

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0096.02
Proposed development:	Modification to Waste Management Facility to Create Enclosed Storage Area - Additions to Existing Waste Management Facility to Create Enclosed Storage Area
Property address:	42 - 46 Charles Street, ST MARYS NSW 2760
Property description:	Lot 300 DP 1143213
Date received:	3 March 2020
Assessing officer	Jake Bentley
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 8
Recommendations:	Approve

Executive Summary

Council is in receipt of a modification application for minor amendments to the buildings on-site associated with an approved waste management operation at 42-46 Charles Street, St Marys. The modified proposal is ancillary to the existing operation and therefore remains permissible with consent under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014, the modification application did not require notification to surrounding property owners. As a result no submissions have been received.

An assessment under Section 4.15 and Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 has been undertaken and the modification application is recommended for approval, subject to the recommended condition amendments.

Site & Surrounds

The site is an irregular T-shaped allotment with a 1.528 hectare lot size and frontages with vehicle access to both Charles Street to the west and Dunheved Circuit to the south. The site is identified as being impacted by overland flow as well as numerous easements associated with electrical infrastructure and underground mains. The site is currently occupied by numerous buildings associated with waste management facility approvals.

The site and surrounding sites are occupied by industrial land uses considering the site and surrounding area is zoned IN1 General Industrial under Penrith Local Environmental Plan 2010.

Site History

The previous approvals issued on the site are detailed below:

- DA07/1444 - Operation of a metal recycling facility and construction of a weighbridge, office and associated landscaping
- DA08/0805 - Recycling Materials Facility (as amended)
- DA12/0780 - Waste Management Facility
- DA13/0471 - Waste Facility (Identified as designated development and integrated development)
- DA16/0882 - Awning
- DA16/1278 - Community Recycling Facility (located in south-western most structure on-site)
- DA17/0096 - Provision of two enclosed storage areas
- DA17/0096.02 - Removal of the southern most storage area from the application and a new external roller door enclosing bay 3B.

It is noted that the Construction Certificate issued for DA17/0096 (as modified) approved amendments to the north-western portion of the shed.

Proposal

The modified proposal includes the following amendments:

- Demolition of existing internal wall separating existing bay 4 and existing bay 3B,
- Construction of a new internal wall (concrete with metal cladding atop) to separate bay 3A and 3B,
- Removal of external roller door to bay 3B and replaced with a concrete and metal clad wall,
- Construction of a new external wall to bay 4,
- Provision of 2 new sloping pits with a maximum depth of 1.936m,
- 1m projection of the roof to the south of bays 4 and 3B.

It is noted that the modified proposal does not require any additional employees nor does it involve an increase in the throughput of waste. The intention of the modified proposal is to protect employees and the waste material stored from adverse weather conditions and control pollution.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **Section 4.55(1A) - Modifications involving minimal environmental impact**

In accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modification has been assessed in accordance with the above provisions as follows:

- (a) The modified proposal provides for the minor adjustment to bays 3A, 3B and 4, provision of two sloping pits and the enclosure of bay 4. The modified proposal will not generate any significant visual impacts noting the minor works and the location of the works on-site. In addition, the enclosure of the storage areas will improve pollution control by restricting free flowing access/egress to these areas.

In light of the above, the modified proposal is considered to be of minimal environmental impact.

- (b) It is noted that the original approval provided for the construction of the storage shed immediately to the east of the proposed works. However, the approved shed is associated with the modified proposal noting that the bays seeking to be amended provide for a direct connection to the shed from the west. In addition, the previously modified proposal (DA17/0096.01) provided for the inclusion of an external roller shutter to bay 3B which is also located outside the area of the approved shed.

In this regard, the modified proposal is considered to be substantially the same to that originally approved.

- (c) In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014, the modification application did not require notification to surrounding property owners.

- (d) No submissions were received.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Division 23 Waste or resource management facilities

The modified proposal is ancillary to the existing waste management facility operation and therefore, remains permissible with consent.

