

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA21/0460
Proposed development:	Additions and Alterations to the Existing Dwelling
Property address:	2 - 10 The Appian Way, MOUNT VERNON NSW 2178
Property description:	Lot 119 DP 803478
Date received:	30 June 2021
Assessing officer	Matthew Warbrick
Zoning:	SEPP WSA - Affected by ANEF or ANEC 20 or greater SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone E4 Environmental Living - LEP 2010
Class of building:	Class 1a
Recommendation:	Approve

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent.

Site & Surrounds

The subject site is situated on the the corner Capitol Hill Drive and The Appian Way Mount Vernon. It is 1 Ha in area, is orientated in a south western direction.

An inspection of the site was undertaken on 22nd July 2021 and the site is currently occupied by a single dwelling and ancillary structures.

The surrounding area is characterised by large lot residential development.

Proposal

The proposed development involves:

- Additions and Alterations to the Existing Dwelling including an OSSM.

Plans that apply

BUSHFIRE PRONE LAND (PARTLY)
1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
GENERAL LIST
EASEMENT DRAINAGE VARIABLE WIDTH
CONSENTS - SEC. 92 OF ENVIRONMENTAL PLANNING AND A
MISC - AGRICULTURAL ACTIVITIES WITHIN RURAL AREAS
FILL - CCL. RECORDS INDICATE LAND HAS BEEN FILLED
DCP 2014 - Tree Preservation Controls
LEP 2010 - Dual Occupancy and Secondary Dwellings
DCP 2014 - General Information
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
AIRPORT - 20-25 ANEF
ADDIT. - INTRO. MESSAGE
FLOOD RELATED DEVELOPMENT CONTROLS
Local Environmental Plan 2010
Asbestos Policy
PRECINCT 2010
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
SEC 7.12 CONTRIB PLAN - PENRITH CITYWIDE
STATE ENV PLANNING POLICIES - GENERAL LIST
SEPP WSA - Affected by Obstacle Limitation
SEPP WSA - Affected by Wildlife Buffer Zone
EAST WARD
E4 Environmental Living - LEP 2010
LEP 2010 - Clause 7.2 Flood Planning
LEP 2010 - Clause 4.2A Res Devel and Subdn Prohib
LEP 2010 - Additional Land Use Notes

Planning Assessment

• Section 4.14 - Bushfire prone land assessment

The development has been assessed in accordance with the matters for consideration under Section 4.14 (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:

- The property is identified as being partly bushfire prone land.
- The bushfire assessment report , prepared by a BPAD accredited bushfire consultant was submitted with the application
- The bushfire assessment report demonstrates compliance with "Planning for Bushfire Protection" 2019 and is subject to BAL- Low. The consent will be conditioned accordingly.

• Section 4.15 - Evaluation

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

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

Is the development permissible in the zone?

Complies

Is the development consistent with any requirements of environmental planning instruments relevant to this proposal (including any applicable SEPP's, SREP's and LEP's)?

Complies

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

Is the development consistent with any draft planning instruments relevant to this proposal

N/A

Section 4.15(1)(a)(iii) Any development control plan

Is the development consistent with the provisions of any development control plan relevant to this proposal?

Complies - See discussion

Section 4.15(1)(a)(iv) Any applicable regulations

Is the development consistent the provisions of any regulations relevant to this proposal?

Complies

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

Context and setting

Is the development consistent with the bulk, scale colour and design of other development in the locality?	Complies
Will the development have only a minor impact of the amenity of the area and the streetscape?	Complies
Is the development compatible with surrounding and adjacent land uses	Complies
Will the development have no or minimal impact on the amenity of the area in terms of:	
Sunlight (overshadowing):	Complies
Visual and acoustic privacy:	Complies
Views or vista:	Complies

Access and Transport

Will the development have no or minimal impact on the local road system	Complies
Is the existing and any proposed access arrangements and car parking on site adequate for the development?	Complies

Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument.	N/A
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Soil

The development will have minimal impact on soil erosion and sedimentation	Complies
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Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip	Complies
Land is not considered to be contaminated:	Complies
Bushfire requirements provided for the development	Complies - See discussion
Acoustic requirements provided for the development	Complies - See discussion

Site design

The development is sensitive to environmental conditions and site attributes.	Complies
Does the development safe guard the health and safety of the occupants	Complies

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

Was the site inspected?	Yes
Does the proposal fit locality?	Yes
Are the site attributes conducive to development?	Yes
Will the proposal have minimal social and economic impacts on the locality?	Yes
Has any applicable 88b instrument been considered?	Yes
Does the development propose the removal of trees?	No
Have the plans been checked by any relevant developer groups?	N/A
Has a BASIX certificate been provided?	Yes

Section 4.15(1)(d) Any submissions made in accordance with the EPA Act and Regulations?

