

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0685
Proposed development:	Warehouse & Distribution Centre including Two (2) Tenancies (Site 2B, Precinct 2, Oakdale South Estate)
Property address:	1 Ottelia Road, KEMPS CREEK NSW 2178
Property description:	Lot 20 DP 1266034
Date received:	22 October 2020
Assessing officer	Lauren Van Etten
Zoning:	SEPP - (WSEA) 2009 - ZONE IN1 SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone
Class of building:	Class 7b
Recommendations:	Approve

Executive Summary

This Development Application seeks consent for the construction of a Warehouse & Distribution Centre including Two (2) Tenancies (Site 2B, Precinct 2, Oakdale South Estate). The new building will include ancillary office space, hardstand and circulation space for trucks, and parking for 211 cars. The site is known as Lot 20 DP 1266034 and is located within the Oakdale South Industrial Estate. The Estate is part of a State Significant Development approved by the Department of Planning and Environment (SSDA 6917). For the purpose of this assessment, the subject site is referred to as Site 2B as that is how the various lots are identified in the SSD.

Site 2B is located within the area covered by the SEPP (Western Sydney Employment Area) 2009 and is zoned IN1 (General Industrial). The proposed building and use is permissible in the zone, with consent.

The proposal complies with the specific requirements for the precinct, as approved by the SSD application, noting the detailed approval and construction of warehouses in Precinct 2 is not included in the approved development under SSD 6917

On 21 June 2018, Council's DCP was amended to incorporate changes to controls relating to the Oakdale South Industrial Estate. The DCP changes were a requirement of the SSD approval, to bring the DCP controls in line with the Minister's approval. The proposal complies with the amended DCP controls, which mirror conditions and drawings in the SSD consent.

While the cost of works is greater than \$30million, Council is the relevant consent authority for this DA for the following reason. The proposal is not 'regional development' under the SEPP (State and Regional Development) as the capital investment value (CIV) is less than \$30 million (before GST). The DA can therefore be considered and determined by Council staff in accordance with their delegations. In addition, the original SSD approval contains a declaration from the Minister that pursuant to Clause 89D(2), now referred to as Section 4.37 of the EP&A Act, the Council can determine any subsequent application for the purpose of a warehouse or distribution centre with a capital investment value of not more than \$50 million. Therefore, in this case, the proposal can be determined under delegation of Council and is recommended for approval.

In addition, Section 4.37 of the EP&A Act also states that subsequent stages of the development cease to be 'State significant development'. Therefore, in this case, the controls of the DCP apply and are considered in this assessment.

The Department of Planning has issued the Secretary's Certificate to confirm that satisfactory arrangements has been made for the provision of regional transport infrastructure and services. Therefore, the requirements of Clause 29 of the SEPP (Western Sydney Employment Area) 2009 have been met and the application can be determined.

Site & Surrounds

Lot 2B is part of the larger Oakdale South Industrial Estate, which is undergoing development from greenfield land to warehouse/industrial and employment uses. The subdivision of the estate has now been registered and public roads are open. While this subject DA is specifically for Lot 2B, which is located in the middle of the estate, there is a total of 6 lots/precincts that will contain 15 buildings. The majority of the lots have been developed already, with industrial buildings, i.e. DHL at Lot 5, Costco at Lot 4A, Toyota at Lot 3B and Sigma Pharmaceuticals at Lot 3A.

The site is approximately 48,800m², fairly rectangular in shape and relatively flat as the main building pad levels were established under SSD 6917.

To the south of Lot 2B is Precinct 4 and Precinct 5 with approved warehousing operations. To the east is vacant land which has been approved for industrial purposes (Jacfin Industrial Estate). To the west is a vacant site subject to a separate and concurrent application to Council for warehouse 2A.

Proposal

Consent is sought to construct and use (24/7) a warehouse and distribution facility split into two tenancies with a total area of 27,595 sqm, including:-

- (a) Warehouse 2B-1; Office 2B-1; and dock office 2B-1: 14,260 sqm.
- (b) Warehouse 2B-2; Office 2B-2; and dock office 2B-2: 13,335 sqm
- (c) hardstand areas (7,345sqm) for truck circulation and loading, including 16 docks
- (d) 211 car spaces, including 5 accessible spaces and 12 motorcycle/bicycle racks;
- (e) associated earthworks, signage and landscaping works, sprinkler tanks and pump rooms, and boundary fencing; and
- (f) Solar panels on the roof.

The GFA elements of this proposal, coupled with the other existing buildings within the estate, results in an estate wide GFA of 331,739 square metres. The GFA therefore accords with the SSD approval (as modified) which permits a total GFA of 335,317 square metres for Oakedale south as a whole. The proposed height accords with the SSD approval which permits a height of 13.7 metres. The two storey office element is lower in height than the warehouse building because of the lower internal floor to ceiling heights required for the office areas (relative to the space required for the warehouse use).