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 Contamination and remediation to be considered in determining development application a consent authority must not consent to the carrying out of any development on land unless:

"(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

The site remains suitable for the modified proposal with regard to land contamination.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment of the original proposal had been undertaken against relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) which found the original approval to be satisfactory subject to recommended conditions of consent. An assessment of the modified proposal against this criteria has not altered the original findings.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

As mentioned previously the modified proposal is permissible with consent under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

Clause 7.2 Flood planning

The modified proposal involves the construction of a 10m long wall to enclose bay 4. The overland flow impacting the site appears to be located on the northern side of the site therefore, the proposed wall will have no impact on overland flow considering its southern location.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

Draft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating a total of seven existing SEPPs being:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

It is noted that the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the modification application. In this regard, the modified proposal is not inconsistent with the provisions of this Draft Instrument.

Draft Remediation of Land SEPP

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land,
- maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- clearly list the remediation works that require development consent, and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

Section 4.15(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	N/A
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D4.1. Key Precincts	Complies
D4.2. Building Height	N/A
D4.3. Building Setbacks and Landscape	Complies
D4.4. Building Design	Complies - see Appendix - Development Control Plan Compliance
D4.5. Storage of Materials and Chemicals	Complies
D4.6. Accessing and Servicing the Site	Complies
D4.7. Fencing	N/A
D4.8 Lighting	N/A

Section 4.15(1)(a)(iv) The provisions of the regulations

The existing approved waste management facility operation on-site is classified as designated development as well as integrated development considering an environment protection license is required. It is noted that the original approved application (storage shed) was not considered to be designated or integrated development.

The modified proposal has been considered against the provisions of Clauses 35 and 36 of Schedule 3 Designated Development under the Environmental Planning and Assessment Regulation 2000 and has been founded as not being designated development based upon the following:

- The modified proposal meets the test of being minor environmental impact and will not result in any additional throughput of waste,
- The enclosure of the bays does not appear to be contrary to the provisions of the general terms of approval issued by the Environment Protection Authority, the approved Environmental Impact Statement or the conditions of consent,
- It is noted that the intent of the modified proposal is to enclose the bays to protect employees and control pollution.

The modified proposal has been referred to Council's Building Surveying Department which raised no objections to the modified proposal subject to existing recommended conditions of consent being maintained. In light of the above, the modified proposal will be provided in accordance with the Building Code of Australia and the regulations, subject to recommended conditions of consent.

Section 4.15(1)(b)The likely impacts of the development

The modified proposal will not restrict access to the bays being enclosed, will not provide for any adverse visual impacts and will provide for improved pollution control. In this regard, there are no adverse impacts associated with the modified proposal.

Section 4.15(1)(c)The suitability of the site for the development

The site remains suitable for the modified proposal.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014, the modification application did not require notification to surrounding property owners. As a result no submissions have been received.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Traffic Engineer	No objection

Building Surveyor

These referrals have been carried over from the original assessment report for the purpose of carrying across relevant conditions imposed by internal departments.

Section 4.15(1)(e)The public interest

There are no significant issues relating to the public interest envisioned as a result of the modified proposal.

Section 94 - Developer Contributions Plans

In accordance with the applicable contribution plans to the subject site, development contributions are not required for the modified proposal.

Conclusion

In assessing the modified development against the relevant environmental planning policies, being State Environmental Planning Policy No 55 Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the modified proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the modified proposal and there are no negative impacts envisioned as a result of the modified proposal. Therefore, the application is worthy of support, subject to recommended condition amendments.

Recommendation

That DA17/0096.02 for the minor amendments to buildings associated with an approved waste management facility at 42-46 Charles Street, St Marys be approved, subject to the attached recommended condition amendments.

