

JRPP Number	2010SYW064
Application Number	DA10/0938
Local Government Area	Penrith City Council
Applicant	Nettleton Tribe Pty Ltd
Proposed Development	Staged Development - Three (3) x Warehouse Distribution Buildings
Property Description	Lot 2 DP 1094504
Property Address	Nos.1-23 Templar Road, ERSKINE PARK
Date Received	18 September 2010
Type of Development	Integrated Development
Capital Investment Value	\$24,800,000
Assessing Officer	Steven Chong - Senior Environmental Planner
Recommendation	Approval, subject to conditions

Assessment Report and Recommendation



Proposed Development Perspective. Source Nettleton Tribe

Executive Summary

Council is in receipt of a Development Application which proposes a Staged Development consisting of three (3) x Warehouse Distribution Buildings with associated office space, car parking and landscaping. Development Consent is sought for the erection of buildings only. The individual uses of these building are subject to a separate Development Application.

The 'capital investment value' (CIV) of the proposal is \$24.8 million. Having regard to the CIV being in excess of \$10 million, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West pursuant to Part 3 - Regional Development of the State Environmental Planning Policy (Major Development) 2005.

Previously, the subject site was approved for a Data Centre Building for Fujitsu by the Joint Regional Planning Panel – Sydney West at its meeting on 25 March 2010 (2010SYW006). The approved development has not been activated.

The subject development site is part zoned IN1 General Industry and E2 Environmental Conservation under the provisions of State Environmental Planning (Western Sydney Employment Area) 2009. The existing biodiversity corridor along the front property boundary of the site is zoned E2 Environmental Conservation. The proposed development is to be located on the IN1 section of the site and is permitted with consent.

The proposal is defined as 'Integrated Development' as concurrence from the Department of Environment, Climate Change and Water – NSW Office of Water is to be obtained for a 'Controlled Activity Approval' under the Water Management Act 2000. The General Terms of Approval have been issued for the proposed development.

The subject application is applicable to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as the proposed is defined as an 'Industry.' In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the application was reported at the Sydney Regional Development Advisory Committee at the Roads and Traffic Authority (RTA) on 6 October 2010. The Committee raised no objection to the proposed development subject to the imposition of conditions.

Pursuant to Clause 29 of State Environmental Planning (Western Sydney Employment Area) 2009, the proposed development was referred to the Department of Planning to obtain the Director-General's certification for the satisfactory arrangements for the provision of regional transport infrastructure and services. The Director-General has provided their written certification for the proposed development.

The application was placed on public exhibition from 27 September 2010 to 11 October 2010. No submissions were received in response to the proposal.

The application has been assessed under Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979* (as amended). Having regard to

the matters discussed in this report, the application is recommended for approval, subject to the imposition of conditions.

Background

The subject site comprises of a number of approvals which are detailed as follows: -

- DA04/1599 for a three (3) lot torrens title subdivision of Lot 93, DP 838541 which had created the subject Lot 2.
- DA255_10_2004i for part of Lot 93 corresponding with the subject Lot 2) for the BlueScope Steel Limited approved by the Minister for Planning.
- DA07/0710.03 proposing a three (3) lot torrens title subdivision approved 24 July 2007. Council is receipt of a Section 96(1A) Modification which seeks to modify the approved boundaries of the proposed lots. The proposed lots reflect the siting of the proposed building which are subject to this Development Application.
- Proposed Industrial Warehouse with ancillary office, car parking, signage and use by McArthur Express DA07/0709.01 on approved 14 September 2007. This consent is currently valid, however has not been activated.
- DA09/1323 (2010SYW006) - Data Centre Building for Fujitsu approved by the Joint Regional Planning Panel – Sydney West at its meeting on 25 March 2010 (2010SYW006). The approved development has not been activated.

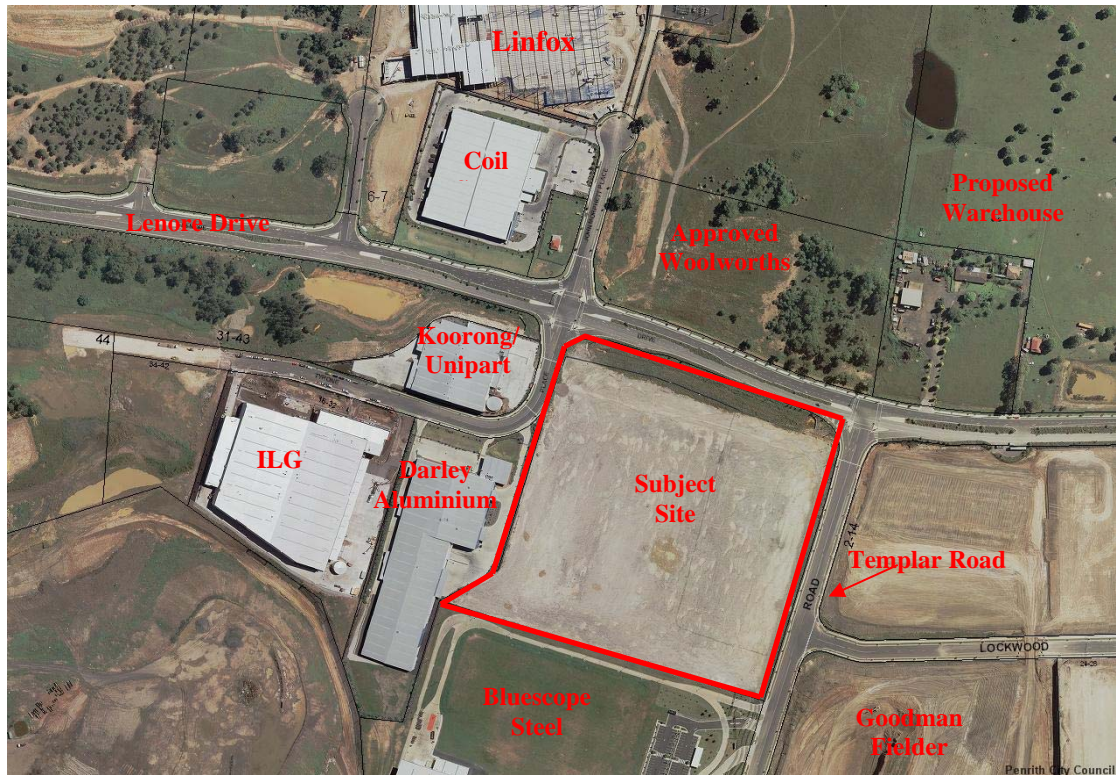
Site and Surrounds

The subject development site is located at the south east corner of the signalised intersection of Lenore Drive and Templar Road within the Erskine Business Park. The land is bound by Lenore Drive to the north, Templar Road to the east, Bluescope Steel to the south and Darley Aluminium to the west.

The site has been subject to substantial bulk earth and drainage work which has resulted in the flat surface. The site is regular in shape and is currently vacant with a total site area of 7.615 hectares.

A biodiversity corridor is located along the front boundary addressing Lenore Drive which contains a variety of mature trees and shrubs. The overall site has been cleared and has been subject to substantial earthworks and benching in preparation for industrial development.

On 15 December 2008, the Department of Planning approved a data centre on land immediately opposite which is north of Lenore Drive for Woolworths Limited (MP 08_0109). Project approval was granted by the Department of Planning for a printing and warehouse distribution facility adjacent to the approved Woolworths Data Centre to the north of Lenore Drive.



Aerial plan. Source Penrith City Council

Proposed Development

The key elements of the proposed development are detailed in the accompanying drawings and are summarised as follows: -

Component	Description
Project Summary	Staged development comprising of three (3) stages for the erection of three (3) separate Warehouse Distribution Buildings and associated office, car parking and landscaping.

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- | | |
|-----------------|--|
| Building | <ul style="list-style-type: none">▪ The proposal would comprise of the following floor areas and parking spaces: - |
|-----------------|--|

Building	Warehouse Area	Office Space	Car Parking
A	20,000m ²	1,000m ²	171
B	8,600m ²	500m ²	99
B	8,550m ²	500m ²	99
Total	37,150m²	2,000m²	369

