

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0055
Proposed development:	Construction of Industrial Warehouse Building & Use of Premises as a Depot
Property address:	33 - 35 Sommerville Circuit, EMU PLAINS NSW 2750
Property description:	Lot 9 DP 1105133
Date received:	22 January 2014
Assessing officer	Belinda Borg
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 5 , Class 7b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of an industrial building and use as a depot at 33 Sommerville Circuit, Emu Plains. The subject site is zoned IN1 General Industrial under Penrith Local Environmental Plan 2010 and the proposed development is permissible in the zone with Council consent. The proposed development involves the construction of a freestanding building on the site adjacent to an existing drainage easement. The drainage easement was established as part of the original industrial subdivision to take overflow floodwaters from Lapstone Creek during flood events.

The design of the building responds to the constraints of the site and is complimentary to the character of the area. The proposed development is an appropriate use in the zone and is unlikely to generate any significant issues.

An assessment under Section 91 and Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Site & Surrounds

The site is 3322m² in size and is currently a vacant allotment. It is noted that a shipping container, tyres and machinery are currently being stored on the site. The subject site is situated on the northern side of Sommerville Circuit, approximately 250m west of the intersection with David Road. The site is located in the floodplain of the Nepean River, adjacent to a concrete lined drainage channel (Lapstone Creek) that conveys flows from the south to the north.

The site is burdened by an easement of drainage, services and access. The surrounding land to the north contains industrial land uses, with the adjoining land to the east a vacant allotment. The locality is characterised by modestly sized industrial development.

Proposal

The proposed development includes the following aspects:

- Construction of a new free-standing building with a total floor area of 681.2m² and awning area of 148.25m²;
- A total thirteen (13) car parking spaces within the site
- The construction of two separate entry/ exit driveways to Sommerville Circuit
- Use of the site as a depot.

The proposed hours of operation are 6am to 6pm, Monday to Saturday. As the site is a depot for railway related activities, access to the site afterhours has been requested in the event of attending a rail emergency.

No signage is proposed as a part of the Development Application.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 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 91- Integrated development

The subject site has been identified as being adjacent to a natural watercourse. The proposed development was considered to be a controlled activity and, as such, the proposal was referred to the Department of Primary Industries Office of Water for consideration an Integrated Development Application.

The Department of Primary Industries Office of Water provided written advice on 26 February detailing that the proposed development is exempt, from Section 91E (1) of the Water Management Act, as the activity on waterfront land relating to a river which is fully concrete lined or is a fully enclosed pipe channel. Therefore General Terms of Approval are not required.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A

Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	N/A
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	Complies
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A

Clause 6.3 Flood Planning	Complies - See discussion
Clause 6.4 Development on natural resources sensitive land	Complies
Clause 6.5 Protection of scenic character and landscape values	Complies
Clause 6.6 Servicing	Complies
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Permissibility

The subject site is zoned IND 1 General Industrial under the Penrith Local Environmental Plan 2010. The proposed development is defined as a depot which is permissible in the zone subject to Council consent.

LEP and Zone Objectives

The proposed development is consistent with the aims and objectives of both the LEP and the zone itself, which permits the construction of industrial buildings, promoting development that makes efficient use of industrial land.

Clause 6.3 Flood Planning

The property was created by way of an industrial subdivision approved by Council on 15 February 2001 under Development Consent No. DA05/0375. The approval of the subdivision resulted in a slight rise in the flood level of approximately 150mm in the 200 year flood and as a consequence one existing industrial building to the south-west of the estate would become inundated over their floor level. The approved subdivision included measures to accommodate flood conveyance for floods up to the 200yr ARI regional Hawkesbury-Nepean flood which included widening of the concreted lined drainage channel, re-vegetation of the riparian corridor and establishment of drainage easement and related restriction as to user.

