

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1061
Proposed development:	Alterations and Additions to an Existing Industrial Development Including Tree Removal, Demolition Works and Engineering Works
Property address:	25 Kurrajong Road, NORTH ST MARYS NSW 2760
Property description:	Lot 1 DP 600899
Date received:	25 August 2014
Assessing officer	Aaron Howard
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 8 , Class 5
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for workshop additions and associated site works to an existing industrial manufacturing facility at Lot 1 DP 600899, 25 Kurrajong Road, North St Mary's NSW. The subject site is zoned IN1 (General Industrial) under Penrith Local Environmental Plan (LEP) 2010. The proposal is ancillary development to the existing land use of the site and as such the works are permissible with Council consent.

An assessment under Section 79C 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 site is located in the North St Marys Industrial Precinct on the south-eastern corner of Plasser Crescent and Kurrajong Road, North St Mary's. The site has an area of 2.32ha, is irregular in shape is relatively flat. The site is burdened with an approximate 30.48m wide transmission easement located along the northern boundary line and another 12.19m wide transmission easement located along the southern boundary.

The property accommodates two existing industrial buildings - the larger building is located in the south-east corner of the site, which narrows as it extends north-south along just over half of the eastern boundary. This building consists of a factory/workshop (approx. 6,600m²) and adjoining office (approx. 725m²). The smaller building is located in the south-west corner of the site and is a second factory/workshop area (approx. 1037m²). The total existing building area is 8,362 m². The main car park is located in the northern portion of the site and is accessed from Kurrajong Road. 70 car spaces are currently provided. A small proportion of the on-site parking provision is reserved and the remaining parking provision is accessible to the general staff. The facility currently employs a total of 129 staff members. The main heavy vehicle access is also currently from Kurrajong Road. A secondary access to the site is located on Plasser Crescent between the two main workshops. The Western Rail corridor bounds the site to the south, and a track forks off into the site to allow train access. A series of train sidings exist within the site to allow multiple trains on-site and train access to the main workshop.

The north and western boundaries are bordered by landscaped areas consisting of grass and a scattering of large eucalypts and palms. The landscaping continues to the office building on the eastern boundary. A landscaping buffer also exists between the site and the train corridor to the south. The entire site is currently bounded by a wire mesh security fence.

Industrial uses are located immediately to the east and west of the site. The Western Rail corridor and Hobart Street act as a buffer between the site and residential uses to the south. Residential dwellings and the large public open space area of Poplar Park is located to the north of the site.

Development History

The site is operated by Plasser Australia, who supply railway track maintenance and construction equipment. The existing factory is fully self-contained with the work undertaken on site including heavy structural steel fabrication, machining, electrical manufacture and installation, hydraulic installation and fitting and assembly. While Council records indicate that no development approvals have been granted to the use on site, Council correspondence to Plasser Australia dating back to 1979 has been located on the record system. Under the applicable planning instrument of the time industrial use activities did not require development consent. As such, it is reasonable to conclude that when the structure was provided with development consent in that this included the intention for use for industrial/manufacturing operations. This is considered satisfactory.

Proposal

The proposed development involves:

- New enclosed services workshop building along the western edge of the site, parallel to Plasser Crescent;
- New covered un-enclosed work area, to the south of the new workshop and adjacent to the existing main workshop building;
- Replacement of existing testing tracks;
- Business identification signage;
- Tree removal;
- Demolition of existing retaining wall, paving, car park bitumen etc.;
- Relocation of existing electrical substation and provision of one additional substation;
- New truck entry off Kurrajong Road (to be utilised 3-4 times per year);
- Widening of existing Plasser Crescent entry; and
- Associated landscape works.

The proposed additions to the existing industrial development will not result in an increase in production capacity or an increase in staff numbers. The new workshop is to be primarily used for servicing of existing machines rather than as an increase in manufacturing operations.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C 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

State Environmental Planning Policy No 55—Remediation of Land

The general aim of this policy is to provide state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

Given the industrial zoning and current on-site activities it is possible that the site has been contaminated. As such, a preliminary Stage 1 Environmental Site Assessment (ESA) was prepared by Environmental Inspection Services and provided as part of the proposal. The purpose of this report was to:

- Assess the potential risk for widespread soil contamination at the site;
- Assess the potential risk to human health and the environment posed by the contaminants; and
- Comment on the suitability of the site for the proposed development/land use.

The report provided concluded that:

"The limited inspection and investigation of the site within the Plasser property did not indicate the presence of any widespread significant contamination of the site that is likely to affect the proposed development. The minor B(a)P elevation above the ecological guideline is not considered significant as the site will be paved. Based on the scope of works undertaken, EIS are of the opinion that the site is suitable for the proposed industrial development. However if any significant redevelopment to the site or Plasser property is undertaken in the future we would recommend further investigation. In the event that any unexpected material is encountered during excavation during earthworks (e.g. stained/odorous soil and/or fibre cement fragments). EIS should be contacted immediately to review the findings of this report and waste classification."

Notwithstanding the above, the application was referred to Council's Environmental Officer for review and comment. As stated above, minor elevated levels of Benzo(a)Pyrene were found in one borehole location (borehole 2), however, after further enquiries with the environmental consultant it was confirmed that this minor elevation is significantly less than the applicable Health Investigation Level criteria and that no special precautions are required.

Furthermore, whilst the investigation undertaken by EIS found the site to be suitable, this investigation and assessment relates only to the proposed building envelope and does not include the site as a whole. During the site inspection on 15 September 2014, the presence of hydrocarbon impacted soils was identified and these soils will be impacted by the proposed site works even though they are located outside of the building envelope. To address this issue, the Environmental Officer has recommended the a condition of consent be imposed that requires the submission to Council of an Unexpected Findings Protocol.

It was also noted that during the site inspection it was identified that inappropriate environmental management practices are currently occurring on site. Council's Environmental Officer has recommended a condition requiring the preparation of an environmental management plan for the site that applies not only to the proposed workshop additions but to the site as a whole. This is considered reasonable and appropriate given that the proposal is for an addition to, and integration with, existing workshop activities. The development of an environmental management plan for the site will ensure that the additions (and associated and integral site as a whole) operate in compliance with applicable environmental legislation, standards and guidelines.

It is therefore considered that the proposed development, subject to the imposition of the recommended conditions of consent, satisfies the Policy and no remediation works are required before the land is developed.

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).

Sydney Regional Environmental Plan No.20 (SREP 20) provides an overall direction for planning to protect the environment of the Hawkesbury/Nepean River catchment. It requires that the impact of future land uses need to be considered in a regional context and that any development must be consistent with the aims of this policy.

The aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality.

To address the stormwater implications of the proposed development a Stormwater Management Report and Plans have been prepared by Northrop Consulting Engineers and provided as part of the application. The Report concludes that the proposed stormwater management strategy has been developed in accordance with Council's Development Control Plan 2010 (DCP), Councils WSUD Technical Guidelines and best management practices for managing urban storm water.

