

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA21/0005
Proposed development:	Alterations and additions to the existing Bunnings Warehouse
Property address:	2182 - 2190 Castlereagh Road, PENRITH NSW 2750
Property description:	Lot 1 DP 1067795
Date received:	6 January 2021
Assessing officer	Pukar Pradhan
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the addition and alteration to existing building and additional car parking spaces, signage and associated landscaping and drainage works at 2182 - 2190 Castlereagh Road, Penrith. The subject site is zoned IN1 General Industrial under the provisions of Penrith Local Environmental Plan 2010. The proposal is ancillary to the approved Bunnings warehouse onsite and is therefore permissible in the zone with Council consent.

The application was notified to adjoining and nearby properties from 18 January 2021 to 1 February 2021 and no submissions were received.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the proposed amendments are considered to be acceptable in terms of visual impact and streetscape and therefore, the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is located on the south-west corner of the intersection of Castlereagh Road and Mullins Road. The site has an area of 3.996 hectares and is currently occupied by a Bunnings warehouse and associated car parking. Access to the site is provided off Mullins Road. The surrounding area is characterised by industrial/commercial buildings and car sales yards.

History

DA03/1177 for the erection of a bunnings warehouse retail store was approved as a deferred commencement consent on the 16 August 2004. Outstanding matters relating to design modifications, landscaping, storm water management and 'Crime Prevention through Environmental Design' (CPTED) needed to be resolved prior to an operational consent being issued.

The applicant lodged an appeal at the Land and Environment Court, but the appeal decision was upheld. However, Bunnings voluntarily offered up 23 design amendments in response to Council's requests.

The application originally included the removal of 6 shade sails and a 1,080.07m² extension to the bagged goods canopy. The application as amended was presented to A team and found to be supportable.

Later DA14/0901 for Commercial Development - New Awning & Extension of Existing Awning was lodged and granted approval on 28/10/2014.

Proposal

The application seeks consent for alterations and additions to the existing Bunnings warehouse building as outlined below:

- The addition to the existing western end of the building, north towards Mullins Road to provide for a larger Timber Trade Sales area and a Building Materials and Landscape supplies yard;
- Extension of the Timber Trade Sales area to the south with a new associated canopy over the unloading area;
- Addition of entry awning to the existing nursery entry and associated changes to gates, and replacement of existing shade sails;
- Reconfiguration to car parking, new line marking and directional signage.
- A total increase in car parking from 375 to 389 spaces;
- The inclusion of 5 new "business identification" signs to the building extension.

Plans that apply

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

• **Section 7.12 - Developer Contributions**

The development is subject to Section 7.12 Contributions was adopted by Council on 27 July 2020 and effective from 24 August 2020 and does not have saving provisions. Which is now applicable in this area for industrial development. This Plan applies to any non-residential development with a proposed cost of more than \$100,000 that is not otherwise subject to a S 7.11 contribution, authorised by a S 7.11 contributions plan adopted by the Council.

The applicable Section 7.12 levy rates for this development is as follows:

:

Development type Levy rate;

Development that has a proposal cost of carrying out the development:

- up to and including \$100,000 Nil
- more than \$100,000 and up to and including \$200,000 0.5% of that cost
- more than \$200,000 1% of that cost

The total cost of the development is \$4,050,000.00 which is over \$200,00.00 and hence 1% of it will be the section 7.12 contribution of the development. This equates to :

$\$4,050,000.00 \times 1\% = \$40,500.00$

A total of \$40,500.00 S7.12 contribution is applicable for this development.

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

State Environmental Planning Policy (Infrastructure) 2007

Development proposal with a total area of over 2,500m² requires to be referred to RMS if it has vehicular access to the site that is located within 90m from classified road (here is Castlereagh Road). The existing vehicular access for this proposal will remain the same and not changing and existing both entrances to the site are located over 90m distance from Castlereagh Road and hence the application is not captured by Schedule 3 of the SEPP and does not require its concurrence. However, the application was referred to RMS for comments due to its location.

RMS have examined the application and have provided their written response dated 29 July 2021 which raised no objection to the proposal subject to any future buildings being erected clear of the land required for road widening and no construction zone on Castlereagh Road. These have been conditioned.

State Environmental Planning Policy No 55—Remediation of Land

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 55—Remediation of Land and detailed assessment were carried out in the original and earlier applications which concluded that the site is suitable for the proposed use. The site has not been further filled or any record of contamination existing onsite and as such is satisfactory subject to recommended conditions of consent.

State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. SEPP 64 applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve.

