

JRPP Ref. No.:	2010SYW072
DA No.:	DA10/0990
PROPOSED DEVELOPMENT:	Additions to an existing animal welfare establishment
PROPERTY ADDRESS	1605-1667 Elizabeth Drive Kemps Creek Lot 1 DP 255566
DEVELOPMENT CATEGORY	Integrated Development
APPLICANT:	Stimson Consultant Services Pty Ltd
REPORT BY:	Gurvinder Singh -Senior Environmental Planner
RECOMMENDATION	Approval

Assessment Report

Executive Summary

Council is in receipt of a Development Application for additions to an existing animal welfare establishment.

The land is partly zoned E2- Environmental Conservation and RU2 – Rural Landscape under the Penrith Local Environmental Plan 2010. The part of the site on which the development is proposed is zoned RU2. An existing biodiversity corridor along South Creek to the north of the site is zoned E2. The proposed development is permissible in the RU2 zone under the definition of 'Animal Boarding or Training Establishments'.

The proposed development has a 'capital investment value' (CIV) of \$11.3 million. Given that the CIV is in excess of \$10 million and the development application was lodged on 24 September 2010, the development application is to be determined by the Joint Regional Planning Panel – Sydney West in accordance with Part 3 - Regional Development of the State Environmental Planning Policy (Major Development) 2005.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the following key issues discussed in detail in this report - have emerged as a result of this assessment process:

- Site design
- Flooding
- Access, parking and traffic
- Waste management

The proposed development is in accordance with the provisions of the Environmental Planning Instruments and Development Control Plan applicable to the

subject site. The proposed development is likely to have a negligible impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest. This report recommends that the application be approved.

There are 2 appendices to this report, as follows:

- Appendix No. 1 – Plans and elevations
- Appendix No. 2 – Penrith DCP 2010 Development Control Table
- Appendix no 3 – General Terms of Approval

Background

Various development consents granted over the site are as follows:

- DA03 /0742 for Kennels, Cattery and Administration buildings
- DA03/0742.01 for staging of the approved development
- DA03/0742.03 for use of the surrender facility as veterinary clinic.

The proposed development is on the South Creek floodplain.

Previous approvals have been granted on the site based on the known flooding characteristics at that time. The existing development on the site is predominately clear of Council's current floodway definition.

The applicant initially attended a pre-lodgement meeting at Council during March 2010. The applicant was advised during this meeting that the development was within the floodplain although it was unknown at the time that majority of the site was within a floodway. The applicant was advised that any application for the further development of this land would need to be accompanied by a flood study to demonstrate that the proposal was in accordance with Council's planning controls in relation to flooding.

The current development application was lodged in September 2010. A flood study did not accompany the application. The applicant was again requested to provide the flood study in correspondence from Council in November 2010. The applicant continued to correspond with Council with a view to removing the requirement for a flood study. Council continued to iterate the need for a full flood study to assess the application.

Following subsequent discussions, the applicant was granted access to Council's flood model for use as a 'differences' model. However, Council's model was not finalised. There was always a known risk to the applicant that the modelling may be inconsistent with Council's overall flood model, even though it was the same consultant.

The applicant submitted a flood study in September 2011. It was reviewed and found to be inconsistent with the latest modelling prepared for Council by the same consultant. From Council's perspective the assumptions and results upstream of Elizabeth Drive (determined through this DA) were inconsistent with our knowledge

of the flooding regime for this immediate area. In fact some flood modelling provided by Liverpool Council supports this. This modelling (undertaken by Liverpool Council in 2004) was provided as reference to the consultant. Over the ensuing months Council's Engineering Services Department sought clarification from the consultant regarding the discrepancies between the two models. The differences to date have not been satisfactorily explained.

The South Creek flood study is now reaching finalisation and the floodway has been set. The majority of the original proposed development is located within this floodway. Based on the definition of the floodway the proposed development could not be supported.

The development application was reported to the JRPP on 30 August 2012. The panel's view was that the application was generally worthy of support subject to resolution of flooding issues. The panel's determination was to defer the application for the following to occur:

- The applicant and Council's Engineering and Planning staff to meet as soon as possible but at the outside within 2 weeks
- Council officers were to provide the applicant with a copy of the latest flooding map and confirm that this was the best available current information and provide any necessary qualifications about its use or interpretation. This was to happen on 30 August 2012.
- Invite the applicant to modify the current application: it appeared to the panel that some parts of site might be unconstrained and a modified and possibly staged application might be appropriate
- The Panel believed that any revised application should be accompanied by a statement from Worley Parsons in relation to flooding impacts; and
- The panel would be willing to consider a revised application expeditiously and hoped that such can be reported to a meeting in October 2012.

The following occurred after the above direction from the Panel:

- Council's Engineering and Planning staff met with the applicant and his consultants on 11 September 2012 to discuss the flooding map given to the applicant by Council Officers on 30 August 2012. In that meeting the location of the floodway and background to the formulation of that location of the floodway was discussed.
- Council Officers provided the applicant with a copy of the latest flooding map on 30 August 2012 and confirmed that was the best available current information.
- The applicant was invited to modify the application based on the flooding map given to the applicant. The applicant provided a sketch of the modified site plan on 30 September 2012.

- A statement from Worley Parsons in relation to flooding impacts accompanied the revised application.
- Council's Engineering and Planning staff assessed the modified development application and advised that the proposed buildings were not affected by flood however the following details were needed to assess the modified application:
 - Revised detailed site plan drawn to scale that showed the location of proposed buildings or works (including extensions or additions to existing buildings in relation to the land's boundaries and adjoining development
 - floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building
 - elevations and sections showing proposed external finishes and heights of any proposed buildings
 - proposed finished levels of the land in relation to existing and proposed buildings and roads
 - proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate
 - proposed landscaping and treatment of the land indicating plant types and their height and maturity
 - proposed methods of draining the land.

The modified development application was reported to the JRPP on 18 October 2012. It was reported that the proposed development was in accordance with provisions of the Environmental Planning Instruments and Development Control Plan applicable to the subject site, however detailed plans / information were required to assess the modified development application. The report recommended that determination of the development application be deferred to allow the applicant to submit additional information to Council for assessment. The panel resolved to defer the application to enable provision by the applicant of the material required by Council and if found satisfactory the Panel's subsequent approval possibly decided by electronic means. The required material was as follows:

1. Revised detailed site plan drawn to scale that shows the location of the proposed buildings or works including extensions or additions to existing buildings in relation to the land's boundaries and adjoining development.
2. Floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building.

3. Elevations and sections showing proposed external finishes and heights of any proposed buildings.
4. Proposed parking arrangements and consideration of the provision for movement of vehicles within the site (including dimensions where appropriate).
5. Proposed landscaping, tree retention/removal and treatment of the land (indicating plant types and their height at maturity)
6. Revised engineering plans to address stormwater, internal roads and earthworks (finished surface levels). The proposed land form must be used when making an assessment of the flooding characteristics.
7. Provision of architectural plans indicating proposed finished floor levels and building details showing compliance with Council's flooding controls.
8. An addendum to the submitted flood report which references relevant design plans and associated landform and confirms or otherwise their consistency with the assumptions of the Worley Parsons addendum of 11 October 2012 and that their conclusions remain the same. This has not been specifically addressed in the Worley Parsons letter dated 2 October 2012. It is important that this occurs to ensure that the proposal is acceptable and sets controls for compliance and certification prior to the issue of an Occupation Certificate.
9. Effluent disposal details.

The above required material was submitted by the applicant in **December 2012**. Council's Engineering and Planning Sections has assessed the revised details and they are now satisfied with the proposal subject to conditions of consent.

Site and Surrounds

The site is located on the northern side of Elizabeth Drive around 4km east of its intersection with Luddenham Road, Kemps Creek. The site is irregular in shape and it has a frontage of around 630m to Elizabeth Drive. The area of the site is 10 hectares.

South Creek is located on to the north and west of the site. The surrounding development is predominantly characterised by rural land uses comprising market gardens and rural residential development. To the immediate west of the site a rural residential property is located. An industrial building is located to the south of the site across Elizabeth Drive. A waste and recycling facility is located further to the west of the site.

The site is occupied by buildings that accommodate cats and dogs, a surrender facility, a veterinary clinic, an office and storage areas. The following buildings exist on the site:

- Two pre cast concrete and timber framed buildings that accommodate both dogs and cats – referred to as Rows 1 and 2.
- A brick building with a tiled roof (former residence) that accommodates the site offices of AWL.
- A brick building with a metal roof that operates as the surrender facility, although a recent modification has reassigned the use of this building to a veterinary clinic.
- A number of small sheds and storage buildings.

The part of the site on which development is proposed is relatively free of vegetation. A significant amount of vegetation exists along the banks of South Creek. A large portion of the site is flood prone and a floodway. The site is partly bushfire prone.

Proposed Development

The key elements of the proposed development are summarised below:

Component	Description
<i>Proposed Development</i>	Additions to an existing animal welfare establishment
<i>Buildings</i>	<p><i>Rows 3 and 4 (Cat and Dog accommodation)</i> These buildings will accommodate cats and dogs and provide run areas for those animals. The design of these buildings is similar to those existing on site. Row 3 will house dogs and Row 4 will house cats.</p> <p><i>Main Building</i> This building will have veterinary clinic, office and associated rooms.</p>
<i>Number of animals to be accommodated</i>	The maximum number of dogs to be accommodated on site will be 180 and cats 280. Larger animals will be accommodated as required.
<i>Access and Car Parking</i>	Access and egress is proposed from Elizabeth Drive. Additional car parking for 24 cars and 2 coaches is proposed along with grassed areas should this car parking be insufficient on special event days. The total number of car spaces on-site will be 50.
<i>Landscaping</i>	Additional landscaping in the form of hedges along Elizabeth Drive is proposed. Other areas will be landscaped by shrubs and native grasses. Detailed landscape plans accompanies the application.

The following reports have accompanied the subject development application and used throughout the planning assessment:

- Statement of Environmental Effects prepared by Stimson Consultant Services dated September 2010

- Noise Impact Statement prepared by *Architects of Arcadia* dated 5 September 2011
- Waste Management Plan prepared by Stimson Consultant Services
- Hydraulics Systems Design Report prepared by *Architects of Arcadia* in consultation with *Niven Donnelly and Partners*
- Traffic and Parking Statement prepared by Traffic Solutions Pty Ltd dated 8 September 2010
- Access consultant's report prepared by Access Design Solutions and dated 1 September 2010
- Flood impact assessment prepared by Worley Parsons; and
- Bushfire Compliance Report prepared by Bushfire Safety Solutions dated 20 February 2011.

Planning Assessment

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G, Section 79C and Section 91 of the *Environmental Planning and Assessment Act 1979*, and based on this assessment, the following issues have been identified for further consideration:

Section 23G – Joint Regional Planning Panels

Under Clause 13B of *State Environmental Planning Policy (Major Development) 2005*, a regional panel has the function of determining Development Applications. The Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the *Environmental Planning and Assessment Act 1979*.

The development has been assessed in accordance with the matters for consideration under Sections 91 and 79C of the *Environmental Planning and Assessment Act 1979* as follows:

Section 91 – Integrated Development

The proposed development is an Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*. In this regard approval was sought from the following state government authority in accordance with relevant legislation:

- NSW Office of Water – Section 91 of the *Water Management Act 2000* (Controlled Activity Approval to undertake works within 40m of a watercourse)

The NSW Office of Water has assessed the original proposed development under the *Water Management Act 2000* and raised no objections to the proposal subject to General Terms of Approval (GTAs) (refer to Appendix No. 3 for a copy of the GTAs).

Section 79C(1)(a)(i) – Any Environmental Planning Instrument

Sydney Regional Environmental Plan (SREP) No.20 – Hawkesbury/Nepean River

Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River (SREP) applies to the subject land. The relevant planning strategies under this SREP have been considered and discussed below:

Cultural Heritage

The subject site has not been identified to contain any items of heritage. No heritage buildings are located in the vicinity of the site. The proposal will not have an adverse impact on cultural heritage.

Water Quality

SREP No.20 requires that future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future.

Providing sedimentation and erosion controls prior to the commencement of any site works will ensure that quality of water from the site has no adverse impact on the existing environment of the Hawkesbury-Nepean River system. This aspect can be suitably conditioned.

Riverine Scenic Quality

SREP No. 20 requires that the scenic quality of the riverine corridor must be protected by employing strategies as follows:

- (a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.
- (b) Ensure proposed development is consistent with the landscape character.
- (c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.

The existing vegetation on the banks of South Creek will be maintained. The proposed buildings fit in the existing landscape and considered to have negligible impact on the riverine scenic quality of the land.

State Environmental Planning Policy No. 55 (SEPP55) - Remediation of Land

The objectives of SEPP 55 are as follows:

- *to provide for a state wide planning approach to the remediation of contaminated land and*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to SEPP 55, Council must consider the following matters:

- whether the land is contaminated
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Council has no records of any activities carried out on-site that may have resulted in land contamination. The part of the site where development is proposed is mainly vacant and no activities that may contaminate the site are being carried out on site. Based on this information it is concluded that a preliminary site investigation is not required. The objectives of SEPP 55 are therefore considered to be satisfied.

Penrith Local Environmental Plan (LEP) 2010

Penrith Local Environmental Plan 2010 applies to the site. The land is zoned E2 - Environmental Conservation and RU2 – Rural Landscape. The part of the site on which development is proposed is zoned RU2. The proposal is permissible in the RU2 zone under the definitions of *Animal Boarding or Training Establishments*.

Animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding school or ancillary veterinary hospital.

Objectives of Zone RU2 Rural Landscape

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To maintain the rural landscape character of the land*
- *To provide for a range of compatible land uses, including extensive agriculture*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones*
- *To preserve and improve natural resources through appropriate land management practices*
- *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.*

The proposed development does not encourage primary industry production. It seeks to provide shelter, training and veterinary clinic for animals which is a permissible use in the zone. The current use of the site including the proposed development contributes to the wide range of rural land uses and industry that is already situated along Elizabeth Drive. The proposed use is compatible in the rural area. The rural character of the zone will be maintained.

