

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

Application number:	DA18/0874
Proposed development:	Construction of a Warehouse Building, Ancillary Office and Hard Stand for Warehousing of Oil and Lubricant Products
Property address:	84 Links Road, ST MARYS NSW 2760
Property description:	Lot 44 DP 1185482
Date received:	30 August 2018
Assessing officer	Gemma Bennett
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 7b
Recommendations:	Approve

### Executive Summary

Council is in receipt of a development application for a warehouse with office and associated hardstand areas at 84 Links Road St Marys. Under Penrith Local Environmental Plan 2010, the proposal is defined as a warehouse or distribution centre:

***warehouse or distribution centre*** means 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.

The subject site is zoned IN1 General industrial and the proposal is a permissible land use in the zoning with Council consent.

The key issue identified for the proposed development site is the connection with adjacent lubricant factory at 92-96 Links Rd St Marys.

As the subject site is located in an industrial precinct, the application was not notified in accordance with Penrith Development Control Plan 2014 Appendix F4.

This application is to be determined under delegated authority by Council.

An assessment under Section 4.15 (formerly 79C) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

## Site & Surrounds

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The site is located on the north western outskirts of the the Dunheved Industrial Area. It is 11,580m<sup>2</sup> in size and on the southern side of Links Road with similarly zoned industrial lots to the south and east. A large vacant lot is situated to the immediate north of the subject site.

The site is mapped as partially bushfire prone land, and is subject to mainstream flooding.

The site contains an existing warehouse approved in December 1986.

The adjacent site at 92-96 Links Road is under the same ownership. A development consent for construction of an industrial building for the purpose of lubricant blending was issued by Council in October 2011 (DA10/1311). The subject proposal is to be used for the storage of oils and lubricants produced at the adjacent site.

The applicant attended a pre-lodgement meeting 26 July 2018. Council advised that the application would be suitable provided the requisite documentation was submitted by the applicant. Of note were the traffic considerations based on proposed changes in the local road network.

## Proposal

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The proposed development involves:

- Partial demolition of the existing structure
- Construction of a new warehouse building immediately adjacent to existing structure to be retained providing a total floor area of 2939m<sup>2</sup>
- 94m<sup>2</sup> of office space and amenities
- Driveway to provide manoeuvrability around the building
- 45 car parking spaces
- Use of the building for warehousing of packaged oils and lubricants
- Landscaping embellishment within the front setback

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 33—Hazardous and Offensive Development
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 (formerly 79C) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

## State Environmental Planning Policy No 33—Hazardous and Offensive Development

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 33—Hazardous and Offensive Development and the application is satisfactory.

A Preliminary Hazardous Assessment is not required under SEPP 33 as the Statement of Environmental Effects and Material Safety Data Sheets demonstrate that the products warehoused on site are not hazardous and not classified as dangerous goods.

## State Environmental Planning Policy No 55—Remediation of Land

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 55—Remediation of Land and the application is satisfactory.

The site is currently used as a storage yard for the hire of earthmoving equipment. This application proposes the development of a large warehouse building at the rear of the existing industrial building and partial demolition of a section of the existing built form. The land is considered suitable for the proposed purpose and no contamination concerns have been raised.

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

The proposal includes stormwater control methods that are consistent with Council's policies.

## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.7 Servicing	Complies

### Clause 7.1 Earthworks

While the site is relatively flat, minor site levelling will be required in order to facilitate the slab construction.

### Clause 7.2 Flood planning

The site is affected by mainstream flooding from South Creek and Council's records show that the 1% AEP flood level affecting the site is estimated to be 20.0m AHD.

The proposed finished floor level of the warehouse is 22.0m AHD which complies with Council's flood policies.

## Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

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

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D4.1. Key Precincts	Complies - see Appendix - Development Control Plan Compliance
D4.2. Building Height	Complies - see Appendix - Development Control Plan Compliance
D4.3. Building Setbacks and Landscape	Complies - see Appendix - Development Control Plan Compliance
D4.4. Building Design	Complies - see Appendix - Development Control Plan Compliance
D4.5. Storage of Materials and Chemicals	Complies - see Appendix - Development Control Plan Compliance
D4.6. Accessing and Servicing the Site	Complies - see Appendix - Development Control Plan Compliance
D4.7. Fencing	Complies - see Appendix - Development Control Plan Compliance
D4.8 Lighting	Complies - see Appendix - Development Control Plan Compliance

## Section 79C(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

### **Fire safety**

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary.

