

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0736
Proposed development:	Detached Dual Occupancy (Re-sited Dwelling) & OSSM
Property address:	79 - 87 Mayo Road, LLANDILO NSW 2747
Property description:	Lot 1 DP 545845
Date received:	1 August 2018
Assessing officer	Kathryn Sprang
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 relocated dwelling and additions to the relocated dwelling to create a detached dual occupancy and On Site Sewage Management (OSSM) at 79-87 Mayo Road, Llandilo NSW 2747. Under the Penrith Local Environmental Plan 2010, the proposal is defined as a dual occupancy. The subject site is zoned RU4 Primary Production Small Lots and the proposal is a permitted land use in the zone with consent of Council.

As per the Local Government (manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 a relocatable home means:

- (a) a manufactured home, or
- (b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable dwelling that is a vehicle of a kind that is capable of being registered within the meaning of the Road Transport Act 2013.

The proposal is best described as a relocatable dwelling in accordance with part b as above.

The relocated dwelling is an existing single storey cottage currently located and constructed at 51 Fitzroy Road, Lambton. The cottage is of an older style with external timber cladding painted yellow and a terracotta tiled roof. The existing cottage to be relocated on the site will be placed on footings. There are also additions proposed to the relocated cottage including a timber deck, double garage and a new family room. The additions (with the exception of the covered deck) are to have a brick face with a terracotta tiled roof. To facilitate the additions to the relocated dwelling there is some minor demolition work proposed.

The proposed relocated dwelling and additions are single storey and are to be behind the existing two storey dwelling on site. As such majority of the proposal will not be visible from the street. Some small shrubs/fruit trees are proposed to be removed to facilitate the development, however no significant vegetation is proposed for removal.

The lot is also bushfire affected. As such the relocated dwelling will require upgrades to meet bushfire construction requirements for BAL 12.5 as well as the new additions being constructed to BAL 12.5. Both of these requirements are to be conditioned.

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 - Notification and Advertising, this application was notified to neighbouring properties who were invited to review the proposal from the 10 August to 24 August 2018 . Council did not receive any submissions 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 conditions.

Site & Surrounds

The subject site is located on the Northern side of Mayo Road, approximately 850m east of its intersection with Old Llandilo Road. The site has an area of 2.023 hectares, with a 100m frontage to Mayo Road. The site currently contains a two storey dwelling and a number of outbuildings/sheds . The surrounding area is characterised by rural-residential development.

Proposal

- Installation of a relocatable dwelling to form a detached dual occupancy;
- Construction of additions to the relocated dwelling; and
- Installation of OSSM system.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2010
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.14 - Bushfire prone land assessment

The development has been assessed in accordance with the matters for consideration under Section 4.14 (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

- A bushfire assessment was completed and found that BAL 12.5 was the most appropriate level of construction for the proposal.
- The relocatable dwelling is to be upgraded to meet building requirements of BAL12.5.
- The proposed additions to the relocatable dwelling are to be constructed to BAL 12.5 requirements.

Bushfire requirements, as above, will be imposed through conditions of consent.

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 (formerly 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

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) applies to the subject land and stipulates that the consent authority shall not grant consent to the application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of the plan.

The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality.

An assessment has been undertaken of the application against criteria with Sydney Regional Environmental Plan No 20 and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Part 2 Permitted or prohibited development	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental	Complies

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

Development Control Plan 2010

Provision	Compliance
Part D1, Chapter 1.1 - Rural character	Complies
Part D1, Chapter 1.2 - Rural dwellings and outbuildings	Complies - see Appendix - Development Control Plan Compliance
Part D1, Chapter 1.3 - Farm buildings	N/A
Part D1, Chapter 1.4 - Agricultural development	N/A
Part D1, Chapter 1.5 - Non-agricultural development	N/A

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

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005 (LGR 2005)

This Regulation sets standards for the following:

- The design, construction, maintenance and operation of manufactured home estates, caravan parks and camping grounds.
- The design, construction and installation of relocatable homes and other movable dwellings.
- Promotion of the health, safety and amenity of the occupiers of those dwellings.

