

75-87 Dunheved Circuit, St Marys

Statement of Environmental Effects

Client: EMKC

Date: 13 December 2021

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Date	13 December 2021
Version	Final V2

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Elton Consulting on behalf of EMKC Pty Ltd. (the client) to support a Development Application (DA) for remediation and construction of an industrial development at 75-87 Dunheved Circuit, St Mary's (the Site).

This SEE has been prepared under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) as well as the requirements of Penrith City Council (Council). It includes a detailed description of the site and the proposal, and an assessment of the proposal against the relevant matters for consideration under Section 4.15 of the EP&A Act.

This SEE is based on, and to be read in conjunction with, the accompanying documentation listed in **Table 1** below.

Table 1 Supporting Plans and Documentation

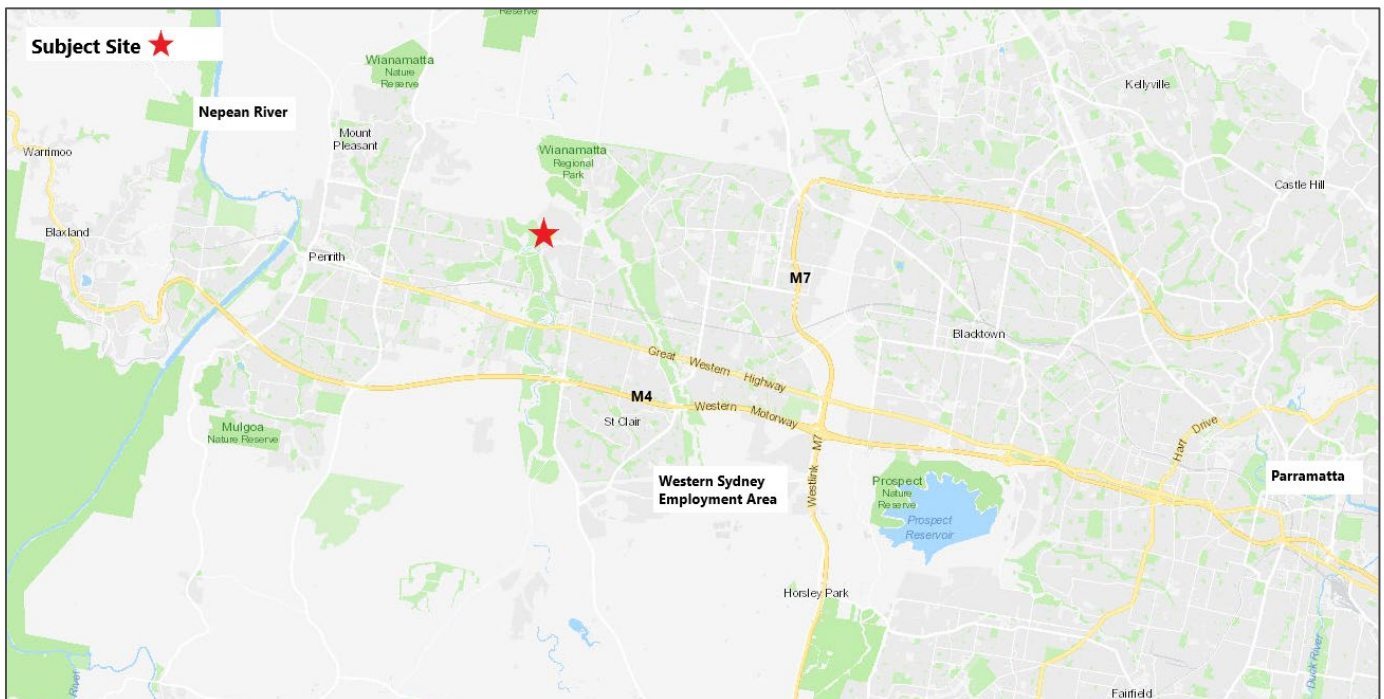
Document	Prepared by	Date
Architectural Plans	EMKC	29.09.2021
Visual Impact Photomontages	Geoscapes Landscape Architects	05.08.2021
Bushfire Assessment Report	Cool Burn Fire and Ecology	27.04.2021
Clause 4.6 Variation Request	Elton Consulting	21.05.2021
Biodiversity Development Assessment Report	Eco Planning	18.05.2021
Environmental and Geotechnical Site Assessment	WSP	03.05.2021
Landscape Plans	Geoscapes Landscape Architects	14.10.2021
QS Report	Berkowitz & Associates Quantity Surveyors	14.05.2021
Civil Drawing (inc. Sediment and Erosion Plan and Stormwater Plans)	Van de Meer Consulting	12.10.2021
Traffic and Car Parking Impact Assessment	EB Traffic Solutions	07.10.2021
Waste Management Plan	SALT	21.04.2021
Remediation Action Plan	EP Risk	07.09.2021

2 Site analysis

2.1 Site description and context

The Site is located in St Marys, within the Penrith Local Government Area (LGA) and is zoned IN1 – General Industrial. The Site is situated approximately 50km west of the Sydney CBD, 28km west of Parramatta and 30km northwest of Liverpool. The Site is within close proximity to transport infrastructure routes being 4.8km to St Marys Station, as well as sharing direct links with the wider regional road network, including Richmond Road, the Great Western Highway and the M4 Motorway to the south (see **Figure 1**).

Figure 1 Site context



Source: ePlanning Spatial Viewer, 2021

The proposed DA relates to 75-87 Dunheved Circuit, St Marys (legally described as Lot 2 DP1175850), see **Figure 2**. The Site is irregular in shape, relatively flat and comprises a total area of 4ha.

The Site has an approximate elevation between 23m to 26 m Australian Height Datum (m AHD) and slopes gradually from Dunheved Circuit to the east, to the western portion of the Site.

To the south-eastern corner of the Site, there is a small patch (0.08 ha) of the Threatened Ecological Community River-flat Eucalypt Forest and the vulnerable species *Grevillea juniperina subsp. juniperina* (Juniper-leaved Grevillea).

Figure 2 Aerial identification of the Site



Source: Sixmaps 2021

The proposed works relate to the southern portion of the site, comprising a total area of 2.02ha (see **Figure 3**). The subdivision of the site is currently being pursued under a separate Development Application (DA21/0013).

Figure 3 Development site



Source: Sixmaps, 2021

The north eastern corner of the site is currently used as a carpark for the northern adjoining Jaybro Geosynthetics storage yard. Aerial imagery indicates that the remaining land (subject of this DA) has been mostly vacant since 2009, except for the occasional storage and parking of cars for short periods of time (primarily from 2019-2020).

The Site supports mostly cleared land with sparse vegetation along the eastern and southern boundaries. An unnamed 1st order watercourse is located approximately 20m south of the Site; the watercourse feeds into South Creek, located some 400m west of the Site.

Figure 4 Street view of development site




Source: Google maps, 2021

2.2 Surrounding development

The Site is located within an industrial/commercial area with surrounding properties predominantly used for warehouse, office and light industrial purposes. No current residential properties are identified within 500m of the site. Immediately adjacent land uses are identified below in **Table 2**.

Table 2 Adjacent land uses

<p>To the North: The Jaybro Geosynthetics storage facility is located directly north. Beyond, there are further commercial/industrial allotments.</p>	<p>Figure 5 Jaybro storage facility north of the Site</p>  <p>Source: Google Maps, 2021</p>
<p>To the East: Dunheved Circuit followed by a commercial/industrial premise. Beyond there are further commercial/industrial allotments.</p>	<p>Figure 6 Industrial premises east of the Site</p>  <p>Source: Google Maps, 2021</p>

To the South:

A gravel road off Links Road, followed by a tributary of South Creek. Beyond there are further commercial/industrial allotments.

Figure 7 Christie St industrial and commercial premises south of the Site



Source: Google Maps, 2021

To the West:

Dunheved Golf Course with a tributary of South Creek, followed by South Creek and bushland.

Figure 8 Dunheved Golf Course west of the Site



Source: Google Maps, 2021

3 Proposed development

This development application seeks approval for a PVC piping storage and distribution facility comprising the following:

- » Remediation of the site (in accordance with the Remediation Action Plan)
- » Warehouse building and two-storey ancillary office
- » At-grade car parking for a total of 53 cars
- » Underground detention basin along the western boundary of the Site
- » Miscellaneous ancillary structures (e.g. awnings, rainwater tank, OSD, sprinkler tank pump room etc.)
- » Landscaping, paving and fencing of the site.

Access to and from the on-site car park will be provided via a two-way access from Dunheved Circuit, located to the north east of the site's eastern frontage.

The proposed warehouse use will operate on weekdays between 6am and 6pm and on Saturdays between 7am and 12 noon. The warehouse will be closed on Sundays.

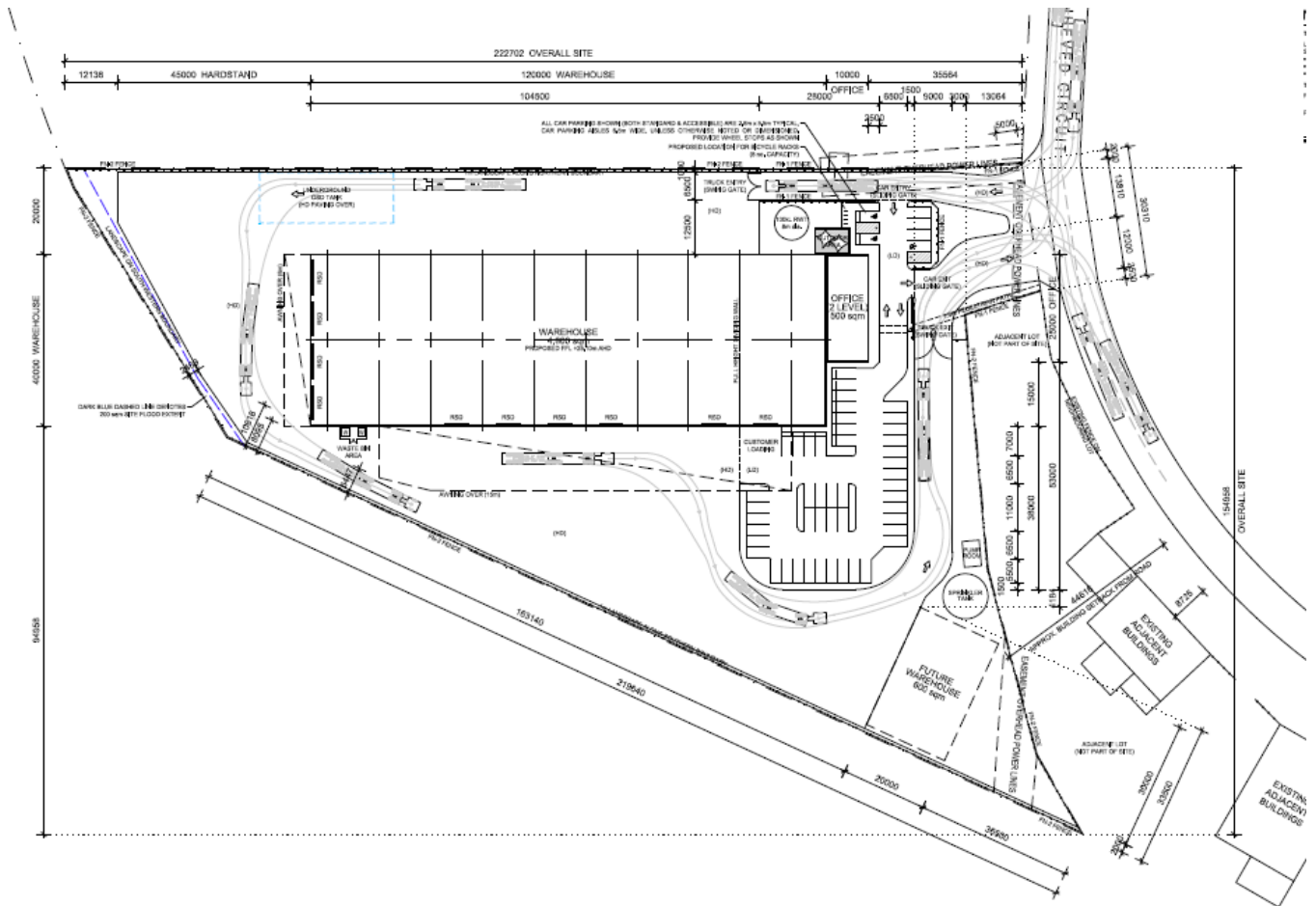
Refer **Figure 9-12** for plans which illustrate the site layout and built form.