Clause 4.3 – Height of buildings – No maximum building height is stipulated under this clause. The main building will be of two storeys which will be compatible with the existing buildings in the surrounding area. Other buildings on site are single storey which are satisfactory.

Clause 6.2 – Salinity – the development complies - no detrimental environmental impact will result.

Clause 6.3 (4) - Development consent must not be granted for development on land that is flood planning area or other land at or below the flood planning level unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and

Comment:

The proposed development is compatible with the flood hazard of the land.

- (b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and

Comment:

The proposed development is not located within a floodway.

- (c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

Comment:

The proposed development when considered on a cumulative basis will not have detrimental impact on other development and properties.

- (d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and

Comment:

The proposed development will not have detrimental impact on the environment by increasing velocities and altering flow distributions.

- (e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and

Comment:

The proposal will not impact on the safe and effective evacuation of the land and surrounding area.

- (f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or a reduction in the stability of river banks or waterways, and

Comment:

The proposed development will have negligible impact on the environment and South Creek as there will be negligible increase in velocities and redistribution of flows.

- (g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and

Comment:

The proposed development is unlikely to result in greater social and economic costs.

- (h) is consistent with any relevant floodplain risk management plan.

Comment:

A floodplain risk management plan has not been prepared.

Clause 6.5 – Protection of scenic character and landscape values –

This clause requires that ‘development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development from major roads, identified heritage items and other public places.’

The architecture of the proposed buildings is consistent with that constructed on site. The buildings are mainly single to two storeys. They are sympathetic to the rural character of the area. The siting of the buildings away from Elizabeth Drive and associated landscaping will minimise any visual impact. The variation in building materials and form will provide visual interest. There are no heritage items on site. The proposed development will protect the scenic character and landscape values of the site.

Clause 6.6 – Servicing – the development complies in relation to on site sewage management. This matter is addressed in a further section of this report.

Clause 6.14 - Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport – The proposed development is in the flight path of the site for the proposed second airport at Badgerys Creek, however, the use of the site will be non- residential and as such any future aircraft noise will have negligible impact on the proposed development.

Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the site.

Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2010

An assessment against the controls in the DCP has been undertaken. The proposal is found to be satisfactory against these controls. The assessment is attached at Appendix 2.

Section 79C(1)(a)(iv) – The Regulations

Penrith City Council's Building Section has assessed the proposed development regarding fire safety consideration and found it to be satisfactory subject to conditions of consent.

Section 79C(1)(b) – The Likely Impacts of the Development

Noise Generation and Odour

The applicant has submitted the acoustic reports prepared for a previous Development Application No 03/0742 for Kennels, Cattery and Administration buildings to be considered for the current development application. The applicant has cited that these reports deal with noise and noise attenuation measures required for Kennel Rows 1 & 2 (now in operation) and Row 3 (included in this application). The primary concern was the affect of noise on East side neighbouring property. A noise attenuation fence was constructed along the Eastern boundary to deal with this concern. Because of the changing pattern of animal surrenders and adoptions, the proposed development allows for 6 fewer dogs in Rows 1-3 than the previous application that provided for 50 per Row. However, dogs are sufficiently distant from neighbouring properties for there to be sufficient natural attenuation of any noise to compensate for the small increase in overall numbers.

There is no perceptible odour emitted by AWL operations on this site.

Council's Senior Environment Officer has reviewed the Noise Impact Report and advised that the noise impacts associated with the *dog kennel component* of this application were assessed as a part of a previous application/consent, and an acoustic barrier was constructed to mitigate this noise.

On Site Sewage Management (OSSM)

Council's Environment Team is satisfied with the information provided regarding the OSSM component of the development. The team has reviewed the Hydraulic Systems Design Report dated 11/12/2012. The report identified a wastewater load of 15,000L/per day is generated by the proposed development, incorporating wet weather storage. The report noted that the design of the approved existing system on the site was based on a wastewater load of 15,000L per day, but is currently operating at 70%. The report states that the existing onsite sewage management system (OSSM) has the capacity to treat the additional load from the proposed additions disposing of the effluent by way of the approved surface irrigation. A condition of consent is recommended as follows:

'The onsite sewage management system is to be designed to incorporate the recommendations contained in the statement provided by Niven Donnelly & Partners dated 9/9/2011 in regards to:

- the changes made to the system to address the flooding issues on the site, and
- management measures that would need to be implemented during rain events and times of possible flood.

Within 60 days from the date of this consent, certification is to be provided from a wastewater consultant demonstrating the above recommendations have been implemented.'

Access, Parking and Traffic

Vehicular access to the site is from Elizabeth Drive. In relation to car parking, the proposed development includes construction of new car parking areas incorporating additional 24 on-site car spaces for staff and visitors.

The application has been accompanied by a Traffic Report prepared by Traffic Solutions Pty Ltd which concludes that the proposed vehicle access and car parking arrangements are satisfactory and that the additional traffic flows which will be associated with the proposed development can be accommodated by the surrounding road network. This report concludes that:

- Parking for 24 cars and 2 coaches is provided which is considered to be adequate given the use, however, ample grassed areas are available should this car parking be insufficient on special event days.
- The proposed development is considered acceptable in terms of vehicle access, traffic generation, car parking provision and car space dimensions.

Penrith City Council's Senior Traffic Engineer has reviewed the proposed development with regard to access, parking and traffic considerations and has concluded that no major traffic generation impacts are expected from the development as it is anticipated that the local road network have adequate spare capacity to cater for this increase.

Concurrence was sought from NSW Roads and Traffic Authority under Section 138(2) of the Roads Act. The RTA was satisfied with the proposed access, parking and traffic related aspects of the original proposal subject to suitable conditions and granted its concurrence.

Safety and Security

A perimeter fence is existing including fencing to street frontages. Condition relating to installation of security cameras, appropriate lighting and regular security patrols is imposed for safety and security purposes.

Accessibility

The application has been accompanied by an Accessibility Report prepared by Access Design Solutions which provides a review of the proposed works with regard to access considerations. The key access issues considered in the Accessibility Report include:

- Ingress and egress.
- Paths of travel.
- Amenities and facilities including accessible car parking.
- Lighting and signage.

The Accessibility Report concludes that the Shelter meets all of the DA design requirements for the Disability Discrimination Act compliance in accordance with the Disability Standards, AS1428 Suite of Standards and current building code of Australia.

The proposal was reported to Council's Access Committee who requested the following matters be considered in Council's assessment of the proposal:

- Accessible toilets.
- Tactile ground surface indicators.
- Accessible path of travel.
- Parking space dimensions.

These matters are achievable and are suitably conditioned.

Waste Management

A Waste Management Plan has been prepared to address both construction and operational activities proposed at the site. A condition has been imposed for construction waste to be disposed of at authorised waste management facility.

Bushfire Risk

The land is identified as partly bushfire prone land. The development application is accompanied by a Bushfire Compliance Report prepared by Bushfire Safety Solutions. This report was forwarded to NSW Rural Fire Service who has advised that the entire property up to the boundary of the riparian corridor shall be managed as an inner protection area (IPA). Other matters relating to the design of the buildings are suitably conditioned to provide bushfire safety.

Section 79C(1)(c) – The Suitability of the Site for the Development

The site has good access and it is not affected by any subsidence, slip or mass movement. Although part of the site is in the floodway, however, the proposed buildings are not in the floodway. The site is considered suitable for the proposed development.

Section 79C(1)(d) – Any Submissions made in relation to the Development

The public exhibition period for the proposal was from 11 October to 9 November 2010 in accordance with Part 2.7-Notification and Advertising of DCP 2006. There were no public submissions received in relation to the proposal.

External Referral Comments

The table below summarises the results of external referrals in relation to the proposal.

<i>Referrals</i>	<i>Comments</i>
NSW Rural Fire Service	No objection, subject to conditions
NSW Office of Water	No objection, subject to general terms of approval.
NSW Roads and Traffic Authority	No objection, subject to general terms of approval

Internal Referral Comments

Engineering

Council's Engineering Section has reviewed the amended site layout plan and accompanying statement from Worley Parsons and provides the following comments:

The floor levels of the proposed buildings are to be in accordance with the table below:

Building	Required Floor Level
Veterinary Clinic	42.6 m AHD
Store and Stables	41.7 m AHD
Row 3	42.1 m AHD
Row 4	42.35 m AHD

Any areas of fill are limited to within 2m of the building footprints so as not to obstruct the passage of any flow paths. Existing ground levels are to be maintained throughout the development site for any roads, kerbs, gardens or lawn areas so as not to have an adverse impact upon flooding behaviour through, and adjoining, the development site.

All parts of the structures below the level of the 1% Annual Exceedence Probability flood level +0.5m are to be detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee .

The above matters are imposed as conditions of consent

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Referrals	Comments
Environment Team	No objection subject to conditions
Traffic Engineer	No objection.
Building Surveyor	No objection subject to conditions

Section 79C(1)(e) – The Public Interest

The proposed development would not adversely impact on the surrounding properties. The proposal is an animal welfare establishment and it is in the public interest.

Conclusion

The modified development application has been assessed against the relevant heads of consideration under Section 79C and Section 91 of the *Environmental Planning and Assessment Act 1979* and it has been found to be satisfactory. It is consistent with the requirements of the relevant planning instruments and Development Control Plan and is a permissible land use in the RU2 Rural Landscape zone under the Penrith Local Environmental Plan 2010. The key issue relating to the proposed development was its flood affectation. The revised site planning and design has resulted in siting of the proposed buildings outside the floodway.

The proposed development is unlikely to have a negative impact on the surrounding environment in times of flood. The site is suitable for the proposed development. Subject to the recommended conditions, the proposal is unlikely to have a negative impact on the surrounding environment and it is considered to be in the public interest.

Recommendation

That Development Application DA10/0990 which proposes additions to an existing animal welfare establishment at Nos. 1605-1667 Elizabeth Drive Kemps Creek be approved subject to the following conditions:

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions:

Architectural Plans

Description	Drawing No.	Rev	Drawn By	Date
Site Plan	DA1B	B	Rolfe Chrystal Architect	04/12/2012

Detail Site Plan	DA2B	B	Rolfe Chrystal Architect	04/12/2012
Ground Floor Plan Veterinary Clinic	DA3A	A	Rolfe Chrystal Architect	14/09/2010
Upper Floor Plan Veterinary Clinic	DA4A	A	Rolfe Chrystal Architect	14/09/2010
Sections Veterinary Clinic	DA6A	A	Rolfe Chrystal Architect	14/09/2012
Elevations Veterinary Clinic	DA5A	A	Rolfe Chrystal Architect	14/09/2012
Floor Plan and Elevations Store and Stables	DA7B	B	Rolfe Chrystal Architect	4/12/2012
Floor Plan and Elevations Row 4	DA10B	B	Rolfe Chrystal Architect	21/11/2012
Elevations and Sections Row 4	DA12B	B	Rolfe Chrystal Architect	21/11/2012

Landscaping Plans

Description	Drawing No.	Rev	Drawn By	Date
Landscape Plan	LP4		Fiona Robbe	Dec 2012
Landscape Plan	LP3A	A	Fiona Robbe	13/12/2012
Landscape Plan	LP2A	A	Fiona Robbe	13/12/2012
Landscape Plan	LP1A	A	Fiona Robbe	13/12/2012

Engineering Plans

Description	Drawing No.	Rev	Drawn By	Date
Stormwater Drainage Stage 2 Concept Plan	SK01	F	Rolfe Chrystal Architect	6/12/2012
Sewer Drainage Stage 2 Concept Plan	SK02	D	Rolfe Chrystal Architect	6/12/2012

- 2 The work must be carried out in accordance with the requirements of the Building Code of Australia.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

- 4 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 5 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 6 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

- 7 Safety and security controls such as cameras, appropriate lighting and regular security patrols shall be employed to enhance security of the premises.
- 8 The following shall be provided in accordance with the relevant Australian Standards to improve accessibility of the premises. Details shall be submitted prior to the issue of a construction certificate:
 - Accessible toilets.
 - Tactile ground surface indicators
 - Accessible path of travel.
- 9 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.
- 10 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.
- 11 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.

- 12 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 13 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
 - ☐ state the legal property description of the fill material source site,
 - ☐ be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - ☐ clearly indicate the legal property description of the fill material source site,
 - ☐ provide details of the volume of fill material to be used in the filling operations,
 - ☐ provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - ☐ (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- ☐ Supervise the filling works,
- ☐ (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further

site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

Add if EPA accredited auditor is needed

An EPA Accredited Site Auditor (as accredited under the Contaminated Land Management Act 1997) shall supervise the filling works. A Site Audit Statement and Site Audit Report must be submitted to Penrith City Council and any Principal Certifying Authority on completion of the filling works. The site must be suitable for its intended landuse and shall not pose any unacceptable risk to human health or the environment.

The contact details of the EPA Accredited Site Auditor engaged for the works shall be provided with the Notice of Commencement.

- 14 Prior to the issue of a Construction Certificate, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.
- 15 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 16 **Prior to the issue of Construction Certificate** an irrigation plan is to be provided indicating an effluent disposal area that can cater for a wastewater load of 15,000L/per day and the recommendations contained in the Hydraulic Systems Design Report dated 11/12/2012. The effluent disposal area is to be consistent with the Irrigation Site Plan drawn by Rolfe Chrystal dated 5/8/2002 (approved under DA03/0742).
- 17 The onsite sewage management system is to be designed to incorporate the recommendations contained in the statement provided by Niven Donnelly & Partners dated 9/9/2011 in regards to:
 - the changes made to the system to address the flooding issues on the site, and
 - management measures that would need to be implemented during rain events and times of possible flood.

Within 60 days from the date of this consent, certification is to be provided from a wastewater consultant demonstrating the above recommendations have been implemented.