-
- The proposed buildings would have a maximum height of 12.30 metres;
-
- The proposed buildings are located centrally to the site and are separated by a maximum seven (7) metre wide access corridor for fire fighting purposes.
-
- A maximum front setback of 45 metres to Lockwood Road of which contains the existing biodiversity corridor (average 24.5 metres) and hard stand for staff car parking;
-
- A side (east) setback of 27 metres is proposed from Templar Road, of which a maximum 7.5 metres would be provided for landscaping. A side (west) setback to Tyrone Place of 25 metres with a maximum 7.5 metres provided for landscaping. A 1.8 metre high palisade fence would be provided behind all landscaped area to address each street frontage.
-
- Each of the proposed warehouse buildings consist of a mixture of materials and finishes with a mix of painted precast concrete panels and metal cladding with shallow pitched and profiled metal roofs complemented with 'clearite' sheeting. The proposed building would be and painted in a variety of colours and textures to assist in the articulation of the façade.
-
- The loading docks are provided to each of the proposed buildings with loading areas located to the east and west elevations. Loading dock areas are characterised with roller doors and large cantilevered metal awnings for all-weather protection and a maximum height of seven (7) metres.
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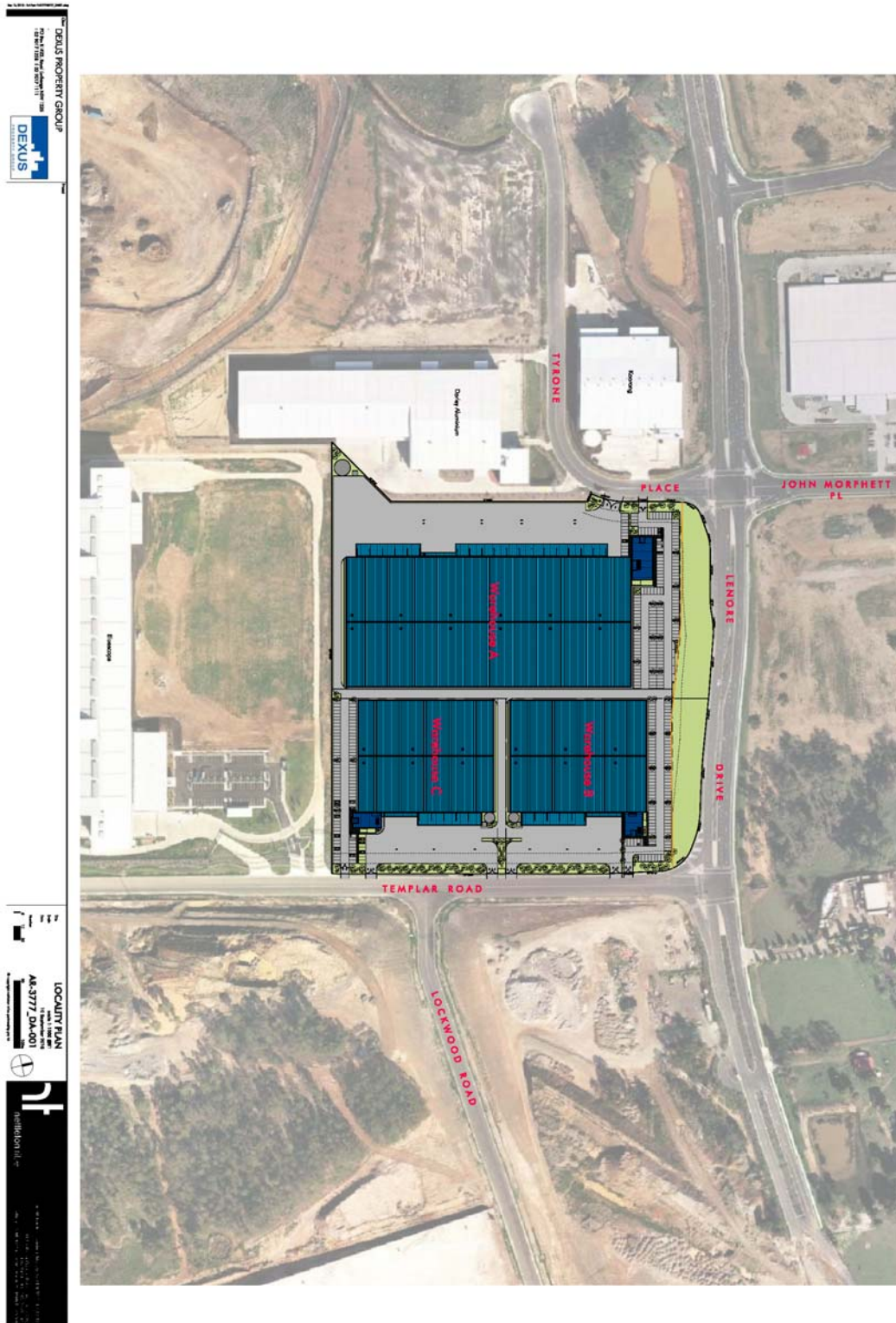
Office	<ul style="list-style-type: none">▪ Office space for each of the proposed buildings would be split across two levels. Office spaces would accommodate business administration and staff amenity areas. These office elements are to be provided with a mixture of clad finishes and significantly glazed areas.
Car Parking	<ul style="list-style-type: none">▪ A total of 369 car spaces are proposed on-site. Provisional car spaces have been identified along the western elevation in the event of increased parking demand.▪ A total of eight (8) access points are proposed with direct access to Templar Road and Tyrone Place. Each access point provides separation for passenger vehicles and trucks to minimise conflict for vehicular access.
Landscaping	<ul style="list-style-type: none">▪ The existing biodiversity corridor is to be maintained along the site. Landscaping is to be provided along all setbacks in particular, the north and east setbacks ensuring the screening of all proposed car parking. Landscape ‘islands’ are proposed throughout all car parking areas, entry points as well as screening for fire sprinkler tanks.▪ Palisade fencing is proposed along the Lenore Drive and Templar Road frontage and is setback within the landscape area.
Future Use	<ul style="list-style-type: none">▪ The proposal does not seek the occupation of these industrial units. The proposed warehouse building does not have any uses prescribed at this stage and will be subject to the lodgement of separate Development Applications for any future uses.

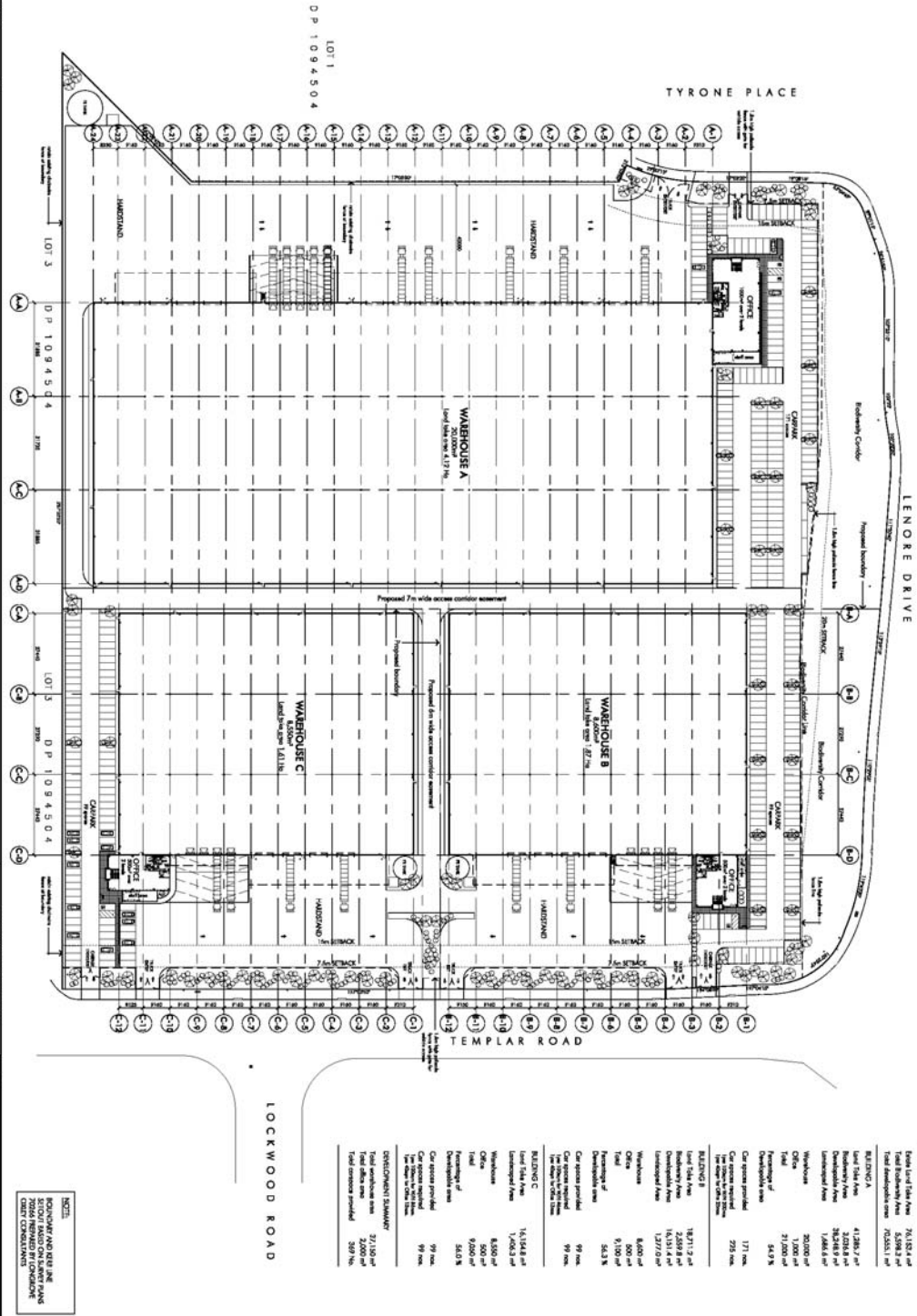
The following reports have accompanied the subject Development Application and used throughout the planning assessment: -

- Statement of Environmental Effects - Cityscape Planning + Projects;
- Architectural Plans – Nettleton Tribe;
- Civil and Stormwater Plans – C & M Consulting Engineers;
- Assessment of Traffic and Parking - Transport and Traffic Planning Associates;
- Acoustic Assessment – Heggies;
- Landscape Plans – Viridian Designs; and
- Contamination – Consulting Earth Scientists.

