

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA16/0333
<b>Proposed development:</b>	Warehouse for Manufacture, Repair & Storage of Pallet Pooling Systems (Proposed Lot 201)
<b>Property address:</b>	54 Tyrone Place, ERSKINE PARK NSW 2759
<b>Property description:</b>	Lot 22 DP 1178567
<b>Date received:</b>	8 April 2016
<b>Assessing officer</b>	Mathew Rawson
<b>Zoning:</b>	SEPP - (WSEA) 2009 - ZONES IN1 + E2
<b>Class of building:</b>	Class 7b , Class 5
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for a warehouse for the manufacture, repair and storage of pallet storage systems at 54 Tyrone Place, Erskine Park. The subject site is zoned IN1 General Industrial under the State Environmental Planning Policy (SEPP) (Western Sydney Employment Area) 2009. Industries (other than offensive or hazardous industries) are permissible with consent in the zone.

Key issues identified for the proposed development and site include:

- Previous subdivision approval (DA15/0907) dealt with biodiversity impacts, drainage infrastructure within riparian corridor and the construction of a cul-de-sac head and other services. This subdivision is yet to be finalised by a Subdivision Certificate, accordingly a condition of consent will be imposed to ensure that the works occur before an OC is issued for the subject development.
- Certification is required from the Department of Planning and Environment for the provision of regional infrastructure. The Department issued this certificate for DA16/0333 on 31 August 2016.

An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

### Site & Surrounds

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#### Background

Approval for subdivision and civil works was granted for the subject site under DA15/0907.

#### Site

The development is site is proposed Lot 201 approved under DA15/0907. The site is a 4.16 Ha lot zoned IN1 General Industrial with frontage to Tyrone Place tot he north-eastern corner.

#### Surrounds

The site immediately adjoins a riparian corridor to the west and north which is zoned E2 Environmental Conservation and used as a biodiversity corridor to offset the development of the surrounding industrial land. The impact of the development of this site for industrial land uses was investigated under DA15/0907.

The east and south the site adjoins vacant industrial land. On a broader scale the site is located at the western end of the Erskine Business Park industrial precinct which consists primarily of warehouse land uses. The site is approximately 400 m from the nearest residential area to the north.

## Proposal

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The proposed development is best described as a involves the following works:

- Warehouse facility (4,000 sqm);
- Warehouse Office (Ground level) (400 sqm);
- Main Office (Mezzanine Level) (600 sqm);
- Washbay (1,000 sqm);
- Hardstand Area (22,090 sqm);
- Carparking (70 spaces);
- Total pallet Ground Slots (7,540);
- Landscaping; and
- Signage (6.7 m x 2.9 m).

The use and operation of the site is proposed to contain the following:

- Land use operations: The site is proposed to be used for pallet pooling systems, manufacturing and repair of pallets, cleaning of plastic pallets and warehouse space for storage purposes.
- Staff Numbers: 15 Office Staff; up to 35 Warehouse staff.
- Hours of Operation: 24 hours, 7 days a week.
- All truck types up to and Including B-Doubles.

## Plans that apply

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- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

## **State Environmental Planning Policy (Western Sydney Employment Area) 2009**

### Zoning and Permissibility

The land is zoned IN1 General Industrial under the provisions of the SEPP (Western Sydney Employment Area) 2009. The proposal is considered to be best described as general industry under the standard instrument dictionary. Industries are permissible with consent and the proposal is considered to be consistent with the objectives of the zone.

### Development Involving Subdivision

The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:

- (a) the implications of the fragmentation of large lots of land,*
- (b) whether the subdivision will affect the supply of land for employment purposes,*
- (c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services.*

The proposal does not involve subdivision but does result in the creation of some 'residue' land to be used for other purposes and to be managed via lease arrangements. Given that another DA is currently before Council for the use of this land it is not considered to affect the supply of land for employment purposes nor preclude the residue land from having reasonable access to services.

### Industrial Release Area

The subject site is identified in an Industrial Release Area in the SEPP (WSEA) 2009 Industrial Release Areas Map, therefore Clause 29 applies.