Plans that apply

- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- 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

Planning Assessment

- **Section 4.14 - Bushfire prone land assessment**

The site is identified as being on bushfire prone land. The submitted Fire Safety Strategy report outlines fire engineering principles that will be required to be resolved through a fire engineered Performance Solution in order to conform to the BCA. Suitable conditions in this regard are recommended.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, including the relevant state and regional planning policies. Those issues requiring further discussion are identified and considered below.

- **Section 7.12 - Developer Contributions**

The site and proposal are subject to Penrith City Council's City Wide Section 7.12 Development Contributions Plan for Non Residential Development. Based on the applicable rate under this Development Contributions Plan, the following development contribution applies to the proposal: 1% x \$32,560,255.00 (cost of construction works) = \$325,603.00.

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

State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Clause 104 of the SEPP (Infrastructure) 2007, the proposed development is a 'traffic-generating development' as the amount of new industrial floor space is greater than 20,00 square metres. Therefore, written notice of the application was forwarded to the Transport for New South Wales (TFNSW).

TFNSW responded on 7 April 2021 stating that they raised no objection to the application. It was noted that *"the settings on the software used to stimulate swept paths may need to be reviewed as many of the swept paths have sudden bumps and flare outs which is not realistic. The directional transition needs to be smooth in the swept path. However, As Council is the planning authority for this development it is up to Council to determine if the development risks raised by TfNSW are satisfied."*

The applicant responded to the concerns with the following comments:

- "• Width of driveways have been based on swept paths due to the proximity to the cul-de-sac. The access to both driveways are effectively restricted to access from the north.*
- The access driveway for Warehouse 2A is approximately 10m in width, and has been assessed utilising swept path analysis.*
- Similarly, the access driveway for Warehouse 2B is approximately 12m in width, and has been assessed utilising swept path analysis.*
- Sight distance has been assessed for both driveways. The cul-de-sac is effectively a dead-end, therefore sight distance has been assessed looking to the north only.*
 - In this case, Warehouse 2A can readily see all oncoming vehicles in both directions.*
 - The sight distance to is negated as there is no conflict point for Warehouse 2B. Notwithstanding, sight distance to the north can be readily achieved.*
- Furthermore, the reduced driveway widths provide a safe stopping point between driveways for pedestrians. This area of footpath would be removed if both driveways are 12.5m in width.*
- Based on the above, the driveway widths are considered appropriate and are supported on traffic planning grounds."*

Council's Development and Traffic Engineers reviewed the proposal and raised no objections subject to conditions, noting swept paths were provided, upon request, showing AV ingress and egress for emergency vehicles.

In addition, Clause 104 of the SEPP requires Council to consider the accessibility of the site, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, as well as the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail. The SEPP also requires consideration of potential traffic safety, road congestion or parking implications of the development.

In this regard, the road layout, gross floor area and permitted uses on the site have been endorsed as part of the State Significant Development approval. The proposed use and quantum of floor space accords with the SSD approval. The number of car parking spaces provided is more than the minimum required by the SSD approval. The subject DA includes a Traffic Impact Assessment which concludes that there is sufficient road capacity for the proposed development and that the proposal would have a negligible traffic impact.

In addition, staff and visitor parking and access to the warehouses is located off a separate driveway to the north and south of the site, which is accessed from the end of the cul-de-sac of Chelodina Street and Entolasia Close. Notwithstanding, a condition is recommended to restrict the use of the northern, southern and eastern car parking areas to cars only and not allow use by heavy vehicles.

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

Part 3 Development controls—Airport safeguards

Clause 21 - Wildlife hazards

The Aerotropolis SEPP contains a map that relates to wildlife buffer areas. This map is titled the "Wildlife Buffer Zone Map". The map shows that the subject site is within a 13 kilometre 'wildlife buffer zone' of the airport site.

The objective of Clause 21 is to regulate development on land surrounding the airport site where wildlife may present a risk to the operation of the airport. Certain types of development then trigger the requirements for further consideration under Clause 21. The proposed development is not one of the types of uses that warrant additional consideration under the SEPP with regard to wildlife and the operation of the airport.

