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# F1 Definitions

## A. Background

This Appendix outlines the meaning of the terms used in Penrith Development Control Plan (DCP) 2014. Terms defined in the *Standard Instrument (Local Environmental Plans) Order 2006* under the *Environmental Planning and Assessment Act 1979* are not reproduced in this Appendix. They can be found in the Dictionary to Penrith LEP 2010. Terms used in this DCP which are not in LEP 2010 are included in this Appendix.

The definitions in this Appendix are not exhaustive. Where the meaning of a term is not clear, it is recommended that applicants contact Council for clarification.

## B. Objectives

The objective of this Appendix is to clarify the meaning of the terms used throughout Penrith Development Control Plan 2014.

## C. Definitions

### 0 - 9

**10% of LA1** means a noise level that exceeds the valid noise level of LA1 15min by more than 10% within any 15 minute period.

**10% of LA90** means a noise level that exceeds the valid noise level of LA1 90min by more than 10% within any 90 minute period.

**50% of LA90** means a noise level that exceeds the valid noise level of LA1 90min by more than 50% within any 90 minute period.

### A

**absorption** means uptake of liquid into soil.

**acceptable noise level criterion** means the accepted noise levels for future development outlined in Penrith DCP 2014.

**access lane** means a street providing local residential access with shared traffic, pedestrian and recreation use, but with local traffic priority.

**access ways** means the driveways that service the rear garages of 'B' and 'C' type dwellings. The use of the access ways will be restricted to the landowner(s) requiring access to their rear garages.

**accredited Auditor** means a person accredited by the Environment Protection Authority (EPA), under the NSW Accredited Site Auditor Scheme through the *Contaminated Land Management Act 1997*.

**accumulative building footprint** means the total sum of the ground floor area of all of the sheds on a single property

**activity** means:

- a) the erection of a building;
- b) the carrying out of work in, on, over or under land;
- c) the use of land or of a building or work;
- d) the subdivision of land;

and includes any act, matter or thing for which provision may be made under Section 26 of the *Environmental Planning and Assessment Act 1979*, and which is prescribed for the purpose of this definition, but does not include:

- a) any act, matter or thing for which development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* is required or has been obtained;
- b) any act, matter or thing which is prohibited under an environmental planning instrument.

**adjoining and neighbouring land** means any land that may be detrimentally affected by the use of, or the erection of a building or work on the development site.

**advertised development** means development, other than designated development, that is identified as advertised development by the Act, Regulation, an environmental planning instrument or this development control plan. Advertised development includes

any development for the purposes of a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not designated development.

**advertiser** means either the person, who caused the advertisement to be displayed, or the owner, or occupier of the building or land on which the advertisement is displayed.

**advertising**, in the context of Penrith DCP 2014, means public notification by an advertisement appearing in the local newspaper or newspapers which are distributed throughout the Penrith City Council Local Government Area.

**advertising area** means:

- a) the total surface area of a sign face, including any margin, frame or embellishment which forms an integral part of the sign; or
- b) in the case of an advertisement with more than one sign face, the total surface area viewed from any direction.

**aerated wastewater treatment system** means a wastewater treatment process typically involving settling of solids and flotation of scums, oxidation and consumption of organic matter through aeration, clarification (secondary settling of solids) and disinfection of wastewater before surface irrigation.

**affected person** means a person who:

- a) owns and/or occupies a property or building that adjoins or abuts the development site; or
- b) in the opinion of the responsible officer, may be detrimentally affected by the use of, or the

erection of a building or carrying out of work on the development site.

**allotment** means the parcel of land to be initially subdivided into Torrens title, but does not relate to subsequent strata or community title subdivision of development of this land.

**ancillary dwellings** includes 'Secondary Dwellings', as defined by the Standard Instrument, and 'Studio Lofts' which are self-contained dwellings that may be occupied separately from the principal dwelling and are on a separate title from the principal dwelling.

**appropriately qualified person**, for the purposes of this development control plan, is a person who, in the opinion of Council, has demonstrated experience, or access to experience in relevant areas. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.

**approval** means a consent, licence or permission or any form of authorisation.

**arborist** means a specialist in the care of trees and vegetation with relevant qualifications and training. Minimum AQF Level 3 equivalent or above.

**archival recording** means the method of recording heritage items to meet the requirements of the Office of Environment and Heritage guidelines for recording heritage items of local significance.

**arterial road** means a road that carries predominantly through traffic from one region to another, thus forming the principal avenue of

communication for traffic movements.

**asset protection zone** means an area surrounding a development where fuel is managed to reduce the bush fire hazard to an acceptable level.

**Australian height datum (AHD)** is a common national surface level datum approximately corresponding to mean sea level.

**average recurrence interval (ARI)** is the long term average number of years between the occurrence of a flood as big as or larger than the selected event. For example, floods with a discharge as great as or greater than the 100 year ARI flood event will occur on average once every 100 years.

## B

**bank** (of a waterway or other waterbody) includes lagoons, backwaters, and other elements of the river. Council will determine the minimum setback required if the "bank" is difficult to define.