The proposal includes 3 x 1(0.8m x 3.4m) Bunning Slgn and 2 x 6m long Hammer signage

An assessment of the proposed new wall signs against the seven assessment criteria specified in Schedule 1 of the SEPP is provided below:

1. Character of the area

The character of the area in close proximity of the site is predominantly industrial with large buildings located in the immediate vicinity. The proposed signs have been designed to be of similar nature as existing on the facia of the buildings which we normally see in Bunning buildings warehouses. Whilst they are larger than we normally see in industrial areas, the signs are considered to be in proportion with the size of the proposed extension to the existing Bunnings warehouse. The proposed signs are considered to be acceptable having regard to the context of the site and are consistent with character of each façade of the building.

2. Special areas

The proposed signs are typical for Bunning warehouse building which is located within an industrial area. Having regard to the context of the site, the proposed signs will not therefore unreasonably detract from the amenity or visual quality of any environmentally sensitive areas, open space areas, waterways, rural landscapes or residential areas.

3. Views and vistas

The proposed signs being painted upon the walls of the warehouse and will have not significant impact upon views or vistas in the vicinity of the site.

3. Streetscape, setting and landscape

When considered in the context of the site and located within an industrial area along with existing and new vegetation, the proposed business identification signage is considered an acceptable within the setting and landscaping which is generally consistent with the existing Bunnings signage on the site.

4. Site and building

The proposed signs presents to be an integrated element with the architecture of the warehouse facades. The size of the signs whilst large and considering generous setbacks of the proposed building, is reasonable with respect to the scale of the building and incorporate a colour and theme consistent for a Bunnings warehouse.

5.Associated devices and logos with advertising and advertising structures

The Bunning signs are to be affixed to the building facades and will be engineered appropriately for structural stability and safety.

6. Illumination

The proposed signs will involve small downlights on adjustable fittings mounted to the top of the signs pointed down. The downward direction and intensity of the lighting is adjustable if required and as such unlikely to result in any unacceptable glare.

The application seeks approval for lighting between the limited hours of 6.00am and 10.00pm seven days. Given there is no nearby residential developmentsand the downward direction of the lighting, the existing amenity of residents will not be detrimentally impacted upon.

7. Safety

The proposed signs is unlikely to have adverse impact on the safety for vehicles, pedestrians or bicyclists or obscure views along the road, footpath or to any public area or safety zone.

As assessment has been undertaken of the application against relevant criteria with State Environmental

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.6 Architectural roof features	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Does not comply - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned IN1 General Industrial under the provisions of Penrith Local Environmental Plan 2010. The proposal is considered to be hardware and building supplies which is permissible with consent in the zone and the proposed addition is ancillary development to the approved Bunnings warehouse on the site and is therefore a permissible land use in the zone with Council consent.

Clause 2.3 Zone objectives

The following are the zone objectives:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To promote development that makes efficient use of industrial land.*
- *To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.*

The proposal is consistent with the objectives of the zone.

Clause 4.3 Height of buildings

In accordance with clause 4.3 'Height of Buildings' of the PLEP the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' which is 12 metres. The proposed extension maintains the existing parapet height of 9.5 metres and is compliant with the height control.

Clause 5.6 Architectural roof features

The proposed extension will maintain the roof form and height to that existing building and will be consistent with the existing building design.

Clause 5.9 Preservation of trees or vegetation

The site currently contains a good vegetation of row of substantial trees located along the Mullins Road frontage which provides visual screening of large parking areas within the development. The proposal will result in removal of approximately 6 trees located along some part of the north western Mullins Road frontage to make room for additional 10 parking spaces.

Whilst some of the trees located within the car park area will be lost for the construction of the new wing building, it is considered that prudent to retain as many as possible those existing row of trees located along the Mullins Road in order to maintain a nice streetscape and also to provide screen buffer to the large paved parking area. In considering this, it is recommended that parking spots numbers 247 to 256 be rearranged to preserve those trees and increase landscaping area and preserve the trees. This will result in loss of several parking spots, but to achieve a better design outcome the loss of these several parking spaces is acceptable for this situation. The site plan has been amended in red to indicate this.

Clause 7.1 Earthworks

Earth works will be limited to the building foot print and parking area and has been considered by development engineers and found to be reasonable. Appropriate conditions have been recommended to provide soil erosion and sediment control measures and also not to bring any fill materials without Council approval.