Clause 24 - Airspace operations

The subject site is also identified as being located within the Obstacle Limitation Surface (OLS) Map area. Clause 24 of the SEPP relates to development that would penetrate the prescribed air space for the airport and be a 'controlled activity'. The proposed development does not penetrate the prescribed air space given the OLS height relative to ground level is 223.2m AHD whereas the proposal is a maximum height of 81.25m AHD. The proposed development is also not a controlled activity. Therefore the proposal does not trigger any additional considerations under this clause.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Clause 1 - Zone and Objectives: The site, and the whole of the Oakdale South Estate, falls within the area covered by the SEPP (Western Sydney Employment Area) 2009. Site 2B is zoned IN1 - General Industrial. The proposed use is defined as a 'warehouse or distribution centre' and is permissible in the zone with consent. With regard to the ancillary office spaces, these areas contain staff lunch, toilet and locker rooms, a reception, open plan office desks, and meeting rooms. This layout, connection to the warehouse, relative size, and specific uses in the office areas, are considered to be ancillary to the main warehouse facility. Therefore, the ancillary office spaces are also permissible within the zone as a dependent component of the main warehouse use.

The proposal meets the objectives of the zone because it will facilitate employment generating development and encourage employment opportunities near the M7 and M4.

Clause 18 - Requirement for Development Control Plans: A development control plan for the 'estate site' exists in the form of the approved SSD application. A condition on the SSD approval requires the applicant to submit to Council an amendment to the Penrith DCP 2014. The subsequent amendment to the DCP was endorsed on 21 June 2018. Part C10 of the DCP was amended to reflect the parking rates permitted by the SSD approval. Part E6 of the DCP, 'Erskine Business Park', was also amended to include specific controls for Oakdale South.

Clause 20 - ESD: A Sustainability Management Plan was provided and details will be certified at the Construction Certificate stage in accordance with the SSD condition requirements. Measures such as rainwater tanks for grey water, and energy efficient fittings are included.

Clause 21 - Building Height: The SEPP requires site topography and potential impact on adjacent residential areas to be taken into consideration. The adjacent area to the east of the site will be developed for industrial uses. The proposal provides a balance of cut and fill resulting in levels that are flush with the grades of adjoining roads and sites within the estate. The proposed warehouse will be no higher than 13.7 metres, which is permitted by the approved SSD. Therefore, the requirements of this clause are met.

Clause 22 - Rainwater Harvesting: The proposal includes rainwater tanks for grey water which will be used for landscaping and toilet flushing.

Clause 25 - Public Utility Infrastructure: Public utility infrastructure has been provided as part of the approved SSD application and a VPA exists to provide either works in kind or a monetary contribution to this effect.

Clause 26 - Development on or in vicinity of proposed transport infrastructure routes: The northern edge of the Oakdale South Estate is located near a proposed transport route, being the proposed Southern Link Road. The approved SSD took this infrastructure into account when determining building envelopes and proposed uses. With regard to Site 2B specifically, which is the subject of this application, it is not in the vicinity of the proposed major road as it is located more than 500 metres from that road. In addition, the quantum of floor space and parking proposed is in accordance with the amounts permitted by the SSD approval.

Clause 29 - Satisfactory arrangements for provision of regional transport infrastructure and services: In accordance with this clause, the application was referred to the Department. Written certification from the Secretary that satisfactory arrangements for regional transport infrastructure and services have been made was received on 1 March 2021. The Development Application can therefore be determined.

Clause 31 - Design Principles: The proposed warehouse is a simple, linear design with a low profile roof and the façade is broken up by using different colour metal clad panels and some vertical definition. The base elements of the warehouse are mostly heavier, more solid materials such as precast concrete panels, brick and 'Vitrapanel'. These are appropriate as they are used in small amounts and on the base of the building. The middle component of the warehouse is mostly profiled metal cladding (Colourbond) which is broken up by vertical elements of a different colour. The roof is a simple Zincalume sheeting. In addition, initially some finishes were shown in the elevations however not in the finishes schedule, i.e. timber battens. Amended plans provided consistency in this regard.

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) requires the consent authority to consider whether an industrial proposal is potentially hazardous or comprises a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out. The storage of dangerous goods is not proposed.

State Environmental Planning Policy No 55—Remediation of Land

Contamination issues were considered and resolved as part of the SSD application and approval, which concluded that the entire site would be fit for its intended purpose of warehouse and distribution facilities. No further investigation of Site 2B is warranted.

State Environmental Planning Policy No 64—Advertising and Signage

Under clause 8 of SEPP 64, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the aims/objectives of the Policy, and
- (b) that the signage satisfies the assessment criteria specified in Schedule 1 of the SEPP.

Signage details are provided below and within the Architectural Plans at Appendix A.