**biodiversity corridors and areas of remnant indigenous vegetation** means areas, or networks of areas, of indigenous vegetation which allow migration of plants and animals, and provide examples of local biodiversity and habitat for various species in their own right.

**blind corners** means areas that people cannot see around due to the angle of the design, setbacks, landscaping or internal corridors. When blind corners cannot be avoided they should be treated with mirrors, clear glass panels, windows or other treatments, low height maintained vegetation, to allow visibility around or through the corner.

**bioretention systems** are vegetated soil media filters, which treat stormwater by allowing it to pond on the vegetated surface, then slowly infiltrate through the soil media. Treated water is captured at the base of the system and discharged via outlet pipes.

**buffer** means a strip of land that is reserved between a potential source of pollution and an area that must be protected from the pollution.

**building**, in the context of Penrith DCP 2014, includes part of a building and any structure or part of a structure including a swimming pool, but does not include:

- a) a manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure; or
- b) a temporary structure within the meaning of the *Local Government Act 1993*.

**building works** include any part of a building and any structure or part of a structure.

**bush regeneration** involves staged removal of non-indigenous plants to allow, where possible, natural regeneration to occur.

## C

**catchment** means the area from which a stream, river, lake or other body of water receives its water.

**category 1 remediation work** means remediation work that needs development consent under *State Environmental Planning Policy No.55 – Remediation of Land*.

**category 2 remediation work** means remediation work that does not

need development consent under *State Environmental Planning Policy No.55 – Remediation of Land*.

**change table** refers to a baby change table that is required to have protective sides of 100mm, which will stop a baby's ability to roll off; and a soft, clean base for the baby to lie on.

**channel or restrict the movement of people** refers to physical cues that direct people to use a particular route, e.g. a change in elevation, fence, path or lighting.

**Class 6 or 9** of the *Building Code of Australia*

**Class 6:** a shop or other building for the sale of goods by retail or the supply of services direct to the public, including:

- a) an eating room, café, restaurant, milk or soft-drink bar; or
- b) a dining room, bar, shop or kiosk as part of a hotel or motel; or
- c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- d) market or sale room, showroom, or service station.

**Class 9:** a building of a public nature:

- a) Class 9a – a health-care building; including those parts of the building set aside as a laboratory; or
- b) Class 9b – an assembly building, including a trade workshop, laboratory or the like in a primary or secondary school, but excluding any other parts of the building that are of another Class; or

- c) Class 9c – an aged care building.

**clinical waste** means any waste resulting from medical, nursing, dental, pharmaceutical or other related clinical activity, being waste that has the potential to cause injury, infection or offence.

**collection area** means the location where waste or recyclable materials are transferred from storage containers to a collection vehicle for removal from the site.

**collector road** means a road which collects and distributes traffic in an area, as well as serving abutting properties.

**community association** means the body that owns, manages and maintains the Community Property. The Association consists of the proprietors of the Community Lots and representatives of subsidiary schemes.

**community safety** involves recognising the need for people to work together to create a safer environment for people to live and work.

**community services** means community facilities, such as a community hall, recreation centre or child care facilities.

**complying development** has the same meaning as in the Act.

**complying development certificate** has the same meaning as in the Act.

**compost** means decomposed organic matter.

**compostable material** means vegetative material capable of being converted to humus by a biological decay process.

**conservation** means the management of natural resources in a way that will benefit both present and future generations.

**conservation management plan** means the same as 'heritage conservation management plan' as defined in Penrith LEP 2010.

**construction guidelines** should be interpreted as referring to Penrith City Council's "Guidelines for Engineering Works for Subdivisions and Development – Part 2 – Construction".

**construction site** is that portion of a site disturbed by the development and/or building and includes the areas where building materials are placed and access traversed by vehicles.

**contaminated land** means land in, on or under which any substance is present at a concentration above that naturally present in, on or under the land and that poses, or is likely to pose, an immediate or long-term risk of harm to human health or any other aspect of the environment.

**contaminated land planning guidelines** means guidelines under section 145C of the *Environmental Planning and Assessment Act 1979*.

**contamination** means the concentration of substances above that naturally present that poses, or is likely to pose, an immediate or long-term risk to human health or the environment.

**corner shop** has the same meaning as 'neighbourhood shop' in Penrith LEP 2010.

**Council's engineer** means Council's Engineering Services Unit

Supervisor or his nominated representative.

**Council's satisfaction** (in relation to vegetation management) means providing documented evidence in the form of photographs, a statutory declaration, witness statement or report from an arborist to justify any proposed works.

**crime prevention** refers to reducing the risks of criminal events and related misbehaviour by intervening in their causes.

## D

**dead** (in relation to vegetation) means no longer alive, permanent leaf loss of wilting.

**debris** means accumulated material that is not necessarily of anthropogenic origin, e.g. leaf litter, branches, garden refuse, etc.

**degradation** means to reduce from a higher to a lower quality.

**design cues** refers to whether the physical design of a space supports the intended function of a space.

**design for de-construction** is a design technique that allows for ready de-construction of products or materials at the end of their service life.

**designated development** means any class of development that is declared to be designated development by an environmental planning instrument or the Regulation.

