

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/1086
Proposed development:	Construction of a Single Dwelling and Attached Secondary Dwelling (Granny Flat)
Property address:	850 Richmond Road, BERKSHIRE PARK NSW 2765
Property description:	Lot 4 DP 1097876
Date received:	16 September 2015
Assessing officer	Jane Hetherington
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 a single dwelling and attached secondary dwelling. Two new dwellings are to be constructed. The subject site is zoned RU4 Primary Production Small Lots under Local Environmental Plan 2010. The proposal is defined as a dwelling and secondary dwelling which is permissible with Council consent in this zone. An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Site & Surrounds

The site is located on the northern side of Richmond Rd and is irregular in shape, with access via a battle axe handle. The handle widens in a northern direction to provide a triangular shaped allotment.

The site is clear of trees and has a site area of 2.035ha.

Proposal

The proposed development includes the construction of a new dwelling and attached secondary dwelling on the site, with the following aspects:

- The construction of a dwelling 1 which has a floor area of approx. 401m². The proposed dwelling consists of 4 bedrooms, study, theatre room, kitchen, lounge room, bathroom and garage, constructed of colorbond sheet roofing and bagged and rendered brickwork.
- The construction of a dwelling 2 which has a floor area of approx. 59m². The proposed dwelling consists of 2 bedrooms, kitchen, lounge room, bathroom and single garage, constructed of colorbond sheet roofing and bagged and rendered brickwork.
- The total floor area of both dwellings is approx. 460m².
- BASIX requirements have been provided and shown on the plans
- Stormwater generated by the proposal will be connected to the proposed in ground rainwater tank
- Installation and operation of OnSite Sewage Management System.
- A new driveway along the battleaxe handle to the proposed dwellings.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C 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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A

Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	N/A
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	N/A
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A
Clause 6.3 Flood Planning	N/A

Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	N/A
Clause 6.6 Servicing	Complies - See discussion
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	Complies - See discussion
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Permissibility

The subject site is zoned RU4 Primary Production Small Lots under the Local Environmental Plan 2010. The proposal is defined as a single dwelling and attached secondary dwelling which is permissible with Council's consent in the current zone.

LEP and Zones Objective

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

Clause 5.4 Secondary Dwelling

The size of the proposed dwelling does not exceed 60m². Therefore, the development can be defined as a secondary dwelling.

Clause 6.6 Servicing

This clause ensures that development of land will be able to provide appropriate servicing. An on-site waste water management report accompanied the application and was referred to Council's Environmental Health Team for review and they have raised no objection to the proposed system.

Additionally, reticulated water is available to the proposed dwellings; the applicant will be required to obtain a Section 73 Certificate from Sydney Water and a written clearance from Integral Energy. The development will attract section 94 contributions which will ensure that the demands for amenities and public services will be met.

Dual Occupancies and Secondary Dwellings in Certain Rural and Environmental zones

This clause requires that in certain rural zones, including RU4, secondary dwellings are not permissible unless the lot has a total area of at least 2 hectares. The proposal complies with this clause as the site area exceeds 2 hectares and therefore the effluent generated by the dwelling and secondary dwelling can be appropriately managed on site to protect waterways and the amenity of adjoining lots. In addition, no strata, company or community title subdivision of the land is proposed.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	N/A
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
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 - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D1.1. Rural Character	Complies - see Appendix - Development Control Plan Compliance
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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development.

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

Built and Natural Environment

- The proposal is consistent with the bulk, scale, colour and design of other developments in the locality. The development is compatible with the surrounding and adjacent land uses.
- It is considered the development will have minimal impact on the amenity of the area in terms of solar access/overshadowing, visual impacts, acoustic privacy and views or vistas.
- The development will have minimal impact on the local road system. The proposed access arrangements and car parking on the site will be adequate for the development.
- The site is bushfire affected with the location of the proposed dwellings considered with respect to potential impacts in terms of bushfire impacts and does not require further clearing.

Social and Economic

The proposed development will have no significant social impact and it is unlikely to threaten the desired future character of the area.

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

The site is appropriately located in the RU4 zone under the provision of Penrith LEP 2010. Dual occupancies are permissible with consent and the proposals compliance with the development controls has been demonstrated in the above assessment.

Section 79C(1)(d) Any Submissions

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

The site is suitable for the proposed development. The proposed development is permissible under the site's zoning, meets the aims and objectives of the relevant environmental planning instruments, and it is unlikely to generate matters of public interest.

