the conditions of this consent.

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

Prior to the issue of the Occupation Certificate and before the OSSM systems can be used, an ‘Approval to Operate’ for each OSSM system is to be sought from and issued by Penrith City Council.

59 R102 - OSSM System Type and Disposal Area (all systems)

All wastewater generated on the site is to be diverted to an AWTS and be disposed of by way of subsurface irrigation in the approved effluent management area as specified in the 'Soil and Site Assessment for Onsite Wastewater Disposal' (4001WW V2.0) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021. The effluent management areas are to be located in accordance with the stamped approved 'Wastewater Management Plan Details Sheets 1 & 2' (4001WW) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021 and have a minimum area of 833m² for Dwelling A and 556m² for Dwelling B.

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 AS1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the 'Soil and Site Assessment for Onsite Wastewater Disposal' (4001WW V2.0) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021,
- the 'Wastewater Management Plan Details Sheets 1 & 2' (4001WW) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021,
- And, the conditions of this consent.

One AWTS system is to be utilised for the 5 bedroom dwelling and another AWTS system is to be utilised for the 3 bedroom dwelling in accordance with the 'Soil and Site Assessment for Onsite Wastewater Disposal' (4001WW V2.0) for 64 Clark Rd, Londonderry prepared by Harris Environmental Consulting dated 25/5/2021. Any dwelling approvals on the site greater than this may require a new wastewater report for Council’s consideration.

60 [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 Systems (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the systems.**

In this regard, both AWTS systems and disposal areas will need to be inspected on completion of the systems' installation (before backfilling occurs) and prior to the commissioning, to ensure compliance with those conditions specific to the installation of the systems.

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.

61 [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.

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

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.

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

The design of the irrigation system for the effluent management areas is to be such that:

- The distribution line is to be buried from the tank to the designated disposal area.
- The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**

64 [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 -

- 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.

65 [R109 - No effluent runoff](#)

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

66 [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.

67 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 AWTS systems 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,
- the UV disinfection unit,
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and irrigation spray outlets / 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.

68 R113 - Decommission old system

The contents of the existing septic tank are to be removed by a licensed waste contractor and deposited to an approved waste facility. The disconnected tank shall be removed, demolished or filled with clean soil and garden lime. Documentation of the collection and disposal of waste are to be retained and provided to Council on request.

69 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.

70 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.

71 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. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.

72 [R118 - EMA protected from stock damage](#)

The effluent management area shall be protected from possible stock damage.

73 [R119 - Wastewater and Native Trees](#)

No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.

It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

74 [R127 - NSW Health Accreditation documentation required](#)

Prior to the issue of the Construction Certificate, the NSW Health Accreditation documentation is to be submitted to Council for approval. If Council is not the certifying authority, a copy of Council's written approval is to be provided to the Private Certifying Authority.

75 [R128 - Swimming pool back wash](#)

At no time is the swimming pool back wash to be directed to the on-site sewage management system.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C2 Vegetation Management

Tree removal has been discussed previously within this report under the title 1.7 Application of Part 7 of Biodiversity Conservation Act 2016.

C3 Water Management

The application has been referred to Council's Development Engineering Team which have raised no issues with the proposal in respect to flooding, drainage and rainwater tank size subject to recommended conditions of consent. The dwellings are situated well above the flood level and the drainage system follows the natural slope of the site to the south.

C10 Transport, Access and Parking

The proposal provides suitable parking for both dwellings and ensures all dwellings have vehicle access during the staged works. The driveway has been amended to provide turning spaces to ensure no conflicts between vehicles entering and exiting for both dwellings. The slope of the site and garage levels will not have an adverse impact on driveway gradients.

D1 Rural Land Uses

1.2.2. Setbacks and Building Separations

The proposal provides a 36.02m front setback which is significantly further forward than the adjoining western site which is in accordance with the intention of the control to avoid rigidity in the streetscape.

The proposal complies with the 10m side setback requirement and is suitably distanced from neighbouring dwellings and outbuildings.

1.2.3 Site Coverage, Bulk and Massing

The dwelling footprint proposed is 920m² well above the 500m² allowance and the overall footprint is 1129m² well above the 600m² allowance. The proposal is designed so that dwelling B will be screened from view by dwelling A. In this regard, the visible portion of the dwellings will be dwelling A which has a 673m² footprint. This arrangement is found in surrounding properties which are occupied by side by side dual occupancy arrangements with a similar overall building length addressing the street. It is noted that the bird aviary will remain however, this structure does not have a large street front presentation and is located 92m from the street therefore, no adverse visual impacts are envisioned.

Dwelling A has a width of 49m slightly above the 45m maximum. The northern elevation of dwelling A is significantly articulated via large buildings steps and differing colours and finishes. The large width of the site maintains generous side setbacks. In this regard, there are no adverse impacts to the rural character envisioned. It is noted that the western side elevation is broken up by the roofed entertainment area and numerous garage/retreat windows. In addition, landscaping to the western elevation of dwelling A will be conditioned to reduce the visibility of this elevation considering its 4m above the 18m length control.

The proposal will not result in three undercover parking areas facing the street.

1.2.4 Height, Scale and Design

The proposed dwellings do not exceed 8m in height.

The southern side of the master bedroom for dwelling A is 1.04m above natural ground level and the southern portion of dwelling B is 1.05m above natural ground level. These are the only portions of the proposal with a floor level above 1m from natural ground level. Considering the minor non-compliance there are no adverse impacts envisioned. In addition, the proposal does not use earthworks in these locations to tackle the level difference but rather uses drop edge beams or slab on ground.

The entrance feature fence is for a small extent similar to that existing on-site therefore, there are no adverse impacts to the rural character envisioned.

1.2.5. Dual Occupancy Dwellings

Dwelling B is located within proximity and behind dwelling A in accordance with the controls. The external finishes for the dwellings compliment each other by using similar brickwork colour and colours for roofs.