Clause 143 of the LGR 2005 states that a relocatable home must be of a design certified by a practising structural engineer to be structurally sound.

Additionally, Clause 159 of the LGR 2005 states that compliance plates must be attached to an accessible part of the relocatable home, any associated structure(s) connected with the manufactured home and any associated structure comprising of a free standing garage. These aspects shall be imposed through conditions of consent.

Subject to conditions, the proposal satisfies the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable dwellings) Regulation 2005.

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

Context and Setting

The proposed development will be located within an established rural-residential area. The development will not significantly impact upon the established rural-residential area, and has been designed to complement some of the existing features of the street and area.

Setbacks and Streetscape

The application proposes a >80m front setback and is behind the existing two storey dwelling on site. As such, the proposal adopts appropriate setbacks that will not negatively impact on the streetscape presentation , or result in reduced privacy between properties.

Access, Traffic and Parking

The moveable dwelling is afforded with its own integrated double garage, which connects to the existing driveway . It is not anticipated that traffic generated from development will impact adversely on the local road network.

Utilities / Water and Energy

The site connections to the development can be appropriately serviced. The standard conditions for obtaining a Section 73 Certificate from Sydney Water and written clearance from Endeavour Energy are recommended.

Noise and Vibration

To maintain the acoustic privacy and amenity of surrounding developments, the standard condition restricting work hours is recommended.

Socioeconomic Impacts

The proposal provides for increased housing in the area and would not result in any negative socioeconomic impacts.

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

The site is suitable for the following reasons:

- The subject site is suitably zoned for dual occupancy rural-residential development.
- The design and siting of the moveable dwelling is considered responsive to the site attributes.
- The use is compatible with surrounding/adjoining land uses.
- The grade of the site is suitable for the design proposed.

Council may be satisfied that the site is suitable for the proposed development.

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
Environmental - Environmental management	No objections - subject to conditions

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

The proposed development is not expected to generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

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

The following Section 94 calculations apply to the proposed development.

Calculation for Dual Occupancy					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	6.2	-	3.1	3.1
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	6.0	-	3.0	3.0
AMOUNT					
S.94 Contribution Plan	Contribution Rate x Calculation rate				Total
District Open Space	3.1 x \$1,966.00				\$6,094.00
Local Open Space	3.1 x \$711.00				\$2,204.00
Cultural facilities	3 x \$169.00				\$507.00
	NET TOTAL				\$8,805.00

Conclusion

In assessing this application against the relevant environmental planning policies, being Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River, State Environmental Planning Policy No.55 - Remediation of Land, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design is responsive, generally complies with key development standards and generates no significant issues of public interest. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA18/0736 for the installation of a relocatable dwelling to create a detached dual occupancy and OSSM at 79-87 Mayo Road, Llandilo NSW 2747, be approved subject to the attached conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved 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.

Description	Reference	Prepared By	Date	Revision
Plan- Overall Site Layout & Erosion Control details	1 of 8	Wilson's Quality Drafting & Design	09/11/2018	B
Proposed Cottage Position	2 of 8	Wilson's Quality Drafting & Design	09/11/2018	B
Ground Floor Layout	3 of 8	Wilson's Quality Drafting & Design	09/11/18	B
Elevations	4 of 8	Wilson's Quality Drafting & Design	09/11/18	B
Elevations	5 of 7	Wilson's Quality Drafting & Design	09/11/18	B
Section	6 of 8	Wilson's Quality Drafting & Design	09/11/18	B

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 A041 - CONSTRUCTION IN BUSHFIRE AREAS (AMENDED)

The relocatable dwelling shall be upgraded in accordance with the provisions of the "Planning for Bushfire Protection" December 2006, and to a BAL 12.5 construction under AS3959-2009 "Construction of buildings in bushfire-prone area" .