- 18 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'.
- 19 Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 20 Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
- 21 Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- 22 The new construction shall comply with 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'. Details shall be submitted with the application for a construction certificate.
- 23 Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- 24 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 25 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
 - (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - ☐ within 12 months after the last such statement was given, or
 - ☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

 - ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - ☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 26 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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

- 27 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral 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.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 28 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 is 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.**

29 **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 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.

30 **Construction 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.

- 31 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that approval has been obtained from the NSW Office of Water for any stormwater outlets from the development site into the adjoining water course.
- 32 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the Construction Certificate drawings are substantially in accordance with the Flood Report prepared by Worley Parsons, reference number rp301015-02585rj_wjh110829, issue 1, dated 16/09/2011
- 33 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the floor levels of the proposed buildings are strictly in accordance with the table below:

Building	Required Floor Level
Veterinary Clinic	42.6 m AHD
Store and Stables	41.7 m AHD
Row 3	42.1 m AHD
Row 4	42.35 m AHD

- 34 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that any areas of fill are limited to within 2m of the building footprints so as not to obstruct the passage of any flow paths. Existing ground levels are to be maintained throughout the development site for any roads, kerbs, gardens or lawn areas so as not to have an adverse impact upon flooding behaviour through, and adjoining, the development site.
- 35 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that all parts of the structures below the level of the 1% Annual Exceedence Probability flood level +0.5m have been detailed with flood compatible building components in a accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee .

- 36 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that any structures can withstand the forces of flood water including debris and buoyancy.
- 37 A certificate by a registered surveyor verifying that all habitable floor levels are in accordance with the table below shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

Building	Required Floor Level
Veterinary Clinic	42.6 m AHD
Store and Stables	41.7 m AHD
Row 3	42.1 m AHD
Row 4	42.35 m AHD

- 38 All electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the level of the 1% Annual Exceedence Probability flood level +0.5m.
- 39 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.
- 40 At the completion of the development, works-as-executed drawings shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

The works-as-executed drawings 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.

The works-as-executed drawings shall comprise of an original set of hard copy drawings marked in red along with an electronic copy on CD/DVD also containing GIS data in Mapinfo TAB, MID/MIF or ESRI shapfile formats. The data should be geographically referenced in the coordinate system: GDA94 (datum) and MGA Zone 56 (projection).

Note: This information is required for updating the terrain in Council's flood modelling for South Creek.

- 41 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the development has been completed substantially in accordance with the Flood Report prepared by Worley Parsons, reference number rp301015-02585rj_wjh110829, issue 1, dated 16/09/2011.
- 42 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that an emergency response plan for flooding is

prepared for the site in accordance with the Flood Report prepared by Worley Parsons, reference number rp301015-02585rj_wjh110829, issue 1, dated 16/09/2011.

- 43 A copy of the emergency response plan shall be on available on-site at all times. All staff shall be aware of the emergency response plan and receive appropriate training for implementing the plan.
- 44 The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Niven Donnelly & Partners P/L reference number 210006 drawing Number SK01 revision F dated 06/06/2012.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system 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 drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 45 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater - Environmental Targets/ Treatment Techniques- October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 46 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan. All vehicles shall enter and leave the site in a forward direction and they shall be wholly contained on site before required to stop.

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

All works associated with the development shall be at no cost to NSW Roads and Maritime Service.

- 47 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

a) Stormwater pre-treatment system/s

b) Flood control works

- 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 been undertaken have been satisfactorily completed.

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

- 48 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

a) Stormwater pre-treatment system/s

b) Flood control works

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 Design and Construction Guidelines and Construction Specification for Civil Works.

- 49 All landscape works are to be constructed in accordance with the stamped-approved plans and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan. Landscaping shall be maintained:

☐ in accordance with the approved plan, and

☐ in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

- 50 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

51 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

- ☐ Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.
- ☐ An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

- ☐ On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.
- ☐ This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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

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

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

54 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

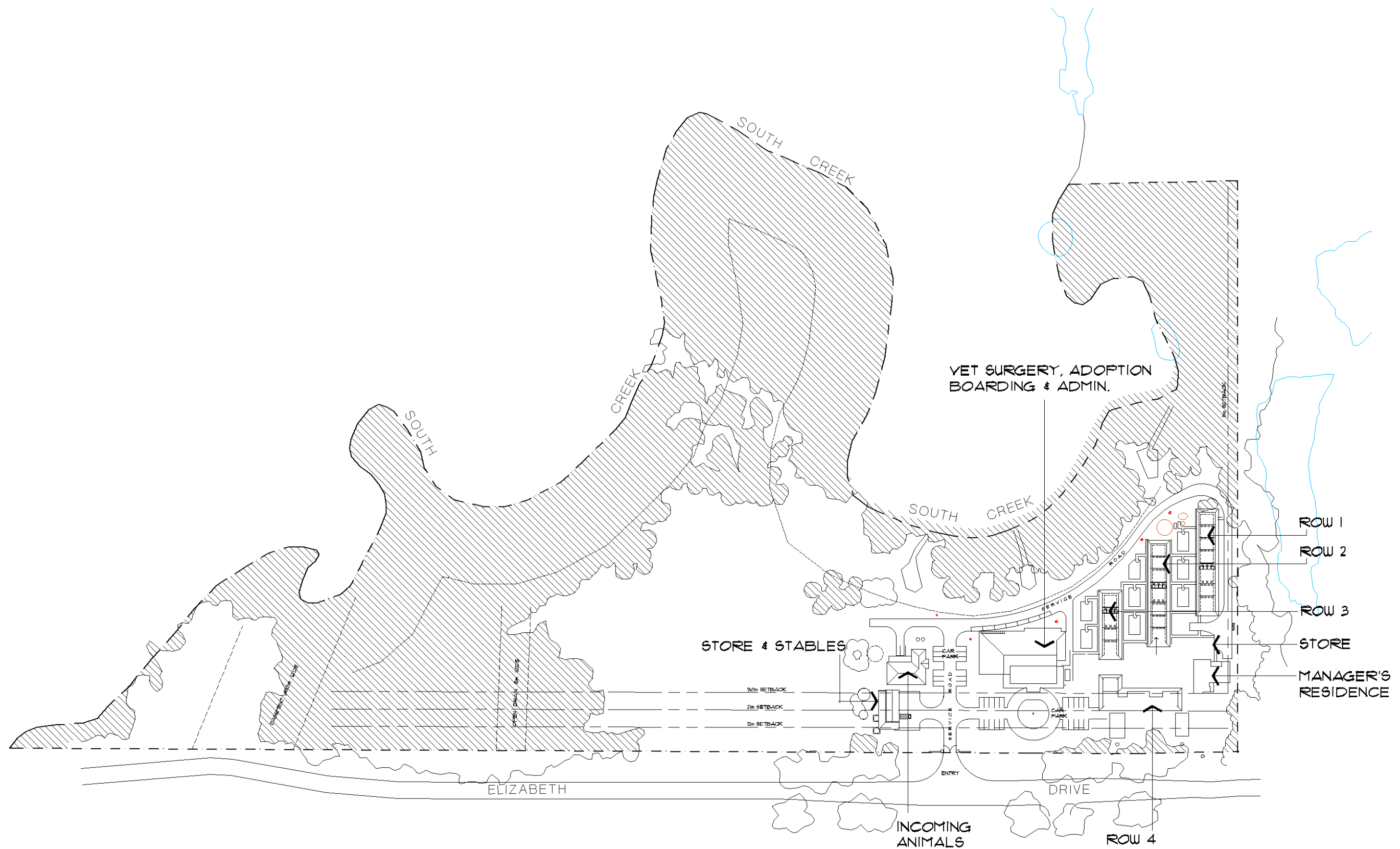
- 55 **Prior to the commencement of any works on site**, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.
- 56 **Prior to the commencement of any earthworks, construction or demolition 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.

- 57 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building and commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.



PROPOSED DEVELOPMENT APPLICATION 2

SITE PLAN

AMENDMENTS No DESCRIPTION	DATE
A DEVELOPMENT APPLICATION ISSUE	14 Sept 2010
B EDUCATION CENTRE & CREMATORIUM DELETED, ASSOCIATED ROADS DELETED, ROW 4 & STORE/STABLES RELOCATED, ROW 3 REVISED	4 Dec 2012



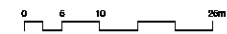
KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW



Rolfe Chrystal - Architect - 3125
108 Arcadia Road, ARCADIA N.S.W. 2159
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Scale: 1:1000 at A1
1:2000 at A3



Date: 15 March 2010

DA1 B



PROPOSED DEVELOPMENT APPLICATION 2 VETERINARY CLINIC



KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW



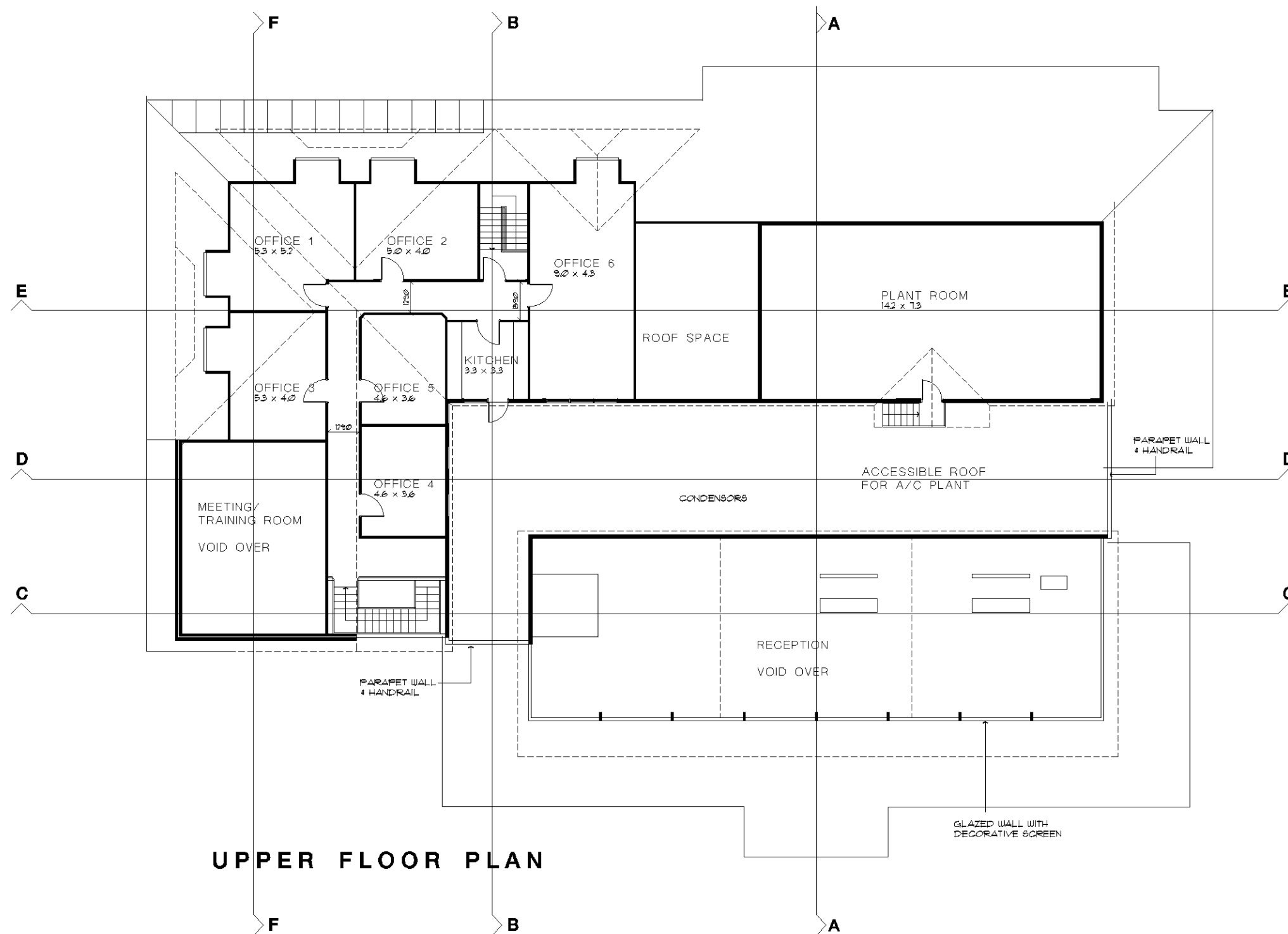
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DA3 A