Figure 9 Proposed site layout



Source: EMKC, 2021

Figure 10 Proposed Site Plan



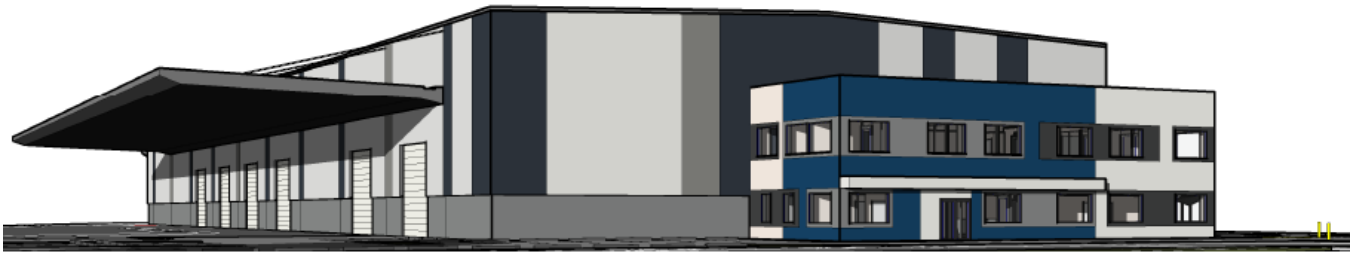
Source: EMKC, 2021

Figure 11 Proposed perspective – street view north east



Source: EMKC, 2021

Figure 12 Proposed perspective – street view south east



Source: EMKC, 2021

4 Statutory framework

The relevant sections of the statutory framework with respect to this application are addressed below.

4.1 Environmental Planning and Assessment Act 1979

The proposal has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act as set out in the table below and detailed in **Section 4** of this report.

Table 3 Matters for consideration (Section 4.15 requirements)

Relevant matter for consideration	Comment
<i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application</i>	
<i>(a) The provisions of:</i>	
<i>(i) Any environmental planning instrument, and</i>	This SEE provides an assessment against the relevant Environmental Planning Instruments (EPIs) including State Environmental Planning Policies (SEPPs) and the <i>Penrith Local Environmental Plan 2010</i> (PLEP 2010). Refer to Sections 4.3-4.5 of this report.
<i>(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority</i>	There are no draft EPIs relevant to the proposal.
<i>(iii) Any development control plan, and</i>	This SEE provides an assessment against the Penrith Development Control Plan 2014. Refer to Section 4.6 of this report.
<i>(iiia) Any planning agreement that has been entered into under section 7.4 or any draft planning agreement</i>	There are no known Voluntary Planning Agreements (VPAs) that have been proposed or entered into that are relevant to the site.
<i>(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	The relevant matters under the EP&A Regulation 2000 that relate to the proposed development are contained within Part 6 (procedures relating to DAs). It is understood that Council will undertake assessment of the proposed development in accordance with this component of the EPA Reg. 2000.
<i>(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</i>	An assessment of the likely impacts of the proposed development has been undertaken in Section 5 of this report.
<i>(c) The suitability of the site for development,</i>	The site is suitable for the proposed development as demonstrated in Section 5 of this report, subject to remediation, addressed in Part 4.3.1
<i>(d) Any submissions made in accordance with this Act or the regulations</i>	The DA will be notified and placed on public exhibition in accordance with Council requirements. All reasonable submissions will be considered as part of the assessment.
<i>(e) The public interest</i>	The proposed development is generally within the public interest as demonstrated in Section 5 of this report.

4.2 Biodiversity Conservation Act 2016

The NSW *Biodiversity Conservation Act 2016* (BC Act) establishes the biodiversity assessment requirements for proposed developments and land use change. Part of the BC Act establishes an offsets scheme that aims to ensure there is no net loss of biodiversity values. Triggers that require land clearing to enter the Biodiversity Offsets Scheme (Biodiversity Conservation Regulation 2017 [BC Reg]) are as follows:

- » **State Significant Development (SSD)** - if a future development of a site is determined to be SSD, Secretary's Environmental Assessment Requirements ('SEARs') would be issued for the project, requiring that biodiversity impacts related to the proposed development be assessed using the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Application Report, and/or;
- » **Clearing thresholds** – the amount of native vegetation clearance in relation to the minimum lot size is used to determine whether entry into the BAM is triggered, and/or;
- » **Biodiversity Values Land Map** - proposed development is said to exceed the biodiversity threshold where it involves the clearing of native vegetation on land included in the Biodiversity Values Map, and/or;
- » **Significant impact** – A Test of Significance (in accordance with Part 7.3 of the BC Act) is required for development proposals that do not trigger the Biodiversity Offsets Scheme (BOS). If the Test of Significance indicates that there is likely to be a significant impact, the proponent must carry out an assessment in accordance with the BAM.

Previous surveys of the subject land conducted by Ecoplanning (dated 5 November 2020) identified a small patch (0.08 ha) of the Threatened Ecological Community River-flat Eucalypt Forest and the vulnerable species *Grevillea juniperina* subsp. *juniperina* (Juniper-leaved Grevillea). Given that the proposal includes impacts to these entities, the proposal triggers 'significant impact' and subsequently, application of the Biodiversity Offset Scheme. As a result, application of the BAM by an accredited person, for the purposes of a Development Application, must be documented within a Biodiversity Development Application Report (BDAR).

Ecoplanning have been engaged to prepare a BDAR to document the predicted impacts to biodiversity as a result of the proposed development. The BDAR describes the outcome of the development assessment case conducted consistent with the BAM; the details of which are discussed in **Section 5.1.3** of this report.

4.3 State Environmental Planning Policies (SEPPs)

The proposed development has been assessed against all SEPPs; the following SEPPs were found to be applicable to the proposed development.

4.3.1 State Environmental Planning Policy No 55 – Contaminated Land

The *State Environmental Planning Policy – Remediation of Land* (SEPP 55) under the EP&A Act provides a framework for contaminated land remediation.

Under Clause 7 of SEPP No. 55 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, that Council is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose that development consent is sought.

Under the Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (SREP20) every remediation within the Hawkesbury-Nepean River catchment area is deemed Category 1 remediation and requires Council consent.

Based on previous assessments undertaken by KPMG, WSP and EP Risk, the Site has been identified as being contaminated with asbestos in the soils (ASBINS) and remediation is required to make the site suitable for the proposed industrial land use. A Remediation Action Plan (RAP) has been prepared by EP Risks in accordance with

the requirements of *State Environmental Planning Policy No. 55 Remediation of Land* (SEPP 55), and NSW Environment Protection Authority (NSW EPA) Consultants Reporting on Contaminated Land – Contaminated Land Guidelines (2020). The RAP:

- Reviews potential remedial options with respect to regulatory requirements and Site constraints for the contaminated soil;
- Develops an appropriate remedial strategy for remediation of the contamination previously identified at the Site; and
- Documents the procedures to be followed to render the Site suitable for the proposed subdivision.

It is noted the objectives of the RAP are to address ASBINS previously identified at the Site. Any additional impacts identified during development works will be managed using the unexpected finds protocol.

The proposed remediation strategy is capping of the fill material on site through installation of a concrete slab which will serve as an impermeable barrier, and the implementation of a Long-Term Environmental Management Plan (LTEMP).

Some excavation and consolidation of soils will be required for levelling (cut and fill), installation of services and piling (if required). The excavation and capping methodology will be detailed in the Remedial Work Method Statement (RWMS) and will either be onsite re-use or offsite disposal. Proposed areas not covered by a slab (i.e. landscaped areas) will be contained by a clean surface layer of minimum 0.5m thickness and demarcated as detailed in the RAP.

Subject to the provision of a RWMS, the RAP considers that implementation of the remediation strategy and subsequent validation works, and associated activities (outlined in the RAP), will render the Site suitable for the proposed commercial/industrial land use.

In addition to the above remediation measures, the applicants of DA21/0013 (subdivision of the Site) have proposed a restrictive covenant being placed on the Title which ensures that no works can be undertaken on the subject Site without remediation works being undertaken in accordance with the RAP. This would be imposed by way of a condition of consent (i.e., prior to issue of a subdivision certificate). Accordingly, two applications are intrinsically related and should be assessed concurrently.

4.3.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (now Transport for NSW or TfNSW) for concurrence.

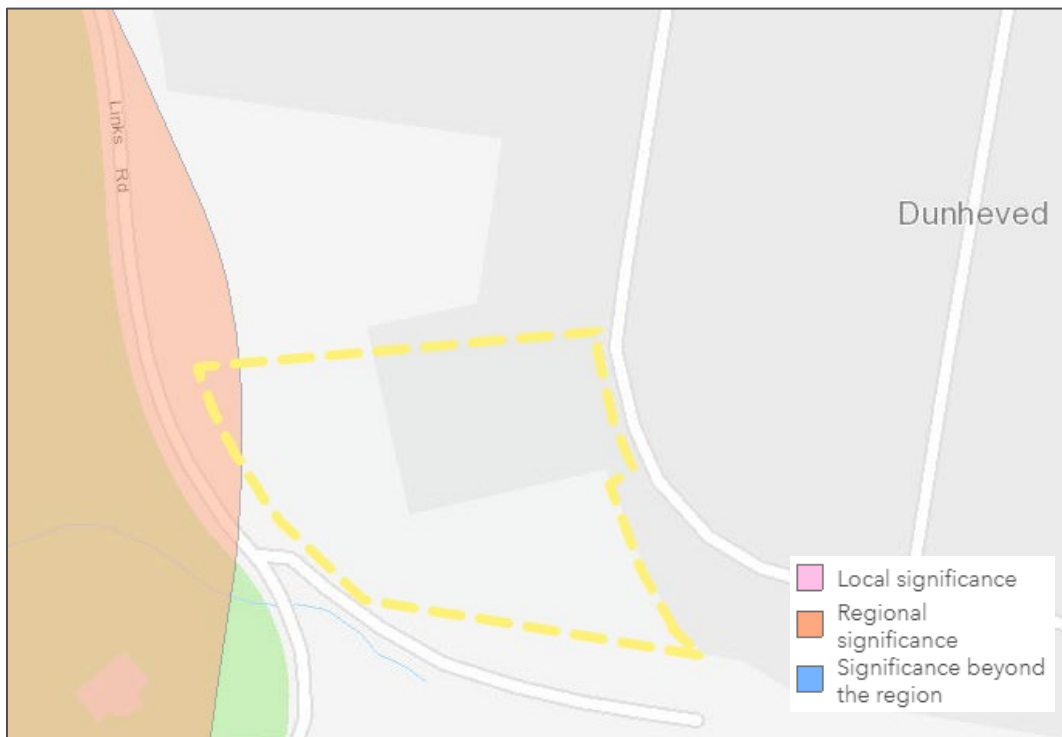
Schedule 3 lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'Warehouse or distribution centres' are:

8,000m² in site area or (if the site area is less than the gross floor area) gross floor area – for sites with access to a road.

The site attains an area of approximately 2.02ha. It is therefore expected that the application will be referred to TfNSW for concurrence.

4.4 State Regional Environmental Plan No 20 – Hawkesbury Nepean River (No 2 – 1997)

The *Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River* (SREP 20) aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The subject Site is recognised as "Regional significance" pursuant to the SREP (see **Figure 13**).

