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| JRPP Ref. No.: | 2011SYW103 |
| DA No.: | DA11/0919 |
| Property Description | Part Lot 23 DP 1120114 (and proposed Lot 2301) 16-76 Templar Road, Erskine Business Park |
| PROPOSED DEVELOPMENT: | Construction of 2 warehouse buildings comprising of ancillary office, car parking, landscaping and its operation as warehouse distribution Centre |
| APPLICANT: | Hansen Yuncken Pty Ltd |
| Date of lodgement | 28 August 2011 |
| REPORT BY: | Pukar Pradhan, Senior Environmental Planner, Penrith City Council |

Perspective View of the building



Figure 1. Source: ConceptArchitecture Pty Ltd

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Hansen Yuncken Pty Ltd seeking approval for the construction of two separate buildings to be used for a warehouse distribution Centre, comprising of ancillary office area, parking area and heavy vehicle circulation areas, car parking, landscaping.

The subject development site is zoned IN1 General Industry under the provisions of State Environmental Planning (Western Sydney Employment Area) 2009. The proposed development is suitably defined as a 'warehouse and distribution Centre' which is permitted with consent.

The proposed development has a Capital Investment Value (CIV) of \$17.00 million and was submitted to Council prior to 1st October 2011 and therefore, the Joint Regional Planning Panel (JRPP) is the consent authority.

Pursuant to Clause 29 of *State Environmental Planning (Western Sydney Employment Area) 2009*, the proposed development requires the Director-General's certification from the Department of Planning for the satisfactory arrangements for the provision of regional transport infrastructure and services. The Director-General has provided written certification that the proposed development is satisfactory in respect to Clause 29.

An assessment of the proposed development under Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the proposal has been found to be satisfactory.

The proposed development was reviewed by Council's Urban Design and Review Panel (UDRP). The application has adequately responded to the matters raised in relation to building design, trees within the driveway visual impact along internal driveway, and boundary landscaping with the latest submitted plan incorporated changes.

The proposed development is in accordance with the relevant provisions of the environmental planning instruments and the relevant Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest.

This report recommends that the application be approved subject to recommended conditions of consent.

There are five appendices to this report, as detailed below.

- Appendix No. 1 – SEPP WSEA Assessment
- Appendix No. 2 – DCP 2006 Assessment
- Appendix No. 3 – Site & Floor Plans and Elevations
- Appendix No. 4 – Letter from the Department of Planning

Site and Surrounds

The subject development site is rectangular in shape and has a total site area of 6.413 hectares. It has frontages to Templar Road of 114m, and an average depth of 310m. The site is located on the western side and end of the Templar Road. The site has a detention basin located in the north-west corner of the site which is in favour of BlueScope located to the north of this site.

The Target warehouse centre facility is located on the southern side of Building A. Biodiversity corridor is located to the southern side of this site. The development proposes 2 vehicular access to the site is proposed from Templar Road. One access is located on the north of Target Warehouse and the other one is from the south of Target Warehouse.



Figure 2 Source: Penrith City Council

Further to the south of the site contains rural residential development. To the west of the site is existing warehouse development within the Erskine Park estate. The site is currently vacant. The area is predominantly characterised by Industrial land uses. Erskine Park Residential area is located at about 1000m to the north of this site.

Sydney Water's main water pipe line is located about 250m to the south from this site.

Proposed Development

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

| Component | Description |
|-----------------------------|--|
| <i>Proposed Development</i> | Construction of 2 buildings specifically designed to use as Warehousing facility Centre. |
| <i>CIV</i> | \$17.00 million |
| <i>Consent Authority</i> | Joint Regional Planning Panel |

Proposed Development

-
- Site area = 60,413sqm (6.413Ha) - generally flat;
- Building A = 19,140sqm (17,640sqm warehouse and 1,500sqm of office building).
- Building B = 11,000.00sqm (10,000.00sqm warehouse and 1,000.00sqm office area).
- Total Building area = 30,140.00sqm.
- Car parking = 156 + 85 = 241 spaces (5 accessible parking spots) and
- Associated, hardstand area, landscaping and earth works
- The use of the building will be for warehousing.
- Number of Staff = Not specified but the applicant has indicated that it will be over well over 50 people.
- Hours of operation is from 7:00am to 5pm &
- In peak period 24hr operation 7 days
-
- The use of the building will be for storage and distribution of clothing.