The proposed additions shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006, and to a BAL 12.5 construction under AS3959-2009 "Construction of buildings in bushfire-prone area" .

4 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works for the additions to the relocatable dwelling (the new garage, family room and deck) and the bushfire upgrade requirements to the relocatable dwelling.

5 [A Special \(Compliance Plates\)](#)

In accordance with the **Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005** the following matters are to be addressed:

Clause 143 specifies that a relocatable home or associated structure must be of a design certified by a practising structural engineer to be structurally sound.

A certificate issued under this clause:

- must indicate that the relocatable home or associated structure complies with any standards, codes and specifications with which it is, by this Regulation or by the Ministerial specifications, required to comply, and
- must include specifications as to the manner in which the relocatable home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.

Clause 159 specifies that a compliance plate must be attached to an accessible part of each of the following structures:

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

A compliance plate must specify the following:

- the name of the manufacturer of the relocatable home or associated structure,
- the unique identification number for each major section of the relocatable home,
- the month and year during which the relocatable home or associated structure was constructed,
- the design gust wind speed for the relocatable home or associated structure,
- a statement that the relocatable 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 relocatable home.

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

6 [A Special \(Notice of Completion of Installation\)](#)

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

The notice:

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

The notice must be accompanied by:

- A copy of the engineer's certificate for the relocatable home or associated structure, and
- A fully dimensioned diagram of the dwelling site on which the relocatable 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.

Demolition

7 [B001 - Demolition of existing structures](#)

When the relocatable dwelling arrives on the subject site, a portion of the relocatable dwelling (to facilitate the new family room and garage) is to be demolished as part of the approved works.

8 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

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

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

9 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

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

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

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

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

10 B004 - Dust

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

11 B005 - Mud/Soil

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

12 B006 - Hours of work

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

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

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

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

Environmental Matters

13 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.

14 D009 - Covering of waste storage area

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

15 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

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

16 [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

17 [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).

Utility Services

18 [G003 - Section 73 Certificate for single rural dwellings & dual occs only](#)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued for the development.

19 [G004 - Integral Energy](#)

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

20 [G006 -](#)

Prior to the issue of a Occupation Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

21 H001 - Stamped plans and erection of site notice

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

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

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

Signage but no more than 2 signs stating the above details 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.

22 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.

23 H033 – Clothes line

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

24 [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

25 [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.

26 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site is to be discharged and dispersed over the existing front paddock area, as noted on the stamped plans.

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 prior to the commencement of works to the Certifying Authority.

27 [K223 - Access, Car Parking and Manoeuvring – Minor Development](#)

Prior to the commencement of works, the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) Sight distances at the street frontage have been provided in accordance with AS2890.1.
- c) All cars can enter and exit the site in a forward direction.

28 [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.

29 [K Special \(BLANK\)](#)

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

Landscaping

30 [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.

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

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

Development Contributions

32 **N001 - Section 94 contribution (Cultural Facilities)**

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, \$507.00 is to be paid to Council prior to the commencement of works (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.

33 **N001 - Section 94 contribution (District Open Space)**

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, \$6,094.00 is to be paid to Council prior to the commencement of works (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.

34 **N001 - Section 94 contribution (Local Open Space)**

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, \$2,204.00 is to be paid to Council prior to the commencement of works (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

35 **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.

36 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the dwelling.

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

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

Operation of OSSM

37 **R101 - Operational Approval prior to use**

The on-site sewage management (OSSM) system and effluent management area for the proposed relocated dwelling shall be installed and operated in accordance with the:

- “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households”
- Australian Standards AS1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the Wastewater Report (prepared by Envirotech, date 7/11/2018, ref: REF-18-6227-A1), and
- the Effluent Management Area Plan (prepared by Envirotech, date 7/11/2018, ref: DWG-6227-18-A1)
- And, the conditions of this consent.

