

Referral Response - Environmental Health - Waterways

Application Number:	Rev23/0007
Referral Officer	Tim Gowing
Referral Unit	Environmental Health - Waterways
Date of referral	25 March 2024
Land to be developed (Address):	Lot 3003 DP 1184498 184 Lord Sheffield Circuit PENRITH NSW 2750
Proposed Development:	Review of Determination (Refusal) of DA22/0213 for Construction of Part 13 and Part 31 Storey Mixed Use Development with One Level of Basement Car Parking, Five Storey Podium with Above-Ground Parking, Through-Site Link, Retail Tenancies, Supermarket, Child Care Centre, Indoor Recreation Facility and Two Residential Towers. Tower A has 241 Apartments and Tower B has 75 Apartments. Proposal includes an Offer to Provide Community Infrastructure being an Indoor Recreation Facility on Level One (Concurrent Review Application Rev23/0008 for DA22/0214).

Recommendation

No objections - subject to conditions

Detailed assessment

I have reviewed the documentation provided with the application and my review included in the following:

- Letter prepared by Urbis in response to RFI's dated 7 March 2024
- Civil Works Plans prepared by AT&L, Project number 17-450 drawing numbers DAC101- 111, Issue E dated 30/11/2021
- Stage 1 Civil and Stormwater Management Report prepared by AT&L, Project number 17-450 dated 30/11/2021
- Architectural Drawings prepared by Crone, drawing numbers DA01-00001 – 98003, Issue B dated 06/02/2024
- BASIX Certificate # 1265384M
- BASIX Assessment Report, prepared by IGS dated 28 January 2022
- Previous Waterways comments on DA

Stormwater quality is managed by a regional system (Refer to North Penrith Stages 2B – 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference number 9470Rpt1B dated 17 October 2012). As such, on-site stormwater quality infrastructure is not required for this site. In relation to water conservation, the Stormwater Strategy includes commitments in relation to water efficiency measures.

It is noted that since previous review the architect plans have been updated to include details of rainwater tanks to meet BASIXs requirements. The Civil plans and stormwater report has not been updated.

The BASIX Assessment report states that a rainwater tank with capacity of minimum 10,000L (minimum), collecting run-off from minimum 1600m² of roof area, used for irrigation of common area landscape with minimum area of 449.3m² and 2 car washing bays on the site.

It is noted that the approved Stormwater Strategy for the estate that connection of the water tank for internal uses (toilet flushing) will ensure any requirements are met and additional benefits are realised. Technically, while the residential elements of the building comply with BASIXs requirements the commercial elements of the development also need to consider Council's WSUD Policy in relation to water conservation requirements.

Additional use of harvested rainwater should be incorporated for internal uses of the commercial elements of the development. I suggest that a condition could be applied to ensure additional detail prior to issue of a construction certificate.

In accordance with the Water Cycle Management Strategy Report, prior to the issue of a Construction Certificate a detailed strategy is to be submitted which includes details on how the wetland and central water feature will be protected during civil and housing construction stages for the development. In this regard, I consider that a condition would be appropriate and have suggested a condition.

A review of the documentation indicates the proposed stormwater treatment measures are consistent with the approved Stormwater Management Strategy for the development.

Note:

The referral assessment did not include the review of site flooding or any OSD requirements, as such I recommend that proposal is referred to Councils Engineering Stormwater Supervisor for further assessment.

Should you have any questions please contact me on extension 7933.

Regards,

Tim

Recommended Conditions:

General

- 1 Prior to the issue of a Construction Certificate, an updated Stormwater report and plans that demonstrates compliance with Sections 3.1 of Council's WSUD Policy and BASIX Certificate is required. A minimum of 80% of non-potable water demands for the commercial elements of the development shall be serviced by harvested rainwater.
- 2 Prior to the issue of a Construction Certificate a detailed Water Management Strategy is to be submitted to Council's Development Services Manager for approval. The Strategy must include details on how the central wetland and central water feature will be protected from pollutants and sediment arising during the building and construction stages of the development. The Strategy must include details of proposed treatment of water that will be discharged, as well as details of monitoring and reporting of water that is discharged off-site during the construction period.
- 3 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AT&L, Project number 17-450 drawing numbers DAC101- 111, Issue E dated 30/11/2021, and commitments made in Stage 1 Civil and Stormwater Management Report prepared by AT&L, Project number 17-450 dated 30/11/2021.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 4 **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 or Subdivision Works 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.

- 5 Prior to the issue of an Occupation 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 Occupation Certificate where Council is not the Principal Certifying Authority.

- 6 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 7 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F
- 8 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s