

cityscapeplanning+projects

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS TO EXISTING INDUSTRIAL DEVELOPMENT

134-140 OLD BATHURST RD, EMU PLAINS

SEPTEMBER 2019

cityscape planning + projects

abn: 37 089 650 386

phone: 4739 3374

fax: 4739 3408

mobile: 0408 866913

email: cityscape@cityscape.net.au

www.cityscape.net.au

post: PO Box 127

Glenbrook NSW 2773

This report has been prepared by:



Vince Hardy BTP, RPIA
URBAN PLANNING CONSULTANT



cityscape planning + projects, 2019

This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

TABLE OF CONTENTS

1.0	INTRODUCTION	5
2.0	THE SUBJECT SITE	6
2.1	SITE LOCATION + DESCRIPTION	6
2.2	SITE DIMENSIONS	7
2.3	TOPOGRAPHY	7
2.4	DRAINAGE & FLOODING	7
2.5	VEGETATION	10
2.6	EXISTING DEVELOPMENT	10
2.7	ADJACENT DEVELOPMENT	10
2.8	ABORIGINAL & EUROPEAN HERITAGE	13
2.9	SERVICES & INFRASTRUCTURE	13
2.10	HAZARDS & NUISANCE	13
3.0	DEVELOPMENT PROPOSAL	14
3.1	BACKGROUND TO DEVELOPMENT	14
3.1	BUILT FORMS + SITE WORKS	15
3.2	LAND USE	15
3.2	OPERATING HOURS AND DETAILS	16
4.0	STATUTORY SITUATION	17
4.1	ZONING + PERMISSIBILITY	17
4.2	POTENTIAL FOR DESIGNATED DEVELOPMENT	17
5.0	PLANNING ASSESSMENT	20
5.1	THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT	20
6.2	THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT	32

6.3	THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS	33
6.4	IMPACTS OF DEVELOPMENT	48
7.0	CONCLUSION	52
	ANNEXURE A: AHIMS SEARCH	53

1.0 INTRODUCTION

Cityscape Planning + Projects has been engaged to prepare a Statement of Environmental Effects to accompany a Development Application to be lodged on the subject site.

The report has been compiled, through on ground investigations, research, analysis and discussions with planning officers from Penrith City Council including a pre-lodgement meeting (PL19/0032) and is to be read in conjunction with the accompanying plans and reports.

2.0 THE SUBJECT SITE

2.1 SITE LOCATION + DESCRIPTION

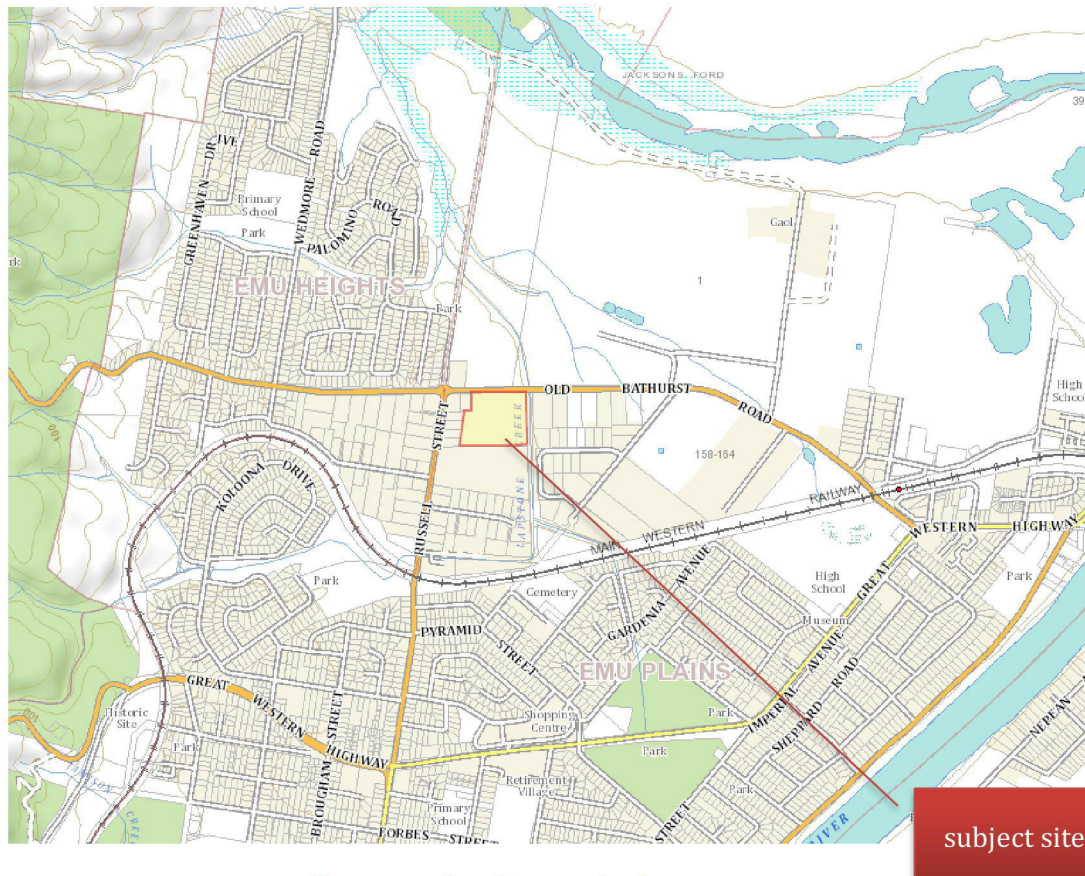
The subject site is a large irregular shaped parcel of land located on the southern side of Old Bathurst Rd, approximately 100m east of its intersection with Russell St. A plan showing the locality of the site is provided at Figure 1.

The site is known as No.134-140 Old Bathurst Rd, Emu Plains but has the following real property description.

Lot: 31 **DP:** 1005063

Figure 2 and 3 provide a cadastral plan and aerial photo of the site.

FIGURE 1: LOCATION OF SITE



2.2 SITE DIMENSIONS

The site is a large irregular shaped parcel with a total area of approx. 3.75 ha. It has a frontage to Old Bathurst Rd of 184.57m and a depth of 180.715m along its eastern boundary. The site configuration is represented in the cadastral plan provided at Figure 2.