In accordance with section 88B of the Conveyancing Act 1919, a restriction as to user was imposed on the site that reads:

'The part of each Lot within the drainage easement numbered 1 in the plan:

- 1) Shall not be used for the storage of vehicles, plants, materials or other items likely to obstruct the free flow of floodwaters*
- 2) Shall not have its surface level altered without the consent of Council and*
- 3) Shall contain fencing and landscaping of open style which shall not obstruct the free flow of floodwaters'.*

The subject site has been identified as affected by an overland flow drainage easement to accommodate for higher order flood events and is located within a low flood island. The proposed floor level of the units is RL 25.00m which is above the designated flood planning level. Council's Development Engineers have reviewed the application and raised no objections to the proposal subject to conditions.

The development will not impact on the movement of flood waters within the locality.

Clause 6.5 Protection of Scenic Character and Landscape Values

The proposed built form is sympathetic to the site characteristics and is considered to meet the objectives of this chapter.

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

Stage 2 of the City Wide Penrith Planning Proposal outlines that *this Planning proposal addresses the matters that are required to deliver a comprehensive Local Environmental Plan (LEP) for Penrith. The Planning Proposal covers all land within the City of Penrith, excluding land covered by State Environmental Planning Policy (Western Sydney Employment Area) 2009 and deemed State Environmental Planning Policy SREP No. 30 - St Marys.*

The Penrith Planning Proposal was placed on exhibition on 13 May 2013 with exhibition finishing on 5 July 2013. The zoning of the development site, being IN1 General Industrial will not be altered by Stage 2 of the LEP.

The EP & A Act states that the consent authority must consider 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. The Penrith Planning Proposal is not imminent at this time and as such considerable weight has not been given to the provisions of the draft plan.

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

Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	Complies
Part C3 - Water management	Complies
Part C4 - Land management	Complies
Part C5 - Waste management	Complies
Part C6 - Landscape design	Complies
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	Complies
Part C9 - Advertising and signage	N/A
Part C10 - Transport, access and parking	Complies - see Appendix - Development Control Plan Compliance
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	Complies
Part C13 - Infrastructure and services	Complies
Part D4 - Industrial development	Complies - see Appendix - Development Control Plan Compliance

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

The proposed development complies with the requirements of the Regulations.

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

The key impacts of the development centre on flooding and visual impacts and these have been discussed in detail above. Other relevant likely impacts as a result of the development relate to noise generation, economic impacts, safety and security and waste management. These aspects are discussed below.

Noise Generation

The proposed development is limited to the construction of an industrial building which will be used as a depot. The noise generation from the activity will not be dissimilar to the existing industrial activity within the locality. Recommended conditions have been included to limit noise generation during construction and operation of the depot.

Economic Impact

The site is located within the Emu Plains Industrial Area and will infill a vacant allotment within the subdivision. The accommodation of this type of development in the Penrith Local Government Area will result in the generation of employment opportunities and will further stimulate the local and regional economy.

Safety and Security

Appropriate measures will be installed on site to ensure that the proposed facility remains secure. A perimeter palisade fence and appropriate lighting to staff car and visitor parking areas will be installed once the facility is operational.

Waste Management

Appropriate arrangements would be made for construction waste to be disposed of at authorised waste management facilities.

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.
- The use is compatible with surrounding/adjointing land uses.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

Community consultation

In accordance with Section F4 (Notification and Advertising) of Penrith Development Control Plan 2010, the Development Application was advertised and notified from 10 February to 12 March 2014. No submissions were received.

Internal Referrals

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

Issue Raised	Comments
<i>Building Surveyors</i>	<i>No objections, subject to conditions of consent</i>
<i>Development Services Engineers</i>	<i>No objections, subject to conditions of consent</i>
<i>Environmental Health - Waterways</i>	<i>No objections, subject to conditions of consent</i>

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 - Waterways	No objections - subject to conditions

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

As the proposal is consistent with the objectives of the relevant LEP and the provisions of the DCP, the development is considered to be in the public interest.

Conclusion

The proposed development is appropriately located within the IN1 General Industrial zone under Penrith Local Environmental Plan 2010 and is consistent with the aims and objectives of the LEP and DCP 2010.