Council's Development Engineer and Waterways Officer have both formally reviewed the proposed development with no objection. The proposed stormwater management strategy will involve utilizing a majority of the existing stormwater infrastructure to manage storm water flows generated across the site. New storm water drainage pits and pipes will be incorporated to capture runoff from new hardstand areas proposed across the site. As part of the storm water management strategy, a storm water treatment train has been developed to manage the volume of pollutants generated and discharged from the site. The treatment train involves the implementation of Enviropods and a Rainwater tanks. It has been concluded the proposed drainage infrastructure and methods will safely convey stormwater from the site, without significantly impacting on the local catchment.

To satisfy the requirements of this policy during construction, appropriate conditions will be imposed to ensure erosion and sediment control measures are employed during this phase of development to minimise sediment run-off. On the whole, it is considered the proposal will not compromise the water or scenic qualities of the river environment given the satisfactory drainage arrangement and imposition of the recommended conditions of consent.

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	Complies
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	N/A
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A

Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	Complies - See discussion
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	Complies
Clause 6.3 Flood Planning	N/A
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 6.6 Servicing	Complies - See discussion
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Clause 2.3 Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the IN1 - General Industrial Zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote development that makes efficient use of industrial land.
- To permit facilities that serve the daily recreation and convenience needs of persons working in industrial areas.

The proposal is consistent with objectives of the zone in that the proposed addition is in association with an existing industrial land use. The proposed addition has been assessed in regards to possible adverse impacts on other land uses (refer to Impacts section of report) and it is not considered the development will be of detriment to any adjoining properties or other land uses. The proposal will not generate more employment opportunities however will contribute to the ongoing viability of the existing operations on site and job security. It is considered the proposal is satisfactory in regards to the objectives of the zone.

Clause 2.3 Permissibility

The site is zoned IN1 - General Industrial under Penrith Local Environmental Plan (LEP) 2010. The overriding use of the site is consistent with the definition of a *'general industry'* being:

"a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity".

General Industries are permitted with consent within the IN1 zone. Given the proposed works are not exempt under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, development consent is required. It is considered the works are ancillary to the existing on site and as such are permissible are the general industry definition.

Clause 4.3 Height of buildings

Clause 4.3 of LEP 2010 has maximum building height for the site at 12m. The proposed addition will have a maximum height of 11.7m and as such complies with Clause 4.3.

Clause 5.9 Preservation of trees or vegetation

Clause 5.9 applies to the preservation of trees or vegetation and requires that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy a prescribed tree or vegetation except with development consent. Tree removal is proposed as part of the proposed works and an Arboricultural Impact Assessment has been prepared in response. The development has been reviewed by Council's Tree Management Officer with no objection subject to the imposition of recommended conditions of consent. The requirements of Clause 5.9 have been satisfied.

Clause 6.1 Earthworks

Clause 6.1 requires development consent for earthworks and outlines relevant matters that must be considered by Council prior to granting consent. The following have been prepared in relation to the proposed works:

- A sediment and erosion control plan, and
- A Geotechnical Report.

It is considered the proposed development is consistent with the relevant matters. The proposed earthworks are minor only and will not impact on the future use of the land. The site is relatively flat and minimal cut and fill will be required. Council's Development Engineer has reviewed the proposed development with the works unlikely to impact on any existing drainage patterns on, or surrounding, the site. Given that the site is already used for industrial purposes it is extremely unlikely that the development will disturb any existing relics. Both the sediment and erosion control plan and geotechnical report

are recommended to be conditioned to ensure the proposed works will be undertaken in accordance with the recommendations. The requirements of Clause 6.1 have been satisfied.

Clause 6.5 Protection of scenic character and landscape values

The site is identified by the Scenic and Landscape Value Map of LEP 2010. Clause 6.5 (3) relates to protection of sites with scenic character and landscape values. It is stated that consent must not be granted 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 southern part of the site along the railway line is the only portion of the property identified on the map. From a site inspection, it is expected that the development will be seen from trains travelling to the east. Nevertheless, given that the site is an existing industrial manufacturing/warehouse plant and no development is proposed in the identified area, it is reasonable to conclude that the development will create no greater visual impact than already generated by the existing wider industrial area. For this reason, the development is worthy of support despite any potential increased impact.

Clause 6.6 Servicing

Clause 6.6 requires consideration of servicing of the land, including connection to reticulated water and adequate facilities for the removal and disposal of sewage. The addition will be serviced by the existing reticulated water and sewer systems provided by Sydney Water. A new potable water and fire hydrant connection, including cold water metre and fire hydrant booster assembly is proposed, which will connect with the existing water pipe at the Kurrajong Road entrance. Given the site is existing, and the proposed measures, it is considered the development satisfies the requirements of Clause 6.6.

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

The following draft Environmental Planning Instruments (EPI's) apply to the site:

Penrith City-Wide Local Environmental Plan (LEP 2010 Stage 2)

Under the provisions of the Penrith City-Wide Local Environmental Plan the land is proposed to be zoned IN1 - General Industrial. It is considered the subject proposal is not inconsistent with the proposed objectives and controls of the zone and the plan.

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

Development Control Plan 2010

Provision	Compliance
Part C 1 - Site planning and design principles	Complies - see Appendix - Development Control Plan Compliance
Part C2 - Vegetation management	Complies - see Appendix - Development Control Plan Compliance
Part C3 - Water management	Complies - see Appendix - Development Control Plan Compliance
Part C4 - Land management	Complies - see Appendix - Development Control Plan Compliance
Part C5 - Waste management	Complies - see Appendix - Development Control Plan Compliance
Part C6 - Landscape design	Complies - see Appendix - Development Control Plan Compliance
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	N/A
Part C9 - Advertising and signage	Complies - see Appendix - Development Control Plan Compliance
Part C10 - Transport, access and parking	Complies - see Appendix - Development Control Plan Compliance
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	Complies - see Appendix - Development Control Plan Compliance
Part C13 - Infrastructure and services	Complies - see Appendix - Development Control Plan Compliance
Part D4 - Industrial 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

Fire safety

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 Surveyor for assessment with the following comments being provided:

'The proposal is to construct a new workshop with covered outdoor work area and some external pavement changes. The applicant has included a BCA report which indicates that an alternative solution will be formulated for some BCA deviations. It will be the responsibility of the PCA issuing the CC to review the report. No CC has been applied for. The classifications will be; Class 8 Workshop and Class 5 Office. No objection is raised to the application subject to the recommended building conditions being included should consent be granted'

The proposed development complies with the requirements of the Regulations.

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

Likely impacts of the proposed development as identified throughout the assessment process include:

Other impacts identified in assessment:

(i) Context and Setting (environmental impacts and impacts on built environment)

This area is IN1 - General Industrial which is conducive to this form of permissible industrial development. Given that the development does not incorporate a new use to the site, the proposal will not impact existing or adjoining land uses. An assessment of the development has been undertaken and it is considered appropriate and conducive to the industrial character of the locality.