General

1 A001

The development must be implemented substantially in accordance with the following plans

Drawing Title	Drawing No.	Prepared By	Dated
Title Page & Views	A000	Toxfree	21/04/2017
Site Plan	A100 (Rev – A)	Toxfree	21/04/2017
Ground Floor Plan – Integrated Storage Extension	A101 (Rev – A)	Toxfree	21/04/2017
Elevation & Sections	A102	Toxfree	21/04/2017
As amended on 30 April 2018 under Section 4.55 (1A) of the Environmental Planning Assessment Act 1979 (as amended) by the following plan:			
Title Page and Views	A000 (Revision A)	CK Architects	27/04/18
Site Plan	A100 (Revision A)	CK Architects	27/04/18
Ground Floor Plan – Integrated Storage Extension	A101	CK Architects	27/04/18
Elevation & Section	A102	CK Architects	27/04/18
As amended on 30 April, 2020 under Section 4.55 (1A) of the Environmental Planning Assessment Act 1979 by the following plans:			
3D View, Drawing List & Building Area Calculations	A100 (Revision A)	CK Architects	22/01/2020
Siteplan & Demolition Plan	A101 (Revision A)	CK Architects	22/01/2020
Ground Floor Plan - Bay 4 Close In	A102 (Revision A)	CK Architects	22/01/2020
Elevation & Sections	A103 (Revision A)	CK Architects	22/01/2020
Sections	A104 (Revision A)	CK Architects	22/01/2020

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A039 - Graffiti

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

4 A046 - Obtain Construction Certificate before commencement of works

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

5 A Special (BLANK)

The development shall comply with the conditions contained in the General Terms of Approval issued by the NSW Environmental Protection Authority Reference 1514926, dated 15 July 2013.

6 **A Special Condition (BLANK)**

Prior to the issue of Construction Certificate the Statement of Environmental Effects must be modified to incorporate the use of efficient (WELS) rated fittings and rainwater harvesting and reuse for the development to meet 80% of non-potable demand including outdoor use and toilets, or provide adequate justification as to why this is not feasible for this development.

Demolition

7 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

8 **B003 - ASBESTOS**

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

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

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

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

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

9 **B004 - Dust**

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

10 **B005 - Mud/Soil**

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

Environmental Matters

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

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

12 **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.

13 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

14 **D019 - Bunding-fuel tanks**

Above ground fuel storage tanks shall be installed on a concrete surface and protected by a grated drainage system to a dead-end sump or by a bund. The storage capacity of the bund or sump shall be equal to 110% of the volume of the tank.

15 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.

BCA Issues

16 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.

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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.

17 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

18 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.

19 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.

20 **H006 - Submission of and implement waste management plan**

A completed construction waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site.

The waste management plan shall be prepared in accordance with the Penrith Development Control Plan, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

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

21 **H041 - Hours of work (other devt)**

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

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

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

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

Engineering

22 **K101 - Works at no cost to Council**

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

23 **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.

24 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

25 **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.

26 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

27 **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 S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

28 **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 and / or Subdivision (Strata) Certificate where Penrith City Council is not the Principal Certifying Authority.

Landscaping

29 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

30 **L012 - Existing landscaping (for existing development)**

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

Certification

31 **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

The modified proposal is located internally therefore, the disposal of rainwater captured by the roof will remain the same.

C10 Transport, Access and Parking

It is noted that the modified proposal encloses an existing storage area however, the accompanying statement of environmental effects notes that no additional employees are required as a result of the modified proposal. In this regard, no additional parking is required.

Access to bays 3A, 3B and 4 can be provided internally within the existing building. It is also noted that the intent of the sloping pits is to ensure vehicles do not roll away minimising the likelihood of any unwanted collisions within the shed.

C13 Infrastructure and Services

The modified proposal does not provide for any conflicts with existing easements.

D4 Industrial Development

D4.4 Building Design

The modified proposal utilises both concrete walls and metal cladding to provide for relief from the building mass. In addition, the breezeway to the west of bay 4 will be maintained and the differing roof levels with the neighbouring building to the east provide for suitable building articulation.