

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0641
<b>Proposed development:</b>	Extension to Existing Kennels at Richmond Race Club To Accommodate An Additional 32 Kennels
<b>Property address:</b>	308 - 332 Londonderry Road, LONDONDERRY NSW 2753
<b>Property description:</b>	Lot 1 DP 1084891
<b>Date received:</b>	18 September 2019
<b>Assessing officer</b>	Pukar Pradhan
<b>Zoning:</b>	RU4 Primary Production Small Lots - LEP 2010
<b>Class of building:</b>	Class 5 , Class 10a
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a development application for the extension to existing dog kennel building to add 32 dog kennels for the Race Club at 308 - 332 Londonderry Road Londonderry. Under LEP 2010, the proposal is defined as "Outdoor Recreation - Major" . The subject site is zoned RU4 Primary Production Small Lots and "Outdoor Recreation - Major" is not permitted in the zone. However the site has been operating as a greyhound dog race facilities for many years under the provision of past superseded planning instrument applicable at that time and the proposed extension is ancillary use to the existing facility and as such is permissible with Council consent.

The application has been notified to adjoining properties and exhibited from 24 September 2019 to 8 October 2019. There were no submissions received.

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.

### Background

The subject site is known as "The Richmond Race Club" has been operating for many years from the site and several other approvals have been granted on this site.

- DA07/0383 was granted approval on the 13 June 2007 for the internal refurbishment of the existing buildings on the site as part of the operations of the club.
- DA09/0962 was granted approval on the 07 October 2009 for the Construction of a children's playground and soft fall area which will be used in conjunction with the Richmond Race Club.
- DA13/0715 was granted approval on the 20 August 2013 for the conversion of an existing function room to a commercial kitchen.
- DA16/0639 Was granted deferred commencement consent on 16 December 2016 for the Paint Ball Facility with associated fields, structures and upgrade of an existing car parking area. This development has not proceeded.

## Site & Surrounds

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The subject site is situated on the Western side of Londonderry Road and the Eastern Boundary runs along Wilshire Road. The site is L shaped, is orientated in an East - West direction from the front to rear of the site and has a total area of 29.82 Ha.

The subject site is known as The Richmond Race Club. It comprises of an established race track for greyhound racing, with a single storey brick building containing 96 kennels, existing buildings that are associated with the major recreational facility use and a two storey dwelling that contains spectator seating areas, office administration areas, a licensed lounge bar, ground floor parking and service areas. Car parking area is located along the frontage of the site.

The surrounding area is characterised by small lot rural properties.

## Proposal

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- The proposal involves the extension of the existing kennel building to cater for additional 32 kennels and will involve 11.72m extension to the west of existing kennel building with a small 2.5m x 3.3m storage area.
- Increased floor area of 114sqm.
- The building will be constructed to match the existing building with respect to the external finishes and building height.
- The total number of dog kennels will be increased from 96 to 118.
- No changes to hours of operation which is 7pm to 10:30pm.

## Plans that apply

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

## Planning Assessment

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### • Section 4.15 - 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 of the application has been undertaken against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

The aim of this plan is to protect the environment of the Hawkesbury/ Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP 20 provision aims to ensure that the development does not negatively impact on water quality, fauna and flora habitats.

This Plan applies generally to the subject land. The proposal will have minimal impacts on the river or lands within the river valley & appropriate conditions will be imposed to ensure that adequate control measures are provided.

The application is satisfactory subject to recommended conditions of consent

**Local Environmental Plan 2010 (Amendment 4)**

Provision	Compliance
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 4.3 Height of buildings	Complies

**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 - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
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 - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D1.1. Rural Character	Complies
D1.2. Rural Dwellings and Outbuildings	N/A
D1.3. Farm buildings	N/A
D1.4 Agricultural Development	Complies - see Appendix - Development Control Plan Compliance
D1.5. Non-Agricultural Development	N/A

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

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application has been referred to Council's Building Surveyors for assessment and have advised that the proposed development will comply with the requirements of the Regulations.

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

### **Context and setting**

The proposed alterations and additions to the existing kennel building are considered to be compatible with the existing building and the building is not visible from the street. The proposed development does not change the nature of the business on-site and will not cause any adverse impact to the adjacent land uses.

### **Parking**

The site contains an existing public car park for 250 cars and a trainers car park for 100 cars. It is noted that the existing car park facilities are in excess of what is required, therefore the proposed alterations and additions to the existing grandstand will not cause any impacts to the current parking. Additionally it is noted that the capacity of people will not increase but is likely to increase traffic by 6 to 12 vehicles in an event which the site can cater for.

The application has been examined by Council's Traffic Engineer who is satisfied with parking arrangements and traffic and have raised no objections to the proposal.