The proposed bulk and scale of the development is quite large. As such, to minimise this appearance from the street, a blend of pre-coloured metal cladding, translucent wall cladding and masonry is proposed to be used on the buildings facades. Additionally, the three different materials to be used on the facade as proposed will have differing angles so they are not flat to the wall. This has been done to match the existing building and to break up the expanse of wall. The unenclosed section of the proposed building will help to provide some articulation and additional visual interest on the western elevation. Finally, a "Plasser Australia" logo will also be painted on the western elevation to break up the blank wall. Additionally, the landscaping proposed within the front setback will soften the transition between the public and private interface. It is considered these aspects of building design, in addition to the proposed landscaping (discussed further below), will reduce any potential visual impact to a satisfactory scale, one that is consistent with an industrial precinct.

The subject lot is orientated in a north south direction, with the proposed development located on the western side of the lot. With the location of Plasser Crescent immediately adjacent to the west, the development will therefore have no impact to adjoining industrial uses in regard to overshadowing. On the whole, it is considered the proposal will not detrimentally impact upon the built or natural environment of the area.

(ii) Access and transport

To address the traffic and parking implications of the proposed development a Traffic Impact Assessment has been prepared by Parking and Traffic Consultants.

The main vehicular thoroughfare of the site is via the driveway located on the Kurrajong Road frontage. Secondary access to the site is also available through an entrance on Plasser Crescent. The site has an on-site parking provision of 70 parking spaces which are all accessible via the driveway located along the Kurrajong Road frontage. This driveway is controlled utilising a sliding gate which can be extended if access to larger vehicle type is required.

As part of the development the existing main vehicular access arrangement to the site via the driveway located on the Kurrajong Road frontage will be retained. In addition, the existing Plasser Crescent entrance will be widened and a new secondary driveway constructed along the Kurrajong Road frontage, located to the west of the existing driveway. The applicant has advised this driveway will provide access to the proposed servicing unit and will be utilised only 3-4 times a year when train components need to be trucked off site. During operation of this driveway the existing parking spaces located on approach to the proposed driveway will not be available for use.

As access from the secondary proposed driveway (to be located on the Kurrajong Road frontage) is only required occasionally (approximately 3-4 times a year) only, the existing parking spaces in this location will generally be available for use. As such the proposal will generally retain the existing on-site parking provision of 70 parking spaces.

Table C 10.2 of the Penrith City Council DCP 2010 specifies the following parking provision rates for industry use:

'1 space per 75m² GFA or 1 space per 2 employees, whichever is the greater'

The site currently accommodates an industrial warehouse building accommodating an area of 6,610m² GFA and the proposal involves expansion of the existing warehouse building accommodating an area of 2,700m² GFA resulting in a total area of 9,310m² GFA.

The applicant has advised the industrial facility currently accommodates 140 staff members comprising 120 full-time staff members and 20 casual staff members. The applicant has also advised the proposed

expansion will not result in any increase in the production capacity of the facility or an increase in staff numbers. Therefore, post expansion, the facility will retain the existing staff numbers i.e. 140 staff.

Application of the above parking rates results in the following parking provision:

- In relation to the area of the facility - **124 spaces**, and
- In relation to the staff numbers - **70 spaces**.

The site has an on-site parking provision of 70 car spaces which represents a shortfall in relation to the car parking provision associated with the floor area however, the existing on-site parking provision is consistent with the staff number.

During the site visit the majority of staff were on a rostered day off, and as such a desktop assessment has been undertaken using aerial mapping. From this assessment, it did not appear that there was a deficiency of car parking on site. Car parking on the road was evident along Plasser Crescent, however there is no evidence that this is explicitly in relation to this site. Additionally, free spaces were still located on site in some images. Thus, on an average day, it is considered that the car parking provisions on site are satisfactory.

It is acknowledged that when the additional Kurrajong Road driveway is required that there will be a shortfall of car parking on site, however:

- Additional short-term car parking can be catered for along both the Kurrajong and Plasser Road frontages, and
- Public open space is available directly opposite the site and therefore can be catered for on the northern side of Kurrajong road with no direct impact to adjoining industrial and residential uses.

Additionally, the report provided detailed that on their site inspection, a minimum of five on-site parking spaces were vacant.

The consultant report has concluded that the proposed warehouse will not result in any increase in traffic activity compared with the existing traffic activity of the facility. In this regard, the proposal will have no notable detrimental impact upon the operation of surrounding road network. Furthermore, the proposal involves retaining the existing on-site parking provision of 70 car spaces. Given that the proposed development will not result in any increase in any staff numbers the existing on-site parking provision was considered fully compliant and adequate to cater for the facility. Based on a desktop assessment and site visit, Council's assessment is consistent with these findings. It is not considered the proposal will create any additional traffic impacts associated with ingress and egress, nor will create a substantial long-term burden on adjoining premises in regards to car parking.

(iii) Heritage

The property is not subject to any Heritage Order or identified as a heritage item under a planning instrument.

(iv) Soil

Given the existing industrial use of the site the potential exists for site contamination. Accordingly, a Stage 1 Preliminary Environmental Site Investigation was prepared. The report concluded that the investigations did not indicate the presence of any widespread significant contamination on the site that is likely to affect the proposed development and that based on the investigations undertaken the consultants are of the opinion that the site is suitable for the proposed industrial development. This report has been reviewed by Council's Environmental Officer, and with the imposition of the recommended conditions of consent, it is considered that the subject land is suitable for the proposed use and will not give rise to any contamination impacts. Refer to 'SEPP 55' section of report for further detail.

Adequate sedimentation and erosion controls are proposed as part of the development. An Erosion and Sediment Control Plan (ESCP) has been provided in association with the Civil Design Plans. It is considered the proposed measures meet the requirements of both the general controls and that for larger sites. The proposed controls are satisfactory. Nevertheless, this is also recommended to be conditioned to ensure compliance with the requirements of SREP 20 and Penrith DCP 2010.

(v) Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip. A geotechnical report has been provided to

address site suitability, with the existing soil and earth structure satisfactory to cater for the proposed development as long as consistency is demonstrated with the report recommendations.

(vi) Infrastructure/Services

Services including water and sewer are already available to the site. Nevertheless, to assess the impact of the proposed development on service provision, a Hydraulic Services Plan has been prepared and provided by Northrop Engineers. The Plan and associated documentation indicates the proposed addition will be serviced by the existing reticulated water and sewer systems provided by Sydney Water. A new potable water and fire hydrant connection, including cold water metre and fire hydrant booster assembly is proposed, which will connect with the existing water pipe at the Kurrajong Road entrance. Electrical services and lighting will comply with relevant standards as detailed in the electrical statement of compliance prepared by Northrop Engineers. Furthermore, evidence of correspondence between Endeavour Energy and the applicant has been provided to demonstrate that the energy provider is satisfied with the proposed measures. It is considered the proposed measures are satisfactory and as such the development will have minimal impact on existing service provision to this property and surrounding premises.

(vii) Landscaping

Landscape Plans have been prepared and provided by Group GSA Architects. These are consistent with the requirements for Category 2 development.

