

STATEMENT OF
ENVIRONMENTAL EFFECTS

**NEW WAREHOUSE, SHOWROOM
& OFFICE**

AT

**LOT 34 OF DP1036699
60 JACK WILLIAMS DRIVE
PENRITH NSW 2750**

FOR

CREST OFFICE FURNITURE

JUNE 2013

DUTAILLIS | ARCHITECTS

EDUCATION COMMERCIAL INDUSTRIAL

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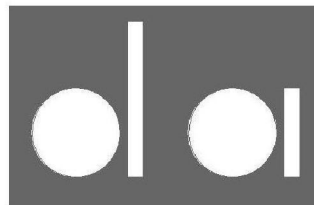
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Report:

Development Application
New Warehouse, Showroom & Office
Lot 34 of DP1036699
60 Jack Williams Drive
PENRITH NSW 2750

Prepared for:

Crest Office Furniture
17 Coombes Drive
PENRITH NSW 2750

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1 INTRODUCTION

This Statement of Environmental Effects Report (the “**Report**”) has been prepared by Dutailis Architects, on behalf of Crest Office Furniture (the “**client**”). The Report describes the existing site and locality, outlines the proposed development and assesses the suitability of the proposal having regard to the relevant environmental legislation.

The subject site is known as Lot 34 DP 1036699, 60 Jack Williams Drive, Penrith (the “**site**”).

The existing site is vacant.

The land is presently zoned 1N1 General Industrial under Penrith Local Environmental Plan (LEP) 2010.

The documentation relied upon in assessing the proposal is referred to in **Section 9**. The assessment demonstrates that the proposal satisfies the relevant legislation and controls and should be approved.

2 SITE AND LOCALITY

An inspection of the site and surrounding area has been undertaken, resulting in the following observations.

2.1 Site Location

The site is located on the western side of Jack Williams Drive, this is approximately 300 metres off Castlereagh Road and approximately 4 kilometres off the M4 Western Motorway.

(Refer **Figure 1**). (photos)

2.2 Site Description

The site is known as Lot 34 of DP1036699, 60 Jack Williams Drive, Penrith. It is a rectangular shape parcel with a road frontage of 31.65 metres and a depth of 71.05 metres. The total land acre is 2147m². The site is generally level with slight slope from the west to the east. The front 10 metres of the site has a slope down to the street.

(Refer **Figure 2**). (photos)

2.3 Character of Locality

The site is an established industrial area with commercial or industrial buildings to each side of the site and across Jack Williams drive. The rear of the site opens onto vacant land of industrial zoning which suggests a future development of similar scope may occur to the west.

(Refer **Figure 3**). (photos)

2.4 Existing Development

The site is vacant. The zero lot alignment of the adjacent industrial sheds is considered with regards to the use of the site for the proposal.

(Refer **Figure 4 & 5**). (photos)