**designated road** means any arterial or sub-arterial road identified as such in an environmental planning instrument.

**development** means:

- a) the use of land;
- b) the subdivision of land;
- c) the erection of a building;
- d) the carrying out of a work;
- e) the demolition of a building or work; or
- f) any other act, matter or thing referred to in section 26 of the Act that is controlled by an environmental planning instrument;

but does not include any development of a class or description prescribed by the Regulation for the purposes of this definition.

**development application** means an application for consent under Part 4 of the Act to carry out development but does not include an application for a complying development certificate.

**development consent** means consent under Part 4 of the Act to carry out development but does not include a complying development certificate.

**development site** means the land to which the development application relates.

**diffuse** means the movement of a substance from a higher to a lower concentration.

**directional sign** means a road sign, street sign posting, and signs indicating tourist and other major facilities, e.g. parking, rest areas, etc.

**domestic wastewater** means wastewater arising from household activities, including

wastewater from bathrooms, kitchens and laundries.

**drain** means any channel, conduit or pipe used for removing water, other than sewage, and includes a stormwater detention basin but does not include a building or place specifically defined elsewhere in this Appendix.

**drip line** (of a tree or shrub) means the area directly located under the outer circumference of the tree branches. This is where the tiny rootlets are located that take up water for the tree.

**dying** (in relation to vegetation) means significant loss of vigour or irreversible decline.

## E

**effluent** means any waste products (treated or untreated) from any process or human activity that is discharged into the environment.

**engineer** should be interpreted as a person acceptable for Corporate Membership of The Institution of Engineers Australia.

**engineering works** means the design and/or construction of:

- a) land filling;
- b) roads and associated structures;
- c) drains and associated structures.

**entrapment spot** refers to places which could provide opportunities for concealment or which could provide an opportunity for an assault to be committed with limited chance of detection.

**environment** means components of the earth, including:

- a) land, air and water; and

- b) any layer of the atmosphere; and
- c) any organic or inorganic matter and any living organism; and
- d) human-made or modified structures and areas, including interacting natural ecosystems that include components referred to in (a) – (c).

**environmental planning instrument** means an environmental planning instrument within the meaning of the *Environmental Planning and Assessment Act 1979*.

**erosion** means the detachment and removal of soil materials from a given area, by the processes of wind, water and/or gravity.

**erosion and sediment control plan** means a plan showing how potential erosion and sedimentation occurring on a given site, as a result of a land use, building or development activity, will be minimised.

**exhibition period** means the period in which a development application is available for public view and submissions.

**exhibition village sign** means a sign erected on a property on which Council has approved an 'exhibition home/s'.

**existing ground level** means the level of a site before development is carried out on the site in accordance with this Plan;

**existing on-site sewage management system (SMS)** means an on-site sewage management system installed and operating prior to the adoption of this Plan.

**external wall height** means the distance from the natural ground level to the underside of the eaves.

## F

**fascia sign** means an advertisement attached or painted to the fascia of an awning.

**first flush** treatment strategy shall meet the following criteria where:

Catchments <= 5 ha

- a) Gross Pollutants and Coarse Sediment – a Treatable Flow Rate = 60 L/s/ha, with sufficient storage volume to retain the pollutants generated by the first 30mm of runoff;
- b) Fine Particulates – a Treatable Flow rate = 10 L/s/ha, with sufficient storage volume to retain the pollutants generated by the first 15mm of runoff;

Catchments > 5 ha

- a) Compliance with the modelling techniques in Appendix F Managing Urban Stormwater: Council Handbook (Draft) NSW EPA (1997). Minimum Treatable Flow Rate equivalent to the 6-month ARI critical storm for the catchment (maximum duration of 15 minutes for urbanised catchments < 20 ha).

**flashing sign** means an advertisement illuminated in whole or in part at frequent intervals by a light source.

**flood fringe areas** means the remaining area of land affected by flooding after floodway and flood storage areas have been defined.

**flood hazard** means the potential for damage to property or persons due to flooding.

**flood hazard (high) or high flood hazard** occurs when there is possible danger to life and limb;

evacuation by trucks is difficult; there is potential for structural damage; and social disruption and financial losses could be high.

**flood hazard (low) or low flood hazard** occurs when, should it be necessary, people and their possessions could be evacuated by trucks; able-bodied adults would have difficulty wading.

**flood liable land or flood prone land** means land susceptible to flooding by the probable maximum flood event.

**floodplain** means the area of land which is subject to inundation by floods up to and including the Probable Maximum Flood.

**flood planning level** means the level of a 1:100 ARI (average recurrence interval) flood event plus 0.5 metres freeboard.

**flood proofing** involves a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding for the reduction or elimination of flooding damages.

**flood safe access** means access that is generally considered satisfactory when the depth of flooding over vehicular driveways and roads is limited to approximately 0.25 metres with low velocities.

**flood storage areas** means those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood. Adverse impacts on flood behaviour, if these areas were filled, would generally relate to an increase in flood levels greater than 0.1m,

however, this can vary from site to site.

**floodway** means those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with obvious naturally defined channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow, which may in turn adversely affect other areas. Additionally, they are areas in which development may be adversely affected by the passage of floodwaters other than by immersion alone. They are often, but not necessarily, the areas of deeper flow or the areas where higher velocities occur.