Furthermore, the development performs adequately in terms of its relationship to the surrounding built and natural environments, particularly in relation to the likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Recommendation

1. That DA14/0055 for the Construction of an Industrial Building, Carparking and Use as a Depot at 33 Sommerville Circuit Emu Plains, be approved subject to the attached conditions (Development Assessment Report Part B).

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the stamped approved plans issued by Penrith City Council and other plans, reports or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions:

Drawing Title	Drawing Number	Issue	Prepared by	Dated
Site Plan	3370-1	-	Abode Design	28.5.2014
Floor Plan	3370-2	-	Abode Design	28.5.2014
Elevations	3370-3	-	Abode Design	28.5.2014

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

4 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours are from 6am to 6pm, Monday to Saturday. Access to the site is permitted outside of the approved operating hours only for the purpose of attending to rail emergency works.

5 [A032 - Goods in buildings](#)

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

6 [A039 - Graffiti](#)

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

7 [A046 - Obtain Construction Certificate before commencement of works](#)

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

8 [A Special Condition \(BLANK\)](#)

Prior to the issue of a Construction Certificate and Operation and Maintenance manual for the stormwater management system including Bioretention basin must be prepared and submitted to Council for approval.

Environmental Matters

9 [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).

10 [D008 - Filling compaction](#)

Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

11 [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.

12 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.

13 D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)

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

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

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

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

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

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

Note: 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."

14 D Special - Mud and Soil

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

BCA Issues

15 E006 - Disabled access and facilities

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

16 E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

17 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.

18 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

19 G002 - Section 73 (not for

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

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

20 G004 - Endeavour 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

21 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.

22 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.

23 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

24 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

25 [H032 - Painting](#)

The building is to be painted externally.

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

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

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

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

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

Engineering

27 [K025 - Pavement seal](#)

All land required for vehicular access and parking is to be concreted.

28 [K027 - Car Parking](#)

A total of thirteen (13) off-street parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved schedule of external finishes. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 14 spaces, 1 parking spaces for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to the main pedestrian entrances to the building.

29 [K029 – 'In' crossings](#)

The vehicular crossing on the western side of the property is to be used for ingress purposes only and appropriately signposted "IN".

30 [K030 - 'OUT' crossings](#)

The vehicular crossing on the eastern side of the property is to be used for egress purposes only and appropriately signposted "OUT".

31 [K202 - Roads Act \(Minor Roadworks\)](#)

Prior to the issue of a Construction Certificate, a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- Provision of a heavy-duty vehicular crossings.
- Reinstatement of redundant vehicular crossing.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on telephone (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

32 **K210 - On site detention**

On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Williams Consulting Engineers Australia P/L), reference number (2014/128/Sw1), dated (Oct 2014).

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system 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 on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

33 **K214 - Flood Report Recommendations**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by (PACLIB INDUSTRIAL PTY LTD), Issue 1 , dated (February 2005).

Details prepared by a qualified person, demonstrating compliance with this report, shall form part of any Construction Certificate issued.

34 **K221 Access, Car Parking and Manoeuvring – General**

Prior to the issue of a 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, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

35 **K501 Roads Authority clearance**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

36 **K502 Works as executed - General**

After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of 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.

37 **K503 Stormwater Compliance**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s (including water sensitive urban design)
- 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 been undertaken have been satisfactorily completed.

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

38 **K504 Restriction as to User and Positive Covenant**

Prior to the issue of an Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s (including water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

39 **K Special - Works within Drainage Easement**

The floodway area as defined in DP1105133 and the 88B instrument shall not be used for the storage of any vehicles, plant, machinery or other items likely to obstruct the free flow of floodwaters.

The existing surface levels and batters within the drainage easement shall not be altered.

Landscaping

40 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan, Sections F5 "Planting Techniques", Section F8 "Quality Assurance Standards" and Section F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

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 as suitable to construct category 2 landscape works.

42 **L003 - Report requirement**

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 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.

ii. Maintenance Report

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

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

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 Penrith Council's Landscape Development Control Plan.

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.