- Minimum setbacks:
 - Front – varies from 11m to & 50 metres for building A and 260m for Building B to Templar Road
 - Side – 13.60 metres to northern boundary
 - Side – 8 metres to southern boundary
 - Rear – 9.0 & 7.0 metres to the western/rear
- General waste bins to be placed within the site and collected by a commercial contractor.
- Rainwater tanks are provided.
- Lighting to be provided to all hard stand areas including truck and car parking areas and the refuelling area.

The building materials will use various materials including pre-cast concrete, metal cladding and varying colours helps to create interest with all facades.

Office

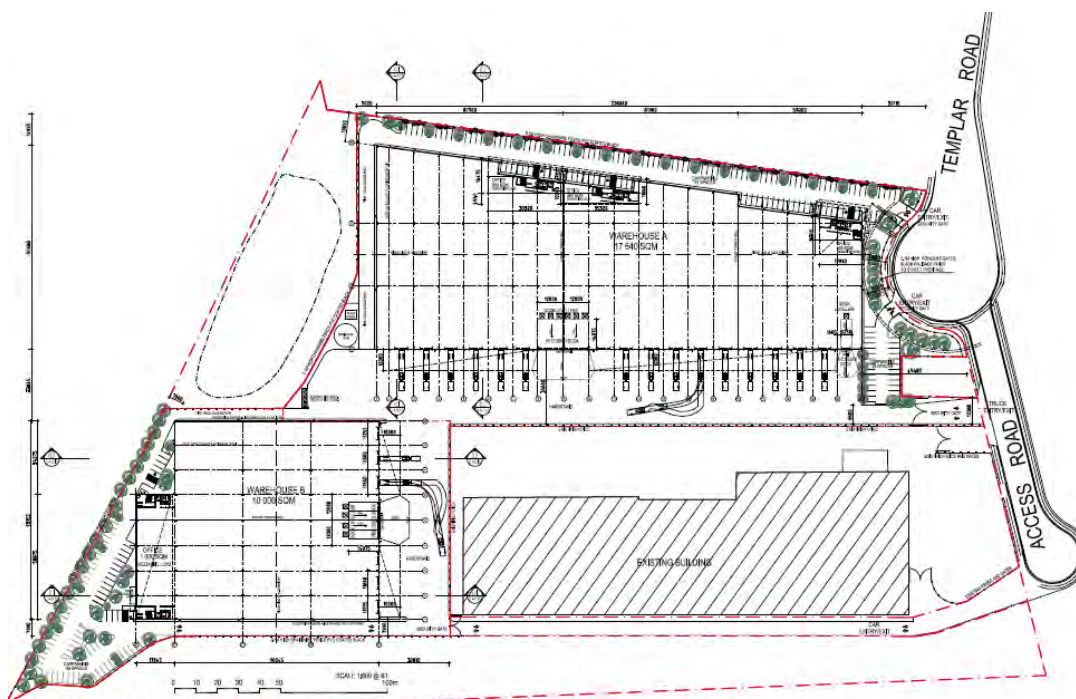
- The proposed ancillary office would provide accommodation for administrative functions facing Templar Road.
- The main office will be 1500m² and 1000 m² in Building A & B and will include a general office fit out (meeting room, workstations and amenities).
- The external appearance of the office building would comprise of aluminium glazing and cladding.

Car Parking

- Public and staff access cars into the site access proposed from 2 different driveways from Templar Road.
- Access fro Building A is from the north side of Target Building site and access from building B is from the southern side of Target Building site.
- A total of 156 (3 accessible parking) car parking spaces provided for Building A and 85 parking spaces (2 accessible) are provided for building B on site. A total of 241 on site parking spaces are provided for this development.

Landscaping

- Frontages to Templar Road, are to be landscaped with large trees and shrubs along the front setback and tress have been provided within the parking areas..
- A 2.1 metre black palisade fence would be provided along the Templar Road, with Chain mesh provided on the side and rear boundaries.



The Site Plan- Source: ConceptArchitecture

Planning Assessment

The site is identified as being bushfire prone and Clause 100B(1) of the *Rural Fires Act 1997* requires a referral to the Rural Fire Service (RFS) if the following is proposed:

- (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
- (b) development of bush fire prone land for a special fire protection purpose.