2.3 TOPOGRAPHY

The site sits within a floodplain type topography and therefore is generally flat with limited relief or slope. Site contours are provided as part of the survey plans that accompany this DA and demonstrate that the site has a very limited grade or slope, although there are two relatively shallow depressions in the front central section and rear south corner of the site.

2.4 DRAINAGE & FLOODING

The site does not accommodate any water bodies or natural drainage lines but is located directly adjacent to a Lapstone Creek, which runs along the eastern boundary. This creek is a tributary to the Nepean River and is represented as a concrete lined channel or drain. The location of this creek-line in relation to the site is evident at both Figure 2 and 3.

The proximity to Lapstone Creek exposes the site to flooding at the eastern boundary and south-eastern corner. An extract of the relevant flood planning map is provided at Figure 4 and demonstrate the extent of flooding is limited to the eastern and south eastern sections of the site.

FIGURE 2: CADASTRAL + TOPOGRAPHIC PLAN



FIGURE 3: AERIAL PHOTO



FIGURE 4: FLOOD PLANNING MAP



FIGURE 5: EXISTING INDUSTRIAL BUILDING VIEW FROM OLD BATHURST RD



2.5 VEGETATION

The site has been cleared of much of its natural vegetation as part of previous development and land use. Nevertheless, the northern section of the site accommodates copses of large and mature trees that provide a landscaped buffer to the broader site. Figure 3 provides an aerial image that demonstrates the extent of vegetation coverage on site.

2.6 EXISTING DEVELOPMENT

The site currently accommodates a large industrial building at the central sections of the site. A large paved car parking area borders the front of the built form and vehicle access to this area and the broader site is provided via a driveway located at the eastern boundary of the site. The rear sections of the site is provided as paved or hardstand area for outdoor storage and vehicle manoeuvring. Images of that building etc are provided at Figure 5-8.

2.7 ADJACENT DEVELOPMENT

The site form parts of an established industrial area but adjoins a service station and fast food outlet to the west. It is also located in relatively close proximity to residential development located to the north west of the site. Lands directly opposite the site are currently vacant industrial zoned land. The sites proximity to these other lands uses is demonstrated at Figure 9.

FIGURE 6: CAR PARKING AREA



FIGURE 7: EXISTING INDUSTRIAL BUILDING



FIGURE 8: EXISTING PRODUCTION LINE



FIGURE 9: ADJACENT DEVELOPMENT



2.8 ABORIGINAL & EUROPEAN HERITAGE

Neither the site nor lands within the immediate vicinity of the site are identified as containing any identified items of European or Aboriginal heritage. Written confirmation of the absence of Aboriginal heritage is provided at Annexure B.

2.9 SERVICES & INFRASTRUCTURE

The site forms part of an established industrial precinct and as such enjoys access to a full range of urban services such as Power and communication as well as access to *Sydney Waters* reticulated water and sewer services.

2.10 HAZARDS & NUISANCE

The site is not identified as being bushfire prone land on the relevant Council map.

The site is also exposed to mainstream flooding at its eastern boundary and south eastern corner its very front section.

The site is not exposed to any other conceivable hazard.

3.0 DEVELOPMENT PROPOSAL

3.1 BACKGROUND TO DEVELOPMENT

The site is currently used for the purposes of production of polymer-concrete products. This land use and associated alterations and additions to the built forms was approved by Penrith City Council pursuant to **DA04/1060**, on 2 August 2004.

The approved development has operated on site since that initial approval. However, since that initial approval the production capacity of the plant and volume of goods manufactured has increased significantly beyond the scale of operations initially contemplated. Importantly, the relevant development consent does not provide any cap or limit on production capacity of the site.

However, continuing increasing demand for product has generated a need to further increase production capacity by duplicating the production line. This necessitates further, albeit limited, alterations and additions to the built form and site facilities and therefore the preparation of a new Development Application (DA) for those proposed works.

Further, as per pre-lodgement advice (PL19/0032) obtained from Penrith City Council, it is now also considered necessary to also modify the existing development consent notice.

Accordingly, both a new development application and application to modify the existing development consent notice has been prepared and are lodged concurrently for Councils consideration and determination.

3.1 BUILT FORMS + SITE WORKS

The applicant seeks Council consent for the development of the following built works:

- Insertion of a new mixing plant with platform and metal clad enclosure on the roof of the existing building. The mixing plant will be 5.5m long x 4m wide and 4.38m high with a total maximum building height of 13.18m
- Extended car park area providing an additional 25 parking spaces
- Extended concrete hardstand area located at the south west corner of the existing hardstand area.
- New landscaping to carpark and along eastern boundary

The development proposal also incorporates integrated landscape and stormwater management plans inclusive of On-Site detention (OSD) and Water Sensitive Urban Design (WSUD) measures.

3.2 LAND USE

No change to land use is proposed as part of this Development Application as the development will continue to undertake the production of polymer-concrete products. The products manufactured as part of the development are primarily stormwater management devices that are used to collect, hold, treat and release stormwaters and support Water Sensitive Urban Design (WSUD).

3.2 OPERATING HOURS AND DETAILS

The development proposal would accommodate approximately 116 staff over the following operating hours:

- Monday to Friday – 5AM to Midnight
- Saturday – 5AM to 2PM

These operating hours represent an increase in the hours currently approved pursuant to DA04/1060. An application to modify those hours is provided as part of a separate application under S4.55 of the EP& A Act, 1979.

In addition to employee traffic movements, the development currently attracts an average of 10 vehicles per day typically represented as four (4) heavy vehicles (inclusive of B-double trucks and semi-trailers) and 6 commercial vans and 'pantech' type vehicles.

The proposed alterations and additions will generate an increase in traffic movements by approximately 20% which represents an additional 2 vehicles per day.

The nature of the existing proposed land use is such that it is currently and is unlikely to attract any significant visitors to the site.

4.0 STATUTORY SITUATION

4.1 ZONING + PERMISSIBILITY

The subject site is zoned **IN1 General Industrial** pursuant to Penrith LEP 2010. An extract of the relevant zone map is provided at Figure 9.