Job no: 0804
Scale: 1:100 at A1
1:200 at A3



Date: 15 March 2010



PROPOSED DEVELOPMENT APPLICATION 2 VETERINARY CLINIC



KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW

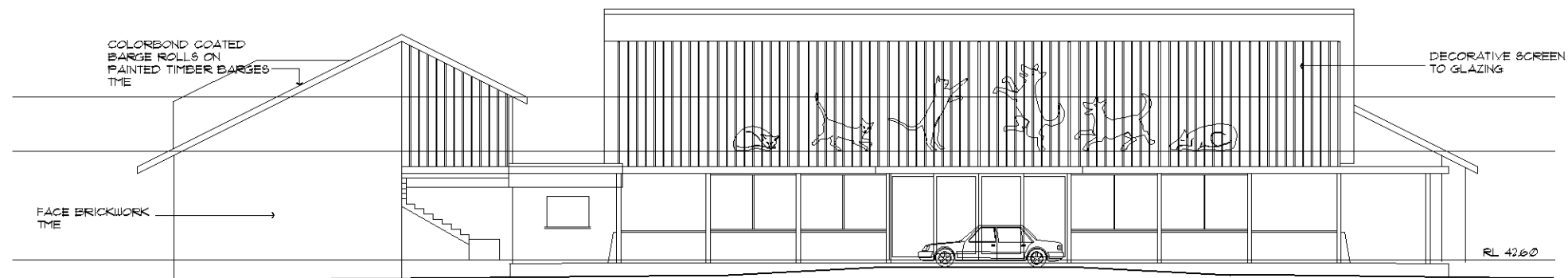


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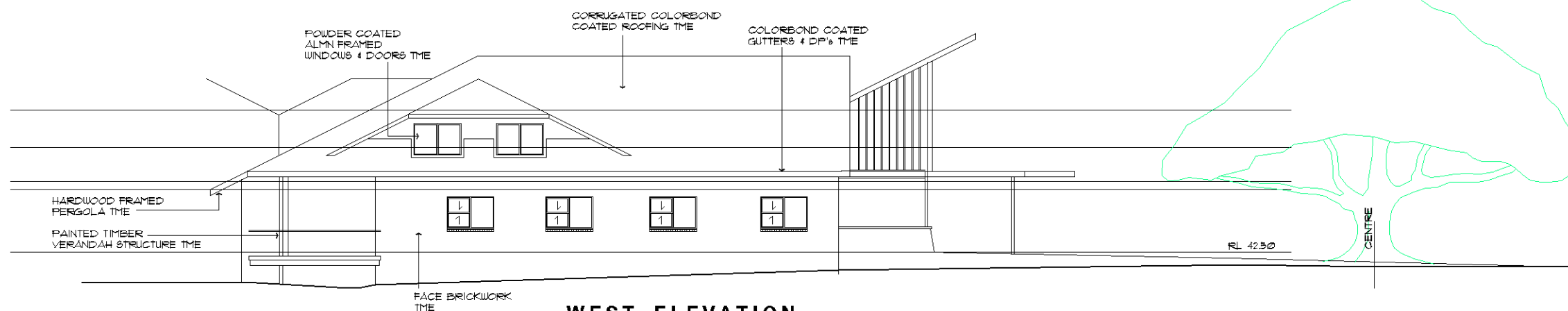
DA4 A



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

PROPOSED DEVELOPMENT APPLICATION 2 VETERINARY CLINIC



KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
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DA5 A

ISSUE
No Description
A DEVELOPMENT APPLICATION

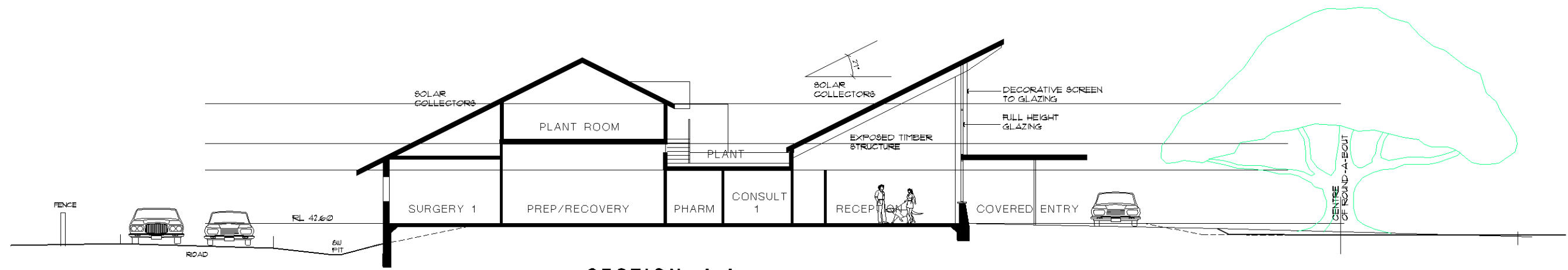
Date
14 September 2010

Job no: 0804
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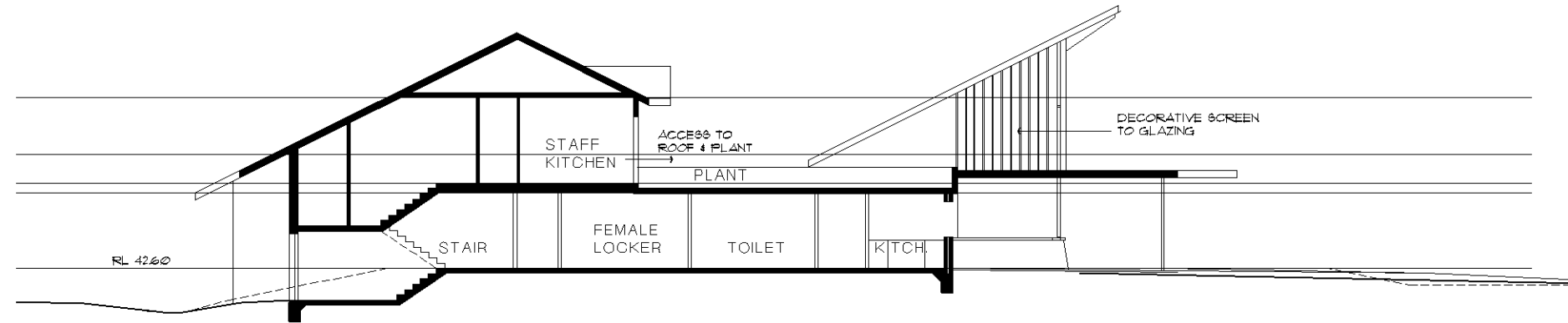


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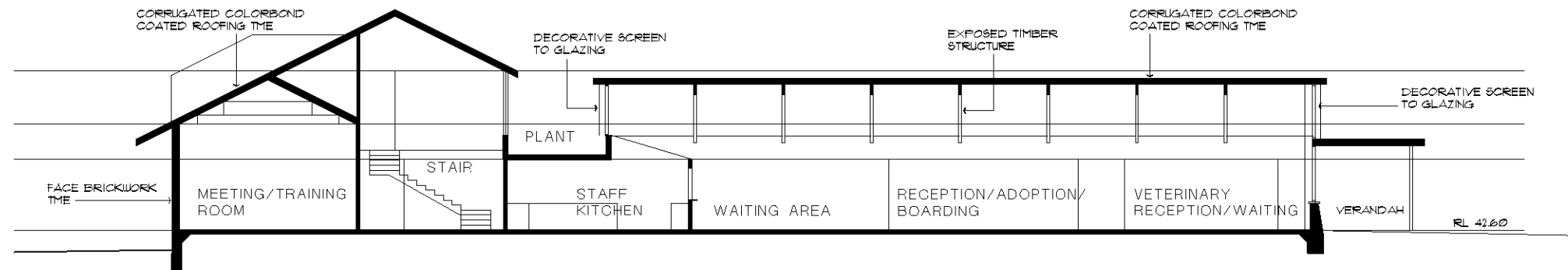
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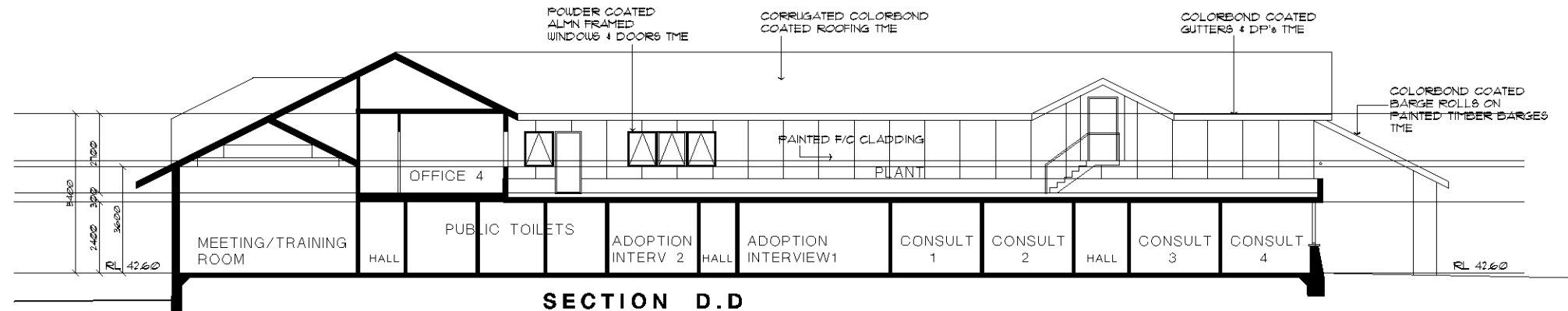
SECTION A.A



SECTION B.B



SECTION C.C



SECTION D.D

PROPOSED DEVELOPMENT APPLICATION 2 VETERINARY CLINIC



KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW

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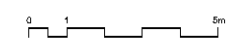
DA6 A

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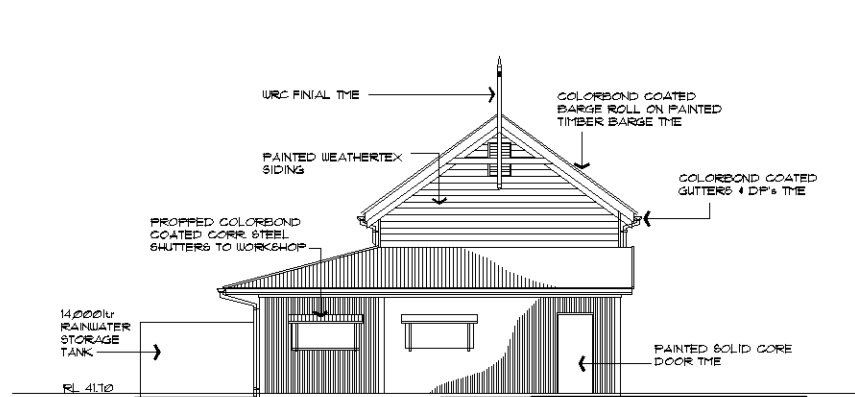
ISSUE
No Description
A DEVELOPMENT APPLICATION

Date
14 September 2010

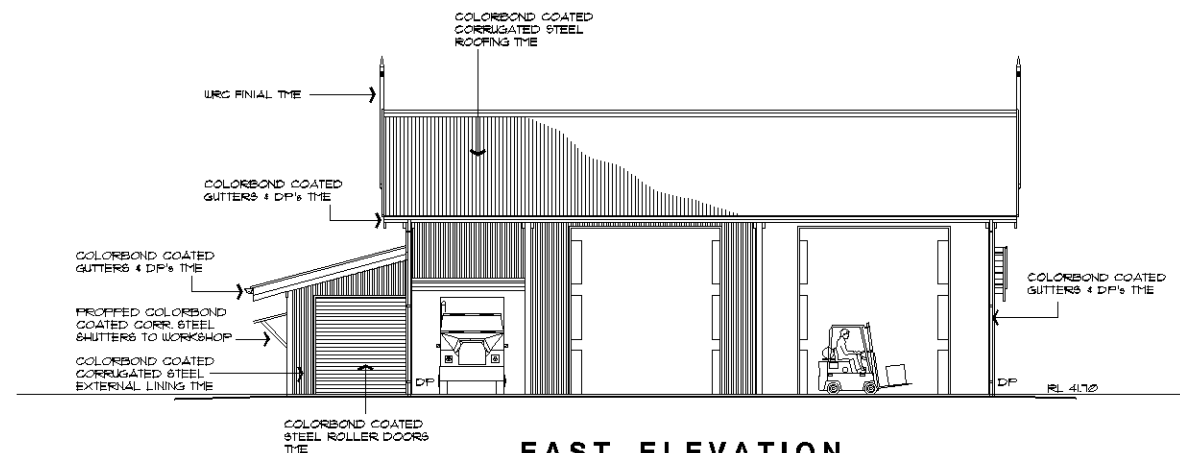
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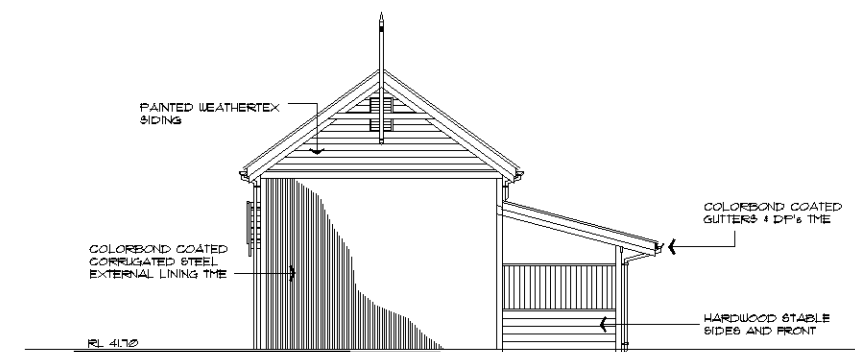
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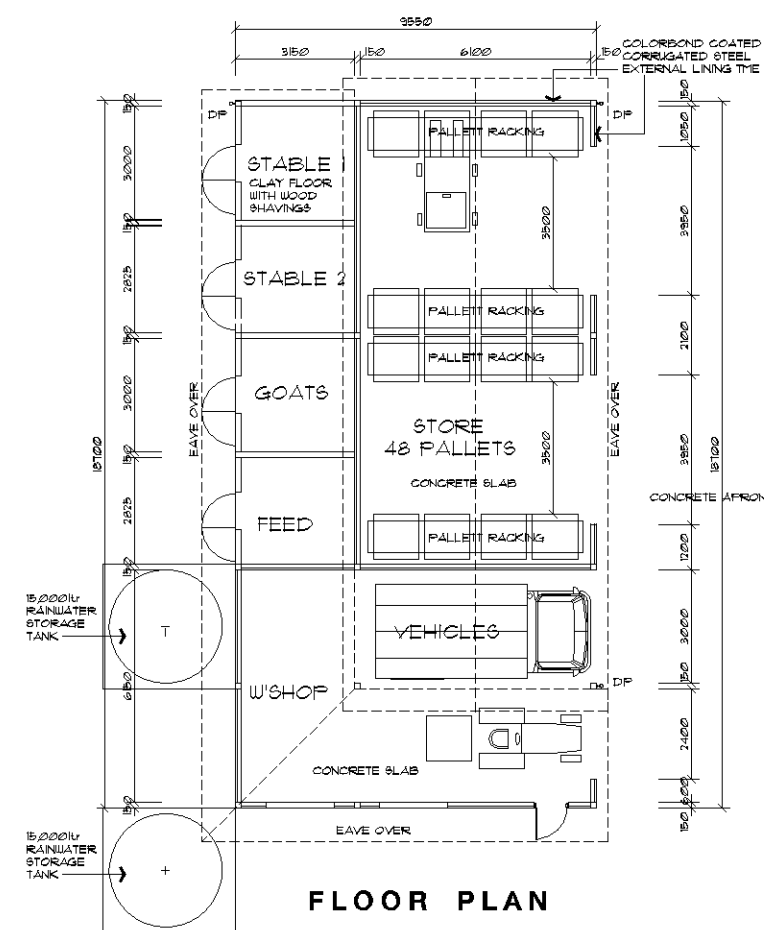
SOUTH ELEVATION