Development Application Plans

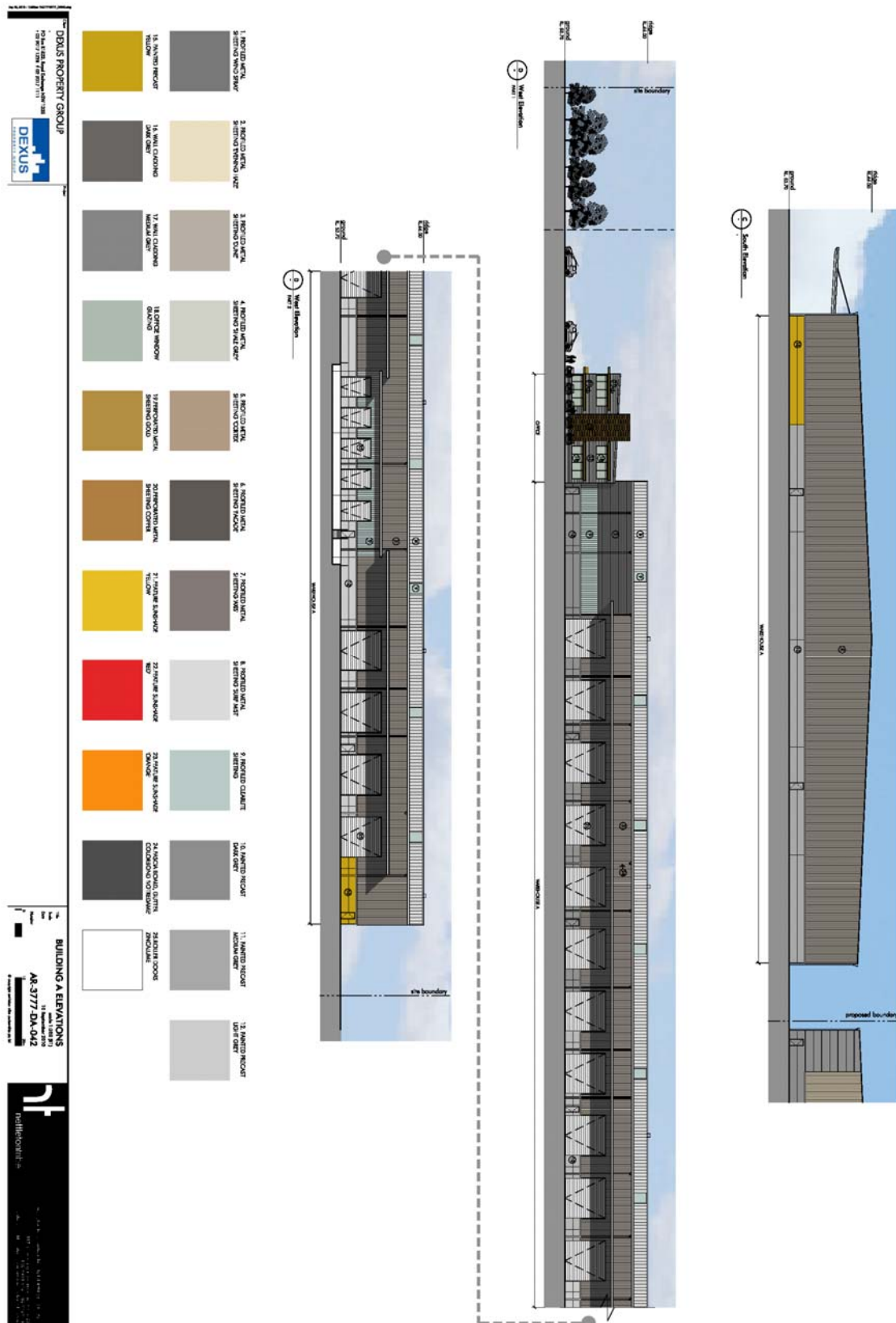
Locality Plan





(Scaled Plans appended this report)

Elevations Plan – Building A

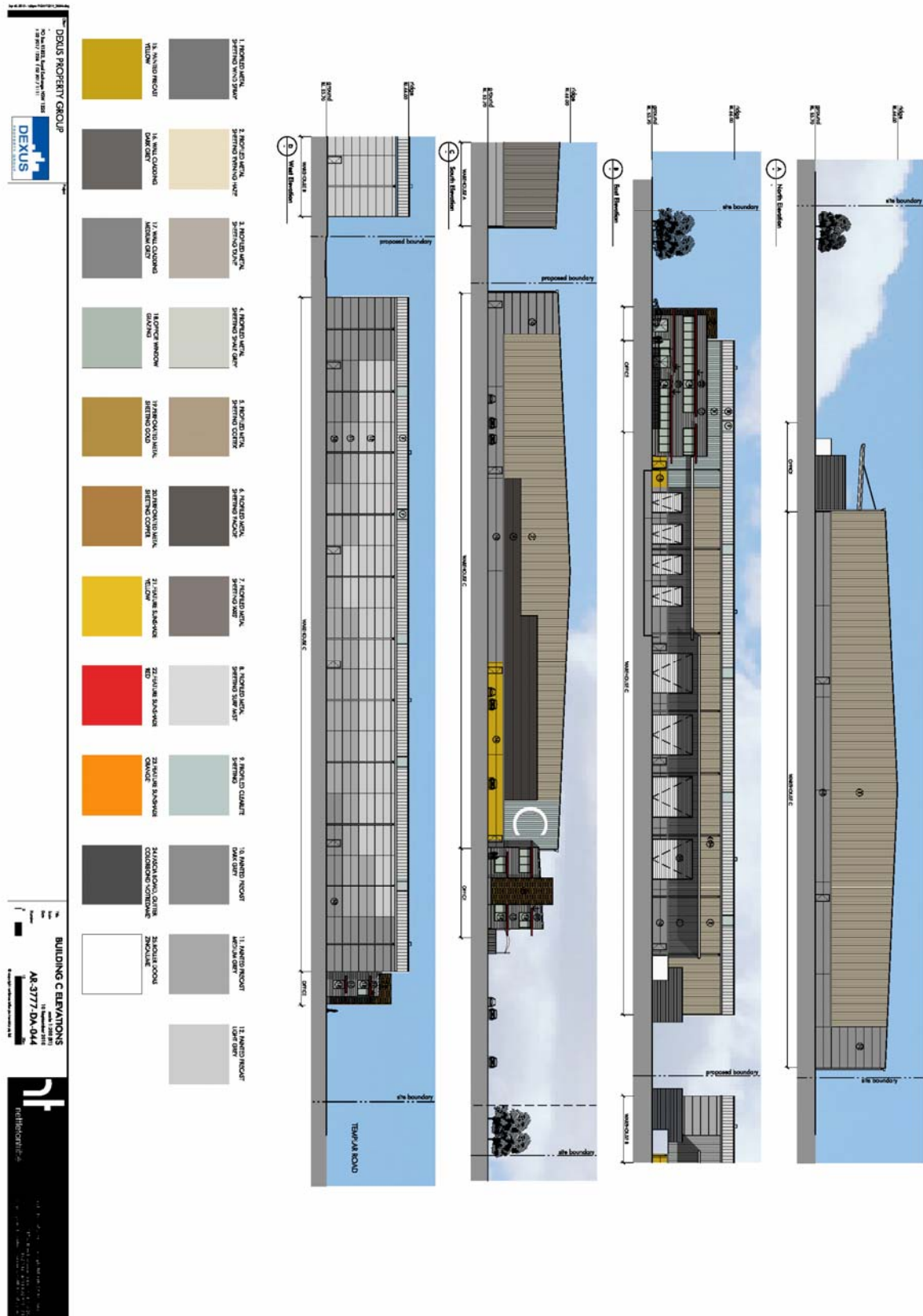


(Scaled Plans appended this report)

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Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Application: -

- State Environmental Planning Policy (Western Sydney Employment Area) 2009;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Remediation of Land;
- Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River; and
- Penrith Development Control Plan 2006.

The development has been assessed in accordance with the matters for consideration under Section 23G and 79C of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* as follows: -

1. Section 23G - Environmental Planning and Assessment Act 1979

A regional panel is taken to be the Council whose functions are conferred on a regional panel. In this case, the Sydney West Joint Regional Planning Panel is the consent authority as conferred on it under State Environmental Planning Policy (Major Development) 2005 as amended.

2. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP 2007) provides direction for proposed development to be considered by relevant public authorities for those listed in the schedules and any representation required in respect to the proposed development.

Clause 104 of the ISEPP 2007 provides for traffic generating development and provides in part as: -

“104 Traffic-generating development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

The subject application was defined as ‘Industry’ and has a total floor area in excess of 20,000m² which is applicable to Column 2 of Schedule 3 of ISEPP 2007.

The subject application was referred to the Sydney Regional Development Advisory Committee (SRDAC) on behalf of the Roads and Traffic Authority (RTA) for discussion on 6 October 2010.

The SRDAC provided the following comments in respect to the proposed development: -

-
-
1. *The location of the entrance and exit to the heavy vehicle loading dock area for 'Building B' are to be reversed with the entrance being located to the south and the exist located to the north of the loading dock area to provide adequate separation between the entry and signalised intersection.*
 2. *The layout of the proposed car parking areas associated within the subject Development Application (including driveways grades, turn paths, sigh distance requirements aisle widths, aisle length and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.*
 3. *The swept path of the longest vehicle (to service the site) entering and exiting the subject site as well as manoeuvring through the site shall be in accordance with ASUTROADS,. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirements.*
 4. *All vehicles are to enter and leave the site in a forward direction.*
 5. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.*

The SRDAC provided in their comments in respect to the proposal and raised no objection subject to conditions (See Appendix No.2).

However, the location of the truck entrance and exit points for proposed Building B are required to be reversed to allow for adequate separation between the entry and the signalised intersection with Templar Road and Lenore Drive.

These matters can be addressed through the imposition as a condition of consent (See Special Conditions Nos 2.32 to 2.36).

Accordingly, the proposal is consistent with the provisions of ISEPP 2007.

(b) State Environmental Planning Policy (Western Sydney Employment Area) 2009

The State Environmental Planning (Western Sydney Employment Area) 2009 (SEPP WSEA) aims to promote economic development and the creation of employment in the Western Sydney Employment Area. The plan provides for the co-ordinated planning and development of land to improve certainty and an efficiency regime for future development and infrastructure provision.