The application has been referred to Council's Building Surveyors for assessment with the following comments being provided:

- The application has been accompanied by a BCA report which states that a Performance Solution is to be formulated for the new addition and possibly the existing building. The PCA issuing the CC will need to review the solution.
- No objection is raised to the application subject to the recommended building conditions being included should consent be granted.

It is noted that the new building will be separated from the existing structure by a fire wall.

The proposed development complies with the requirements of the Regulations.

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

Likely impacts of the proposed development as identified throughout the assessment process include:

### **Natural resources and systems eg. Air, water, soil**

The site is located within an established industrial precinct. The proposed development is to be used for the storage of goods only and therefore not generating significant detrimental impacts in relation to air, waste or noise emissions. Stormwater management has been assessed as adequate for the proposal and site.

### **Flora and fauna and threatened species**

There is not existing vegetation on the site and

### **The public domain and the public/private interface**

There will be no negative impacts on the public domain as all works are contained within the site and services provided accordingly.

### **The character of the place and its local and regional context**

The proposal is consistent with the bulk, scale, colour and design of other development in the locality.

### **Access, traffic and transportation impacts**

The development is unlikely to significantly impact on the local road system and will not conflict with future changes to the arrangement of the intersection immediately in front of the property. The proposed access arrangements and car parking on site will be adequate for the development and provide for forward entry and exit for large trucks.

### **The need for infrastructure and services**

The site is adequately serviced by sewer, water and electricity.

### **Practical remediation measures to alleviate any concern and protect the environment.**

Adequate sedimentation and erosion controls are proposed as part of the development and site modification is minimised in the design.

### **Social and economic impacts**

No negative social impacts are envisaged to be created by the proposal.

### **Health, safety and compatibility issues**

The proposed development safeguards the health and safety of the occupants by provision of amenities, suitable pedestrian circulation space around the building and adequate car parking spaces.

### **Desired future character of the area**

The industrial character of the area will be maintained by the development.

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use and the use is compatible with surrounding land uses.
- The grade of the site is suitable for the design proposed and minimal land modification is required to accommodate the slab construction.
- The site is able to drain to Council's satisfaction and all easements have been considered in the design of the proposed development.
- The warehouse facilitates storage of items produced on the adjoining property, minimising transportation requirements and traffic generation in the LGA.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals. No objections were raised subject to conditions of consent.

In accordance with Appendix F4 of Penrith Development Control Plan 2010, the proposed development did not have to be notified. No submissions were received in relation to the proposed development.

### Referrals

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

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

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

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

## Conclusion

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In assessing this application against the relevant environmental planning policies as detailed in this report, the proposal satisfies the aims, objectives and provisions of these policies.

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

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

## Recommendation

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1. That DA18/0874 for demolition of the existing awning and construction of a warehouse for storage of oils and lubricants at 84 Links Road St Marys, be approved subject to the attached conditions (Development Assessment Report Part B).

## General

### 1 A001

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

Drawing Title	Drawing Reference	Prepared by	Dated
Cover sheet	18176 DA-000; Issue A	SBA Architects	22-08-2018
Site/roof and site analysis plan	18176 DA-100; Issue A	SBA Architects	22-08-2018
Warehouse plan	18176 DA-101; Issue A	SBA Architects	22-08-2018
Elevations - Sheet 1	18176 DA-200; Issue A	SBA Architects	22-08-2018
Elevations - Sheet 2	18176 DA-201; Issue A	SBA Architects	22-08-2018
Section	18176 DA-300; Issue A	SBA Architects	22-08-2018
Civil design cover sheet, locality plan and drawing schedule	18133 DA1.01; Revision 2	Sparks and Partners	24-08-2018
Erosion and sediment control plan	18133 DA2.01; Revision 2	Sparks and Partners	24-08-2018
Concept stormwater management plan	18133 DA4.01; Revision 3	Sparks and Partners	24-08-2018
Concept stormwater catchment plan	18133 DA4.05; Revision 1	Sparks and Partners	24-08-2018
Landscape plan cover sheet	SS18-3858 101; Issue B	Site Image Landscape Architects	22-08-2018
Landscape plan	SS18-3858 101; Issue B	Site Image Landscape Architects	22-08-2018
Landscape details	SS18-3858 501; Issue B	Site Image Landscape Architects	22-08-2018

### 2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 3 A026 - Advertising sign (not for residential)

A separate development application for the erection of any sign or advertising structure, other than the signs indicated on the approved plans or those listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Part C9 of Penrith Development Control Plan 2014.