The proposed use is not a subdivision of residential land and is not for a special fire protection purpose. A referral to the RFS is therefore not required. The applicant has however submitted a Bush Fire Assessment Report prepared by ECO Logical Australia Pty Ltd dated 19 August 2011. The report concludes that building A being located 100m from the nearest bushfire hazard and will not require any bushfire related construction. However Building B is located at 8m from the nearest bushfire hazard and will need to be upgrade to building design. All recommendations outlined in the Bush Fire Assessment Report has been recommended to be compiled with as part of the conditions of consent (Condition No. 52).

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979*, and based on this assessment, the following issues have been identified for further consideration.

1. Section 23G – Joint Regional Planning Panels

Under Section 23G of the *Environmental Planning and Assessment Act 1979*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

The proposed development has a CIV of \$17 million. Under Clause 13B of State Environmental Planning Policy (Major Development) 2005, a regional panel has the function of determining applications for development which have a CIV in excess of \$10 million.

On 30 September 2011 the Department of Planning issued a Planning Circular PS 11-020 which amended the CIV threshold from \$10 million to \$20 million. This Circular also states that if the application was lodged earlier than 1 October 2011 and the CIV is between \$10 million to \$20 million then the application will continue to be determined by the relevant regional panel.

This application was lodged on 1 August 2011 and hence The Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

Penrith City Council officers met with the Sydney West Region Joint Planning Panel on 8 September 2011. The purpose of the meeting was to present and brief the panel members on the Development Application ahead of the panel's determination of the application at a future panel meeting.

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

State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA)

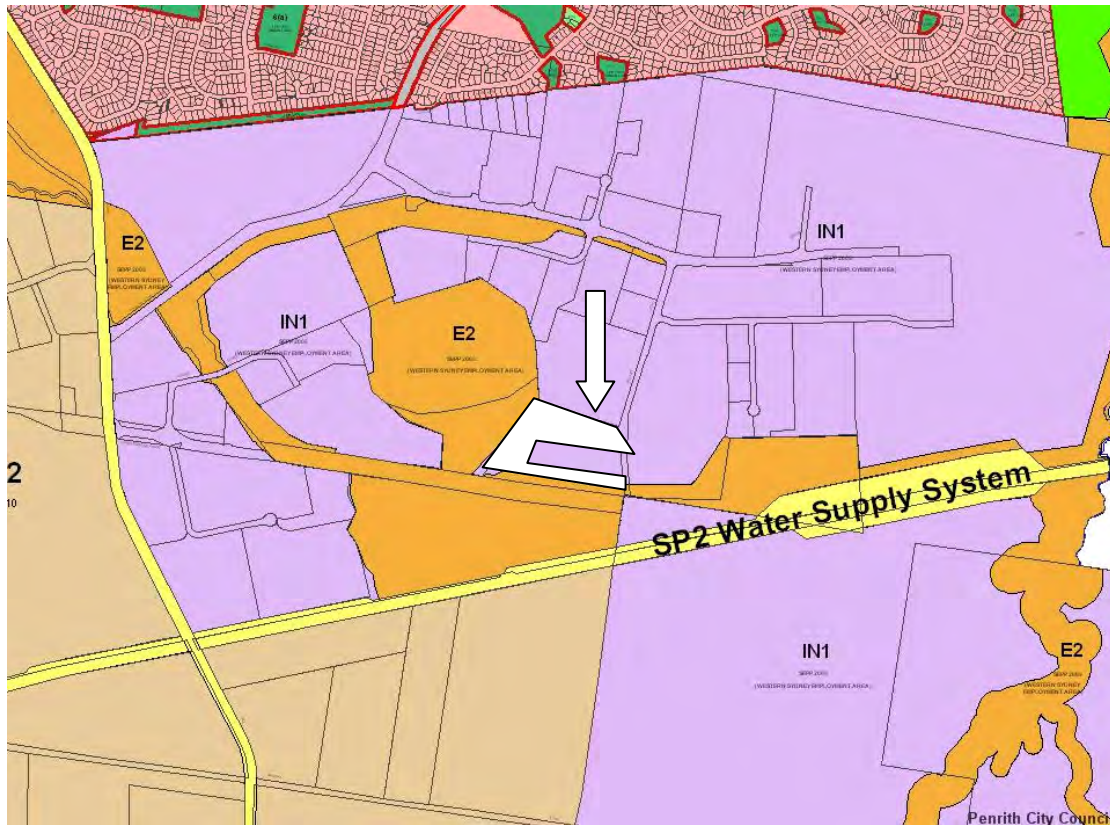
The subject development site is zoned IN1 General Industry under the provisions of SEPP WSEA.