- S2 – 2x illuminated ‘Goodman’ building identification signage pylons at the Entolasia Close entrance and the south western edge of Warehouse 2B-1. The dimensions are 0.7m (wide); 3.5m (high) and 0.7m deep.
- S3 – 2x illuminated truck wayfinding pylon signs at the Entolasia Close entrance and south western edge of Warehouse 2B-1. The dimensions are 1.4m (wide); 2.8m (high) and 0.7m (deep).
- S4 – 2x illuminated car wayfinding pylon sign at the Entolasia Close and Chelodina Street entrances. The dimensions are 1.4m (wide); 2.1m (high) and 0.7m (deep).
- S6 – 2x illuminated ‘Goodman’ signage flush to building on the northern façade of Warehouse 2B-2 and the southern façade of Warehouse 2B-1. The dimensions are 2m (wide) and 2m (high).
- C – 2 x non- illuminated tenant signs flush to building on the northern façade of warehouse 2B-2 and southern façade of Warehouse 2B-1. The dimensions are 11m (wide) x 2.2m (high).

The approved SSD allows one illuminated sign on each elevation of each warehouse building. The proposal has taken this into account by providing signage on only two elevations of the building, one facing each street frontage.

Regarding the way finding signs proposed, all these sign types are within the signage strategy assessed under SSD 6917. However, clarification was sought from the applicant as to whether so many way finding signs were required and whether the number is appropriate to the streetscape and reduces clutter as per Schedule 1 of the SEPP. The following response was received from the applicant:

“To ensure a holistic presentation of the precinct, signage consistency is important. The signage strategy for Lot 2A & 2B mirrors that implemented throughout Oakdale South.

• As there are a number of warehouses within the Oakdale South Precinct, adequate wayfinding signage is vital for the efficient operation and navigation by tenants and visitors around the precinct.

• Goodman have a standard signage strategy for its warehouses across NSW and Australia, which includes the 3.5m ‘S2’ sign for building identification. Much time has been spent by Goodman’s marketing team to appropriately size the ‘S2’ sign to be correctly proportioned to not ‘get lost’ against the scale of the warehouses. As the warehouses have a height of 13.7m, reduced sizing would reduce the effectiveness of the sign.

• All warehouses within the precinct are identified by a 3.5m ‘S2’ pylon sign. For consistency, it would be irregular to single Lots 2A and 2B as the only warehouses within Oakdale South to not have the ‘S2’ sign

• It should be noted that as Oakdale South and Lot 2A & 2B is located on a cul-de-sac with no through road access for passing traffic, the signs will only be viewed by Oakdale tenants and visitors, who need them for wayfinding purposes.

• The ‘S2’ signs for 2A(1)(2)&(3) are located, consistently with other warehouses, adjacent to the associated office. Goodman may consider relocation if Council suggests a more appropriate location.”

In light of the above rationale it is considered the proposed signs will not be out of context for the locality or intended purpose. They are subservient to the host building, and do not obstruct or conceal any architectural features of the building or obstruct any views. The proposed signs are considered to meet the aims and objectives of SEPP 64.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The aim of this planning policy is to protect the environment of the Hawkesbury-Nepean River system.

Water quality provisions will be met through implementation of soil and water management measures.

Suitable conditions referring to this and the submitted Soil and Erosion Plan submitted with the application are recommended.

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 - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies
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
E6 Erskine Business Park controls	Complies - see Appendix - Development Control Plan Compliance

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

The proposed development complies with the Regulations where they are relevant. The building is capable of complying with the BCA.

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

Section 4.15 of the Act requires consideration of the likely impacts of the development, including consideration of any environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

In this regard, the proposal will provide further employment and warehouse floor space in a suitably zoned area and this will have positive social and economic impacts.

With regard to impacts on the natural and built environments, the SSD application was accompanied by a Development Control Plan, specific to the entire Estate. The SSD approval includes specific built form parameters which guide future development on the site, including a requirement to amend the Penrith DCP. This amendment has now occurred. These conditions on the SSD will therefore inform whether the development will have adverse impacts on the natural and built environments. The relevant conditions/aspects to be considered are:-

- (a) The warehouse is setback from the public access road;
- (b) The building height is set at 13.7m having regard to visual impact to the adjoining land to the east beyond the estate;
- (c) Site coverage is 56%, which is within the SSD permitted 65%;
- (d) Adequate on site parking is provided;
- (e) Bicycle parking, shower rooms and lockers are provided for staff, as shown on the amended plans;
- (f) Landscaping in the setback areas will be provided;
- (g) Parking and truck movement requirements have been discussed above under the SEPP (Infrastructure) and the restriction of heavy vehicle movements is away from the car parking entry and movements; and
- (h) The submitted traffic report concludes that the newly created roads and intersections will have the capacity and capability to carry the extended vehicle movements for the proposed use.

With regard to Penrith DCP 2014, Clause 11 of the SEPP (State and Regional Development) 2011 states that Development Control Plans do not apply to either State Significant Development, or development for which a Council is the consent authority under Section 4.37 of the Act. Reference to Section 4.37 has been made in the Executive Summary of this report. However, Section 4.37 also states that subsequent stages of a concept SSD application cease to be 'state significant development' which means that the Council's controls would apply. In this case, consideration of the amended controls in the Penrith DCP 2014 has been carried out.