Clause 29 of the SEPP (WEA) 2009 requires the Secretary to certify that satisfactory arrangements are in place to contribute to the provision of regional transport infrastructure and services, prior to Council granting consent to a development application. Accordingly Council requested the issue of a Satisfactory Arrangements Certificate from the Department of Planning and Environment.

The Department noted that Penrith City Council has collected all relevant contributions under the Erskine Business Park Contributions Plan 2008, and that the contributions plan is the mechanism by which contributions for regional transport infrastructure and services are collected. On this basis, the Department issued a signed Satisfactory Arrangements Certificate for DA16/0333 on 31 August 2016.

### Design Principles

The proposed development will be of a high quality design and construction, responding to the functional requirements of the proposed development. Significant landscaping will be provided, acting as a buffer between adjoining sites and providing visual relief.

The proposal will deliver an industrial development that is coherent with the site's surrounding context and that will not adversely impact any surrounding land uses.

## **State Environmental Planning Policy No 55—Remediation of Land**

The site is not known to be contaminated as confirmed under previous investigations as it has been used for farming and has largely been vacant. It is considered that the proposal is acceptable in respect of SEPP 55 to enable the development to proceed.

# **State Environmental Planning Policy No 64—Advertising and Signage**

## Clause 3 – Aims, Objectives etc

The proposed development is considered to be consistent with the aims and objectives of the SEPP.

## Clause 13 – Matters for Consideration

The development is considered to be consistent with the aims of the Policy and satisfies all relevant requirements of the Policy. It has been assessed against the criteria outlined in Schedule 1 (see below).

## Part 3

This part is not applicable as the proposed development is defined as Business Identification Signage.

## Schedule 1 Assessment Criteria (Clauses 8, 13 and 17)

An assessment has been undertaken of the application against relevant criteria and the application is considered satisfactory. The style of the proposed signage is considered to be consistent with the existing character of signage within the locality as there are existing examples of signage at a similar scale. Additionally the signage is of recessive colours.

The signage is unlikely to cause any impacts in terms of the amenity of the locality due to its design being integrated into the proposed structures and its location well away from any public roads (aside from the pylon sign which is a common occurrence along major public roads). Additionally no flashing or moving lights are used which could result in glare for pedestrians or motorists.

The proposed signage will not be located in proximity to any heritage item.

Therefore, subject to the recommended conditions of consent the proposed signage is compliant with SEPP 64 due to the scale and type of the signage being generally consistent with the existing signage in the area.

## **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

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

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Complies
C10 Transport, Access and Parking	Complies
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 - see Appendix - Development Control Plan Compliance
D4.6. Accessing and Servicing the Site	Complies - see Appendix - Development Control Plan Compliance
D4.7. Fencing	Complies
D4.8 Lighting	Complies
E6 Erskine Business Park controls	Complies

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

### **Fire safety**

Under Part 9 of the Environmental Planning and Assessment Regulation 2000 owners of buildings must provide the FRNSW Commissioner with a copy of the Fire Safety Certificate for the building (along with the current Fire Safety Schedule). The Fire Safety Certificate is issued when essential fire safety measures have been assessed by a qualified person as being capable of performing to the standard defined by the Schedule. A condition of consent has been imposed to ensure that this occurs on an annual basis.

### **Prescribed Conditions**

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, will be imposed as conditions of consent where applicable.

### **Advertisement/Notification**

Advertising and neighbour notification was not required to be carried out.

### **Section 92 - Additional Matters**

- Any demolition will be conditioned to be in accordance with the provisions of AS 2601.
- The development is not subject to Government Coastal Policy
- The development is not situated on land subject to an order made under Schedule 5 of the Act (paper subdivisions).

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

### **Impacts raised in referral comments**

No issues of concern raised, subject to the imposition of recommended conditions of consent.

### **Other impacts identified in assessment**

Subject to the recommended conditions of consent, it is not considered that the proposal will result in any significant impacts on the natural, social or economic environments of the locality due to its scale, location and consistency with surrounding uses.