### **Noise Impact**

An Acoustic Report (prepared by Day Design Pty Ltd, dated 17 September 2019, ref 5791-2.1R) was submitted with the application and the Acoustic Report addresses potential noise impacts which may arise from the operational phase of the proposed development. Council's Environmental Management Officer has examined their Acoustic Report and advised that Acoustic Report addresses potential noise impacts which may arise from the operation and that there should be no offensive noise generated as a result.

They have raised no objection to the proposal subject to conditions.

### **Existing Utilities**

The proposed alterations and additions to the existing kennel building will not increase the demand of the existing utilities.

### **Drainage**

Based on 2006 Overland Flow Overview Study, the site is affected by couple of minor overland flow. However, flood has no impact on proposed development. Council's development engineer has examined the proposal and has raised no objection to the proposal subject to connecting the drainage the existing system.

### **OSSM**

The OSSM information/document prepared by Kerry Flanagan Wastewater, dated 2 November 2019 submitted provides an overview of the current wastewater management arrangement, and provides an assessment and calculations of the additional wastewater load generated as a result of the activities associated with the proposed additional kennels (e.g. washing down of kennels). The Statement concludes that there will be a negligible increase in wastewater load anticipated, and therefore there are no modifications required to the existing on-site sewage management system and associated effluent disposal area. Council's ENvironmental Management Officer is satisfied with the report and raised no objection to the proposal and concerns associated with wastewater management has been addressed through conditions of consent.

### **Contamination**

Given the continued use for the subject property as a dog racing club, and that a review of aerial images has not revealed any potential for land contamination within the subject area as part of the proposed development, there is no issue in regards to contamination. The site is considered suitable for the proposed use, subject to conditions of consent.

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

The proposed development is an existing use which is well established and accepted in the locality. The alterations and additions will involve minor extension to the existing building. The extension is expected to have little or no environmental impact and will not create additional traffic impact of demand for parking. Therefore, in view of the above assessment, Council can be satisfied that the site is suitable for the development subject to conditions.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 – Notification and Advertising, the application was notified to nearby and adjoining residents from 24 September 2019 to 8 October 2019. No submissions were received.

### 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
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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

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

### Conclusion

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In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and the Development Control Plan 2014 the proposal satisfies the aims, objectives and provisions of these policies.

- The proposed design is site responsive and complies with key development standards.
- The site is suitable for the proposed development.
- There is unlikely to be negative impacts arising from the proposed development.
- The proposal is in the public interest.

Therefore, the application is worthy of support, subject to recommended conditions.

### Recommendation

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1. That DA19/0641 for the Extension of Existing Kennels Building to Accommodate an Additional 32 Kennels at 308 - 332 Londonderry Road Londonderry be approved subject to the attached conditions (Development Assessment Report Part B).

## General

### 1 [A001](#)

The development must be implemented substantially in accordance with the following stamped approved plans of below:

Drawing Title	Plan No.	Issue	Prepared By	Date
Floor Plans	190829 - 2 & 3	B	Barbara Tarnawski Architects	12/09/2019
Elevations	190829 - 4	B	Barbara Tarnawski Architects	12/09/2019
Site Plan - Richmond Race Club	190829 - 1	B	Barbara Tarnawski Architects	12/09/2019

the application form and any supporting information issued by Penrith City Council, except as may be amended in red on the attached plans and by the following conditions.

### 2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

### 3 [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

### 4 [A046 - Obtain Construction Certificate before commencement of works](#)

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

### 5 [A Special \(BLANK\)](#)

The external finishes of the extended part of the building are to be consistent in colours and materials with the existing building's external finishes.

## Demolition

### 6 [B003 - ASBESTOS](#)

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

**Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

### 7 [B004 - Dust](#)

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

8 [B004 - Dust](#)

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

9 [B005 - Mud/Soil](#)

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

10 [B005 - Mud/Soil](#)

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

11 [B006 - Hours of work](#)

Demolition 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates 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

12 [D001 - Implement approved sediment& erosion control measures](#)

**Prior to the issue of the Construction Certificate**, a sediment and erosion control plan is to be submitted to Council for review.

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.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

13 [D005 – No filling without prior approval \(may need to add D006\)](#)

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.

14 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

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, considered and approved by 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.

{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."}.

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.

15 **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.

16 **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.

17 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Environmental Noise Assessment (prepared by Day Design Pty Ltd, dated 17 September 2019, ref 5791-2.1R). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

## **BCA Issues**



## 18 E001 - BCA compliance

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).

## Construction

## 19 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.

## 20 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.

## 21 H006 - Submission of and implement waste management plan

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

## 22 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

## 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.

#### 24 [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

#### 25 [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.

#### 26 [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 AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

#### 27 [K Special \(BLANK\)](#)

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

#### 28 [K Special \(BLANK\)](#)

All car parking spaces, manoeuvring areas, circulation roadways, and driveways must be kept clear of obstructions and not be used for storage.

#### 29 [K Special \(BLANK\)](#)

The gate used to access the 'Trainers Parking' area indicated on the site plan (No.190828-1) must be widened to 6.1 metres such that it complies with two-way access specified in AS2890.1.