The proposed development would be suitably defined as a 'warehouse, distribution centre' which is outlined as 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 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.*



Zoning Map – Source: Penrith City Council

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

- The proposed development is for the purpose of warehousing of goods within the building. Noise generation would be suitably mitigated with stringent measures proposed to maintain a reasonable level of amenity to adjoining and nearby properties.
- The proposed office component is ancillary to the principal warehousing use. The office would be used in conjunction with main warehousing of clothes and foot wears for administration purposes.

There is no intention to lease or subdivide the space whilst unoccupied or operate independently.

- The proposed development would generate many new employment opportunities for the Penrith Local Government Area which is in the spirit of the employment generating nature of Erskine Business Park. The accommodation of the proposed facility provides an even greater service to surrounding companies who have established in the Erskine Business Park and other such industries in the local area.
- The subject site would have access to the proposed future Lenore Drive link (through Eastern Creek) and the proposed development will have ease of access to the M4/M7 Motorways.

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

An assessment of the application against SEPP WSEA is outlined in Appendix No. 1. The Director General's Certification is sought under Clause 29. The assessment concludes satisfactory compliance with the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)

Clause 104 of SEPP 2007 provides for traffic generating development and provides in part: -

- (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 would be suitably defined as 'Warehousing' for the purposes of Clause 104 of the SEPP. The proposed development is captured by Schedule 3 as it is over 20,000sqm in size.

In accordance with Clause 104 a formal referral was sent to the Roads and Traffic Authority (RTA). Subclause 104(3) requires consideration of accessibility and traffic safety should a response not be received from the RTA within 21 days after the notice was given.

A response from the RTA has been received and Council's Senior Traffic Engineer has noted the considerations under Clause 104(3) (b) and concluded that the development is satisfactory in regards to site accessibility and traffic safety. The RTA have recommended 4 conditions to be imposed with respect ensuring safe and adequate areas being provided on site for movements of vehicles within the site. Council's Senior Traffic Engineer has provided the following comments:

- Conditions 2 and 4 recommended by the SRDAC are required to be applied for this development.
- The proposed increase in traffic movements as a result of the development does produce a consistent increase in local traffic flow, however no major traffic generation impacts are expected from the development as it is anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase.
- The proposal has justified its car parking requirements on the basis of anticipated demand and provided 241 marked spaces. It is accepted that 241 spaces catering for the needs of tenancies is appropriate as it is within Council and the RTA's adopted range (100-340 spaces).
- All entering and exiting truck movements must be made in a forward direction with ample internal storage provided for any queuing and loading activities. Furthermore all car parking areas must be designed to comply with AS 2890.1 (2004).

These have been recommended in conditions Nos.33, 51, 52 & 54.

No major traffic generation impacts are expected from the development and it anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase.

Based on the advice provided by the RTA and Council's Senior Traffic Engineer and the limited impact the development will have the surrounding road network, the development is satisfactory for the purposes of Clause 104 of SEPP 2007.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

Clause 7(1) of SEPP 55 states that 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.*

Clause 7(2) states that:

Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

As part of an original development application for the subdivision the applicant was required to carry out a study to identify opportunities and constraints to the site including contamination as to render the site suitable for industrial/warehousing use. A report prepared by HLA –Envirosciences Pty Ltd found that this site and the eastern parts of CSR lands showed no evidence of contamination – related constraints. The site has since been prepared with the use of clean virgin fill and is therefore satisfactory for industrial purposes.

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

The SREP 20 provides overall direction for planning to protect the environment of the Hawkesbury/Nepean River catchment within which the proposed development is located.

The proposed development is consistent with this objective, and any risks relating to the protection of the Hawkesbury-Nepean River system are considered and addressed through the implementation of recommended conditions of consent (Nos. 11, 12, 17 & 18) 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

Section 6.14 – Erskine Park Employment Area

The above provisions of the DCP apply to the subject site. A table detailing compliance with the relevant controls applicable to the proposed development is attached to this report (See Appendix No.2).

The proposed development is generally consistent with the Development Control Plan; however a variation is sought in respect to car parking and front setback requirements.