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

The subject site is deemed suitable for the following reasons:

- The zone permits the proposed use.
- The use is consistent and compatible with surrounding/adjoining land uses.
- The grade of the site is suitable for the design proposed.
- Stormwater from the site is able to drain to Council's satisfaction.
- The site is adequately serviced by access, water and sewer infrastructure which has the capacity to cope with any increase in demand associated with the proposed development.
- Recommended conditions of consent will ensure that the proposal will have minimal effects on the surrounding environment during the construction stage.

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

### **Referrals**

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

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	Not supported
Traffic Engineer	No objection subject to conditions

### **Environmental - Waterways**

Council's Waterways Officer requested that MUSIC modelling and details of the GPT to be used be submitted however given that the WSUD Strategy indicates the development will comply with Council's requirements this was not considered to be necessary. It is considered to be acceptable to require the additional information prior to the issue of a Construction Certificate rather than prior to approval of the DA.

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

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

### **Section 94 - Developer Contributions Plans**

The Erskine Business Park – Development Contributions Plan 2008 applies to the site. Contributions have already paid for the site on the basis of developable area. No further contributions are applicable for this development upon the land.

## **Conclusion**

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Subject to the recommended conditions of consent the proposal is considered to be consistent with the relevant sections of the Environmental Planning and Assessment Act 1979, relevant State Environmental Planning Policies, and the Penrith Development Control Plan 2014 because it does not contravene any development standards and will not result in any significant impacts on the natural, social or economic environments.

The site is suitable for the proposed development, the proposal does not conflict with the public interest, and there is unlikely to be negative impacts arising from the proposed development. Accordingly, the application is worthy of support and recommended for approval, subject to recommended conditions.

## **Recommendation**

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1. That DA16/0333 for a warehouse for the manufacture, repair and storage of pallet storage systems at 54 Tyrone Place, Erskine Park, be approved subject to the attached conditions.

# CONDITIONS

## 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 approved plans and by the following conditions.

Description	Reference No.	Issue	Author	Date
Cover Sheet	115110_A DA-001	1	Reid Campbell	01/03/2016
Overall Site Plan	115110_A DA-002	1	Reid Campbell	01/03/2016
Site Plan	115110_A DA-003	5	Reid Campbell	01/03/2016
Warehouse Plan	115110_A DA-101	2	Reid Campbell	01/03/2016
Office Floor Plans	115110_A DA-102	3	Reid Campbell	01/03/2016
Roof Plan	115110_A DA-103	1	Reid Campbell	01/03/2016
Tenant Fit Out Plan	115110_A DA-104	1	Reid Campbell	01/03/2016
Elevations	115110_A DA-201	1	Reid Campbell	01/03/2016
Sections	115110_A DA-301	1	Reid Campbell	01/03/2016
Perspectives	115110_A DA-401	1	Reid Campbell	01/03/2016
External Finishes	115110_A DA-402	1	Reid Campbell	01/03/2016
Coversheet, Locality Plan and Drawings Schedule	15100 DA1.01	1	Sparks+Partners	01/04/2016
General Arrangement Plan	15100 DA1.02	1	Sparks+Partners	01/04/2016
Concept Sediment and Erosion Control Plan	15100 DA2.01	1	Sparks+Partners	01/04/2016
Concept Sediment and Erosion Control Details Sheet	15100 DA2.11	1	Sparks+Partners	01/04/2016
Concept Siteworks and Stormwater Management Plan Sheet 1	15100 DA4.01	1	Sparks+Partners	01/04/2016
Concept Siteworks and Stormwater Management Plan Sheet 2	15100 DA4.02	1	Sparks+Partners	01/04/2016
Concept Stormwater Catchment Plan	15100 DA4.05	1	Sparks+Partners	01/04/2016
Stormwater Management Concept Typical Sections and Details Sheet	15100 DA4.11	1	Sparks+Partners	01/04/2016
Landscape Analysis Plan	1611 DA-L01	A	Eximiadesign	11/03/2016
Landscape Site Plan	1611 DA-L02	A	Eximiadesign	11/03/2016
Waste Management Plan	–	–	David Tubb	16/03/2016

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

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

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

The approved operating hours of the store, deliveries and services are 24 hours a day, Mondays to Sundays.