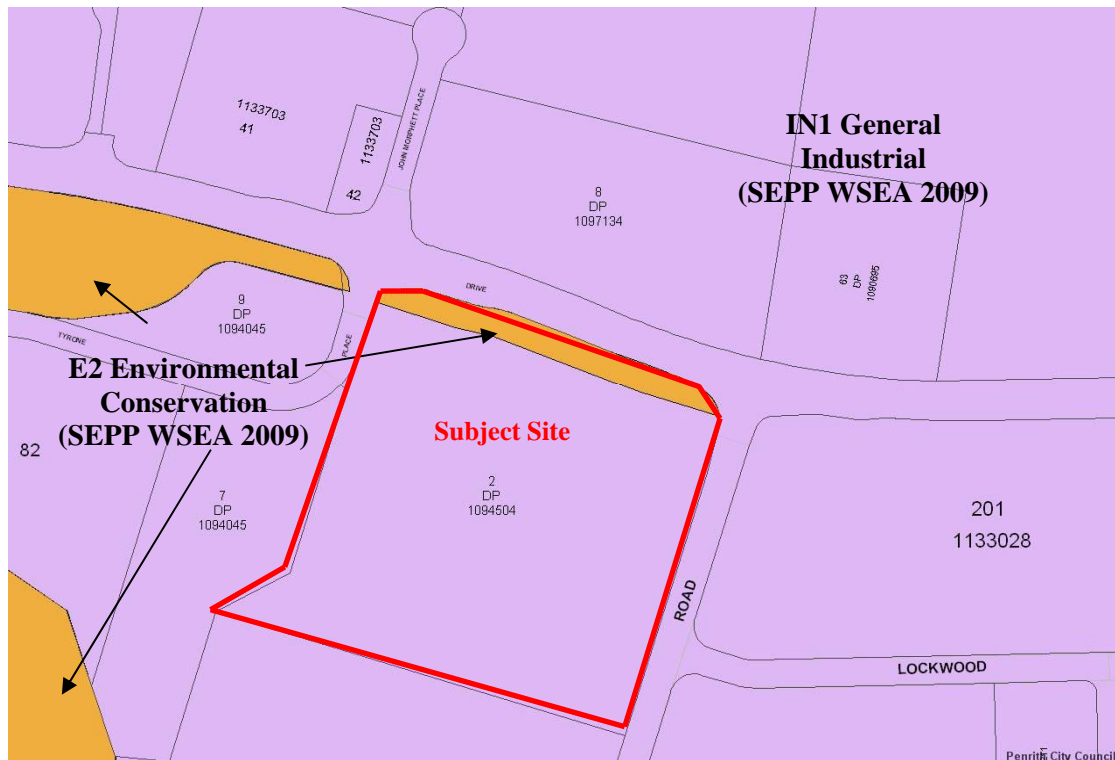
(i) Permissibility

The subject development site is part zoned IN1 General Industry and E2 Environmental Conservation under the provisions of SEPP WSEA. The proposed development is to be located on the IN1 section of the site. The existing biodiversity corridor along the front property boundary of the site is zoned E2 Environmental Conservation with no work proposed within this E2 portion.

The proposed development would be suitably defined as a 'Warehouse or distribution centres' which is outlined follows: -

“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.”

The proposed development involves the erection of buildings with their future use subject to a separate Development Application. The proposed buildings are conducive for the purposes of warehouse or distribution centres and are permitted with consent.



Zoning Map Extract. Source Penrith City Council

(ii) Objectives of the zones

The objectives of the IN1 zone are as follows: -

- *To facilitate development for a wide range of employment-generating industrial, manufacturing warehousing, storage or research purposes, including ancillary office space.*
- *To encourage employment opportunities along motorway corridors, including the M7 and M4.*
- *To minimise any adverse effect of industry on other land uses.*
- *To facilitate regional road network links to the M7 and M4 Motorways.*

The following points are made in respect to the proposed development and the objectives of the IN1 zone: -

- The proposed development comprises of large buildings with substantial industrial and office floor space that are suitable for warehouse distribution centres and other similar employment generating development.
- The proposed development would generate new employment opportunities for the Penrith Local Government Area which is in the spirit and intent of the

employment generating nature of Erskine Business Park and the Western Sydney Employment Area.

- While the proposal does not involve the occupation of these buildings, it is anticipated that the future uses would generate a negligible impact to the surrounding area.
- The site is currently accessible to Erskine Park Road via Lenore Drive. It is anticipated that on completion of the Lenore Drive extension towards the M7/M4 interchange, vehicular traffic for large vehicles would be minimised along the Erskine Park Road/ Mamre Road corridor given the ease of access to the east.

The proposal is considered to meet the objectives of the IN1 zone.

The objectives of the E2 zone are as follows: -

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The proposed development does not involve any works to the existing biodiversity area. Additional landscaping behind the existing biodiversity corridor is proposed to continue the aesthetic value of the area and therefore it is considered that this embellishment of the area is consistent with the objectives of the E2 zone.

(iii) Principal Development Standards

The SEPP WSEA contains a number of principal development standards which are considered in respect to the proposal as follows: -

DEVELOPMENT PROVISION	COMMENT
Clause 18 - Requirement for development control plans The “Erskine Park Employment Area” section under the <i>Penrith Development Control Plan 2006</i> (approved 21 August 2006 and as in force on 15 December 2006) applies to the site.	Noted. Assessment against the DCP is made as part of this report.
Clause 20 - Ecologically sustainable development The consent authority must not grant consent to development on land to which this Policy applies unless it is	The development includes rainwater tanks that harvest water from roof areas. This water would be re-cycled for use for flushing of toilets and landscape irrigation. The amenities provided as part of the administration area would also be provided with AAA rated water efficient fittings and water

DEVELOPMENT PROVISION	COMMENT
<p>satisfied that the development contains measures designed to minimise:</p> <p>(a) the consumption of potable water, and</p> <p>(b) greenhouse gas emissions.</p>	<p>efficient appliances. These measures would reduce potable water demand.</p> <p>These measures together with a commitment to meet Section J of the BCA and provide energy efficient appliances and fittings would ensure that the development has reduced energy demands and therefore minimise greenhouse gas emissions.</p>
<p>Clause 21 – Height of buildings</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:</p> <p>(a) building heights will not adversely impact on the amenity of adjacent residential areas, and</p> <p>(b) site topography has been taken into consideration.</p>	<p>The proposed building would have a maximum height of 12.3 metres which is consistent with Council’s DCP and all other existing buildings within the local area.</p> <p>\Based on the physical distance and the built environment of the surrounding area, it is considered that the proposed building would not adversely affect the amenity of adjacent residential areas.</p>
<p>Clause 22 - Rainwater harvesting</p> <p>The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.</p>	<p>A number of water sensitive design measures are to be adopted throughout the site and serve to integrate elements of the water cycle to reduce the loading placed on water and wastewater infrastructure.</p> <p>A number of opportunities to reduce demand on potable water and to reduce wastewater exported from the development are proposed, including the use of rainwater tanks to supplement water supply and installation of AAA fittings to reduce consumption of potable water.</p>
<p>Clause 23 - Development adjoining residential land</p> <p>Applies that is within 250 metres of land zoned primarily for residential purposes.</p> <p>Council satisfied that matters relating to visual amenity, noise generation, traffic, parking and landscaping are</p>	<p>The site is located well in excess of 250 metres of the Erskine Park residential area to the north.</p>

DEVELOPMENT PROVISION	COMMENT
compatible with the surrounding residential area.	
Clause 25 – Public utility infrastructure The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	The site is well serviced in regard to existing public utility infrastructure. All services are readily available.
Clause 26 - Development on or in vicinity of proposed transport infrastructure routes The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	The site is not located adjacent to a proposed transport infrastructure route. It is located adjacent to a constructed section of Lenore Drive
Clause 29 - Industrial Release Area—satisfactory arrangements for the provision of regional transport infrastructure and services The consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision	See Section 8 of this report.

DEVELOPMENT PROVISION	COMMENT
of regional transport infrastructure and services (including the Erskine Park Link Road Network)	
<p>Clause 31 – Design principles</p> <p>In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:</p> <p>(a) the development is of a high quality design, and</p> <p>(b) a variety of materials and external finishes for the external facades are incorporated, and</p> <p>(c) high quality landscaping is provided, and</p> <p>(d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.</p>	<p>The proposed building has been architecturally designed to a high standard to ensure that it presents to Lenore Drive and Templar Road. An appropriate level of colour and material variation has been incorporated into the design to articulate the facade. High quality landscaping incorporating native species as defined in Council’s DCP is proposed.</p> <p>Each built form proposes to provide solar panels on the roof which provide hot water to the office and amenities components of the development. The warehouses are provided with clearlite sheeting in the roof that allows for the entry of natural light into the warehouse areas. In addition, each built form provides significantly glazed office areas with a northern aspect which would deliver natural light and heat and minimise heating and lighting demands.</p> <p>The scale of the proposed development is consistent with other development in the Erskine Business Park locality.</p>
<p>Clause 32 - Preservation of trees or vegetation</p> <p>The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	<p>The site was cleared as part of the initial bulk earthworks activities to bench the site. The site does not contain any natural vegetation. The biodiversity area would be retained as part of the proposed development.</p>

Having regard to the above, the proposal is permitted in the zone and is consistent with the objectives of the zones and relevant development standards in SEPP WSEA

(c) State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) provide aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Council must consider Clause 7 of SEPP 55 as follows: -

“7 Contamination and remediation to be considered in determining development application

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-
- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The site is noted to have conducted extractive industry for a number of decades. An examination of Table 1 to the Planning Guidelines for Contaminated Land identifies ‘extractive industries’ as a potential contaminating activity.