The proposal will result in the removal of 15 existing trees including 14 trees along Plasser Crescent. An Arboriculture Impact Assessment has been prepared by Bluegum Tree Care and Consultancy to address the likely impacts of the proposed works on the existing site trees and provide recommendations regarding construction methods and tree protection measures to limit adverse impacts on trees recommended for retention. The Assessment considered 15 native trees (fourteen along Plasser Crescent and one near the north-eastern corner of the proposed new Services Workshop) on site proposed for removal and concluded that the trees were not considered to be of sufficient value to warrant retention having a retention value of medium to low only. The Assessment notes that the proposed removal is appropriate given that the trees were not considered to be of sufficient value to warrant a major re-design to facilitate their retention. This has been reviewed by Council's Tree Management Officer and with the imposition of the recommended conditions of consent, this is considered satisfactory.

The removed vegetation will be replaced with 13 Willow Myrtles and new understorey planting along the western and northern setback. The existing table and open sided shelters will be relocated amongst the new Plasser Crescent landscaped area. Further additional planting along the eastern facade of the proposed building will include 6 x Alexandra Palms and 2 x Blueberry Ashes. 2x Wilgas will be planted to the west of the parking area to provide additional shading. Initially, the proposed development failed to increase the landscaping along the front (northern) boundary line. However, given a new steel palisade fence was proposed, the applicant was required to provide revised landscape plans that included additional landscaping along the front property line. These have been provided and are considered worthy of support.

On the whole, it is not considered the proposed tree removal will be of detriment to the site or area. The majority of the removed trees will be replaced with new species to ensure an attractive site presentation. The impacts in regards to landscaping are minimal.

(viii) Noise

As the proposed development incorporates a new potentially noise generating industrial use (services workshop) an acoustic assessment has been prepared and provided by Acoustic Logic. The Assessment concludes that noise emissions associated with the proposed addition will comply with all relevant acoustic criteria, ensuring no unacceptable noise impact on the surrounding residential properties subject to the implementation of the following recommendations:

- The new Services Workshop and Outdoor Covered Work Area is not to operate before 5:30am or after 10pm. Normal hours of use are 7:30am to 5:30pm,
- The northern doors of the new Services Workshop must be closed until 7am but can be open otherwise,
- Detailed review of mechanical plant items is to be undertaken at CC stage (once plant is selected/located) and acoustic design should be undertaken to ensure plant noise will be compliant with the EPA Industrial Noise Policy.

The report notes that subject to the above, no further building/management controls are required to ensure compliance with the Penrith DCP and EPA noise emission guidelines. Council's Environmental Officer has reviewed the proposed development and offered the following response in relation to noise:

"The DA Acoustic Assessment undertaken by Acoustic Logic found that the proposed development will comply with applicable noise criteria. However, conditions of consent are recommended as attached, to ensure the findings and recommendations of the acoustic report are applied".

It is therefore concluded that subject to the implementation of the above recommendations the proposed development will not result in any adverse acoustic impacts to neighbouring properties.

(ix) Sustainability

A Sustainability Report has been prepared by Northrop Engineers and provided as part of the application. The report identifies the proposed sustainable design objectives and is supported by the Green Star Scorecard. Under the Green Star system, buildings and communities can achieve 4 star 'Australian Best Practice', a 5 star 'Australian Excellence' or 6 star 'World Leadership' certifications. Points are awarded with the implementation of a broad range of sustainable design initiatives addressing all aspects of the environmental impact of the development, including management, indoor environment quality, energy, water, transport, materials, emissions, ecology, and innovation. To achieve a 4 star Green Star rating 45 points are required.

The report concludes that the proposed additions will incorporate sustainable design initiatives in line with what is required for a 4 star Green Star Industrial Design rating. It is also noted that this document is a 'moving document' and that the proposed method of achieving the 45 point may change through the design development of the Plasser Australia Warehouse Extension. On this basis, it is considered the proposal has satisfactorily considered aspects of energy efficiency and conservation. Given the development achieves a 4 star Green Star rating, the proposal mitigates any potential concerns in regards to sustainability and environmental design.

(x) Socio-economic impacts

The development was not notified to adjoining properties on the premise that the development is occurring on an existing site and will not increase the scale of operations. As such, the impacts in regards to traffic and noise will be minimal to adjoining residences.

It is considered the proposal will not generate any negative socio-economic impacts - the use of the site is existing and as such the development is unlikely to generate neighbourhood conflict or impact upon social status. Rather, in the long term, the development will provide continued industrial output for the local area. It is considered the development is necessary to support the declining industrial base of the LGA.

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

The proposed development is for an addition to an existing industrial use relating to the manufacturing and servicing of trains and equipment. The proposed use is heavily dependent on the unique feature of rail line access to the site, which currently exists. The site is zoned IN1 - General Industrial under LEP 2010, with the development permissible in the zone. Additionally, the development complies with the relevant LEP and DCP objectives and controls. The site is within an established industrial area and has industrial uses adjoining all boundaries and is buffered from nearby sensitive uses. As such, the development is compatible with surrounding/adjoining land uses and will not detrimentally impact upon the industrial character of the locality. It is considered the design and works proposed are suitable and improve the nature of the existing structure. The site is situated in an area which is highly accessible by both vehicles and pedestrians/cyclists being located adjacent to one of the major north south collector roads. The site conveniently has dual access to roads, which allows for separation of car parking areas and truck movements. The development will continue to aid an existing industrial use and therefore contribute positively to the local economy. Overall, the site is considered suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

Community consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2010, the proposed development did not have to be notified to nearby and adjoining residents.

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 - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions

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

The proposed services workshop will provide for the ongoing viability of an existing industry within an established industrial area and as such will not result in any adverse economic impacts. Additionally, the proposal has been assessed in regards to environmental impacts, and with the imposition of the recommended conditions of consent it is unlikely the development will have an unreasonable environmental impact. Considering the negligible impacts of the proposed development it is thus considered the proposal will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being SEPP 55, SREP 20, LEP 2010 and DCP 2010, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and the proposal is unlikely to generate any negative impacts that would affect the site or the surrounding community. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA14/1061 for workshop additions and associated site works to an existing industrial manufacturing facility at Lot 1 DP 600899, 25 Kurrajong Road, North St Mary's NSW, 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 plans in the table below, and stamped approved by 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.