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

The site is suitable for the proposed use, given that the land is zoned to allow warehouse and distribution facilities and that this use accords with the aims and objectives of the SEPP (Western Sydney Employment Area). The position and envelope of the warehouse on Site 2B is in accordance with the SSD approval in terms of height, setbacks and landscaped buffer zones.

Section 4.15(1)(d) Any Submissions

Community Consultation

The application has been notified in accordance with Council's policy between 9 November 2020 and 23 November 2020. 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
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 4.15(1)(e)The public interest

The proposed development will increase employment and provide suitable areas for warehouse uses, which is in accordance with the needs identified for this site and area. The proposal is therefore in the public interest.

Section 94 - Developer Contributions Plans

Section 7.11 contributions do not apply to this development because the original SSD approval was the subject of a Voluntary Planning Agreement to provide regional infrastructure as works in kind.

Conclusion

The proposal will result in the vision for the site being met through a suitable and desired land use. The development complies with the requirements of the SSD approval and the SEPP (Western Sydney Employment Areas) 2009. The Secretary of the Department of Planning has certified that satisfactory arrangements have been made to provide regional transport infrastructure and services. The proposal is therefore acceptable, is recommended for approval subject to conditions, and can be determined.

Recommendation

That DA20/0685 for the construction and use of a warehouse and distribution centre on Site 2B of the Oakdale South Estate, at 1 Ottelia Road, Kemps Creek, be approved subject to the following conditions.

General

1 A001

The development must be implemented 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 stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan/Floor Plan	SBA Architects	19146	25/09/20	E
Signage Plan	SBA Architects	19146	28/09/20	D
Roof Plan	SBA Architects	19146	29/09/20	D
Floor Plan 2B-1	SBA Architects	19146	28/01/21	E
Floor Plan Office 2B-2	SBA Architects	19146	28/01/21	F
Floor Plan Dock Office 2B-1 & 2B-2	SBA Architects	19146	28/01/21	C
Elevations & Section Warehouse 2B-1 & 2B2	SBA Architects	19146	28/01/21	C
Elevations - Office 2B-1	SBA Architects	19146	28/01/21	C
Elevations - Office 2B-2	SBA Architects	19146	28/01/21	C
Landscape Plan	Site Image Landscape Architects	000-104	26/03/21	E
Landscape Detail Plan	Site Image Landscape Architects	201	10/02/21	C
Landscape Details	Site Image Landscape Architects	501	03/09/20	A
Siteworks and Stormwater Drainage	AT&L	20-781-C210-20-781-C211	26/04/21	C
Siteworks and Stormwater Drainage	AT&L	20-781-C212-20-781-C213	29/01/21	B
Civil Works Package	AT&L	20-781-C201 to 20-781-C206 and 20-781-C220 to 20-781-C245	02/09/20	A
Earthworks and Stormwater Diversion Plan	AT&L	C5041	10/11/17	4
Swale Longitudinal Sections	AT&L	C5096	10/11/17	2
Waste Management Plan	SLR Consulting Australia Pty Ltd	610.30093.00100-R02	08/10/20	3.0

2 A015 - SITE TO BE REGISTERED ALLOTMENT

Prior to the issue of an Occupation Certificate, the land to which the development consent relates shall be registered at LRS as a separate lot in accordance with consent number SSD 6917 (as amended) and documentary evidence provided to the Certifying Authority and a copy forwarded to Penrith City Council.

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

4 A026 - Advertising sign (not for residential)

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

5 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The approved operating hours are 24 hours, every day.

6 A030 - No retail sales

No retail sale of goods shall be conducted from the subject premises.

7 A032 - Goods in buildings

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

8 **A038 - LIGHTING LOCATIONS**

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997) and AS/N21158.3:1999 Pedestrian Area (Category P) Lighting.

9 **A039 - Graffiti**

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

10 **A041 - CONSTRUCTION IN BUSHFIRE AREAS (AMENDED)**

The warehouse shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection Guidelines" (2019) and the Fire Safety Strategy, prepared by Affinity Fore Engineering, dated 30/09/2020.

11 **A046 - Obtain Construction Certificate before commencement of works**

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

12 **A Special (BLANK)**

The approved signage illumination shall not flash or contain moving elements. Any wiring or installation shall be contained wholly within the body of the signage. The illumination shall contain a means of lowering the intensity and brightness of the luminance, and if so directed by Council, the intensity of the illumination shall be reduced after 9.00pm so as to not cause a nuisance to surrounding occupiers.

