

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA21/0253
Proposed development:	Installation of a Manufactured Home to Create a Detached Dual Occupancy
Property address:	212 - 218 The Driftway, LONDONDERRY NSW 2753
Property description:	Lot 25 DP 21883
Date received:	16 April 2021
Assessing officer	Jake Bentley
Zoning:	RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the installation of a manufactured dwelling to create a detached dual occupancy arrangement with an associated on-site sewage management system (OSSM) at 212-218 The Driftway, Londonderry. The proposal is defined as a 'dual occupancy' being a permitted with consent land use in the sites RU4 Primary Production Small Lots zone under Penrith Local Environmental Plan 2010 (PLEP).

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners and exhibited between 26 April and 10 May, 2021. No submissions were received in response.

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

It is noted that the proposed manufactured dwelling requires approval under Section 68 of the Local Government Act, 1993. However, Clause 4.12 of the Environmental Planning and Assessment Act, 1979 allows a development application to include an approval for a manufactured dwelling under Section 68 of the Local Government Act, 1993.

Site & Surrounds

The site is a rectangular allotment located on the southern side of The Driftway with a 2.788 hectare lot size and a 80m width. The site is flat, bush fire prone land and impacted by flood related development controls. The rear of the site is heavily vegetated whereas the front of the site is occupied by scattered trees, a dwelling, a shed and large driveway area.

The surrounding sites to the east, south and west are occupied by lots with similar dimensions to the subject site which are used for rural-residential land uses. Whereas the adjacent northern site is within the Hawkesbury Council Local Government Area and is highly vegetated with biodiversity values as per the NSW Government Biodiversity Values Map and Threshold Tool.

Proposal

The proposal involves the installation of a manufactured dwelling creating a detached dual occupancy including the following features:

- lounge room,
- dining room,
- kitchen,
- bathroom,
- 2 bedrooms,
- verandah,
- 10,000L rainwater tank,
- drainage works, and
- installation of effluent disposal system with two disposal areas.

Plans that apply

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

Planning Assessment

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

The proposal is not mapped on the NSW Government Biodiversity Values Map and Threshold Tool and does not involve the removal of any trees. In this regard, there are no adverse biodiversity impacts envisioned as a result of the proposal.

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

The site is identified as being entirely bush fire prone land on Council's Bushfire Prone Land Map. In this regard, the application has been accompanied by a Bushfire Report. The report identified the bushfire threat being toward the north roughly 60m from the proposal. In this regard, a bushfire attack level (BAL) of 12.5 was applied. The site is currently maintained in a state appropriate for an asset protection zone therefore, no vegetation removal is required. The site is benefited by a reticulated water supply and suitable internal access is provided via the existing driveway and site arrangement. In light of the above, the proposal has addressed bushfire considerations. A recommended condition of consent will ensure the proposal complies with the provisions of the Bushfire Report.

Further to the above, the plans note that the manufactured dwelling will be constructed to a BAL 12.5 rating noting that a Construction Certificate is not required for the proposal.

- **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 No 55—Remediation of Land

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

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

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

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

A review of historical aerial images of the the site revealed that a small dam/depression was filled in late 2016 with no approval. The applicant explained that the fill material was from on-site as a result of excess from the driveway preparation and that the extent of material was minimal. A review of aerial images align with the applicants explanation. In this regard, Council's Environmental Management Team have considered the filling concerns as resolved. In light of the above and considering there is no indication of any other potential land activities occurring on-site, the site is considered suitable in relation to land contamination.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental	Complies

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

It is noted both the *Draft Environment SEPP* and *Draft Remediation of Land SEPP* apply to the subject site, but while so, do not affect or alter the recommendation of this report.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	Complies
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)(iv) The provisions of the regulations

The proposal has been referred to Council's Building Surveying Department which is now satisfied with the proposal after receiving the engineering certification and details for the manufactured dwelling. The proposal will comply with the relevant provisions of the regulations subject to recommended conditions of consent.