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - Cultural Facilities
- Section 94 - District Open Space
- Section 94 - Local Open Space

The following Section 94 calculations apply to the proposed development.

Calculation for Secondary dwelling					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
1.5	x	3.1	-	3.1	1.5
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
1.5	x	3.0	-	3.0	1.5
AMOUNT					
S.94 Contribution Plan		Contribution Rate x Calculation rate			Total
Cultural Facilities		1,5 x \$145			\$414
District Open space		1.5 x \$1,853			\$2,779
Local Open Space		1.5 x \$670			\$1,005
		NET TOTAL			\$4,002

Conclusion

The proposed development has been assessed with regard to the relevant matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979. The proposal is considered to be in keeping with the existing rural-residential amenity of the area, the site is suitable for the development and the proposal is not considered to be contrary to the public interest. Accordingly, the application is considered to be satisfactory and is recommended for approval, subject to the imposition of conditions.

Recommendation

That DA15/1086 for a Single Dwelling and Attached Secondary Dwelling at 850 Richmond Road BERKSHIRE PARK, be approved subject to the attached conditions.

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, the BASIX Certificate 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	Prepared By	Dated
Site Plan	SIA Designarch	7/9/15
Ground Floor Plan	SIA Designarch	7/9/15
Elevations	SIA Designarch	7/9/15
Schedule of Finishes	SIA Designarch	7/9/15
Roof Plan / Sections	SIA Designarch	7/9/15
Window Schedule / Site Analysis	SIA Designarch	7/9/15
Erosion & Sedimentation Control Plan / Landscape Plan	SIA Designarch	7/9/15
Waste Management Plan		
BASIX Certificate 653851S		10/9/15
BASIX Certificate 653855S		10/9/15

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 A009 - Residential Works DCP (no specific section)

All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.

4 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

The development shall not be used or occupied until an Occupation Certificate has been issued.

5 A041 - CONSTRUCTION IN BUSHFIRE AREAS

The dwellings shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006 and to a BAL 12.5 construction under AS 3959-2009 "Construction of buildings in bushfire-prone area".

6 A046 - Obtain Construction Certificate before commencement of works

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

Demolition

7 B004 - Dust

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

8 B005 - Mud/Soil

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

9 B006 - Hours of work

Construction 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.

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

Environmental Matters

10 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should visit <http://www.environment.nsw.gov.au/stormwater/publications.htm>).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

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.

11 D002 - Spraygrass

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

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 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.

14 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

15 **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).

Construction

16 **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 are 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.

17 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 the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling 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.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

18 H030 – Roof finishes (rural property)

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

19 H041 - Hours of work (other devt)

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

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

20 K016 - Stormwater

Roof water drains shall be discharged in a manner that does not create a nuisance to adjoining properties or affect the structural integrity of the proposed dwellings.

21 **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 the issue of any Construction Certificate. The bond and applicable fees are in accordance with Councils adopted fees and charges.

An application form together with an information sheet and conditions are available on Councils website.

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

22 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council. Penrith City Council is the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
2. Concrete footpath or cycleways
3. Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
4. Road occupancy or road closures
5. The placement of hoardings, structures, containers, waster skips, signs etc. on the road reserve

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications, Guidelines and best engineering practice.

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

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate or Subdivision Certificate as applicable.
4. On completion of any awning over the road reserve a certificate from a practising structural engineer certifying to the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

23 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the:

- a) Level spreader system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

24 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 19.00m AHD.

25 **K216 - Flooding – Garage Levels**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the garage floor level is in accordance with the stamped approved plans with a minimum of RL 19.00m AHD.

26 **K217 - Flooding – Flood Compatible Materials**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the structure below RL 17.90m AHD (standard flood level + 0.5m) has been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee .

27 **K218 - Flooding – Structural Adequacy**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the structure can withstand the forces of floodwater including debris and buoyancy up to the 1 % Annual Exceedance Probability Event in accordance with the requirements of the Building Code of Australia (BCA)

28 **K219 - Flooding - Flood Proofing**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that all electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 17.90m AHD (standard flood level + 0.5m).

