

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/1232
Proposed development:	Vehicle Sale / Hire Premises for Display, Sale of Second Hand Recreation Vehicles
Property address:	1 Willett Close, CRANE BROOK NSW 2749
Property description:	Lot 10 DP 286568
Date received:	13 December 2018
Assessing officer	Surreti Bajwa
Zoning:	IN2 Light Industrial - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of a two level building, which includes a workshop and office area for the use as a motor vehicle sales premises. The site is zoned IN2 Light Industrial under the provisions of Penrith Local Environmental Plan 2010 (LEP 2010). The proposed development is defined as 'Vehicle sales or hire premises', which is permissible within the zone with development consent.

History

On 27 September 2018, a pre-lodgement meeting was held at Council offices to discuss the proposal.

Assessment:

The pre-lodgment advice requested canopy trees be incorporated into the landscaping to reduce the heat island effect on the site. Whilst the applicant has submitted a landscape plan showing landscaping along the periphery of the site, no planting of canopy trees has been proposed. Accordingly the relevant conditions of consent will be imposed for the incorporation of a minimum of two (2) canopy trees be provided on site.

The applicant was advised of the key concerns relating to the development including water conservation requirements and potential pollution of the stormwater system resulting from daily operational activities. The applicant submitted amended plans and additional information in response to the matters raised and the amended stormwater plans adequately addressed the issues raised. The application was notified to nearby and adjoining properties from 20 December 2018 to 1 February 2019, with no submissions received in response.

It is noted that signage is shown on the elevation plans submitted to Council; additional plans were requested from the applicant to specify the dimensions and additional detail. An email was received from the applicant clarifying that the signage is a concept only, and details will be provided in a subsequent application. Accordingly, a condition of consent will be imposed to ensure that a separate development application be submitted to Council for the erection of any signage or advertising structure, that is not exempt or complying development.

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

Site & Surrounds

Properties of the site

The site is located on the south-eastern corner of Renshaw Street and Willett Close. The site has a total area 1060m², is irregular in shape with three street frontages, Willett Close to the south and west and Renshaw Street to the north. The site is currently vacant, with no built form or land use being undertaken. The site is part of the Waterside Corporate Precinct and is located within an emerging light industrial area. The locality is a characterised by a residential, industrial and recreational uses.

Site constraints

It is noted that the site is identified as 'Bushfire Prone Land (Entirely)' per Council's internal mapping system. Notwithstanding this, the site is not located in close proximity to major bushland or vegetation and its bushfire prone status is largely related to historic hazards associated with grassland fuels on site and on adjacent lands. However, those grassland fuels have been removed as part of approved civil works associated with the construction and delivery of the industrial subdivision of Waterside Corporate, within which the site now sits.

The site is identified as possessing scenic and landscape values per the provisions of Penrith LEP 2010. The development sits within an emerging industrial precinct and its identification of the scenic protection is a consequence of its residential/industrial interface between Waterside Corporate and Waterside residential in addition to its proximity to Penrith lakes and the Nepean River.

The site is located within approximately 100m of Waterside residential and within 2km of the Nepean river. Notwithstanding this, due to the location of the site within the industrial precinct, it is expected to be 'absorbed' into the built landscape that forms part of the adjacent development. Due to its height of 7.08m, the built form is unlikely to result in adverse visual impacts on residents or the scenic landscape values of the Nepean River.

History

The applicant attended a pre-lodgement meeting with Council staff on 27 September 2018 (PL18/0074).

Proposal

The proposed development is for the construction of a vehicle sales premises; the specific elements of the proposal are as follows:

- Construction of a double storey building providing workshop and administration facilities;
 - Five (5) visitor car parking spaces;
 - 2.1m security fencing;
 - An outdoor display area along the western side boundary designated for 8-10 recreational vehicles (motor homes);
 - Associated landscaping
 - There will be a maximum of two (2) employees on site at any time.
 - The following hours of operation are proposed: Monday to Sunday 8:00am -6:00pm (daily).
- Note: The proposed workshop will not be utilised to service the hire vehicles and will be utilised for minor detailing with all significant servicing and repair works being undertaken off site.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• Section 4.15 - Evaluation

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

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

State Environmental Planning Policy No 55—Remediation of Land

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site has undergone planning and analysis as part of previous rezoning and parent subdivision processes. These previous planning processes have resolved concerns with regard for any potential contamination.