The land use table to this zone identifies *general industry*, as permissible land uses in the IN1 zone. The dictionary to the LEP provides the following definition of a warehouse or distribution centre:

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

This definition is entirely consistent with the development as outlined at Section 3.0 of this report.

Accordingly, it can be determined that the development provides a permissible land use in the zone and as such can be approved by Council.

4.2 POTENTIAL FOR DESIGNATED DEVELOPMENT

Schedule 3 of the *Environmental Planning Assessment Regulation, 2000* details what type of development is Designated Development. Clause 14 of that schedule references Concrete works and the relevant extract is provided below:

14 Concrete works

- (1) Concrete works that produce pre-mixed concrete or concrete products and:*
 - (a) that have an intended production capacity of more than 150 tonnes per day or 30,000 tonnes per year of concrete or concrete products, or*
 - (b) that are located:*
 - (i) within 100 metres of a natural waterbody or wetland, or*
 - (ii) within 250 metres of a residential zone or dwelling not associated with the development.*
- (2) This clause does not apply to concrete works located on or adjacent to a construction site exclusively providing material to the development carried out on that site:*
 - (a) for a period of less than 12 months, or*
 - (b) for which the environmental impacts were previously assessed in an environmental impact statement prepared for that development.*

However, these facilities relate to traditional concrete works that produce materials generated by a blend of cement, gravel and sand. The materials manufactured as part of the existing and development approval are actually a polymer-concrete product, which utilises a synthetic binding agent instead of the cement product.

The processes involved with the manufacture of these materials is also far less intensive than that of traditional concrete works.

No change to that production process is proposed as part of this development process.

Accordingly, the development does not sit within the relevant definition provided by Schedule 3 of the regulations and as such the development can not be considered Designated Development.

FIGURE 9: EXTRACT OF ZONING MAP

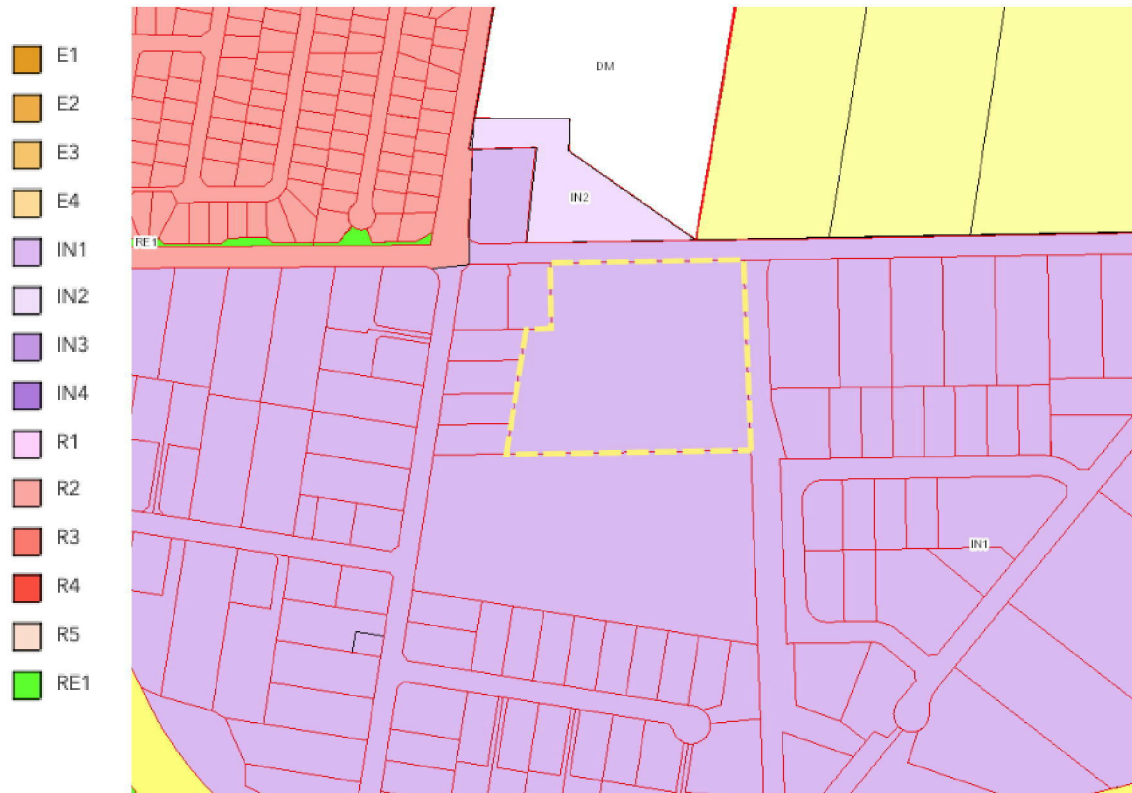
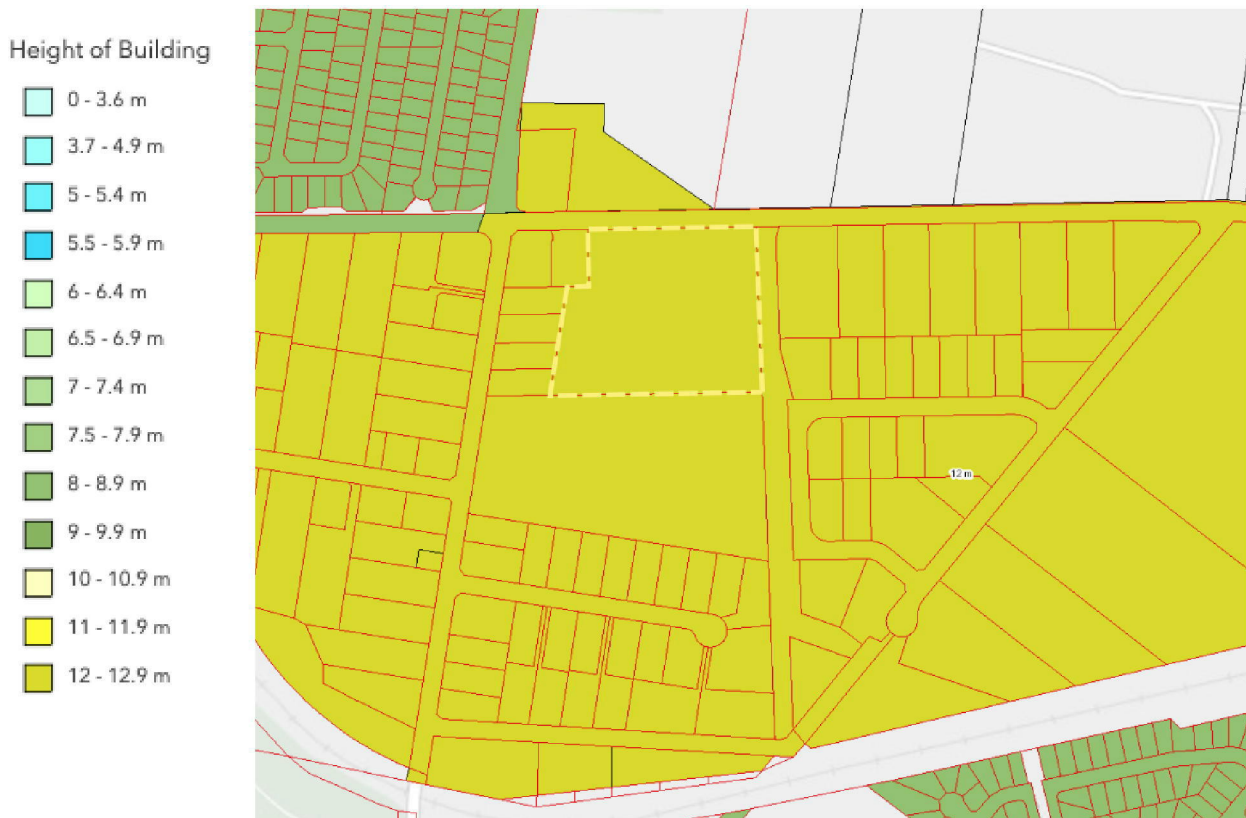


