

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0558.01
Proposed development:	Modifications to Approved Warehouse to Include Mezzanine Storage Floor
Property address:	54 Tyrone Place, ERSKINE PARK NSW 2759
Property description:	Lot 22 DP 1178567
Date received:	12 May 2017
Assessing officer	Sufyan Nguyen
Zoning:	SEPP - (WSEA) 2009 - ZONES IN1 + E2
Class of building:	Class 7b , Class 5
Recommendations:	Approve

Executive Summary

Council is in receipt of a Section 96(1A) modification application to construct a mezzanine storage area for an approved warehouse 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*. Warehouse and distribution centres are permissible in the IN1 zone with Council consent.

The proposed modification involves construction of a mezzanine storage area above an approved warehouse office. The proposed mezzanine area has a floor area of 22m² and is considered to be a suitable addition. Given the nature of the proposed modification, there will be no adverse impacts on the surrounding area.

An assessment of the modified proposal under Section 96(1A) and Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended condition amendments.

Site & Surrounds

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.

Surrounds

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

To 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 400m from the nearest residential area to the north.

Proposal

The applicant seeks approval to construct a mezzanine storage area above an approved warehouse office at 54 Tyrone Place, Erskine Park. The proposed mezzanine area has a floor area of 22m².

Plans that apply

- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Employment Area) 2009

Planning Assessment

- **Section 96(1A) - Modifications involving minimal environmental impact**

The proposed modification to the internal floor layout to include a mezzanine storage area has been assessed in accordance with the matters for consideration under Section 96(1A) and Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposed modification will have minimal environmental impact and represents substantially the same development as that originally granted development consent, and therefore satisfies the relevant provisions of the Act.

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

State Environmental Planning Policy (Western Sydney Employment Area) 2009

The proposed modifications will provide additional storage floor space. Given that this is of a minor scale, the modified proposal remains compliant with the provisions of the WSEA SEPP 2009. There are no concerns regarding impacts on the environmental values of the surrounding area.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
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	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
D4.1. Key Precincts	N/A
D4.2. Building Height	N/A
D4.3. Building Setbacks and Landscape	N/A
D4.4. Building Design	N/A
D4.5. Storage of Materials and Chemicals	N/A
D4.6. Accessing and Servicing the Site	N/A
D4.7. Fencing	N/A
D4.8 Lighting	N/A
E6 Erskine Business Park controls	Complies

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

Subject to compliance with the relevant conditions of consent, the modified development will comply with the relevant requirements of the Regulations.

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

The modified proposal is for a mezzanine storage area only and therefore does not appreciably alter the likely impacts of the development as identified during the assessment of the original proposal.

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

The site remains suitable for the proposed development in consideration of the proposed modification.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, notification of the modified development proposal was not required.

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
Environmental - Waterways	No objections
Traffic Engineer	No objection subject to conditions

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

Given the nature and scale of the modified development, in addition to the proposal being compliant with the applicable development controls, the modified development will not generate any significant issues of public interest.

Conclusion

Council is able to issue consent to modify a previously approved development where the modifications will result in minimal environmental impact and where the development remains substantially the same. Given that there are no outstanding planning considerations and that the Section 96(1A) application is in accordance with the relevant provisions, the application is worthy of support and is recommended for approval subject to an amendment to the approved plans condition (condition 1) of the original consent.

Recommendation

That DA16/0558.01 for modifications to an approved warehouse to include a mezzanine storage floor at 54 Tyrone Place, Erskine Park be approved subject to the following condition amendments:

Condition 1

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.	Revision	Author	Date
Cover Sheet	115110_A DA-001	1	Reid Campbell	24/05/2016
Overall Site Plan	115110_A DA-002	1	Reid Campbell	24/05/2016
Site Plan	115110_A DA-003	2	Reid Campbell	24/05/2016
Ground Floor Plan	F-0110 2.00	D	Full Tilt Constructions	26/04/2017
Mezzanine Floor Plan	F-0110 2.01	C	Full Tilt Constructions	26/04/2017
Roof Plan	115110_A DA-102	1	Reid Campbell	24/05/2016
Elevations	115110_A DA-201	1	Reid Campbell	24/05/2016
Sections	115110_A DA-301	1	Reid Campbell	24/05/2016
External Finishes	115110_A DA-402	1	Reid Campbell	24/05/2016
Coversheet, Locality Plan and Drawings Schedule	16098 DA1.01	1	Sparks+Partners	09/06/2016
Concept Sediment and Erosion Control Plan and Details	16098 DA2.01	1	Sparks+Partners	09/06/2016
Concept Stormwater Management and Finished Levels Plan	16098 DA4.01	1	Sparks+Partners	09/06/2016
Concept Catchment Plan	16098 DA4.05	1	Sparks+Partners	09/06/2016
Landscape Analysis Plan	1614 DA-L01	A	Eximiadesign	04/06/2016
Landscape Site Plan	1614 DA-L02	A	Eximiadesign	04/06/2016
Waste Management Plan	–	–	David Tubb	14/06/2016

CONDITIONS

General

1 [A001](#)

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Waste Management Plan	–	–	David Tubb	14/06/2016

As amended on 9 June 2017 under Section 96(1A) of the Environmental Planning and Assessment 1979.