29 **K223 - Access, Car Parking and Manoeuvring – Minor Development**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) The clear internal width is 3.1m for single garages and 5.6m for double garages has been provided
- c) All cars can enter and exit the site in a forward direction
- d) All driveway shall be sealed from the existing Right of Carriageway up to and including the hard-stand parking area.

30 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

31 **K401 - Flooding – Surveyor Verification of floor levels**

A certificate by a registered surveyor verifying that all habitable floor levels are in accordance with the stamped approved plans with levels at or above RL 19.00m AHD shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

32 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

33 **K503 - Works as executed – General and Compliance Documentation**

Prior to the issue of a Subdivision Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of Works-As-Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Subdivision Certificate where Penrith City Council is not the Principal Certifying Authority.

34 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Landscaping

35 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

36 **L006 - Aust Standard**

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

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

37 **L008 - Tree Preservation Order**

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

Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$218 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2,779 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$1,005 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

41 [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.

Operation of OSSM

42 [R101 - Operational Approval prior to use](#)

The on-site sewage management (OSSM) system shall be installed and operated in accordance with the recommendations contained in the Wastewater Report (Envirotech, 5/11/2015, REF\258615\A) and the Effluent Management Area Plan (Envirotech, 5/11/2015, DWG-258615-A) and the conditions of this consent.

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.

Prior to the issue of the 'Approval to Operate', a copy of the Certification documentation for the proposed AWTS system is to be submitted to Council.

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

All wastewater generated on the site is to be diverted to a AWTS and be disposed of by way of Evapo-transpiration Absorption beds in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by Envirotech, 5/11/2015, DWG-258615-A) and have a minimum area of 100m².

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 2014,
- the Wastewater Report (Envirotech, 5/11/2015, REF\258615\A), and
- the Effluent Management Area Plan (Envirotech, 5/11/2015, DWG-258615-A).

The system is to be utilised for a 7 bedroom dwelling and attached dual occupancy or daily wastewater load of 1350 litres. Any dwelling approval on the site greater than this may require a new wastewater report for Council's consideration.

44 [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 Evapo-transpiration Absorption beds 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.

45 [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.

46 [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.

47 **R108 - Trench - Disposal Area**

Two evapo-transpiration beds are to be installed as per the Wastewater Report (Envirotech, 5/11/2015, REF 258615-A), and the Effluent Management Area Plan (Envirotech, 5/11/2015, DWG-258615-A). The beds are to be constructed in accordance with AS1547:2012.

The disposal area shall:

- the distribution line is to be buried from the tank to the designated disposal area;
- the treated wastewater can be evenly irrigated across the entire designated disposal area;
- be prepared with a minimum 100mm cover of absorbent soil that has been ripped into the existing top soil. The area to be prepared should include up to 2.5m either side of the trench;
- have an even grade / be graded to a minimum 1% crossfall and turfed in accordance with the stamped-approved plans; and
- sited so as not to contaminate the natural watercourse that traverses the subject property.

As per the Wastewater Report (Envirotech, 5/11/2015, REF 258615-A), and the Effluent Management Area Plan (Envirotech, 5/11/2015, DWG-258615-A) and AS/NZS 1547:2012, a reserve area that is 100% of the design disposal area shall be made available on a site for the resting of the disposal area, or for the duplication or upgrade of the disposal area if it is required at some future time. The reserve area shall be protected from any development that would prevent it being used in the future.

48 **R109 - No effluent runoff**

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

49 **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.

50 **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 evapo-transpiration absorption beds,
- 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.

51 **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.

52 **R116 - Diversion of stormwater from EMA**

All stormwater and seepage shall be diverted away from the septic tank and the disposal area by using an agricultural drain or earthen bund and dish drain.

53 **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.

54 **R118 - EMA protected from stock damage**

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

55 [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.

56 [R120 - Flooding and Septic Tank](#)

The septic tank is not to be located below RL 17.9m (adopted flood level + 0.5m) AHD. Alternatively the tank is to be completely sealed to the satisfaction of Council and fitted with a breather pipe to above RL17.9m (adopted flood level + 0.5m) AHD.

57 [R121 - Flooding and Electrical Services](#)

All electrical services associated with the septic tank installation should be adequately flood proofed in accordance with Section 3.5 Flood Liable Lands in Council's Development Control Plan 2010. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 17.9m (adopted flood level + 0.5m) AHD

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

The proposal satisfies the relevant aims and objectives of the plan as identified in Section 1.2 of Penrith Development Control Plan 2014.