FIGURE 10: EXTRACT OF LEP HEIGHT MAP



5.0 PLANNING ASSESSMENT

5.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

5.1.1 SEPP 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:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements

The previous and existing use of the site involves the manufacture and external storage of polymere-concrete products does not cause any significant potential for contamination. In any event the proposed development does not seek to change the land uses of the site and as such does not increase risk of any contamination hazard.

5.1.2 SREP 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 future land uses are considered in a regional context.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The development application is accompanied by a comprehensive stormwater management plan that includes Water Sensitive Urban Design (WSUD) outcomes consistent with Council DCP requirements.

The development should therefore have no legible impact upon local or regional stormwater quality.

Accordingly, the development causes no inconsistency with the SREP.

5.1.3 SEPP 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

SEPP 33 presents a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage.

The SEPP is accompanied by a guide, which assist determining whether development maybe industries that may be potentially hazardous. Appendix 3 of the Guide provides a list of industries that may be potentially hazardous. The proposed development is not listed as part of the Appendix 3 to the guide.

Accordingly, the development does not sit within the definition of potentially hazardous or offensive industries and as such neither a Preliminary Hazard Assessment or further assessment under the SEPP is required.

5.1.4 PENRITH LEP 2010

The relevant provisions of the SEPP are provided below together with an assessment of the development against those provisions.

PART 2 PERMITTED OR PROHIBITED

2.3 Zone objectives and land use table

Zone IN1 General Industrial

1 Objectives of zone

- **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 the people who work in the surrounding industrial area.**

COMMENT:

The development provides a relatively small and modest alteration to a large industrial building type building that will allow for ongoing use and expansion of an existing industrial activity that will provide new local employment opportunities.

The site does not possess any significant natural environmental features and all stormwaters can be managed as part of the development without adverse impact upon the local environment.

The site is also located in close proximity to residential uses, however is able to be managed in a manner that ensures that all activities on site cause no significant adverse amenity impacts to those adjacent residents.

The development therefore causes no inconsistency with the zone objectives.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.3 Height of buildings

(1) The objectives of this clause are as follows:

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,

(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

An extract of the LEP map is provided at Figure 10 and demonstrates that the LEP provides a maximum building height of 12m.

The building height is plotted on the elevation diagram and shows that the new plant element provides a maximum building height of 13.18m. The proposal therefore development therefore does not comply with this development standard.

However, Clause 4.6 of Penrith LEP allows a variation to development standards where it can be demonstrated:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Accordingly, these matters are addressed in a formal written request to vary the development standard that accompanies this report.

PART 5 MISCELLANEOUS PROVISIONS

Not relevant to the site or its development

PART 6 URBAN RELEASE AREAS

Not relevant to the site or its development

PART 7 ADDITIONAL LOCAL PROVISIONS

7.1 Earthworks

(1) The objectives of this clause are as follows:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without separate development consent.

The development does not propose any extensive earthworks other than relatively standard works associated with the delivery of the car park and stormwater management measures. As such the development is not expected to have any significantly adverse impacts upon the environment.

7.2 Flood Planning

(1) The objectives of this clause are as follows:

(a) to minimise the flood risk to life and property associated with the use of the land,

(b) to limit uses to those compatible with flow conveyance function and flood hazard,

(c) to manage uses to be compatible with flood risks,

(d) to enable safe and effective evacuation of land,

(e) to ensure the existing flood regime and flow conveyance capacity is not compromised,

(f) to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.

Flooding advice received from Penrith City Council states that the surrounding area is subject to flooding with the flood level being

estimated to be RL23.9m AHD. The majority of the site sits above RL25m AHD and the existing built form has an internal FL of 25.62 m AHD. The site and the built form are therefore located well above that flood level.

The proposed works inclusive of car park, external storage area and proposed plant to be located on the roof provide no potential to cause any change to flood flows or the conveyance of flood water across the site.

The development is therefore considered to not cause any increase of flood risks and is compatible with the site flood hazard.

Accordingly, the development is considered to cause no inconsistency with the relevant LEP clause or its objectives.

7.4 Sustainable development

In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following:

- (a) conserving energy and reducing carbon dioxide emissions,**
- (b) embodied energy in materials and building processes,**
- (c) building design and orientation,**
- (d) passive solar design and day lighting,**
- (e) natural ventilation,**
- (f) energy efficiency and conservation,**
- (g) water conservation and water reuse,**
- (h) waste minimisation and recycling,**
- (i) reduction of vehicle dependence,**

(j) potential for adaptive reuse.