No subsequent use or development has occurred that would raise any potential for contamination.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of the future land uses are considered in the regional context.

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.22 Waterside	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned IN2 Light Industrial under the provisions of Penrith Local Environmental Plan 2010. Vehicle sales or hire premises are a permissible land use in the IN2 zone and are defined as follows:

Vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

The proposal includes the display and sale of motorhomes therefore meeting the above definition. As such, the proposal is a permissible land use in the zone subject to Council consent.

Clause 2.3 Zone objectives

An assessment of the proposal against the objectives of the IN2 Light Industrial zone is included below:

Objectives of the zone	Complies
• To provide a wide range of light industrial, warehouse and related land uses.	Yes
• To encourage employment opportunities and to support the viability of centres.	Yes
• To minimise any adverse effect of industry on other land uses.	Yes
• To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.	Yes
• To support and protect industrial land for industrial uses.	Yes
• To promote development that makes efficient use of industrial land.	Yes
• To limit the impact of industrial development on adjacent residential areas, in terms of its built form, scale, acoustic and visual privacy and air quality.	Yes

The proposed vehicle sales hire premises is in keeping with the zone objectives and is unlikely to negatively impact upon adjacent residential areas.

The site is located in close proximity to residential and open spaces land uses, however, is served by precinct specific road network that ensures all vehicle movements to and from the site will be largely managed within the industrial area. Additionally, the existing acoustic wall located north of the site (associated with Waterside Residential) will further mitigate noise impacts with adjacent land uses.

Clause 4.3 Height of buildings

The Penrith LEP map provides a maximum building height of 12m for the subject site. The proposed development provides a maximum building height of 7.08m and therefore complies with the relevant development standard.

Clause 7.22 Waterside

In accordance with Clause 7.22(4)(c) of the LEP 2010, the following applies to land identified as "Waterside" on the Clause Application Map:

"land in Zone IN2 Light Industrial that is part of the land to which this clause applies unless the consent authority is satisfied that the noise levels inside the buildings involved in the development will not exceed the noise level criterion shown in the following:

Noise descriptor	Time Period	Criterion
Sleeping areas 10% of LA1 15min	10:00 pm to 7:00 am	60 dBA

Whilst the proposed use will operate from 8:00am to 6:00pm Monday to Sunday, a special Condition of consent will be imposed to ensure the above noise level restriction is applied to the site. The relevant condition will protect the amenity (particularly with respect to noise) of residential development at Waterside.

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

Development Control Plan 2010

Provision	Compliance
Part E4 - Waterside corporate controls	Complies - see Appendix - Development Control Plan Compliance

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	Does not comply - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	N/A
D4.2. Building Height	Complies
D4.3. Building Setbacks and Landscape	Complies
D4.4. Building Design	Complies
D4.5. Storage of Materials and Chemicals	Complies
D4.6. Accessing and Servicing the Site	Complies
D4.7. Fencing	Complies - see Appendix - Development Control Plan Compliance
D4.8 Lighting	Complies

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

The proposed development and its future land use will not generate significant waste, noise or air emissions. All stormwater and waste-water will be managed so that that development will have minimal impacts upon the water quality of local and regional catchments. The development does not propose any washing of vehicles or working on engines or mechanical elements of the vehicles. Accordingly the development is unlikely to cause adverse impacts on the natural environment.

The development is likely to attract limited additional vehicle movements and the proposed traffic volumes are within the design capacity of the local transport network. It is considered that the proposed use will therefore have minimal impacts on the local built environment.