Was the application required to be publicly notified?	Yes
Were any submissions received during the public notification period?	No

Section 4.15(1)(e)Public Interest

The application will have minimal impacts on public interest	Complies
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Conclusion/Summary

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA21/0460 for dwelling alterations and additions at 2 - 10 The Appian Way Mount Vernon NSW 2178 be approved subject to the attached conditions.

General

1 A001 - Approved plans that are architecturally drawn

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

Plan Type	Page No	Rev	Date	Drawn by
Existing Site	0.1	4	04/08/21	Dinastia
Demolition	1.0 & 1.1	3	07/06/21	
Stormwater	2.0	3	07/06/21	
Proposed Site	3.0	4	04/08/21	
Ground Floor	3.1	4	04/08/21	
First Floor	3.2	3	07/06/21	
Elevations	3.4 & 3.5	4	04/08/21	
Section	3.8	4	04/08/21	

- BASIX – A417907
 - Aircraft Noise Impact Assessment, prepared by Rodney Stevens Acoustics, Report No 210231R1, Rev 0 (Pages 1 – 12), dated 25th May 2021
 - Bushfire Assessment Report, Prepared by Scott Jarvis, Ref 79BA – 2080 and dated 7th June 2021
- 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 A046 - Obtain Construction Certificate before commencement of works
- A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 5 A special (A041) - CONSTRUCTION IN BUSHFIRE AREAS
- The building shall be constructed in accordance with the provisions of "Planning for Bushfire Protection" November 2019, and to BAL- Low construction under AS3959-2018 "Construction of buildings in bushfire-prone areas.

Demolition

6 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

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

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

7 [B003 - ASBESTOS \(amended from Council adopted version\)](#)

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

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

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

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

8 [B004 - Dust](#)

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

9 [B005 - Mud/Soil](#)

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

10 [B006 - Hours of work](#)

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

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

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

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

Environmental Matters

11 [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.

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.

12 [D005 – No filling without prior approval \(may need to add D006\)](#)

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

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

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

14 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

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

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.

16 **D013 - Approved noise level 1**

The recommendations provided in the Aircraft Noise Impact Assessment prepared by Rodney Stevens Acoustics (dated 25 May 2021, ref 210231R1, Rev 0 , Pages 1 - 12) shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and noise control design features in accordance with the requirements of AS2021-2000 "*Acoustics—Aircraft Noise Intrusion—Building Siting and Construction*". **These requirements include all windows being shut which may have implications on ventilation requirements under the National Construction Code (2019).**

Prior to the issue of an Occupation Certificate, a qualified acoustic consultant shall certify that the development has been constructed to meet the indoor design sound levels in accordance with the approved Assessment. The certification shall be submitted to the Principal Certifying Authority. A copy of the certification together with the Occupation Certificate shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

17 D014 - Plant and equipment noise

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

BCA Issues

18 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)

19 E Special - hard wired smoke alarms

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 the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Health Matters and OSSM installations

20 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.

Construction

21 H001 - Stamped plans and erection of site notice

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

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works 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.

22 H006 - Submission of and implement waste management plan

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

23 H017 - Loads on existing buildings (if first floor addition)

A certificate from a qualified practising Structural Engineer attesting to the adequacy of the structure to support the anticipated loads is to be submitted for consideration and approval prior to the issue of a Construction Certificate.

24 H030 – Roof finishes (rural property)

The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the dwelling are to compliment and blend with the established streetscape and amenity of the area.

25 **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.

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.

26 **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.

27 **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.

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

The 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.

Roads Act Requirements

29 [I003 - Roads Act approval 1](#)

Penrith City Council is the Roads Authority under the Roads Act 1993 responsible for approving:

- Works on the road reserve, or
- The placement of hoardings, structures, containers, waste skips etc. on the road reserve.

The application for a Construction Certificate is to accompany documentation specifying that a Roads Act application, including payment of appropriate application and Inspection fees under the Roads Act, has been sought from Penrith City Council for the following works:

(d) Replacement of vehicular crossovers.

- All works on the road reserve including the placement of hoardings, containers, waste skips and the like on the road reserve shall be carried out in accordance with Penrith City Council's specifications.

Prior to the issue of an Occupation Certificate, Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's Asset Management Department on (02)47327777 to arrange an inspection of the works (and payment of inspection fees, if required).

Swimming Pools

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

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

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

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

The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Penrith City Council (\$10 fee applies when registering at Council).

32 [J012 - Backwash and Overflow](#)

All backwash from the swimming pool shall be directed into the mains sewer.

In areas where sewer is not available, the following requirements apply -

- The swimming pool shall be provided with filtration equipment that does not require a backwash facility (eg. a cartridge filtration system).
- Overspill water shall be diverted away from the swimming pool and not directed onto adjoining properties.
- The frequency of emptying of the swimming pool water shall be minimised. Water resulting from the emptying of the pool shall be collected and disposed of by a private wastewater disposal contractor. Disposal by other means is not permitted.

Engineering

33 [K016 - Stormwater](#)

Roofwater drains shall be discharged in accordance with the approved stormwater plan.

