

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0506
Proposed development:	Alterations & Additions to an Existing Structure for a Veterinary Hospital and Club Administration Offices
Property address:	308 - 332 Londonderry Road, LONDONDERRY NSW 2753
Property description:	Lot 1 DP 1084891
Date received:	15 June 2017
Assessing officer	Gannon Cuneo
Zoning:	RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 5 , Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for alterations and additions to an existing building and change of use to a veterinary hospital and office space at 308-332 Londonderry Road, Londonderry. The site is currently occupied by Richmond Race Club who are expanding and require additional office space for administrative functions of the club, with the veterinary hospital being an additional use of the site.

Under Penrith Local Environmental Plan 2010, the proposal is defined as office premises and veterinary hospital. The subject site is zoned RU4 Primary Production Small Lots and whilst the proposed office space is not identified as a permissible use, it is considered ancillary to the existing race club functions on the site. The proposed veterinary hospital is a permitted use in the zone.

The application has been notified to nearby and adjoining properties between 26 June and 10 July 2017. Council received no submissions in response.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is located on the corner of Londonderry Road and Wilshire Road, with frontage predominantly to Londonderry Road. The site has an area of 29.82 hectares and is generally flat.

The site comprises an established race track for greyhound racing with various buildings associated with the use also located on the site. The site also contains a grandstand, parking areas, storage, veterinary services, office space, bistro and outbuildings.

The building that is subject to this application is currently vacant. The portion of the building proposed as the veterinary hospital is the former kitchen for the club, with the area proposed for the office space the former dining room associated with the bistro. Since these facilities have been relocated on the site via previous approvals, the subject building has remained vacant.

Proposal

The proposed development involves alterations and additions to an existing building on the subject site for fit-out and use as a veterinary hospital and office premises.

Veterinary Hospital

The veterinary hospital will be located in the former kitchen for the race club which is now located within the grand stand. The veterinary hospital will comprise the following:

- Reception and waiting area;
- Consultation rooms;
- Surgery facilities;
- X Ray;
- Pharmacy,
- Offices;
- Storage; and
- Exercise area.

The proposed hours of operation of the veterinary hospital are Monday to Friday 8.30am to 7.00pm and Saturday 8.30am to 1.00pm. There will be 2 veterinary staff and 2 support staff associated with the veterinary hospital.

Office Space

The proposed office space will be used by Richmond Race Club for their administrative functions. The existing space is located under the grandstand and a small area which is unable to cater for the number of staff employed by the club. As such, the office space will comprise the following:

- Reception and waiting area;
- Five closed offices;
- Utilities rooms;
- Two open work areas;
- Meeting room; and
- Kitchenette.

The space used by the existing office will be used for storage of merchandise.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• **Section 79BA - Bushfire prone land assessment**

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

- A portion of the building is located within the area identified as a buffer zone;
- The nearest point of any significant bush fire threat is 170 metres from the building;
- Therefore, a condition of consent will require the existing building to demonstrate compliance with the Building Code of Australia with regard to bush fire protection.

• **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion

Clause 2.3 Permissibility

The proposed development is defined as a veterinary hospital and office premises. The subject site is zoned RU4 Primary Production Small Lots and veterinary hospitals are a permissible in the zone with consent, however office premises are a prohibited use. The application has demonstrated that the proposed office space is ancillary to the existing racecourse and its function. The proposed fit out of the space as an office premises is for the relocation of the existing offices. This will provide a more spacious environment for employees and improved way finding for visitors or clients. As such, it is considered that the proposed veterinary hospital and relocate office space is permissible in this instance.