Drawing Title	Job & Drawing No.	Issue	Prepared By	Dated
Demolition Plan	14030 - 1000	A	Group GSA Pty Ltd	19/08/14
Site Plan	14030 - 1100	A	Group GSA Pty Ltd	19/08/14
Ground Floor Plan	14030 - 2000	A	Group GSA Pty Ltd	19/08/14
Roof Plan	14030 - 2001	A	Group GSA Pty Ltd	19/08/14
Elevations/Sections	14030 - 3000	A	Group GSA Pty Ltd	19/08/14
Sections	14030 - 3100	A	Group GSA Pty Ltd	19/08/14
Elevations	14030 - 1000	A	Group GSA Pty Ltd	19/08/14
Landscape Plan	14030 – L7000 & L7001	C	Group GSA Pty Ltd	17/06/14
Landscape Planting Plan	14030 – L7101-L7104	A	Group GSA Pty Ltd	17/06/14
Civil Design Notes & Sediment and Erosion Control	140074 – DA1.02 & DA2.01-DA2.02	3	Northrop Consulting Engineers	11/08/14
Civil Site works and Grading Plan	140074 – DA3.01 & DA3.02	5	Northrop Consulting Engineers	21/08/14
Stormwater Management Concept Plan and Report	140074 - DA6.01 & DA6.02	5	Northrop Consulting Engineers	21/08/14

DA Acoustic Assessment	20140792.1/2407 A/R1/H P	1	Acoustic Logic	24/07/14
Traffic Impact Statement	T2-11 08	-	Parking and Traffic Consultants	August 2014
Building Code of Australia Report	067137-01BCA – Type B	A	McKenzie Group Consulting	05/08/14
Sustainability Report	Plasser Australia Warehouse Extension	-	Northrop Consulting Engineers	14/08/14
Arboricultural Impact Assessment	Plasser Australia New Factory	-	Bluegum Tree Care and Consultancy	July 2014
Preliminary Stage 1 Environmental Site Assessment	E27578KHrpt	Final	Environmental Investigation Services	1/08/2014
Geotechnical Investigation Report	27578ZRpt	0	JK Geotechnics	05/08/14
External Lighting Design Concept	140074 - ESK01	1	Northrop Consulting Engineers	21/08/14

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

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

3 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours of the workshop are from 7am to 5.30pm Mondays to Fridays.

4 [A032 - Goods in buildings](#)

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

5 [A039 - Graffiti](#)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

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

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

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

The recommendations provided in the Geotechnical Investigation (Ref: 27578ZRpt, dated 05/08/14) are to be implemented and incorporated into the design and construction of the development, and shall be reflected on plans accompanying the Construction Certificate application

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

The northern doors of the new services workshop must not be opened till 7am, and closed at 5:30pm

9 **A special BLANK**

Prior to the commencement of works, an Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) . The Protocol is to be submitted to Council and approved, prior to the commencement of site development works. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval and a copy of Council's approval is to be provided to the Principal Certifying Authority.

The Protocol is to address, at minimum, the management of any contamination found on the site during the excavation and site filling works undertaken during the construction phase of the development. The Protocol is to include at minimum, contaminated soils, odour and staining and buried materials. It is to not be limited to, but specifically address those areas of the site where hydrocarbon impacted soils are present and is to ensure that the excavation and management of these soils is supervised at all times by an appropriately qualified environmental consultant. The consultant is to ensure compliance with all relevant contaminated land legislation, standards and NSW Environment Protection Authority Contaminated Land guidelines, as well as relevant Waste Classification guidelines and legislation and is to ensure that contaminated topsoil, if found, shall not be mixed with uncontaminated underlying natural soils or with imported validated fill material.

The above Protocol is to be complied with at all times during the site excavation and filling phase of the development.

{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.”}

10 **A special BLANK**

Twelve (12) months after the issue of the Occupation Certificate, an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to assess the level of compliance with the noise criteria set within the DA Acoustic Assessment Report prepared by Acoustic Logic and dated 24/07/2014 (Document Reference 20140792.1/2407A/R1/HP). It is also to consider the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

11 **A special BLANK**

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information (assessed by an appropriately qualified acoustic consultant) on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

12 **A Special Condition (BLANK)**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation 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

13 [A Special Condition \(BLANK\)](#)

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

Demolition

14 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works 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**.

15 [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.

16 [B004 - Dust](#)

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

17 [B005 - Mud/Soil](#)

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

18 [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.

Heritage/Archaeological relics

19 [C003 - Uncovering relics](#)

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

20 **D001 - Implement approved sediment& erosion control measures**

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).

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, and shall ensure that dust suppression techniques are employed during construction to reduce any potential nuisances to surrounding properties.

21 **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.

22 **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.

23 **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 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.

24 **D022 - Mechanical repairs**

The workshop area shall be provided with suitable pollution control devices that removes grease, oil, petroleum products and grime prior to discharge to the sewer system in accordance with the requirements of Sydney Water.

25 **D023 - Bunding**

All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.

26 **D024 - Pre-treatment**

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.

27 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

28 **D028 – Environment Management Plan**

Prior to the issue of a Construction Certificate, an Environmental Management Plan (EMP) for the site shall be submitted to Penrith City Council for consideration and approval. Council's approval of the (EMP) should be provided to the Certifying Authority as part of the Construction Certificate application.

The EMP shall be prepared by an appropriately qualified person/s and shall address all environmental aspects of the operation of the development, including both the proposed additions and the existing operation. The EMP is to incorporate and respond to current site practices undertaken and it is to include details on the environmental management practices and controls implemented on the site, and proposed, to ensure that systems and controls are implemented that will address any existing environmental impact, and minimise any potential for adverse environmental impact. The EMP is to include, but not be limited to:

- wastewater management
- waste management (including solid and liquid wastes)
- chemical storage (including dangerous/hazardous goods), spill contingency and emergency response
- details of the existing and proposed pollution control devices for the development as a whole
- details of proposed bunding
- an audit of existing equipment, machinery and processes to identify, address and rectify any potential for adverse environmental impact
- recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards

All activities on the site are to be implemented and carried out in accordance with the Council approved EMP. Council may request a review, and if necessary, updating of the EMP to reflect current environmental standards and legislation. Council must be satisfied with any changes prior to the amendment of the EMP.

29 **D131 - Approved noise level 2**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the DA Acoustic Assessment Report prepared by Acoustic Logic and dated 24/07/2014 (Report Reference 20140792.1/2407A/R1/HP). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

30 **D Special BLANK**

Waste materials associated with the site works and construction of the development are to be disposed of at a lawful waste management facility, or if suitable, reused or recycled at a lawful waste facility. 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.

31 **D Special BLANK**

The removal of the underground petroleum storage system is to be undertaken in accordance with the relevant legislation, guideline documents, technical notes and Australian Standards, including the *Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008*, the *Guidelines for implementing the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008* and the *UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS*.

32 **D Special BLANK**

The decommissioned underground petroleum storage tanks are to be disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful disposal of the tanks with the submission of the Validation Report.

33 **D Special BLANK**

All excavated waste, including contaminated soil, is to be lawfully transported and disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful transportation and disposal of the contaminated soil. No contaminated soil is to be retained on site.

34 **D Special BLANK**

A Validation Report prepared by a suitably qualified environmental specialist is to be submitted to Council within sixty (60) days of the removal of the underground petroleum storage system or at the completion of the remediation works.

35 **D Special BLANK**

All remediation works in the Penrith Local Government Area are considered to be Category 1 works under SEPP 55- Remediation of Land. In turn, should remediation works be found to be required then development consent is to be sought from Penrith City Council before the remediation works commence.

36 **D Special BLANK**

All mechanical and other machinery production works are to be undertaken inside of the buildings on the site. No mechanical work including painting and washing shall be carried out other than inside the approved buildings.

BCA Issues

37 **E006 - Disabled access and facilities**

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.

38 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

39 **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.

40 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.

Construction

41 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.

42 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.

43 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**.

44 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.

45 [H041 - Hours of work \(other devt\)](#)

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.