### 4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 5am to 4pm Mondays to Sundays.

### 5 A046 - Obtain Construction Certificate before commencement of works

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

### 6 A Special (BLANK)

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

### 7 A special BLANK

The premises must not store more than 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form) of oils and lubricants at any one time. If the threshold is exceeded, an environmental protection licence under Schedule 1 of the Protection of the Environment Operations Act is required.

### 8 A Special Condition (BLANK)

**Prior to the issue of Construction Certificate** the stormwater management strategy must be modified to incorporate the requirements of Section 3.1 of Councils WSUD Policy which relates to the use of efficient (WELS) rated fittings.

## Demolition

9 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

10 **B004 - Dust**

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

11 **B005 - Mud/Soil**

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

12 **B006 - Hours of work**

Demolition and construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

## **Environmental Matters**

13 **D001 - Implement approved sediment& erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

The approved sediment and erosion control measures are to be installed **prior to and 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.

14 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.



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

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

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

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

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

16 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

17 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

18 **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.

19 **D15 - Spill prevention & clean-up procedures**

Adequate spill prevention, contingency and emergency clean-up procedures for the development shall be prepared and adhered too. The business must also have available at all times an adequate supply of spill or emergency response equipment and materials.

## **BCA Issues**

20 **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.

21 **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

22 **G002 - Section 73 (not for**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

23 **G004 - Integral Energy**

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

## Construction

## 24 H001 - Stamped plans and erection of site notice

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

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

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

Signage but no more than 2 signs stating the above details 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.

## 25 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

## Engineering

### 26 K101 - Works at no cost to Council

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

27 **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 City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

28 **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 Sparks and Partners reference 18133 drawings DA1.01 to DA2.01 revision 2; DA4.01 revision 3; DA4.05 revision 1 dated 24 August 2018.

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.**

29 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Sparks and Partners), reference number (18133), revision (3), dated (24/08/2018).

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 any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith Development Control Plan 2014.

31 **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.

32 **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.

33 **K503 - Stormwater Compliance**

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

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- 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.

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

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

35 **K Special (BLANK)**

All vehicles are to enter and leave in a forward direction.

36 **K Special (BLANK)**

The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

37 **K Special (BLANK)**

All car spaces, manoeuvring areas and loading areas are to be sealed/line marked and dedicated for the parking, manoeuvring and loading of vehicles only and not be used for storage of products / waste materials etc.

38 **K Special (BLANK)**

Prior to the issue of an Occupation Certificate, appropriate signage, visible from the public road and on-site shall to be installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / visitors to on-site parking, delivery and service areas to the satisfaction of the Principal Certifying Authority.

39 **K Special (BLANK)**

Subleasing of car parking spaces is not permitted by this Consent.

## **Landscaping**

40 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan by Site Image Landscape Architects, dated 22-08-2018, and Part C6 of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

41 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register assuitable to construct category 3 landscape works.

42 **L003 - Report requirement**

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 landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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.

43 **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 Appendix F5 of Penrith Development Control Plan 2014.

44 **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.

## **Certification**

45 **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.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C2 Vegetation Management

##### 2.3 Bushfire

The front 6m of the site is mapped as bushfire prone land - Category 2 vegetation.

The BCA does not provide for any bush fire specific performance requirements for Class 7 buildings and as such AS 3959 does not apply as a set of 'deemed to satisfy' provisions. The general fire safety construction provisions are taken as acceptable solutions, but the aims and objectives of PBP apply in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management.

The Statement of Environmental Effects adequately addresses the aims and objectives of PBP for the proposed development.

#### C3 Water Management

##### 3.5 Flood planning

This has been addressed previously in this report.

##### 3.6 Stormwater Management

Stormwater Plans have been provided demonstrating compliance with Council's policies.