Figure 13 Hawkesbury-Nepean River SREP

Source: ePlanning Spatial View, 2021

Consent is required in areas shown as being regional significance for the following works:

- » *Subdivision,*
- » *Clearing*
- » *Erection of a structure greater than 50sqm in area or over 1-storey in height*
- » *Carrying out of works for the purpose of stabilising the riverbank.*

The closest surface water receptor is a tributary of South Creek located approximately 60m from the south western boundary of the Site. The tributary appears to have been modified and has earthen and concrete lining. The tributary travels west before flowing into South Creek, approximately 400m west of the Site. South Creek eventually meets with the Hawkesbury River, approximately 17km to the north west of the Site.

Proposed works are limited to the southern portion of the Site, falling outside of the area identified as regional significance pursuant to the SREP. Any future works on the northern portion of the Site will need to demonstrate compliance with the requirements of the SREP.

Notwithstanding, the visual impact of the proposed development is assessed in **Section 5.1.6**; demonstrating that the proposed development minimises visual impact on scenic land west of the site.

Under SREP20, Part 3, Condition 11 (4) Remediation of Land, consent is required. The SREP20 prevails above the SEPP55 (Part 4, conditions 12 (3)) even though the SREP20 has been prepared before the SEPP55.

Therefore, the remediation works are considered Category 1 works and Council consent is required. The appropriate consent is sought under this DA.

4.5 Penrith Local Environmental Plan 2014

The proposed development is assessed against the *Penrith Local Environmental Plan 2010* (PLEP 2010). Consideration of the relevant clauses are provided below.

Clause 1.2 Aims of Plan

The PLEP 2010 aims to make LEP provisions for land in the Penrith LGA in accordance with the relevant standard EPIs under Section 3.20 of the EP&A Act. The proposed development is generally consistent with the aims of the LEP, demonstrated as follows:

- » The proposed development will not impact on residential amenity; no current residential properties are identified within 500m of the Site
- » No detrimental impact on environmental values or heritage of the Penrith LGA is anticipated as a result of the proposed development
- » The proposed development encourages business development, employment opportunities and economic growth without additional assumption of sensitive land areas.

Clause 2.1 Land use zones

The subject site is zoned IN1 General Industrial pursuant to the PLEP 2010 (refer **Figure 14**). *Warehouse or Distribution Centres* are permitted with consent in the IN1 Zone. Warehouse or Distribution Centres pursuant to the PLEP are defined as:

a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

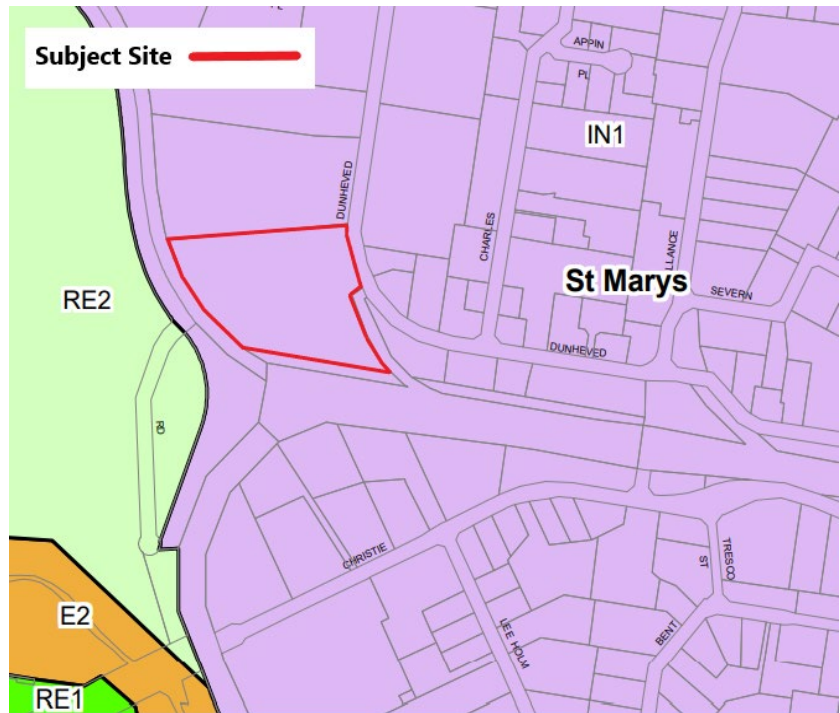
Considerations of the IN1 zone aims is provided in **Table 4** below.

Table 4 Aims of the IN1 General Industrial Zone

Objectives of the IN1 Zone	Compliance
To provide a wide range of industrial and warehouse land uses	Complies. The proposed development provides for an industrial/warehouse use.
To encourage employment opportunities	Complies. The proposed development will provide for additional employment opportunities.
To minimise any adverse effect of industry on other land uses	Complies. The Site is located in a predominantly industrial/commercial area. No current residential properties are identified within 500m of the site. No impact on the ongoing use of Dunheved Golf Course to the west is anticipated as a result of the proposed development.
To support and protect industrial land for industrial uses	Complies. The proposed development provides for an industrial use consistent with the surrounding area.
To promote development that makes efficient use of industrial land	Complies. In its existing state, the Site comprises an underutilised industrial site. The proposed development will result in activation of the Site, providing for the storage and distribution of PVC piping.
To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area	N/A The proposed development is for industrial purposes. Private and public recreation zoned land is located west and south of the subject Site which can accommodate uses to serve the people who work in the surrounding area.

Figure 14 Zoning map

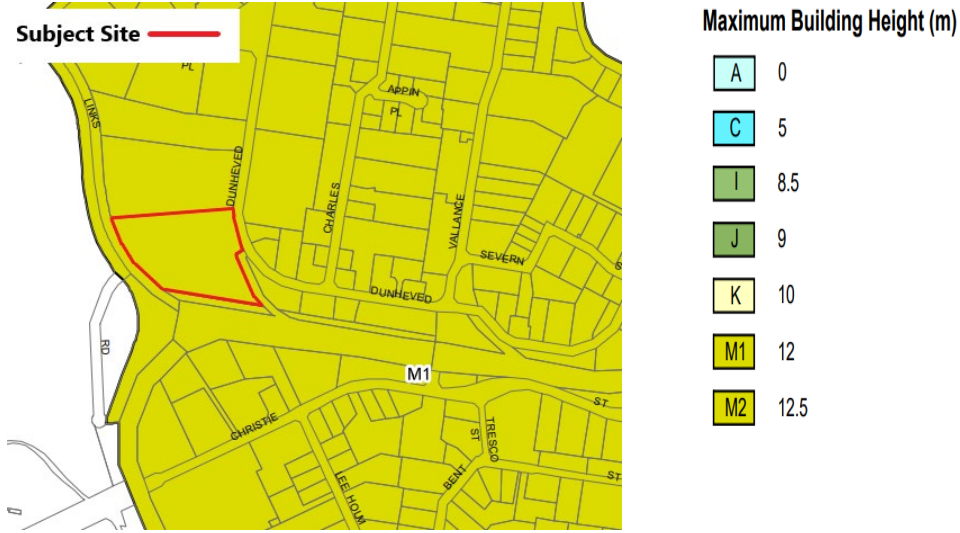
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation




Other relevant clauses

The following table summarises the relevant planning considerations based on the PLEP 2010.

Table 5 Relevant PLEP 2010 controls

Clause	Assessment
Clause 4.3 Height of Buildings	<p>The Site is subject to a maximum building height of 12m pursuant to the PLEP 2010 (refer Figure 15).</p> <p>Figure 15 Height of buildings map</p>  <p>The development proposes a maximum overall height of 13m. A Clause 4.6 variation request has been prepared to support the DA confirming that strict compliance with the standard is unnecessary and unreasonable in this case and there are sufficient environmental planning grounds to justify contravening the standard. Refer accompanying Clause 4.6 Variation Request for detailed assessment and justification of the breach.</p>
Clause 4.4 Floor Space Ratio	The Site is not subject to a maximum FSR under Clause 4.4 of the PLEP 2010.
Clause 5.10 Heritage Conservation	The Subject Site has not been identified as containing any Historic (European) Heritage and/or Aboriginal Cultural Heritage items of significance; nor are there any heritage items located in vicinity of the site.
Clause 5.11 Bushfire Hazard Reduction	<p>The Site is subject to bushfire prone land (Vegetation Category 2 and Vegetation Buffer) along the southern boundary of the Subject Site.</p> <p>Pursuant to section 4.14 of the EP&A Act, Council must be satisfied prior to making a determination for development on bush fire prone land, that the development complies with the document <i>Planning for Bush Fire Protection</i> produced by the NSW Rural Fire Service (RFS).</p> <p>A Bushfire Assessment Report prepared by Cool Burn (dated 27 April 2021) is submitted with the DA and is discussed further in Section 5.1.2 of this report.</p>
Clause 7.2 Flood Planning	The site is not identified as falling within a 'flood planning area', pursuant to the Flood Planning Map of the PLEP 2010.

Clause	Assessment
<p>Clause 7.5 Protection of Scenic Character and Landscape Values</p>	<p>The southern portion of the site is identified as “Land with scenic and landscape values” pursuant to the PLEP 2010 (refer Figure 16).</p> <p>Figure 16 Scenic and landscape values map</p>  <p>Development consent must not be granted for any development on such land unless the consent authority is satisfied that measures will be taken to minimise the visual impact of the development from major roads and other public places.</p> <p>Visual impact of the proposed development is undertaken in Section 5.1.6 of the report, demonstrating that the proposed development minimises visual impact on scenic land west of the site.</p> <p>In summary, visual impact of the proposed development is considered acceptable on the following grounds:</p> <ul style="list-style-type: none"> » The proposed development is on relatively flat land and the proposed development conforms to natural landscape » The prevailing pattern of development in the vicinity is industrial and the development will not detract from the streetscape character » The visual impact when viewed from the public domain, including Dunheved Golf Club and Links Road will be minimal given the strategic siting and orientation of the development which minimises the bulk and scale when viewed from these scenic protection areas. » Landscape screening is proposed along the western boundary adjacent to Links Road to screen the development from the scenic protection area as well as providing connectivity to the adjacent biodiversity corridor comprising of extensive established canopy tree a vegetation. <p>Accordingly, the proposal meets the objectives of the Clause and is acceptable in this regard. Refer to Part 5.1.5 Visual impact for detailed assessment.</p>

Clause	Assessment
Clause 7.6 Salinity	<p>A review of the Department of Infrastructure, Planning and Natural Resources, Salinity Potential in Western Sydney 2002 map indicates that the site is situated in an area of high salinity potential which appears to be associated with a localised drainage point into South Creek.</p> <p>Very little site disturbance is anticipated in construction of the proposed development and the site is considered appropriate for the intended use. Further, the Environmental and Geotechnical assessment completed by WSP did not identify any characteristics that would constrain future development of the proposed warehouse facility.</p> <p>Accordingly, the proposed development is considered to adequately address the requirements of Clause 7.6 of the PLEP 2010.</p>

4.6 Penrith Development Control Plan 2014

The Penrith DCP is a non-statutory document which supplements the Penrith LEP and applies to the site. The DCP includes more comprehensive planning controls to provide a framework and guidance about development matters across the Liverpool LGA.

The proposed development has been designed in accordance with the provisions of the DCP and is considered to be compliant with the requirements; demonstrated in **Table 6** below.