Clause 2.3 Zone objectives

The objectives of the RU4 zone are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.
- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

The application has identified that the existing race course is compatible with surrounding land uses and the proposed development will ensure its compatibility is maintained. In addition, the proposed alterations will not amend the scale of the building and the proposal is considered to be in keeping with the existing rural landscape character of the area. As such, it is considered that the proposed development meets the objectives of the zone.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft Environmental Planning Instruments that apply to the proposal.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D1.1. Rural Character	Complies
D1.2. Rural Dwellings and Outbuildings	N/A
D1.3. Farm buildings	N/A
D1.4 Agricultural Development	N/A
D1.5. Non-Agricultural Development	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

A BCA Compliance Report has been submitted with the application for the proposed alterations and additions to the existing building. The report states that some works will be required during the construction stage to meet the requirements of the BCA, which has been reviewed by Council's Building Surveyor who raises no objection to the proposal, subject to conditions of consent. As such, the proposal complies with the requirements of the Regulations.

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

Context and Setting

The building that is subject to the proposal is an existing structure on the site and is located to the east of the grandstand. The building is located approximately 100 metres from Londonderry Road and is suitably located for the proposed use. The current location of the veterinary hospital and office space is unsuitable for public access and is difficult to locate on the site. The proposed location in the existing building provides a much better outcome for wayfinding and reduces the demand on additional infrastructure and construction works.

Concern was raised through the assessment process regarding the suitability of the veterinary hospital within 100 metres of a residential dwelling. An inspection of the premises and review of aerial photography has found that a substantial number of adjoining properties are animal training and boarding establishments with their facilities within close proximity to the dwelling. Therefore, it is considered the location of the veterinary hospital is suitable in the context of the site and surrounding area.

Accessibility

A BCA Compliance Report was submitted with the application which outlines access requirements and proposed works to ensure the building is fully accessible. The report has been reviewed by Council's Building Surveyor who is satisfied that the recommendations of the report will result in a BCA compliant development. As such, conditions of consent have been included to ensure BCA compliance is achieved.

Noise

Given the existing use of the site as a recreation facility for greyhounds, the applicant was not required to provide an acoustic report. However, the applicant was required to demonstrate that the proposed location of the veterinary hospital and office will not have an adverse noise impact on adjoining properties. The applicant has considered the potential for acoustic impacts on adjoining properties, stating that the existing use of the site and distance of dwellings from the building is unlikely to produce any adverse impact. In addition, the location of the carpark on the site and adjoining properties being used as animal training and boarding establishments, it is therefore considered unlikely to adversely impact adjoining properties.

Council's Environmental Health Officer has reviewed the proposal and is satisfied that the expected noise levels from the development will create minimal additional impact. As such, conditions of consent have been imposed which will require the applicant to ensure all noise generated from the development is in accordance with EPA guidelines.

Vehicular access

The proposal includes allocation of a number of parking spaces for each premises, being the veterinary hospital and office space. The site is accessed from Londonderry Road and parking will be visible and line marked for employees and visitors. Parking for the development can be contained wholly within the site and is not expected to produce any adverse impacts on the road network or adjoining properties.

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

The site is considered suitable for the proposed development for the reasons set out below:

- The facility and infrastructure on the site are existing, therefore the proposed veterinary hospital and office premises will be utilising existing infrastructure without the need for any extensive construction works;
- The proposed alterations and additions will have no impact on the critical endangered vegetation on the site;
- The site is not a heritage item, within a heritage conservation area, or within close proximity to a heritage item;
- The site is capable of accommodating adequate parking for staff, members and visitors; and
- The zoning of the site, specific additional uses and existing uses on the site under the LEP 2010 permit the proposed works.

Accordingly the site is considered suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents between 26 June and 10 July 2017. Council has received no submissions in response.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Conclusion

The proposal has been assessed against the relevant environmental planning instruments and other matters set out under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and found to be satisfactory subject to recommended conditions of consent.

Furthermore, the development performs adequately in terms of its relationship to the surrounding rural and built environment and as a result, the proposal is supported from an environmental planning perspective.

Recommendation

1. That DA17/0506 for alterations and additions to an existing building for a veterinary hospital and office premises ancillary to the race club at 308-332 Londonderry Road, Londonderry, be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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

Title	Reference	Author	Date
Site Plan	170809-1 (Issue D)	Barbara Tarnawski Architects	21/03/18
Proposed Floor Plan	170809-3 (Issue D)	Barbara Tarnawski Architects	21/03/18
Elevations and Section	170809-4 (Issue D)	Barbara Tarnawski Architects	21/03/18

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

The development shall not be used or occupied until an Occupation Certificate has been issued.