The recommended conditions of consent will ensure the proposal adheres to the relevant matters within Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 relating to structural adequacy of the manufactured dwelling.

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

The proposal is located in the cleared area on-site and is capable of disposing sewage and stormwater in suitable locations. The size and materials of the proposal are not envisioned to generate any adverse visual impacts. The existing driveway is capable of servicing the proposals parking requirements. There are no adverse impacts envisioned as a result of the proposal.

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

The area subject to the proposed works is cleared and distanced from bush fire threats as well as flooding. The application has addressed land contamination concerns. In this regard, the site is considered suitable for the proposal.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners and exhibited between 26 April and 10 May, 2021. No submissions were received in response.

Referrals

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

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

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

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

Section 94 - Developer Contributions Plans

The following development contribution plans apply to the subject site:

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

The following development contribution calculations apply to the proposed development.

CALCULATIONS

Dual Occupancy					
----------------	--	--	--	--	--

No. of units	x	Rate	-	Credit for existing dwelling/s	Total
2	x	3.1 (Open Space)	-	3.1	3.1
2	x	3 (Cultural Facilities)	-	3	3

AMOUNT

Contribution Plan	Contribution Rate x Calculation Rate	Total
Cultural Facilities	3 x \$194	\$582.00
Local Open Space	3.1 x \$739.00	\$2,290.00
District Open Space	3.1 x \$2,043	\$6,334.00
NET TOTAL		\$9,206.00

Conclusion

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

Recommendation

That DA21/0253 for the installation of a manufactured dwelling creating a detached dual occupancy arrangement with an associated OSSM system at 212-218 The Driftway, Londonderry be approved subject to recommended conditions of consent.

General

1 [A001 - Approved plans table](#)

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

Drawing Title	Sheet/Drawing No.	Revision	Prepared By	Dated
Site Plan Full	Concept 1	C	Hi-Tech Homes	02/03/2021
Stormwater Plan	Concept 4	C	Hi-Tech Homes	02/03/2021
Ground Floor Plan	Concept 8	C	Hi-Tech Homes	02/03/2021
Elevations	Concept 9	C	Hi-Tech Homes	02/03/2021
Electrical Plan	Concept 11	C	Hi-Tech Homes	02/03/2021
Bathroom/Kitchen Elevations	Concept 5	C	Hi-Tech Homes	02/03/2021
Stormwater Details	Concept 5	C	Hi-Tech Homes	02/03/2021
Sediment Control Plan	Concept 6	C	Hi-Tech Homes	02/03/2021
Chasis	Concept 13	C	Hi-Tech Homes	02/03/2021
Schedule of Finishes	Concept 12	A	Hi-Tech Homes	28/09/2021

- Bushfire Report, prepared by Firefront Bushfire Consulting and dated 28 March, 2021, and
- On-site Wastewater Report, prepared by Broadcrest Consulting Pty Ltd, reference no. 0882-WW-A-02 and dated 15 February, 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 \(ALWAYS APPLY\)](#)

Prior to occupation or use of the manufactured home, written confirmation of compliance with the development consent is required from Council.

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

The dwelling shall be provided in accordance with the provisions of "Planning for Bushfire Protection" November 2019, and to BAL- 12.5 under AS 3959-2018 "Construction of buildings in bushfire-prone areas".

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

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

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

The potential future driveway shown on in the On-site Wastewater Report, prepared by Broadcrest Consulting Pty Ltd, reference no. 0882-WW-A-02 and dated 15 February, 2021 and the approved Stormwater Plan is not approved via this consent.

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

A covered parking space for both the existing and new dwelling shall be provided on-site.

Note: The development may rely on existing on-site arrangements to satisfy this condition.

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

Should the development rely on the existing driveway to provide the parking requirements then a footpath connecting the driveway to the new dwelling shall be provided. The footpath shall be suitably distanced from the existing dwelling.

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

Prior to commencement of works, the Site Plan Full shall be amended to reflect the approved plans.

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

The holder of an approval to operate a manufactured home must give Council written notice of the installation of a manufactured home or associated structure within 7 days after its completion.