Table 6 Relevant DCP controls

Clause	Controls/Requirements	Compliance
C1 Site Planning and Design Principles		
1.2 Key Areas with Scenic and Landscape Values	New proposals on land identified in the LEP Scenic and Landscape Values Map (including gateway sites) or on land zoned E1 National Parks and Nature Reserves or E2 Environmental Conservation, are to submit a visual impact assessment with their development application.	Complies. Visual impact of the proposed development is undertaken in Section 5.1.6 of the report, demonstrating that the proposed development minimises visual impact on scenic land west of the site.
C2 Vegetation Management		
2.3 Bushfire Management	This section applies to land identified on the Bushfire Prone Land Map. The key objectives and controls to address bushfire risk are not set out in this Plan but are incorporated into the Rural Fire Service publication entitled Planning for Bushfire Protection 2006 (PBP) (as amended), as well as the Rural Fires Act 1997 and the Environmental Planning and Assessment Act 1979.	Complies. A Bushfire Assessment Report prepared by Cool Burn is submitted with the DA and is discussed further in Section 5.1.2 of this report. The report concludes that the location and design for the proposed industrial warehouse facility meets the aims and objectives of PBP 2019 and can demonstrate compliance with the acceptable solutions for 'other development' PBP 2019.
C3 Water Management		

Clause	Controls/Requirements	Compliance
3.6 Stormwater Management and Drainage	Runoff must not be discharged into bushland areas, including threatened ecological communities.	<p>Complies.</p> <p>The proposed drainage discharge point is located along the western boundary of the site; far removed from identified native vegetation towards the south-eastern corner of the site.</p> <p>Underground OSD is provided to the north western boundary of the Site.</p> <p>Refer the accompanying stormwater plans prepared by van de Meer Consulting for more information.</p>
	Permeable ground surfaces are to be maintained as far as possible, and where suitable conditions exist, stormwater is to be infiltrated on-site.	<p>Complies.</p> <p>Permeable surfaces are maintained as far as possible; however due to nature of the proposed use a large majority of the site is paved to ensure heavy vehicle articulation throughout the site.</p>
C5 Waste Management		
5.1 Waste Management Plans	Applicants are to submit a Waste Management Plan when lodging a development application for construction of buildings.	<p>Complies.</p> <p>A Waste Management Plan (WMP) has been prepared by SALT and accompanies this SEE demonstrating compliance with this requirement.</p>
5.2.4 Non-Residential Development Controls	<p>Waste storage and collection areas should be:</p> <ul style="list-style-type: none"> » Flexible in their design so as to allow for future changes in the operation, tenancies and uses » Located away from primary street frontages, where applicable » Suitably screened from public areas so as to reduce the impacts of noise, odour and visual amenity » Designed and located to consider possible traffic hazards (pedestrian/vehicular) likely to be caused by the storage and collection of waste. 	<p>Complies.</p> <p>A Waste Management Plan (WMP) has been prepared by SALT and accompanies this SEE demonstrating compliance with these requirements.</p>
C10 Transport, Access and Parking		
10.5.1 Parking	<p>Parking rates for Warehouses or distribution centres, including ancillary office is 1 space per 100m² of gross floor area.</p> <p>5,300sqm GFA proposed = 53 Spaces</p>	<p>Complies.</p> <p>A total of 53 spaces will be provided on the site.</p>

Clause	Controls/Requirements	Compliance								
	Car space dimensions must comply with the relevant Australian Standards.	Complies. The parking spaces have been provided with the dimensions of 2.6 m in width and 5.5 m in length with a minimum aisle width of 6.5 m, which complies with the requirements stipulated in AS 2890.1:2004.								
	Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.	Complies. Reference to the Building Code of Australia indicates that there is a requirement for one of the parking spaces to be an accessible parking bay; which is satisfied by the development’s proposed parking provision of 53 spaces, inclusive of two accessible spaces. The accessible spaces have been provided at a width of 2.6 m and a length of 5.5 m with an adjacent shared space provided at a width of 2.6 m with a bollard located centrally within the shared space offset by 800 mm from the edge of the accessway. Which complies with AS 2890.6:2009.								
	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Complies. The swept path analysis undertaken on the layout plan shows that the staff and visitors are able to safely enter the car park, access all spaces to then exit from the car park in a forward manner.								
	The design of car parks should ensure adequate separation of staff/visitor parking and loading dock circulation areas for heavy vehicles.	Complies. Access for commercial vehicles is provided via a separate entry and exit. Loading and circulation areas for heavy vehicles is separated from the designated staff/visitor car parking area.								
	Access, parking, manoeuvring and loading facilities for commercial and industrial development shall be in accordance with AS 2890.2 - 2004 and accommodate vehicle types as outlined in Table C10.3. <small>Table C10.3: Minimum design vehicle requirements for commercial and industrial developments - minimum design vehicle requirements</small>	Complies. Reference to the swept path analysis included in the Traffic and Car Parking Assessment indicates that a 26 m B-Double articulated vehicle can safely enter the entry access, circulate around the warehouse to then exit from the development site in a forward manner to Dunheved Circuit.								
	<table border="1"> <thead> <tr> <th>Site Area</th> <th>Design Vehicle</th> </tr> </thead> <tbody> <tr> <td>Up to 1,500m²</td> <td>Medium Rigid Vehicle (MRV)</td> </tr> <tr> <td>1,500m² to 4,000m²</td> <td>Heavy Rigid Vehicle (HRV)</td> </tr> <tr> <td>Greater than 4,000m²</td> <td>Articulated Vehicle</td> </tr> </tbody> </table>	Site Area	Design Vehicle	Up to 1,500m ²	Medium Rigid Vehicle (MRV)	1,500m ² to 4,000m ²	Heavy Rigid Vehicle (HRV)	Greater than 4,000m ²	Articulated Vehicle	
Site Area	Design Vehicle									
Up to 1,500m ²	Medium Rigid Vehicle (MRV)									
1,500m ² to 4,000m ²	Heavy Rigid Vehicle (HRV)									
Greater than 4,000m ²	Articulated Vehicle									
D4 Industrial Development										
4.1 Key Precincts	The Site is located in Industrial Precinct 1: <i>Dunheved/St Marys (north of Christie St)</i> . This Section of the DCP provides different controls for each of the precincts.	Complies. DCP controls for Industrial Precinct 1: <i>Dunheved/St Marys (north of Christie St)</i> are addressed below.								

Clause	Controls/Requirements	Compliance
<p>4.3 Building Setbacks and Landscape</p>	<p>9 metre minimum building setback required. Setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:</p> <ul style="list-style-type: none"> » Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide » Promotes the function and operation of the development » Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development » Does not detract from the streetscape values of the locality. 	<p>Complies.</p> <p>The proposed warehouse is setback some 35m from Dunheved Circuit. The setback area incorporates an off-street at-grade car parking area. The off-street car parking area:</p> <ul style="list-style-type: none"> » Is within a setback exceeding 13m in width » Is screened by landscaping in excess of 4m in width » Promotes the function and operation of the proposed development, providing safe and convenient access to the primary entrance of the building » Is of similar layout to several existing industrial/commercial premises in vicinity of the site; and therefore, does not detract from the streetscape values of the locality. <p>The objectives of the landscaping and front setback controls in the Penrith DCP is largely to minimise bulk and scale impacts from the public domain.</p> <p>The site is unique in that the irregular shaped frontage adjacent to the proposed future warehouse site adjoins another property and the pump room , sprinkler tank and proposed location of the future warehouse will not be visible from the public domain, thus strict compliance with the landscape and setback requirements is not warranted in this instance. We also content that this part of the eastern boundary is not a street boundary, but a side boundary, as it is behind a neighbouring lot. See extract of the Landscape plan below:</p>
<p>The diagram is a site plan for a warehouse development. It shows a large blue rectangular area labeled 'WAREHOUSE' and a grey area labeled 'PARKING'. To the right of the parking area, there is a landscaped area with trees and a path. A callout box with an arrow points to a specific area of the site, stating: 'Adjoining site adjacent to proposed future warehouse, sprinkler tank and pump room which will screen development from the public domain.' The plan also includes various annotations such as 'Proposed site boundary', 'Proposed building footprint', and 'Proposed parking area'.</p>		

Clause	Controls/Requirements	Compliance
	<p>Visual Impact of Buildings and Hardstand Areas:</p> <ul style="list-style-type: none"> » The landscape design within setbacks should consider the scale of the building and where appropriate, select and locate plants to help reduce the bulk and scale of the building. » Where an industrial development contains large expanses of hardstand or paved areas, the applicant must demonstrate how the development application reduces the 'heat effect' and visual impact of these large expanses. 	<p>Complies.</p> <p>Rows of single tree planting to island beds of the car park provide shading with an understorey shrub planting and groundcovers together supporting screening of the car park in the front setback.</p> <p>Planting along the eastern boundary provides additional screening from Dunheved Circuit</p>
4.4 Building Design	<p>The development must incorporate a variety of external finishes in terms of both colour and type of material used. Development applications for new buildings or additions to existing buildings are to be accompanied by a Schedule of External Finishes and Colours, demonstrating compliance with the above requirements.</p>	<p>Complies.</p> <p>The proposed development incorporates a variety of external materials and colours as demonstrated in the Material Finishes Schedule found in the accompanying Architectural Drawings.</p>
	<p>Any office and administration component is to be located to the main frontage of the building and be designed as an integral part of the overall building, rather than a 'tack on' addition.</p>	<p>Complies.</p> <p>The ancillary office is located on the main frontage of the warehouse building, overlooking and directly-accessible from the off-street car parking area incorporated within the primary street setback.</p>
	<p>The main office administration component is to have a designated entry point that is highly visible and directly accessible from visitor parking and the main street frontage.</p>	
	<p>The entry, design and layout of the main office or administration component is to consider the principles of Universal Design.</p>	<p>Complies.</p> <p>The proposed development is able to comply with this requirement</p>
	<p>All loading areas should be located towards the rear of allotments. Where possible, loading areas should be screened from the view of main road frontages through physical and/or vegetation screening.</p>	<p>Complies.</p> <p>Loading areas are provided to the southern and western elevations and not readily visible from the primary street frontage.</p>
	<p>Non-residential developments including mixed use 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 or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).</p>	<p>Complies.</p> <p>The development is able to comply with this requirement.</p>

Clause	Controls/Requirements	Compliance
4.5 Storage of Materials and Chemicals	External storage of goods must be avoided, wherever possible. Where the nature of the activity or the materials means that internal storage is impractical, all external storage areas must be located behind the front building setback.	Complies. There will be no external storage of goods or chemicals on the Site.
	Rainwater tanks are not to be visually intrusive from the main street frontage or other public areas.	Complies. Rainwater tanks are located towards the northern boundary and are not readily visible from Dunheved Circuit or other public areas.
4.6 Accessing and Servicing the Site	Industrial development shall, where appropriate, be designed to: <ul style="list-style-type: none"> » Allow all vehicles to enter and leave the site in a forward direction » Accommodate heavy vehicle parking and manoeuvring areas » Avoid conflict with staff, customer and visitor vehicular and cycle movements » Ensure satisfactory and safe operation with the adjacent road system. 	Complies. <ul style="list-style-type: none"> » Swept path analysis indicates that: <ul style="list-style-type: none"> > Staff and visitors are able to safely enter the car park, access all spaces to then exit from the car park in a forward manner > A 26 m B-Double articulated vehicle can safely enter the entry access, circulate around the warehouse to then exit from the development site in a forward manner. » Layout plans indicate that sight line triangles are able to be provided on either side of the accessway to provide exiting motorists a clear view of pedestrians on the footpath of the frontage road (and vice versa).
	Full details of the volume, frequency and type of vehicle movements shall be submitted with the development application.	Complies. The level of traffic anticipated to be generated at the development access points is considered minimal and will not represent any adverse impact upon the operation of the surrounding road network or the amenity of the adjacent precinct.
	Car parks, aisles and manoeuvring areas shall be designed with function and safety in mind, and have minimum dimensions conforming with the Australian Standards 2890 Parking Facilities.	Complies. The car park, aisles and manoeuvring areas have been designed to satisfy the requirements in Australian Standards 2890 Parking Facilities.
	Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas shall be screened from the road.	Complies. Adequate loading/unloading areas are provided on Site

Clause	Controls/Requirements	Compliance
4.7 Fencing	<p>Fencing may be positioned along the front property boundary only if:</p> <ul style="list-style-type: none"> » The site is not located on, facing or fronting: <ul style="list-style-type: none"> > Andrews Road, Castlereagh Road, Christie Street, Forrester Road, Great Western Highway, Mulgoa Road, Old Bathurst Road, Parker Street or any other classified road or major road > The main road or collector road of the industrial precinct » It is decorative fencing that has an open style appearance (metal, pool type fencing) » The fencing is complementary to the landscaping. 	<p>Complies.</p> <p>Dunheved Circuit is not stipulated in the DCP and is a local road. 1.8m high black garrison fencing is provided to the street frontage. Similar black garrison fencing is provided to existing industrial/commercial premises along Dunheved Circuit.</p>
	<p>Where site security is required, fencing shall be constructed of black plastic coated 'Chain-link' fence or an approved alternative such as a metal palisade type fence. The overall height of fencing shall be no more than 2.4m. 'Chain-link' or similar fences are not suitable to the site frontage.</p>	<p>Complies.</p> <p>1.8m high black chain link fence with an additional three rows of barbed wire above (total height of 2.1m) is provided to remainder of the perimeter for site security.</p>
	<p>For fencing behind the building setback line, Council will consider:</p> <ul style="list-style-type: none"> » Solid fencing up to a height of 2m » Fencing up to a maximum of 2.5m (measured from natural ground level), provided that any fencing above 2m is of an open style 	
4.8 Lighting	<p>Lighting details shall be provided as part of any relevant development application.</p>	<p>Complies.</p> <p>It is considered that the proposed development can readily comply with the with Australian Standard AS4282. This detail has not been provided as this can be enforced by condition of consent.</p>
	<p>All lighting shall comply with Australian Standard AS4282.</p>	<p>Complies.</p> <p>It is considered that the proposed development can readily comply with this requirement.</p>

5 Assessment of impacts

The proposed development has been assessed against the requirements of Section 4.15 of the EP&A Act as detailed below.