Section 7(3) of the SEPP states the following: -

“The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.”

Prior to any form of development on the site, the surrounding area was predominantly used for agricultural purposes. Subsequently, the site has been subject to extensive bulk earthworks in which a level building pad now exists on the site. An investigation relating to contamination on the site has been addressed in previous application. Moreover, validation of any imported material onto the site as part of the bulk earthworks has been resolved.

The provisions of SEPP 55 have been satisfied.

(d) Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River

Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River (SREP) applies to the subject land and stipulates that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of SREP

The proposed development is not in conflict with this objective, and it is considered that any risks relating to the protection of the Hawkesbury-Nepean River system would be considered and addressed through the implementation of any conditions of consent relating to erosion and sediment control, and stormwater runoff mitigation.

3. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the site.

4. Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2006

Car Parking

The proposed development is applicable to Section 6.14 – Erskine Park Employment Area of the Penrith Development Control Plan 2006. A table detailing compliance to the relevant controls applicable to the proposed development is appended to this report (See Appendix No.1).

The proposed development is generally consistent with Section 6.14 – Erskine Park Employment Area, however a variation is sought in respect to Clause 4.4 - Car Parking.

A total of 369 parking spaces are proposed to service the proposed development. However, Clause 4.4 - Car Parking requires a total of 422 parking spaces to be provided for the proposed development, which represents a shortfall of 53 parking spaces.

The applicant has provided justification for the departure to the development control in part as follows: -

“The proposed parking provision has been assessed in relation to Part C10 of the Penrith DCP 2008 and the RTA Guide to Traffic Generating Developments. The DCP contains the following rates relevant to warehouse developments:

*Warehouse = 1 space per 100m²
Ancillary Office = 1 space per 40m²*

The RTA Guidelines indicate the following rate:

Warehouse = 1 space per 300m² (includes ancillary office up to 20% of total floor area)

Application of these rates to the development scheme indicates the following provisions:

Penrith DCP

Use Area Rate Spaces

<i>Warehouse A</i>	<i>20,000m² 1 per 100m²</i>	<i>= 200</i>
<i>Office</i>	<i>1,000m² 1 per 40m²</i>	<i>= 25</i>
<i>Warehouse B</i>	<i>8,600m² 1 per 100m²</i>	<i>= 86</i>
<i>Office</i>	<i>500m² 1 per 40m²</i>	<i>= 12.5</i>
<i>Warehouse C</i>	<i>8,550m² 1 per 100m²</i>	<i>= 85.5</i>
<i>Office</i>	<i>500m² 1 per 40m²</i>	<i>= 12.5</i>
<i>Total</i>		<i>421.5 = 422 spaces</i>

RTA Guide to Traffic Generating Developments

Warehouse 39,150m² 1 per 300m² = 130

There is quite a dramatic difference between the RTA outcome and that of the DCP and the experience with development in EPEA is that the DCP criteria is unduly high and the majority of development schemes have made 'contingent' provision for the DCP requirements.

The proposed development adopts a similar contingent provision, as follows:

	<i>Required</i>	<i>Proposed</i>	<i>Future</i>
<i>Warehouse A</i>	<i>225</i>	<i>171</i>	<i>54</i>
<i>Warehouse B</i>	<i>99</i>	<i>99</i>	<i>-</i>
<i>Warehouse C</i>	<i>99</i>	<i>99</i>	<i>-</i>
<i>Total</i>	<i>423</i>	<i>369</i>	<i>423</i>

The contingent provision in relation to Warehouse A could be accommodated within a surplus paved area located opposite the western loading docks. Based on the low parking demands observed at many of the surrounding warehouse buildings, it is not intended that these spaces be line-marked unless required by a future tenant.

The relevant objectives of the development control are listed as follows: -

“(a) To ensure the provision of adequate on-site parking to satisfy the demands generated by developments within the area; and

(b) To eliminate the need for kerb side parking and congestion on the public road network.”

The following comments are made in respect to the variation to the development control: -

- The parking rate stipulated by the RTA is significantly less than that required by Clause 4.4 - Car Parking. The proposed use is unlikely to generate an excessive amount of parking, comprising of staff and visitor parking only.
- The proposal is for the erection of buildings only, the amount of contingent parking ensures that the site is adequately serviced for any future use.
- Additional parking would be available along the south west of the site in the event that future demand at the site warrants additional car parking. The overall total of 423 spaces ensures full compliance with the DCP if these spaces were to be fully activated.

Council Senior Traffic Engineer has reviewed the proposal and notes the following: -

“The proposal has justified its car parking requirements on the basis of the RTA’s code, and due to the disparity between the RTA’s and Council’s code it is accepted that catering for the needs of the facility is appropriate. It is noted that a hardstand area is reserved to cater for overflow or a future change of use scenario.”

On balance, the departure to car parking is considered to be reasonable and is supported having regard to the above.

Site Coverage

Clause 5.2 – Site Coverage of Section 6.14 – Erskine Park Employment Area of the Penrith Development Control Plan 2006 requires a maximum 50% of site coverage for any development site.

The site has a total area of 7.61 hectares in which proposed development provides 3.915 hectares of Gross Floor Area in which represents site coverage of 51%.

It is considered that the site coverage is relatively minor and would be imperceptible when viewed from the street.

Setbacks

The proposed development provides substantial building setbacks to all property boundaries which are in excess to the Clause 5.3 - Setbacks of Section 6.14 – Erskine Park Employment Area of the Penrith Development Control Plan 2006.

Clause 5.3 – Setbacks requires the provision of a minimum 15 metre landscape setback to Templar Road. The eastern elevation addressing Templar Road is setback in excess of 26 metres to the property boundary. However a 7.5 metre landscape setback is provided along this boundary.

Clause 5.3(b) provides the following: -

- “(b) Notwithstanding sub-clause (a) above, no development other than the following development is permitted within the defined setback for any road within this Employment Area:*
- i. landscaping in accordance with the provisions of Part 8 of this section;*
 - ii. maintenance/rehabilitation of biodiversity corridors or areas in accordance with the provisions of Part 7 of this section;*
 - iii. utility services installation;*
 - iv. accessways and driveways (not permitted in setbacks to designated roads);*
 - v. approved signage;*
 - vi. street furniture; and*
 - vii. drainage works.”*

Within the 15 metre setback to the eastern property boundary, 7.5 metres is provided for landscaping and the remaining portions are provided for minimal parking areas and hard stand areas. It is considered that the setback provided is sufficient given the substantial building treatment along the eastern elevation and the landscape scheme proposed throughout this setback.

5. Section 79C(1)(a)(iv) – The Regulations

This section is not applicable for the subject application.

6. Section 79C(1)(b) – The Likely Impacts of the Development

Architectural Design

The site provides an opportunity to provide a development which is site responsive to the prominent street frontage and the existing built environment in the immediate area. The proposal involves a series of three separate built forms that are complemented with extensive building articulation which ensures that each elevation addressing the street is distinct in character and provides a modern and contemporary design to the public domain. A mix of painted precast concrete panels, metal sheeting, and profiled clearlite sheeting together with series of contemporary colours and finishes provides significant visual interest which exhibits a modern design and effective building articulation to all facades.

Office space components are to be located at the corner of each of the proposed buildings and have been sited to maximise exposure to prominent street views from Lenore Drive and Templar Rd/Tyrone Place. The proposed office facades are characterised with perforated metal sheeting complemented with extensive glazing and contrasting sunshades creates a contemporary finish which is consistent with the level of high quality development throughout Erskine Business Park and exhibits a 'focal point' when viewed from the public domain.

The loading docks associated with each building are capped by large suspended metal awnings which provide all-weather protection to such openings. These awnings provide additional building articulation and relieve the large expanses of wall length of these buildings.

The existing vegetation within the biodiversity corridor provides a visual screen to the proposed development given its advanced maturity. The existing vegetation would screen the proposed car parking areas from the public domain along Lenore Drive. Landscaping along the eastern property boundary to Templar Road provides substantial visual screening to the car parking and hard stand areas in this area as well complementing and softening of the development in respect to the surrounding streetscape.

Noise Generation

It is anticipated that the noise generated from the construction of the proposed development is likely. To ensure that these noise impacts are suitably managed, a condition would be imposed to ensure that no work shall occur outside the standard hours for construction (See Standard Condition H041).

The applicant has submitted a Noise Impact Report prepared by Heggies Acoustic Consultants dated 8 September 2010. The report has carried out a noise assessment of the proposed development. The report concludes that for continuous operation, compliance with the project specific Industrial Noise Policy (INP) goals can be achieved at the nearest potentially sensitive residential areas to the north of the site and at the nearest industrial boundary under typical operational scenario conditions.

It is anticipated an assessment of noise impact would be made on receipt of future Development Applications for the individual fitout and occupation of these buildings.

Traffic and Access

The subject application was accompanied with a Traffic and Parking Report prepared by Transport and Traffic Planning Associates, dated September 2010.

The Traffic and Parking Report concludes the following in respect to traffic generation:

“The traffic generation of this development scheme will be entirely comparable with that taken into account in the EPEA Planning assessment undertaken for the design of the new access intersections on Lenore Drive. That assessment indicated that the proposed traffic signal controlled intersections will operate with a satisfactory level of service under the projected future traffic demands with or without the M7 link.