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

All materials and goods associated with the use shall be contained within the building at all times aside from the outdoor storage areas shown on the stamped approved plans. Such outdoor storage is to be a maximum of 6 metres in height.

- 5 [A046 - Obtain Construction Certificate before commencement of works](#)  
A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 [A Special \(fencing details\)](#)  
Prior to the issue of a Construction Certificate, details are to be submitted of the proposed fencing around the site. These details shall include the use of decorative palisade fencing behind a landscaped buffer for any fencing in publicly visible areas. Any security fencing shall generally be of an 'open' nature and of a dark colour, such as green or black plastic coated mesh fencing, which blend better with screening vegetation than galvanised wire.
- 7 [A Special \(limit of works to avoid Integrated Development Approval\)](#)  
Works are limited to those shown on the approved plans and within the boundaries of proposed Lot 201. No works are permitted within the Biodiversity Corridor.
- 8 [A Special \(SC prior to OC\)](#)  
Prior to the issue of an Occupation Certificate for the subject development, a Subdivision Certificate for DA15/0907 must have been issued and the subdivision registered through Land and Property Information NSW.
- 9 [A Special \(Sprinkler Tank Colour\)](#)  
The proposed sprinkler tank shall be painted in a dark recessive colour such as green or black to blend better with the screening vegetation.
- 10 [A Special: Wash Bay](#)  
The dedicated wash bay is to be installed and connected to the sewer in accordance with Sydney Water's requirements. The Notice of Requirements issued by Sydney Water for the discharge of wastewater from this facility shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

## 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.
- 12 [D004 - Dust](#)  
Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 13 [D005 - Mud/Soil](#)  
Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 14 [D005 – No filling without prior approval \(may need to add D006\)](#)  
No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 15 [D007 - Cut and fill of land requiring Validation Certificate –limited to footprint](#)  
Cut and fill operations on the property are only permitted in conjunction with the works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the approved works footprint outlined in the plans.
- 16 [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.

17 **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.

18 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the at the property boundary of nearby residential receivers. The provisions of the Protection of the Environment Operations Act 1997 and the Environmental Protection Authority Industrial Noise Policy also apply to the development, in terms of regulating offensive noise.

19 **D026 - Liquid wastes**

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

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

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

20 **D Special (Waterways Requirements)**

Prior to the issue of a Construction Certificate the following must be submitted to, and approved by, Council:

- An electronic version of the submitted MUSIC modelling;
- Details of the proposed Gross Pollutant Trap, and
- Details of how the bioretention basin will be accessed for maintenance.

## **BCA Issues**

21 **E006 - Disabled access and facilities**

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

22 **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.

### 23 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.

## Utility Services

### 24 G002 - Section 73

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

### 25 G004 - Integral Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

## Construction

### 26 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.

## 27 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.

## 28 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 that 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.

## Roads Act Requirements

### 29 I Special BLANK

Prior to Construction Certificate, the Certifying Authority shall ensure vehicular access and internal roadways for heavy vehicles has been designed for 26 metre long B-double vehicles in accordance with AS2890.2.

### 30 I Special BLANK

Prior to a Construction Certificate, the Certifying Authority shall ensure that heavy vehicle exit movements from the western driveway to the car park access isle are separated from the light vehicle car park entry movements by a raised median at least 1 metre wide

## Engineering

### 31 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

### 32 [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 application/s, including payment of fees shall be lodged with Penrith City Council. Penrith City Council is the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
2. Concrete footpath or cycleways
3. Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
4. Road occupancy or road closures
5. The placement of hoardings, structures, containers, waster skips, signs etc. on the road reserve

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 4732 7777 or visit Penrith City Council's website for more information.

Note:

1. 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.
2. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate or Subdivision Certificate as applicable.
4. On completion of any awning over the road reserve a certificate from a practising structural engineer certifying to 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

### 33 [K210 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Sparks + Partners, reference number 15100 DA4.01 and DA4.02, revision 2, dated 1.04.2016.