#### 30 [K Special \(BLANK\)](#)

Signage stating "Trainer Parking Only - No Public Access" is to be provided at the gates that access the trainer parking area.

#### 31 [K Special Condition BLANK](#)

**Prior to the issue of any Occupation Certificate**, the rear trainer's parking area gate shall be widened to two-way access as specified in AS2890.1 and a signage indicating "Trainer Parking Only - No Public Access" shall be placed at the gate to limit the parking area for only dog trainers.

## Landscaping

#### 32 [L012 - Existing landscaping \(for existing development\)](#)

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

## Certification

33 **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:

- (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.

34 **Q05F - Occupation Certificate for Class10**

**An Occupation Certificate is to be obtained** from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the Kennels.

**The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.**

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

## Operation of OSSM

35 **R101 - Operational Approval prior to use**

The on-site sewage management (OSSM) system and effluent management area shall continue to be operated in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- previously approved Wastewater Reports, and
- the Wastewater Management Statement (prepared by Kerry Flanagan Wastewater, dated 2 November 2019),
- And, the conditions of this consent.

36 **R103 - Council inspections for Installation**

Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.**

In this regard, the septic tank(s) and disposal area(s) will need to be inspected on completion of the system's installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

37 **R104 - No alterations without approval**

The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

38 **R109 - No effluent runoff**

There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

39 **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.

40 [R117 - No plants for human consumption within EMA](#)

Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.

# **Appendix - Development Control Plan Compliance**

## **Development Control Plan 2014**

### **Part C - City-wide Controls**

#### *C1 - Site Planning and Design Principles*

The proposal is for the extension of the existing kennel building located at the western end part of the existing kennel building. The extension will be 11.70m of the building and of same width that will be of similar design and built form as existing building to include 32 kennels and constructed of similar building material as existing and will have no adverse visual impact to the area. The extension will integrate well with the design of the existing building.

#### *C2 - Vegetation Management*

The proposal will not result in any removal of vegetation.

#### *C3 Water management*

The proposed additional 32 kennel will be connected to the existing water management system of the existing kennel. The documents submitted with the application has been referred to Council's Environmental Management Officer who has advised that the existing system will be able to cater for the increase of dogs to meet Council's requirements and is hence satisfactory. No objections raised subject to their recommended conditions.

#### *C4 - Land Management*

Erosion and sediment control (SESC) measures are proposed for the development as it will involve excavation works and it will be conditioned that SESC measures be in place during and until the end of construction phase.

#### *C5 - Waste Management*

A waste management plan has been submitted as part of the development proposal. Based on the documentation submitted, construction materials will be generated however appropriate disposal measures ensure it will be managed.

Any dog faeces is collected by a full time steward and this waste is placed in a waste disposal bin for weekly private collection.

#### *C6 - Landscape Design*

There is no landscape works required or proposed for the development application. The subject site has natural vegetation and trees at the rear of the site. This will remain the same.

#### *C10 - Transport Access and Parking*

The site contains an existing public car park for 250 cars and a trainers car park for 100 cars. The increase in the number of trainers vehicles are between 6 and 12 and it is expected that the existing car park facilities are in excess of what is required, additionally it is noted that the capacity of people will remain the same.

The application has been examined by Council's Traffic Engineer who has advised that the minor increase to vehicle volumes will have little affect on the existing onsite trainer and public parking availability and have raised no objection to the proposal subject to providing a signage stating "Trainer Parking Only - No Public Access" at the gates that access the trainer parking area as well as to widen the gate to two-way access specified in AS2890.1. The will be included in the recommendations.

#### *C12 Noise and Vibration*

An Acoustic Report (prepared by Day Design Pty Ltd, dated 17 September 2019, ref 5791-2.1R) has been provided and has been examined by Council's Environmental Management officer who has advised that the Acoustic Report satisfactorily addresses potential noise impacts which may arise from the operational phase of the proposed development and also states that there should be no offensive noise generated. No objection has been raised to the proposal subject to their recommended conditions.

#### *C13 - Infrastructure and Services*

The proposed alterations and additions to the existing building will not increase the demand of the existing utilities.

## **D1 Rural Land Uses**

*D1.4. 4 Animal Boarding or Training Establishments*

- The site is 240m wide which is greater than the minimum 90m lot width required for dog kennels in the DCP.
- Kennels are required to be at a distance of 150m from the nearest residence by the DCP and the proposed kennels are located at 180m from any residences.
- The existing dog Race facility does not hold dogs over nights but are mainly brought to the site for races.
- Dogs are confined inside the kennels located within building until the race and then once the races are finished taken back with their owners.
- Submitted Acoustic Report confirms that there will be minimal adverse impact to nearby residences and any increase in noise from 32 kennels will be within the Industrial Noise criteria.
- The proposal is generally consistent with the DCP requirements.