**floor** means that space within a building which is situated between one floor level and the floor level next above or if there is no floor above, the ceiling or roof above;

**flush wall sign** means an advertisement that is attached to the wall of a building, other than the transom, doorway or display window.

**free oil** means free floating droplets of viscous liquid  $\geq 150 \mu\text{m}$  that do not emulsify in aqueous solutions, e.g. cooking oil, motor oil, etc.

**front façade line** is the main front enclosing wall of a dwelling.

## G

**garbage chute** means a duct in which deposited material descends from one level to another within the building due to gravity.

**garbage** means refuse or waste material other than trade waste, effluent, compostable material,

green waste or recyclable material.

**garbage room** means a room where garbage and recycling receptacles are stored awaiting reuse or removal from the premises.

**generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**good amenity** refers to well presented public space that promotes people feeling some ownership and responsibility for.

**gross pollutants** is a term used to collectively describe litter and debris transported by urban runoff, of a size that may be retained by a 5mm mesh screen.

**ground floor footprint** is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed.

**groundwater** refers to all underground waters.

## H

**habitable room** means a living area, such as a lounge room, dining room, rumpus room, kitchen and bedroom, but excluding garages.

**hazardous waste** means any waste that is or contains a substance specified in Schedule 1, Part 3 of the *Protection of the Environment and Operations Act 1997*.

**health care services** means services ordinarily provided by a health care professional to members of the public, but does not include

any procedures such as x-rays, ultrasounds, cat-scans, radiography or pathology tests or the like.

**health investigation levels** are criteria published by the National Environmental Health Forum.

**height** in relation to:

- a) a building means the vertical distance measured between natural ground level at any point at which the building is sited, and the roof of the topmost floor of the building above that point.
- b) any advertising sign or structure means the vertical distance measured between the natural ground level at any point at which the advertising sign or structure is sited and the upper-most portion of the advertising sign or structure at that point.

**heritage interpretation strategy** means a strategy which:

- a) defines the land and places to which the heritage interpretation strategy relates;
- b) describes the cultural landscapes, history and heritage assets located on that land;
- c) describes the significance of the cultural landscape history and heritage assets on that land;
- d) provides strategies for the commemoration and communication of the heritage significance of the land and heritage assets located thereon;
- e) includes indicative designs and concept sketches for recommended methods of commemorating key historical site uses;

- f) recommends appropriate construction materials, production methods and siting to be adopted in implementing heritage commemorating strategies; and
- g) has been adopted by Council (including any amendments to that plan endorsed by resolution of Council).

**heritage maintenance plan** means a systematic and regular program of works and activities for the ongoing protective care of a heritage item, or a potential place of heritage significance, or a work, archaeological site or place within a heritage conservation area. It includes, but is not limited to, regular inspection and periodic works programmed to be undertaken over the short, medium and long term on the following general building elements:

- a) foundations;
- b) walls;
- c) roof;
- d) roof plumbing and stormwater system;
- e) doors and windows;
- f) floors;
- g) ceilings;
- h) timberwork and joinery;
- i) plasterwork;
- j) paintwork;
- k) lighting and power;
- l) plumbing;
- m) heating and cooling; and
- n) site works.

**I**

**in the vicinity** means:

- a) within an allotment abutting or directly across a road reservation from an allotment containing a heritage item, or within two hundred metres of a boundary of an allotment containing a heritage item (whichever is the lesser); or
- b) within the curtilage of a heritage item that has been formally defined by an environmental planning instrument, or in a heritage study supporting that instrument, or by a Commission of Inquiry, or in a development control plan, or in a conservation management plan.

**independent review** is a site audit, conducted by a site auditor. An independent review may be required by a planning authority of any information submitted by a proponent, conducted at the proponent's expense.

**indigenous vegetation** means one or more plant species of vegetation, including trees, shrubs, understorey plants, groundcover and plants occurring in a wetland, that existed in the City of Penrith before European settlement or have regrown through natural or assisted processes. This may include standing dead trees which provide essential habitat for natural flora.

**infill development** refers to the development of vacant blocks of land and extensions/additions to existing developments that are generally surrounded by developed properties.

**integrated development** has the meaning given by Section 91 of the *Environmental Planning and Assessment Act, 1979*.

**internal lot** means a lot the only means of access to which is an access corridor (a battle-axe or hatchet shaped lot) or a right-of-carriageway over another lot.

**introduced vegetation** means non-native vegetation being one or more plant species of vegetation that did not exist in the City of Penrith before European settlement.

**investigation order** means an investigation order made by the EPA under Division 2 of Part 3 of the *Contaminated Land Management Act 1997*.

**J**

**K**

**L**

**land application area** means the area over which treated wastewater is applied.

**landfill site** is a waste disposal site used for the controlled deposit of solid waste on or into land.

**landscaped open space** means that part of the site not occupied by any building(s), (except swimming pools or open air recreation facilities), which is predominantly landscaped by way of planting of gardens, lawns, shrubs or trees and is available for the use and enjoyment of the occupants of the dwelling(s) erected on the site, but does not include the area used for driveways, parking areas or drying yards.