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) Policy.

### 34 [K222 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

35 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Service's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

36 **K403 - Major Filling/ Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

37 **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 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.

38 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

39 **K503 - Works as executed – General and Compliance Documentation**

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

An original set of Works-As-Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifying Authority.

40 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
  - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

41 **K511 - Directional signage**

Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

42 **K Special (BLANK)**

The proposed accessible parking spaces are to be designed to conform to AS/NZS 2890.6: 2009 and Council requirements.

43 **K Special (BLANK)**

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

44 **K Special (BLANK)**

Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1: 2004 and Council requirements.

45 **K Special (BLANK)**

The required sight lines around the driveway entrance and exit are not to be compromised by street trees, landscaping, fencing or signposting.

46 **K Special (BLANK)**

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

47 **K Special (BLANK)**

Prior to Construction Certificate, the Certifying Authority shall ensure that the car space at the south western end of the car park, adjacent to the car park indent, is replaced with signposted No Stopping Zone with hatched pavement marking that will allow vehicles to manoeuvre to leave the car park in a forward direction if all other car parking spaces are occupied.

48 **K Special (BLANK)**

Prior to the issue of an Occupation Certificate, signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the eastern vehicular access is to be used for heavy vehicle ingress only and appropriately signposted "Heavy Vehicle Entry Only" (or similar wording). The western vehicular access is to be used for egress purposes and for light vehicle ingress and appropriately signposted "Staff and Visitor Car Park Entry Only" (or similar wording).

## Landscaping

49 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

50 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

#### 51 [L003 - Report requirement](#)

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified landscape professional.

##### i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

##### ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a suitably qualified landscape professional.

#### 52 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

#### 53 [L006 - Aust Standard](#)

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

### **Certification**

#### 54 [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

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

#### 55 [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 2014

### Part C - City-wide Controls

#### C3 Water Management

A review of the information provided in the Water Sensitive Urban Design Strategy and plans show stormwater will be treated with a 600m<sup>2</sup> bioretention basin which has an extended detention of 300mm and filter media depth of 350-600mm.

It is also noted that no access for maintenance is shown on the plans. In this regard, it was requested that additional details be provided on the plan as part of suggested conditions of DA15/0907.

The WSUD strategy also mentions that a GPT will be included in the treatment of stormwater however, no mention of the type is provided.

Water conservation measures will be achieved with the use of WELLS fittings and a 50kL rainwater tank connected for reuse.

The proposed bioretention system will be used as a sediment basin until the catchment is developed.

A review of the WSUD Strategy indicates the proposed treatment will meet the requirements of Council's WSUD policy, however, an electronic version of the MUSIC Modelling was not submitted in support of the application. Council's Waterways Officer requested that the actual MUSIC modelling and details of the GPT to be used be submitted however given that the WSUD Strategy indicates the development will comply with Council's requirements this matter can be addressed via a condition of consent.

#### Controlled Activity Approvals

Office of Water approval not required as the works will be limited to within the boundaries of proposed Lot 201 and therefore remain greater than 40 m from the watercourse in the adjoining lot. The drainage works for this development will link up with the detention basin and other civil works approved under DA15/0907.

### D4 Industrial Development

#### D4.5. Storage of Materials and Chemicals

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:

- a) The proposed height and on-site arrangement of stored goods;
- b) The visual impact of the storage area and how this is proposed to be minimized (orientation, screening with landscaping and/or solid fencing, etc.);
- c) Access arrangements; and
- d) Safety issues.

Comment: The externally stored goods are located behind the forward building line and will not be visible from any public place due to being screened by the proposed building as well as the natural screening provided by the adjacent biodiversity corridor.

#### D4.6. Accessing and Servicing the Site

It is noted that the proposed sprinkler tank and pump will be situated in view of the street and not screened by the proposed building. However their location is deemed acceptable given the requirement of being close to the street and hydrant pumps as well as being setback behind the 10 m landscape buffer. As such the tank will be screened by the proposed vegetation and will be situated further from the street than the proposed office aspect of the building.