Engineering

46 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

47 [K209 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Northrop Engineers, Reference Number C140074, Revision 5, Dated 21/08/2014.

Engineering plans and supporting calculations for the stormwater management systems 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 management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

48 [K221 - Access, Car Parking and Manoeuvring – General](#)

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.

49 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

Landscaping

50 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved Landscape Plan (Sheets 1 & 2) by Group GSA (14030) dated 17/06/2014 Revision C, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and 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.

51 [L002 - Landscape construction](#)

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register assuitable to construct category 2 landscape works.

52 [L005 - Planting of plant](#)

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 Development Control Plan 2010

53 [L006 - Aust Standard](#)

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 [L012 - Existinglandscaping \(for existing development\)](#)

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

55 [L Special \(Protection of trees to remain on site\)](#)

All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained

56 [L Special \(Replacement of trees\)](#)

Replacement trees must be planted. At least (10) suitable replacement tree/s (preferably native trees) capable of and nurtured to grow to about 10m in height at maturity, must be planted in a suitable location within the property. Replacement trees must be planted **prior to Occupation Certificate**.

Trees planted near the western boundary must be formatively pruned to limit growth towards overhead power lines.

57 [L Special \(Tree protection - Australian Standards\)](#)

The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.

Payment of Fees

58 [P001 - Costs](#)

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

59 [P002 - Fees associatedwith Council land \(Applies to all works & add K019\)](#)

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.

Certification

60 [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.

Appendix - Development Control Plan Compliance

Development Control Plan 2010

Part C - Controls applying to all land uses

C1 - Site Planning & Design Principles

Clause	Not Applicable	Complies	Does Not Comply	Comments
1.1. Site Planning	☒			
1.1.1. Site Analysis	☒	☒	☒	
1.1.2. Key Areas with Scenic and Landscape Values	☒	☒	☒	Refer to LEP 2010 section of report for further discussion
1.2. Design Principles	☒			
1.2.1. Application of Certification System	☒	☒	☒	A Sustainability Report and Green Star Scorecard has been prepared and provided by Northrop Engineers. Refer to 'Likely Impacts' section of this report for further assessment. It is considered the proposal is satisfactory in regards to energy efficiency and design and therefore satisfies the requirements of the DCP in regards to design principles.
1.2.2. Built Form - Energy Efficiency & Conservation	☒	☒	☒	See above
1.2.3. Building Form - Height, Bulk & Scale	☒	☒	☒	Refer to 'Likely Impacts' section report for discussion on built form.
1.2.4. Responding to Site's Topography and Landform	☒	☒	☒	Complies - Level Site
1.2.5. Safety and Security (Principles of Crime Prevention Through Environmental Design)	☒	☒	☒	Complies - The subject site is surrounded by transparent security fencing and intercom controlled sliding gates and has clearly defined entrances which is consistent with Principles 1, 2 and 3 of CPTED.
1.2.6. Maximising Access & Adaptability	☒	☒	☒	Given the proposed development is for quite a specific use relating to the servicing of trains, with the proposal designed with this use in mind, the development does not wholly implement the principles of this section. However, level access is provided to the development and entrances are clearly defined as encouraged by the principles of this section.
1.3. Fencing	☒	☒	☒	See below

Fencing:

The existing fencing along the western boundary is proposed to be removed and replaced with 2.1m high steel palisade fencing. The applicant has argued this type of fencing is more attractive than security fencing. The proposed fencing is transparent and thus will provide natural surveillance, minimise hiding opportunities and allow for stormwater to flow through it.

The proposed fencing will be located wholly within the property boundary.

Fencing proposals are generally required to be positioned behind the landscaping and not along the front property boundary, however, in this case the fencing **will not** be positioned behind the landscaping. In accordance with the DCP, consideration can be given to fencing on the boundary line if it is not located a classified road, it is located on a main road, it is decorative fencing that has an open style appearance (metal, pool type fencing) and the fencing is complementary to the landscaping. The proposed fencing location is considered satisfactory as:

- Fencing will be located on the front boundary along Kurrajong Road which is a main road,
 - The fencing will be new steel palisade fencing which will complement the landscaping,
 - The fencing will be a direct replacement of current fencing (located just inside the boundary)
 - The applicant has argued the staff will use the landscaped areas in their breaks and require direct access to the area, and
 - The applicant was also required to increase landscaping on all frontages in response to this request, with the amended landscape plan satisfactory.
- The proposed fencing is worthy of support.

C2 - Vegetation Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
2.1 Preservation of Trees and Vegetation	☒	☒	☐	Aborist Report provided for proposed vegetation removal. Reviewed by Council's Tree Management Officer and replacement planting satisfactory. Refer to Likely Impacts section of this report for further detail.
2.2 Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	☒	☒	☐	
2.3 Bushfire Management	☒	☒	☐	

C3 – Water Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
3.1. The Water Cycle / Water Conservation	☒	☒	☐	
3.2. Catchment Management and Water Quality	☒	☒	☐	
3.3. Watercourses, Wetlands and Riparian Corridors	☒	☒	☐	
3.4. Groundwater	☒	☒	☐	
3.5. Flood Liable Lands	☒	☒	☐	

3.6. Stormwater Management and Drainage	☐	☒	☐	A Stormwater Management Report has been prepared by Northrop Engineers to address the management of stormwater, water quality and Water Sensitive Urban Design (WSUD). Refer to 'Likely Impacts' section of the report for further discussion. After review by both Council's Engineering and Environment teams, the development satisfactorily complies with the DCP in regards to stormwater management and WSUD.
3.7. Water Retention Basins/Dams	☒	☐	☐	
3.8. Rainwater/Storage Tanks	☐	☒	☐	See above
3.9. Water Sensitive Urban Design	☐	☒	☐	See above

C4 Land Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
4.1 Site Stability, Excavation and Filling	☐	☒	☐	Consent is sought as part of the proposed development for required earthworks. The proposed finished floor reduced level (RL) of the new covered work area and factory building will be similar to the existing workshop (i.e. RL 39.83) and as such localised raising of site levels by 0.4m has been proposed. Surface levels will also be reduced by 1.5m (i.e. RL38.35m) to accommodate the wash down pit and maintenance area for the proposed crane in the services workshop. In response to these works a Geo-Technical Assessment has been prepared by JK Geotechnical and has been provided as part of the subject application. The Geo-technical report has provided detailed management measures on earthworks and excavation to be addressed during the construction phase of the project. The recommendations of the Assessment are to be conditioned.
4.2 Landfill	☒	☐	☐	Standard conditions regarding fill and validation are recommended to be incorporated as part of the development consent and ensure compliance with this section of the DCP