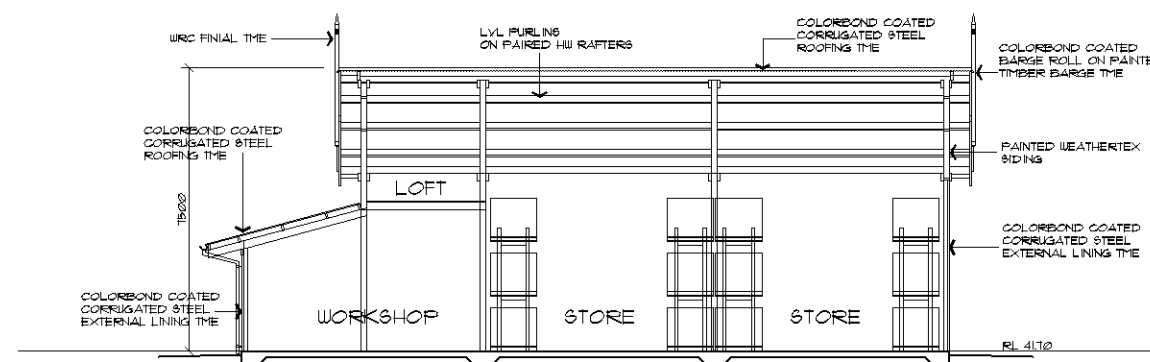
EAST ELEVATION



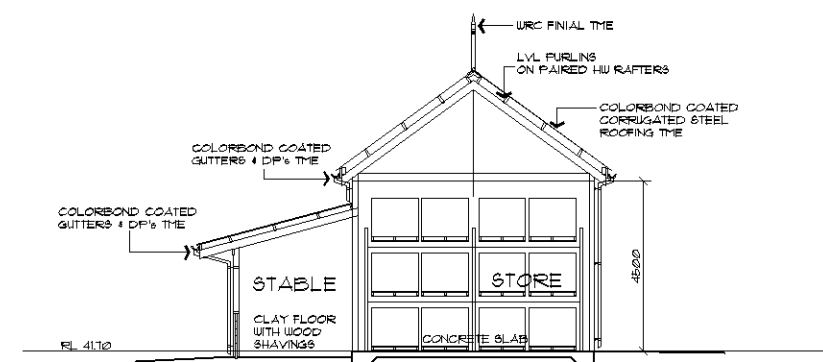
NORTH ELEVATION



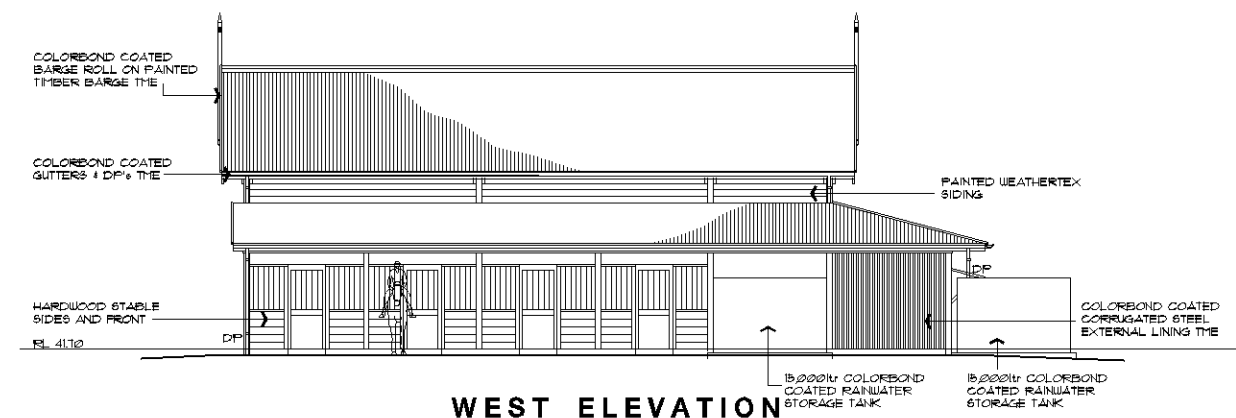
FLOOR PLAN



SECTION B.B



SECTION A.A



WEST ELEVATION

PROPOSED DEVELOPMENT APPLICATION 2 STORE & STABLES

AMENDMENTS	DATE
1. DEVELOPMENT APPLICATION ISSUE	14 Sept 2010
2. STORE/STABLES REVISED	4 Dec 2012



KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW



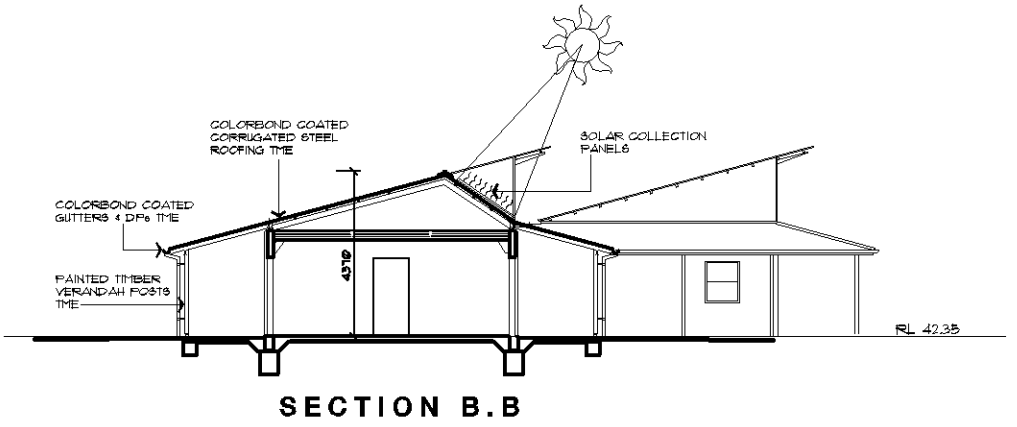
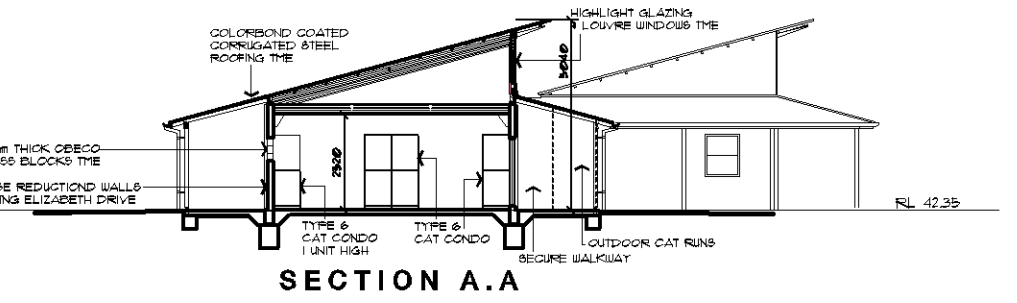
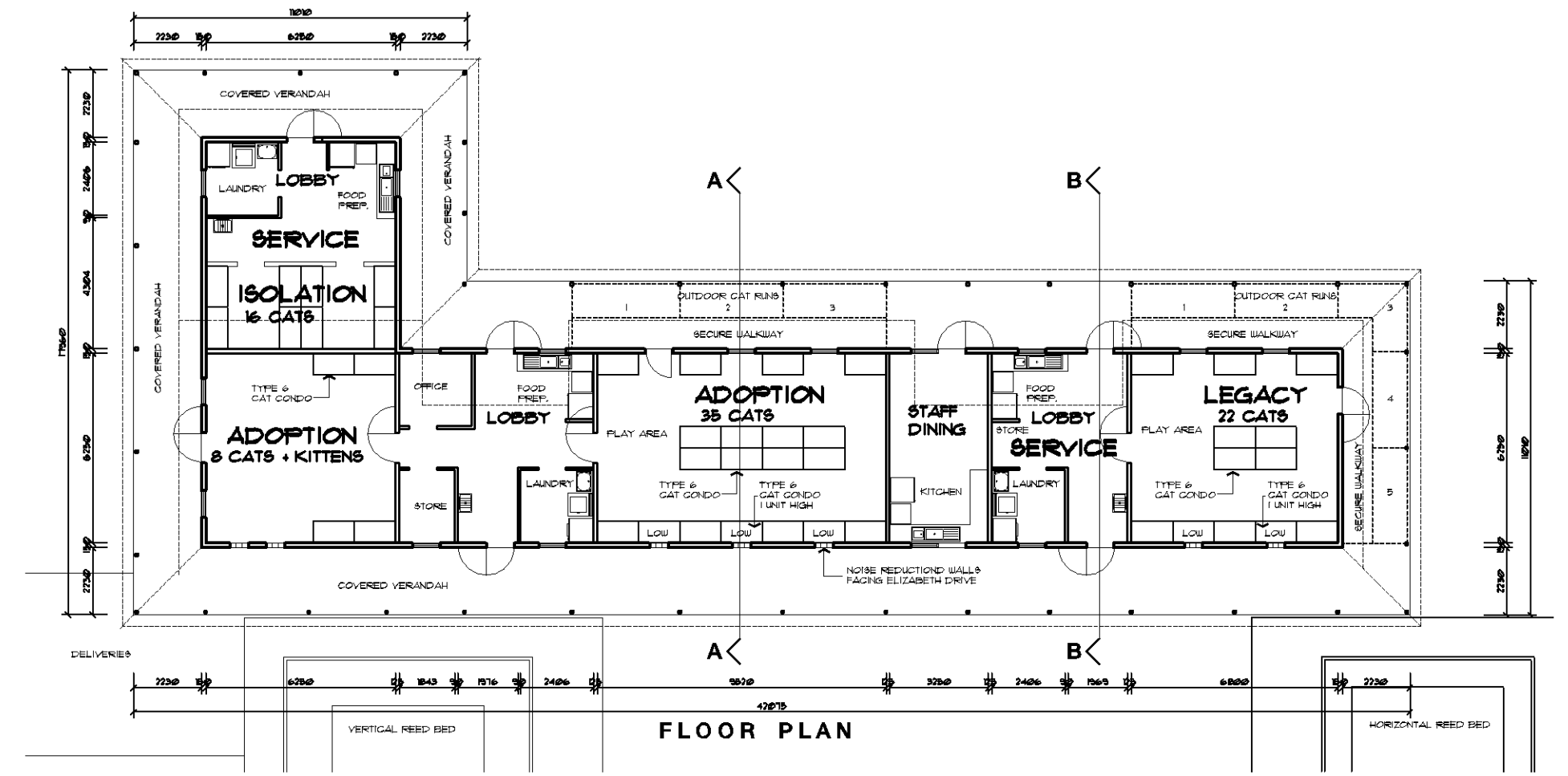
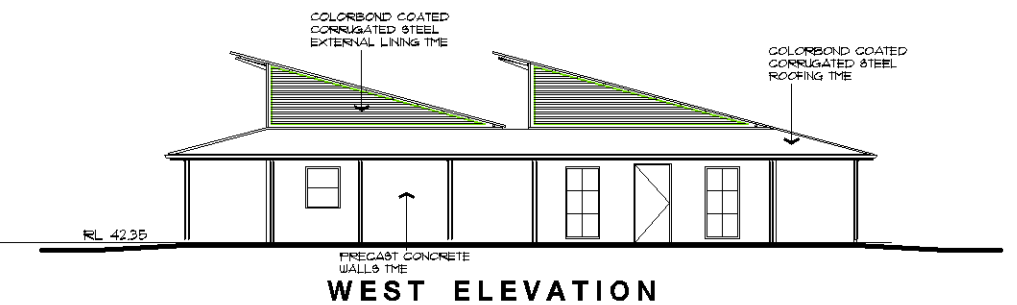
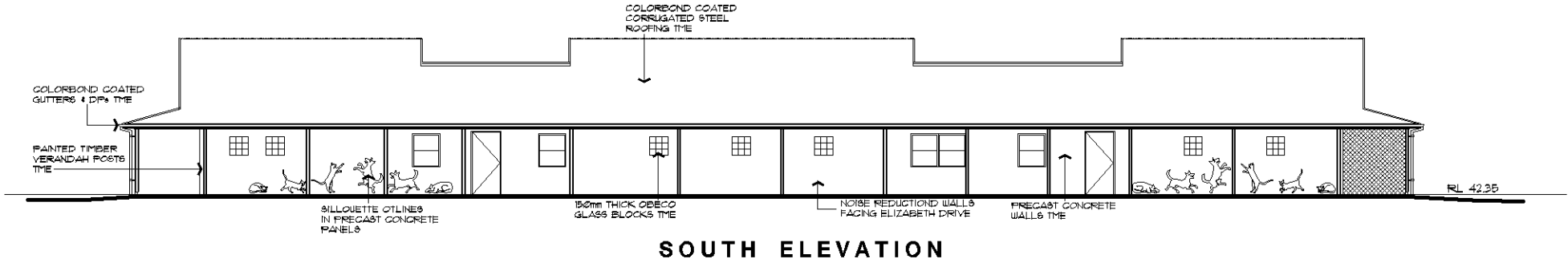
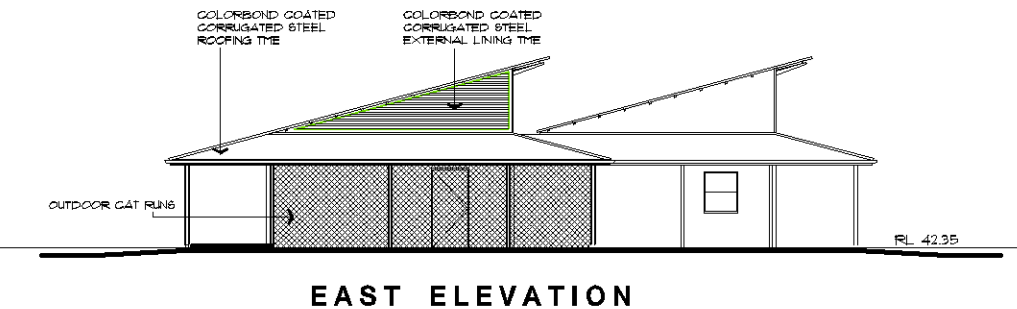
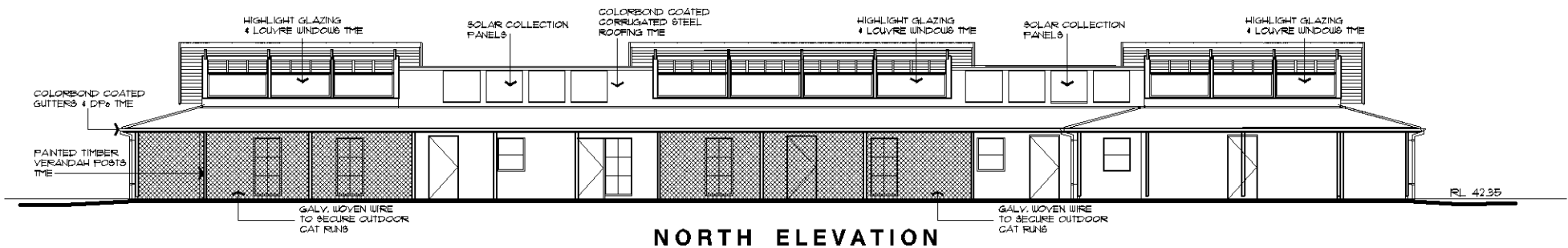
Rolfe Chrystal - Architect - 3125
108 Arcadia Road, ARCADIA N.S.W. 2159
phone: (02) 9653 1715 fax: (02) 9653 1229
email: rolfe@architectsofarcadia.com.au