#### C5 Waste Management

##### 5.2.4 Non-residential development controls

A commercial waste bin storage area is located adjacent to the office and amenities and away from the primary street frontage. The driveway and manoeuvring area is suitable for a collection vehicle to enter and exit the property. It is noted that the Statement of Environmental Effects described waste generation from the warehouse as minimal, largely comprising of excess cardboard packaging generated prior to distribution of materials.

#### C6 Landscape design

The proposed development is characterised as a 'Category 3' development for landscape design purposes. A detailed landscape plan was submitted with the development application. Landscaping is further discussed in Part D.

#### C9 Advertising and Signage

##### 9.4 Commercial, mixed use and industrial zones

The proposal includes a 6m x 4m flush wall sign on the northern elevation of the new warehouse building. The business identification sign indicates the company name and logo, and is appropriate to the scale of the building. Signage is similarly located on the adjacent production building.

A 3m x 1.2m pylon sign on the north eastern corner of the site is indicated on the plans. The sign is contained within the subject property, does not cause any conflicts with pedestrian or traffic, and is appropriately integrated with the design of the development.

#### C10 Transport, Access and Parking

The application was supported by a Traffic Impact Assessment by traffix, dated 23 August 2018. Two existing driveways are provided on the site allowing for adequate vehicular circulation around the proposed building and forward entry/exit. It is noted that a roundabout is proposed on the intersection of Links Road and a future North South Link Road to Jordan Springs which directly fronts the eastern driveway of the subject site. Swept paths have been provided which demonstrate access and egress is adequate for 26m B-Double vehicles to enter via the eastern driveway and exit via the western driveway, avoiding conflict with the roundabout circulation.

DCP 2014 requires a minimum of 42 carparking spaces to be provided based on the floor area of the development. The proposal includes 45 spaces.

**C12 Noise & Vibration****12.4 Industrial and commercial development**

The development is located within an existing established industrial area. No noise conflicts are anticipated.

**C13 Infrastructure and Services****13.1 Location of easements for infrastructure**

Multiple easements are located on the site and identified on the site plan. The development is not located within these easements.

While the proposed development will service the existing production facility on the adjacent lot, consolidation of the lots is not required as there are no structures proposed to be constructed over the property boundaries.

**D4 Industrial Development**



#### **D4.1 Key Precincts**

The site is located within Precinct 1 - Dunheved/St Marys.

#### **D4.2 Building height**

The maximum permissible building height is 12m. The proposed building height from existing ground level is 11.4m based on the contour survey provided.

#### **D4.3 Building setbacks and landscape**

The development standard is a minimum 9m front setback. The proposed development will not be altering the front setback as the existing warehouse building is to be largely retained, apart from the awning at the rear which is to be demolished. The front setback provided by the existing building ranges from 15-38m due to the angled nature of the boundary and building orientation. The new warehouse is to be constructed at the rear, set back 45-80m from the front boundary.

The carparking and landscaped area provision within the front setback is to remain as existing. While the width of the landscaped areas is currently 2m and do not meet the current minimum 4m standard, the beds are to be enhanced by additional tree, shrub and groundcover planting. The proposed trees will assist in reducing the impact of bulk and scale of the building structure, and provide a continuation of the landscaping strip from the adjacent property, which is well maintained. The road reserve in this location is approximately 6m wide which presents as an additional turfed setback to the front boundary and contributes to the green space in the locality.

The proposed development does not require removal of any trees or other vegetation and the landscaping treatment is consistent with the minimal landscaping provided on adjoining developments.

#### **D4.4 Building design**

Large elevations are broken up by the use of both concrete panels and metal cladding in two colours. The pitched roof includes both metal cladding and skylight panels. The new warehouse is located to the rear of the existing structure which will assist in varying the bulk and scale of built form on the lot.

#### **D4.5 Storage of materials and chemicals**

Chemicals are to be stored internally.

#### **D4.6 Accessing and servicing the site**

Vehicular circulation and parking has been previously addressed.

#### **D4.7 Fencing**

There is an existing chain link fence at the front boundary that is to be retained.

#### **D4.8 Lighting**

Lighting is to be provided at entrances and exits and used within business hours. As the site is located within an industrial area, no amenity impacts from light spill are likely.