4.3 Erosion and Sedimentation				An Erosion and Sediment Control Plan (ESCP) has been provided in association with the Civil Design Plans. The proposed Erosion and Sediment Control measures include: - Installation of a sediment basin, - Installation of site security fencing, - Installation and maintenance of sandbags at existing stormwater pits, - Installation and maintenance of sediment filters and traps to proposed and existing pits, - A site stockpile, and - Construction of a stabilised access. It is considered the proposed measures meet the requirements of both the general controls and that for larger sites. The proposed controls are satisfactory.
4.4 Contaminated Lands				
4.4.1. Preventing Contamination				Given the existing industrial use of the site the potential exists for site contamination. Accordingly, a Stage 1 Preliminary Environmental Site Investigation was prepared. The report concluded that the investigations did not indicate the presence of any widespread significant contamination on the site that is likely to affect the proposed development and that based on the investigations undertaken the consultants are of the opinion that the site is suitable for the proposed industrial development. This report has been reviewed by Council's Environmental Officer, and with the imposition of the recommended conditions of consent, it is considered that the subject land is suitable for the proposed use and will not give rise to any contamination impacts. Refer to 'SEPP 55' section of report for further detail.
4.4.2. Triggers for Contamination Investigation				
4.4.3. Stages of Contamination Investigation				
4.4.4. Site Audit				
4.4.5. Remediation Procedures				
4.4.6. Clean Up Notices				
4.4.7. Council Records and Community Information				

4.5 Salinity	☒	☒	☒	The site has not been identified as likely to be at risk to salinity. Furthermore, the geo-technical investigation did not find the presence of groundwater in bore holes undertaken. The proposed development is satisfactory in regards to salinity.
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C5 Waste Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
5.1 Waste Management Plans	☒	☒	☒	A waste management overview has been provided as part of the development application. This includes details of types of waste, bin storage types and sizes and frequency and location of pick-up. This is satisfactory for the on-going management of the industrial use. However, little consideration has been given to waste management controls for the proposed construction stage of the development. Rather than requiring a complete waste management plan to be provided, it is considered this can be dealt with satisfactorily with the imposition of conditions, including waste storage areas and erosion and sediment controls.
5.2 General Controls	☐			
5.2.1. Controls - Site Management	☒	☒	☒	See above.
5.2.2. Controls - Selection of Building Materials	☒	☒	☒	
5.2.3. Controls - Designing for Waste Minimisation	☒	☒	☒	
5.2.4. Controls - Siting & Design of Waste Facilities	☒	☒	☒	
5.2.5. Management of Waste Facilities	☒	☒	☒	
5.3 Development Specific Controls	☐			
5.3.1. Residential Development Controls	☒	☒	☒	
5.3.2. Mixed Use Development Controls	☒	☒	☒	
5.3.3. Non-Residential Development Controls	☒	☒	☒	
5.4 Hazardous Waste Management	☒	☒	☒	
5.5 On-Site Sewage Management	☒	☒	☒	

C6 Landscape Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
C6 Landscape Design	☐	☒	☐	Landscape Plans have been prepared and provided by Group GSA Architects. These are consistent with the requirements for Category 2 development. Refer to 'Likely Impacts' Section of the report for further discussion.
6.1 Development Process	☐	☒	☐	See above
6.2 Protection of the Environment	☐	☒	☐	-
6.3 Neighbourhood Amenity and Character	☐	☒	☐	-
6.4 Site Amenity	☐	☒	☐	-
6.5 Construction	☐	☒	☐	-

C9 Advertising and Signage

Clause	Not Applicable	Complies	Does Not Comply	Comments
9.1. General Requirements for Signs	☐	☒	☐	The proposal includes the following business identification signage: - the Plasser Australia logo on the western elevation, and - 'Plasser Australia' on the northern elevation. Both proposed signs relate to the use of the building and the site, are "flush wall" signs and thus have little projection, and are wholly contained within the property boundary. While the signs do not necessarily exhibit a high level of design or visual interest this is considered acceptable given the signs reflect the organisations branding. Additionally, the signs are not a form of 'inappropriate signage' as listed in the DCP. Both signs will also be visible from the surrounding road network, but will impose no road safety issues given the signs are not illuminated, located on the building and are plainly designed. Given the scale of the buildings, the proposed signs are to be located on the upper portion of the building which is consistent with the DCP. The signage is considered worthy of support.
9.2. Signs in the Vicinity of Heritage Items	☒	☐	☐	
9.3. Residential, Rural and Environmental Zones (E3 Environmental Management and E4 Environmental Living)	☒	☐	☐	

9.4. Commercial, Mixed Use and Industrial Zones	☒	☒	☒	See Above
9.5. Open Space Zones (Public and Private Recreation)	☒	☒	☒	
9.6. Special Event Advertising	☒	☒	☒	

C10 Transport, Access and Parking

Clause	Not Applicable	Complies	Does Not Comply	Comments
10.1. Transport and Land Use	☒	☒	☒	
10.2. Traffic Management and Safety	☒	☒	☒	To address the traffic and parking implication's of the proposed development a Traffic Impact Assessment has been prepared by Parking and Traffic Consultants. The assessment has concluded that the proposed warehouse will not result in any increase in traffic activity compared with the existing traffic activity of the facility. In this regard, the proposal will have no notable detrimental impact upon the operation of surrounding road network. Furthermore, the proposal involves retaining the existing on-site parking provision of 70 car spaces. Given that the proposed development will not result in any increase in any staff numbers the existing on-site parking provision was considered fully compliant and adequate to cater for the facility. For a further assessment refer to 'Likely Impacts' section of this report.
10.3. Key Transport Corridors	☒	☒	☒	
10.4. Roads	☒	☒	☒	
10.5. Parking, Access and Driveways	☐			
10.5.1. Parking 11	☒	☒	☒	
10.5.2. Access and Driveways	☒	☒	☒	
10.6. Pedestrian Connections	☒	☒	☒	
10.7. Bicycle Facilities	☒	☒	☒	

C12 Noise & Vibration

Clause	Not Applicable	Complies	Does Not Comply	Comments
12.1. Road Traffic Noise	☒	☒	☒	As discussed above, unlikely to generate any further traffic and therefore no additional road noise will be experienced on adjoining properties

12.2. Rail Traffic Noise and Vibration				Use existing on site. Rail noise not considered detrimental in regards to existing use on site
12.3. Aircraft Noise				
12.4. Industrial and Commercial Development				DCP 2010 states that Council will not grant consent to any noise generating industrial development, commercial development or licensed premises unless it can be demonstrated that: i) The development complies with the relevant State Government authority or agency standards and guidelines for noise, as well as any relevant Australian Standards; ii) The development is not intrusive (as defined in the EPA's Industrial Noise Policy); iii) Road traffic noise generated by the development complies with the provisions of Section 12.1 of this Chapter; iv) The development complies with rail noise and vibration criteria (refer Section 12.2 of this Chapter); and v) The development does not adversely impact on the amenity of the area or cause sleep disturbance. To demonstrate the above, an acoustic assessment has been prepared and provided by Acoustic Logic. The Assessment concludes that noise emissions associated with the proposed addition will comply with all relevant acoustic criteria, ensuring no unacceptable noise impact on the surrounding residential properties subject to the implementation of particular recommendations. This has been reviewed by Council's Environmental Officer and considered satisfactory subject to the imposition of conditions. Refer to 'Likely Impacts' section of this report for further detail.
12.5. Rural Development				
12.6. Open Air Entertainment				
12.7. Vibration and Blasting				