**Leq** means the energy average of a valid 15 minute noise level in any specified time period.

**litter** means all material of human (anthropogenic) origin that is capable of being mobilised by stormwater runoff.

**local amenity** refers to local character and agreeable features.

**local development** means development, other than State Significant development, requiring development consent under an environmental planning instrument. Local development may comprise:

- a) advertised development;
- b) concurrence development;
- c) designated development; or
- d) integrated development.

**local road** means a road or street used primarily for access to abutting properties.

**lop** (in relation to vegetation management) means to cut branches or stems between branch unions or internodes. This is an unacceptable pruning practice as it may create hazardous trees.

**M**

**manual self-opening door** means a door which is opened by pushing a button.

**mapped wetland 156** means the wetland area identified in *Sydney Regional Environmental Plan No. 20* as '156'.

**mass movement** is a general term encompassing erosion processes in which gravity is the primary force acting to dislodge and transport land surface materials.

**minor local road** means a minor street providing local residential and cycleway access.

**movement predictors** refers to public footpaths.

## N

**natural ground level** means the ground surface level prior to any development, including any cutting, filling and grading, and, where the existing ground level differs from the natural ground level, the natural ground level shall be as determined by the council after taking into account any information concerning its location.

**natural regeneration** means allowing or assisting the bush to grow back by itself.

**nett lettable floor area** means the floor area of the building, excluding wall thicknesses, liftwells, stairs, corridors, lunch rooms, staff amenities, plant rooms and the like.

**new on-site sewage management system (SMS)** means a proposed on-site sewage management system for installation and operation.

**non-valid noise level data** means data recorded when:

- a) wind gusts exceed 15 metres per second;
- b) average wind speed exceeds 3 metres per second; or
- c) it is raining.

**notification** means the posting or dispatch of a notification letter.

**notification letter** means the letter sent by Council to an affected person advising of:

- a) a development application; or
- b) an application for modification under Section 96 of the Act; or

- c) an applicant's request under Section 82A of the Act for Council to review its determination;

but not an application for a complying development certificate.

**nutrients** means a substance that provides nourishment to another organism. For the purposes of stormwater runoff, it may be defined as Total Nitrogen (TN) consisting of nitrate nitrogen ( $\text{NO}_3\text{-N}$ ), nitrite nitrogen ( $\text{NO}_2\text{-N}$ ), ammonium nitrogen ( $\text{NH}_4\text{-N}$ ) and organic nitrogen; and Total Phosphorus (TP) consisting of filterable phosphorus (orthophosphate  $\text{PO}_4\text{-3-P}$ , condensed phosphates, organic phosphorus and colloidal phosphorus) and particulate phosphorus (organic particles; and inorganic particles that may or may not be adsorbed to suspended particulates).

## O

**offensive noise** is defined under the *Protection of the Environment Operations Act 1997*.

**outbuildings** include garages, garden sheds, small-scale storage sheds for non-agricultural purposes, outdoor toilets, etc.

**outdoor noise level** means the noise level measured at any point outside a building (including terraces, balconies, courtyards, garden areas) which does not include any correction for façade reflection.

**out-of-school hours (OOSH) care** means a child care service providing care for children aged between five and twelve years which may:

- a) provide care before school hours (being not after 9.00am on school days);
- b) provide care after school hours (being not before 2.30pm on school days); and
- c) provide care during school vacations and pupil free days.

**owner** means:

- a) the person or persons who appear on Council's property system to be the owner of land, at the date of notification; or
- b) in the case of land that is the subject of a strata scheme under the *Strata Titles Act 1973*, or a leasehold strata scheme under the *Strata Titles (Leasehold) Act 1986*, the owner is the body corporate and the individual title owners; or
- c) in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 1989*, the owner is the Association for the parcel.

**owner**, in the context of Penrith DCP 2014, means the persons or persons who appear on Council's property system to be the owner of land, at the date of notification.

## P

**parking area** has the same meaning as a car park.

**pathways** means the series of interconnecting publicly accessible pedestrian/cycle links.

**pedshed** or **pedestrian catchment** or **walking catchment** is the area from which a given point or destination can be reasonably accessed by walking. Potential pedshed or walkability is defined

by a radius of 400m (5 minute walk) or 800m (10 minute walk). Actual pedshed or walkability is defined by drawing a line along pedestrian routes up to 400m or 800m.

**permeability** is the general term used to describe the rate of water through a substance.

**planning authority**, in the case of a function relating to a development application, is the consent authority (or a person or body taken to be a consent authority). In the case of any other function, planning authority means the public authority or other person responsible for exercising the function.

**planning function** is a function exercised by a planning authority under the *Environmental Planning and Assessment Act 1979*, such as the preparation or making of an environmental planning instrument.

**pollutant** means a contaminant that adversely alters the physical, chemical or biological properties of the environment.

**potential place of heritage significance** means a place:

- a) that is on the Potential Place of Heritage Significance list held by Council; or
- b) that is subject to an Interim Heritage Order or nominated for inclusion on the State Heritage Register; or
- c) that is, in the opinion of Council, a place of heritage significance to the community.