Figure 1 – Locality Map
Source: Google Maps

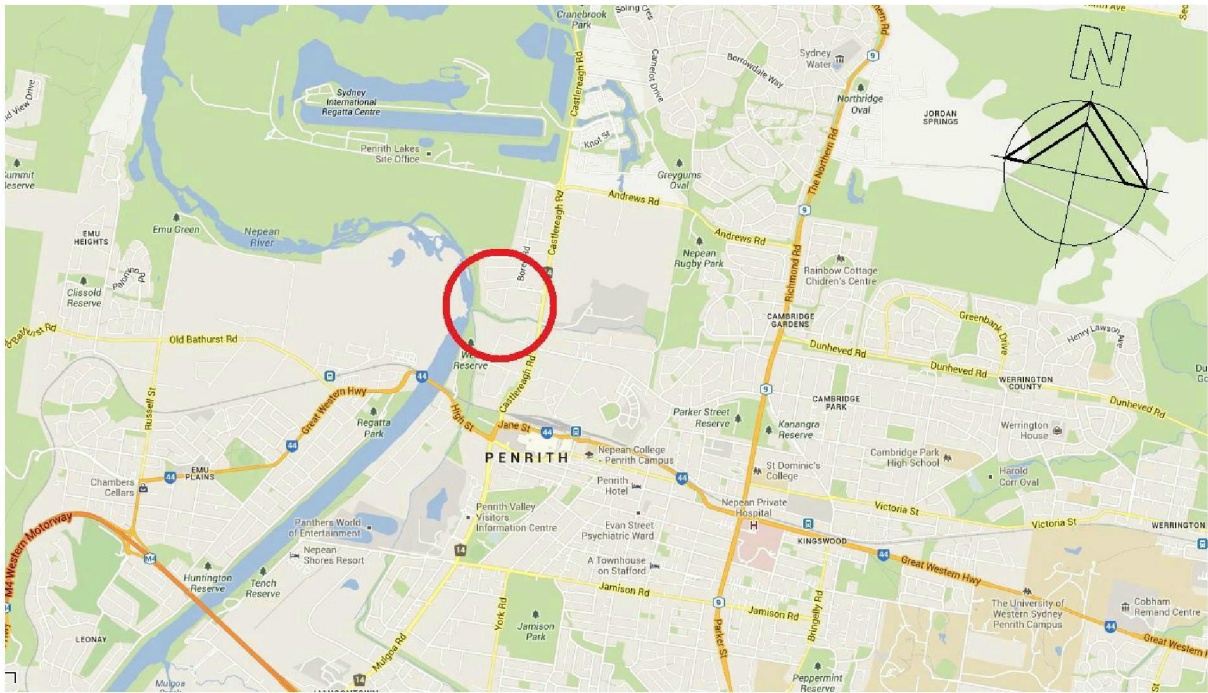


Figure 2 – Suburb Plan
Source: Google Maps

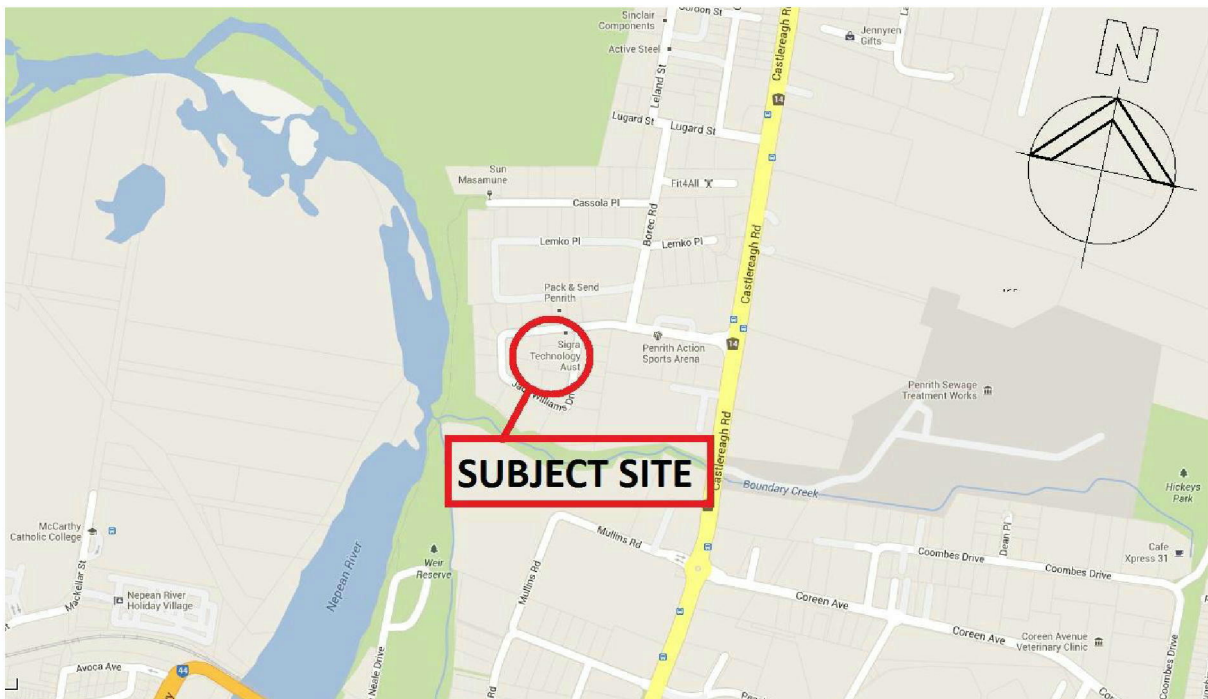


Figure 3 – Site Plan
Source: Google Maps

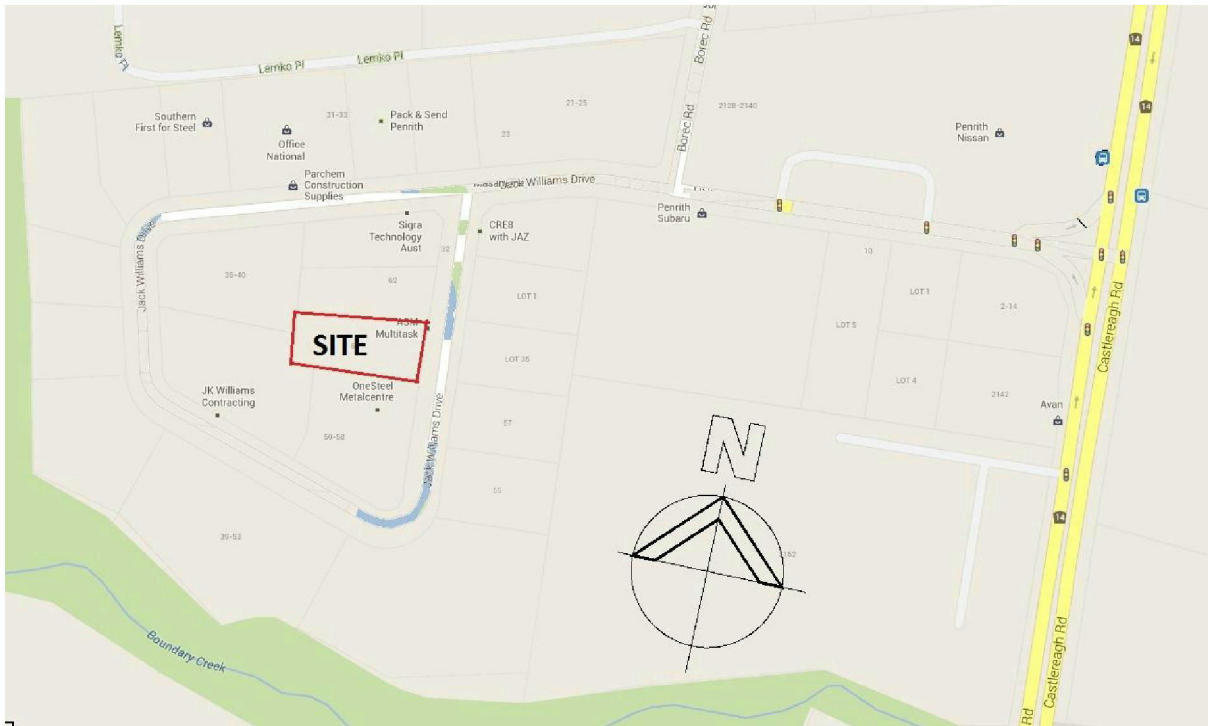


Figure 4 – Aerial Photograph
Source: © Dept. Lands Six Map



Figure 5 – Aerial Photograph
Source: © Dept. Lands Six Map



PLATE 1 View of site looking west from Jack Williams Drive.