Clause 7.2 Flood planning

The Drainage plan and flooding matter were examined by Council's development engineer and have advised that:

- *The property is affected by both 1% AEP overland flow flooding and 1% AEP mainstream flooding, however overland flow flooding is the dominant flood type.*
- *The adopted 1% AEP flood level affecting the site is RL 25.8m AHD based on Council's Peachtree and Lower Surveyors Creeks Flood Study, 2019.*
- *The proposed FFL of the additions will match the existing FFL of RL 26.0m AHD.*

They have raised no objection to the proposal subject to imposition of a condition to require the proposed additions to be adequately flood proofed up to the flood planning level of RL 26.3m AHD (1% AEP level + 0.5m freeboard) in accordance with Council's flood related development controls. This will form part of the conditions of consent.

Clause 7.5 Protection of scenic character and landscape values

The proposed design, bulk, and scale is in keeping with the existing building and presents well to both Mullins Road and is located well over 150m from Castlereagh Road. The existing and some additional vegetation along the Mullins Road will be maintained to reduce its visual impacts. Given the design measures in place, the development is considered to be of minimal visual impact on the streetscape and maintain scenic character of the area.

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

There are no draft Environmental Planning Instruments that apply to the proposal.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
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
D3.1. Bulky Good Retailing	Complies
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
D4.1. Key Precincts	Complies
D4.2. Building Height	Complies - see Appendix - Development Control Plan Compliance
D4.3. Building Setbacks and Landscape	Complies
D4.4. Building Design	Complies
D4.5. Storage of Materials and Chemicals	Complies
D4.6. Accessing and Servicing the Site	Complies
D4.7. Fencing	Complies
D4.8 Lighting	Complies

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

Council's Building Surveyor raised no objection to the proposal and recommended conditions to be imposed in the consent.

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

Bulk, Scale & Design

The location of the extended building is located partly within the area nominated for future development or extension. The proposed extension to the building is located at the western end of the site with a significant distance from the Castlereagh Road frontage and in close proximity to the existing residue open area envisaged for future extension building. The additional building has been designed to be in keeping with the existing built form and design and is in keeping with the character of the area.

A condition will be included to ensure that the external colours of the new awning and extension of existing awning match or compliment the existing development.

Parking, traffic and access

- The proposal requires to provide 315 parking spaces as to DCP and it provides 386 on site parking spaces which is more than required by the DCP.
- The additional parking generated by the additional building is unlikely to generate traffic that would have impact on the local roads.
- The vehicle access are being kept to as existing.

Council's Traffic Engineer has examined the proposal and have raised no objection to the proposal subject to conditions.

Drainage and Water management

Council's Development Engineer and Environmental Management Waterway officers have both examined the drainage/flood and WSUD and both have advised that drainage system and water management system are satisfactory and have raised no objection to the proposal subject to conditions.

Landscaping

The application is accompanied by a landscape plan prepared by John Lock & Associates which indicates that it will provide a replacement planting comprising 7 new replacement trees of 100 litre size, 220 replacement shrubs of 200mm pot size, and 990 new ground cover plants. As discussed earlier in the report, some of the proposed 12 car parking spaces located at the north-western part of the site will result in losing the existing landscaped area (a row of vegetation canopy) which is not desirable for this site.

In order to maintain the existing streetscape and also to maintain a visual buffer to the large paved concrete parking area, it is recommended that the proposed 12 of these parking spaces be removed and replace by landscaping area. There will be area to provide 3 to 4 parallel parking in their place behind landscaping area. Furthermore, several additional trees have been required to be planted along the north-eastern frontage of the site in order to embellish and improve the streetscape. These have been indicated in red on the landscape and site plan to maintain the streetscape as before.

In view of the above, the development will result in an acceptable landscaping design outcome for the development.

Social, economic or environmental impact.

The development will generate additional jobs in the area and there will not be an adverse social impact from the proposal.

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjointing land uses

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with the Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents from 18 January 2021 to 1 February 2021. No submissions were 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
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 4.15(1)(e)The public interest

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

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Development Control Plan 2010, the proposal satisfies the aims, objectives and provisions of these policies.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA21/0005 for Alterations and additions to the existing Bunnings Warehouse at 2182-2190 Castlereagh Road PENRITH, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No	Prepared by	Dated
Site Plan	030 Issue B	John R Brogan & Associates	21/03/2021
Sections & Elevations	120 Issue B	John R Brogan & Associates	21/03/2021
Part Floor Plan	100	John R Brogan & Associates	21/03/2021
Waste storage/ Recycle layout Plan	200	John R Brogan & Associates	21/03/2021
Civil Engineering Design Plans	02361_L100	C &M Consulting Engineers	03/06/2021
Landscape Plans	2718 LP-00 (D) 2718 LP-01 (C) 2718 LP-03 (C)	John Lock & Associates	17/03/2021 11/11/2020 11/11/2020

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A032 - Goods in buildings

All materials and goods associated with the use shall be contained within the confines of building at all times.

4 A039 - Graffiti

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

5 A046 - Obtain Construction Certificate before commencement of works

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

6 A Special (BLANK)

The external colour of the new building and extension of existing awning shall match or complement the existing Bunning's warehouse.

7 A Special (BLANK)

The proposed 2m wide landscaping area located along the north-western frontage of Mullins Road shall be widened to 6m to be consistent with the existing landscaping width provided along Mullins Road frontage as shown in red on the landscape plan and site plan. Where practical, the proposed spotted gums to be removed shall be retained.

Prior to the issue of the Occupation Certificate, an additional 7 - 8 trees shall be planted along the frontage of the site that are of the same or similar species to the existing trees along the site frontage as shown in red on the landscape plan.

8 A Special (BLANK)

Any improvements integral to the future use of the site, are to be erected clear of the land required for road widening as advised by Transport for NSW (TfNSW) in their letter to Council dated 29 July 2021 (unlimited in height or depth) along the Castlereagh Road boundary. The area required shall be identified on all plans of the development.

Further information in regard to this Project can be obtained by contacting the TfNSW Project Team – Email: mulgoaroadupgrade@rms.nsw.gov.au or Ph:1800 733 084 or <http://www.rms.nsw.gov.au/projects/sydney-west/mulgoa-rdcastlereagh-rd/index.html>

9 A Special (BLANK)

Flashing lights are not permitted to be used for any signage.

10 A Special (BLANK)

No changes to the current site operations are implied or approved by this consent.

Demolition

11 B006 - Hours of work

Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

12 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 installed and maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The sediment and erosion control measures are to be **maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.**

13 D002 - Spraygrass

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

14 D004 - Dust

Dust suppression techniques are to be employed during the all phases of the development to reduce any potential nuisances to surrounding properties.

15 D005 - Mud/Soil

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

16 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

17 **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.

18 **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.

19 **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.

BCA Issues

20 **E001 - BCA compliance**

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).

Health Matters and OSSM installations

21 [F006 - Water tank & nuisance](#)

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

Utility Services

22 [G002 - Section 73 \(not for](#)

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.

23 [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

24 [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 is 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.

25 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.

26 H006 - Submission of and implement waste management plan

Prior to the issue of a Construction Certificate, a completed waste management plan for the construction and demolition phase of the development shall be submitted to the Principle Certifying Authority.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), 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.

27 H041 - Hours of work (other devt)

Construction works or demolition 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 and demolition 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

28 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 commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

29 K202 - S138 Roads Act - Minor Works in the Public Road

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with 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) Widening of the existing vehicular crossing for the westernmost delivery vehicle/customer entry. The vehicular crossing shall be constructed to heavy duty/industrial standard. The existing Telstra pit within the proposed widening shall be relocated a minimum 1.0m clear of the vehicular crossing.
- b) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- c) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
- d) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- e) 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

30 K209 - Stormwater Concept Plan

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by John Brogan & Associates, reference number 1428, revision B , dated 23/03/2021.

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 a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

31 **K210 - Stormwater Management**

The stormwater drainage system shall be consistent with plans lodged for development approval, prepared by C&M Consulting Engineers, Drawing Number 02361_100 to 02361_701, Revision 01, dated 03/11/2020.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

32 **K217 - Flooding - Flood Compatible Materials**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the structures below RL 26.3m AHD (adopted 1% AEP flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

33 **K219 - Flooding - Flood Proofing**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the adopted 1% AEP flood level of RL 25.8m AHD.

34 **K222 - Access, Car Parking and Manoeuvring - General**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

35 **K301 - Sediment & Erosion Control**

Prior to commencement of works 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.

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

36 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

37 **K501 - Penrith City Council Clearance - Roads Act / Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.

38 **K502 - Works as executed – General and Compliance Documentation**

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

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

39 **K503 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- An Operation and Maintenance Manual supplied by Ocean Protect has been submitted to council
- 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.

40 **K504 - Restriction as to User and Positive Covenant**

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) 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 Drainage Specification for Building Development – Appendix F.

41 **K511 - Directional Signage**

Prior to the issue of any Occupation Certificate, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier. Any entry/exit signage shall be wholly located within the property boundary.

42 **K - Waterways - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

43 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or drainage.

44 **K Special (BLANK)**

Prior to the issue of any construction certificate the certifying authority shall ensure that the plans include complying numbers of secure, all weather bicycle parking and the required end of journey facilities, change rooms, showers and lockers for staff and visitors are to be provided at convenient locations in accordance with Council Development control plan (DCP) C10 section 10.7, AS2890.3 Bicycle parking facilities and planning Guidelines for walking and cycling (NSW Government 2004).

45 **K Special (BLANK)**

All car parking and maneuvering must be in accordance with AS2890.1; AS 2890.2; AS2890.6 and Council's DCP requirements.

46 **K Special (BLANK)**

Appropriate signage and pavement markings are required to reinforce the direction of vehicle circulation and the locations of staff/customer parking spaces.

47 **K Special (BLANK)**

All vehicles are to enter/exit the site in a forward direction with no more than 3 turn point.

48 **K Special (BLANK)**

Construction zones are not permitted along the Castlereagh Road frontage.

Landscaping

49 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved **Landscape Plan, Number 2718 LP-00, dated 17/03/2021, prepared by Hohn Lock & Associates Landscape Architecture, as amended in red by Council** and 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.

50 **L003 - Report requirement**

Prior to the issue of an Occupation Certificate for the development, upon completion of the landscape works associated with 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 prepared by a qualified person or a Landscape Consultant.

51 **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 Development Control Plan 2014.

52 **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.

53 **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.

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

All existing landscaping identified on the plans for retention is to be retained and maintained at all times.

Development Contributions

55 **N001a - Section 7.11 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 7.12 Contributions Plan for Industrial commercial developments . Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$40,500.00 is to be paid to Council prior to a Construction Certificate being** issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Industrial commercial developments may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Certification

56 **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.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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

57 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any building works on site, the proponent is to:

- (a) employ a Principal Certifier 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 Certifier shall submit to Council an "Appointment of Principal Certifier" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any building 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 6.6 of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design Principles

The site is identified as land with scenic and landscape values. The proposed extension to the building has been located at the western end of the site which is a significant distance from the Castlereagh Road frontage and in close proximity to the existing residue open area envisaged for future extension building. The additional building is in keeping with the existing built form and design and envisaged to have minimal visual impact when viewed from major roads and surrounds. The development does not impact upon existing significant views or vistas.

C2 Vegetation Management

The submitted plans indicate that there will be several trees removed to make way for additional car parking along the north-western part of the site and 3 trees to located the extension building. In this regard whilst the loss of 3 trees are necessary to locate the extension building, the existing vegetation buffer to be partly removed to cater for the area proposed for 12 parking spaces north of the extension building is worth retaining in order to maintain the streetscape and also reduce visual impact of the building and large paved parking area. Accordingly, this will be reflected on the site plan in red (applicant has agreed to do this).

C3 Water Management

The development proposes stormwater treatment with the use of use of 4 x 460mm Ocean protect cartridges and 9 Enviropod pit inserts. This has been examined by Council's Environmental Waterway Office who has advised that the provided MUSIC model confirms that this provides treatment in accordance with section 3.2. However, the applicant has not provided a "draft Operation & Maintenance Manual, the proposed water quality device to be supplied by Ocean Protect (formerly Stormwater360), which is a standard document.

They have raised no objection to the proposal subject to submission of an operation & maintenance Manuel as part of the approval and other standard conditions.

A detailed stormwater concept plan has been prepared and accompanies this development application which has been examined by Council's Development Engineer and have advised that the proposed extension to the existing Bunnings warehouse adopts the same finished floor level as the existing building and the proposed additions has been required to be adequately flood proofed up to the flood planning level of RL 26.3m AHD (1% AEP level + 0.5m freeboard) in accordance with Council's flood related development controls as a condition of consent to be compatible with the flood hazard of the land. Plans indicate that the development is able to adequately deal with onsite storm water. No objection raised subject to conditions.