The development incorporates the following sustainability measures:

- Water Sensitive Urban Design (WSUD) measures implemented as part of stormwater management plan which shall improve the quality of stormwater leaving the site
- Zero waste from the manufacturing element of the development with all production wastes being recycled
- The development actually produces WSUD stormwater management devices for use throughout Australia
- Balanced cut and fill response
- Pre-fabricated construction to minimise wastes
- Use of water efficient plantings as part of new landscaping

7.5 Protection of scenic character and landscape values

(1) The objectives of this clause are as follows:

(a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,

(b) to ensure development in these areas is located and designed to minimise its visual impact.

(2) This clause applies to land identified as “Land with scenic and landscape values” on the Scenic and Landscape Values Map.

(3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development,

to minimise the visual impact of the development from major roads and other public places.

The site is identified on the relevant LEP map as being within an area possessing scenic and landscape values. An extract of that map is provided at Figure 11.

An analysis of the baseline visual catchment is provided at Figure 12 and identifies the primary reasons for the site identification on the scenic and landscape values map together with the existing features of that visual catchment. This image reveals that the site sits within a large and established industrial area dominated by large footprint buildings and hard stand areas, however, experiences increased visibility primarily from its potential to be viewed from key transport corridors and elevated areas on the Blue Mountains Escarpment.

Further analysis of the site from those key viewing areas is then provided as part of Figures 13-16 including an elevated view from the escarpment area using 3D viewing imagery and real imagery obtained from key viewing landmark on the escarpment area. These images identify that the subject site has very limited visibility from the escarpment area, primarily because of the vast viewing distances and the screening of the site by existing vegetation and large floorplate built forms in the surrounding industrial precinct.

The proposed development seeks to insert a very small element of plant onto the roof and expand the external storage areas. Given the abovementioned visual impact analysis, the development will have very limited potential to cause adverse visual impacts.

FIGURE 12: EXTRACT OF LEP SCENIC AND LANDSCAPE VALUES MAP

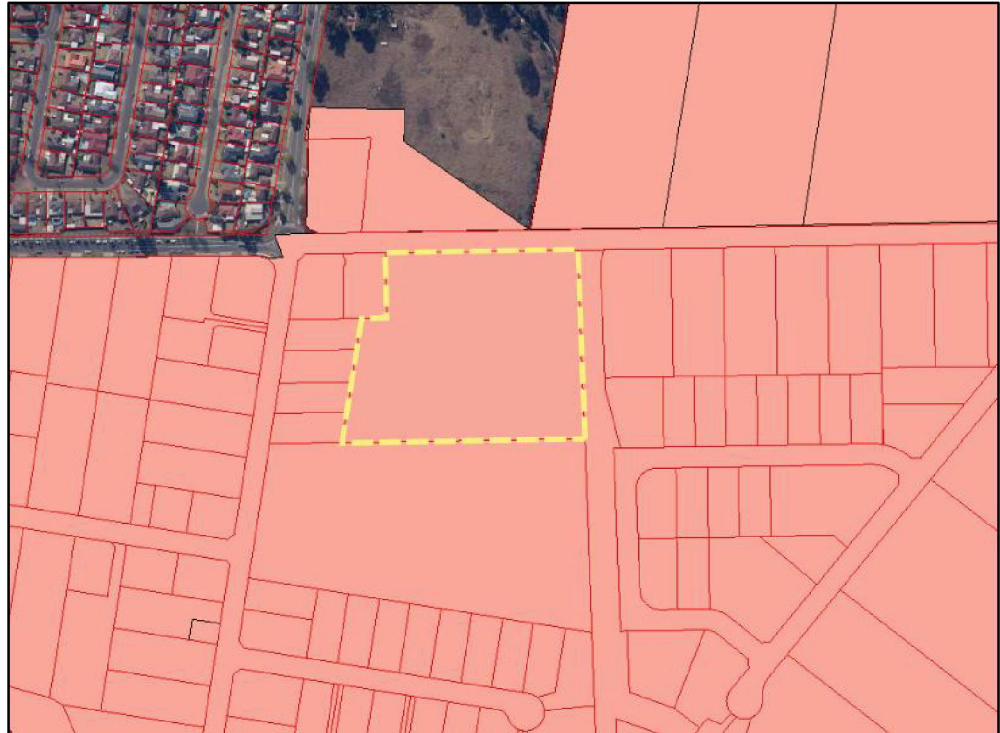


FIGURE 13: BASELINE VIUSAL ANALYSIS



FIGURE 14: ELEVATED VIEWING POSITION FROM WEST (BLUE MOUNTAINS ESCARPMENT) – GOOGLE EARTH IMAGERY

Subject Site



FIGURE 15: VIEW NORTH EAST FROM SIDING LOOKOUT, LAPSTONE ON THE BLUE MOUNTAINS ESCARPMENT

Subject Site



**FIGURE 16: VIEW EAST FROM MARGES LOOKOUT,
GLENBROOK BLUE MOUNTAINS ESCARPMENT**



Despite the limited potential for the proposed development to cause adverse visual impacts, the following visual impact mitigation measures are proposed as part of the sites proposed development:

- Site is located within an emerging industrial estate that provides very large building footprints. The site therefore has an ability to accommodate significant new building volume without causing adverse visual impact.
- Relatively small proportion of built form site coverage
- Existing built forms and on-site vegetation screen the proposed development from the main western rail line.

- Larger landscape area in front setbacks that exceed the DCP requirements and screen the development from Old Bathurst Rd
- New landscaping along the western boundary to provide further visual screening
- All outdoor storage contained below landscape and built form height and therefore has limited visibility
- new plant on roof is clad in same material as the existing built form

The visual impact analysis undertaken in this section of the report demonstrates that the development will protect and conserve scenic character and landscape values of the local area by minimising its visual impact

5.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have recently released a Draft SEPP (Environment) that seeks to protect and manage our natural environment. This Draft SEPP applies to the subject site.

However, the Draft SEPP does not necessarily seek to introduce new planning controls but rather simply seeks to consolidate several SEPP's including SREP 20 – Hawkesbury Nepean.