34 [K041 - Infrastructure Bond](#)

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

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

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Landscaping

35 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of the proposed building footprint or as shown on the approved plans without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

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

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

Payment of Fees

37 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

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

38 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

39 [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/use of the development.

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

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

Operation of OSSM

40 **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 Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01), and
- the Effluent Management Area Plan prepared by Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01),
- 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.

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

All wastewater generated on the site is to be diverted to an Aerated Wastewater Treatment System and be disposed of by way of semi-fixed surface spray irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Plan prepared by Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01) and have a minimum area of 968m².

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 Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01), and
- the Effluent Management Area Plan prepared by Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01).

The system is to be utilised for a 6 bedroom dwelling or daily wastewater load of 1,050 litres in accordance with Wastewater Report prepared by Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01). Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

42 **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.

43 **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.

44 **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.

45 **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.**

46 **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.

47 **R109 - No effluent runoff**

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

48 **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.

49 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 (if required),
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and irrigation spray outlets,
- 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 R113 - Decommission old system

Prior to the commencement of works on site, the applicant is to provide to Council in writing, documentation stating whether the existing Aerated Wastewater Treatment System is to be restored to a satisfactory condition or if the existing system is to be decommissioned and a new replacement system installed, as per the recommendations in the Wastewater Report prepared by Broadcrest Consulting Pty Ltd (dated 24 June 2021, ref 1206-WW-A-01).

If the existing system is to be retained and repaired, **prior to the issue of the Construction Certificate**, the applicant is to provide Penrith City Council with a copy of a licensed plumber's/service agent's report that outlines the cause of the system failure, determine whether the system can be repaired and confirm the associated repair work has been completed to a state in which the system can facilitate the calculated wastewater load.

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

51 [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.

52 [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.

53 [R116 - Diversion of stormwater](#)

All stormwater and seepage shall be diverted away from the septic tank and the disposal area. At no time is stormwater to be directed into the Aerated Wastewater Treatment System or onto the wastewater effluent disposal areas.

54 [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.

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

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

56 [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.

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

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

Appendix - Development Control Plan Compliance

D1.2	Rural Dwellings and Outbuildings	Complies Y/N	Comments
1.2.1	Siting and Orientation of Dwellings and Outbuildings Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of: i) Protecting the privacy of proposed and existing buildings; ii) Providing flood-free access to the dwelling and a flood-free location for the dwelling itself; iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources; iv) Maximising solar access; v) Retaining as much of the existing vegetation as possible; and vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6). b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping. c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.	Yes Yes Yes Yes Yes Yes Yes Yes	. The development proposes alterations and additions to the existing dwelling. The dwelling additions comply with the part.

1.2.1	Landscape / Scenic Character a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline. b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible. c) Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment. d) Roads should be designed and located to run with the contours of the land. e) Rooflines and ridgelines should reflect the setting of the dwelling, incorporating simple shapes to step a building down with a sloping site or level change. f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.	N/A Yes Yes N/A Yes Yes	No vegetation required to be removed or disturbed.
1.2.2	Setbacks and Building Separations 1) Setbacks from Roads a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback. b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape. c) A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham). Please contact Council to discuss. d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village). 2) Setbacks from Watercourses a) A minimum setback of 100m is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define. b) A minimum setback of 75m is required from South Creek for all dwellings and outbuildings.	No Yes N/A N/A N/A N/A Yes N/A No* N/A	No changes are proposed to the front or neighbouring side setbacks of the existing dwelling. New garage setbacks comply

c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.

3) Building Separations and Side Boundary Setbacks

a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.

b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.

c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.

d) Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings.

1.2.3	Site Coverage, Bulk and Massing 1) Dwellings shall have a maximum ground floor footprint of 500m² (including any undercover car parking areas). Note: 'Ground floor footprint' is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed. 2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point. 3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling. 4) No more than three (3) undercover car parking spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened. 5) A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to other parts of this chapter.	No N/A Yes Yes Yes	Minor variation of max. ground floor footprint of 75m². The variation is considered minor in this instance, with minimal adverse impacts are likely to result from the development. Additionally, the application was notified, and no objections were received. 3 car garage proposed
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1.2.4	Height, Scale and Design a) Dwellings shall be no more than two storeys in height, including garage and storage areas. b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey. c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level. d) On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1m above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure D1.7. Design and Quality a) The design of dwellings and associated structures should be sympathetic to the rural character of the area. b) Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Internal courtyard fencing or entry fencing should be sensitive to the rural environment.	Yes N/A Yes N/A Y Y	. The addition of the garage, rear alfresco utilises split level design and responds appropriately to the topography of the site.
1.2.7	Materials and Colours 1) Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character. 2) Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact. 3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.	Y Y N/A	

Additional Comments:

Referral undertaken by the following Departments:

- Environmental Health: Supported, subject to conditions
- Development Engineering: Supported