13 **A Special (BLANK)**

The landscaping proposed and required by both this development consent, and the approval for SSD 6917 (Conditions E61-E65) shall be completed prior to any Occupation Certificate being issued for warehouse 2B. In particular, the landscaping in the eastern setback area is to be completed and maintained thereafter. A cyclical landscape maintenance plan is to be submitted and endorsed by the Certifier prior to any Occupation Certificate being issued. The landscaping is to be maintained in a healthy state, in accordance with the approved plan (and SSD approval). If any of the vegetation dies or is removed, it is to be replaced.

14 **A Special (BLANK)**

No external mechanical plant, including air conditioning units have been approved as part of this development consent. A separate application is to be submitted for any external mechanical plant that is not Exempt or Complying Development.

15 **A Special (BLANK)**

The northern, southern and eastern hard stand parking and access area is only to be used by cars.

16 **A Special (BLANK)**

The onus is on the landowner and the Principal Certifier to ensure that all obligations of the Planning Agreement between the landowner and the Minister are met.

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

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Car Parking

- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare and provide only downlights.

Building Security & Access

- Control intercom, code or card locks or similar must be installed for all entries to the buildings.
- Australian Standard 220 door and window locks must be installed.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended).
- Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored alarm system must be installed.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls, etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities. All outdoor furniture and equipment must be stored away after hours.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

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

All required retaining walls and boundary fencing shall be at the full cost of the property owner/developer. All retaining walls shall be of masonry (or similar) construction (not timber). The materials and colours of any retaining walls and fencing shall match or complement the external materials of the approved warehouse. Any fencing within front setbacks are to be open-style, decorative and located behind the landscaping. Details regarding the precise finishes are to be provided to Council for approval prior to the issue of a Construction Certificate.

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

The approved development, the subject of this development consent, is not to contravene the State Significant Development consent 6917 (as modified) or the relevant Planning Agreement. The onus is on the landowner and proponent to ensure that the SSD 6917 conditions and Planning Agreement obligations are met.

Environmental Matters

20 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed prior to the commencement of works and are to be maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

21 [D002 Spraygrass](#)

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

22 [D009 - Covering of waste storage area](#)

All construction 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 are to be fully enclosed when the site is unattended.

23 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other construction wastes generated as a result of the development 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.

24 **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.

25 **D015 - Spill prevention & clean-up procedures**

Prior to any Construction Certificate being issued, a plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted for approval. The approved procedures plan shall be implemented in the event of a spill or emergency. In addition, an Environmental Protection Practice Plan is to be developed, specifically to deal with spills of hazardous substances.

26 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

27 **D030 - Air handling system**

Any liquid discharge from the air handling system, resulting from operation, maintenance and/or cleaning operations, are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

28 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling 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 Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person 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.

An appropriately qualified person/s shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

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.

{Note: an appropriately qualified person is defined 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."}

29 **D131 - Approved noise level 2**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Oakdale South Industrial Estate Lot 2B DA Noise Impact Assessment prepared by SLR and dated 26/10/2020.

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

30 **D - Dust**

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

31 **D Special (BLANK)**

As required by Condition E51 of the SSD 6917 approval, the applicant is to submit a Sustainability Management Plan prior to the issue of the Construction Certificate for the warehouse building in accordance with that condition. This shall reflect the recommendations within the Sustainability Report prepared by SLR, version 1, dated October 2020 insofar as it is consistent with the requirements of Condition B17 of the SSD 6917 approval.

32 **D Special (BLANK)**

The visible light reflectivity from building materials used in the facades of the building shall not exceed 20% and shall be designed so as to minimise glare. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

33 **D Special (BLANK)**

The applicant shall implement the recommendations outlined in the Salinity Management Plan prepared by Pells Sullivan Meynink, reference PSM 1541-113L Rev 3, dated 9 September 2015.

34 **D Special BLANK**

All mechanical plant and equipment is to comply with the noise criteria outlined in Oakdale South Industrial Estate Lot 2B DA Noise Impact Assessment prepared by SLR and dated 26/10/2020.

Prior to the issue of the Occupation Certificate, a Compliance Certificate, prepared by a suitably qualified acoustic consultant, is to be submitted to the Principal Certifying Authority. The Certificate is to certify that all mechanical plant and equipment has been installed to comply with the above information and the established noise criteria.

BCA Issues

35 **E006 - Disabled access and facilities**

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

36 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

37 E01A - BCA compliance for Class 2-9

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Utility Services

38 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.

39 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.

40 G006 -

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

41 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

42 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 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.

43 [H041 - Hours of work \(other devt\)](#)

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

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

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

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

Engineering

44 [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.