Accordingly, the development proposes no inconsistency with that Draft SEPP.

5.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

PENRITH DCP 2014:

C1: SITE PLANNING AND DESIGN PRINCIPLES

The site sits within an established industrial precinct and has been used for industrial purposes for many decades. A Site Analysis Plan accompanies the application as part of both the plan and this report.

The design proposal responds to key site planning issues identified as part of site analysis.

C2: VEGETATION MANAGEMENT

The site has been cleared of much of its natural vegetation as part of previous development and land use. Nevertheless, the northern section of the site accommodates copses of large and mature trees that provide a landscaped buffer to the broader site.

Two trees are proposed to be removed as part of the proposed car park extension. These are identified below. These trees are no remnant vegetation as they were initially planted by the site current owner after purchase of the site and were implemented as part of their initial landscaping program.

The removal of the two trees will offset by the replacement with a total of 9 new trees plantings provided as part of the car park extension and the broader landscape plan.

Accordingly, the development is considered to cause no inconsistency with the vegetation management objectives of the DCP.

FIGURE 17: TREES TO BE REMOVED



Two trees proposed to be removed

C3. WATER MANAGEMENT

General

The site does not accommodate any water bodies or natural drainage lines but is located directly adjacent to a Lapstone Creek, which runs along the eastern boundary. This creek is a tributary to the Nepean River and is represented as a concrete lined channel or drain.

Flooding

The proximity to Lapstone Creek exposes the site to flooding at the eastern boundary and south-eastern corner. An extract of the relevant flood planning map is provided at Figure 4 and demonstrate the extent of flooding is limited to the eastern and south eastern sections of the site.

Flooding advice received is that the surrounding area is subject to flooding with the flood level being estimated to be RL23.9m AHD. The majority of the site sits above RL25m AHD and the existing built form has an internal FL of 25.62 m AHD.

The site and the built form are therefore located well above that flood level.

The proposed works inclusive of car park, external storage area and proposed plant to be located on the roof provide no potential to cause any change to flood flows or the conveyance of flood water across the site.

The development is therefore considered to not cause any increase of flood risks and is compatible with the site flood hazard.

Stormwater Management -OSD

The development provides large area of existing and proposed new hardstand. The scale of these hardstand areas necessitates OSD and WSUD responses to manage the site stormwaters.

A stormwater management plan has been prepared to manage increased water storage volumes by increasing the spill level of the existing on-site detention basin, located at the rear of the site, by constructing an earth wall and mound. The use of *ACO stormbrixx* adjacent to the car park extension is also proposed to provide the required the underground OSD volumes.

Stormwater Management -WSUD

As the site is located within an urbanised area and the treatment devices are mainly servicing hardstand areas, the main pollutant sources are anticipated to be gross pollutants and suspended solid from surround soil. There will also be nutrients including nitrogen and phosphorus within soil from surrounding areas.

The WSUD strategy seeks to provide two SPEL filter and one SPEL Storm Sack will be provided to provide water quality improvements. Modelling of the proposed WSUD measures demonstrate that the proposed Industrial development achieves

and exceeds the required water quality and nutrient removal loads as required by Penrith Councils DCP.

C4 LAND MANAGEMENT

Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development.

An erosion and sedimentation control plan is provided as part of the development application.

The site presents no current or historical use that presents potential for contamination.

C5. WASTE MANAGEMENT

The development does seek to increase the production capacity of the industrial facility. However, the development currently generates zero waste from that element with all production wastes being recycled.

This zero-production waste strategy is proposed to be maintained as part of the production capacity expansion.

All waste bins can be accommodated within the building footprint.

A Waste Management Plan (WMP) for the construction and operational stages of the development accompanies the development application.

C6. LANDSCAPE DESIGN

A Landscape Concept Plan accompanies the application and provides for a mix of plantings that integrates with the overall development.

This landscape plan represents a significantly improved landscape response for the site that provides additional screen plantings along the western boundary as well as a landscaping treatment and screen to the new car park area.

The landscaping also has the additional benefits of providing shading to the car park area and assists reducing the 'heat effect' of the of the large hardstand areas.

The plants that will be used in the landscaping will be varieties that require low levels of maintenance and are drought resistant to reduce water use within the development.

C7. CULTURE AND HERITAGE

The site is not a heritage item nor does it adjoin or be site in close proximity to any heritage item or conservation area.

C10. TRANSPORT ACCESS AND PARKING

Traffic Generation

Old Bathurst Rd is currently a collector type road that accommodates relatively significant traffic volumes particularly at peak periods.

The existing development generates average daily traffic movements of approx. 80-90 vehicles from staff and visitors. In addition to employee traffic movements, the development currently attracts an average of 10 vehicles per day typically represented as four (4) heavy vehicles (inclusive of B-double trucks and semi-

trailers) and 6 commercial vans and 'pantech' type vehicles.

The proposed development will result in a 20% increase in vehicle movements to the site which represents totals of approx. 100-110 cars plus a total of 12 truck movements per day.

These increase traffic movements are expected to have a negligible impact upon the operational capacity and efficiency of Old Bathurst Rd and the local and regional road network.

Access and Manoeuvring

Existing vehicular access to Old Bathurst Rd is provided via driveway located at the eastern boundary of the site. Image of that access is provided below. The geometry and configuration of that access allow for access and egress of a full range of vehicles sizes as well as providing suitable queuing spaces etc. Good visual sight along provide along Old Bathurst Rd which ensure that safe and efficient access to the site will be maintained.

FIGURE 18: VEHICLE ACCESS



Swept paths are plotted on the accompanying plans and demonstrate acceptable manoeuvrability throughout the site for all vehicles inclusive of the ability to enter

and exit the site in a forward direction.

Parking

The DCP require car parking as follows for warehouse development:

1 space per 75m² of GFA

The development provides a total of 4,911m² of GFA and therefore generates a demand 65.48 (66) parking spaces under the DCP.

The site currently provides a total of 61 parking inclusive of two accessible parking spaces. Whilst this is less than the current DCP requirement it is compliant with the parking space provision as per DA04/1060.