Car Parking

Clause 7.2 (Car parking) of Section 6.10 – Erskine Park Employment Area states that car parking is to be provided in accordance with the following rates:

Warehousing Building A + B – 1 space per 100m²

- $30,140\text{m}^2/100 = 301$ spaces to be provided

Office premises – 1 space per 40m²

- $2500\text{m}^2/40 = 63$ spaces to be provided

Based on floor areas (of warehouse A and office), 364 spaces are required to be provided.

The proposed development includes the provision of 241 car spaces on site, 5 being accessible.

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

“The proposed development includes the provision of 241 car spaces on site. The car spaces provided as part of the proposal adequately cater for the requirements for warehousing facilities. An analysis of Council’s and the RTA’s parking requirements is included in the Table 4.1 below.

Parking Requirement Comparison

| Land Use | Floor Area (m²) | DCP Requirements | | RTA Guidelines | |
|------------------|-----------------------------------|-------------------------------|---------------|-------------------------------|---------------|
| | | Rate per m² | Spaces | Rate per m² | Spaces |
| Warehouse | 30,140 m ² | 1/100 m ² | 301 | 1/300m ² | 100.5= 101 |
| Ancillary Office | 2500m ² | 1/40m ² | 63 | 1/300m ² | 25 |
| TOTAL | - | - | 364 | - | 126 |

The above illustrates that there is a demand for between 364 and 126 parking spaces for the proposed development. The proposal accommodates 241 parking spaces which falls within the requirement bracket.

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 parking rate stipulated by the RTA is significantly less than that required by Council's Development Control Plan. The proposed use is unlikely to generate an excessive amount of parking, comprising of staff and visitor parking only. The 241 parking spaces provided on site are more than the RTA requirement. However the number of parking spaces is less than that required by Penrith DCP 2006.

The number of staff working is unlikely to occupy all 241 spaces at one time. The proposed parking spaces are consistent with the anticipated staff numbers expected at the site at any one time.

Council Senior Traffic Engineer has reviewed the proposal and notes that the parking provided is adequate for the proposed use.

The proposed development is consistent with the Penrith Development Control Plan 2006.

Height

Clause 4.1 (Height) requires a maximum building height of 15m. The building height proposed is 12.20m and hence compliance in respect to Clause 21 of SEPP WSEA (See Appendix 1).

Fencing

The objectives of Clause 4.7 (Fencing) state:

(a) To ensure that the security needs of the development are satisfied in a manner which complements the surrounding landscape design and streetscape quality; and

(c) To ensure that fencing is consistently located behind the landscaped front setback and is of a consistent high quality.

The fencing proposed is black palisade fencing at a height of 2.1m located 3m from the front boundary behind the landscaped area along Templar Road, chain mesh fencing is proposed along all other boundaries. This is of high quality and is consistent with the other developments in that area (Condition No. 50).

Setbacks

Clause 4.2 (Setbacks) requires a building setback to Templar Road of 15m. The proposed development provides for 11m front setback to part of the building and is not compliant with this requirement.

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

- “(a) To provide an open streetscape with substantial areas for landscaping; and*
- (b) To enhance the visual quality of development and the urban landscape.”*

The applicant has made submission requesting to vary the front setback requirements where it is not in compliance and provides following justifications:

- Non compliance is only limited to one small part of the building,
- The warehouse is located at the cul de sac.
- The topography of the land screen part of the warehouse when viewed from the street,
- The front elevation incorporates modulation and interesting faced to public view.
- The setback provided is compatible with other buildings in the vicinity on Templar Road.
- The Target Building located on the adjoining southern land protrudes forward of Building A.

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

- The front building has varied front setback from 11m to 50m and taking the average it provides 30.50m front setback which meets the minimum 15m requirement,
- Substantial landscaping is proposed between the carparking and the boundary. and landscaping blisters are incorporated within the car parking area to break up the appearance of the hard stand area and visually enhance the development.
- Clause 4.3.2 permits car parking within this setback.
- Car parking is proposed along the northern frontage of the site and along the rear of the site.
- The buildings meets the side and rear building setback requirements.

In view of the above it is considered reasonable to conclude that the design of the building meets the objectives of the DCP and hence this minor variation is worthy of support for this instance.