45 [L007 - Tree protection measures—no TMP with DA](#)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section F4 of Councils Landscape Development Control Plan.

46 [L Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, a revised landscape plan shall be submitted and approved by Penrith City Council reflecting the site layout shown on the approved site plan (Drawing No. 3370-1, dated 28 May 2014, prepared by Abode Design). The plan shall be consistent with Section C6 Landscape Design of Penrith Development Control Plan 2010.

Subdivision

47 [M013 - Street trees](#)

Prior to the issue of an Occupation Certificate three (3) street trees are to be planted within the road reserve area in accordance with Penrith City Council's Engineering Works Development Control Plan, the Guidelines for Engineering Works for Subdivisions and Developments Part 1 - Design and Part 2 - Construction and Penrith City Council's Landscape Development Control Plan.

Before the street trees are planted, approval of the plant species and location of the street trees are to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Services Unit on telephone (02) 4732 7777.

Certification

48 [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:

- 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
- 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 2010

Part C - Controls applying to all land uses

C1 - Site Planning & Design Principles

Clause	Not Applicable	Complies	Does Not Comply	Comments
1.1. Site Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1.1. Site Analysis	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.1.2. Key Areas with Scenic and Landscape Values	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2. Design Principles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.2.1. Application of Certification System	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.2. Built Form - Energy Efficiency & Conservation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.3. Building Form - Height, Bulk & Scale	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.4. Responding to Site's Topography and Landform	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.5. Safety and Security (Principles of Crime Prevention Through Environmental Design)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.6. Maximising Access & Adaptability	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.3. Fencing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C2 - Vegetation Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
2.1 Preservation of Trees and Vegetation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
2.2 Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
2.3 Bushfire Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C3 - Water Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
3.1. The Water Cycle / Water Conservation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.2. Catchment Management and Water Quality	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

3.3. Watercourses, Wetlands and Riparian Corridors	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.4. Groundwater	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.5. Flood Liable Lands	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.6. Stormwater Management and Drainage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.7. Water Retention Basins/Dams	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.8. Rainwater/Storage Tanks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.9. Water Sensitive Urban Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C4 Land Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
4.1 Site Stability, Excavation and Filling	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.2 Landfill	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.3 Erosion and Sedimentation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4 Contaminated Lands	<input type="checkbox"/>			
4.4.1. Preventing Contamination	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.2. Triggers for Contamination Investigation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.3. Stages of Contamination Investigation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.4. Site Audit	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.5. Remediation Procedures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.6. Clean Up Notices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.7. Council Records and Community Information	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.5 Salinity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C5 Waste Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
5.1 Waste Management Plans	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2 General Controls	<input type="checkbox"/>			
5.2.1. Controls - Site Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.2. Controls - Selection of Building Materials	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.3. Controls - Designing for Waste Minimisation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

5.2.4. Controls - Siting & Design of Waste Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.5. Management of Waste Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.3 Development Specific Controls	<input type="checkbox"/>			
5.3.1. Residential Development Controls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.3.2. Mixed Use Development Controls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.3.3. Non-Residential Development Controls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.4 Hazardous Waste Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.5 On-Site Sewage Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C6 Land Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
C6 Landscape Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.1 Development Process	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.2 Protection of the Environment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3 Neighbourhood Amenity and Character	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.4 Site Amenity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.5 Construction	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C7 Culture and Heritage

Clause	Not Applicable	Complies	Does Not Comply	Comments
7.1 European Heritage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.1. Determining the Impact on Heritage Significance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.2. Identification of Potential Places of Heritage Significance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.3. Heritage Items	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.4. Conservation Areas	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.5. Design Guidelines	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.6. Site Specific Development Controls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.7 Development in the Vicinity of a Heritage Item or Conservation Area	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.8. Archaeological Sites	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.9. Potential Heritage Items	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

7.1.10. Demolition	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.11. Professional Offices and Commercial Buildings	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.12. Conservation Incentives and Fee Concessions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.1.13. Archival Recording	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.2 Aboriginal Culture and Heritage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C8 Public Domain