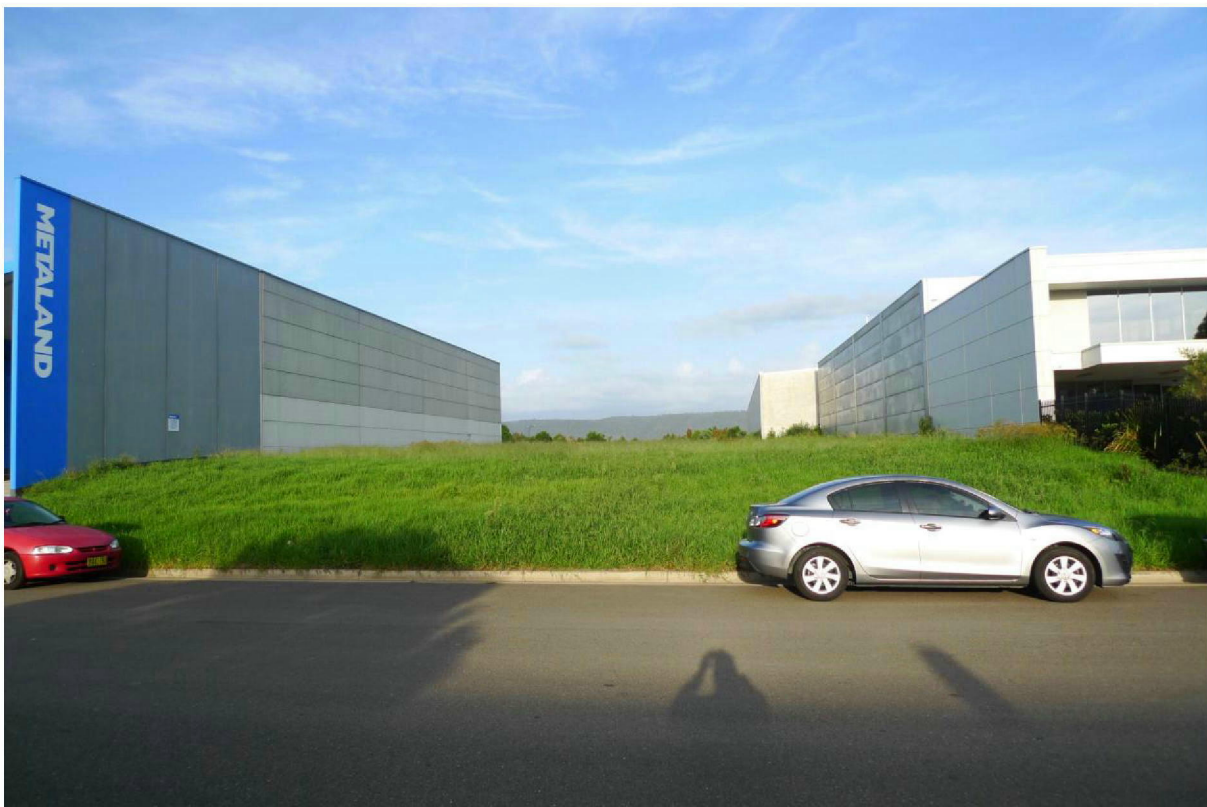


PLATE 2 View of site looking west to adjacent industrial land.



PLATE 3 View of site looking east to Jack Williams Drive and the industrial development to the east.



PLATE 4 View outside the site on Jack Williams Drive and looking to the south.



PLATE 5 View outside the site of Jack Williams Drive looking north



3 HISTORY

The lot is vacant land and no specific research has been carried out on previous approvals that may be associated with the site.

A covenant on the land is current in relation to fencing. This covenant relates to the cost of fencing will be borne by the developer of the site and not the previous owner. It is the view of the client that this has no bearing on the proposal, as the fencing is part of the proposal and will be built at the client's expense.

A pre-lodgement meeting was held with council officers on the 2nd May 2013 (Reference No: PL13/0033). The details of the meeting are included as Appendix 1.

4 THE PROPOSAL

This section outlines the nature of proposal sought by the client for the purposes of this application.

4.1 General Description

The proposal is for a new warehouse, showroom and office for Crest Office Furniture. This includes carparking, landscaping and suitable signage.

4.2 Client Details

Crest Office Furniture is a family owned company that supplies office furnishings, workstations and other interior items for small business. A design service is provided by the company. At present the company is located at 17 Coombes Drive, Penrith. A new building is required as the business is outgrowing their current premises. The business has operated in Penrith for more than 20 years.

The company currently employs the following personnel,

| | |
|-----------------|--|
| Warehouse Staff | 2 Males Employees |
| Office Staff | 3 Female Employees 5 Male Employees |

It is expected that at the new location the warehouse staff would increase to 3 and in the long term the office staff may increase to 10 persons.

The company currently has parking for 2 private vehicles used by warehouse staff, 6 private vehicles used by office staff and one transport van used by the business. The transport van meets the criteria of a small truck and is normally parked in the warehouse when not in use.

It is expected that at the new location there will be an increase to 11 private cars used by staff members.

The nature of the commercial furniture business is that a substantial portion of the interaction between the client and their customers occurs by phone, email and at the business premises of the customer. Accordingly the showroom associated with the business is not aimed at the general public visiting to inspect items. It is visited by the customer of the business typically as a result of phone enquiries, email and leg work by the sales staff of the Client.

4.3 Building Details

The proposal is for a warehouse building of a height that matches the permitted maximum building height. The office and showroom is at the front of the warehouse and addresses the street. To allow for the required parking numbers the proposal includes an undercover ground floor parking area for staff vehicles with two levels of office and showroom above the Carpark.

4.4 Parking Details

The proposal will include 12 undercover parking spaces, 9 external parking spaces for visitors, couriers and some staff use, and a single designated disabled parking space with the required circulation beside it. This provides for a total of 22 car spaces.

4.5 Signage Details

Signage will be provided in three locations. A signage structure with the company logo and street number will be located at the driveway entry. This structure is approximately 4.5 metres high.

A company logo will be placed on the building on the eastern facade.

The main entry door will include a small signage panel featuring the company logo and other details such as hours of operation.

Refer to the drawing set for additional information.

4.6 Materials and External Appearances

The building will be of concrete construction with the exterior finish in paint. There will be areas of pre-finished powder coated panels used for the signage structures and the entrance. The building has large window areas addressing the street and the eastern facade incorporates sun shading elements.

Refer to the drawing set for additional information.

4.7 Drainage and Stormwater

A stormwater drainage plan has been prepared for the proposal.

Refer to the drawing set for additional information.

4.8 Waste Management Plan

A waste management plan has been prepared for the proposal.

Refer to Appendix 3 for additional information.

4.9 Commercial Vehicles

The business is generally serviced by vans, small trucks and medium sized trucks. These vehicles can manoeuvre within the site for loading, unloading and can exit the site in a forward direction. Additional information is provided in Section 6.1 of this report.

Refer to Drawing set for additional information.

5 PLANNING CONTROLS

This Section addresses the planning considered relevant in an assessment of the proposal.

5.1 Water Management Act 2000

Aerial mapping (topographic map) indicates that the site is not in direct proximity to any natural water course.

Accordingly urban water management is required with the preparation of a stormwater design that includes water quality measures. A stormwater plan has been prepared by an appropriate consultant and is included in the drawing set.

5.2 SEPP 55 – Remediation of Land

A review of available public information indicates that this site is unlikely to have any form of contamination. The subdivision which formed this industrial area would have been granted consent under the provision the Sydney Regional Environment Plan for the Hawkesbury Nepean River. It is unlikely that the landfill that established the subdivision would have included contaminated materials. Accordingly, measures of site control for the flow of water off the site should be sufficient to address the unlikely circumstances of contamination being identified during construction. A soil and water management plan has been prepared and is included in the drawing set.

5.3 Penrith Local Environmental Plan 2010

Penrith Local Environmental Plan 2010 (**LEP 2010**) applies to the land. The aims of the Plan is as follows:

(a) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement,

(b) to ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes,

(c) to encourage development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change, Statement of Environmental Effects,

(d) to protect the environmental values and heritage of Penrith, including places of historic, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,

(e) to provide for an urban environment that is active, attractive and safe for residents and visitors,

(f) to foster viable employment, transport, education and future investment opportunities that are suitable to the needs and skills of the residents and the workforce,

(g) to protect views and vistas from main roads and other public vantage points,

(h) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well being of its rural communities.

Under the Penrith LEP 2010 the land is zoned 1N1 General Industrial. The aims and objectives of the Penrith LEP 2010 and objectives of the 1N1 General Industrial zone are contained in **Appendix 2**.