- *The traffic generation of the proposed development will be consistent with the planned development for the EPA*
- *The traffic generation of the proposed development will not present any adverse traffic implications”*

Council’s Senior Traffic Engineer has reviewed the proposed development and concludes the following in respect to traffic generation: -

- *The proposal will produce a consistent increase in local traffic flow however this is in accordance with the master plan for the site and signalised intersections have been installed to cater for the number of traffic movements.*
- *Appropriate bicycle parking facilities shall be located within the proposal.*
- *All service vehicles should enter and exit the site in a forward direction and have appropriate access to loading docks. The site must cater for the largest service vehicle proposed (25m B-Double).*

The proposed development is anticipated to have minimal traffic movements given the type of development that is expected to operate at the site for the purposes of warehouse or distribution centres. The proposal is anticipated to have a minimal increase in traffic generation to the surrounding street network and would have an unlikely adverse impact to the area.

Having regard to the Traffic and Parking Report, it is considered that the proposed development is satisfactory in respect to traffic generation.

Direct vehicular access is proposed from Templar Road and Tyrone Place with separate car and truck access points. All vehicles would be able to enter and exit the site in a forward direction with sight lines at the proposed access points being unimpeded with landscaping, fencing or signage.

Economic Impact

The proposed development involves the erection of buildings for future industrial use. The availability of industrial floor space within the Erskine Business Park provides a number of opportunities for businesses to relocate to region and is suitable for large

scale organisations given the substantial area available for both warehouse and office space.

The proposal ensures that employment opportunities would be available to the region which is in the spirit and intent of the Western Sydney Employment Area.

7. Section 79C(1)(c) – The Suitability of the Site for the Development

The site of the proposed development is considered suitable for a number of reasons including: -

- The site is well located with regard to its proximity to Erskine Park Road, Mamre Road and the M4 Motorway. The proposed future Lenore Drive link (through Eastern Creek) would also contribute to the site's connectivity to major transport infrastructure including the M7 Motorway;
- The site is well located in the context of the local and regional community with regard to providing employment opportunities;
- The site is substantially located from residential areas of Erskine Park and St Clair to the north of the site;
- The proposal is consistent with the provisions of the applicable planning instruments;
- The proposed development would contribute to the employment generation as provided by the Erskine Business Park.

It is for these reasons, that the proposed development is considered suitable for the subject site.

8. Section 79C(1)(d) – Any Submissions made in relation to the Development

(a) External Referrals

(i) Department of Planning

The proposed development is applicable to the provisions of Clause 29 of SEPP WSEA for the purposes of the provision of transport infrastructure and services. Clause 29 of SEPP WSEA outlines the following: -

“29 Industrial Release Area—satisfactory arrangements for the provision of regional transport infrastructure and services

- (1) This clause applies to the land shown edged heavy black on the Industrial Release Area Map, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).*
- (2) The object of this clause is to require assistance to authorities of the State towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) to satisfy needs that arise from development on land to which this clause applies.*

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- (3) *Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.*
- (4) *Subclause (3) only applies if the land that is the subject of the application for development consent was not being used for industrial purposes immediately before the application was made.*
- (5) *Subclause (3) does not apply in relation to:*
- (a) any land that is reserved exclusively for a public purpose, or*
 - (b) any development that is, in the opinion of the consent authority, of a minor nature.”*

Pursuant to Clause 29, the Director-General of the Department of Planning is to certify that the proposed development is satisfactory to the contribution for satisfactory arrangements for regional transport infrastructure and services.

In November 2004, Council granted consent for the three (3) lot Torrens Title subdivision and one (1) residue lot and bulk earthworks pursuant to DA04/1599. The subject site was one of the resulting lots produced from the subdivision by virtue of DA04/1599. It is confirmed that Section 94 contributions applicable to the site have been paid.

Council provided written correspondence to the Department of Planning which confirmed that Section 94 Contributions had been reconciled for the subject site in a previous subdivision relating to the site. On this basis, it was considered that the subject site had made satisfactory arrangements for the provision of regional transport infrastructure and services.

On 26 October 2010, Council received the Director General's certification that the site has complied with Clause 29 of SEPP WSEA (See Appendix No.3) and appropriate arrangements be made with the applicant and the Department of Planning for the provision of transport infrastructure and service (See Special Condition No.2.60).

(ii) NSW Office of Water

The proposal is defined as 'Integrated Development' as concurrence from the Department of Environment, Climate Change and Water – NSW Office of Water is to be obtained for a 'Controlled Activity Approval' under the Water Management Act 2000.

On 30 September 2010, the NSW Office of Water granted their General Terms of Approval for the proposed development (See Appendix No.4).

(b) Internal Referrals

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

Building Surveyor

No objection raised to the proposal, subject to conditions.

Development Engineer

No objection raised to the proposal, subject to conditions.

Traffic Engineer

No objection raised to the proposal, subject to conditions.

(c) Community Consultation

The application was placed on public exhibition from 27 September 2010 to 11 October 2010. No submissions were received in response to the proposal.

9. Section 79C(1)(e) – The Public Interest

The proposed development would significantly contribute to the ongoing growth and development of the Erskine Business Park and the greater Western Sydney Employment Area.

The site provides an opportunity to provide a development which is site responsive to the prominent street frontage and the existing built environment in the immediate area. The proposal involves a series of three separate built forms that are complemented with extensive building articulation which ensures that each elevation addressing the street is distinct in character and provides a modern and contemporary design to the public domain

In this regard, the proposed development is in the public interest.

Conclusion

The application has been assessed against the relevant considerations within Section 79C of the Environmental Planning and Assessment Act and as outlined in the above report. The subject application is considered to have substantial merit and would not result in an adverse impact to adjoining lands.

The variation of development controls of the proposed development with respect to car parking and setbacks are considered to be reasonable having regard to the proposal demonstrating an appropriate development that is site responsive and enhances the surrounding built environment.

The site provides an opportunity to provide a development which is site responsive to the prominent street frontage and the existing built environment in the immediate area. The proposal involves a series of three separate built forms that are complemented with extensive building articulation which ensures that each elevation addressing the street is distinct in character and provides a modern and contemporary design to the public domain

The application was placed on public exhibition from 27 September 2010 to 11 October 2010. No submissions were received in response to the proposal.

On balance, the application is considered satisfactory and having regard to the matters discussed in this report, the proposal is recommended for approval, subject to the imposition of conditions.

Recommendations

1. The information contained in the report on Development Application DA10/0938 Staged Development - Three (3) x Warehouse Distribution Buildings at Lot 2 DP 1094504, Nos.1-23 Templar Road, ERSKINE PARK be received;
2. The subject Development Application be approved, subject to the imposition of the following conditions: -

Standard Conditions

2.1 A001 – Approved plans that are architecturally drawn

The development must be implemented substantially in accordance with the following plans: -

Drawing Title	Drawing No	Issue	Prepared by	Dated
Ground Floor Plan	AR-3777_DA-002		Nettleton Tribe	10/09/2010
Level 1 Floor Plan	AR-3777_DA-003		Nettleton Tribe	10/09/2010
Roof Plan	AR-3777_DA-004		Nettleton Tribe	10/09/2010
Building A – Part Ground	AR-3777_DA-011		Nettleton Tribe	10/09/2010
Building A – Part Ground	AR-3777_DA-012		Nettleton Tribe	10/09/2010
Building A – Lev 1 & Roof	AR-3777_DA-013		Nettleton Tribe	10/09/2010
Building B – Part Ground	AR-3777_DA-014		Nettleton Tribe	10/09/2010
Building B – Lev 1 & Roof	AR-3777_DA-015		Nettleton Tribe	10/09/2010
Building C - Ground	AR-3777_DA-016		Nettleton Tribe	10/09/2010
Building C - Lev 1 & Roof	AR-3777_DA-017		Nettleton Tribe	10/09/2010
Building A Elevations	AR-3777_DA-021		Nettleton Tribe	10/09/2010
Building A Elevations	AR-3777_DA-022		Nettleton Tribe	10/09/2010
Building B Elevations	AR-3777_DA-023		Nettleton Tribe	10/09/2010
Building C Elevations	AR-3777_DA-024		Nettleton Tribe	10/09/2010
Street Elevations	AR-3777_DA-025		Nettleton Tribe	10/09/2010
Sections – Building A	AR-3777_DA-031		Nettleton Tribe	10/09/2010
Sections – Building B	AR-3777_DA-032		Nettleton Tribe	10/09/2010

Sections – Building C	AR-3777_DA-033		Nettleton Tribe	10/09/2010
Building A – Elevations	AR-3777_DA-041		Nettleton Tribe	10/09/2010
Building A – Elevations	AR-3777_DA-042		Nettleton Tribe	10/09/2010
Building B – Elevations	AR-3777_DA-043		Nettleton Tribe	10/09/2010
Building C – Elevations	AR-3777_DA-044		Nettleton Tribe	10/09/2010
Site Layout Plan	00599_C110	01	C&M Consulting Engineers	13/09/10
General Arrangement Plan – Sheet 1 - 6	00599_C201 to C206	01	C&M Consulting Engineers	13/09/10
Bulk Earthworks Sheet 1 - 2	00599_C251 and C252	01	C&M Consulting Engineers	13/09/10
Site Sections	00599_C351	01	C&M Consulting Engineers	13/09/10
Sediment and Erosion Control Plan Sheet 1 - 3	00599_C801 to C803	01	C&M Consulting Engineers	13/09/10
Landscaping Details and Section Plan	091038-02	B	Viridian Designs	13/09/10
Landscape Plan	091038-01	B	Viridian Designs	13/09/10

That have been 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.

2.2 **A019** – Occupation Certificate

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

2.3 **A026** – Advertising Signs

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.

2.4 **A017** – DA for use

Prior to occupation of the building or a tenancy within the building, a separate development approval is to be obtained from Penrith City Council to use the building or each tenancy within the building/complex.

2.5 A032 – Goods in Building

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

2.6 A038 – Lighting Locations

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).

2.7 A039 – Graffiti

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

2.8 A046 – Construction Certificate

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

2.9 D001 – Erosion and Sediment Control

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 erosion and sediment control measures shall be certified (by way of a Compliance Certificate) as having been installed in accordance with the approved erosion and sediment control plan(s) for the development and “Managing Urban Stormwater: Soils and Construction” 2004. The Compliance Certificate shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

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.

2.10 DA06A – Bulk Earthworks

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:

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- 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."}

2.11 D009 – 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.

2.12 D010 – Waste Management Plan

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.

2.13 D023 - Bunding

All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate.

2.14 E01A – BCA Compliance

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.

2.15 E002 – BCA issues to be addressed

A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- C2.3 Large Isolated buildings;
- C2.4 requirements for open spaces and vehicular access; and
- Alternatively, the applicant may want to consider an alternative solution to the deemed to satisfy provisions.

2.16 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.

2.17 **E009** – Annual Fire Safety Statement

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.

2.18 **G002** – Section 73 Certificate

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

2.19 **G004** – Integral Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Integral 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 padmounted 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.

2.20 **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 is 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.

2.21 **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.

2.22 **H041** – Hours of Work

“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.

2.23 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.

2.24 L001 – General Landscaping

All landscape works are to be constructed in accordance with the stamped-approved Landscape Plan numbered 091038-01 and 02, Revision B, prepared by Viridian Design, dated 13/09/10 and Sections F5 “Planting Techniques”, F8 “Quality Assurance Standards”, 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.

2.25 L002 – Landscaping 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 3 landscape works.

2.26 L003 – Report Requirements

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 3 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 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.

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 3 landscape works.

iii Final Site Arborist's Report (significant tree protection)

This report is to be submitted to Penrith City Council 2 years after the Occupation Certificate was issued. This report is to be prepared by a consulting arborist listed in Council's Approved Landscape Consultants Register. At Council's discretion this period may be reduced under circumstances where the Site Arborist is able to guarantee the health and ongoing survival of the trees.

iv 3 Year Landscaping Report (category 3 developments)

3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

2.27 L005 – Planting of Plant Material

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.

2.28 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.

2.29 L008 – Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved

plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

2.30 **Q01F** – Notice of Commencement and Appointment of PCA

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.

2.31 **Q006** – Occupation Certificate

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

Special Conditions

- 2.32 The layout of the proposed car parking areas associated within the subject Development Application (including driveways grades, turn paths, sight distance requirements aisle widths, aisle length and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.
- 2.33 The swept path of the longest vehicle (to service the site) entering and exiting the subject site as well as manoeuvring through the site shall be in accordance with ASUTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.

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- 2.34 All vehicles are to enter and leave the site in a forward direction.
- 2.35 All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.
- 2.36 All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 2.37 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.38 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove the following pollutant loadings:

- 90% Litter
- 85% Suspended Solids
- 45% Phosphorous
- 45% Nitrogen
- 90% Oil & grease

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- (a) Specification & installation details of the stormwater pre-treatment system
- (b) The approval of an operation and maintenance manual/ programme for the proposed device

A copy of the approved operation and maintenance manual/ programme shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 2.39 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:
- (a) Provision of a heavy-duty vehicular crossing/s.
 - (b) Provision of path paving for the full property frontage.
 - (c) Provision of private drainage connections to Council's road drainage system.
 - (d) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
 - (e) Opening the road reserve for the provision of services including stormwater.
 - (f) Placing of hoardings, containers, waste skips, etc. in the road reserve.
 - (g) Replacement of damaged kerb and gutter for the full property frontage.
 - (h) Utility lead in works.

2.40 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.

- (a) Stormwater drainage
- (b) Stormwater pre-treatment system
- (c) Overland flowpath
- (d) Earthworks
- (e) Car park
- (f) Retaining walls
- (g) Paving works
- (h) Sealed pavement for all areas of vehicular access.
- (i) Linemarking and signage

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

- 2.41 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan.
- 2.42 All service vehicles should enter and exit in a forward direction and have appropriate access to loading docks. The site must cater for the largest service vehicle proposed (25m B-Double).
- 2.43 The proposed disabled parking space shall be designed with a 4.8m wide parking bay to conform to AS 2890.6 (2009).
- 2.44 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed 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.
- 2.45 Prior to the Commencement of Works a dilapidation report of all infrastructures fronting the development in ***Templar Road and Tyrone Place*** is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.
- 2.46 No work shall be carried out within the Bio-Diversity Corridor as described in the 88B Instrument "*Y*" *Restriction on the Use of Land and Right of Access variable width in DP1094504*.
- 2.47 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

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- 2.48 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798.
- 2.49 Prior to the issue of an **Occupation Certificate** the Certifying Authority shall ensure that the stormwater pre-treatment systems:
- Has been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
 - Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
 - Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

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

- 2.50 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater pre-treatment systems, 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.
- 2.51 Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.
- The signage shall indicate that the northern vehicular access is to be used for cars only and appropriately signposted. The southern vehicular access is to be used for heavy vehicles only and appropriately signposted.
- 2.52 Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the northern vehicular access for proposed **Warehouse "A"** off **Tyrone Place** is to be used for cars only and appropriately signposted. The southern vehicular access off **Tyrone Place** is to be used for heavy vehicles only and appropriately signposted.

The signage shall indicate that the northern vehicular access for proposed **Warehouse "B"** off **Templar Road** is to be used for cars only purposes and appropriately signposted. The southern most vehicular access to proposed **Warehouse "B"** is to be used for heavy vehicles purposes only and appropriately signposted **"In Only."** *The northern vehicular access point is for "Out Only"* as per the requirements from the Sydney Regional Development Advisory Committee.

The signage shall indicate that the northern vehicular access for proposed **Warehouse “C”** off **Templar Road** is to be used for heavy vehicles only purposes and appropriately signposted. The southern most vehicular access to proposed **Warehouse “C”** is to be used for heavy vehicles purposes only and appropriately signposted **“In Only”** and **“Out Only”**.

- 2.53 Prior to the issue of an **Occupation Certificate** any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Templar Road & Tyrone Place will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.
- 2.54 Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating directional movements and the location of car parking to the satisfaction of the Principal Certifying Authority.
- 2.55 Prior to the issue of a Occupation Certificate a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.
- 2.56 The final Occupation Certificate shall not be issued until all conditions of consent except those relating to ongoing operational matters, have been completed.
- 2.57 The applicant shall erect palisade fencing behind the landscape setback along the northern (Lenore Drive) and eastern (Templar Road) boundaries of site.
- 2.58 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 2.59 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.60 The applicant is to liaise directly with the Department of Planning to progress satisfactory arrangements for the development

The execution of satisfactory arrangements is to occur prior to the issue of a Construction Certificate.

Submission of written evidence demonstrating that satisfactory arrangements have been made with the Department of Planning pursuant to Clause 29 of State Environmental Planning Policy (Western Sydney Employment Area) 2009 is to be provided to Penrith City Council and the Private Certifying Authority prior to the issue of a Construction Certificate.

Appendix No.1

Penrith Development Control Plan 2006

The proposed development has been assessed in accordance with the requirements of the DCP and a summary is provided in the following table: -

REQUIREMENT	COMMENT	COMPLIES
<i>Section 2.2 Crime Prevention through Environmental Design</i>		
Lighting	Lighting is anticipated to be installed around the site including all loading docks and entries.	Yes
Entrapment spots and blind corners & Landscaping	It is anticipated that all areas of the site are to be maintained in a controlled and secure manner with fencing to be erected on all boundaries and accessed points to be under constant surveillance.	Yes
Communal/ Public Areas:	Design of built form and landscaping enables effective passive surveillance from Templar Road with security fencing	Yes
Entrances:	Access points will be made directly to Templar Road and Tyrone Place as well as main entrances to the building and office.	Yes
Security:	It is anticipated that secure systems would be in place access to secure areas including loading docks and office space.	Yes
<i>Section 2.9 Waste Planning</i>		
Waste Management Plan	A Waste Management Plan has been prepared and submitted with regard to the provisions of the DCP.	Yes
<i>Section 6.14 – Erskine Park Employment Area</i>		
Part 2 – Drainage	A drainage system to service the development site is submitted and is considered satisfactory.	Yes
4.2.4 Car Parking Requirements Warehouse 1 space/100m ² Office premises 1 space/40m ²	The total development provides 369 car parking spaces, inclusive of 4x disabled space provided at the entry to the administration areas. The development also provides potential for future provision of 54 spaces at the western boundary. These additional spaces would only be implemented if additional demand is required.	Yes, 54 provision spaces are provided in addition to the 369 spaces provided.
5.1.2 Height Requirements Maximum building heights to be determined on merits.	The proposed building will have a maximum height of 12.2 metres at the ridgeline. This is consistent with most other	Yes




	buildings in the Erskine Business Park and is consistent with the requirements of the DCP given the site's location away from the residential area (previously zoned 4(e)).	
5.2.2 Site Coverage Requirements Site coverage shall not exceed 50%.	The development provides 3.915 ha of Gross Floor Area, which on a site of 7.61 ha represents a site cover of 51%. This therefore represents a very minor non-compliance with this requirement, however, is of such a minor nature that it would prove not to be legible in the finished built environment.	Discussed previously in this report.
5.3.2 Setback Requirements Lenore Lane 20m Loop Road 15m Rear & side boundaries 5m The following development is permitted within the defined setback:- <ul style="list-style-type: none"> ▪ landscaping ▪ maintenance/rehabilitation of biodiversity corridors ▪ accessways and driveways ▪ drainage works. 	<p>The development provides a 27.25m setback to Lenore Drive due to the maintenance of the Biodiversity Corridor at this location and further setbacks behind the car park area.</p> <p>The development provides setbacks of 40 metres and 38 metres to the frontages of Tyrone Place and Templar Rd respectively. Minor encroachments into these setbacks occur with the office component areas, however, setbacks of 20m are still provided at these locations and therefore readily comply with the DCP requirement.</p> <p>The development provides a rear setback of 11m to the southern boundary from building A and a 19.5 m setback from building C.</p> <p>No development is provided within the 20m setback to Lenore Drive. Only vehicle manoeuvring and limited parking areas are provided in the defined setbacks to Tyrone Place and Templar Rd, therefore, the intent of this DCP requirement is considered to be satisfied.</p>	Yes, discussed previously in this report.
5.4.1 Urban Design Requirements a) In assessing development proposals, Council will have regard to the quality of building design and materials	The proposal involves a series of three separate built forms that are complemented with extensive building articulation which ensures that each elevation addressing the street is distinct in character and provides a modern and contemporary design to the public domain.	Yes