No additional GFA is provided by the development, so technically there is no additional DCP requirement for carparking, however the development proposal seeks to provide an additional 25 parking spaces to meet both the existing demand together with additional demand generated by the proposes expansion of the plant and its production capacity.

In this regard, the development currently provides numerous employment opportunities in sales and product design which are accommodated in the ancillary office area and this additional office-based employment generates the parking demand in excess of Councils DCP requirement. This demand also currently exceeds the existing provision of car parking on site.

The development proposal therefore achieves the objectives and requirements of Council's DCP in providing car parking to meet the needs and demands of the development.

C12. NOISE AND VIBRATION

An acoustic assessment has also been undertaken and concludes that the industrial activity and proposed extension to operating hours will comply with the relevant noise goals. The development presents no new or significantly adverse noise impacts that could detrimentally impact upon local amenity values.

C13. INFRASTRUCTURE AND SERVICES

The site is located in an established urban area and as such enjoys access to full suite of urban infrastructure and services including, water, energy utilities, telecommunication.

D4 INDUSTRIAL DEVELOPMENT

4.1 KEY PRECINCTS

The subject site is located within Precinct 8 – Emu Plains

4.2 BUILDING HEIGHT

No additional controls for the site are provided in this section of the DCP. The development does not comply with the LEP/DCP maximum building height and a Clause 4.6 request to vary that development standard accompanies the DA.

A visual impact assessment from nearby elevated areas on the escarpment has been undertaken in preceding sections of this report and demonstrates no significantly adverse impact.

4.3 BUILDING SETBACKS AND LANDSCAPE

C. Controls

1) Setbacks

a) Setbacks for industrial development are to be in accordance with the standards specified in Table D4.1. These setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:

- i) Is within a setback which is at least 13 metres wide, and set behind a landscaped area which is at least 4 metres wide;**
- ii) Promotes the function and operation of the development;**
- iii) Enhances the overall design of the development by implementing design elements including landscaping, that will screen the parking area, and is complementary to the development; and**
- iv) Does not detract from the streetscape values of the locality.**

b) In Precincts 1 & 2 (Dunheved/St Marys), 8 (Emu Plains adjacent to Rail Station) and 10 (Kingswood) variations to the required setback areas will be considered on merit, taking account of site areas and street frontage widths, access to the site, availability of on-site parking and access areas, landscaping provision and setbacks of adjoining development.

Table D4.1 identifies a requirement for a 15.0m building setback to Old Bathurst Rd. The development currently provides a setback of over 55m to Old Bathurst Rd and no new building elements are proposed within that setback and therefore the development readily complies with the setback requirement.

Car parking is currently provided in this setback area and the DCP allows such an outcome under certain circumstances. In this respect the parking is provided within a building setback of over 45m to Old Bathurst Rd which well exceeds the 13m requirement. This 45m setback area is heavily landscaped with large, mature plantings that screen the car parking and built forms to Old Bathurst Rd.

The new car parking maintains the prevailing setback to Old Bathurst Rd and provides additional landscaping works will screen the new works and maintain the visual qualities of the site and its streetscape.

2) Visual Impact of Buildings and Hardstand Areas

a) The landscape design within setbacks should consider the scale of the building and where appropriate, select and locate plants to help reduce the bulk and scale of the building.

b) The visual impact of large expanses of wall should be reduced in scale by architectural treatment as well as by dense grove planting or other landscape design solutions.

c) Where an industrial development contains large expanses of hardstand or paved areas, the applicant must demonstrate how the development application reduces the 'heat effect' and visual impact of these large expanses.

The availability of generously wide setback to Old Bathurst Rd serves to ensure that both the built form and car park have limited visual presence in the built landscape. This is demonstrated at Figure 19.

FIGURE 19: VIEW FROM OLD ABTHURST RD SCREENED BY LANDSCAPING AND SETBACK



The new hardstand area is located at the rear of the site behind the existing building and in areas that are screened from the public domain by the presence of other adjacent large built forms on adjacent sites. This new hardstand area therefore has limited potential to cause adverse visual impacts.

Nevertheless, further landscaping is provided to the car park area and along the eastern boundary to mitigate any adverse visual impacts.

3) Vegetation and Landscape

The development seeks to ensure the vast majority of large and mature trees are retained on site and an additional 9 large trees are provided to offset the loss of the 2 trees proposed to be removed.

A Landscape Concept Plan accompanies the application and provides for a mix of plantings that integrates with the overall development.

4.4. BUILDING DESIGN

A. Objectives

- a) Encourage a high standard of architectural design, utilising quality materials and finishes appropriate for the locality.**
- b) Ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings (now part of the National Australian Built Environment Rating System (NABERS) certification systems, where appropriate.**
- c) Ensure that new development can integrate into the existing urban fabric to contribute to the creation of a visually cohesive urban environment.**
- d) Encourage innovation in building design and the use of materials.**
- e) Encourage articulated and varied frontages to minimise perceived bulk and scale.**

The proposed alterations and additions represent a very modest increase in building volume

The new plant will be partly finished in metal cladding that matches that of the existing industrial building.

The NABERS system currently does not provide a rating tool for industrial development.

4.5. STORAGE OF MATERIALS & CHEMICALS

C. Controls

a) External storage of goods must be avoided wherever possible. Where the nature of the activity or the materials means that internal storage is impractical, all external storage areas must be located behind the front building setback. In addition, when assessing development applications involving external storage of goods, Council will take into consideration:

- i) The proposed height and on-site arrangement of stored goods;**
- ii) Visual impact of the storage area, and how this is proposed to be minimised (orientation, screening with landscaping and/or solid fencing etc.);**
- iii) Access arrangements; and**
- iv) Safety issues.**

External storage of product is an essential element of the production process and the site ability to accommodate the increased production capacity.

A separate application for the modification of the DA04/1060, seeks to modify the approval in a manner that would remove the current exclusion of that activity.

The subject development proposal seeks an increase in external storage areas at the rear of the site of in areas that will have no visibility from the streetscape or other public domain areas.

b) For sites with multiple frontages, either to roads or to the main western railway line, location and orientation of external storage areas shall minimise visual impact from all potential view points (See Figures 10 and 16).

Not relevant to the subject site as the site as it has a single street frontage and is screened from the rail line by existing large footprint built forms and vegetation.