The table to Part 2 of the Penrith LEP 2010 for the 1N1 General Industrial zone provides that a warehouse is permitted with consent. Subclause 2.3(2) of the LEP 2010 provides that Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The proposed works are considered to be consistent with one or more of the aims and relevant objectives and are not contrary to achieving the objectives of the zone for the following reasons:

- 1) It represents development that is compatible with the character of the locality, and
- 2) The assessment of the proposal has considered adjoining land uses and the natural environment.

The following table provides an assessment of the proposal against the relevant Part 4 – Principle Development Standards; Part 5 Miscellaneous provisions; and Part 6 Additional Local Provisions of Penrith LEP 2010. Following our assessment it is considered to be consistent with these special provisions.

Table 1 - Penrith LEP 2010

| Provision | Comment |
|--|--|
| <p>Part 4 4.3 Height of buildings. The subject land has a maximum height of 12 metres.</p> | <p>The proposed building does not exceed the 12 metre limit from the existing ground levels.</p> |
| <p>Part 5 Preservation of Trees or vegetation Preserve the amenity of the area.</p> | <p>No trees proposed for removal.</p> |
| <p>Part 6 6.1 Earthworks Whether or not the proposed development is likely to have a detrimental impact on environmental functions and processes</p> | <p>The proposed building and car park will connect to the existing stormwater system. There is minimum imported fill with all cut and fill retained and used on site. It is considered that the proposal would have minimal impact on the amenity of adjoining properties.</p> |
| <p>Part 6 6.2 Salinity Whether or not the proposed development is likely to have an impact on salinity processes</p> | <p>The proposal includes some excavation in the western end of the site, however all material is retained for use on site, and any impact on salinity is considered minimal.</p> |
| <p>6.3 Flood Prone Whether or not the proposed development is likely to have an impact on flood behaviour.</p> | <p>The site is shown on the Flood Planning Map, FLD005. On this map, the site is not effected by flood. We are advised that the flood level in AHD is 25.4 metres. This was provided by the councils engineering department at the pre-lodgement meeting. From the survey commissioned for the project we note that no part of the site is below the flood level. The proposed building has a floor level of 27.2 metres which represents 1.8 metres freeboard. The proposed external works do not involve the alteration of existing ground levels below 25.9 metres.</p> |
| <p>6.5 Land with scenic and landscape values</p> | <p>The site is identified as land containing “scenic and landscape values” on the Scenic and Landscape Values Map. The design has considered the visual impact of the development from major roads, identified heritage items and other public places. It is considered that the proposal is visually consistent with the immediate adjacent land</p> |

| | |
|---|--|
| | uses and will not impact the visual amenity of the area |
| 6.6 Servicing Whether or not the proposed development has access to services. | The site is connected to existing services with no demand placed on requiring additional services. |

5.4 **Penrith Development Control Plan 2010**

The Penrith Development Control Plan 2010 came into force on 10th December 2010. PDCP 2010 aims to provides an opportunity for Council to fulfil its' commitment to sustainability and creation of a Sustainable Penrith. The matrix (Part A) provides an outline of applicable Parts and Sections of the DCP that require address. Relevant sections of the Penrith DCP have been addressed as follows.

PART B – DCP PRINCIPALS

DCP Principles - The Principles and Objectives set out below should be addressed as part of any development application.

Principle 1 - *Provide a long term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.*

The proposed development considers the aims of the DCP, namely it promotes development which is consistent with Council's vision for the City of Penrith, considers the proposal in terms of its context, with a strong commitment to environmental protection, and considers Penrith Council's Strategic Plan. The proposal has also been considered in terms of sustainable development.

Principle 2 - *Achieve long term economic and social security.*

The proposal provides for economic benefits to the community through provision of Employment.

Principle 3 - *Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them.*

The proposal is not located within an area nominated to be of environmental significance. The value of the surrounding environment has been considered in regard to disposal of stormwater and on-site detention system design.

Principle 4 - *Enable communities to minimise their ecological footprint.*

The proposal incorporates responsible waste management, recycling and resource reuse.

Principle 5 - *Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.*

The proposal has taken into consideration the requirement for the development to consider all aspects of the natural environment in the design, including topography and the water cycle.

Principle 6 - *Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.*

The proposal has been considered in terms of its context, with consideration of existing characteristics, values and history.

Principle 7 - *Empower people and foster participation.*

This proposal will be advertised as required by Council to enable community participation, considers social impacts, and recognises the human need to connect with nature, with the community and has taken the concept into consideration in design development.

Principle 8 – *Expand and enable cooperative networks to work towards a common, sustainable future.*

The proposal does not prevent the achievement of this Principle.

Principle 9 - *Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.*

The proposal includes a Waste Management Plan, considers sustainable sources, considers life-cycle costs and considers the use of required technology and flexibility for future uses.

Principle 10 - *Enable continual improvement, based on accountability, transparency and good governance.*

The proposal does not prevent the achievement of this Principle.

PART C – CITY-WIDE CONTROLS

C1 – Site and Design Principles

The proposed development is a warehouse, showroom and office building in an area of similar buildings. It has been designed to maximise the amenity of the building occupants while creating no impact on neighbouring properties

A visual impact analysis has been provided in **Section 6.2**.

C2 – Vegetation Management

The proposal does not remove any existing trees or substantial vegetation.

C2.3 Bushfire Management

The site is **not** identified as ‘bushfire prone land’ on the Bushfire Prone Land Map.

C3 – Water Management

A Stormwater Drainage plan and Soil and Water Management plan provide additional water management measures.

C4 – Land Management

The proposal includes excavation of an area of the site adjacent to the western boundary. The extent of cut is approximately 100 cubic metres. The material will be reused for fill at the front of the site under the car park.

Clause 6.1 of Penrith LEP 2010 lists matters that must be considered before granting development consent for earthworks.

An erosion and sediment control plan has been provided.

The proposal proposes earthworks and therefore the following matters have been addressed:

- i) The location and extent of the earthworks on the site;

Comment: The earthworks are considered minimal, consisting of approximately 100m³ of excavated material.

- ii) Justification for the need to change the land levels in terms of the overall development;

Comment: The area of proposed excavation is used to create a level bench for the proposal. This bench level is consistent with the floor levels of the adjacent buildings as identified by the site survey. It is considered that having similar floor levels to the adjacent zero lot aligned building will minimise water ingress and structural issues for all the developments in the area.

- iii) The matters listed in Clause 6.1 of Penrith LEP 2010; and

Comment: Refer **Section 5.4**.

- iv) Any other impacts from the changed land levels as a consequence of the earthworks.

Comment: Consideration has been given to the impacts on stormwater and drainage for the proposal including provision of a stormwater design.

C5 – Waste Management

A temporary waste storage area has been located within the site for collection of construction waste. A Waste Management plan is included as part of this application.

Refer to Appendix 3.

C6 – Landscape Design

A landscape concept plan has been provided.

C7 – Culture and Heritage

The site is not in the proximity of a heritage item. Accordingly any impact on heritage items is considered negligible.

C8 – Public Domain

The design has taken into consideration the public domain (that is the private area of the development visible from the street) with any impacts considered minimal given the similarity of adjacent building uses.

C9 – Advertising and Signage

There is signage proposed for this building and site.

Refer to Drawings for additional information.

C10 – Transport, Access and Parking

A Traffic Report must be provided for applications required to be referred to the Roads and Traffic Authority (RTA) under Schedule 3, of SEPP (Infrastructure) 2007. The proposal relates to a development of less than 2200m² with a traffic generation capacity of less than 50 vehicles and a carparking capacity of less than 25 vehicles. This traffic generation capacity assumes 2 movements for each carparking space per day and up to 4 truck movements per day. The requirements of column 2 of schedule 3 is that “200 or more vehicle movements” would require a referral. We are of the opinion that neither a Traffic report or referral to the RTA is required.

C11 – Subdivision

Not applicable.

C12 – Noise and Vibration

The proposal is not a noise generating development. All warehousing activities are consistent with adjacent land users. It is expected that there will be no additional noise and vibration impact on neighbouring properties.

C13 – Infrastructure and Services

Of relevance to the application is the need to ensure existing infrastructure and services, including easements, are taken into account in siting and designing any proposed development. The proposal does not encroach on any existing easements.

D4 – Industrial Development

D.4.1. Key Precincts

The proposal is within Precinct 4: North Penrith.

D.4.2. Building Height

The proposal does not exceed 12 meters in height from existing ground levels.

The buildings in this precinct have an additional control of not being visually obtrusive when viewed from the Nepean River. The location of the building is on the eastern side of the industrial area and it is not directly adjacent to the Nepean and accordingly will not be visually obtrusive or have an adverse effect on the Nepean's scenic qualities.

In our opinion this meets the objections and controls of this section.

D.4.3. Building Setbacks and Landscapes

The proposal is to be set back from the street with a 4 metre wide landscaped area and a building setback in excess of 13 metres to allow for car parking at the front of the site. Landscaping design has been carried out by a council approved landscaping consultant.

This meets the objections and controls of this section.

D.4.4. Building Design

The proposal is a warehouse with zero lot alignment on the north, west and south sides. These elevations will be concealed by existing development and by future development to the west. Accordingly the eastern facade is the only visible facade and has been designed with the objectives and controls for this section in mind.

The proposal includes articulation of the front facade to incorporate an entry and access to the warehouse. This highlights the main pedestrian entry which is further emphasised by an entry canopy and a signage location integrated into the entry area. The office part of the building incorporates blade walls, sunshades, fenestration consistent with an office use, different colours/ finishes to provide a high quality presentation to the streetscape.

The main entry has been designed for universal access by the staff and public with graded access from an accessible car space, no steps, lift access and accessible toilets on the office and showroom level.

The loading area is within the building. The plant and equipment for the building is located behind louver screens on the ground floor or on the roof of the building set back from the street to limit its visual impact on public areas.

An elevation with proposed colours and finishes has been included in the drawings.

A building report for the energy efficiency measures required by Part J of the BCA is included in Appendix 5. The requirements of a star rating for the building are noted. It is the view of the client that the Part J compliance substantially addresses the star rating and it is expected that the consent would be conditioned to include the requirement for the additional review by an approved consultant to achieve this rating as part of the Construction Certificate documentation.

In our opinion the proposal meets the objectives and controls of this section.

D.4.5. Storage of Materials and Chemicals

The proposal is for a commercial furniture business. Accordingly, no external storage is proposed for this development. Similarly, the goods are generally not involved in process work such as painting or processing on site. A degree of assembly is carried out within the warehouse for items that arrive as packaged, disassembled components. Accordingly there is no chemical or painting as part of the proposal. Chemical use would be limited to small amounts of cleaning products used for general cleaning and the amounts will not exceed 100 litres of stocked product.

In our opinion the proposal meets the objectives and controls of this section.

D.4.6. Access and Servicing the Site

The proposal will be serviced by small and medium rigid trucks. It is expected that the traffic movements of trucks will be limited to 2 medium truck movements per day and 4 small trucks/ van movements per day.

Turning circles for these trucks have been shown in the drawing set. Loading of the trucks will generally occur within the warehouse or with the trucks backed up to the warehouse entry door.

The carparks have been designed to comply with AS2890. Pedestrian access for the public and staff carparking areas is largely separate from the area used by trucks.

Vehicle movements will generally occur during business hours. It is expected that trucks may use the site from 7:30am to 6:30pm Monday to Friday. Cars will use the site from 7:00am to 7:00pm Monday to Friday. Outside these hours will be occasional use for the site by the directors and owner of the business. It is expected that this would involve a maximum of 3 cars that would park in the enclosed Carpark and this activity may occur at anytime.

In our opinion the proposal meets the objectives and controls of this section.

D.4.7 Lighting

External lighting to the proposal will be limited to lights over each entry door (including the vehicle access doors), a display light on each item of signage and bollard lights in the Carpark. This lighting will be on timers and sensors to provide either display to limited hours or security. The lighting shall be located to minimise impact on neighbours and will not impact the use of the street by vehicles or pedestrians.

In our opinion the proposal meets the objectives and controls of this section.

PART C – CITY-WIDE CONTROLS

4. Noise

The works relate to provision of a Warehouse, Office and Carpark. This provision has been addressed in DCP Chapter C12 ‘Noise and Vibration’ above.

6 MATTERS FOR DISCUSSION

This section addresses those matters considered relevant to the Proposal.

6.1 DCP Variation for Parking

A variation to the DCP in relation to parking numbers is sought. The full parking requirements based on the building floor area is as follows:

| | | | |
|-----------|-------------------|-----------------------------------|---------------|
| Warehouse | 999m ² | 1 car space per 100m ² | 10 car spaces |
| Office | 297m ² | 1 car space per 40m ² | 8 car spaces |
| Showroom | 320m ² | 1 car space per 50m ² | 7 car spaces |

This gives a total required car space number of 25. The proposed is to provide a total of 22 spaces.

This was discussed in the pre-lodgement meeting and it was advised that this variation may be considered. The consideration should include detailed justification based on the proposed building use.

The justification for this variation is as follows:

- The proposal is for an established family run business where the staff numbers and expected growth is clearly defined. From this the required parking numbers can be established.
- As a family run business a certain amount of car pooling occurs resulting in a higher occupancy of each vehicle.
- The showroom part of the building is not generally used by the public other than by a pre-arranged meeting with the customers of the business. Typically, the showroom would be viewed by a maximum of 10 persons at a time. Persons viewing the showroom would arrive at the showroom coming directly from their own business premises. Accordingly a degree of car pooling from the customers would typically be expected.
- The client considers that 11 staff car spaces and 9 visitor car spaces would be more than adequate for the business use at the site. This would then allow for an additional space in the public accessible Carpark for disabled use. It would also allow for a disabled space to be provided within the staff Carpark on an informal basis.

It is in our opinion that this variation should be permitted.

6.2 Scenic Character and Landscape Values

The proposal involves the construction of a warehouse in an established industrial area. The industrial area boundaries the Nepean River. The proposal will be visible from Jack Williams Drive along its eastern elevation. For the present, the western extension will be visible but it borders existing industrial land. It would be expected that the western elevation would be concealed by future development of the site to the west. The plates included in the section provide an indication of the visual items in the areas.

PLATE 6 – Street view adjacent to the site to the immediate north.



PLATE 7 - Street view adjacent to the site to the immediate south.



PLATE 8 - Street view adjacent to the site directly opposite.

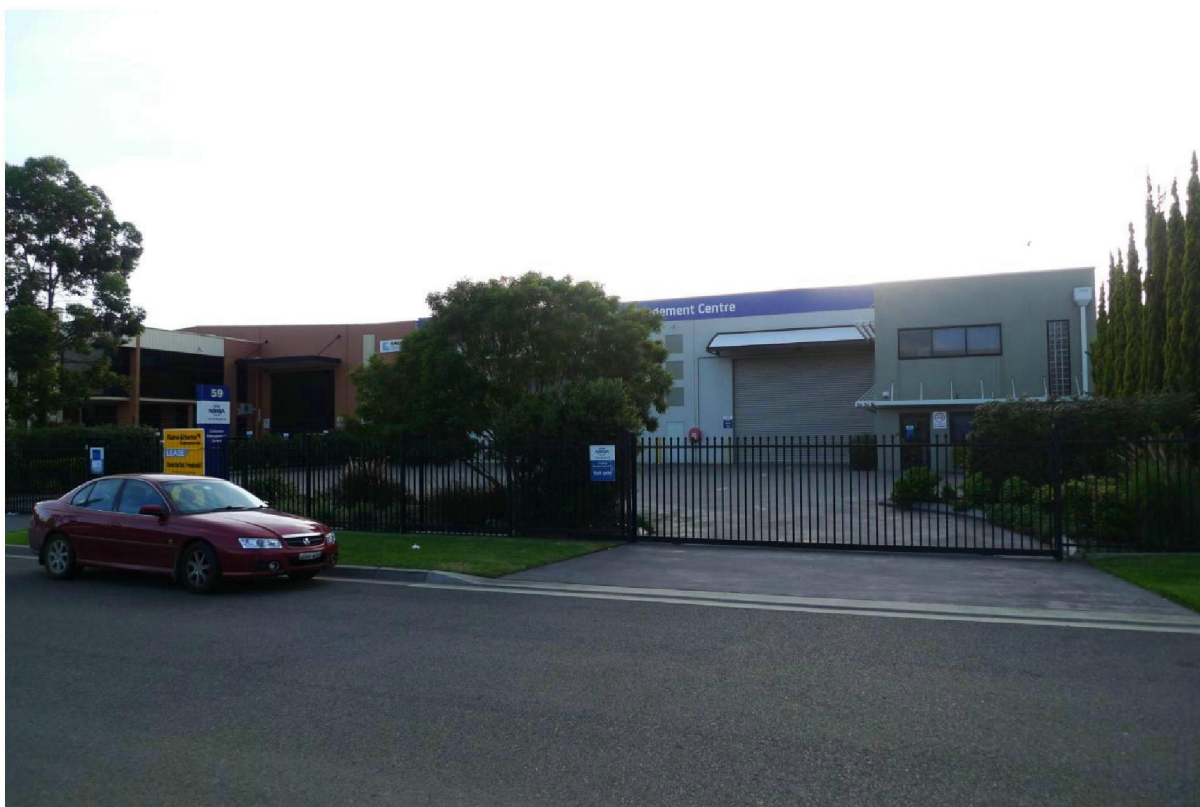


PLATE 9 - Street view adjacent to the rear of the site with a 12 metre high building



The proposal provides similar visual characteristics to the adjacent land uses. In our opinion the proposal has minimal visual impact as viewed from roads and public places.

6.3 Heritage

The proposal has no impact on any heritage items.

7 STATUTORY ASSESSMENTS

This section provides an assessment of the proposal against the relevant matters for consideration pursuant to 79C(1) of the Environmental Planning and Assessment Act 1979.

7.1 Section 79C(1)

This section provides an assessment of the proposal against the relevant matters for consideration pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979.

7.2 The Provisions of any Environmental Planning Instrument

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

The proposal is permissible with the consent of Council and complies with the relevant provisions of the Penrith LEP 2010 as outlined in **Section 5** of this Report. It is considered that the application is satisfactory in this regard.

7.3 The Provisions of any Draft Environmental Planning Instrument

Section 79C(1)(a)(ii) – The provisions of any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)

There is no draft Plan applicable.

7.4 The Provisions of any Development Control Plan

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

Section 5.4 provides comments regarding the application of the provisions of the DCP 2010. It is considered that the proposal satisfies the objectives and relevant standards of the DCP. It is therefore satisfactory and can be supported.

7.5 Planning Agreement or Draft Planning Agreement

Section 79C(1)(a)(iiia) – any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

There is no planning agreement applicable.

7.6 Matters Prescribed by the Regulations

Section 79C(1)(a)(iv) – Any matters prescribed by the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Pursuant to clause 92 of the Environmental Planning and Assessment Regulation 2000 all demolition work would be in accordance with the provisions of AS2601-2001 – The Demolition of Structures. It is considered that the application is satisfactory.

7.7 The Likely Impacts of the Development

Section 79C(1)(b) – The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

7.7.1 Natural Environmental Impact

The site is located in an area zoned 1N1 General Industrial and the locality is primarily industrial in character, containing a number of similar developments. It is our view that there will be no adverse natural environmental impacts in respect of:

- Water – water needs of the development include the provision of drainage and stormwater to connect to existing services.
 - Soils – an erosion and sedimentation control plan will be in place during the construction of the building. The excavation involves excavation of soil for re-use on site and consequently no effect of proposed works on soil quality, including for example, erosion, instability, salinity, acidity, or contamination.
 - Air Quality – there is little likelihood of pollution through the emission of dust, odours, and other airborne pollutants.
 - Flora and Fauna – no effect upon the maintenance of biodiversity or impact upon critical habitats, threatened species, populations, ecological communities or their habitats as confirmed in the Seven Part test.
-

7.7.2 Built Environmental Impact

The proposed building is considered to be in keeping with the character of the area. In our opinion the proposal is appropriate for the locality as it has no long term adverse impacts in respect of:

- Overshadowing – the proposal will not impact similar zero lot aligned buildings to the adjoining properties.
- Visual – The proposal is considered sympathetic to the locality.
- Acoustic privacy – There are no works proposed that would impact on properties within the immediate locality.
- Noise and Vibration – the proposal will not generate offensive noise or vibration.
- Heritage – the site is not located near a heritage item.
- Waste - little likelihood of pollution through waste generation, storage and disposal of wastes and litter.

