

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0125
Description of development:	Retrospective Use of Existing Dwelling and Demolition of Existing Dilapidated Dwelling
Classification of development:	Class 1a

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 8 DP 229785
Property address:	120 - 134 Farm Road, MULGOA NSW 2745

### DETAILS OF THE APPLICANT

Name & Address:	J A Farrugia, N J Farrugia 120-134 Farm Road MULGOA NSW 2745
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### DECISION OF CONSENT AUTHORITY

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

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

Date from which consent operates	23 July 2020
Date the consent expires	23 July 2025
Date of this decision	23 July 2020

## POINT OF CONTACT

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

Assessing Officer:	Jenny Netting
Contact telephone number:	+612 4732 8534

## 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 drawn by Apted Plan Service, dated October 2018 as 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 **Prior to commencement of works**, a Regeneration Plan is to be submitted to Council for approval. The plan is to ensure the resilience and persistence of the identified native vegetation communities on the property. The plan is to address areas through to the western boundary, the area surrounding the demolition site and extending east towards the existing development site, subject to the following requirements:
  - i. Not less than 100% locally native species to be planted on the site consistent with the Shale Hills Woodland and Shale Plains Woodland vegetation communities, at the specified locations.
  - ii. Species that reflect the relevant vegetation communities within the area and include a mix of groundcover, shrubs and trees and is to exclude monocultures, i.e. plantings should be of high diversity;
  - iii. Vegetation to be planted shall be grown from seed which is local provenance;
  - iv. State size / location of plantings (supported by a sketch of the proposed plantings);
  - v. Weed control measures;
  - vi. The Regeneration Plan shall provide specific details relating to ground preparation, planting specifications and maintenance regime to ensure that the native vegetation (including trees) can grow and thrive to maturity;
  - vii. In addition, indication of key stages where monitoring and certification, according to current best practice, will be required by a suitably qualified Bushland Regenerator;
  - viii. The plan shall be prepared by a suitably qualified Bushland Regenerator.

This plan is to be implemented **within twelve months of the final inspection by Penrith City Council**. At this point, the Bushland Regenerator's certification of the implementation phase is to be provided to Council for approval. Council may request a site inspection to confirm the Regeneration Plan has been executed. Council must be satisfied the regeneration works have been carried out in accordance with the Revegetation Plan.

Note: The re-vegetation is to be outside of the effluent disposal area.

- 3 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}.
  
- 4 **A final inspection is to be undertaken by Council prior to occupation and use of the building.**
  
- 5 All building work identified within the Bushfire Report prepared by Matthew Noone of Bushfire Planning and Design Ref No. BL-199820-B dated 4 February 2020 is to be completed within three (3) months of the date of determination of this Consent. A certificate from Matthew Noone of Bushfire Planning and Design certifying that all works have been completed in accordance with the report is to be submitted to Council **prior to the final inspection**.

6 Landscaping of the site should comply with the following principles of Appendix 5 of 'Planning for Bushfire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the buildings such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such as timber garden furniture are located away from the building.
- Low flammability vegetation species are used.

7 Water, electricity and gas must comply with the following:

- A 20,000 litre static water supply tank must be provided for fire fighting purposes.
- The tank must be located / designed so that a connection for fire fighting purposes is located within the inner protection area (IPA) or on the non-hazard side away from the building.
- Underground tanks must be clearly marked, have an access hole of 200mm to allow fire fighting appliances to refill direct from the tank, and have a hardened ground surface for truck access within 4 metres of the access hole.
- Aboveground tanks must be manufactured of concrete or metal. Raised tanks must have their stands protected.
- Tanks on the hazard side of a building must be provided with radiant heat shielding to protect the tank from bushfire impacts and maintain safe access to the water supply for firefighters.
- A standard 65mm Storz outlet with a gate or ball valve must be provided to the tank. the gate or ball valve, pipes and tank penetration of any tank must be adequate for full 50mm inner diameter water flow through the Storz fitting and made of metal.
- All associated fittings to the tank must be metal.
- Pumps where provided to supply water for fire suppression activities, must be a minimum 5hp or 3kW and petrol or diesel powered. The pump must be shielded from the direct impacts of bushfire. Any hose and reel must have an internal diameter of 19mm.
- An SWS marker must be obtained from the local NSW RFS and positioned for ease of identification by fire fighting personnel and other uses of the SWS. Markers must be fixed in a suitable location so as to be highly visible and be positioned adjacent to the most appropriate access for the static water supply.
- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Electrical transmission lines should be located underground where possible. Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line that the distance set out in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Gas must be installed and maintained as set out in the relevant Australian Standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.
- Fixed gas cylinders must be kept at least 10 metres clear of flammable materials and be shielded on the hazard side. Connections must be metal. Cylinders near to a building must have safety valves directed away from the building and be at least 2 metres from combustible materials.

- 8 In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation, you are required to install a hard wired smoke detector in the existing dwelling. This detector is to comply with the requirements of AS3786 and must be located in accordance with 3.7.5 of the Housing Provisions. A certificate from a Licensed Electrician attesting to the installation of the smoke detector is to be submitted to Penrith City Council **prior to the final inspection**.
- 9 The southern, eastern, western elevations and roof of the existing building must be upgraded to comply with Sections 3 and 8 (BAL 40) Australian Standard AS 3959 - 2009 'Construction of buildings in bushfire prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014', as appropriate and Section A3.7 addendum Appendix 3 of Planning for Bushfire Protection 2006. The northern elevation(s) of the existing building must be upgraded to comply with Section 3 and 7 (BAL 29) Australian Standard AS 3959 - 2009 'Construction of buildings in bushfire prone areas' or NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and Section A3.7 Addendum Appendix 3 of Planning for Bushfire Protection 2006.
- 10 The entire property must be managed as an inner protection area (IPA). The IPA must comprise:
- Minimal fine fuel at ground level;
  - Grass mowed or grazed;
  - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
  - Trees and shrubs located far enough from buildings so that they will not ignite the building;
  - Garden beds with flammable shrubs not located under trees or within 10 metres of any window or doors;
  - Minimal plant species that keep dead material or drop large quantities of ground fuel;
  - Tree canopy cover not more than 15%;
  - Tree canopies not located within 2 metres of the building;
  - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
  - Lower limbs of trees removed up to a height of 2 metres above the ground.

## Demolition

- 11 The existing dilapidated dwelling is to be demolished as part of the approved work.
- 12 All demolition works are to be conducted in accordance with the Hazardous Building Materials Report prepared by Dirt Doctors (dated 21/8/19, version 0) and 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 material shall be disposed of in accordance with the Hazardous Building Materials Report. All demolition and excavated material not specified in the Hazardous Building Materials Report 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**.
- 13 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 14 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 15 Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

- 16 **Prior to commencement of works**, all built infrastructure including nearby accumulations of old building materials are to be inspected for wildlife by a suitably qualified fauna ecologist. If fauna is present, it must be relocated on the property, in accordance with relevant guidelines and permits.

The ecologists report confirming the actions have been completed is to be submitted to the Manager of Development Services at Penrith City Council, **prior to commencement of works**.

- 17 **Prior to commencing demolition works**, Tree Protection is required.

(a) Tree Protection Zone of 12 x trunk diameter (at 1.4 metres from ground level) shall be applied to all trees within 15 metres of the proposed demolition. NB: Where the TPZ of each tree overlaps, the TPZ can be included in the one fence providing there is no reduction in area to be protected.

(b) A 1.8m high chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected around the above trees as prescribed in the protection measures detailed above. The fence is to be installed prior to demolition, shall not be removed or altered, and is to remain in place for the duration of the site works.

(c) Where the demolition intrudes into the TPZ of any trees within 15 metres of the approved demolition, the fence is to be adjusted so that it is directly adjacent to the edge of the proposed demolition area.

(d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:

- The Development Consent number
- The name and contact number of the nominated site manager;
- Indication that access into the Tree Protection zone is not permitted.

(e) The above notice is to be in place prior to commencement of demolition.

(f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree/s to be retained.

(g) The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering & weed control.

(h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.

(i) Materials, storage, site sheds, and similar shall not be located within the fenced Tree Protection Zone.

(j) Native vegetation must not be damaged or used to display signage, or as fence or cable supports for any reason.

(k) If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent – before any pruning work is undertaken.

## Environmental Matters

- 18 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 19 Erosion and sediment control measures shall be installed **prior to the commencement of works on site**. 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).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 20 Site remediation works shall be carried out generally in accordance with the approved Remedial Action Plan prepared by Down to Earth Geotechnical and Environmental, (dated April 2020, REF: DE-305\_RAP) as well as Penrith Contaminated Land Development Control Plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.
  - A validation report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.
- 21 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.
- 22 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,
  - 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.

- 23 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.
- 24 All excavated material another wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the Hazardous Building Materials Survey 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.

- 25 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 26 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.
- 27 Dust suppression techniques are to be employed during demolition and construction works to reduce any potential nuisances to surrounding properties.
- 28 All demolition works are to be conducted in accordance with the approved Hazardous Building Materials Report prepared by Dirt Doctors (dated 21/8/19, Version 0). The recommendations within the Hazardous Building Materials Survey shall be incorporated into the demolition phase of the development.

## BCA Issues

29 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

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

## Construction

31 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on 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.

32 Demolition and 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.

## Engineering

33 Roofwater drains shall be discharged into the street gutter or common line.

34 All land required for vehicular access within the site is to be stabilised.

## Landscaping

35 All landscape works are to be constructed in accordance with the stamped approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

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

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

36 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

37 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## Payment of Fees

38 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

39 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.

## Operation of OSSM

40 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 On-site Wastewater Management Report (prepared by Envirotech, dated 23/1/19, REF-19-7314-A), and
- the Effluent Management Area Plan (prepared by Envirotech, dated 23/1/18 (DWG-19-7314-A), 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 final inspection by Penrith City Council 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.**

- 41 All wastewater generated on the site is to be diverted to an Aerated Wastewater Treatment System and be disposed of by way of surface semi-fixed spray 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, dated 23/1/18, DWG-19-7314-A) and have a minimum area of 556m<sup>2</sup>.

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 On-site Wastewater Management Report (prepared by Envirotech, dated 23/1/19, DWG-19-7314-A), and
- the Effluent Management Area Plan (prepared by Envirotech, dated 23/1/18, DWG-19-7314-A).

The system is to be utilised for a 3 bedroom dwelling or daily wastewater load of 600 litres in accordance with the On-site Wastewater Management Report (prepared by Envirotech, dated 23/1/19, REF-19-7314-A). Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

- 42 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 aerated wastewater treatment system tank and disposal area 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.

- 43 The aerated wastewater treatment system tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the aerated wastewater treatment system tank shall not be buried or covered.
- 44 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.
- 45 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.**
- 46 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.

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

48 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.

49 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.

- 50 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.
- 51 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 52 All stormwater and seepage shall be diverted away from the aerated wastewater treatment system tank and the disposal area.
- 53 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.
- 54 The effluent management area shall be protected from possible stock damage.
- 55 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.
- 56 **Prior to the commencement of works**, 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.

## SIGNATURE

Name:	Jenny Netting
Signature:	

For the Development Services Manager