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

Noise Generation

Council's Environmental Health Officer has reviewed the "Acoustic Investigation" prepared by EMGA Mitchell McLennan dated 17 August 2011 and in the additional information provided by EMGA Mitchell McLennan dated 4 October 2011. They have requested the applicant to provide a Operation Noise Management Plan (ONMP) addressing the potential noise generation from the use of the building prior to the issuing of the occupation certificate. They have also requested for an acoustic compliance report prepared by a qualified acoustic consultant to demonstrate that all recommendations in the Acoustic Report have been met. This compliance report is to assess all noise generating activities on the site including (but not limited too) plant and equipment, fork lifts, truck and vehicles and vehicle reversing beepers. The revised noise report is satisfactory and conditions of consent are recommended (Condition Nos. 43, 44 and 45).

Traffic and Access

The subject application was accompanied with a Traffic and Parking Report prepared by Traffix traffic and transport planners dated 30 August 2011.

Council's Senior Traffic Officer and the RTA have reviewed the proposed development and concluded that no major traffic generation impacts are expected from the development as it is anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase.

Direct heavy vehicular and car access point is proposed from Templar Road. All vehicles would be able to enter and exit the site in a forward direction with sight lines at the proposed driveway entrances unimpeded from landscaping, fencing or signage.

Conditions are recommended (Nos. 30, 48 & 49) for car parking, manoeuvrability and sight distances.

Economic Impact

The site forms a considerable part of the overall Erskine Business Park with close and convenient access to Mamre Road and the M4 Motorway.

The outcomes of development such as major road improvements, landscaping and other community infrastructure, coupled with growth in employment opportunities, will positively contribute the social environment of the local and regional community.

The accommodation of this type of development in the Penrith Local Government Area will result in the generation of employment opportunities and will further stimulate the local and regional economy.

Safety and Security

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

Waste Management

Appropriate arrangements would be made for construction waste to be disposed of at authorised waste management facilities. Condition numbers 15 & 16 has been recommended to ensure this.

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

The site of the proposed development is 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 away 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; and
- The proposed development would contribute to the employment generation as provided by the Erskine Business Park.

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

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

On 14 December 2011, Council received the Director General's certification that the site had met the requirements Clause 29 of SEPP WSEA (see Appendix No. 4).

The application was referred to the following stakeholders

- RTA
- Building Surveyor
- Development Engineer
- Traffic Engineer
- Environmental Health,

They have examined the application and raised no objection subject to conditions:

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 Hub. The contribution to employment opportunities in the region is considered to be significant with respect to a large organisation setting its base in the Penrith Local Government Area.

The proposed development has been assessed with regard to the provisions outlined in *State Environmental Planning Policy (Western Sydney Employment Area) 2009* and *Penrith Development Control Plan 2006* and is satisfactory. Matters relating to car parking, building design, height and setbacks as well as access have been considered against the relevant planning instruments and are found to be satisfactory.

The proposed development provides modern buildings with contemporary finishes that would enhance and embellish the surrounding built environment. The proposed development incorporates high quality architectural merit which is designed to ensure that the site exudes substantial visual interest within the employment generating context of Erskine Business Park. Combined with landscaping and building design, the proposed development continues the theme for the standard of development that is expected in Erskine Business Park.

Section 94 Contributions

Erskine Business Park – Development Contributions Plan 2008 is applicable for this site. However, for this part of the land S94 is not applicable as there have been works in kind already carried out by CSR in the construction of road works along and traffic signals to maintain safety and efficiency. This has been confirmed by Council's S94 Officer.

Conclusion

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979*. It is considered to have substantial merit and is unlikely to result in a significant adverse impact upon adjoining lands.

The variation of development controls of the proposed development with respect to on site parking spaces and front setback are reasonable as the proposal demonstrates an appropriate development that is site responsive, contemporary building design and aims to enhance the high quality nature of the employment area.

The application is therefore satisfactory and the proposal is recommended for approval, subject to the imposition of the recommended conditions.