The proposed use is not of a scale or type that is likely to cause any significant social impacts.

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

The subject site is appropriately zoned and serviced to accommodate the proposed development.

Section 79C(1)(d) Any Submissions

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
Traffic Engineer	No objection subject to conditions

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

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation. The proposed development is not considered to be contrary to the public interest.

Conclusion

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

As detailed in this report, the site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be adverse impacts arising from the proposed development. As such, the application is recommended for approval, subject to conditions.

Recommendation

That Development Application DA18/1232 for the construction of a vehicle sale / hire Premises for the display and sale of recreation vehicles be approved subject to the attached conditions (Development Assessment Report Part B)

General

1 A001

The development must be implemented substantially in accordance with the following plans 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	Reference No.	Prepared By	Dated	Issue
Drainage Plan	-	Gerard Balkin	11/12/18	A
Site Plan	Sheet 2 of 11	habitat Design Studio	1/11/2018	-
Site Analysis and Waste Management Plan	Sheet 3 of 11	habitat Design Studio	1/11/2018	-
Elevations	Sheet 6 of 11	habitat Design Studio	1/11/2018	-
Elevations	Sheet 7 of 11	habitat Design Studio	1/11/2018	-
Shadow Diagram	Sheet 11 of 11	habitat Design Studio	1/11/2018	
Schedule of External Finishes	Sheet 10 of 11 habitat	habitat Design Studio	1/11/2018	
Ground Floor Plan	Sheet 4 of 11	habitat Design Studio	1/11/2018	
First Floor Plan	Sheet 5 of 11	habitat Design Studio	1/11/2018	
Section Plan	Sheet 8 of 11	habitat Design Studio	1/11/2018	

Waste Management Plan, dated December 2018 accompanying the application

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 8:00am to 6:00 pm Monday to Sunday.

5 A038 - LIGHTING LOCATIONS

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways.] Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

6 A039 - Graffiti

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

7 A046 - Obtain Construction Certificate before commencement of works

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

8 A Special (BLANK)

The operating noise levels inside the buildings involved in the future use will not exceed the noise level criterion shown in the following Table:

Noise descriptor	Time period	Criterion
Sleeping areas 10% of LA1 15min	10:00 pm to 7:00 am	60 dBA

Note: 10% of LA1 15min means the noise level which is exceeded by 10% of all of the valid LA1 15 min noise levels within the specified period.

Demolition

9 B004 - Dust

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

10 B005 - Mud/Soil

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

Environmental Matters

11 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).

12 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.

13 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.

14 D010 – Appropriate disposal of excavated or other waste

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

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

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

15 D022 - Mechanical repairs

No mechanical repairs, vehicle washing, engine degreasing and part washing is to be conducted on the premises at any time.

16 D Special BLANK

Spray painting is not permitted on the site.

17 **D Special BLANK**

No washing of vehicles is to be carried out. The installation of a wash bay will require consent from Penrith City Council.

18 **D Special BLANK**

No vehicle fuel or oil is to be stored on site.

BCA Issues

19 **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.

20 **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

21 **H001 - Stamped plans and erection of site notice**

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

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

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

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

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

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

22 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

23 H041 - Hours of work (other devt)

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

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

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

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

Engineering

24 K101 - Works at no cost to Council

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

25 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

26 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Gerrard Balkin, reference number 2018-062 Sheet 1, revision A, dated 25/02/2019.

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 any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

27 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

28 **K Special (BLANK)**

All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.2- 2002; AS2890.6-2009 and Council's requirements

29 **K Special (BLANK)**

All car spaces are to be line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc

30 **K Special (BLANK)**

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

31 **K Special (BLANK)**

All vehicles are to enter/exit the site in a forward direction.

32 **K Special Condition Driveway Relocation**

Prior to the issue of any Construction Certificate, the southern driveway is to be relocated so the edge of the driveway is a minimum 1m clear of the electrical boxes.