5.1.1 Bushfire

The Site is subject to bushfire prone land (Vegetation Category 2 and Vegetation Buffer) along the southern boundary of the Subject Site, and upon further investigation, the highest bushfire threat to the proposed facility is remnant woodland area to the south.

Cool Burn Fire and Ecology (Cool Burn) have been engaged to provide a Bushfire Assessment Report to satisfy the guidelines and standards of *Planning for Bushfire Protection 2019* (PBP 2019).

The industrial warehouse facility is considered as "other" development and a Class 7b structure under the National Construction Code (NCC). PBP 2019 identifies 'other non-residential' development which includes commercial uses, industrial uses, infrastructure and development. The NCC does not provide for any bushfire specific performance requirements for these particular classes of building. As such the Australian Standard for Construction of Buildings in Bushfire Prone Areas (AS3959) and the National Association for Steel-framed Housing (NASH Standard) are not considered a set of 'deemed to satisfy' provisions. Whilst bushfire is not captured in the NCC for Class 5-8 buildings, the proposed industrial warehouse facility was assessed against the specific objectives and performance criteria of PBP 2019 and is set out below in **Table 7**.

Table 7 Compliance with the aims and objectives of PBP 2019

Aim	Comment
The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including fire fighters) and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, onsite amenity and the protection of the environment.	The proposed development complies with PBP 2019. The location of the industrial warehouse facility has considered bushfire risk and applied bushfire protection measures to mitigate the risk
Objectives	Comment
Afford occupants of any building adequate protection from exposure to a bushfire.	The proposed development is suitably setback from bushfire hazard
Provide for defensible space to be located around buildings.	Defensible space inherent in surrounding landscape and design
Provide appropriate separation between a hazard and buildings, which, in combination with other measures, prevent direct flame contact and material ignition.	The general fire safety construction provisions and specifications are taken as acceptable solution to avoid material ignition
Ensure that safe operational access and egress for emergency service personnel and occupants is available.	Access and egress for emergency vehicles and evacuation can meet the requirements of PBP
Provide for ongoing management and maintenance of bushfire protection measures, including fuel loads, in the asset protection zone	The facility purpose and general operational arrangements would satisfy this objective
Ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bushfire fighting)	Existing and proposed services would satisfy this objective

In summary, findings of the assessment are as follows:

- » The design incorporates a heavy vehicle thoroughfare at the perimeter of the warehouse (suitable for B-Double vehicles), and which provides an acceptable defensible space for any emergency operations, including firefighting. Subsequently, no specific APZ are required.
- » The general fire safety construction provisions of the NCC are taken as acceptable solutions (no specific bushfire protection construction requirements apply to this industrial facility).
- » The bushfire assessment has taken into consideration the existing and proposed access and water provisions, and emergency management response. It is determined the location and design for the proposed industrial warehouse facility meets the aims and objectives of PBP 2019 and can demonstrate compliance with the acceptable solutions for 'other development' PBP 2019.

5.1.2 Biodiversity Development Assessment Report

The proposed development will include direct impacts to 0.09 ha of PCT 835 – Forest Red Gum - Rough-barked Apple grassy woodland and therefore, triggers the Biodiversity Offset Scheme. As a result, application of the BAM, for the purposes of a Development Application, within a BDAR has been undertaken by Ecoplanning. As detailed in the following sub-headings, the BDAR includes field assessment of existing vegetation, impact of the proposed development on native vegetation and habitat, potential mitigation measures and the credits required to offset the proposal.

Existing Vegetation

In accordance with Section 4.1 of the BAM, the extent of native vegetation was identified and mapped across the subject site.

Field assessment of vegetation communities conducted as part of the BDAR identified 0.09 ha of PCT 835 Forest Red Gum - Rough-barked Apple grassy woodland. The mapping in this report differed slightly to previous mapping (Ecoplanning 2020), increasing the area of PCT 835 by 0.01 ha. Although Forest Red Gum - Rough-barked Apple grassy woodland was identified within the subject land, it was in a highly degraded condition, likely due to historic land clearing.

One species of threatened flora (*Grevillea juniperina* subsp. *Juniperina*) was also identified as having a presence within the subject land.

The remaining 1.98 ha was covered by "Exotic grassland" (1.56 ha) and "Cleared land" (0.42 ha). Patches that did not support native vegetation included areas of exotic grasses in areas where clearing had historically occurred.

Impact to native vegetation and habitat

The proposed development will include direct impacts to 0.09 ha of PCT 835 – Forest Red Gum - Rough-barked Apple grassy woodland in a 'disturbed' state. The direct clearing and subsequent development of the subject land would represent a permanent impact.

Indirect impacts may include, but are not limited to, noise pollution and erosion associated with the construction of the proposed development. The project is considered unlikely to reduce viability of any adjacent native vegetation or habitat due to edge effects, noise, dust, or light spill as these impacts are already occurring within the area, as much of the area has been cleared and developed as an industrial estate.

Mitigating and managing impact on biodiversity values

The complete avoidance of impacts is considered impractical on the Site. Multiple measures will be implemented to mitigate and manage direct and indirect impacts where possible, including preparation of a Construction Environmental Management Plan (CEMP) and appropriate preclearance protocols.

The proposal will retain a small area of native vegetation, including Forest Red Gum – Rough-barked Apple grassy woodland (Plant Community Type [PCT] 835) (equivalent to River-flat Eucalypt Forest) and *Grevillea juniperina*

subsp. *juniperina*, in the eastern corner of the development site (refer **Figure 17**). The area will be improved through weed management and revegetation of species characteristic of the PCT.

Figure 17 Retained native vegetation – eastern corner



Source: EcoPlanning, 2021

Biodiversity Offset Scheme

Vegetation zone 1 (associated with PCT 835) will require offsetting as it is associated with category A listed in Section 9.2.1 of the BAM. Additionally, in accordance with Section 9.2.2 of the BAM, the species polygon associated with *Grevillea juniperina* subsp. *juniperina* will require offsetting, this area totals 0.09 ha.

Impacts to areas identified as 'exotic dominant' within the subject land were not assessed in this report because they cannot be characterised as a native vegetation community, no native vegetation community has a description which includes exotic or invasive species.

The ecosystem credits required to offset the proposal and achieve 'no net loss standard' as established by the BAM is set out in **Table 8** below. The total cost of impacts to PCT 835, should the Biodiversity Conservation Trust (BCT) be used to offset the impacts, are at the time of the BDAR report (6 April 2021) is estimated to be \$24,307.14 (inc. GST and admin. costs).

Table 8 Ecosystem credits summary and credit profiles

Veg zone	Plant community Type	Price per credit	Credits required	Total credit cost (inc. GST)
1	PCT 835 Forest Red Gum – Rough-barked Apple grassy woodland	\$22,097.40	1	\$22,097.40
Total (inc. GST)			1	\$24,307.14

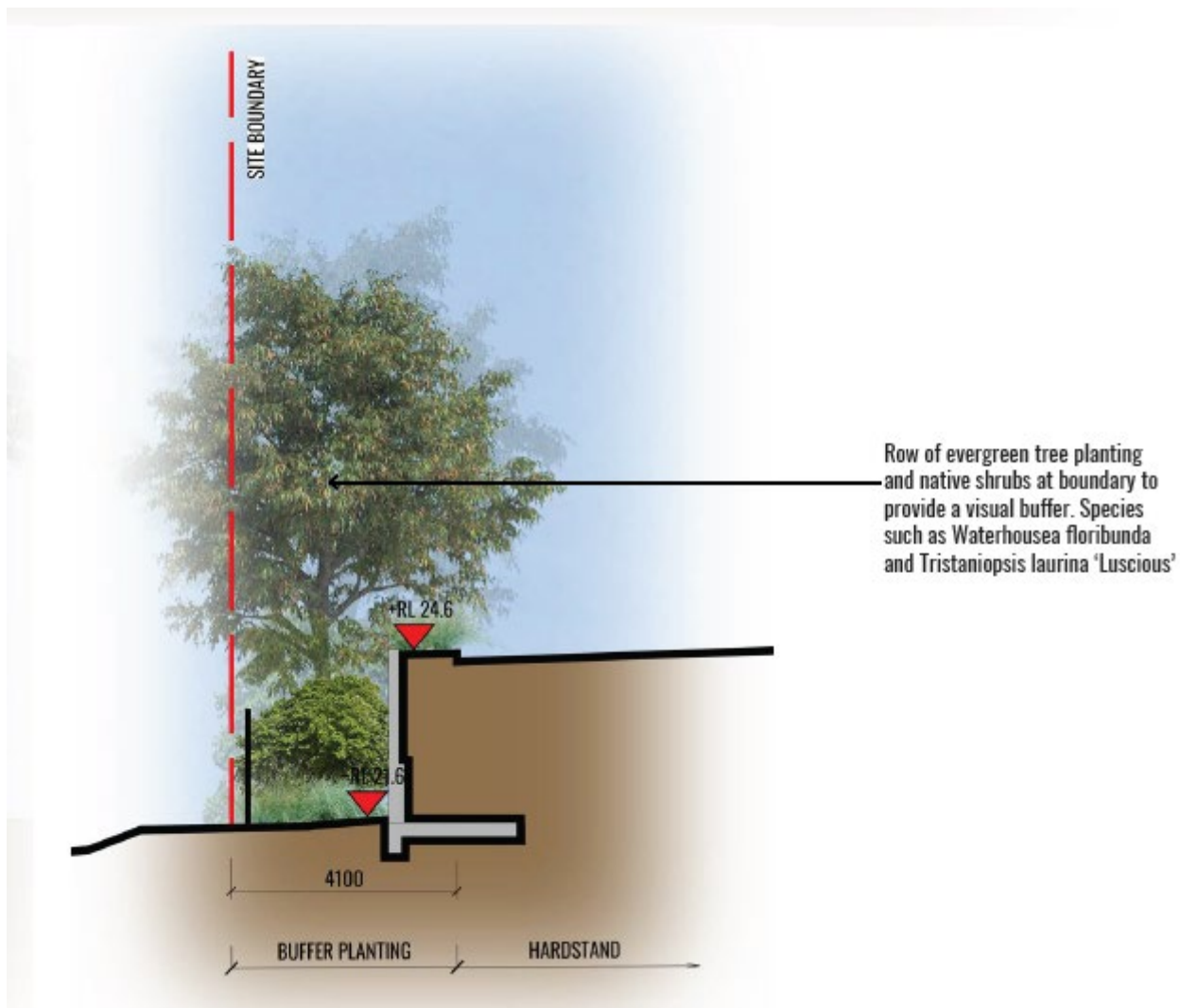
Additionally, a total of one (1) credit for *Grevillea juniperina* subsp. *juniperina* (Juniper-leaved Grevillea) is required to offset impacts to the habitat of this species within the subject land. The total cost of *G. juniperina* subsp. *juniperina*, should the Biodiversity Conservation Trust (BCT) be used to offset the impacts, are currently (30 April 2021) estimated to be \$54.59 (ex. GST).