**preliminary investigation** is an investigation to identify any past or present potentially contaminating activities to provide

a preliminary assessment of any site contamination.

**primary road frontage** means the road to which an allotment is addressed.

**principal private open space** means the portion of private open space which is conveniently accessible from a living area of the dwelling, and which receives the required amount of solar access.

**probable maximum flood (PMF)** is the largest flood that could conceivably occur at a particular location.

**produce store** has the same meaning as 'rural supplies' in Penrith LEP 2010.

**prohibited development** means:

- a) development the carrying out of which is prohibited on land by the provisions of an environmental planning instrument that apply to the land; or
- b) development that cannot be carried out on land with or without development consent.

**psychological (symbolic) barriers** refers to circumstances where a 'reasonable individual' recognises that he or she is transitioning from public to private space. This can be achieved externally by use of paths, plants, colour and landscaped surfaces. This can be achieved internally by use of plants, arrangement of furniture, floor surfaces, colours, etc.

**public domain** means space that is provided for, accessible to, and frequented by the public.

## R

**reactive soil** is a term used in the construction industry to describe

a soil that changes volume with changes in moisture content. This can damage foundations.

**real estate sign** means an advertisement that contains only a notice that the place or premises to which it is fixed is or are for sale or letting (together with particulars of the sale or letting) and that is not displayed for more than 14 days after the letting or completion of the sale.

**recognised authority** is a body, department, organisation or similar who is considered by Council as a competent and reliable source of advice and information for erosion and sediment control.

**recyclable** means capable of being reprocessed into useable material.

**regional environmental plan (REP)** is a plan made by the Minister under Section 51 of the Act that is in force. As of 1 July 2009, REPs are no longer part of the hierarchy of environmental planning instruments in NSW. All existing REPs are now deemed State Environmental Planning Policies (SEPPs).

**registered surveyor** should be interpreted as a person registered under the *Surveyor's Act, 1929* as amended.

**remedial action plan (RAP)** refers to the documentation detailing the methodology proposed, targets, timetable, quality control procedures and precautions to be taken during remediation work.

**remediation** of contaminated land includes:

- a) preparing a long-term management plan (if any) for the land; and
- b) dispersing, destroying, reducing, mitigating or containing the contamination of the land; and
- c) eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land); and
- d) rehabilitating land.

**remediation order** is a remediation order made by the EPA under Part 3 of the *Contaminated Land Management Act 1979*.

**residual** means a substance that remains after the rest has been taken.

**responsible Council officer** means an officer of the Council of the City of Penrith who will be responsible for the processing and assessment of the development application.

**responsible person** is the person whose role it is to ensure that the pollution control strategy is maintained in a form that ensures it performs in accordance with its original design specification. They shall be:

- a) where an approval has been issued or given by Council:
  - i) the applicant; or
  - ii) the person nominated in writing by the applicant and where such nomination is accepted in writing by the nominee; or
- b) where there has been no approval issued or given by or required by Council:

i) the supervisor, project manager or other person who has the ongoing day-to-day control over the site; or

ii) the person whose duty statement or contractual arrangement requires that person to correctly install and adequately maintain the water quality control measures;

c) where the development is a strata development, the responsible person may be the 'Body Corporate'.

**restricted material** means publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the Commonwealth's *Classification (Publications, Films and Computer Games) Act 1995*.

**re-use** means re-using a product for the same or different purposes without further manufacture.

**ridgeline** means the highest point at which upward angled roof planes meet.

**ringbark** means a form of girdling involving physical damage to the bark or cambium.

**roof sign** means an advertisement erected on or above the roof or parapet of a building.

## S

**safer by design** is a crime prevention strategy that focuses on the design, planning and structure of our cities and neighbourhoods. It aims to reduce opportunities for crime by employing design and space management principles, which reduce the likelihood of essential crime ingredients from intersecting.

**salinisation** means the accumulation of soluble salts in soil.

**salinity** means the accumulation of mineral salts in the soil, groundwater and surface waters. (It is primarily a groundwater problem that produces effects at the soil surface due to rising watertables which can lead to serious land degradation problems).

**schedule of conservation works** means a description and assessment of the existing condition of the internal and external materials, fabrics and finishes of a building and a description of the conservation, restoration and rehabilitation methods necessary to maintain its heritage significance and upgrade and rectify the building for its future use. It includes, but is not limited to, information on the maintenance of the heritage values of the building through the appropriate design and installation of new services, materials, fabrics and finishes on:

- a) external walls, roofs, verandahs, doors, windows, chimneys, ventilation, outbuildings, fences, gates, paving, drainage, trees and gardens, and
- b) internal walls, ceilings, attic space, doors, windows, architraves, skirtings, floors and sub-floor access and ventilation.

It also includes information on the timing of the undertaking of the list of proposed construction activities and estimates of the cost of each component of the construction activities.

**secondary road frontage** means a road frontage other than the primary road frontage.

**sediment** means solid material of varying size, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, wind, water or gravity, and comes to rest on the earth's surface either above or below sea level. Course sediment is defined as soil particles >0.5 mm in diameter. Fine particulates are defined as all material >0.02 mm but <0.5 mm in diameter. Fine sediment is the fraction of soil consisting of silt (0.002 mm to 0.02 mm in diameter) and clay (<0.002 mm in diameter).