DA7 B

Scale: 1:100 at A1
1:200 at A3

0 5 10 20m

Date: 16 March 2010



PROPOSED DEVELOPMENT APPLICATION 2

ROW 4

AMENDMENTS
No DESCRIPTION
A DEVELOPMENT APPLICATION ISSUE
B ROW 4 REVISED

DATE
14 Sept 2010
21 Nov 2012



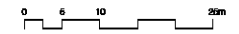
KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW



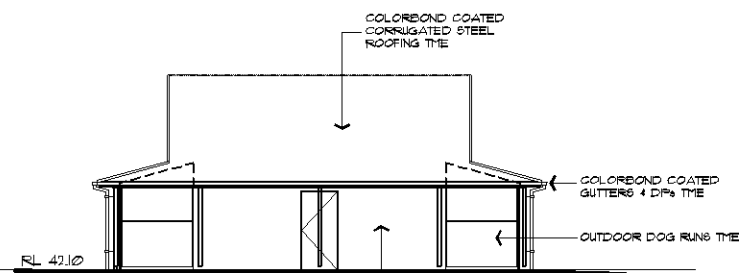
Rolfe Chrystal - Architect - 3125
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DA10B

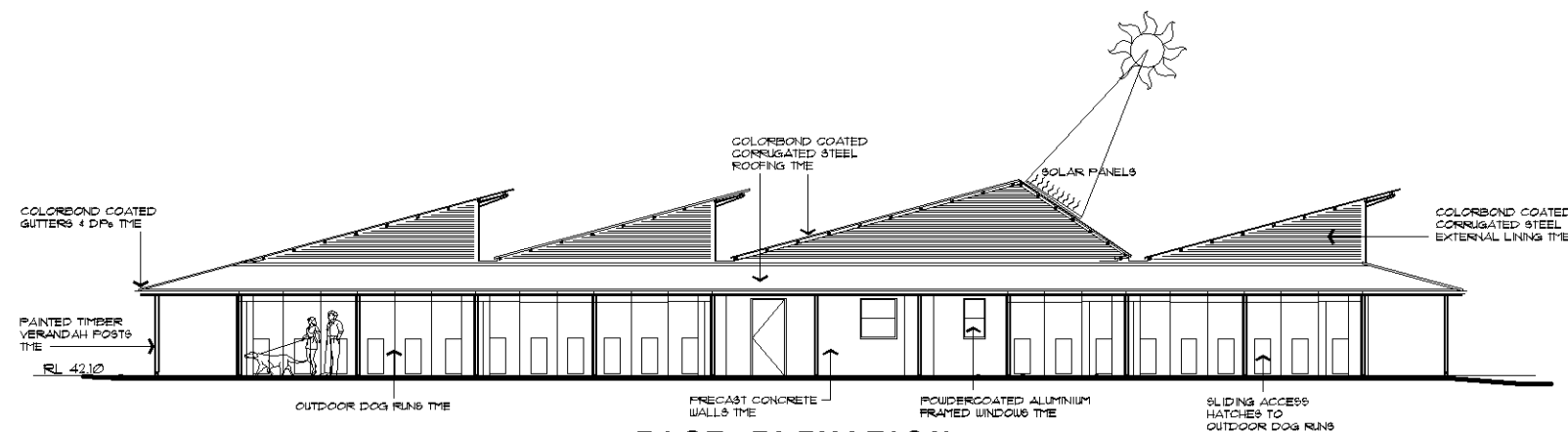
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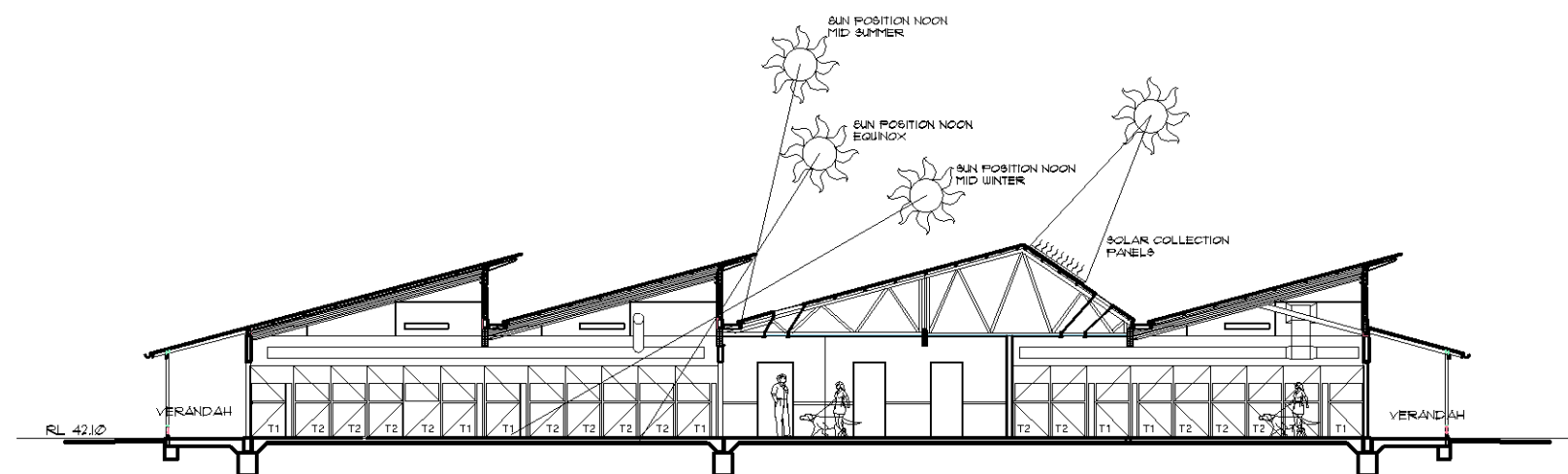
Date: 15 March 2010



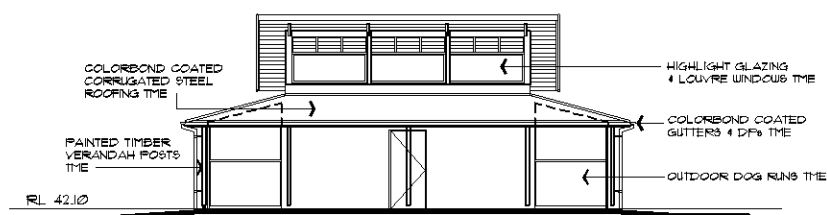
SOUTH ELEVATION



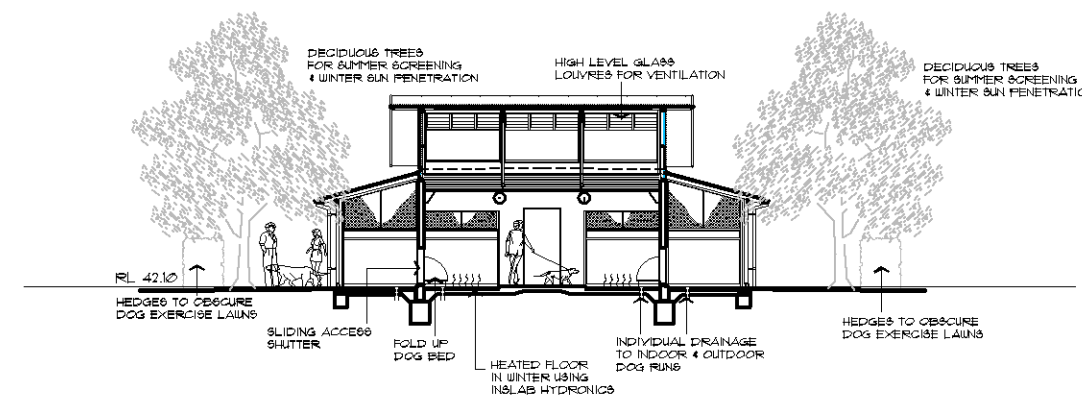
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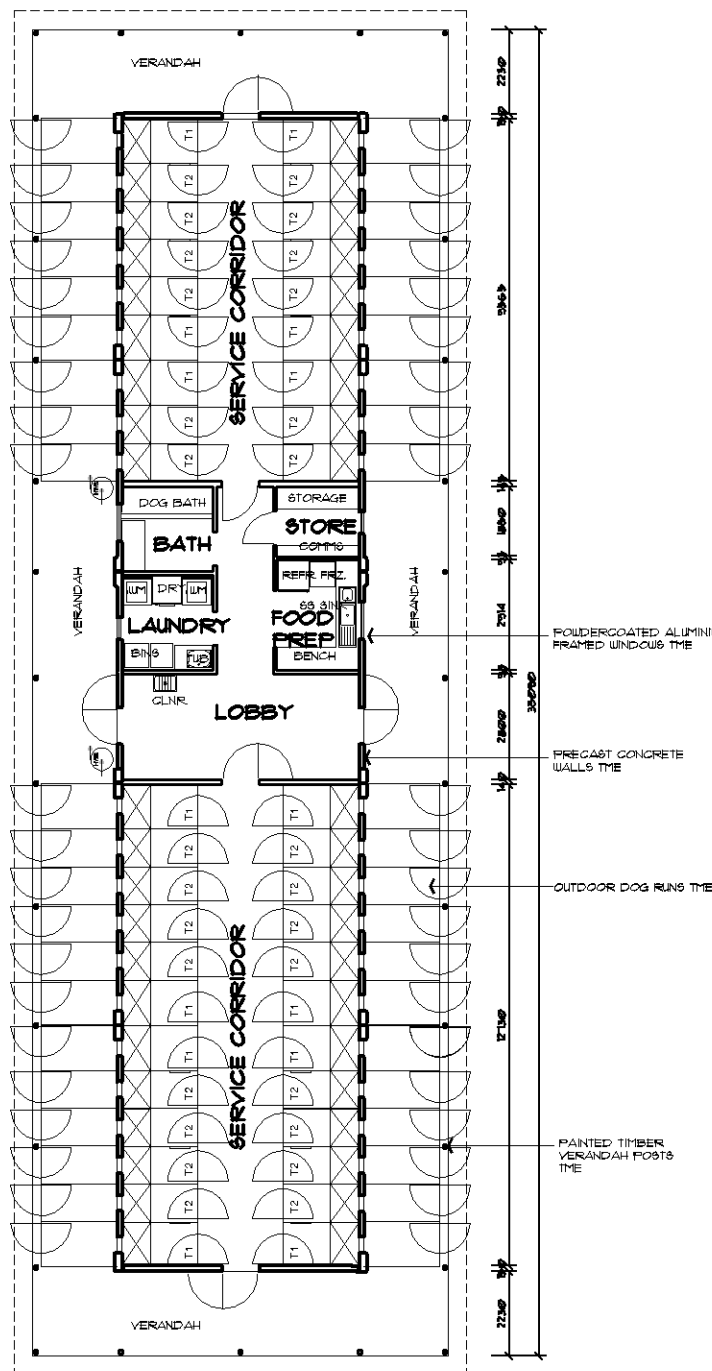
SECTION A.A