6.1 Noise	The report concludes that all likely noise emissions will comply with the established criteria and goals.	Yes
6.3 Soil erosion	The development will be accompanied by a comprehensive sediment and erosion control program and is considered satisfactory.	Yes
6.4 Air Pollution	The development does not propose any activity that will generate air borne emissions and therefore is unlikely to cause an adverse impact to local air quality.	Yes
6.6 Stormwater Pollution Control	The development is accompanied by a water sensitive urban design strategy. On-site Stormwater Detention (OSD) is not required for this development site as the site drains to a regional detention facility downstream of the development site that supports the local catchment area.	Yes
6.8 Contaminated Land	Issues of contamination across the site and broader area were addressed as part of part of previous Development Applications and raised no issues of potential concern.	Yes
7. Biodiversity	The development seeks to retain and conserve this Biodiversity Corridor and manages stormwater in a manner that will not adversely impact upon the health or ecology of that riparian system.	Yes
8.1 Landscape Design	The use of natives also ensures that limited irrigation is required. The landscape plan provides for relatively densely vegetated areas in the garden areas located adjacent to both Templar Rd and Tyrone Place. This landscaping will significantly screen undesirable views of vehicle loading areas at the western elevation. Further screen plantings are provided to the fire fighting water supply tanks to assist screening these built elements. Tree planting are also provided throughout the car park to provide ameliorate the visual impact of the extensive hardstand areas as well as providing shade amenity to that area, Small grass areas are provided adjacent to	Yes

	office areas to provide for further staff amenity.	
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The proposal has satisfied the provisions of the Penrith Development Control Plan 2006.

Appendix No.2

<p>Your Reference: Our Reference: Contact: Telephone:</p>	<p>DA10/0938 RDC 10M2090 SYD 000795 Dianne Rees 8849 2237</p>		 SRDAC SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE
<p>The Manager Penrith City Council PO Box 60 PENRITH NSW 2751</p>			
<p>Attention: David Drozd</p>			
<p>PROPOSED CONSTRUCTION OF A WAREHOUSE AND DISTRIBUTION FACILITY AT 1-13 TEMPLAR ROAD, ERSKINE PARK</p>			
<p>Dear Sir/Madam</p>			
<p>I refer to your email of 23 September 2010 (Council Ref: DA10/0938), concerning the abovementioned Development Application which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 6 October 2010.</p>			
<p>Below are the Committee's recommendations and RTA's comments on the subject application:</p>			
<ol style="list-style-type: none">1. The location of the entrance and exit to the heavy vehicle loading dock area for 'Building B' are to be reversed with the entrance being located to the south and the exit located to the north of the loading dock area to provide adequate separation between the entry and the signalised intersection.2. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004 and AS 2890.2 - 2002 for heavy vehicle usage.3. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.4. All vehicles are to enter and leave the site in a forward direction.5. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.			
<p>Roads and Traffic Authority ABN 64 480 155 255</p>			
	<p>27-31 Argyle Street, Parramatta NSW 2150</p>	<p>PO Box 973 Parramatta CBD NSW 2124 DX 38555 Parramatta</p>	<p>T 131 782 www.rta.nsw.gov.au</p>

Appendix No.3



Planning

Mr Alan Stoneham
General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751



Contact: David Fitzgibbon
Phone: 02 9228 6196
Fax: 02 9228 6155
Email: david.fitzgibbon@planning.nsw.gov.au
Your ref:
File: DA-10-0938 Penrith.doc

ATTN: Steven Chong, Senior Environmental Planner

DA-10-0938 – Development Application Notice for Staged Development – Three Warehouse Distribution Buildings, Lot 2, DP 1094504 Templar Road, Erskine Park

I am writing in relation to the above development application and the request from Blacktown Council for comment on Clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area). The Department appreciates the opportunity to respond to this matter.

The Department can provide the following advice in relation to the development application and the State Environmental Planning Policy (Western Sydney Employment Area):

- Clause 29 –
 1. The Department requests that the applicant liaise directly with the Department of Planning to progress satisfactory arrangements for the above development application.
 2. The Department requests that the execution of satisfactory arrangements prior to construction certificate release be reflected in the conditions of consent for the applications should Council favourably determine the application.


I trust that this information is of assistance to you. If you have any questions, David Fitzgibbon, Project Manager, Western Sydney Employment Area, is available to assist. David may be contacted on 9228 6196.

Yours sincerely

David Fitzgibbon
Project Manager, Project Delivery Unit

Sydney Office 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Phone 02 9228 6111 Fax 02 9228 6155 Website www.planning.nsw.gov.au

Appendix No.4

 Office of Water	<div>RECEIVED CMAQ1 7 0 SEP 2010 PENRITH CITY COUNCIL</div>	Contact: Greg Brady Phone: 02 47236 134 Fax: 02 4723 8141 Email: greg.brady@ohw.nsw.gov.au Our ref: 10 ERM2010/0938 Our file: 9054074 Your ref: DA10/0938
The General Manager Penrith City Council PO Box 60 Penrith NSW 2751		
Attention: Steven Chong		29 September 2010
Dear Sir		
Re: Integrated Development Referral – General Terms of Approval DA10/0938 - Warehouse development near biological corridor, 1-23 Templar Road, Erskine Park		
<p>I refer to your recent letter regarding an Integrated Development Application (DA) proposal for the subject property. Attached, please find the NSW Office of Water's General Terms of Approval (GTA) for 'works' requiring a Controlled Activity Approval under the <i>Water Management Act 2000</i> (WMA), as detailed in the subject DA.</p> <p>Please note Council's statutory obligations under section 91A(3) of the <i>Environmental Planning and Assessment Act, 1979</i> (EPAA) which requires a consent, granted by a consent authority, to be consistent with the GTA proposed to be granted by the approval body.</p> <p>If the proposed development is approved by Council, the NSW Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:</p> <ul style="list-style-type: none">• The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (ie in or within 40 metres from top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.• The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. Failure to notify may render the consent invalid.• The NSW Office of Water requests notification of any legal challenge to the consent. <p>Under Section 91A(5) of the EPAA, Council must provide the NSW Office of Water with a copy of any determination/s including refusals.</p> <p>As a controlled activity (ie the 'works') cannot commence before the applicant obtains a Controlled Activity Approval, the NSW Office of Water recommends that the following condition be included in the development consent:</p>		
<small>www.water.nsw.gov.au NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150. PO Box 3720 Parramatta NSW 2124 Australia t + 61 2 9895 6211 e information@water.nsw.gov.au ABN 47 661 556 783</small>		

"The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council".

The attached GTA are not the Controlled Activity Approval. The applicant must apply (to the NSW Office of Water) for a Controlled Activity Approval after consent has been issued by Council but before the commencement of any 'works'.

Finalisation of a Controlled Activity Approval can take up to 8 weeks from the date the NSW Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form together with any required plans, documents, the appropriate fee and security (ie bond, if applicable) and proof of Council's development consent.

Application forms for the Controlled Activity Approval are available from the undersigned or from the NSW Office of Water's website
<http://www.water.nsw.gov.au/Water-Licensing/Approvals/Controlled-activities/default.aspx>

The NSW Office of Water requests that Council provide a copy of this letter to the applicant.

Yours Sincerely



Greg Brady
Instream Development Officer
NSW Office of Water
Office of Hawkesbury Nepean



Office
of Water

General Terms of Approval – for works requiring a Controlled Activity Approval under the Water Management Act 2000

Our Reference		10 ERM2010/0960	File No:	9054074
Site Address		1-23 Templar Road, Erskine Park		
DA Number		DA10/0938		
LGA		Penrith City Council		
Number	Condition			
Plans, standards and guidelines				
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA10/0938 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>			
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>			
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Erosion and Sediment Control Plan</p>			
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml</p> <p>(i) Outlet structures</p>			
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>			
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.</p>			
7	<p>The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity</p>			

www.water.nsw.gov.au | NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia
t + 61 2 9895 6211 | e information@water.nsw.gov.au | ABN 47 661 556 763

Our Reference	10 ERM2010/0960	File No:	9054074
Site Address	1-23 Templar Road, Erskine Park		
DA Number	DA10/0938		
LGA	Penrith City Council		
Number	Condition		
	in accordance with a plan or design approved by the NSW Office of Water.		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.		
10 to 14	N/A		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.		
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.		
18	The consent holder must ensure that no excavation and fill is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.		
19 to 23	N/A		
24	The consent holder must comply with the requirements of the Vegetation Management Plan (VMP) for the Biodiversity Corridor to the extent that it relates to the carrying out of any controlled activity at 1-23 Templar Road, Erskine Park.		
END OF CONDITIONS			