**sedimentation** means the deposition of eroded soil, sediment or other material.

**seepage** means the gradual flow of groundwater to the surface over a wide area, but not from a spring.

**self rectification** is a process that allows an individual (with the relevant information provided) to rectify a breach of the law, legislation, guidelines, or civic responsibility.

**sensitive land use** means an educational establishment, child care centre, place of public worship, playground or any other place regularly frequented by children for recreational or cultural activities, or a dwelling.

**sewage** means waste matter that passes through sewers.

**significant alterations / additions** are those where the roof or hard surface area is increased to the minimum standard and those additions are not less than 25% of the existing roof area.

**site audit** means an independent review:

- a) that relates to investigation, or remediation, carried out (whether under the *Contaminated Land Management Act 1997* or otherwise) in respect of the actual or possible contamination of the land; and
- b) that is conducted for the purpose of determining any one or more of the following matters:
  - i) the nature and extent of any contamination of the land;
  - ii) the nature and extent of the investigation or remediation;
  - iii) what investigation or remediation remains necessary before the land is suitable for any specified use or range of uses.

**site auditor** means a person for the time being accredited under the *Contaminated Land Management Act 1997* as a site auditor.

**site audit statement** means a written statement by a site auditor of the findings of a site audit. A site audit statement must be prepared on a prescribed form.

**site filling** means the use of clean, non-putrescible material, such as soil, sand and clean building materials, to change the existing ground level of an area.

**site line** means the line of vision from a person to a place or building.

**soil**

1. (Agronomy) the unconsolidated mineral and organic matter on the immediate surface of the earth that serves as a natural medium for the growth of land plants.
2. (Engineering) earth and rock particles resulting from the physical and chemical disintegration of rocks, which may or may not contain organic

matter. It includes fine materials (silts and clays), sand and gravel.

**source separation** means the separating of waste into like materials for recycling, reuse or collection at the site at which the waste was generated.

**spatial definition** refers to the way in which a space is defined.

**special waste** means any waste that requires special disposal arrangements as they represent a significant hazard to human health, life, property or the biophysical environment. This includes, but is not limited to, explosives, poisons, clinical wastes, radioactive substances, declared chemical wastes, asbestos, lead, medical wastes and quarantine wastes.

**sponsorship advertising** in sporting fields or grounds means an advertisement informing about sponsors, products of sponsors of teams or organisations using the facility.

**spruiker** means a person or persons located in the public place including a footpath who seek to entice people to enter the premises.

**standard lot** means a lot that is not an internal (or battle-axe or hatchet-shaped) lot.

**State Environmental Planning Policy** is a policy made by the Governor under Section 37 of the Act that is in force.

**State Significant development** means development, other than designated development, which:

- a) is declared by a State Environmental Planning Policy or Regional Environmental Plan to be State Significant development

and may be carried out with development consent; or

- b) in the opinion of the Minister, to be of state or regional significance, is declared by notice in the government gazette to be State Significant development and may be carried out with development consent; or
- c) the Minister has directed that the development application be referred to him for determination; or
- d) is prohibited development under Section 89 of the Act;

to which the Minister is the consent authority.

**sub arterial road** means a road connecting arterial roads to areas of development, and carrying traffic directly from one part of a region to another.

**subdivision (of land)** has the meaning referred to in Section 4B of the *Environmental Planning and Assessment Act 1979*.

**sub-surface irrigation** means artificial watering of land through buried watering systems.

**suitably qualified and experienced person** for undertaking flora and fauna assessment reports is:

- a) a person with tertiary qualifications in ecology, zoology or botany;
- b) a person with a minimum of 5 years experience in undertaking flora and fauna surveys;
- c) a person with a demonstrated knowledge of the flora and fauna that occurs in the Penrith local government area; and

- d) a person possessing appropriate licences or approvals under relevant legislation.

**surface irrigation** means artificial watering of land through an above ground system.

**surface water** means any water (usually as a result of rainfall) that enters drainage areas, creeks, rivers and reservoirs such as dams and lakes.

**survey plan** means a plan prepared by a surveyor registered under the *Surveyor's Act 1929*, which shows:

- a) the boundaries of the allotment of land and its location with respect to any road on which the land has a boundary;
- b) the location of any proposed building, work, road or accessway in relation to the boundaries of the land;
- c) the existing level to Australian Height Datum, of:
  - i) any existing or proposed road or accessway; and
  - ii) the ground at each corner of the allotment; and
  - iii) the ground around the perimeter of any proposed building or work;
- d) the finished floor level, to Australian Height Datum, of all floors within any proposed building; and
- e) the extent of the finished level to Australian Height Datum of any proposed excavation or filling of land.

**sustainable waste management** involves managing and controlling the generation of waste so that

the needs of the current generation are met without limiting the options and capacity of future generations to meet their own needs.

**symbolic barriers** has the same meaning as psychological barriers.

## T

**tactile pavement** refers to a surface that has been treated to provide cues (particularly to vision impaired) that a physical environment is about to change; e.g. pavers with small raised disk treatments at approaches to pedestrian crossings at street lights.