45 [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) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings). The Entolasia Close crossover width shall be in accordance with swept path plan by Ason Group, Drawing No. AG02, Dated 26/03/2021.
- b) Concrete footpaths and/or cycleways
- c) Road opening for utilities and/or stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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

Contact Penrith City Council's 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.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

46 **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 At&L, reference number 20-781, with the dates and revisions referred to within Condition 1 of this consent.

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.

47 **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, AS 2890.1, AS 2890.2 and AS 2890.6.

48 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

49 **K228 - Dilapidation Report**

The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development then the dilapidation report shall be submitted to Council prior to the issue of any Construction Certificate and then updated and submitted prior to the issue of any Occupation Certificate confirming no damage has occurred.

50 **K301 - Sediment & Erosion Control**

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

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

51 **K403 - Major Filling / Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority / Superintendent in consultation with the Principal Certifier.

52 **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.

53 **K504 - Stormwater Compliance**

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

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

54 **K505 - Restriction on the Use of Land 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.

55 **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.

56 **K601 - Stormwater Management System Operation and Maintenance**

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

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

57 **K - Waterways - Stormwater Management – GPT Design**

Prior to the issue of a Construction Certificate, the following information is to be submitted to Council for review and approval:

- Details of the proposed GPT shall be submitted so that considerations of the life cycle costs can be made.
- A detailed operation and maintenance manual which includes estimated costing.
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application
- The GPT unit must be a CDS 1015 unit or an approved equivalent.

58 **K Special Condition BLANK**

Prior to the issue of Construction Certificate, the certifier shall ensure that consultations are undertaken with Fire & Rescue NSW and approval for emergency vehicle access and egress from site is obtained. A copy of final approval from F&R NSW shall be submitted to Council.

59 **K Special Condition BLANK**

Prior to the issue of Construction Certificate, the certifier shall ensure that the sight distances from the proposed vehicular crossings to vehicles on Chelodina Street and Entolasia Close are in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

Landscaping

60 **L001 - General**

All landscape works are to be constructed in accordance with the approved plans and Sections C2 "Vegetation Management" and C6 "Landscape Design" of the Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

61 **L002 - Landscape construction**

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

62 **L003 - Report requirement**

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a suitably qualified and experienced landscape professional.

63 **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 the Penrith Development Control Plan 2014.

64 **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.

65 **L Special (BLANK)**

Additional landscaping shall be provided as a buffer between the eastern car park and the existing swale in accordance with the objectives and controls within Part E6 of the DCP for Oakdale South. Details in this regard shall be shown on the Construction Certificate plans.

Development Contributions

66 **N002 - Land dedication under Section 94**

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$325,603.00 is to be paid to Penrith City 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 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 Section 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Non-Residential Development 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.

In addition, given the the proposed cost of carrying out the development is greater than \$750,000, a cost summary report is provided by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors in accordance with Section 3.2.3 of Council's Section 7.12 Contributions Plan for Non-Residential Development. The cost summary report is also required prior to the issue of a Construction Certificate.

Certification

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

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

68 **Q06F - 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/or if 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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 - Site Planning and Design

A recent modification to the SSD considered Council's CPTED concerns regarding the car park along the eastern side and the lack of passive surveillance afforded from the warehouses. The urban strategy submitted with the SSD stated that polycarbonate panels are to be used selectively to allow light to spill into and out of the warehouses, adding articulation and providing greater safety and interest at night. The applicant was requested to consider the incorporation of such panels for greater safety. The applicants response is detailed below:

"The eastern elevation of Lot 2B has been updated to include additional detail to enhance articulation and visual interest. It is however noted that while other elevations are viewable from the public domain, the eastern elevation is not. Polycarbonate façade treatment was not considered on the eastern elevation as this aspect would be subjected to unacceptable morning heat load with minimal shading to limit impacts. It is therefore inappropriate to be included in the east elevation. It's noted that the polycarbonate panels are opaque and won't therefore provide visibility through the warehouse which may provide surveillance benefit. (The paneling is not able to be clear due for security reasons)."

In light of the above rationale polycarbonate is not considered feasible given the orientation and impacts to thermal load and energy efficiency. Recommended conditions of consent will ensure that CCTV cameras and appropriate lighting are installed in the car parking area to assist with passive surveillance and safety through design.

C2 - Vegetation Management

The SSD approved the removal of some vegetation and required additional planting around the eastern edges of the estate to provide a buffer to surrounding adjacent land. While this application includes some additional landscaping, the primary landscaping along the eastern (buffer) was already approved by the SSD. The approved landscaping plans were provided, as requested as part of the assessment, in order to understand what is intended for the 16.98m eastern landscaped setback.