- Energy Efficiency – The proposal will incorporate where possible energy saving measures, including energy efficient devices.
-

7.7.3 Social and Economic Impact

The proposal has the potential to provide positive social and economic benefits. Our review does not identify any adverse risk assessment, namely:

- Employment – The project will provide construction employment and permanent employment in the business.
- Public Safety and Security – The proposal removes currently vacant land which may be a security issue for adjacent properties.
- Social Impacts – It is not considered that the provision of a new business will result in adverse social impacts.

It is our view that it should therefore be supported.

7.8 The Suitability of the Site

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

The site is located within an industrial area and in a similar purpose to adjacent land uses.

In our opinion the proposal is satisfactory.

7.9 Submissions Received

Section 79C(1)(d) – Any submissions made in accordance with this Act or the regulations

The proposal will be subject to notification by Council and any submissions received will be duly considered by Council prior to determination of the proposal.

7.10 The Public Interest

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

In our opinion the proposal is in the public interest.

8 CONCLUSION

The proposal has been assessed having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 and relevant documentation.

Our assessment of the proposal demonstrates that the proposal has merit and should be approved by Council.

9 REFERENCES

PLANNING AND STATUTORY DOCUMENTS

- Environmental Planning and Assessment Act, 1979 (“EP&A Act”).*
- Environmental Planning and Assessment Regulation 2000 (“EP&A Regulation”).*
- Water Management Act 2000 (“WM Act”).*
- State Environmental Planning Policy 55 – Recondition of Land.*
- Penrith Local Environmental Plan 2010 (“LEP 2010”).*
- Penrith Development Control Plan 2010 (“DCP 2010”).*

Appendix No. 1

PRE-LODGMET MEETING LETTER

Our Ref: PL13/0033
Contact: Schandel Jefferys
Telephone: (02) 4732 8125

15 May 2013

Mr James Green
C/- P O Box 1039
GOULBURN NSW 2580

Dear James

**Pre-lodgement Meeting
Proposed Warehouse, Office & Showroom
60 Jack Williams Drive Penrith**

We welcome your initiative to commence your project in the Penrith Local Government Area.

Thankyou for participating in Council's pre-lodgement meeting on 2 May 2013. We consider that the pre-lodgement process will assist in the preparation and determination of your proposal.

If you require any further assistance regarding the attached advice please contact me on (02) 4732 8125.

Yours faithfully

Schandel Jefferys
Principal Planner

**** Important Note ****

The pre-lodgement panel will endeavour to provide information which will enable you to identify issues that must be addressed in any application. The onus remains on the applicant to ensure that all relevant controls and issues are considered prior to the submission of an application.

Information given by the pre-lodgement panel does not constitute a formal assessment of your proposal and at no time should comments of the officers be taken as a guarantee of approval of your proposal.

It is noted that there is no Development Application before the Council within the meaning of the Environmental Planning and Assessment Act 1979. This response is provided on the basis that it does not fetter the Council's planning discretion and assessment of any Development Application if lodged. It is recommended that you obtain your own independent expert advice.

The response is based upon the information provided at the time of the meeting.

PROPERTY AND PLANNING INFORMATION

| | |
|----------------------------------|---|
| Attendees | Proponent – James Green, Daniel Green and Andrew Randall. Penrith City Council - Schandel Jefferys (Planning), Charlie Caraballo (Engineering), Vanessa Muscat (Building) and Chris Martyn (Administration). |
| Proposal | Warehouse, Office & Showroom |
| Address | Lot 34 DP 1036699 60 Jack Williams Drive Penrith |
| Zoning and permissibility | The land is zoned IN1 – General Industrial under Penrith Local Environmental Plan (LEP) 2010. Any proposal must be permissible in the zone. Penrith Development Control Plan 2010 applies to development of this land. |
| Site constraints | The site is affected by: <ul style="list-style-type: none">• Section 88b Instrument – restrictions to user – copy provided at the pre-lodgement meeting• an easement 2m wide• contaminated land• flood related development controls. |

KEY ISSUES AND OUTCOMES

The proposal is to address the following issues:

RELEVANT EPIs POLICIES AND GUIDELINES

Planning provisions applying to the site, including permissibility and the provisions of all plans and policies are contained in **Appendix A**.

PLANNING

Key Issues

The following key issues must be addressed prior to lodging a development application with Council.

1. The maximum building height under LEP 2010 is 12m. This is measured from natural ground level.
2. Car parking is to be assessed based on both the rates provided in the DCP and based on the needs of the proposed use. The proposal should be broken down into the different uses within the building and then a car parking rate is projected. Council can accept minor variations to the DCP car parking rates but only if the application is supported by a statement which outlines the requirements of the proposed use. As the business is already operating within Penrith data should be available for car parking demand which can be used to support a minor variation to the DCP car parking controls.
3. As car parking is proposed for staff in the secure underground part of the building and for visitor externally there would need to be two accessible parking spaces provided. Please ensure the height of the

car parking under the building complies with accessibility requirements of AS1428 and AS2890.6.

4. Off street car parking can be provided in the front building setback area but only when the building itself is setback at least 13 metres and the parking is set behind a landscape area which is at least four metres wide. Please ensure the plans are revised to comply with these requirements.
5. Truck movements – need to provide truck turn path movements that demonstrate compliance with AS 2890. Trucks must be able to enter and leave the site in a forward direction. Details documenting how this is to be achieved must be provided with the application.
6. Safe access from parking spaces is to be accommodated on site.
7. The proposal must comply with the Access to Premises Standard, AS1428 and the Building Code of Australia.
8. Please ensure all the engineering plans and details discussed at the pre-lodgement meeting are addressed in your submission to avoid any unnecessary delays in processing this application.
9. Storage of goods and materials must be contained within the building at all times.
10. External materials and finishes should be detailed with the application and perspectives submitted. The use of natural earthy tones is preferred.

SITE PLANNING AND DESIGN

All relevant requirements of LEP 2010 are to be complied with and documentation is to demonstrate compliance. This include the following key issues discussed at the pre-lodgement meeting:

- The maximum building height under LEP 2010 is 12m.
- The site is land with scenic character and landscape values under clause 6.5 of LEP 2010.