NORTH ELEVATION



SECTION B.B



FLOOR PLAN

PROPOSED DEVELOPMENT APPLICATION 2

ROW 3

AMENDMENTS
No DESCRIPTION
A DEVELOPMENT APPLICATION ISSUE
B ROW 3 REVISED

DATE
14 Sept 2010
21 Nov 2012



KEMPS CREEK SHELTER
1605 Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW



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DA12B

Scale: 1:100 at A1
1:200 at A3

0 5 10 20m

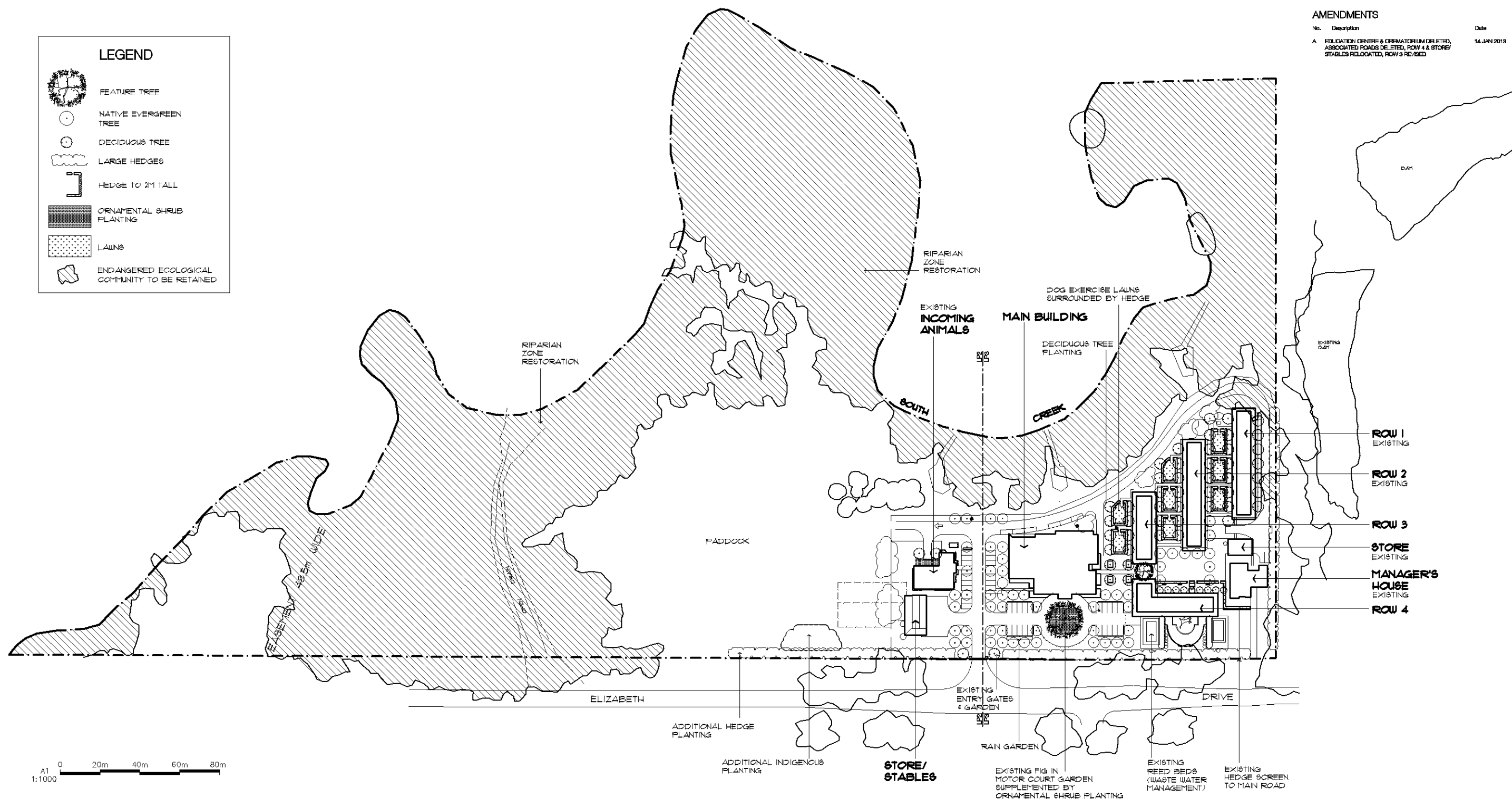
Date: 15 March 2010

LEGEND

- FEATURE TREE
- NATIVE EVERGREEN TREE
- DECIDUOUS TREE
- LARGE HEDGES
- HEDGE TO 2M TALL
- ORNAMENTAL SHRUB PLANTING
- LAWNS
- ENDANGERED ECOLOGICAL COMMUNITY TO BE RETAINED

AMENDMENTS

No.	Description	Date
A	EDUCATION CENTRE & CREMATORIUM DELETED, ASSOCIATED ROADS DELETED, ROW 4 & STORE/STABLES RELOCATED, ROW 3 REVISED	14 JAN 2018



LANDSCAPE CONCEPT PLAN

KEMPS CREEK CENTRE

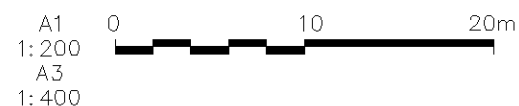
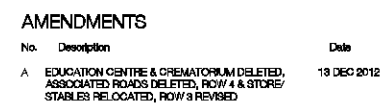
Elizabeth Drive, KEMPS CREEK
for

ANIMAL WELFARE LEAGUE NSW

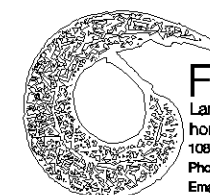


Scale: 1:1000 AT A1
Date: AUGUST 2010

LP1 A



Elizabeth Drive KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW

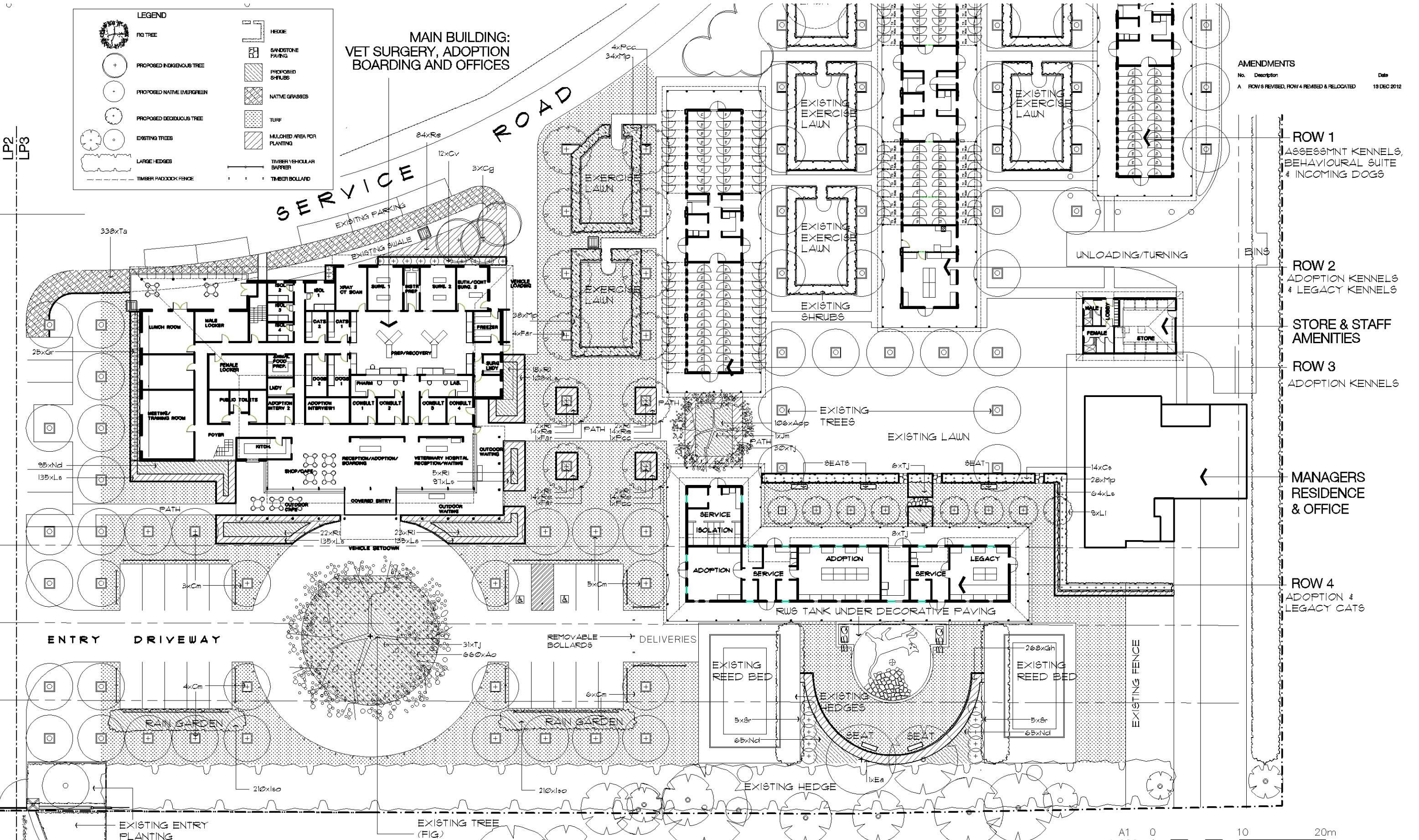


Fiona Robbé
Landscape architecture
horticulture and playspace design
108 Aroadia Road, Aroadia NSW 2169
Phone: 02 96531045 Fax: 02 96531229
Email: fiona@architectsofaroadia.com.au



Scale: 1:200 AT A1
Date: AUGUST 2010

LP2 A



DETAIL LANDSCAPE PLAN

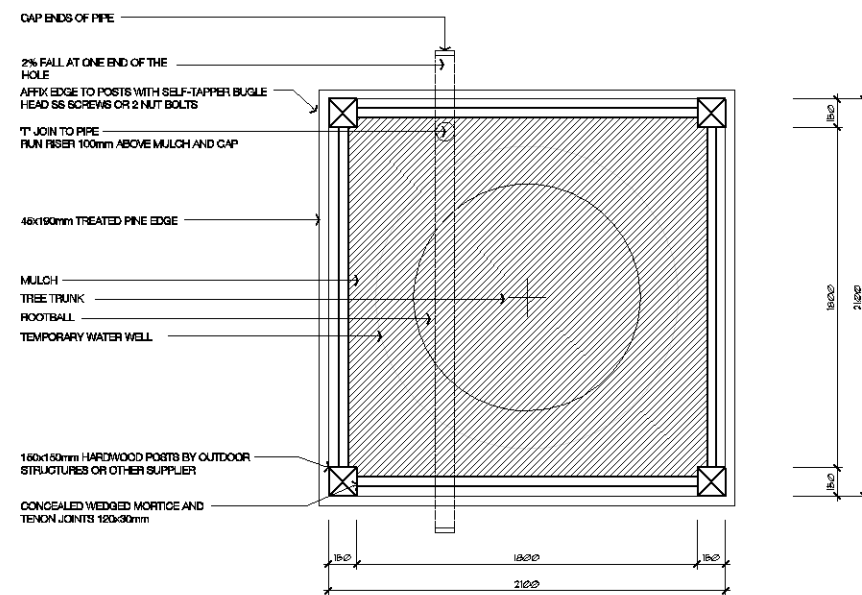
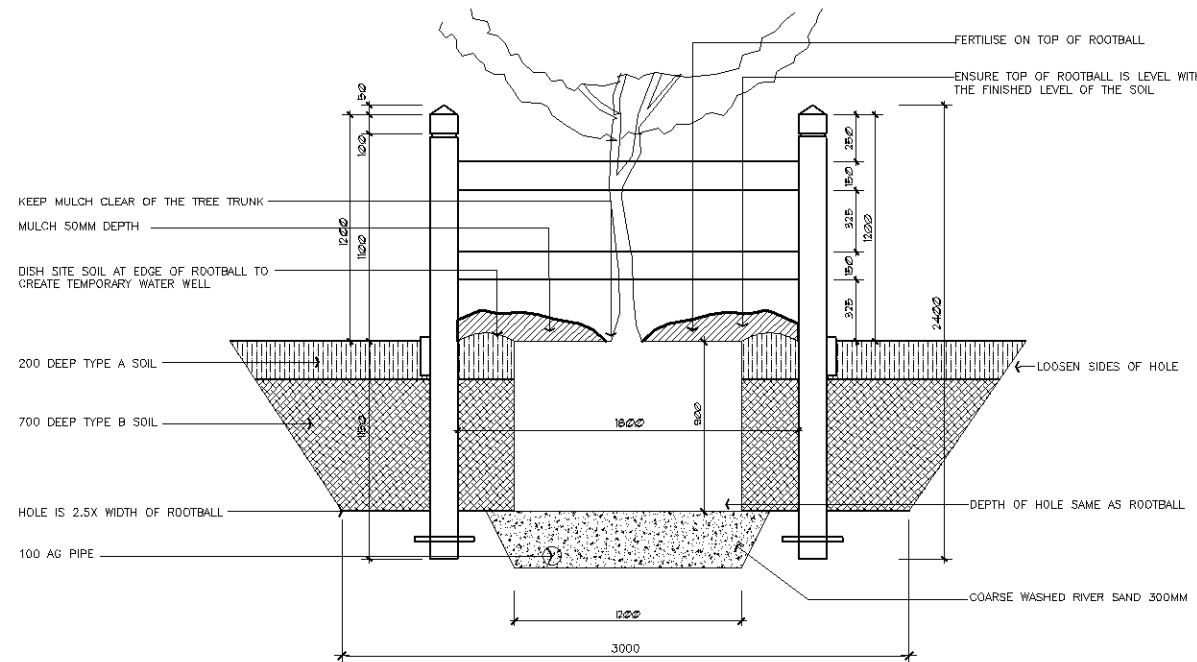
KEMPS CREEK CENTRE

Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW

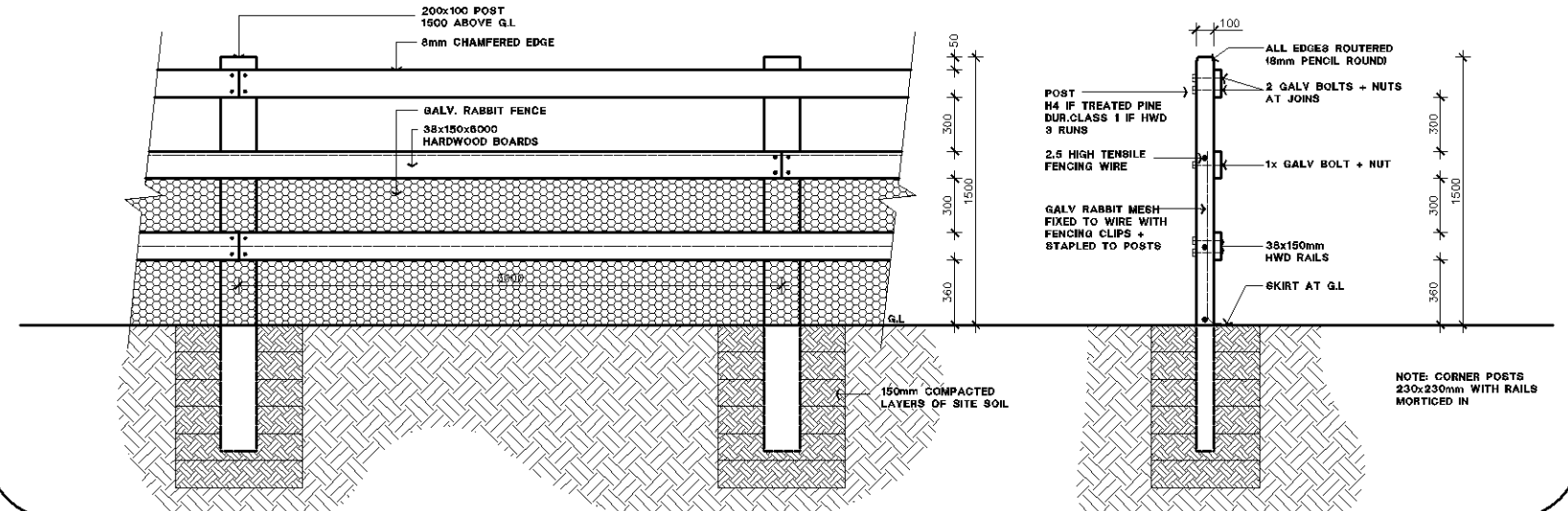


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Date: AUGUST 2010
LP3 A

100L JACARANDA IN GARDEN BED
scale 1:20



Paddock Fencing
scale 1:20



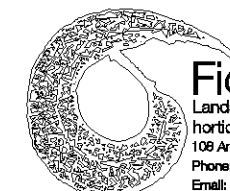
PLANTING SCHEDULE

Abreviation	TREES	Common Name	Height in m at planting	Height in m at maturity	Caliper in mm at planting	Spacing	Number	Pot size Litre or mm dia	Notes
	Deciduous								
Far	Fraxinus angustifolia 'RAYWOOD'	Claret Ash	25	10	25	As shown	6	400mm dia air pruned pot	2 no. HUD stakes
L1	Lagerstroemia indica	Crape myrtle	20	6	25	As shown	9	400mm dia air pruned pot	2 no. HUD stakes
Pcc	Fyrus calleryana 'CHANTICLEER'	Ornamental Pear	25	8	25	As shown	6	400mm dia air pruned pot	2 no. HUD stakes
	Evergreen (Indigenous to site)								
Cg	Casuarina glauca	She-Oak	0.7	5	7	As shown	21	tubestock	Rabbit guard 4 bamboo stake
Ea	Eucalyptus amplifolia	Cabbage Gum	0.5	25	7	As shown	19	tubestock + 5L	Rabbit guard 4 bamboo stake
	Evergreen (Exotic to site)								
Cm	Gorymbia maculata	Spotted Gum	25	25	30	As shown	19	25L	2 no. HUD stakes
Jm	Jacaranda mimosaefolia	Jacaranda	25	10	50	As shown	1	100L	1 no. Tree guard
	HEDGES								
Co	Camellia sasanqua 'SETSUJUGENKA'	Camellia	25	15	NA	15M	14	5L	Prune after planting
Cv	Callistemon viminalis 'CC06'	Bottlebrush	20	0.7	NA	15M	12	5L	Prune after planting
Gr	Grevillea roemerianifolia 'GH16'	Grevillea	0.8	0.5	NA	800	25	5L	Prune after planting
Mp	Murraya paniculata	Orange Jessamine	0.6	15	NA	1M	100	5L	Prune after planting
Xc	Xylosma congestum	Shiny Xylosma	0.45	6	NA	3M	47	5L	Rabbit guard 4 3 no. bamboo stakes
	SHRUBS & GRASSES								
Aop	Agapanthus orientalis 'FRAECOX'	Agapanthus	0.4	15	NA	500	106	5L	
Ac	Agapanthus orientalis	Agapanthus	0.4	15	NA	500	660	5L	
Gh	Gazania hybrid 'GT20'	Gazania	0.2	0.2	NA	500	268	140mm	
Iao	Isoplepis nodosa	Club rush	0.8	0.3	NA	450	420	viro tube	
Li	Liriope spicata	Liriope	0.5	0.25	NA	300	674	150mm	
Nd	Nandina domestica 'SEIKA'	Nandina	0.7	0.2	NA	450	225	140mm	
Re	Russelia equestiformis	Russelia	0.1	0.45	NA	700	140	140mm	
Ri	Raphiolepis indica 'COSMIC WHITE'	Cosmic White	0.5	15	NA	800	76	140mm	
Er	Streptozia reginae	Bird of Paradise	1.5	12	NA	15M	10	200mm	
Ta	Themeda australis 'MINGO'	Mingo	0.3	0.15	NA	600	338	viro tube	
TJ	Tibouchina 'JULES'	Tibouchina	1.0	0.3	NA	1M	75	150mm	

CONSTRUCTION DETAILS & PLANTING SCHEDULE

KEMPS CREEK CENTRE

Elizabeth Drive, KEMPS CREEK
for
ANIMAL WELFARE LEAGUE NSW



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Email: fiona@architectsofarcadia.com.au

Scale: AS SHOWN AT AI
Date: DECEMBER 2012



_P4

Appendix No. 2 – Penrith DCP 2010 Development Control Table

	DCP Provision	Comment	Compliance
Part C-Controls Applying to all Development			
C1 Site Planning and Design	New proposals on land identified on the Scenic and Landscape Values Map should be accompanied by a visual impact	Visual impact is addressed in the SEE	Yes
	CPTED principles should be incorporated into the design addressing surveillance, access control and territorial reinforcement	CPTED commentary provided	Yes
	DA for frequent public use should address the principles of Universal Design in the SEE	N/A	N/A
C2 Vegetation Management	Development consent is required to remove trees and may require an Arborist Report	No vegetation is proposed to be removed.	Yes
	A Species Impact Statement will be required if Council determines that works may have a significant effect on threatened species	N/A	N/A
	Any proposed industrial development with a roof area greater than 600sqm should submit an investigation into the feasibility of a roof garden to reduce hard surface area	The development is not industrial in nature. Given the surrounding context, landscaping and the nature of the development a roof garden is not considered appropriate	N/A
C3 Water Management	Where relevant, a comprehensive flood study should be incorporated into a DA for flood prone land	Flood impact assessment provided	Yes
	Floor level for new development should be at least 0.5m above the 1:100ARI floor of the	This aspect has been conditioned	Yes

	DCP Provision	Comment	Compliance
	building should be flood-proofed to at least 0.5m above the ARI flood		
	Flood safe access and emergency egress shall be provided to new development	Flood Impact Assessment provided.	Yes
	Adequate stormwater systems should be designed for the development	Stormwater drainage is addressed.	Yes
C4 Land Management	Any DA that requires earthworks and changes to levels of a site is required to address it in an SEE or a geotechnical report	This matter has been addressed.	Yes
	Earthworks should not exceed 1m below ground All retaining walls should be identified in a DA	No earthworks below existing ground level are proposed	Yes
	All applications which involve site disturbance must be accompanied by an Erosion and Sedimentation Control Plan in accordance with 'Managing Urban Stormwater-Soils and Construction and the 'additional measures for large sites' in the DCP	Plan provided	Yes
	DAs for new buildings may be required to include information on the potential for contamination	This matter has been addressed in a previous section of this report.	Yes
C5 Waste Management	A Waste Management Plan should be submitted with a DA for demolition and construction of a building	Waste Management Plan provided	Yes
	On site sewage management	This matter has been addressed in a previous section of this report.	Yes
C6 Landscape Design	A Landscape Concept Plan is required to be submitted with the DA by	Provided	Yes

	DCP Provision	Comment	Compliance
	a Category 3 Landscape Professional		
C7 Culture & Heritage	N/A	N/A	N/A
C8 Public Domain	Public access to the public domain should be maximised by: <ul style="list-style-type: none"> • Location of building entrance • A visual transition to the public space by avoiding continuous lengths of blank walls in the built form • Views to and from the public domain to be protected • Accessibility should be provided for all members of the community 	N/A	N/A
C9 Advertising and Signage	Signs should generally be confined to the ground level of the building	No signage is proposed.	N/A
	Pole or pylon signs to be a maximum height of 7m. Flat standing signs are only permissible where the building is set back 3m from the street	No signage is proposed.	N/A
C10 Transport Access and Parking	New development that will have potential significant public transport patronage is to be located close to existing or proposed transport nodes or networks	Bus services operate along Elizabeth Drive, adjacent to the site, and provide links to surrounding areas. While it is expected that the majority of customers will access the site via cars, employees may use the public transport	Yes
	Development applications for major development should be accompanied by a Traffic Report	Traffic Report is provided	Yes

	DCP Provision	Comment	Compliance
	Development should demonstrate how it: • Provides safe entry and exit for pedestrians and vehicles • Minimises potential vehicular and pedestrian conflict • Not restricts traffic flow or creates a hazard • Provides suitable off-street parking • Identifies needs for any additional on street traffic facilities	Addressed in Traffic Report	Yes
	Where possible, vehicular access should be from service roads. New access points off arterial, sub arterial or other major roads is to be avoided where alternatives exist	The site has only one road frontage to Elizabeth Drive which will provide access to the site	Yes
	Car parking and manoeuvring layout should be in accordance with AS2890.1-2004	Addressed in Traffic Report	Yes
	Provision of disabled parking should be at a rate of 1-4% of total parking spaces in accordance with Australian Standards	Disabled parking is shown on the plans.	Yes
	Large car parking areas should be visually separated from access roads and from the building by planting and landscaping	A range of high and low levels landscaping provided to screen car park	Yes
	Design of car parking should ensure that passive surveillance is possible and incorporate active security measures	All carparking is provided in direct view of the entrances of the main building which will enable continuous natural surveillance	Yes
	Bicycle parking spaces should be provided in accordance with Austroads, be located to provide	There is ample space for bicycle parking	Yes

	DCP Provision	Comment	Compliance
	convenient access and associated shower and change rooms should be provided		
C12 Noise and Vibration	Where a site is likely to be affected by unacceptable levels of road traffic noise, a Noise Impact Statement should be provided	Road traffic noise is considered to have no adverse impact	Yes
C13 Infrastructure and Services	Any site analysis should address the existing and proposed provisions of services/utilities to a property and whether there is satisfactory capacity to address required demand of the proposal	The provision of services can be imposed as a condition of consent.	Yes
	On site sewage management	This matter has been addressed elsewhere in this report.	No
Part D Controls Applying to all Specific Land Uses – Part D4 Rural Land Uses			
1.4.4. Animal Boarding or Training Establishments	Dog boarding or training establishments will not be approved on allotments which have a frontage of less than 90 metres.	Site frontage is 630m.	Yes
	Kennels shall be located a minimum of 150 metres from any Existing dwelling or potential dwelling site.		Yes
	A proportional increase in the number of dogs will be permitted as the distance from existing or future dwellings is increased, to a maximum of 40 dogs for 300 metres.	No dogs are proposed to be accommodated in Row 4.	Yes.

	DCP Provision	Comment	Compliance
	Kennels should be setback a minimum of 60 metres from any public road.		Yes
	All kennels are to be screened to ensure that dogs cannot see the street.		Yes
	Concrete floors are to be provided to all kennels and runs to facilitate cleaning.		Yes
	Sound-proofed holding sheds are to be provided for distressed animals.		Yes
	Applications for consent to establish kennels shall be accompanied by an acoustic study which demonstrates that the proposal can operate with acceptable impact on adjoining and nearby properties.		Yes

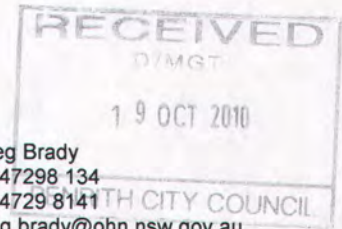


Office of Water

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'.

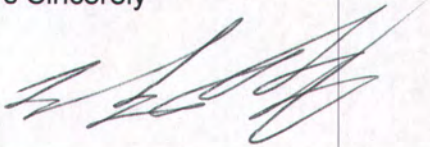
Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and 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>			

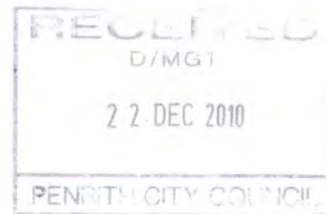
Our Reference		10 ERM2010/1034	File No:	9054130
Site Address		1605 - 1667 Elizabeth Drive KEMPS CREEK		
DA Number		DA10/0990		
LGA		Penrith City Council		
Number	Condition			
15	N/A			
16	N/A			
17	The consent holder must establish all erosion and sediment control works and water diversion structures 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.

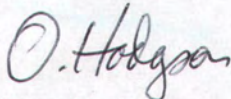
Reason: To maintain efficiency of State Road Network.

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'.

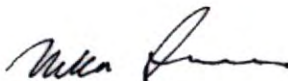
11. For the Learning Centre the new construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
12. For the Animal Crematorium the new construction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