The applicant noted that the landscaped setback acts as a swale and is predominantly rock. This is in contrast to the approved landscape plans and inconsistent with the control in Section E6 of the DCP to provide a 10m wide landscape setback along the entire length of the eastern property boundary. A recommended condition of consent can ensure the estate wide landscaping is completed prior to the issue of an Occupation Certificate. In addition, a condition can also require additional embellishment between the swale and the car park, particularly to screen the car park from properties to the east.

In accordance with Section 6.9.1 of Part E6 of the DCP, landscaped areas are to provide functional areas of planting that enhance the presentation of a building; to screen undesirable views and contribute to the overall character of the locality. Concern was raised regarding the small tree species that had been proposed as their ultimate canopy cover potential was not relative to the scale of the building for screening purposes as per the objectives above. In response the applicant noted that the frontage shall consist of *Corymbia maculata*, which reach a maturity of 15 metres tall and 7 metres wide. These are appropriate scaled species to provide good screening. The landscape plans were amended, including large *Corymbia Maculatas* trees to provide additional softening to the built form.

Concern with the use of rail ballast was also raised during the assessment given its potential to heat. It was requested this be removed from the landscape plan and replaced with soft landscaping. However the applicant noted that the ballast reduced water requirements of the precinct and is drought resistant, and therefore preferable over soft landscaping in certain portions of the site. Notwithstanding, the revised landscaped plan did substantially reduce the amount of ballast particularly surrounding the pump room and sprinkler tank. Areas that were

previously turfed were also replaced by a planting palette i.e. groundcovers to provide functional areas of planting. For the above reasons, the limited incorporation of rail ballast was considered appropriate for water efficiency reasons.

The pump room and sprinkler tank, located the entry driveway to Entolasia Close, required additional planting to assist in screening this infrastructure. Other warehouses in the Oakdale South Estate either have screening or more landscaping around the edges of their sprinkler tanks and pump rooms. The landscape plans were amended in this regard and considered satisfactory.

C3 - Water Management

Initially confirmation was sought that the existing swale along the southern boundary was designed to capture & cater for flows from upstream properties and wholly accommodate the 1%AEP design storm event. Additional information from the SSD was then provided that confirmed building pads are at significant freeboard from 1% AEP level in the adjoining swale. Additional stabilization measures were also proposed along the catch drain corridor as well. Council's Development Engineer reviewed the amended information and raised no objections subject to conditions of consent.

C10 - Transport, Access and Parking

The DCP includes specific parking rates for Oakdale South Industrial Estate as part of the table to Clause C10.2 - Car Parking Rates. The required car parking spaces of 1 space per 300 square metres of warehouse GFA, 1 space per 40 square metres of office GFA and 2 accessible spaces for every 100 car parking spaces. In addition, underground or basement parking is not permitted. This accords with the requirements of the SSD approval.

The proposal complies with this control as every car space is above ground and at grade. A total of 126 car parking spaces would be required using the DCP rates with 27,595m² of warehouse and 1650m² of office space. A total of 211 car parking spaces are proposed, which complies with this control.

E6 Erskine Business Park

Generally, the amendments to Part E6 of the DCP on 21 June 2018 bring the controls in line with the conditions of the SSD approval. The table below provides a summary of the specific and relevant controls for Oakdale South, the proposal and its compliance:-

Control	Proposal	Compliance
Minimum allotment size is 5000 m ²	48,800m ²	Yes
Minimum lot width at building line to be 35m	130m to Chelodina Street	Yes
Maximum height is 15m	13.7m	Yes
Site coverage not to exceed 65%	56%	Yes
Setback to Southern Link Road to be 20m	N/A as Site 2B does not have a frontage to this road	N/A

Setback from estate roads to be 7.5m	7.5m	Yes
Side boundaries within the Oakdale Estate can be 0m (with fire rating)	The building is setback over 30m whereas the hardstand setback is 1m.	Yes
Boundary setback along southern property boundary needs to be at least 30m	N/A as Site 2B does not have a boundary here	Yes
Boundary setback along eastern property boundary needs to be at least 10m	The building is setback 30m	Yes
Setback from Transmission Line Easement to be 8m	860m	Yes
One illuminated sign permitted on each elevation, oriented away from residential receivers	1 illuminated sign proposed along the northern and southern elevation, orientated to road	Yes

Section 6.9.1 of Part E6 requires a 7.5m building setback and a 50% landscape setback (3.75m) to all internal roads. A 7.5m building setback and 3.75m landscaping setback is largely achieved at Chelodina Street and Entolasia Close. There is a minor incurrence on the Chelodina Street frontage, with some sections of the covered walkway incurring on the 7.5m setback. However, this is managed through an exceedance in setbacks to the north and south, where the full 7.5m building setback is wholly landscaped exceeding the minimum requirement.