As discussed with Council’s Biodiversity Officer, it is proposed to offset the required monetary credit of circa \$24,361 through ‘Works in Kind’ by way of extensive native vegetation planning along the western boundary adjacent to Links Road, connecting to the existing biodiversity corridor to the south-east. This planting will serve a dual benefit where it will:

- » Screen the proposed development from the public domain and scenic protection area to the west
- » Provide enhanced biodiversity corridor connectivity, linking and expanding upon the existing corridor by planting a variety of native species, including Forest Red Gum and a mix of ground covers and understorey, as detailed on the Landscape Plan prepared by Geoscapes (Figure 18).

In the context of the surrounding biodiversity values, particularly to the south of the Site, it is considered a far more superior outcome to provide biodiversity benefits ‘in situ’ rather than providing monetary contributions to offset the impacts elsewhere.

Figure 18 Cross-section of proposed planting along the eastern boundary



Source: Geoscapes, 2021

5.1.3 Stormwater

Civil Engineering Plans have been prepared by van de Meer Consulting and accompany this SEE. The Plans detail proposed stormwater management for the site and proposed development; including measures for addressing overland flow, stormwater harvesting and site discharge.

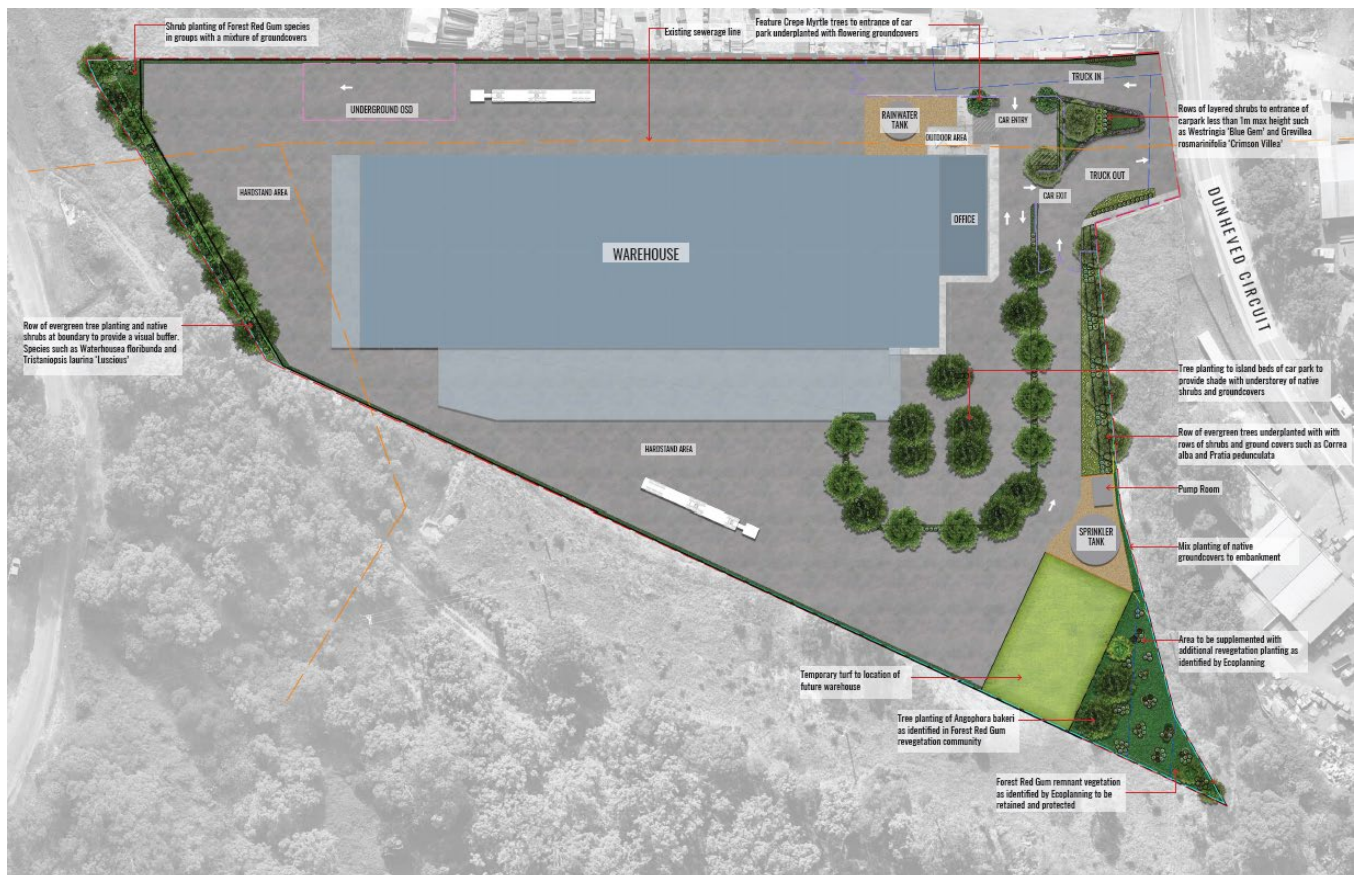
The Civil Engineering Plans also detail erosion and sediment control measures for the proposed development.

5.1.4 Landscaping

A detailed Landscape Concept Plan has been prepared for the proposed development by Geoscapes Landscape Architects. Landscaping proposed across the site, while not extensive due to the nature of the proposed use, supports the requirements of the Penrith DCP as well as the recommendations of the BDAR (**Figure 19**). In summary:

- » A small area of native vegetation will be retained in the south-eastern corner of the site. The area will be improved through weed management and additional revegetation planting as identified by Ecoplanning
- » Rows of single tree planting to island beds of the car park provide shading with an understory shrub planting and groundcovers together supporting screening of the car park in the front setback
- » Planting along the eastern boundary provides additional screening from Dunheved Circuit and biodiversity corridor connectivity to the existing vegetation to the south
- » The location of the future warehouse and outdoor area adjacent to the office are to be turfed.

Figure 19 Landscape Concept Plan

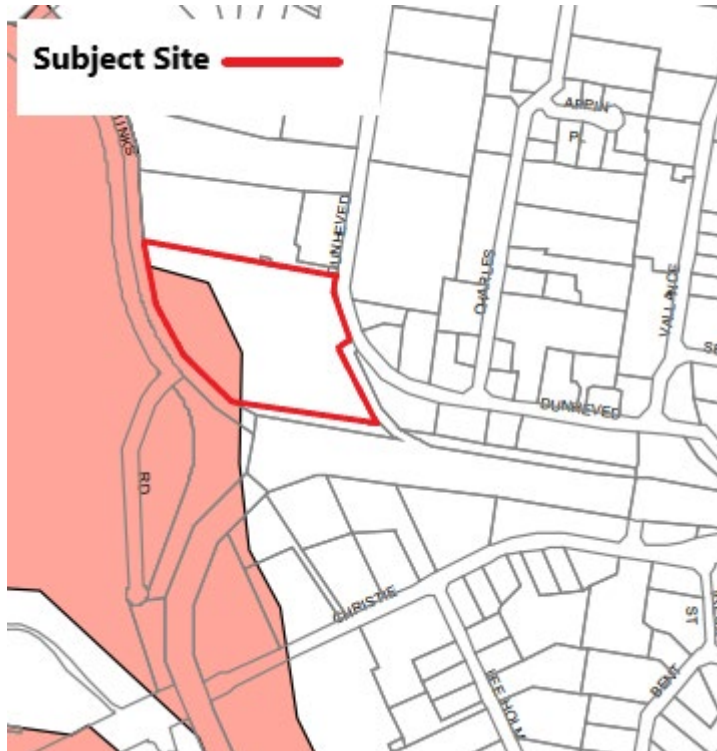


Source: Geoscapes Landscape Architects, 2021

5.1.5 Visual impact

The southern portion of the site is identified as "Land with scenic and landscape values" pursuant to Clause 7.5 - Protection of scenic character and landscape values of the PLEP 2010 (refer **Figure 20**).

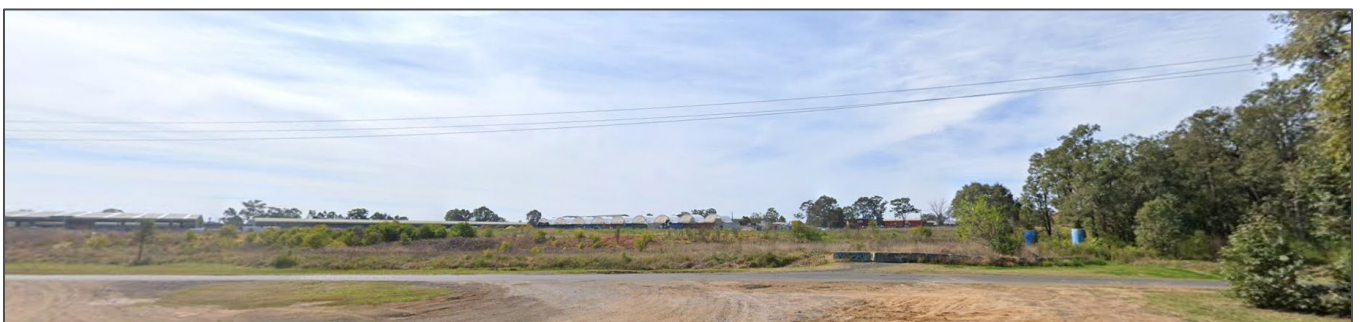
Figure 20 Scenic character and landscape values map – PLEP 2020



Development consent must not be granted for any development on such land unless the consent authority is satisfied that measures will be taken to minimise the visual impact of the development from major roads and other public places.

The subject site is visible from Links Road (**Figure 21**) which falls within a Scenic and Landscape Values Protection Area.

Figure 21 View of the western frontage of the Site from Links Road



Source: Google maps, 2021

Extensive landscape screening is proposed along the eastern boundary (Refer to Landscape Plan and Figure 22-24 below), which will serve two key benefits:

- Provide adequate screening of the proposed industrial development on the Site; and
- Extend the existing biodiversity corridor to the south-west.

As detailed on the Landscape Plan prepared by Geoscapes, the landscaping will comprise a row of native evergreen canopy tree planting and native understorey to provide a visual buffer to the proposed development.