The following assessment has been undertaken against the relevant sections of Penrith Development Control Plan 2014:

Section C1 Site Planning and Design Principles

This section aims to provide a “whole of site” approach encompassing building orientation and placement on the site. In this regard, the proposal complies generally with the provisions of this section. The proposed development is situated in a suitable position on the site and is responsive to the sites attributes.

Section C5 Waste Management

Construction waste is expected to occur due to the two new dwellings. Standard conditions of consent will be applied to manage any waste produced as a result of the installation of the dwelling.

In addition, the application is accompanied by documentation from a suitably qualified wastewater professional certifying that the effluent generated by the development can be accommodated within the proposed effluent disposal system without any adverse impact to the surrounding natural or built environment.

Section C6 Landscape Design

The application was accompanied by a plan indicating the proposed planting around the new building and driveway. No trees are being removed.

Section C10 Transport, Access and Parking

The proposed development provides undercover parking spaces within the new dwellings. A double garage is proposed for Dwelling 1 and a single garage for Dwelling 2.

The general preference for rural dwellings is for all buildings to share a common driveway to minimise the extent of hardstand areas and protect the rural character of the area. A driveway along is proposed to provide access to the two new dwellings.

Section C13 Infrastructure and Services

As previously discussed, adequate support services and utilities will be available to service the proposed dwellings.

D1 Rural Land Uses

Rural Lands -D1

DCP Objectives

It is considered that the objectives of the rural lands DCP have been satisfied.

Design and Numerical Requirements

The following table illustrates details of the proposed dwelling and attached secondary dwelling:

	Standards	Proposal	Compliance

Front setback	30m	Approx. 75m from end of battleaxe handle to the proposed dwellings dwelling. Therefore, substantially greater than 30m from the street.	Yes
Side setback	10m	10m to east 12m to west The setbacks increase due to the shape of the site.	Yes
Maximum overall building length	45m	40.4m	Yes
Maximum building depth	18m	21m	No
Minimum separation between dwellings	10m	considerably greater than 10m	Yes
Maximum ground floor footprint	500m ²	Dwelling 1: 401m ² Dwelling 2: 59m ² Total: 460m ²	Yes
Maximum cumulative building footprint	600m ²	460m ² (included two dwellings)	Yes
Carparking	At least 1 covered per dwelling	2 for proposed dwelling. 1 for secondary dwelling	Yes
Height	2 storeys	Single storey	Yes
Floor to ceiling height	Maximum 8m	6.9m to top of ridge	Yes
Secondary dwelling to be part of the dwelling, attached and limited in size.	Secondary dwelling to be part of the dwelling, attached and limited in size.	Attached and 59m ² in size.	Yes
Size of secondary dwelling	Maximum 60m ² or 10% of main dwelling, whichever is greater	59m ²	Yes
Bedrooms	Maximum 2 bedrooms	2 bedrooms	Yes
Colours sympathetic to the rural character	Natural surroundings, non-reflective and utilise earthy tones	Natural, light colours. Condition imposed regarding roof finishes to be non-reflective.	Yes
Services	There should only be one electricity line and meter on the property servicing both dwellings	Only one meter proposed	Yes
Effluent disposal system	Effluent disposal system has sufficient capacity for both dwellings	The proposed system is adequate for both dwellings.	Yes

Assessment of the proposal has concluded that:

- The proposed setbacks are consistent with the DCP requirements and minimises potential

impacts on adjoining properties and is consistent with the current setbacks of dwellings in the street.

- The height, bulk and scale, roof pitch and external finishes of the proposed dwelling is sympathetic to the immediate and surrounding built environment.
- The building depth in the central portion is 21m, which is 3m greater than the DCP control. The variation is not discernible and the majority of the dwellings are well below the depth control. Given the setbacks and rural nature of the area is unlikely to result in amenity impacts and as such is acceptable.
- The applicant has incorporated principles of sustainability and nominated appropriate water and energy commitments and thermal comfort on the BASIX Certificate.
- The single storey construction will facilitate accessibility.
- The height of the portico is approximately 1.8m above natural ground level however there is ample separation from surrounding dwellings, and the building remains single storey below the height controls. Amenity impacts are not expected.

Section 1.2.6 Secondary Dwelling

It is noted from the above compliance table that the proposed secondary dwelling complies with the DCP requirements.