

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0520
Proposed development:	Detached Dual Occupancy and OSSM
Property address:	836 - 842 Richmond Road, BERKSHIRE PARK NSW 2765
Property description:	Lot 2 DP 1097876
Date received:	22 May 2018
Assessing officer	Pukar Pradhan
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 construction of a new dwelling as a dual occupancy at 836 - 842 Richmond Road, Berskshire Park. Under Penrith LEP 2010, the proposal is defined as a dual occupancy. The subject site is zoned RU4 Primary Production Small Lots and the proposal is a permissible land use in the zoning with Council consent.

Key issues identified for the proposed development and site include:

- OSSMS
- Potential Noise from Richmond Road traffic, and
- Access to the site.

The application has been notified to adjoining properties and exhibited between 28 May 2018 to 11 June 2018. No submissions were received.

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

Background

The property is subject to restrictions under Section 88B of the Conveyancing Act 1919. The land is affected by a right of carriageway 9 meters wide, an easement for overhead power line 13 meters wide, an easement for garbage services 9 meters wide, an easement for water purposed 2.5 meters wide and a easement for access and drainage 9 metres wide. It is Council's policy not to allow development within the easements. The proposal is in accordance with of these restrictions.

Council on 14 May 2013 approved a large farm building to be used in association with the rural farm activity on the site. The site currently contains a single storey dwelling.

Site & Surrounds

- The subject site is situated on the western side of Richmond Road. It is 2.257 hectares in area, is orientated in an east west direction and regular in shape.
- The site is currently occupied by single storey dwelling, shed and horticultural plots for the flower growing business.
- The surrounding area is characterised by similar rural residential development.

Proposal

- The proposal is for the construction of a single storey dwelling as a dual occupancy.
- The building will contain four bedrooms, a family room, separate theatre room, kitchen and a triple garage.
- The building is to be constructed with brick veneer and metal roofing.
- The external finishes will be of brownish brick works, windspray metal roofing with shale gray down pipes.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

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

The development has been assessed in accordance with the matters for consideration under Section 79BA (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

A Bushfire report was submitted with the application, which notes that:

- the site has been cleared with no trees onsite;
- sufficient distance is achieved between the two dwellings; and
- the bushfire threat to the dwelling is between 50m and 100 metres clear of the dwelling.

The report recommends that the development can comply with AS3959 Planning for Bush-fire Protection subject to the:

- provision of an APZ of 23m; and
- dwelling being constructed with a BAL of 12.5.

In view of the above, the proposed development can comply with the NSW RFS document Planning for Bushfire Protection 2006 and the applicant will be required to comply with the above and the recommendation made in the Bush-Fire Report.

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

State Environmental Planning Policy (Infrastructure) 2007

The site is special in that it adjoins with a wide road reserve (over 25m) having screen planting noise buffer to Richmond Road. In order to avoid multiple vehicular access to and from Richmond Road to several individual allotments, a right of carriage way (Road) was created with only one common vehicular access/road point to and from the site. The subject development will use the existing ROCW via Richmond road for all vehicular accesses to the site

Clause 101 of SEPP (Infrastructure) 2007 states:

(1) Development with frontage to classified road aims should:

(a) ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Furthermore, Clause 102 - Impact of road noise or vibration on non-road development also has been considered:

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

As Richmond Road is technically a Classified Road (although the ROCW will be used for this development access) the above will need to be considered in the assessment of the application, and following assessment has been undertaken against relevant criteria with State Environmental Planning Policy (Infrastructure) 2007:

- The proposed dwelling is located approximately 80m from Richmond road with significant screen planting located within the road reserve area.
- There is no new vehicular access proposed on to and from Richmond Road and as such will retain the existing ROCW common road access situation.
- The traffic generated from the proposed development is unlikely to generate significant traffic to compromise the effective and ongoing operation and function of Richmond Road.
- The Noise Assessment for building on land adjacent to Richmond Road has been taken into consideration.
- An Acoustic Report has been provided (prepared by Envirotech) along with the application which satisfactorily addresses potential noise impacts which may rise from nearby road traffic noise on the proposed development and found to be satisfactory..
- The Acoustic report has been examined by Council's Environmental Management Officer and advised that there should be no offensive noise experienced by the dwelling as it will comply with the noise levels stipulated in the SEPP and have raised no objection to the proposal.
- The proposal thus will also comply with noise criteria of Clause 102 (3) of the SEPP.

In view of the above, the application is satisfies the above requirements and is consistent with the aims and objectives of the SEPP.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents Council from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out.

The property information notes this site as being subjected to the Contaminated Land Management Act 1997. This relates to works undertaken as part of the original subdivision under DA02/1333. Documentation prepared by URS (dated 18/10/2006) confirmed that remediation and validation of contaminated soils had been satisfactorily undertaken.

This matter was considered in the assessment for the shed in DA13/0081 and was found to be satisfactory and as such the site is considered to be suitable for the proposed dual occupancy.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The site falls within the Hawkesbury-Nepean catchment and as such is subject to Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury/Nepean River. The SREP 20 provisions aim to ensure that the development does not negatively impact on water quality, fauna and flora habitats. The proposal is considered not to detract from the aims and objectives of SREP 20.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 4.3 Height of buildings	Complies
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion
Clause 7.8 Active street frontages	Complies - See discussion
Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental	Complies

Clause 2.3 Permissibility

The subject site is zoned RU4 Primary Production Small Lots under Penrith Local Environmental Plan 2010. The proposed development is defined as a dual occupancy which is a permissible land use under the zone with Council consent.

Clause 2.3 Zone objectives

The proposed development is consistent with the aims and objectives of both the LEP and the zone itself.

Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

The site is 2.257Ha which is greater than the minimum site area of 2 Ha required for a Dual Occupancy in the zone.

Clause 7.2 Flood planning

The application has been examined by Council's development engineer and have advised that:

- the Flood Level of the site is 17.4m AHD;
- the proposed floor level is 19.9m AHD and higher than the required 17.90m AHD; and
- the proposed dwelling is not located within the flood affected areas.

No objection has been raised to the proposal subject to conditions.

Clause 7.7 Servicing

Services are available to be tapped for this development. Appropriate conditions will be recommended to obtain the required approvals from the relevant authorities.

Clause 7.8 Active street frontages

The dwelling has been designed to include living areas facing the street and as such will provide adequate passive surveillance and active street frontage for the development.

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

There are no draft Environmental Planning Instruments that apply to the proposal.

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 - 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 - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
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	Complies
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 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

The relevant prescribed conditions of Regulations, such as the requirements for compliance with the BCA and Planning for Bushfire Protection 2006 will be imposed as conditions of consent where applicable.

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

Context and Settings

The developments in the area are mainly rural residential. The proposal has been designed in a traditional large single storey building which is considered to be responsive to the surrounding developments of the locality. The assessment of the application demonstrates that the design and sitting of the proposal is responsive to the site and the rural character of the locality.

Access, Transport and Traffic

The proposal provides three garages for the dwelling and sufficient storage space for the new dwelling. This is consistent with the requirements of the DCP. The amount of traffic generated from this development is unlikely to have adverse impact to the local traffic.

Vehicular access has been required to be maintained to one only from the ROCW road leading to the new dwelling.

On Site Sewage Management System (OSSMS)

The proposed OSSMS was examined by Council's Environmental Management Officer who has raised no objection to the system provided that no stormwater to be directed into the proposed system. This has been recommended in the consent conditions.

Noise impact

It is noted that the proposed dwelling is located approximately 80m South-West of Richmond Road which is a busy road. The Noise Assessment for building on land adjacent to a busy road and impact from the traffic to the dwelling needs to be taken into consideration. An Acoustic Report has been provided (prepared by Envirotech) along with the application. The Acoustic Report satisfactorily addresses potential noise impacts which may rise from nearby road traffic noise on the proposed development.

The report has been examined by Council's Environmental Management Officer and advised that there should be no offensive noise experienced by the dwelling. They have raised no objection to the proposal subject to recommended conditions of consent.

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

In view of the above assessment, Council can be satisfied that the site is suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

The application was notified to adjoining and nearby properties from 28 May 2018 to 11 June 2018 and no submissions were received.

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
Environmental - Environmental management	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The following Section 7.11 plans apply to the site:

- Section 7.11 - District Open Space Facilities
- Section 7.11 - Cultural Facilities
- Section 7.11 - Penrith City Local Open Space
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- The following Section 7.11 calculations apply to the proposed development.

S.7.11 Contribution Plan	Contribution Rate x Calculation rate	Total
Cultural facilities	3.0 x \$169.00	\$ 507.00
Local Open Space	3.5 x \$711.00	\$ 6,095.00
District Open Space	3.5 x \$1,966.00	\$ 2,204.00
	NET TOTAL \$8,806.00	

Conclusion

- The proposed development is located within the RU4 Primary Production Small Lots zone under the provisions of LEP 2010 and is generally consistent with the aims and objectives of LEP 2010 and DCP 2014.
- The development has been designed to be compatible with other new residential developments in the area and performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties.
- The development will provide additional housing in the market and will not raise any significant issues with the public interest.
- The proposal is therefore recommended for approval subject to conditions.

Recommendation

1. That DA18/0520 for Construction of a Dwelling to Create a Dual Occupancy at 836-842 Richmond Road Berkshire Park, be approved subject to the attached conditions (Development Assessment Report Part B):

General

1 A001

The development must be implemented substantially in accordance with the plans below and stamped approved by Council, the application form, the BASIX Certificate number 913673S dated 26 March 2018 and any supporting information received with the application, except as may be **amended in red** on the attached plans and by the following conditions.

Drawing Title	Drawing Reference	Prepared by	Dated
Site Plan	01 (Revision A)	Cook Constructions	17/09/18
Ground Floor Plan	02	Cook Constructions	10/11/17
Elevations and Section	03	Cook Constructions	10/11/17
Sediment Control Plan	05	Cook Constructions	10/11/17
Concept Stormwater Plan	06	Cook Constructions	10/11/17
Schedules of External finishes	Job No 44	Cook Constructions	-

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

All new works shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006 document including "Addendum: Appendix 3" and "AS3959 - 2009 'Construction of buildings in Bushfire Prone Areas'". In this regard the following applies:

- Gutter and Valley Guards are to be installed in the development in accordance with Clause 4.3.5 of "Planning for Bushfire Protection" 2006; and
- All development is required to comply with "Addendum: Appendix 3" of "Planning for Bushfire Protection" 2006 particularly Clause A3.7; and
- The development is to be constructed to BAL- 12.50 construction under "AS3959-2009 'Construction of buildings in bushfire-prone areas'".

5 A042 - ASSET PROTECTION ZONES IN BUSHFIRE AREAS

(a) An Asset Protection Zone for protection from bushfire shall be provided and maintained to the dwelling in accordance with the recommendations outlined in the Bush Fire Assessment Report prepared by Bushfire Consulting Services dated 9 May 2018, and in particular are to include the following:

- i. An Asset Protection Zone (APZ) for a distance of 23m to the northeast and 19m to the southeast, southwest and northwest as outlined in AS3959 Table and the NSW RFS document 'Standards for Asset Protection Zones' and shall be provided and maintained for the term of the development.
- ii. The Asset Protection Zone (APZ) shall be maintained as follows:
 - minimise fuel levels at ground level that can be set alight by a bushfire,
 - vegetation does not provide a path for the transfer of fire to the development - that is fuels are discontinuous,
 - no trees are to overhang the building,
 - trees should be well spread out and not form a canopy,
 - trees or shrubs that retain dead material or deposit excessive quantities of fuel in a short period of time should not be planted within the IPA,
 - trees and shrubs should be located far enough from the building that the radiant heat they produce or direct flame contact will not ignite the house,
 - wooden sheds, combustible material, large areas or quantities of garden mulch, stacked flammable building materials etc, shall not be sited in the IPA.
- iii. The entire Asset Protection Zone shall be maintained as an IPA in a fuel free condition..

(b) **Prior to the issue of an Occupation Certificate**, a 'positive covenant' shall be registered over the land to which the development relates to in order to ensure that the Asset Protection Zone of 23m and 19m is provided and maintained around the dwelling house for the term of the development.

(c) **During the construction of the development**, documentation and associated legal paperwork shall be forwarded to Penrith City Council for consideration and endorsement which notes Council's interest in the positive covenant before the positive covenant is registered with Land and Property Information (a division of the Department of Lands).

6 A046 - Obtain Construction Certificate before commencement of works

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

Demolition

7 B004 - Dust

Dust suppression techniques are to be employed during demolition 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.

Environmental Matters

9 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).

10 **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.

11 **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.

12 **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.

13 **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.

BCA Issues

14 **E001 - BCA compliance**

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

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

(b) formulating an alternative solution which:

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

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

Health Matters and OSSM installations

15 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

16 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.

17 G004 - Integral Energy

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

Construction

18 H01F - Stamped plans and erection of site notice 2

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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

19 H033 – Clothes line

Prior to the issue of the Occupation Certificate, clothes drying facilities shall be positioned and screened from public view.

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

The rainwater tank(s) is 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 tank(s) 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.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) 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.

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

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) 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 airconditioners, 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.

22 **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.

23 **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.

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

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

Other construction works carried out inside a building/tenancy 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.

Landscaping

25 [L001 - General](#)

Prior to the release of the Construction Certificate, a detailed landscape plan including several indigenous trees located along the front boundary and internal driveway as shown in red on the approved site plan shall be submitted to Council for consideration and approval.

All landscape works are to be constructed in accordance with *Part C 6 Landscape Design* of the Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

26 [L006 - Aust Standard](#)

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

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

27 [L012 - Existing landscaping \(for existing development\)](#)

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

Development Contributions

28 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$ 507.00** 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 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

29 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$ 6,097.00** 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 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

30 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$ 2,204.00** 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 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

Certification

31 **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 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 of 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.

32 **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 dwelling.

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

33 **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 Wastewater Report (prepared by EnviroTech, date 3 September 2018, ref 18-6055-A2), and
- the Effluent Management Area Plan (prepared by EnviroTech, date 3 September 2018, ref 18-6055-A2, Drawing Number DWG-18-6055-A2)
- And, the conditions of this consent.

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

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

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

All wastewater generated on the site is to be diverted to a Aerated Wastewater Treatment System and be disposed of by way of semi fixed surface irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by EnviroTech, 3 September 2018, REF-18-6055-A2) and have a minimum area of 694m².

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 Report (prepared by EnviroTech, 3 September 2018, REF-18-6055-A2), and
- the Effluent Management Area Plan (prepared by EnviroTech, date 3 September 2018, ref 18-6055-A2, Drawing Number DWG-18-6055-A2)

The system is to be utilised for a 4 bedroom dwelling or daily wastewater load of 750 litres in accordance with Wastewater Report (prepared by EnviroTech, 3 September 2018, REF-18-6055-A2). Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

35 **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.

36 **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.

37 **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.

38 [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, **avoiding the drip line of native trees.**
- Sited so as not to contaminate the natural watercourse that traverses the subject property.

39 [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,
 - all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level,
- spray irrigation equipment connected to distribution lines shall be fixed, and
- spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.