The on-site sewage management (OSSM) system and effluent management area for the existing dwelling shall be installed and operated in accordance with the:

- “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households”
- Australian Standards AS1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the Wastewater Report (prepared by Envirotech, date 9/1/2019, ref: REF-18-7137-A), and
- the Effluent Management Area Plan (prepared by Envirotech, date 9/1/2019, ref: DWG-18-7137-A)
- And, the conditions of this consent.

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

Prior to the 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.

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

All wastewater generated from the proposed relocated dwelling is to be diverted to a aerated wastewater treatment system (AWTS) and be disposed of by way of surface semi-fixed irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by Envirotech, date 7/11/2018, ref: DWG-6227-18-A1) and have a minimum area of 873m².

The system and effluent management area are to be installed and managed in accordance with the:

- “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households”
- Australian Standards AS 1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- the Wastewater Report (prepared by Envirotech, date 7/11/2018, ref: REF-18-6227-A1) and
- the Effluent Management Area Plan (prepared by Envirotech, date 7/11/2018, ref: DWG-6227-18-A1)

The system is to be utilised for a 4 bedroom dwelling or daily wastewater load of 750 litres in accordance with Wastewater Report (prepared by Envirotech, date 7/11/2018, ref: REF-18-6227-A1). Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

All wastewater generated from the existing dwelling is to be diverted to a aerated wastewater treatment system (AWTS) and be disposed of by way of absorption trench. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by Envirotech, date 9/1/2019, ref: DWG-18-7137-A) and have a minimum area of 28m².

The system and effluent management area are to be installed and managed in accordance with the:

- “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households”
- Australian Standards AS 1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- the Wastewater Report (prepared by Envirotech, date 9/1/2019, ref: REF-18-7137-A), and
- the Effluent Management Area Plan (prepared by Envirotech, date 9/1/2019, ref: DWG-18-7137-A)

The system is to be utilised for a 4 bedroom dwelling or daily wastewater load of 750 litres in accordance with Wastewater Report (prepared by Envirotech, date 9/1/2019, ref: REF-18-7137-A). Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

39 R103 - Council inspections for Installation

Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.**

In this regard, the septic tank(s) and disposal area(s) will need to be inspected on completion of the system's installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

40 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.

41 R106 - AWTS - Design of Irrigation System

The design of the irrigation system for the effluent management area is to be such that:

- The distribution line is to be buried from the tank to the designated disposal area.
- The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
- The treated wastewater can be evenly irrigated across the entire designated disposal area, avoiding the drip line of native trees.

42 [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,

Surface -

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

43 [R108 - Trench - Disposal Area](#)

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

44 [R109 - No effluent runoff](#)

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

45 [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.

46 R111 - AWTS Servicing

The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:

i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- the chlorinator,
- replenishment of the disinfectant,
- the UV disinfection unit,
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and irrigation spray outlets / sub-surface irrigation lines and filters,
- the slime growth on the filter media, and
- the operation of the sludge returns system.

ii. The following field tests are to be carried out at every service:

- free residual chlorine using DPD colorimetric or photometric method,
- pH from a sample taken from the irrigation chamber,
- dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.

iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.

iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.

v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:

- given to the property owner and another to the applicant (if not the same), and
- forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

47 R113 - Decommission old system

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

48 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.

49 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.

50 R116 - Diversion of stormwater

All stormwater and seepage shall be diverted away from the septic tank and the disposal area. At no time is stormwater to be directed into the On-Site Sewage Management (OSSM) system(s) or onto the effluent disposal area(s).

51 [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.

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

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

53 [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.

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

Prior to the issue of the Construction Certificate, 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 2010

D1 - Rural land uses

The proposed relocated dwelling and additions are compliant with all setbacks, site clustering and site coverage.

The dwellings reasonably complement each other in that they both have pitched tiled roofs and additions to the relocatable dwelling are to have brick face similar to the existing dwelling on site. The only non-compatible façade element is that the relocated dwelling has timber cladding to the external façade and the existing dwelling has a brick face. While this may be a matter of concern if the relocatable dwelling was highly visible from the street, it is located behind the existing dwelling and will be largely unseen from the street.