C13 Infrastructure and Services

Clause	Not Applicable	Complies	Does Not Comply	Comments
13.1. Location of Easements for Infrastructure	☒	☒	☒	A 30m wide electrical easement runs for the length of the northern boundary. No development is proposed within the easement other than the resurfacing of an existing car parking area and the provision of a new access. As no structures are to be erected correspondence between the energy provider and Council was not undertaken. It is considered the proposed works under the easement are minor and as such worthy of support.
13.2. Utilities and Service Provision	☒	☒	☒	The Hydraulic Services Plan prepared and provided by Northrop indicates the proposed addition will be serviced by the existing reticulated water and sewer systems provided by Sydney Water. A new potable water and fire hydrant connection, including cold water metre and fire hydrant booster assembly is proposed, which will connect with the existing water pipe at the Kurrajong Road entrance. Electrical services and lighting will comply with relevant standards as detailed in the electrical statement of compliance prepared by Northrop Engineers. Furthermore, evidence of correspondence between Endeavour Energy and the applicant has been provided to demonstrate that the energy provider is satisfied with the proposed measures. It is considered the proposed measures are satisfactory to satisfy this section of the DCP.
13.3. On Site Sewage Management	☒	☒	☒	
13.4. Engineering Works and Construction Standards	☒	☒	☒	
13.5. Parent Friendly Amenities	☒	☒	☒	

D4 - Industrial development

Clause	Not Applicable	Complies	Does Not Comply	Comments
4.1. Key Precincts	☒	☒	☒	The site is located in Precinct 3 of the 11 industrial precincts within the Penrith LGA.
4.2. Building Height	☒	☒	☒	Complies with LEP 2010 in regards to height of buildings map

4.3. Building Setbacks and Landscape				Complies - The required setback in Table D4.1 for the development is 9m to Kurrajong Road and 5m to Plasser Crescent. The proposed addition complies with the standard as it will be setback 30m from Kurrajong Road and 5m from Plasser Crescent. However the electrical substation will be relocated to the property boundary within the Plasser Crescent setback. Given the substation will be enclosed by steel palisade fencing its impact will be minimal. The proposed landscaped areas will ensure the substation is less visually intrusive in the streetscape. To reduce the visual impact of the buildings and hardstand areas the Plasser Crescent setback will contain Willow Myrtle virtually along the whole western facade of the proposed addition. The trees which will grow to approximately 10m x 8m at maturity are considered to provide effective screening of the building mass. The development has appropriately addressed the type and scale of existing vegetation on site, however, due to the scale of the development it is inevitable much of this vegetation is required to be removed. An indicative understorey planting scheme has been provided (in response to Stop the Clock matters) for the proposed boundary landscaping and the mix is high in diversity and variety. It is considered this will achieve the DCP objective to add visual interest to the site. The visual impact of the large expanses of wall has been reduced in scale by a variation in finishes -the western facade will use three different materials (metal cladding, translucent wall clad and masonry) to break up the sheer wall. The unenclosed addition will also break up the western facade. The previously considered landscape treatment will also help reduce the visual impact. The proposed development includes the relocation of existing seating and shelters. These are proposed to be moved along the western boundary amongst the proposed landscaping and sheltered by the proposed larger trees.
4.4. Building Design				The proposed addition includes a commitment to achieve a 4 star Green Star rating. This has been discussed further in 'Likely Impacts' section of this report.

The site is directly opposite a public reserve and as such will be visible from public areas. The DCP requires for such sites that developments must present a building form of significant design merit, with the construction of large blank wall surfaces not permitted. Furthermore, large elevations should be articulated by structural variations and/or external finishes. Simply, large unrelieved expanses of wall are generally unsupported.

The applicant has argued that the nature of the activity, servicing large trains, requires a particularly large building to be constructed and the constraints of the site necessitate the western elevation of the proposed Services Workshop to be a prominent elevation on the Plasser Crescent frontage. To mitigate this impact the development has proposed different materials on the walls and the planting of appropriately sized screening trees to reduce the visual bulk in the streetscape. A blend of pre-coloured metal cladding, translucent wall cladding and masonry is proposed to be used on the buildings facades. Additionally, the three different materials to be used on the facade as proposed will have differing angles so they are not flat to the wall. This has been done to match the existing building and to break up the expanse of wall. The unenclosed section of the proposed building will help to provide some articulation and additional visual interest on the western elevation. Finally, a "Plasser Australia" logo will also be painted on the western elevation to break up the blank wall. Given the necessary function of the building this argument is worthy of support. The building will not differ substantially from what is already on this, and adjoining sites, and as such precedence has already been set in regards to building form.

The roof will be a low pitch skillion to match the existing building. It is unlikely plant and mechanical equipment will be visually prominent from public places. The main loading area is accessed off Plasser Crescent which is the secondary frontage of the site and least prominent elevation. Overall, the proposed addition is part of the working factory and it is not considered that the development is contrasting to what is already located on site. The development has satisfied this section of the DCP.

4.5. Storage of Materials & Chemicals				The applicant has advised that the works will occur inside the addition and as such there will be no good stored outside. Nevertheless, a site inspection undertaken on the site revealed numerous chemicals and fuels located at the rear of the site. As such, a special condition of consent has been recommended by Council's Environmental Officer that requires an Environmental Management Plan (EMP) to be submitted to Penrith City Council for consideration and approval. Further recommended conditions of consent require all works to be retained within side the proposed addition. With this EMP to be reviewed prior to Construction Certificate that all matters in relation to the storage og materials and chemicals will be satisfied at this stage
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4.6. Accessing and Servicing the Site				The site is accessible via the existing driveways located on the Kurrajong Road and Plasser Crescent frontages. Additionally, the proposal includes the provision of a new driveway along the Kurrajong Road frontage located to the west of the existing driveway. This driveway will provide direct vehicular access to the proposed warehouse building. Information provided by the applicant indicates that this driveway will be utilised approximately 3-4 time a year for deliveries of completed equipment and will be utilised by a prime mover accompanied by 10 axle wheel base with a gross weight of 132 tonnes. To address the traffic, access and parking implications of the proposed development a Traffic Impact Assessment has been prepared by Parking and Traffic Consultants. This Assessment has also been used to verify the width of the proposed driveway with swept path analysis. Turn paths have also been provided based on the above vehicle type. The diagrams demonstrate that all vehicles for the Plasser Crescent frontage can enter and leave the site in a forward direction, however, for The Kurrajong Road entrance the vehicle must reverse in. Should a vehicle be reversing into the site this is likely to cause a minor, temporary disruption to normal traffic flow. Given the size of such a vehicle it is unreasonable to consider that any other area on the subject site would be able to provide for a turning circle this large. Furthermore, Kurrajong Road is listed as a local road with 50km/h speed limit with estimated traffic number's relatively low. As this entrance is to be used rarely throughout the year period this variation can be supported.
4.7. Lighting				An Electrical Statement of Compliance has been provided in regards to the proposed external lighting. The Compliance Statement asserts that the development will be designed in accordance with AS1158 and AS4282