The objectives of this clause are as follows:

- to identify areas that have particular scenic value either from major roads, identified heritage items or other public places.
- to ensure development in these areas is located and designed to minimise its visual impact.
- Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development from major roads, identified heritage items and other public places.

These requirements must be considered with regard to the building design, car park layout, landscape plantings. Any proposed signage must comply with these requirements.

- The land is identified as being in an area of visual or scenic importance in the DCP. As such a high standard of architectural and landscaping merit is required, in particular in presentation to both street frontages.
- Signage can be detailed as part of the DA and only one major sign will be permitted for the site in accordance with the DCP.
- A site analysis is required as well as a visual impact assessment (see category VIA 2). Please refer to DCP 2010. The building design should be developed after consideration of the VIA.

ENVIRONMENTAL

- As the site has previously been filled the application is to address any relevant requirements of State Environmental Planning Policy No. 55 – Remediation of Land.
- At this initial stage noise should be addressed in the statement of environmental effects. Please include details of any noise generating machinery or plant to be used on site.

SUSTAINABILITY REQUIREMENTS

- Non-residential developments with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star and 4.5 stars under the Australian Building Greenhouse Rating system, now part of the National Australian Built Environment Rating System (NABERS).
- A water management plan is required which needs to address:
 - Estimates future water needs of the proposed development;
 - Indicates the proposed water source to meet those needs; and
 - Outlines water conservation measures to be implemented.
- Water reuse on site will be required.

LAND MANAGEMENT

The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. Should remediation be required this will require development consent. The application is to demonstrate that the land is suitable for the proposed purpose.

LANDSCAPE DESIGN

A landscape plan prepared by a consultant on Council's approved register and with plantings consistent with the precinct theme of the industrial part and in accordance with the species lists and guidelines of the Landscape part of the DCP is required.

TRANSPORT, ACCESS AND PARKING

- Access to, from and throughout the site complying with RTA guidelines and AS 2890.1 and .6.
- Turning movements for heavy vehicles entering the site including loading/unloading and waste collection movements are to be provided with the application.
- Please submit details of parking in the statement of environmental effects.

ENGINEERING

Stormwater

- Stormwater drainage for the site must be in accordance with Council's Development Control Plan.
- A stormwater concept plan shall be submitted with the application.
- The stormwater concept plan shall be accompanied by a supporting report and calculations.
- A water quality treatment device shall be provided in accordance with

Council's Development Control Plan.

- Additional information may be obtained from Council's draft policy 'Stormwater Drainage for Building Developments' which is available from Council's website at the following link:
<http://www.penrithcity.nsw.gov.au/index.asp?id=3196>

Mainstream Flooding

- The site is affected by mainstream flooding from the Nepean River.
- The flood level for the site is 25.4m Australian Height Datum (AHD).
- All plans for the site shall have levels and details to AHD.
- The application must demonstrate that the proposal is compatible with the State Government Floodplain Development Manual and Council's Development Control Plan for Flood Liable Land.
- The application must be accompanied by a Flood Report prepared by a suitably qualified person.

Traffic

- The application shall be supported by a traffic report prepared by a suitably qualified person.
- The application must demonstrate that access, car parking and manoeuvring details comply with AS2890 Parts 1,2 & 6 and Council's Development Control Plan.
- The proposed development shall be designed to be serviced by a Medium Rigid Vehicle.
- The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.

Earthworks

- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.
- Earthworks and retaining walls must comply with Council's Development Control Plan.
- Proposed fill material must comply with Council's Development Control Plan.

BUILDING

- Fire services, emergency lighting, exit signs, fire extinguishers will be required.
- Fire hydrant required
- Disabled amenities to be provided as well as disabled car parking.
- The warehouse component is class 8, car parking class 7A and showroom/offices class 5 under the Building Code of Australia.
- A section J report should be submitted with the development application.

| | |
|--|---|
| <p>Documents to be submitted with development application</p> | <ul style="list-style-type: none"> ✓ Site plan ✓ Floor plan ✓ Elevation and section plans ✓ Statement of environmental effects including details of responding to potential visual impact ✓ Stormwater concept plan including water quality treatment ✓ Waste management plan ✓ Section J report ✓ Water management plan ✓ Landscape plan ✓ Traffic details including traffic generation, car parking and vehicle turning paths ✓ Schedule of external materials and finishes ✓ Six printed and a CD copy of your development application. <p>Please refer to Council's Development Application checklist, as attached, for further details of submission requirements and ensure that plans submitted illustrate consistent detail.</p> <p>Please ensure you contact Council's duty officer on 4732 7991 to make an appointment for lodgement of this application.</p> |
| <p>Fees</p> | <p>Please call Development Services Department's Administrative Support on (02) 4732 7991 to enquire about fees and charges.</p> |

Schandel Jefferys
Principal Planner

APPENDIX A

- SREP 20 – Hawkesbury Nepean
- SEPP 55 - Remediation of Land
- Penrith LEP 2010
- Penrith DCP 2010
- Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.

Appendix No. 2

LEP 2010 OBJECTIVES & ZONE OBJECTIVES

Appendix 2 PLEP 2010 Aims & Objectives & Zone Objectives

PLEP 2010 Aims

“Aims:-

- (1) This Plan aims to make local environmental planning provisions for land in Penrith in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
 - (2) The particular aims of this Plan are as follows:
 - a) To promote development that is consistent with the Council’s vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement,
 - b) To ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes,
 - c) To encourage development to be designed in a way that assists in reducing and adapting to the likely impacts of climate change,
 - d) To protect the environmental values and heritage of Penrith, including places of historic, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
 - e) To provide for an urban environment that is active, attractive and safe for residents and visitors,
 - f) To foster viable employment, transport, education and future investment opportunities that are suitable to the needs and skills of the residents and the workforce,
 - g) To protect views and vistas from main roads and other public vantage points,
 - h) To reinforce Penrith’s urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith’s rural lands and the social well being of its rural communities.”
-

ZONE IN1 General Industrial

1 Objectives of zone

- a) To provide a wide range of industrial and warehouse land uses.
- b) To encourage employment opportunities.
- c) To minimise any adverse effect of industry on other land uses.
- d) To support and protect industrial land for industrial uses.
- e) To promote development that makes efficient use of industrial land.
- f) To permit facilities that serve the daily recreation and convenience needs of persons working in industrial areas.

2 Permitted without consent

Roads.

3 Permitted with consent

Animal boarding or training establishments; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Light industries; Neighbourhood shops; Plant nurseries; Recreation areas; Sawmill or log processing works; Self-storage units; Signage; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres.

4 Prohibited

Hazardous industries, Offensive industries, any other development not specified in item 2 or 3.