40 [R109 - No effluent runoff](#)

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

41 [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.

42 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,
- 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.

43 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.

44 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.

45 R116 - Diversion of stormwater

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.

46 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.

47 R118 - EMA protected from stock damage

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

48 [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.

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

Prior to the issue of the Construction Certificate, the NSW Health Accreditation and system specification documentation for the proposed Aerated Wastewater Treatment System 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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design Principles

The building has been designed in a contemporary single storey form with pitched roof constructed with brick veneer and colourbond roofing. The design is considered to be compatible with other newly built buildings in the area.

The dwelling is positioned sufficiently back from the street with a setback of 26m from the front fence and 59m from the front property boundary.

C2 Vegetation Management

The site does not have significant trees and the area where the building is to be located is also free of vegetation. Existing continuous row of trees located along the north-west side of the right of carriage way road provides screening to the site and building. A condition will be recommended to provide several trees along the southern side of the road to provide additional screening to enhance the streetscape.

The site is within the Bushfire Prone map and a Bushfire Report was submitted with the application. The report recommends that the dwelling to be constructed with BAL 12.5 and APZ of 23m to the northeast and 19m to the southeast, southwest and northwest. The report states that this APZ requirements can be achieved within the site.

Appropriate conditions have been recommend to comply with the above recommendations of the report.

C3 Water Management

The proposal provides for 5000 litre rainwater tank for use on the site. Basix certification has been submitted to demonstrate that the building will comply with the Basix requirements.

C6 Landscape Design

The applicant has been required to provide several trees on site as the site has no major trees. This has been discussed earlier in the report.

C10 Transport, Access and Parking

- The vehicular access is to be via a common ROCW connected to the Richmond Road.
- The applicant has been required to maintain only one vehicle access from the ROCW and provide access to the new dwelling from internal driveway only and not directly from the ROCW,
- The development provides adequate on site parking spaces for the development.
- The amount of traffic generated from the proposal is unlikely to have adverse impact on the Richmond Road.
- This is consistent with SEPP (Infrastructure) 2007 and has been detailed in under that heading.

D1 Rural Land Uses

1.2.5 Dual Occupancy Dwellings

- The proposed dual occupancy has been designed in a traditional single storey building with a pitched roof and brick walls which is consistent with other dwellings that are constructed in recent years in the rural area and nearby.
- The building has been setback at 25 m from the right of carriage way road and 59m from the front of the property,
- The building has a maximum height of 5.67m to the ridge which is less than the maximum allowed building height of 8.50m.
- A row of plants have been required to be planted along the frontage of the site and driveway to provide visual buffer of the site and to improve its streetscape.
- The proposed building is separated by 75m from the existing building and is compliant with the 10m building separation.
- The new dual occupancy provides a triple garage and meets the car parking requirements of the DCP.
- The proposed new driveway will be required to be connected from the existing driveway to avoid additional driveway being created to the new dwelling in order to minimise multiple driveways.

Design and Numerical Requirements

Criteria	Required	Proposed	Compliance
Maximum accumulative dwellings footprint of ground floor footprint	500sqm	509.50m ²	Minor non-Compliance
Maximum accumulative ground floor footprint including the shed	600sqm	617sqm	Minor non-Compliance
Distance to dwelling	On site – min 10m Adjacent site – min 20m	Onsite -75m Adjacent site >40m	Complies
Setback from public roads	15m	59m & 26m	Complies
Setback from side boundaries	5.0m	24.0m	Complies
Height	Ext. walls = max 5m Ridge = 8.0m	Ext. walls - 3m Ridge – 5.67m	Complies
External Wall Length	Max 45m x 18m	30m x 12m	Compliance
Roof pitch	15° to 25°	24°	Complies

The development is considered to be of a design that is compatible with the other building in the area and the minor variation to cumulative building footprint is unlikely to have adverse impact to the amenity of the area.