Recommendation

That:

1. The information contained in the report on Development Application No. DA11/0919 for the construction of 2 warehouse buildings comprising of ancillary office, car parking, landscaping as warehouse distribution Centre at part Lot 23 DP 1120114 (proposed Lot 2301), (No. 16-76) Templar Road, ERSKINE PARK NSW 2759 be received.
2. Development Application No. DA11/0919 for the construction for the construction of 2 warehouse buildings comprising of ancillary office, car parking, landscaping as warehouse distribution Centre at part Lot 23 DP 1120114 (proposed Lot

2301), (No. 16-76) Templar Road, ERSKINE PARK NSW 2759 be approved subject to the following conditions:

Standard Conditions

1. **A001** – Approved Plans

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

Architectural Plans

| Drawing Title | Drawing No | Issue | Prepared by | Dated |
|------------------------------|-------------------------------|-------|-----------------------------|------------|
| Site & Racking PlanS | DX-TE-DA-002 & 003 | E | ConceptArchitecture | 4/10/2011 |
| Ground Floor Plan Building A | DX-TE-DA-004 | D | ConceptArchitecture | 4/10/2011 |
| Ground Floor Plan Building B | DX-TE-DA-005 | D | ConceptArchitecture | 23/8/2011 |
| Roof Plan | DX-TE-DA-006 | E | ConceptArchitecture | 4/10/2011 |
| Elevations Building A | DX-TE-DA-007 | D | ConceptArchitecture | 23/8/2011 |
| Elevations Building B | DX-TE-DA-008 | E | ConceptArchitecture | 4/10 2011 |
| Sections Building A & B | DX-TE-DA-009 & 010 | D | ConceptArchitecture | 23/8/2011 |
| External Finishes | DX-TE-DA-011 & 012 | E | ConceptArchitecture | 4/10/2011 |
| Perspectives | DX-TE-DA-013 to 016 inclusive | E | ConceptArchitecture | 4/10/2011 |
| Landscaping Plans | L01 & L02 | B | Habitation | 18/082011 |
| Drainage Plans | AA002233 | Rev 3 | by Hyder Consulting Pty Ltd | 23/08/2011 |
| | | | | |

2. **A019** – Occupation Certificate

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

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.

4. **A029 – 24 hour operation**

The development is permitted to operate from 7am to 5pm daily but in peak periods it can operate on a 24 hour basis, seven (7) days a week. Acoustic Impact shall be minimised to the surrounding area and consistent with the Acoustical Assessment Report and further conditions in this consent.

5. **A032 – Goods in Building**

All materials and goods associated with the use shall be contained within the building at all times with the exception of the display area. Goods displayed in the designated area are to be in accordance with the stamped plans and maintained at all times.

6. **A038 – Lighting Locations**

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. Appropriate lighting is to be installed to staff and visitor car parking areas. 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).

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.

8. **A046 – Construction Certificate**

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

9. **B004 - Dust**

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

10. **B005 – Mud/Soil**

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

11. **D001 - Implement approved sediment & erosion control measures**

Erosion and sediment control measures shall be installed prior to the commencement of works on site including approved clearing of site

vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

The 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.

12. ***D002 – Spraygrass***

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

13. ***D005 - No filling without prior approval***

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

14. ***D06A - Approval for bulk earthworks/major filling operations***

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

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and

- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

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

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

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

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

15. **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.

16. **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.

17. **D015** - *Spill prevention & clean-up procedures*

A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted for approval prior to construction works commencing. The approved procedures plan shall be implemented in the event of a spill or emergency.

18. **D026** - *Liquid wastes*

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

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

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

19. **D131** - *Noise Level*

Noise levels from the premises shall not exceed the relevant noise criteria detailed in "Proposed Industrial Estate, Templar Road Erskine Park – Acoustic Investigation" prepared by EMGA Mitchell McLennan dated 17 August 2011 and in the additional information provided by EMGA Mitchell McLennan dated 4 October 2011. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

20. **E01A** - *BCA compliance (Class 2-9)*

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

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

21. **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" 2009 and the Disability (Access to Premises) Standards 2010. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

22. **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.

23. **H002 - All forms of construction**

Prior to the commencement of construction works:

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- (d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
 - if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
 - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
 - any such hoarding, fence or awning is to be removed when the work has been completed.

24. **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.

25. 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

26. 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.

27. K202 – Minor Road Works

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) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

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

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact

Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

28. K210 - On site Detention

On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Hyder Consulting Pty Ltd, reference number AA002233, revision 3, dated 23.08.2011.

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

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

29. K213 – Water Quality

Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater – Environmental Targets/ Treatment Techniques– October 2007' publications.

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

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

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

30. K221 – Car Parking

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

All service vehicles should enter and exit in a forward direction and have appropriate access to loading docks. The driveway width shall accommodate swept movements of the largest vehicle servicing the site and be designed to AS 2890.2. "No Stopping" signage (if required) shall be installed at no cost to Council.