Landscaping

33 **L001 - General**

Prior to the issue of a Construction Certificate, a landscape plan prepared by a qualified landscape architect or landscape consultant to a scale of 1:100 or 1:200, is to be submitted to the satisfaction of the Principal Certifying Authority with the following details:

- The plan must demonstrate the planting of at least two (2) canopy trees on site.
The plan must include the following information:
- location of all proposed landscape features including materials to be used;
- A detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Landscaping shall be maintained:

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.

Certification

34 **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

E4 - Waterside Corporate

3.1 Waterside Corporate.

The following general objectives apply to sites located within the Waterside Corporate Industrial Precinct:

- a) To provide a clear planning framework for development of the site;*
- b) To maintain and enhance the views through and across the subject land to the Penrith Lakes, the Nepean River and the Mountains;*
- c) To encourage development that enhances the area's gateway location to Penrith and Penrith Lakes;*
- d) To minimise any adverse impact to residential development from noise as a result of industrial development;*
- e) To manage stormwater runoff, water quality and flooding in a safe, effective and environmentally responsible manner;*
- f) To provide opportunities for employment, visitor accommodation, child care facilities, neighbourhood shops and community facilities; and*
- g) To ensure the visual quality and the operating function of Waterside Corporate and the lakes system complement future development in the adjoining residential zone and achieve an appropriate and suitable interface between the two zones.*

The development proposal is not expected to generate any significant noise level, particularly due to the presence of the existing acoustic barrier to the north of the site, which will further mitigate adverse noise impacts for residents of Waterside Residential.

As discussed, due to the minor nature of the proposed built form and relatively flat topography of the site, the proposed development is unlikely to negatively impact visual or scenic values of the adjoining residential interface or the Nepean River.

3.1.4.1 Site and building works

Councils' Development Engineer has reviewed the proposal and is satisfied that the disposal of stormwater runoff is in accordance with Council's policies and the proposed site works and finished levels are considered appropriate to satisfy the controls under this section.

Council's Environmental Health Officer is satisfied that the development will not adversely impact water management as there is no mechanical work/body repair work proposed to be conducted on the site.

3.1.4.2 Access and parking

The proposal will not result in direct access to or from Castlereagh Road or Andrews Road. Additionally, Council's Traffic Engineer provided no objection to the proposal and provided comment that the existing road network has the capacity to cater for the minor increase of an estimated daily 10-20 vehicles movements associated with the development.

3.1.4.3 Acoustic requirements

Due to its proximity to Waterside Residential, the proposal was referred to Councils' Environmental Health Officer. No objection was raised to the proposal, subject to the imposition of the recommended conditions of consent regarding hours of operation and operating noise level of plant and equipment.

3.1.4.4 Streetscape

The proposed development will result in a built form with a maximum height of 7.08m and with a total site coverage of 151.0m², the built form is unlikely to be visually dominant. The proposed landscaping along Renshaw Street and Willett Close will help soften the built form and hard surface area associated with the parking.

3.1.4.5 Building envelopes

The proposed development is not expected to detract from views through and across the subject land to Penrith lakes, the Nepean River and the Blue mountains. Overall, it is considered that the proposed development provides a scale and design that is appropriate for the locality.

Additionally, under the provisions of the Waterside DCP chapter, the following building setbacks are required:

Location	Minimum setback	Complies
Andrews Road	10m	Yes
Castlereagh Road	10m	Yes
Laycock Street	9m	Yes
Buildings fronting secondary and internal roads	5m	Yes
Buildings on lots adjoining residential land and riparian corridors	5m	Yes

3.1.4.9 Landscaping and Open Space

The proposed landscaping will help screen and soften the building mass, additionally a condition of consent will be to recommended for canopy trees to be incorporated into the landscaping to reduce the heat island effect

Development Control Plan 2014

Part C - City-wide Controls

C5 Waste Management

It is noted that a detailed Waste Management Plan (WMP) has been provided along with the application. The WMP addresses the construction and operational phases of the proposed development. This is satisfactory, subject to conditions of consent.