Clause	Not Applicable	Complies	Does Not Comply	Comments
8.1. Pedestrian Amenity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
8.2. Street Furniture	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
8.3. Lighting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
8.4. Outdoor Dining and Trading Areas	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
8.5. Public Art	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C9 Advertising and Signage

Clause	Not Applicable	Complies	Does Not Comply	Comments
9.1. General Requirements for Signs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.2. Signs in the Vicinity of Heritage Items	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.3. Residential, Rural and Environmental Zones (E3 Environmental Management and E4 Environmental Living)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.4. Commercial, Mixed Use and Industrial Zones	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.5. Open Space Zones (Public and Private Recreation)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.6. Special Event Advertising	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C10 Transport, Access and Parking

Clause	Not Applicable	Complies	Does Not Comply	Comments
10.1. Transport and Land Use	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
10.2. Traffic Management and Safety	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
10.3. Key Transport Corridors	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
10.4. Roads	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

10.5. Parking, Access and Driveways	<input type="checkbox"/>			
10.5.1. Parking 11	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
10.5.2. Access and Driveways	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
10.6. Pedestrian Connections	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
10.7. Bicycle Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

The Development Control Plan details parking should be provided at the following rates:
Industries - 1 per 75m² of gross floor area or 1 per 2 employees, whichever is the greater
Commercial premises (including business & office premises - All other areas) - 1 per 40m² of floor area that is to be used for commercial activities.

The proposed development has a 431.2m² of industrial floor space and 250m² of office floor area, therefore requiring twelve (12) parking spaces. The design of the development includes the provision of thirteen (13) parking spaces.

It is noted that the building is to be used for as a depot. However in the event that the use of the site changes, the proposed level of parking will be able to accommodate an alternative industrial use.

C11 Subdivision

Clause	Not Applicable	Complies	Does Not Comply	Comments
11.1. General Subdivision Requirements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
11.2. Rural Subdivision	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
11.3. Residential Subdivision	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
11.4. Industrial Subdivision	<input type="checkbox"/>			
11.4.1. Subdivision – Lot Standards	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
11.4.2. Subdivision – Access Roads	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
11.4.3. Subdivision – Other Requirements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C12 Noise & Vibration

Clause	Not Applicable	Complies	Does Not Comply	Comments
12.1. Road Traffic Noise	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
12.2. Rail Traffic Noise and Vibration	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
12.3. Aircraft Noise	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
12.4. Industrial and Commercial Development	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
12.5. Rural Development	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
12.6. Open Air Entertainment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
12.7. Vibration and Blasting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C13 Infrastructure and Services

Clause	Not Applicable	Complies	Does Not Comply	Comments
13.1. Location of Easements for Infrastructure	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.2. Utilities and Service Provision	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.3. On Site Sewage Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.4. Engineering Works and Construction Standards	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.5. Parent Friendly Amenities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

D4 - Industrial development

4.2 - Building Height

Development Control Plan 2010 - D4 Industrial Development outlines the maximum building height for the development is 12m. The proposed building has a maximum building height of 9.5m, measured from natural ground level.

Additional building height controls apply to site located within Precinct 9 (south of Old Bathurst Road) state *the application must demonstrate that the development will not adversely affect the scenic quality of the precinct, particularly when viewed from elevated locations.*

The location of the property within the subdivision and the modest nature of the proposed development will ensure that the development will not adversely impact on the scenic quality of the site.

4.3 - Building Setbacks and Landscape

Development Control Plan 2010 - D4 Industrial Development outlines the proposed development is to have a front setback of 9m to the building and 4m to the car parking area. The proposed development includes a front setback of 14.5m to the building and 3.2m to the car parking area.

The development site has an allotment width of 41.55m, with the landscaped area setback variation being limited to 11.4m of the allotment width. The site is affected by a significant easement, which limits the building platform and provides a substantial area of the site to provide landscaping. The variation to the front setback is limited to a small proportion of the site and is of a size that will provide significant landscaping directly in front of the building. Therefore the variation is supported.