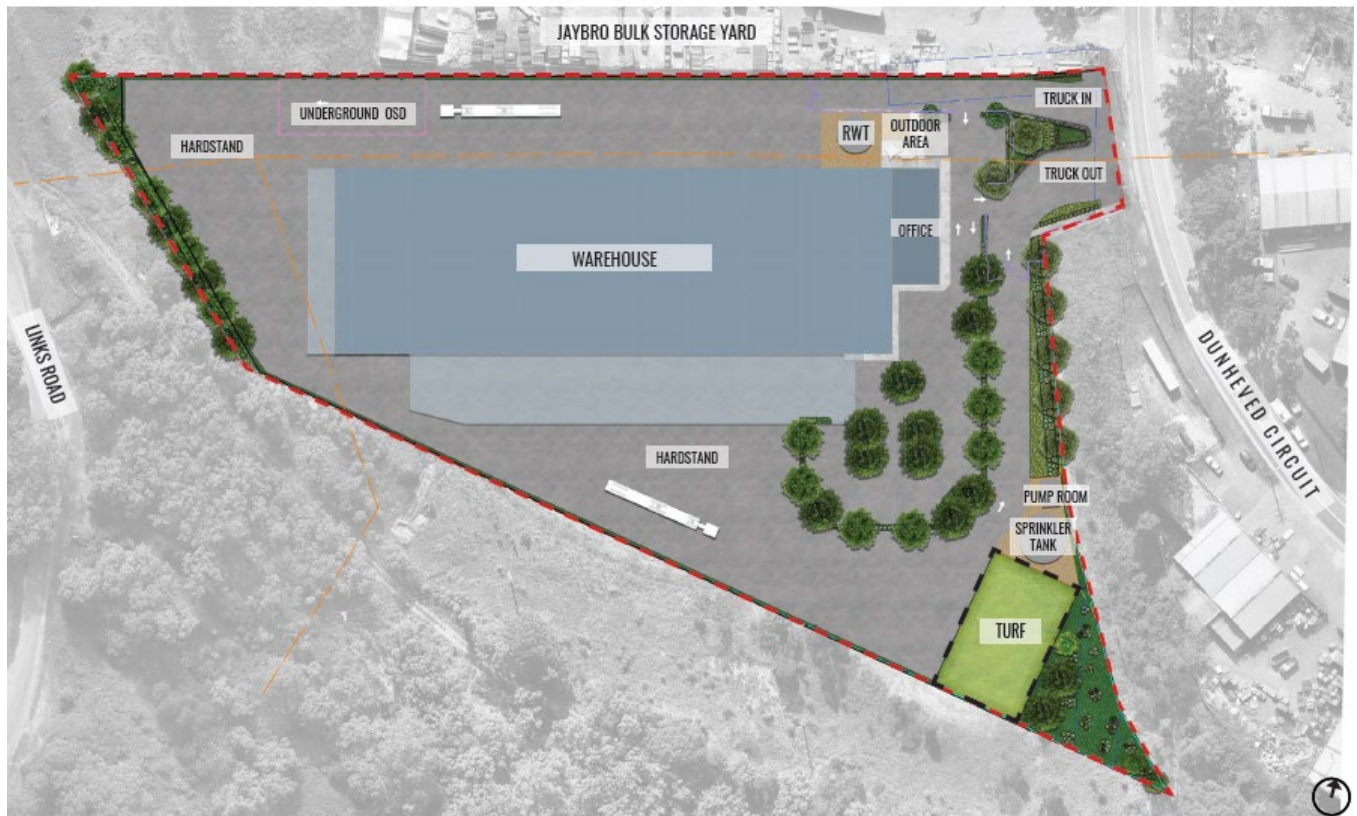
Figure 22 Proposed landscape screen along eastern boundary (pre-establishment)



Figure 23 Proposed landscape screening along the eastern boundary (post establishment)



Source: Geoscapes 14.10.2021

Figure 24: Proposed landscape screening to the western boundary

Source: Geoscapes 14.10.2021

Visual impact of the proposed development is considered acceptable on the following grounds:

- » The proposed development is on relatively flat land and the proposed development conforms to natural landscape
- » The prevailing pattern of development in the vicinity is industrial and the development will not detract from the streetscape character
- » The visual impact when viewed from the public domain, including Dunheved Golf Club and Links Road will be minimal given the strategic siting and orientation of the development which minimises the bulk and scale when viewed from these scenic protection areas.
- » Adequate landscape screening will be provided to the western boundary which will screen the proposed industrial development from Links Road and surrounding scenic protection area, as demonstrated by the photomontages (**Figures 22-23**)

Accordingly, the proposal meets the objectives of the Clause and is acceptable in this regard.

5.1.6 Traffic and parking

A Traffic and Car Parking Assessment has been completed by EB Traffic Solutions and accompanies this SEE. This report sets out an assessment of the traffic and parking implications of the proposed development, with specific consideration of the following:

- » The existing conditions and a description of the proposal
- » Assessment of the development's car parking requirements
- » Adequacy of the on-site car parking supply to accommodate the proposal's car and bicycle parking requirement
- » Assessment of the adequacy of the car park layout

» Traffic impact of the proposal.

Key findings of the assessment are detailed below:

- » Car Parking Considerations:
 - > Application of the car parking requirements to the proposed development results in a requirement of 53 spaces, two of which are to be accessible, which is satisfied by the development's proposed parking provision of 53 spaces, inclusive of two accessible spaces
 - > The parking spaces (inclusive of the accessible spaces), accessway, sight lines, and headroom clearance have been informed by and comply with the requirements stipulated in AS 2890 Parking Facilities.
 - > Reference to the swept path analysis indicates that:
 - Staff and visitors are able to safely enter the car park, access all spaces to then exit from the car park in a forward manner
 - A 26 m B-Double articulated vehicle can safely enter the entry access, circulate around the warehouse to then exit from the development site in a forward manner to Dunheved Circuit. Swept paths showing B-double going to loading bays have been provided
 - The carpark, driveway, and circulation roadway grades are provided on the plans and comply with AS2890.2.
 - End of trip facilities (shower and lockers) are shown on the Office Layout Plan. Bicycle racks have been relocated and increased to 8x bicycle capacity.
- » Traffic Impact:
 - > The level of traffic anticipated to be generated at the development access points is considered minimal and will not represent any adverse impact upon the operation of the surrounding road network or the amenity of the adjacent precinct.

Accordingly, the proposed development is considered satisfactory from a transport and traffic perspective.

5.1.7 Waste Management

A Waste Management Plan (WMP) has been prepared by SALT and accompanies this DA. The WMP demonstrates the way in which waste will be dealt with during construction of the proposed development as well as ongoing waste management once the proposed development is operational.

Refer to accompanying WMP for an estimate of the types and volumes of waste and recyclables to be generated and Architectural Plans showing storage areas and the vehicle access to these areas.

5.1.8 Social and economic

The proposed development is not expected to create any adverse social or economic impacts but has the potential to have a positive impact on the area.

The proposed development will provide a range of economic and community benefits including:

- » It encourages business development, employment opportunities (during construction and ongoing operation) and economic growth without additional assumption of sensitive land areas
- » It contributes to economic viability of the St Marys Industrial Precinct through utilisation of vacant land.

5.2 Site suitability

The site is suitable for the proposed development in that:

- » The proposed distribution centre is permissible with consent in the IN1 Zone and generally complies with the development standards of the Penrith LEP.
- » The proposed development is consistent with the objectives of the Penrith LEP and DCP
- » The Site is located within an industrial/commercial area with surrounding properties predominantly used for warehouse, office and light industrial purposes. No current residential properties are identified within 500m of the Site
- » Technical investigations demonstrate the site is suitable for the proposed development and adverse impacts can be managed, including adequate site remediation in accordance with the RAP.

5.3 Public interest

The proposal is generally in the public interest, as:

- » It is permissible use within the zone in which it is located
- » It encourages business development, employment opportunities and economic growth without additional assumption of sensitive land areas
- » The proposed development is not anticipated to impact or impede on surrounding land uses.
- » Proposes adequate site remediation in accordance with the RAP
- » Enhances biodiversity connectivity through new landscaping along the eastern boundary

6 Conclusion

The SEE has been prepared in accordance with the requirements of the EP&A Act, EP&A Regulation and the requirements of Council. It includes a detailed description of the site and the proposal, and an assessment of the proposal.

This SEE demonstrates that:

- » The proposal is generally consistent with the controls in the relevant SEPPs, the Penrith LEP and DCP and intended use of the site
- » Technical investigations demonstrate the site is suitable for the proposed development and adverse impacts can be managed
- » The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - > It encourages business development, employment opportunities and economic growth without additional assumption of sensitive land areas
 - > The proposed development is not anticipated to impact or impede on surrounding land uses
 - > It contributes to economic viability of the St Marys Industrial Precinct through utilisation of vacant land.
 - > Enhances biodiversity connectivity through new landscaping along the eastern boundary

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome and is therefore recommended for approval.

Appendices

A Response to Council's Request for Information

A **Response to Council's Request for Information**

14 December 2021

Pukar Pradhan
Senior Development Assessment Planner
Penrith City Council

Dear Pukar

RE: DA21/0358 -Warehouse and Distribution Facility at 75-87 Dunheved Circuit

This submission provides a response to Penrith City Council's Request for Additional Information (RFI) dated 21 June 2021 in relation to DA referenced: A21/0358 -Warehouse and Distribution Facility at 75-87 Dunheved Circuit.

Table 1 (attached) identifies the issues raised in the aforementioned RFI and provides our responses to these issues.

The attached response has been informed by a meeting held between Council and the Applicant on the 2 September 2021 and subsequent meeting held with Council on the 26 October 2021. We have also appended this response to the amended Statement of Environmental Effects (SEE).

Furthermore, as provided in an email to Council dated 15 November 2021, the team has collaborated with the applicant of DA21/0013 (subdivision) to address Council's concerns relating to contamination and remediation of the site. We propose the following way forward to address the remediation issues whilst enabling both DAs to proceed to a favourable outcome for both Council and respective Applicants:

- DA21/0358 – Warehouse: we have amended our DA (DA21/0358) to reference the RAP, including the recommendations and subsequent remediation works as required by the RAP. Our DA description and SEE has been updated to reflect the recommendations of the RAP and remediation works, which would satisfy Subclause 7(1)(c) of SEPP 55. The DA documentation will also be updated to reference the DA for the subdivision to strengthen the narrative that the two applications are intrinsically related and should be assessed concurrently.
- DA21/0013 – Subdivision: The applicants of DA21/0013 have proposed a restrictive covenant being placed on the Title which ensures that no works can be undertaken on the site without remediation works being undertaken in accordance with the RAP. This would be imposed by way of a condition of consent (i.e. prior to issue of a subdivision certificate). The DA documentation will also be updated to include reference to the RAP, where relevant.

The above approach will ensure that there is no inherit risk of the site being developed without the appropriate remediation as recommended in the RAP, where the subject DA for the warehouse (works) will implement the recommendations of the RAP and the DA for subdivision will include the mechanisms to ensure works cannot be undertaken on the site without remediation. Once the remediation works have been undertaken in accordance with the RAP and the site is suitable for development, the restrictive covenant can then be lifted from the Title.



We thank Council for the opportunity to submit this response and for your ongoing support throughout the application process. We believe we have adequately addressed all the issues raised to enable Council to support the modification.

Please contact me should you have any further questions or require additional information.

Yours sincerely

Linda Rodriguez
Senior Planning Associate
linda.rodriguez@wsp.com

Attachments:

1. Response to Council RFI Table 1
2. Amended SEE
3. Remediation Action Plan (RAP)
4. Amended Architectural Plans
5. Amended Traffic and Car Parking Assessment Report
6. Amended Stormwater Plans
7. Amended Landscape Plans
8. Visual Impact Photomontages



Table 1 Council request for additional information and responses

Matter	Response
Environmental matters	
<p>PVC pipe manufacture and storage of chemicals</p> <ul style="list-style-type: none">• The SEE states that the proposal is for the storage and distribution of PVC pipes only, however, it is noted that there is to be storage silos constructed outside of the warehouse. You are requested to provide further information to Council which clarifies the purposes of these silos.• It is also mentioned that some chemicals are to be stored internally within the proposed warehouse, but no details have been provided. You are requested to provide further information in relation to these chemicals such as quantity and types of chemicals, where exactly they will be located and what measures will be in place to prevent spills, contamination or release of polluted liquids into the stormwater drainage system.• You are requested to also clarify and provide information which clarifies whether the development application proposes to undertake vehicle repairs/servicing or activities of similar nature on the subject property which may cause water pollution if not managed correctly.	<p>The storage silos have been removed from the plans. No storage of chemicals internally or externally is proposed. No vehicle repairs will be undertaken on the site.</p>