The notice:

- Must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and
- Must include the particulars contained on each compliance plate relating to the manufactured home or associated structure.

The notice must be accompanied by:

- A copy of the engineer's certificate for the manufactured home or associated structure, and
- A fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this Part have been complied with.

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

The manufactured home must be constructed and installed in accordance with the requirements of Part 3, Division 4 of the Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Prior to occupation or use of the manufactured home, certification from an appropriately qualified person is to be provided to Council confirming the manufactured home was manufactured and installed in accordance with the requirements.

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

In accordance with Clause 67 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, a compliance plate must be attached to an accessible part of each of the following structures:

- a manufactured home,
- an associated structure that forms part of a manufactured home,
- an associated structure comprising a free-standing garage.

A compliance plate must specify the following:

- the name of the manufacturer of the manufactured home or associated structure,
- the unique identification number for each major section of the manufactured home,
- the month and year during which the manufactured home or associated structure was constructed,
- the design gust wind speed for the manufactured home or associated structure,
- a statement that the manufactured home or associated structure complies with the requirements of this Division,
- the name of the practising structural engineer by whom the engineer's certificate has been issued in respect of the manufactured home.

A unique identification number must be permanently marked on each major section of the manufactured home.

Environmental Matters

13 [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 Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

14 [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.

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

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

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

All excavated material and other wastes generated as a result of the development are to be disposed of at a lawful waste management facility.

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

17 **D014 - Plant and equipment noise**

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

18 **D**

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

BCA Issues

19 **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).

20 **E005 - Smoke detectors-interconnect**

The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors. An installation certificate is to be submitted to Council prior to occupation of the dwelling.

21 **E006 - Disabled access and facilities**

All wet areas are to be treated in accordance with the requirements of the Building Code of Australia and certification submitted to Council prior to occupation of the dwelling.

22 **E01A - BCA compliance for Class 2-9**

Critical stage inspections are to be carried by Council at the following stages;

- Footings prior to concrete being poured.
- Storm water lines prior to back filling.
- On-site Waste Water Management installation.
- Final prior to the dwelling being occupied.

Fees for the inspections will be charged in accordance with Council's Fees and Charges applicable at the time of inspection.

Health Matters and OSSM installations

23 **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

24 [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 attained before the dwelling can be occupied.

25 [G004 - Integral Energy](#)

Prior to the commencement of works, 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

26 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and back filling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

27 [H014 - Slabs/ footings](#)

Residential footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 “Residential Slabs and Footings”. Details are to be provided prior to the footing inspection.

28 [H030 – Roof finishes \(rural property\)](#)

The roof of the structure is to be a dull, non-reflective surface and colour.

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

The rainwater tank 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 and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.

Before a rainwater tank can be used, a certificate or suitable document is to be provided 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 provided **prior to the occupation of the dwelling**.

30 **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 from which water is collected and includes gutters. To ensure a safe supply of water:

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

31 **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.

32 **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.

33 [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 that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

34 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

35 [K201 - Infrastructure Bond](#)

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

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

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

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

The stormwater drainage system shall be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments.

Stormwater drainage from the site shall be discharged to a level spreader or absorption trench system. The location and size of this system must be in accordance with Penrith Council's Stormwater Drainage Specification for Building Developments. No discharge shall be within 10m of any septic disposal area, building or property boundary. In this regard, the level spreader or drainage trench shall be relocated forward of the dwelling and away from any trees.

The design shall ensure that the development has no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

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

Prior to the commencement of works, a surveyors certificate shall be provided to ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 21.1m AHD (adopted flood level + 0.5m freeboard).

Landscaping

38 [L007 - Tree protection measures--no TMP with DA](#)

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

39 [L008 - Tree Preservation](#)

No trees are to be removed, ring barked, cut, topped or lopped or willfully 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 Chapter C2 Vegetation Management of Penrith Development Control Plan 2014.

Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **Cultural Facilities**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$582.00** is to be paid to Council **prior to works commencing** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **District Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$6,334.00** is to be paid to Council **prior to works commencing** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **Local Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,290.00** is to be paid to Council **prior to works commencing** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

Payment of Fees

43 [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.

Operation of OSSM

44 [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 'On-Site Wastewater Report' (0882-WW-A-02) for 212 The Driftway, Londonderry prepared by Broadcrest Consulting Pty Ltd dated 15/2/2021,
- the 'AWTS and Sub-Surface Irrigation Plan' for 212 The Driftway, Londonderry prepared by Broadcrest Consulting Pty Ltd dated 15/2/2021,
- 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.

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.

45 [R102 - OSSM System Type and Disposal Area \(all systems\)](#)

All wastewater generated from the manufactured home dual occupancy is to be diverted to an AWTS and be disposed of by way of sub-surface irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved 'AWTS and Sub-Surface Irrigation Plan' for 212 The Driftway, Londonderry prepared by Broadcrest Consulting Pty Ltd dated 15/2/2021 and have a minimum area of 367m².

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,
- current (at the time of installation) NSW Health Accreditation documentation,
- the 'On-Site Wastewater Report' (0882-WW-A-02) for 212 The Driftway, Londonderry prepared by Broadcrest Consulting Pty Ltd dated 15/2/2021,
- the 'AWTS and Sub-Surface Irrigation Plan' for 212 The Driftway, Londonderry prepared by Broadcrest Consulting Pty Ltd dated 15/2/2021,
- And, the conditions of this consent.

The system is to be utilised for a 2 bedroom dwelling or daily wastewater load of 450 litres in accordance with the 'On-Site Wastewater Report' (0882-WW-A-02) for 212 The Driftway, Londonderry prepared by Broadcrest Consulting Pty Ltd dated 15/2/2021. Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

46 [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 AWTS 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.

47 [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.

48 [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.

49 [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 sub-surface irrigation lines 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.**

50 [R107 - AWTS - Irrigation pipework \(surface or sub-surface\)](#)

All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:

- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
- standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,

Sub surface -

- sub-surface drip irrigation lines are also to be installed in accordance with AS 1547:2012 and are to evenly distribute treated effluent over the designated disposal area, and
- all subsurface drip irrigation is to be buried within a minimum of 250mm of topsoil in accordance with AS 1547:2012. Mulch is not to be used as part of the minimum top soil requirement.

51 [R109 - No effluent runoff](#)

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

52 [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.

53 **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 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.

54 **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.

55 **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.

56 **R116 - Diversion of stormwater**

All stormwater and seepage shall be diverted away from the septic tank and the disposal area. Stormwater from the manufactured dwelling dual occupancy is not to be directed onto the existing or proposed effluent disposal areas servicing either of the dwellings.

57 **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.

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

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

59 [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.

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

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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C3 Water Management

The site has access to a reticulated water supply within The Driftway.

Flood planning impacts have been previously discussed within this report.

There is ample room for stormwater disposal on cleared land forward of the proposed dwelling. In this regard, a recommended condition of consent will require the stormwater disposal area to be relocated.

C10 Transport, Access and Parking

A shed with a roller door, undercover parking area forward of the existing dwelling and numerous parking areas within the driveway are available on-site for car parking. In this regard, a recommended condition of consent will require each dwelling to be provided with a covered parking space.

A recommended condition of consent will require a footpath connection to the proposal should the existing parking area be relied upon for the proposal.

D1 Rural Land Uses

The proposal is situated behind the existing dwelling on-site and easily complies with side setback provisions. The proposal is of a small footprint therefore, site coverage controls will not be exceeded and the dimensions of the footprint will not generate any adverse visual impacts.

The proposal will be elevated on piers in response to flood planning provisions. The floor level will sit roughly 0.9m above the natural ground level being below the 1m maximum. Access to the proposal is provided by stairs at both the western and eastern entrances.

The proposal is finished in cladding with a shale grey colour which is not envisioned to diminish the surrounding rural character.