3 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of State Environmental Planning Policy No. 64 - Advertising and Signage and Penrith Development Control Plan.

4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours of the veterinary hospital are from 8.30am to 7.00pm Mondays to Fridays and 8.30am to 1.00pm Saturdays. Delivery and service vehicles generated by the development are limited to the operating hours of the veterinary hospital.

5 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

6 A Special (BLANK)

The office space within the development shall not be leased or subleased for any business or operations that do not exist on the site. The area identified as office space shall be occupied by the operator of the site only.

7 A Special (BLANK)

Prior to the issue of an Occupation Certificate, the following works are required:

- Any external areas of the building that are dilapidated or deteriorated are to be updated and enhanced;
- An awning is to be constructed over the entrance to the veterinary hospital and office to assist in way finding;
- Traffic calming devices are to be installed in the car park to ensure the safety of pedestrians; and
- Line marking and bollards are to be installed in accordance with the stamped approved plan.

8 A Special (BLANK)

The Veterinary Clinic shall not:

- involve more than 2 *Veterinary* professionals and 2 support staff at any one time, or
- provide services to the community other than via appointment only, or
- operate above the capacity of the existing car parking and waiting room facilities, or
- operate outside the approved hours for anything other than an emergency.

9 A Special (BLANK)

Animal boarding and training facilities are not permitted under this consent.

Demolition

10 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

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

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

11 B004 - Dust

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

12 B005 - Mud/Soil

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

13 B006 - Hours of work

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

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

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

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

Environmental Matters

14 D009 - Covering of waste storage area

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

15 D010 – Appropriate disposal of excavated or other waste

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

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

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

BCA Issues

16 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

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.

17 E01A - BCA compliance for Class 2-9

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.

Health Matters and OSSM installations

18 F Sspecial (BLANK)

Public waiting areas and toilets in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times.

19 F Sspecial (BLANK)

The ionising radiation apparatus is to be registered with the NSW Office of Environment & Heritage (OEH) prior to its use. Note: Guidance may be obtained from the NSW EPA guidelines "*Radiation Guideline 6 - Registration requirements and industry best practice for ionising radiation apparatus used in diagnostic imaging*". Any X-ray device must incorporate all necessary safety features to prevent exposure to radiation in excess of that permitted by the *Radiation Control Act 1990* and Regulations and any other relevant legislation, code or standard

20 F Sspecial (BLANK)

Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated waste or related waste prior to final disposal of the material at a facility approved by the NSW Office of Environment and Heritage. A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

Construction

21 H001 - Stamped plans and erection of site notice

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

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

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

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

22 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

23 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

24 K209 - Stormwater Discharge – Minor Development

Stormwater drainage from the site shall be discharged to the existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

25 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any 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 AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

26 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

27 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and line-marking shall be installed in accordance with the stamped approved site plan, indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Landscaping

28 **L001 - General**

Prior to the issue of an Occupation Certificate, landscaping shall be provided in accordance with the stamped approved Site Plan (Drawing No. 170809-1, dated 07/12/17, prepared by Barbara Tarnawski). A range of small, medium and large shrubs shall be provided.

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.

29 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

30 **L012 - Existing landscaping (for existing development)**

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

Certification

31 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- 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
- 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.

Operation of OSSM

32 R: biolytix

The owner/occupier shall enter into a service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the system as recommended in the owner's manual. An Annual inspection and service check is to be carried out in the following manner:

An annual service shall include a check on all mechanical, electrical and functioning parts of the system including:

- all pumps and switches,
- the alarm system,
- the effluent disposal area and sub-surface irrigation lines and filters,
- monitoring and maintenance of humus levels, and
- the biology of the filter beds.

When the system requires emptying, all composted matter is to be removed by a qualified contractor and disposed of by burial within the confines of the premises in soil which is not to be used for at least 3 months for the cultivation of food for human consumption. The minimum cover of soil over the deposited compost must be 100mm.