C6 Landscape Design

Whilst a landscape design has been provided as part of the submitted plan set, it is noted that it does not satisfy pre-lodgement advice provided to the applicant. Accordingly, a special condition of consent will be imposed for the applicant to provide canopy trees to reduce heat island effects.

C9 Advertising and Signage

The elevation plans submitted as part of the proposal indicate business identification signage on the northern, southern and eastern elevations. As no information was submitted regarding the illumination, depth, sizing and material of the signage, a letter was sent to the applicant requesting additional information. The applicant has clarified that the signage is concept only and detail of signage will be provided as part of a subsequent application.

C10 Transport Access and Parking

All vehicle entry to the site will be via Willett Close at the southern boundary.

Under the provisions of Penrith DCP, vehicles sales or hire premises, the following parking requirements apply:

'1 space per 100m² of display area plus 1 space per employee, plus 6 spaces per work bay'

The development will have a maximum of two employees on site at any one time (2 spaces required) and provides approximately 250m² of display area gross floor area (requirement of 2.5 spaces). Overall, there is requirement of five (5) on-site car parking spaces and is satisfied.

It is noted that whilst six (6) spaces are required per work bay, the proposal provides an internal work bay, for vehicles to be parked and serviced and such is not applicable to this development.

D4 Industrial Development

D4 Industrial Development:

4.1 Key precincts:

The subject site is not located within any industrial key precinct.

4.2 Building Height:

The proposal provides a maximum building height of 7.08m which complies with relevant standards of the Penrith LEP 2010 and considered to achieve a scale and height that is in keeping with the existing and desired future character of Waterside Corporate.

4.3 Building Setbacks and landscape

The development provides 9.33m and 11.0m setback to the secondary frontages of Renshaw Street and Willett Close respectively and complies with the requirements of Table D4.1.

The development results in large hardstand area with a 1.35m landscaping strip proposed along the three frontages of the site. It is noted that this results in a 2.65m shortfall from the 4m wide landscaping required, however the provision of the lengthy landscaping along the southern, western and northern site frontages provides appropriate softening of the built form as seen from both Renshaw Street and Willett Close. In the Statement of Environmental Effects, the applicant has stated that mature trees will be planted on site, however this is not represented on the submitted

landscape plans. Notwithstanding this, a special condition of consent will be recommended for canopy trees to be provided on site to mitigate the heat island effect on the site.

4.4 Building Design

The proposed building provides minimal articulation, however, the glazed elements will assist to break up the overall visual mass. The proposed schedule of finishes will incorporate bright blue elements which will further add visual interest to the built form.

4.5 Storage of materials

Additional information was sought as to whether materials would be stored on the site, the applicant clarified that there is no intention of any external storage on the site. The stockpile areas identified on the site plan is for the purpose of waste stockpile during the construction process only. As such the development is not considered to cause any inconsistency with the DCP requirements.

4.6 Accessing and Serving the site

The development provides a combined entry and exit at the south eastern corner of the site with car parking provided at the southern boundary, in a location that will not require pedestrians to cross any vehicle movement paths.

Whilst located in an industrial area, it is not expected that heavy vehicles will access the site, however, an alternate ingress and egress to the site is available through the site and the proposed workshop along the northern boundary.

4.7 Fencing

The development proposes a 2.1m black, palisade type fencing on the site perimeter behind the landscaped area. The proposed fencing satisfies the DCP controls in that it will maximise natural surveillance from the street to the building and will not impede the natural flow of stormwater drainage.

4.8 Lighting

The proposed hours of operation are typically standard business hours and as such limited lighting will be required. The Statement of Environmental Effects states that external lighting will be provided at the entrances and car park areas to assist in providing safety and security as well as convenience to site users.

There are no adjacent or nearby uses that would be sensitive to lighting provided on site.