

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0784
Description of development:	Shed, Driveway Addition and Drainage Works
Classification of development:	Class 10a

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3 DP 1242079
Property address:	13 - 15 Vane Street, CRANEBROOK NSW 2749

### DETAILS OF THE APPLICANT

Name & Address:	Karaplan 1 Law Crescent ORAN PARK NSW 2570
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### DECISION OF CONSENT AUTHORITY

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

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

Date from which consent operates	1 December 2021
Date the consent expires	1 December 2026
Date of this decision	1 December 2021

### POINT OF CONTACT

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

Assessing Officer:	Lawrence Ligato
Contact telephone number:	+61247327427

## NOTES

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### **Reasons**

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

### **Conditions**

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

### **Certification and advisory notes**

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

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

### **Review of determination**

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

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

### **Appeals in the Land and Environment Court**

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

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

### **Designated development**

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

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

### **Sydney Western City Planning Panels**

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

# ATTACHMENT 1: CONDITIONS OF CONSENT

## General

- 1 The development must be implemented substantially in accordance with the plans 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 attached plans and by the following conditions.
- 2 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 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 The building shall not be used under any circumstances for any commercial, industrial or habitable residential activity.
- 5 Prior to the issue of an **Occupation Certificate**, the appointed Principal Certifier is to ensure that landscape screening 'Acmena smithii', 'Leylandii Conifers' or similar is planted as amended in red on the stamped approved landscape plan. This landscape screening is to obtain a minimum mature growth height of 3-6 metres, is to be retained for the life of the development and must not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property.

## Environmental Matters

- 6 Erosion and sediment control measures shall be installed prior to the commencement of works on site, including approved clearing of site vegetation. The erosion and sediment control measures are to be installed and maintained in accordance with "Managing Urban Stormwater: Soils and Construction" (2004).

{Note: Visit <https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition> to obtain a copy of the publication.}

The erosion and sediment control measures are to be maintained until all development works have been completed and the site is stabilised.

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

- 7 No recycling of material to be used as fill material shall be carried out on the site without the prior approval of Council.
- 8 Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on

the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

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

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

{Note: Penrith 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.”}

- 9 All construction 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 are to be fully enclosed when the site is unattended.
  
- 10 Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled *in accordance with the approved Waste Management Plan*. *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.*

Waste is to be stored in a designated storage area prior to removal for disposal or recycling. Where possible, the waste storage area is to be located so that it is not visible to the occupiers of adjoining properties. The waste storage area is *[to be located a minimum of 40 metres from a waterway and is]* to be undercover, or is to be provided with a weatherproof cover, when it is unattended or not in use. The waste storage area is to be maintained to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties.

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

11 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).

## Construction

12 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 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.

13 The Council approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the Council approved plan.

14 The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the shed is to be in accordance with the stamped approved colour schedule.

## Engineering

- 15 All land required for vehicular access to the garage/shed is to be concreted or sealed with bituminous pavement in accordance with the driveway location as shown on the stamped approved plans.
  
- 16 Prior to the issue of a **Construction Certificate**, the Principal Certifier shall ensure that the site stormwater drainage system design includes a minimum 10KL rainwater tank size for the entire site in accordance with Section 5.3 of Council's Stormwater Drainage Specification for Building Developments.

## Landscaping

- 17 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of 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.
  
- 18 Existing landscaping is to be retained and maintained at all times.

## Payment of Fees

- 19 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

- 20 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.

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

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

## Operation of OSSM

22 At no time is stormwater to be directed into the Aerated Wastewater Treatment System or onto the wastewater effluent disposal area.

## SIGNATURE

Name:	Lawrence Ligato
Signature:	

For the Development Services Manager