

Appendix No.6

General Terms of Approval and
Roads and Traffic Authority's
Requirements

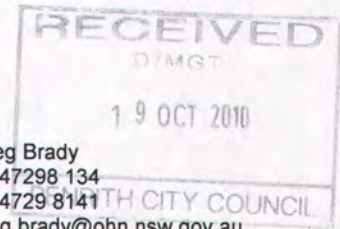


Office of Water

The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Contact: Greg Brady
Phone: 02 47298 134
Fax: 02 4729 8141
Email: greg.brady@ohn.nsw.gov.au

Our ref: 10 ERM2010/1034
Our file: 9054130
Your ref: DA10/0990



Attention: Gurvinder Singh

18 October 2010

Dear Sir

**Re: Integrated Development Referral – General Terms of Approval
DA10/0990 - Additions to existing Animal Welfare League Establishment,
1605 - 1667 Elizabeth Drive KEMPS CREEK**

I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the *Water Management Act 2000* (WMA), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A(3) of the *Environmental Planning and Assessment Act, 1979* (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.

If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
- The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. **Failure to notify may render the consent invalid.**
- The NSW Office of Water requests notification of any legal challenge to the consent.

Under Section 91A(6) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.

As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

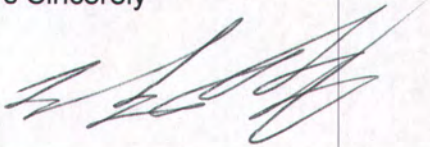
Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website

<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Greg Brady', with a stylized flourish at the end.

Greg Brady
Instream Development Officer
NSW Office of Water
Office of Hawkesbury Nepean



General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		10 ERM2010/1034	File No:	9054130
Site Address		1605 - 1667 Elizabeth Drive KEMPS CREEK		
DA Number		DA10/0990		
LGA		Penrith City Council		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA10/0990 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>			
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Erosion and Sediment Control Plan</p>			
4	N/A			
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>			
6	N/A			
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.</p>			
8	<p>The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.</p>			
9 to 13	N/A			
14	<p>The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.</p>			

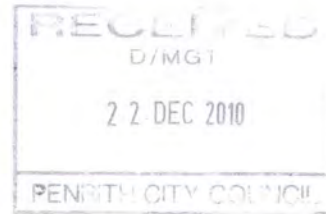
Our Reference		10 ERM2010/1034	File No:	9054130
Site Address		1605 - 1667 Elizabeth Drive KEMPS CREEK		
DA Number		DA10/0990		
LGA		Penrith City Council		
Number	Condition			
15	N/A			
16	N/A			
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.			
END OF CONDITIONS				

Our Reference:
Your Reference:
Contact:
Telephone

CAC 10M2418 - SYD10/01001
DA10/0990
Angela Malloch
8849 2041



The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751



Attention: Gurvinder Singh

ANIMAL WELFARE LEAGUE AT 1605-1667 ELIZABETH DRIVE, KEMPS CREEK

Dear Sir/Madam,

Reference is made to Council's correspondence dated 16 November 2010 with regard to the abovementioned development application, which was referred to the Roads and Traffic Authority (RTA) in accordance with State Environmental Planning Policy (Infrastructure) 2007.

The RTA has reviewed the development application and grants concurrence under section 138(2) of the Roads Act to the development application subject to Council's approval of the development application and the following comments being included in Council's conditions of development consent:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.

Reason: To allow safe vehicular entry and exit.

2. All vehicles shall enter and leave the site in a forward direction.

Reason: To improve safety at the pedestrian/vehicle interface.

3. All vehicles shall be wholly contained on site before being required to stop.

Reason: To allow safe vehicular entry and exit.

4. All demolition and construction vehicles shall be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Elizabeth Drive.

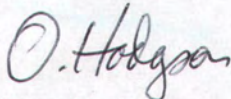
Reason: To maintain efficiency of State Road Network.

5. All works associated with the proposed development shall be at no cost to the RTA.

Reason: To comply with RTA requirements.

Should you require any further clarification in relation to this matter, please call the contact officer named at the top of this letter.

Yours faithfully



Owen Hodgson
Senior Land Use Planner
Transport Planning, Sydney Region

17 December 2010

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751



Your Ref: DA10/0990
Our Ref: D11/2104
DA11102480500 MA

ATTENTION: Gurvinder Singh

9 November 2011

Dear Sir/Madam

Land Use Application for 1//255566 1605-1667 Elizabeth Drive Kemps Creek 2178

I refer to your letter dated 17 October 2011 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the entire property up to the boundary of the riparian corridor buffer zone shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

4. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. For Row 3 the new construction on the northern elevation shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
6. For Row 3 the new construction on the eastern, southern and western elevations shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
7. For Row 4 the new construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
8. For the Vet Surgery the new construction on the northern and western elevations shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
9. For the Vet Surgery the new construction on the eastern and southern elevations shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
10. For the Stables and Stores the new construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

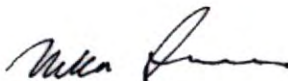
11. For the Learning Centre the new construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
12. For the Animal Crematorium the new construction on the northern, eastern and southern elevations shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
13. For the Animal Crematorium the new construction on the western elevation shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

14. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Matthew Apps on 8741 5175.

Yours sincerely



Nika Fomin
Team Leader Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.