C5 Waste Management

The applicant has provided that:

- *Bunnings general waste streams comprise: general waste, baled cardboard, baled soft plastics, timber packing and pallets. Note our general waste streams are principally nonputrescible given our cafés are small and do not involve cooking, and there is no active landscape propagation undertaken on site.*
- *Bunnings Warehouse North Penrith is currently serviced via commercial contractors Bingo Industries Pty Ltd.*
- *2 x lidded and mobile General Waste Bins (@3m3) are collected up to 4 times per week (approx. 10t per month)*
- *Timber pallets etc are stored in an orderly fashion onsite until collection, which may be anywhere from weekly to monthly depending on need. At collection the timber is transferred manually to a Hook Lift Bin, then transferred offsite.*
- *Baled cardboard is stacked onsite in an orderly manner pending their weekly collection (approx. 4t per month)*
- *Baled plastics is stacked onsite in an orderly manner pending their weekly collection (approx. 1t per month)*

Councils Waste Services department have examined the waste collection infrastructure and collection proposal and have raised no objection to the proposal subject to waste plan of management being submitted and other conditions.

C6 Landscape Design

The proposal will result in several trees and shrubs onsite. The application is accompanied by a landscape plan prepared by John Lock & Associates which demonstrates a replacement planting regime comprising 7 new replacement trees of 100 litre size, 220 replacement shrubs of 200mm pot size, and 990 new ground cover plants. As discussed earlier in the report, some of the car parking spaces located at the north-western part of the site will result in losing the existing row of vegetation canopy which is not desirable for this site. In order to maintain the existing streetscape and also to minimize and buffer the large paved concrete parking area, it is recommended that 12 of the perpendicular parking spaces be removed and replaced by landscaping area and provide several parallel parking in their place. Furthermore, several trees have been required to be planted along the north-eastern frontage of the site in order to embellish the streetscape. This has been indicated in red on the landscape and site plan to maintain the streetscape as before.

The new landscape design otherwise is considered to provide reasonable streetscape and provide reasonable screening within a suitably landscaped setting having regard to the industrial character of the site and context.

C9 Advertising and Signage

This has been discussed under SEPP 64 heading and found to be reasonably suitable.

C10 Transport, Access and Parking

- The DCP requires a parking rate of 1 space per 50sqm of gross floor area for bulky goods premises.
- The total floor area including the new additional building equates to 15,763m² and DCP would require 315 on site parking spaces.
- The proposal provides 389 spaces for the development.

As mentioned earlier above, some of the parking spaces would be lost in order to maintain the landscaping buffer and also to achieve a better urban design outcome and maintain a good streetscape along Mullins Road. However, the result in loss of approximately 8 - 9 spaces would still result in total of 380 parking spaces which is well above the minimum required spaces by the DCP and hence compliant.

The proposed development results in some minor changes to the existing driveway at the western end of the site, however, the revised design achieves a compliant design and layout with regard to access.

The plan and SEE were examined by Council's Traffic Engineer and have advised that the proposal provides adequate on site parking spaces, vehicles are able to enter and leave the site safely in a forwards direction, adequate sight distances can be achieved and that the local road network has capacity to cater for the increase in vehicles movements that would be generated by this development.

They have raised no objection to the application subject to their recommended conditions being included.

D4 Industrial Development

Building height

The building height limit for the area is 12m and the proposed extension maintains the same parapet height as the existing building of 9.5 metres which is below the maximum height which applies to the site.

Building Setbacks and Landscape

The DCP requires a building setback of 20m to Castlereagh Road and a 5m to secondary road. The existing building has an average setback of 27m to Castlereagh Road which is greater than the required setback by the DCP. The proposed building extension provides a setback 19.6 metre building setback from Mullins Road and is also compliant and serves to mitigate the impact of the proposal from Mullins Street.

The existing landscaped setback from Mullins Road which varies between 6.1 metres and 9.15 metres in depth, with car parking located behind. The proposal provides only 2.1m landscaping along the western frontage of the site to allow for additional 12 parking spaces. This will result in removal of several trees and also reduce vegetation and buffer along Mullins Road resulting in a poor streetscape. In order to achieve a better design outcome along the Mullins Road, it is recommended that they maintain a 6m wide landscaping area along the Mullins Road and preserve the trees within that area. This has been indicated in red on the approved site and landscaped plan.

It is acknowledged there will be loss of 8 to 9 parking spaces but the development provides 50 spaces more than the required on site parking spaces and this is considered to be reasonable to achieve a better development outcome.

Building Design

The proposal incorporates the Bunnings corporate standard of urban form which is a common building design seen through out Australia. The elevation of the extension is relatively narrow when viewed from Mullions Road and provides reasonable architectural merit having regard to the nature of the building and context of the site.

Accessing and Servicing the Site

The proposal maintains the same access arrangements for the site, with some minor changes to the western driveway into the site to facilitate vehicle manoeuvring. All vehicles can still enter and leave the site in a forward direction, including heavy vehicles.

Fencing

There is no change required to the existing fencing arrangements for the site.