**temporary sign** means an advertisement or advertising structure of a temporary nature that:

- a) announces any local event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event;
- b) does not include advertising of a commercial nature; and
- c) is displayed for a period not exceeding two months, or a period Council may otherwise determine and specify in the terms of approval.

**the Corporation** means the corporation constituted by section 8(1) of the Act;

**the Minister** means the Minister for Planning.

**the Regulation** means the *Environmental Planning and Assessment Regulation 2000*, as amended.

**top** (in relation to vegetation management) means to reduce the height of a tree through the practice of lopping.

**top hamper sign** means an advertisement that is attached to the transom of a doorway or display window of a building.

**total suspended solids** include a range of inorganic and organic particles suspended in the water column, which can be defined as the filterable residue retained on a 2.0mm pore size filter dried at 105°C.

**trade waste** means waste or refuse arising from any trade or industry.

**transport management and accessibility plan (TMAP)** means:

- a) a comprehensive assessment of the transport impacts (addressing both the movement of people and goods) of a major site development or re-development proposal; and
- b) the identification of a package of appropriate transport measures (including infrastructure, services and demand management initiatives) for the proposed development, which will help to manage the demand for travel to and from the development, and in particular, reduce the demand for travel by private car and commercial vehicle.

**treatable flow rate** means the minimum flow that a pollution control device must be capable of treating, without bypass, to achieve the desired pollution retention criteria for the particular

development style and catchment area. In the City of Penrith, the Treatable Flow Rate (TFR), for sites equal to or less than 5 ha in area, shall be 60 L/s for every hectare of catchment for gross pollutants and 10 L/s for every hectare of catchment for fine particulates. The goal of establishing a TFR is to capture and retain gross pollutants generated by the first 30mm of runoff, and to capture and retain fine particulates generated by the first 15mm of runoff.

**tree** means:

- a) a living perennial plant that has a height of three (3) metres or more or a trunk circumference exceeding 300mm at 400mm above ground level, or
- b) individual trees, gardens or native vegetation listed as Significant Trees and Gardens.

## U

**under awning sign** means an advertisement that is attached to the underside of an awning, with maximum dimensions 2.4m x 0.5m and is a minimum 2.6m from the underside of the sign to the footpath.

**unencumbered floor space** means the area of the floor of a room readily available for unobstructed use, and excludes space occupied by any cupboard, furniture, fixture or fitting and thoroughfares.

**universal design** means the design of products and environments to be useable by all people, to the greatest extent possible, without adaptation or specialised design.

**unsewered** means not connected to reticulated mains sewer.

**urban capability** is a method of land classification which ranks land according to various intensities of urban use on the basis of the physical constraints applying to it. The classification does not consider development costs, social implications, aesthetics or other factors relating to ecology and the environment. It is based on physical criteria alone and thus the classification of various areas as suitable for a particular type of urban development is an assessment of the capability of those areas to sustain a particular level of disturbance.

**utility undertaking** means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purposes of:

- a) railway, road, water or air transport, or wharf or river undertakings; or
- b) the provision of sewerage, sewage treatment or drainage services; or
- c) the supply of water, hydraulic power, electricity or gas; or
- d) telecommunications facilities; or
- e) water quality control facilities.

## V

**vacant land** means land on which, immediately before the day on which a notice is given, or an application for development consent is lodged, there were no buildings other than fences, greenhouses, conservatories, garages, summer houses, private boat houses, fuel sheds, tool houses, cycle sheds, aviaries, milking bails, hay sheds, stables,

fowl houses, pig sties, barns or the like.

**valid noise levels** means the measured noise level data excluding the non-valid noise level data.

**validation action plan** refers to documentation detailing the methodology by which an applicant or its consultant intends verifying that the remediation work has been satisfactorily carried out. It contains the requirements for post rehabilitation testing and the justification for it. A validation plan may be included within a remediation plan.

**validation report** outlines the evidence or documentation of an assessment as to whether the remediation work undertaken has achieved the desired clean-up standard.

## W

**waste and recycling storage area** means a designated area upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's developers or occupants.

**waste cupboard** means a storage area within each dwelling (usually in the kitchen) of a size sufficient to enable source separation of a single day's waste into garbage recyclables and compostable material.

**waste disposal** means to discharge, emit or deposit into the environment, any matter whether liquid, solid, gaseous or radioactive, in such volume, consistency or manner as to cause a significant alteration to

the environment, but does not include waste water disposal carried out by the Sydney Water Corporation Limited.

**waste management plan** is a plan detailing the anticipated volume and types of waste and recyclable materials likely to be generated, how it is to be stored and treated on-site, and how the residual is to be disposed of.

**wastewater** means water that carries wastes from residential, industrial or commercial premises.

**waterlogging** refers to becoming saturated with water.

**work based child care** means a centre based child care service provided by one or more organisations for the benefit of employees.

**working day** means a day that is not:

- a) A Saturday or Sunday; or
- b) A public holiday or a bank holiday in the place to which the letter was addressed.

**work supervisor** means the person(s) responsible for supervising the development activity works.