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 are from 6 am to 6 pm, 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 external storage of general plant, equipment and earthmoving equipment associated with the warehouse and distribution centre.

5 [A044 - Compliance with NSW DPI Water conditions of consent](#)

The conditions imposed by the NSW Department of Primary Industries - Water in the Integrated Development consent and in the General Terms of Approval for the said development are to be completed prior to the issue of an Occupation Certificate or in the case of subdivision, a Subdivision Certificate.

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

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

- 7 [A Special \(Fencing Details\)](#)
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.
- 8 [A Special \(No retail sales\)](#)
No retail sales or hire to customers is permitted from the site in order to remain consistent with the definition of 'warehouse or distribution centres' under which this development application has been approved.
- 9 [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. In addition, the storm water management system shall be installed and certified in accordance with DA16/0333 prior to the issue of an Occupation Certificate.
- 10 [A Special \(use of crushed rock area\)](#)
The area shown as being crushed rock refers to the finish of the ground level only.

The subject site shall not be used for the storage of landscape materials or any crushing, grinding or separating works, being works that process materials (such as sand, gravel, rock or minerals) or materials for recycling or reuse (such as slag, road base, concrete, bricks, tiles, bituminous material, metal or timber) by crushing, grinding or separating into different sizes.

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 [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.
- 14 [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.
- 15 [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.

- 16 [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 boundaries of nearby residential receivers. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

17 **D020 - Vehicle wash bay**

All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay including the Notice of Requirements issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

18 **D028 – Environment Management Plan**

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

The EMP shall be prepared by suitably qualified consultants in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The EMP is to:

- address all environmental aspects of the development's construction and operational phases, and
- recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- Soil and water management.
- Dust suppression.
- Litter control.
- Noise control.
- Waste management.
- dangerous/hazardous goods storage. It is noted that the Statement advises that no chemicals will be stored on site. Given the nature of the equipment stored, it needs to be confirmed that no fuels will be stored on site.
- spill prevention, contingency and emergency clean-up procedures for the development. As well as how the approved procedures plan shall be implemented in the event of a spill or emergency.
- Information regarding what plant and equipment will be stored on the site, and how and where this plant and equipment will be stored, particularly in relation to the outdoor crushed rock area.
- Information regarding whether any maintenance, mechanical repairs or spray painting of equipment will be undertaken on the site, if it is to be undertaken on site than it must be located entirely within the approved building with appropriate management controls in place.

Council will not withhold its consent to the Environmental Management Plan provided the above-mentioned matters are reasonably addressed.

The relevant aspects of the approved EMP shall be implemented during the relevant phase(s) of the development.

19 **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

20 **E004 - Dust**

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

21 **E005 - Mud/Soil**

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

22 **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.

23 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.

24 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

25 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 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.

26 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

27 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.

28 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.

29 [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.

Engineering

30 [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.

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

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

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

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

33 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site shall be discharged to the:

- a) Stormwater drainage pit as approved in DA/0333 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.

34 [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 16098-DA1.01, (DA2.01, DA4.01, DA4.05, revision 2, dated 9/06/2016).

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) policies.

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 Services' 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:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to CC.

36 **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.

37 **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)
 - b) Overland flowpath works
- 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 be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

38 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of any Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath works

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.

39 **K511 - Directional signage**

Prior to the issue of any 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.

40 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

41 **K Special (Consolidated Traffic Comments)**

Prior to the issue and in perpetuity the proposed development shall comply with the following:

- The access driveway shall be in accordance with Penrith City Council requirements for a heavy commercial / heavy industrial vehicle cross over and be a minimum of 15.5 metres wide.
- The proposed accessible parking spaces is to be designed to conform to AS/NZS 2890.6:2009 and Council requirements.
- All vehicles are to enter/exit the site in a forward direction.
- Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1: 2004 and Council requirements.
- The required sight lines around the driveway entrance and exit are not to be compromised by street trees, landscaping, fencing or signposting.
- All car parking and manoeuvring must be in accordance with AS/NZS 2890.1: 2004, AS/NZS 2890.1: 2004/ Amt. 1:2005, AS 2890.2:2002, AS 2890.3: 1993, AS 2890.5: 1993, AS/NZS 2890.6:2009 and Council requirements.
- 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.
- Consideration is to be given to the provision of secure bicycle parking in accordance with AS2890.3:1993 Bicycle Parking Facilities and Council requirements.

Landscaping

42 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved Landscape Plans and Sections C6 of Penrith Council's Development Control Plan 2014.

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.

43 **L002 - Landscape construction**

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

44 **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.

45 **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.

46 [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

47 [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.

48 [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 B - DCP Principles

The proposed modification will provide additional storage floor space for a warehouse development. Given the minor scale of the modification, there will be no adverse impacts on the surrounding environment. The modified proposal will contribute to economic and social security and therefore satisfies the DCP principles.