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

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

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

33 R115 - No structures on EMA

No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.

34 R125 - Annual Environmental Performance Report

Council is to be provided with an Annual Environmental Performance Report detailing the performance of the system, including but not limited to the following information:

- Details and records of maintenance checks of disposal areas.
- Copies of maintenance report sheets.
- Results of effluent output testing.
- Health of the biological filter bed

The Report shall demonstrate compliance with:

- All relevant OSSM conditions imposed under the existing License to Operate
- Conditions of consent imposed under DA05/1994, and
- Consent conditions imposed through this Notice of Determination.

The first Environmental Performance Report is to be provided to Council **twelve months from date of the issue of the Notice of Determination.**

35 R126 - Testing of effluent output

Bi-annual testing of effluent output is to occur for the following parameters:

- Total Nitrogen
- Total Phosphorus
- Faecal Coliforms
- Biochemical Oxygen Demand
- Total Suspended Solids

Effluent is to be sampled by a suitably qualified person and tested at a NATA accredited laboratory. The test results are to be provided to Council within 21 days of their receipt by the owner/operator. **Testing is to occur every six months from the date of the issue of the Notice of Determination.**

36 R special BLANK

All wastewater generated through the operation of the veterinary clinic and any associated facilities is to be directed to the existing Biolytix commercial wastewater management system approved under DA05/1994

37 [R special BLANK](#)

The on-site sewage management system and effluent management area shall be operated in accordance with the:

- recommendations contained in the Wastewater Report prepared by Kerry Flanagan Wastewater (dated: 28 April 2017 and further information provided 24 September 2017)
- the approved Effluent Management Area Plan;
- all relevant OSSM conditions of consent imposed under DA05/1994;
- All relevant OSSM conditions imposed under the existing License to Operate; and
- all conditions of consent imposed under this Notice of Determination.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C4 Land Management

An On-Site Wastewater Management Assessment was provided with the application which has been reviewed by Council's Environmental Health Officer. The report states that an upgrade to the existing commercial system is not required as it is currently operating below capacity and there is not increase in operation proposed. Council's EHO is satisfied that the existing system is suitable for the proposed use and conditions of consent have been provided to ensure compliance is maintained.

C10 Transport, Access and Parking

The site has ample parking to cater for the proposed development. In accordance with DCP requirements, the site plan has identified parking areas for the veterinary hospital and office space. Council's DCP does not provide a parking rate for veterinary hospitals, however the applicant has identified that a maximum of 4 staff will be located on site each day and a total of 21 customers / clients visiting the practice. A total of 9 parking spaces, including one accessible space, is provided for the veterinary clinic which is considered suitable for the development.

The applicant has advised that the proposed office space will cater for a maximum of 16 staff members following incremental increases in staff numbers over a number of years. In accordance with DCP requirements, 1 parking space per 40m² is required for office premises. With a total of 400m² of office space, 10 parking spaces are required. A total of 9 spaces is provided for the office space which does not meet this requirement, however given the area identified on the site for parking, the minor variation is acceptable.

D1 Rural Land Uses

Concern was raised through the assessment process regarding the permissibly and compatibility of the office space on the site. Given the rural character of the area and office spaces being a prohibited use, the applicant was requested to provide justification for the area of the proposed office space and its compatibility with the use of the site.

A meeting was held on site with the General Manager of the race club and the planning consultant to discuss the nature of the use and the changes proposed with the application. The inspection identified the small area currently used as office space located on the site. Minimal way-finding and directional signage to the office space revealed that the current space is unsuitable given the growth being experienced by the club. As such, the proposed office space will provide enough space for incremental increases in staff numbers over the coming years and make use of the current building on the site which is currently vacant.

As a result of the inspection, Council can be satisfied that the current and existing use on the site will not change, rather the areas will become more functional and conducive to the use of the site. Appropriate way-finding and signage will be recommended as conditions of consent to ensure the proposed office space and veterinary hospital will function as suitable spaces for the development.