Matter	Response
<p>Environmental and Geotechnical Site Assessment</p> <p>It is noted that there is reference made to an Environmental and Geotechnical Site Assessment prepared by WSP (dated 13 May 2021). However, this Assessment cannot be identified and as such you are requested to provide the document to Council for review.</p>	<p>The Environmental and Geotechnical Site Assessment prepared by WSP (dated 13 May 2021) has been sent to Council previously.</p> <p>A Remediation Action Plan prepared by EP Risks has also been provided, which includes appropriate remediation measures including capping of the contaminated fill. It is understood that remediation must be undertaken prior to works commencing, and this can be ensured by way of a condition of consent.</p>
<p>Manufacture of PVC pipes</p> <p>As mentioned previously, it is not yet clear whether any other proposed use has been nominated as part of this development application apart from warehousing and distribution of pipes. Given the scale of the proposed development, additional information is requested to be provided in relation to potential hazardous or offensive development, and if SEPP 33 is to be considered as part of the proposal</p>	<p>The proposal seeks the warehousing and distribution of PVC pipes only, and the manufacture of PVC pipes will not be undertaken on site.</p> <p>There will be no hazardous or offensive chemicals stored on site as part of the proposed warehousing and distribution use sought under the DA, thus an assessment against the provisions of SEPP 33 and an Offensive/Hazardous Development Report is not required.</p> <p>The storage tanks have been removed from the amended plans.</p>
Engineering matters	
<p>Stormwater pipes</p> <p>All stormwater pipes are to achieve a minimum 1:100 (1%) fall in line with best practice and to allow construction tolerances.</p>	<p>While pipe grades just under 1% are possible, Council's design guidelines for engineering works for subdivisions and developments notes that 1% pipe grades are desirable/preferred, but this is not a hard requirement (see snapshot extract below). The current pipe design grades are in line with AS 3500.3 which allow pipe grades shallower than 1% depending on the pipe size. While 1% pipe grade is an ideal scenario, the specification of 1% pipe grades for this site will lead to a greater length of pipes at depths of over 3m. Construction of pipes at such depths should be avoided where possible due to the requirement for shoring support for trenches, which in turn has implications for</p>



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Matter	Response
	construction time, cost and worker safety. For this reason, we have specified 0.5% grades for pipes greater than 150mm in diameter which is compliant with AS3500.3 and allows for shallower pipe depths.
OSD overflow In a flooding event greater than the 1% AEP or blockage of the outlet, the OSD tank will overflow through the access grates. Given the ground surface slope, the overflow will be directed into the adjacent lot to the north. As such, you are requested to provide a method of directing OSD overflow to the point of discharge at the rear of the property.	The proposed ground surface at the rear of the property will be regraded to provide an overflow path for the OSD at the discharge point at the rear of the property to ensure overflow in a greater than 1% AEP or blockage will not be diverted to adjoining properties.
DRAINS model You are requested to provide a summary of the DRAINS model (or similar) output, including the discharge flowrate from the OSD system. They must demonstrate that there will be no increase in runoff from the site as a result of the development under all durations for all the storms up to and including the 1% AEP event. All assumptions and model parameters used shall be submitted with the DA. The applicant must also provide the RAW DRAINS file.	DRAINS model summary provided in the amended Stormwater Management Plan.
Retaining wall levels Retaining wall levels are to be provided on the Civil plans and must not adversely impact adjoining properties with regard to overland runoff.	The retaining wall plans have been updated to note that existing ground levels at the bottom of the wall are to be retained, and the top of the wall is to match the top of kerb levels as per the proposed contours.



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Matter	Response
Future warehouse The plans indicate the location of a possible 600m ² future warehouse. You may consider designing the OSD stormwater system to cater for this additional development upfront, to avoid significant modifications to the system in the future.	The OSD design has been modified to cater for the 600m ² future warehouse. It is not expected to have a significant impact to the OSD size due to the increase in landscaped areas on the site which will offset the increase in impervious area caused by the future warehouse.
Traffic	
Accessible parking spaces Whilst the onsite provision of 53 car parking spaces complies with DCP C10, however, 3 accessible spaces are required to be provided as per AS2890.6 and located close to the building entrance point.	53 car spaces are maintained, including 2 accessible spaces (previously 1) relocated north and closer to the office entrance.
Pedestrian walkways Pedestrian walkways shall be provided within the carpark and be a minimum 1.5m wide. The parking spaces adjacent to the pathway must feature wheel stops to prevent vehicles overhanging. The plans must enable safe pedestrian movements across the site in accordance with AS2890.1 & 2.	Amended plans have been provided with a 1.5m pedestrian path shown. Wheel stops are also shown for car spaces abutting walkway.
Signage Due to site constraints, both light and heavy vehicles access the site from the same VC, but diverge once past the property boundary. The applicant must provide adequate signage and line marking measures, such that it is clear which entrance is for customers/cars verses.	Truck and car circulation, car parking, and crossover design revised to minimise vehicle overlap and traffic confusion.



Matter	Response
<p>heavy vehicles. Similarly, a priority control must be provided, should a heavy vehicle and car be exiting the site simultaneously.</p>	
<p>Vehicle movements</p> <p>Heavy vehicles enter and exit the site from the north and south side of the VC respectively, which is contradictory to the road rules in which motorists drive on the left. Therefore consideration should be given to consider reversing the direction of heavy vehicle circulation within the site, such that vehicles enter/exit towards the left side of the VC to avoid confusion and crossing movements.</p>	<p>Truck and car circulation, car parking, and crossover design has been revised to minimise traffic confusion.</p>
<p>Swept paths</p> <p>Swept paths must be provided that demonstrate B-double access to the service bays. No more than a 3-point turn should be required.</p>	<p>Swept paths showing B-double going to loading bays have been provided.</p>
<p>Australian Standards</p> <p>Carpark, driveway, and circulation roadway grades are to be provided on the plans and should comply with AS2890.2.</p>	<p>Amended plans are provided demonstrating compliance with AS2890.2. .</p>
<p>Bike and end of trip facilities</p> <p>As per DCP C10.5.1, the development is likely to employ more than 20 staff, thus the proposed bicycle parking is to be supported with change room and shower facilities for cyclists which are to be conveniently located close to the bicycle storage areas. Bicycle parking is to comply with</p>	<p>End of trip facilities (shower and lockers) are shown on the Office Layout Plan. Bicycle racks have been relocated and increased to 8x bicycle capacity.</p>



Matter	Response
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AS 2890.3, noting eight bicycle parking spaces are required.

Planning	
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Scenic protection	
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The site is partly located within Scenic and Landscape Values and any developments located on this site should be of high quality and carefully designed so as not to detract from Scenic and Landscape Values of the area. As the proposed building is of a large scale, with building length of 132.50m and building height of 13m (which exceeds the height limit allowed by the DCP) and in considering the bulk and scale of the building, the excess in building height over the length of over 120m across the site is considered to be excessive in height and is inconsistent with other built form and building design existing in the area and consideration should be given to reducing the building height in order for the building to be compatible with other buildings of the area and also to comply with the DCP.

Enhanced articulation by virtue of vertical elements / finishing on the metal sheet cladding is provided to reduce the perception of bulk and scale.

Furthermore, a 2.4m landscape strip is provided to the western boundary which is proposed to be planted with a mix of native evergreen trees, shrubs and ground cover as per Landscape plan.

The landscaping will serve to both screen the development from the public domain/scenic protection area and provide enhanced/extended biodiversity corridor connectivity to the existing corridor on council land along the south of the site.

Photomontages have been provided which demonstrate how the development will be screened as result of the proposed landscaping. The images show a Year 0 (pre-establishment) and Year 15 (established) scenario, with the Year 15 establishment demonstrating how we have introduced significant landscaping to address the visual concerns to the east/southeast (below).





Matter	Response
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Landscaping

The site is unique in that it has two street frontages and as the rear elevation will be visible from Links Road, the rear elevation should be designed with architectural features to have a good presentation and provide substantial amount of landscaping treatments along the rear part of the site so that the development will present as high quality development when viewed from both Links Road and Dunheved Circuit.

The site currently provides large paving areas and insufficient landscaping along the side boundaries and along the eastern side of he building. This is inconsistent with Council's Cooling the City Strategy and hence will require provision of additional landscaping within these areas. Additional landscaping will need to be provided along the southern and northern boundaries at a distance of 6m to 8m apart and in the large paving areas south of the building to soften the paving area.

Increased landscaping has been provided on the site (refer to amended Landscape Plan), including a 1m landscape strip along the northern boundary, and at least 2.4m along the western boundary where the AEP is located. Landscaping is also increased at the crossover entrance to allow more tree planting. Landscaping to the north and south boundaries cannot be provided where this would significantly impeded truck movements on the site.



South elevation

The southern elevation can be improved by providing a break along the awning of southern elevation where there is no roller door at the fourth section of that elevation to assist in design improvement along southern elevation.

A break in the southern façade cannot be provided as it will significantly impact upon the effectiveness of the 15m awning to provide shelter to loading operations during wet weather.

Notwithstanding, the south elevation will not be readily visible from the public domain (Links Road), where the adjacent land is densely vegetated thus redesign is not warranted in this instance.

Awnings

It is unclear how the 14m wide awning will be supported structurally by the vertical wall without

Struts have been shown on the plans which will support the 15m long awning.



Matter	Response
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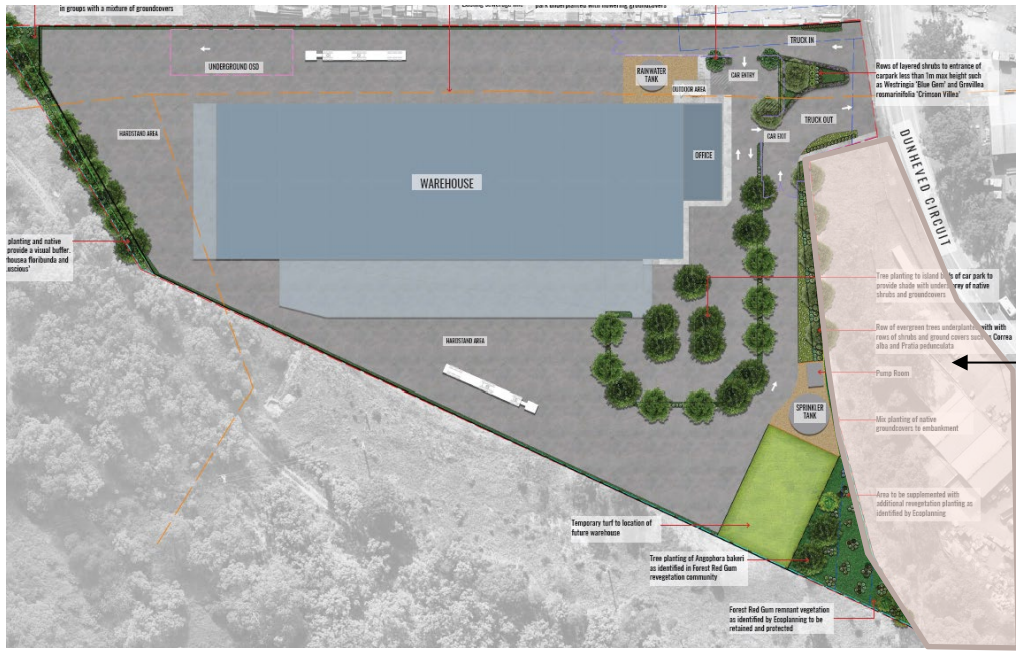
any supports. You are requested to provide details as it may have impact on the aesthetics of the building design.

Setback of future warehouse, sprinkler tank and pump room

The proposed structures e.g. plant room, sprinkling tank and future warehouse will not be supported as they will be within the required 15m building setback as well as within the required front 4.0m landscaped areas resulting in reduced front landscape area and also diminish the streetscape and amenity of the area. These will need to be relocated to the area behind indicative location of future warehouse building and the area landscaped.

The objectives of the landscaping and front setback controls in the Penrith DCP is largely to minimise bulk and scale impacts from the public domain.

The site is unique in that the irregular shaped frontage adjacent to the proposed future warehouse site adjoins another property and the pump room, sprinkler tank and proposed location of the future warehouse will not be visible from the public domain, thus strict compliance with the landscape and setback requirements is not warranted in this instance. We also content that this part of the eastern boundary is not a street boundary, but a side boundary, as it is behind a neighbouring lot.



Adjoining site adjacent to proposed future warehouse, sprinkler tank and pump room which will screen development from the public domain



Matter	Response
	<p>Furthermore, the future warehouse is setback 40m from the public road. The sprinkler tank and pump room is technically setback 34m from the public road. Accordingly, these structures are well beyond the required 15m building setback required by the control.</p>