(c) Rain water tanks are not to be visually intrusive from the main street frontage or other public areas (See Figures 10 and 16).

Not applicable as the development proposal does not propose any rainwater tanks above ground.

d) If the development involves the storage of chemicals on the site, a Chemical Use and Storage Report may be required (See Appendix F3 – Submission Requirements for further details). A chemical use and storage report will not be required when:-

- i) The use of chemicals is for routine cleaning, and the chemicals to be used are of household or hospital grade;**
- ii) The total quantity of chemicals to be routinely used or stored on the site does not exceed 100 litres;**
- iii) The chemicals to be used or stored are not of sufficient acidity, alkalinity or strength to cause significant harm on skin contact, or to the environment if a spill were to occur;**
- iv) The application outlines the methods proposed to be used to minimise the potential for spills.**

The development does not seek to store chemicals on site. Previous sections of the report have addressed issues pertaining to SEPP 33.

4.6 ACCESSING AND SERVICING THE SITE

A. Objectives

- a) Ensure the safe and efficient movement into and out of an industrial development without adversely affecting the existing and future service and safety levels of the road.**
- b) Ensure industrial development provides sufficient parking on-site to accommodate all parking demands generated by the development while ensuring safe and efficient movement of vehicles within the site.**
- c) Encourage the development of a parking layout that enhances the function and appearance of the industrial development.**
- d) Ensure that cyclist and pedestrian needs are adequately and safely accommodated in all industrial areas.**

The development provides a combined vehicle entry and exit on the eastern boundary of the site. This section of Old Bathurst Rd has no topographical grade change or road alignment variation that would result in loss of sight lines or safety. This is demonstrated at Figure 18.

The suitability of this access for heavy vehicles across the is inclusive of that vehicle access area is also accommodated as demonstrated by the swept paths on the accompanying plans.

All parking is the front setback area in manner that does not cause pedestrian to cross that truck movement paths. As such the

development ensures safe pedestrian access for all site users and visitors.

4.7 LIGHTING

B Objectives

The objectives of this section are to:

- a) Encourage the installation of external lighting which does not detract from the appearance of the development or amenity of the locality.**
- b) Illuminate parts of the site for security reasons and to provide increased safety in accordance with CPTED principles.**
- c) Minimise energy waste by providing the correct lighting orientation and minimising overspill lighting.**

The site will only be typically operating over standard business hours and will therefore require limited lighting.

The development will provide appropriately external lighting at building entrances and public 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 any lighting provided on site as the publicly accessible areas are all located at the southern section of the site.

All lighting will comply with Australian Standard AS4282.

5.4 IMPACTS OF DEVELOPMENT

5.4.1 NATURAL ENVIRONMENT

The site is located within an established industrial precinct that does not accommodate any significant environmental features other than an exposure to mainstream flooding in major storm events.

The proposed development and its future land use will not generate significant wastes, noise or air emissions.

All storm and waste-waters will be managed as part of accompanying stormwater management plans that will act result in improved water quality impacts from the site.

Accordingly, the development can be considered to cause no adverse impact upon the natural environment.

5.4.2 BUILT ENVIRONMENT

The site is located within an established industrial area that provides a mix of development types inclusive of large floor plate industrial type land uses.

The development provides very modest alterations and additions to the existing built form that will be well integrated into the design of that existing built form. A detailed visual impact assessment has demonstrated that these changes will not be legible within the public domain or important public domain areas including the Blue Mountains escarpment.

An acoustic assessment has also been undertaken and concludes that the industrial activity and proposed extension to operating hours will

comply with the relevant noise goals. The modified development presents no new or significantly adverse noise impacts that could detrimentally impact upon local amenity values.

The development will attract limited additional vehicle movements and all proposed traffic volumes are well within the design capacity of the local and broader transport network.

Customer and staff parking will be well provided for and meets the demands of the site and its proposed future use.

Further, vehicle paths are plotted on the site plan and demonstrate that all vehicles can enter and exit the site in a forward direction.

It is considered that the proposed use will therefore have no adverse impact upon the local built environment.

5.4.3 SOCIAL IMPACT

The proposed development is not of a scale or type that is expected to cause any significant or adverse social impacts on the local or broader area.

5.4.4 ECONOMIC IMPACT

The existing development is a major industrial facility that currently provides over 100 Full-Time Equivalent (FTE) employment opportunities and generates in excess of \$49 Million in sales.

The proposed development represents part of a \$3 Million investment that will generate approximately twelve (12) new EFT local employment

opportunities across both the product manufacturing and sales sectors as well as allowing for increased sales of up to \$63 Million by 2021.

Additional local employment opportunities will also be created during the construction phase.

Accordingly, the development is considered to cause positive economic benefits to the local and regional economy.

5.5 SUITABILITY OF THE SITE

The subject site sits within a large industrial area that is appropriately zoned and serviced to accommodate the proposed development.

The development currently operates satisfactorily on site without adverse impact to the amenity or environment of the local area.

The scale of the proposed alterations and additions are not expected to cause any significant change to these existing amenity and environmental impacts on the local area.

The subject site is therefore ideally suited to the proposed development.

5.6 THE PUBLIC INTEREST

The development provides several positive outcomes that clearly indicate that it serves the Public interest. These outcomes include:

- New employment and economic opportunities for local area
- No adverse environmental impact
- Improved water quality outcomes from the site
- Compatibility with adjacent uses

6.0 CONCLUSION

The application seeks approval to the development of alterations and addition to an existing industrial building.

The subject site is a general industrial zoned parcel of land and the proposed land use is permissible within that zone.

An assessment against the provisions of Penrith LEP 2010 and its associated DCP has been undertaken and demonstrates that the development generally complies with the objectives and controls of that statutory planning framework.

A clause 4.6 request to vary a development standard accompanies the development application and demonstrates that strict compliance with the maximum building height development standard is unreasonable in the circumstances of the case.

The development, will cause no adverse environmental impact, provides a positive social and economic impact.

There is therefore considered to good reason for Council to approve the development application.

ANNEXURE A: AHIMS SEARCH



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : aco emu

Client Service ID : 438247

Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 30 July 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 31, DP:DP1005063 with a Buffer of 50 meters, conducted by Vince Hardy on 30 July 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *