

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0442
Proposed development:	Change of Use to a Warehouse & Distribution Centre
Property address:	117 Cox Avenue, KINGSWOOD NSW 2747
Property description:	Lot 1 DP 38664
Date received:	29 May 2017
Assessing officer	Mahbub Alam
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 5 , Class 7b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for an alterations and use of the existing buildings for Warehousing and distribution of motor vehicles and ancillary office at 117 Cox Avenue Kingswood .

The subject site is zoned IN1 (General Industrial) under Penrith Local Environmental Plan 2010 (LEP 2010). The proposal is defined as "Warehouse or distribution Centre" which is a permissible land use in the IN1 Zone with council consent.

An assessment under Section 79C of the *Environmental Planning and Assessment Act 1979 (EP&A ACT 1979)* has been undertaken and the application is recommended for approval.

Background

Procurement of Inventory

The proposed distribution centre will perform a range of activities from sourcing, negotiating and acquisition, of used motor vehicle stock. The entire procurement process is performed entirely off site, predominately acquiring Stock from the private market. These transactions are carried out at the vendor's premises. Other avenues of acquisition include auctions and tenders facilitated by government and private organisations. There will be no advertising or soliciting of sellers to attend the subject property, nor is there any signage displayed, pertaining to the acquisition or disposal of motor vehicles on site.

Following procurement of inventory, prior to warehouse receiving, all vehicles are prepared for distribution, adhering to the static handling of product in the operation of the proposed business all work necessary which may include, and presentation assignments like paintwork, interior trim work, electrical, mechanical work, RMS compliance and detailing is contracted out to local businesses and no work is performed on site.

Warehousing

The proposed distribution centre, operates in a way in which motor vehicles are received, coded and stored for days, weeks, or even months at a time. During this period, the vehicles are held and preserved in a static manner, pending their dispatch.

Beside fuel contained within motor vehicles, there are no flammable fuels or materials stored on premise. No washing of vehicles occurs, only basic maintenance tasks including vacuuming, bucket chamois, wiping and dusting are carried out on site, minimising the effect on the environment or issues with safety.

Distribution

The outsourcing of transportation services is the method of distribution. The proposed business engage the services of national vehicle logistic companies, to transport vehicles to the corporate and private customers Australia wide.

The distribution centre is responsible for financial control, warehouse and transportation management. Tasks include receiving inventory, return Inventory processing, maintenance, storage, handling, order preparation and dispatch.

The Distribution Centre is a facility from which wholesale and fulfilment of Internet online orders are filled.

Transportation companies Compliance Condition checks and pre dispatch inspections is by appointment only, The property gates will be closed for security purposes and entry will be restricted to the general public.

The Dispatch of vehicles operates in a similar way where vehicles are individually driven from the subject property and delivered to the customer's place of residence. In the case where a national vehicle logistic company is engaged, vehicles are either driven to or usually picked up by a small rigid Vehicle (SRV) and conveyed to their NSW State Depot (ie Minto, Arndell Park). They are then transported by Heavy multiple vehicle carriers to their respective state depots Australia wide, where they are then distributed to or picked up by their purchasers.

The nature of this business does not carry out multiple unit acquisitions or bulk disposal of vehicles. There will never be a requirement for the use of Heavy or articulated Car carriers entering, standing or loading of vehicles on any part of Cox Ave Kingswood NSW.

Site & Surrounds

The subject site is situated approximately 50 metres east of Parker Street in an established industrial area of Cox Ave Kingswood. It is 828m² in area, is orientated in a north south direction and has a slight fall to the east.

The site is currently occupied by an office (converted dwelling) and carport structures to the rear for vehicle holding purposes.

The surrounding area is characterised by established industrial/commercial development.

Proposal

The proposed development involves the following:

- Use of existing building for office purposes.
- Use of the existing warehouse to stored and distribution of motor vehicles purposes.
- Car parking for three vehicles for staff on site.
- Replacement of the existing 1.8 Metre cyclone fencing upgraded to 2.1 Metre black security fence and gate system, to match the adjoining council property

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• 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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal has been assessed and subject to conditions of development consent, found to be in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and related recommended strategies set out in Clause 6.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion

Clause 2.3 Permissibility

Under Penrith Local Environmental Plan 2010 (LEP 2010), the subject site is zoned IN1 – General Industrial. The LEP defines the proposed use as "Warehouse or Distributions Centre" which is permissible land uses in the zone.

Clause 2.3 Zone objectives

The proposed development satisfies the aims and objectives of both the LEP and the zone itself, particularly in relation to:

- The promotion of sustainable development that is consistent with the Council's vision for Penrith,
- The encouragement of development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change,
- The encouragement of employment opportunities,
- The minimisation of adverse effect of industry on other land uses and,
- Supporting and protecting industrial land for industrial uses and the promotion of development that makes efficient use of industrial land.

The zone objectives allow for a range of warehouse and industrial uses, encourages employment opportunities and minimises any adverse effect of industry on other land uses. The proposal satisfies these objectives by providing an industrial process which also requires an area for storage and which is not envisaged to create adverse environmental issues such as pollution of waterways, odour or acoustic impacts for adjoining properties or the greater area.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
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	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
D4.1. Key Precincts	Complies - see Appendix - Development Control Plan Compliance
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	Complies - see Appendix - Development Control Plan Compliance
D4.6. Accessing and Servicing the Site	Complies - see Appendix - Development Control Plan Compliance
D4.7. Fencing	N/A
D4.8 Lighting	Complies - see Appendix - Development Control Plan Compliance

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

The proposal development is satisfactory with respect to the Environmental Planning and Assessment Regulations (2000).

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

Built and Natural Environment

The public domain and the public/private interface

The site is adequately fenced to separate private and public domain.

Access, traffic and transportation impacts

There is some manoeuvrability constraints to the site. The application was referred to Council's Development Engineers for comment and subject to recommended conditions, can accommodate an 8.8 metre length and 2.5m wide medium-rigid vehicle entering and exiting the site in a forward direction.

Social and Economic

Interaction between the development and the community

Access to the site over a 9am-6pm of 7 days a week period is reasonable as there are no surrounding residential uses in the vicinity of the site.

Health, safety and compatibility issues

The vehicles are to be stored in the warehouse to avoid site contamination.

Will the proposal threaten the local community's desired future character of the area

It is unlikely, given the surrounding industrial use, the proposal will negatively impact upon the desired character of the area.

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

The strategic location of the subject site and the proposed scale of its use is consistent with the planning instruments which apply. Appropriate measures can be employed to mitigate potential impacts and therefore it has been demonstrate the site is conducive to the proposed industrial building.

Section 79C(1)(d) Any Submissions

Referrals

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

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

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

The proposed development demonstrates consistency with the aims and objectives of Penrith LEP 2010 and Penrith Development Control Plan 2014.

The proposed development is consistent with the zone of the land which applies.

Therefore, it is considered the proposed development would be in the broader public interest.

Conclusion

The proposed development is in accordance with the relevant provisions of the environmental planning instruments, and DCP pertaining to the land. Subject to the recommended conditions, the proposed development is unlikely to have a significant negative impact on the surrounding environment. The proposed development represents a significant contribution to Penrith Industrial area and has commendable environmental sustainability initiatives.

The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979 and Regulations 2000* and has been found to be satisfactory. The likely impacts have been considered and found to be satisfactory and the site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendation

That DA17/0442 for an alterations and use of the existing buildings for Warehousing and distribution of motor vehicles and ancillary office at 117 Cox Avenue Kingswood, be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

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

Drawing Title	Drawing No.	Prepared By	Dated
Site and Floor Plan	-	-	-
Waste Management Plan	-	David Woollard	29-5-17

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 [A026 - Advertising sign \(not for residential\)](#)

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

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

The operating hours are from 9am to 6pm Mondays to Sundays.

5 [A038 - LIGHTING LOCATIONS](#)

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

6 [A039 - Graffiti](#)

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

7 [A Special \(BLANK\)](#)

No motor vehicles are to be displayed for sale on the subject premises.

8 [A special BLANK](#)

No mechanical repairs are to be carried out at the premises.

9 [A special BLANK](#)

No washing of motor vehicles or parts is to be carried out at the premises. The installation of a wash bay will require consent from Penrith City Council.

10 [A special BLANK](#)

All motor vehicles for sale on the premises are to be stored within the confines of the premises.

Environmental Matters

11 [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.

12 [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 the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

13 **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

14 **E002 - BCA ISSUES TO BE ADDRESSED**

Prior to issue of an **Occupation Certificate** exit doors and latching devices are to be provided in accordance with the requirements of the Building Code of Australia.

15 **E006 - Disabled access and facilities**

Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".

16 **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.

Engineering

17 **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.

18 **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 commencement of any works on-site. 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.

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

Prior to the commencement of any works on site, 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, waster 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) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

20 **K222 - Access, Car Parking and Manoeuvring – General**

All vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development shall be in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

21 **K Special Condition BLANK**

For the lifetime of the development the proponent shall ensure of the following:

- a) The maximum size of vehicle permitted to enter the site is a medium-rigid vehicle no longer than 8.8 metres in length and 2.5m wide. The site shall not be serviced by any heavy rigid or articulated vehicles.
- b) All loading or unloading of vehicles shall occur on-site and not on the verge area or road area of Cox Avenue.
- c) All vehicles shall enter and leave the site in a forward direction. The reversing of any vehicles from Cox Avenue shall not be permitted.
- d) The parking and storage of all vehicles shall occur on-site.

22 **K Special Condition BLANK**

All land required for vehicular access and parking is to be concreted or sealed with a bituminous pavement. Areas not sealed are to be maintained to:

- a) Prevent materials from vehicular movements being deposited onto the verge and road;
- b) Be compacted and levelled to provide for safe pedestrian access;
- c) Be level with existing concreted areas to provide consistent levels for car parking and access.

Landscaping

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

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

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

There are existing parking areas within the building setback area. A total of three (03) car parking spaces are presently provided on the site. The following table provides a breakdown of parking requirements in accordance with this clause.

Description	Floor Area (M ²)	Parking Required	Proposed
Warehouse	246 ²	1 space is required per 100m ² of gross floor area, therefore 3 spaces is required for the proposed development	3 spaces
Ancillary Office	54 ²		
Total	300²		

D4 Industrial Development

Control	Required	Proposed	Compliance
PLEP 2010 4.3 Height of Buildings	12m	No change	Complies.
DCP 2014 4.1 Key Precincts	-	See below.	-
4.2 Building Height	See PLEP 2010	-	-
4.3 Building Setbacks and Landscape	Front Setback = 9m Secondary Frontage = 5m Parking area to be within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide.	No change	Complies.
4.4 Building Design	High standard of urban form. Office administration component to be located to the main frontage of the building.	No change	Complies.
4.5 Storage of Materials and Chemicals	External storage of goods must be avoided.	All storage is within the proposed building.	Complies.
4.6 Accessing and Servicing the Site	Car parks, aisles and manoeuvring areas shall be in compliance with AS2890. 1	No change	Complies.

4.7 Fencing	Height: 2.1m Style: Open Nature Positioning: Behind the landscaping Gates and security structures must complement the fencing.	2.1m	Complies.
4.8 Lighting	Lighting details shall be provided as part of any relevant development application. All lighting shall comply with Australian Standard AS4282.	Lighting shall be provided throughout the development and appropriate condition of consent imposed.	Complies.

D4 Industrial Development

DCP Objectives

The proposed development outcomes are consistent with the objectives of the Industrial Development DCP as far as:

- *The promotion of industrial development which can operate in a functional, safe and environmentally friendly manner;*
- *Minimisation of conflict between land uses with appropriate mitigation measures;*
- *Ensuring the development does not affect the function, efficiency and safety of all classified roads and other major roads*
- *Management of traffic and access for larger vehicles and loading facilities and;*
- *The promotion of employment generation.*

Section 4.1 Key Precinct

The development proposed will not vary the existing built form and the existing car parking and landscaping remains.

Section 4.5 – Storage of Materials and Chemicals

The DCP encourages all goods and materials associated with the use of a site to be stored internally to minimise both visual and environmental impact.

The subject site contains car parking and driveway with landscaping of the front setback.

The proposed change of use will not compromise the site's presentation to the street and will ensure the appropriate storage of goods and materials associated with the use of the site.

Section 4.6 – Accessing and servicing the site

The existing access arrangements from Cox Avenue will be maintained. This arrangement satisfies the objectives of Section 4.6 of the DCP as it ensures the safe and efficient movement of vehicles to and within the site and encourages the development of a layout that enhances the function of the site.