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

31. **K501 – Roads Authority Clearance**

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

32. **K502 – Works as Executed**

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

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

33. **K503 - Stormwater Compliance**

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

- a) Stormwater pre-treatment system/s
- b) On site detention system.
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

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

34. **K504 - Restriction as to User**

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

- a) Stormwater pre-treatment system/s

- b) On site detention system.

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.

35. **L001 – General Landscaping**

All landscape works are to be constructed in accordance with the stamped-approved Landscaping Plans Nos. L01 & L02 1101123-01 Revision B drawn by Habitation 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.

Prior to the issue of a Construction Certificate a landscaping plan is to be provided to Council's satisfaction showing screening vegetation with canopy trees endemic to the area capable of achieving a mature height of 8 metres within the landscaped verge along the northern boundary.

36. **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.

37. **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 3 Year Landscaping Report

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.

38. **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.

39. **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.

40. **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.

41. 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.

42. 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

43. Noise Criteria

All construction works are to be undertaken in accordance with the "Construction Management Plan – Proposed Dexus Industrial Estate – Templar Road, Erskine Park: Revision D" prepared by Hansen Yuncken.

Noise levels generated during the construction phase of the development are to also comply with the NSW Office of Environment and Heritage's "Interim Construction Noise Guidelines".

44. Acoustic Compliance

An Operational Noise Management Plan (ONMP) is to be prepared and submitted to Penrith City Council for consideration and approval prior to the issue of an Occupation Certificate. The ONMP shall be prepared by suitably qualified consultants, and may need to be amended to include the any comments provided by Council. It should address all noise generating activities on the site, including truck movements. The approved Noise Management Plan is to be implemented and complied with at all times.

45. Twelve (12) months after the issue of the Occupation Certificate, an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the "Proposed Industrial Estate, Templar Road Erskine Park – Acoustic Investigation" prepared by EMGA Mitchell McLennan dated 17 August 2011 and in the additional information provided by EMGA Mitchell McLennan dated 4 October 2011, and also the NSW Office of Environment and Heritage's Industrial Noise Policy.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council.

46. Dust Suppression

Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties. Mud and soil from vehicular movements to and from the site must not be deposited on the road.

47. Boundary Fencing

Boundary fencing is to be constructed in accordance with Clause 4.7 (Fencing) of Part 6.10 Erskine Business Park Apartment Development under Penrith Development Control Plan. The following is to be shown on the plans submitted with the Construction Certificate:

- Fencing must be located either behind the landscape setback or alternatively within the landscaped area midway between the site front boundary and the building line.
- Security fencing shall generally be of an "open" nature and of a dark colour, such as green or black powder coated mesh.

48. Car parking areas

All vehicles shall enter and leave the site in a forward direction. The layout of the proposed car parking area 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 – 2004.2 -2002 for heavy vehicle usage.

49. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle width, aisle lengths, and parking bay dimensions) should be in accordance with AS 28790.1-2004 and AS 2890.2 -2002 for heavy vehicle usage. Car parking provision should be to Council's satisfaction

50. ***Construction management plan***

A detailed construction management plan is to be submitted to Council's satisfaction.

51. ***Associated costs***

All works associated with the proposal shall be at no cost to the RTA and Council.

52. ***Building construction***

All recommendations outlined in the Bush Fire Assessment Report prepared by ECO Logical Australia Pty Ltd dated 19 August 2011 shall be compiled with during the construction of Building B. The applicant is to submit documentary evidence prepared by a qualified person to indicate that all recommendation in that report ahs been carried out and completed prior to the issue of the Occupation Certificate.

53. ***Occupation Certificate Checklist***

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.

APPENDIX 1: SEPP WSEA 2009 ASSESSMENT

Clause 18 - Requirement for Development Control Plans

The “Erskine Park Employment Area” section under the Penrith Development Control Plan 2006 (approved 21 August 2006 and as in force on 15 December 2006) applies to the site.

An assessment against the DCP is made later in 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 satisfied that the development contains measures designed to minimise:

- (a) the consumption of potable water, and*
- (b) greenhouse gas emissions.*

The proposed development will involve the installation of rainwater tanks to harvest rainwater for use in irrigation and toilet flushing.

The applicant has indicated to comply with Section J of the BCA with respect to energy saving fixtures and lighting fixtures throughout the premises.

The design of the building incorporates features such as glazing and sunshades to improve energy efficiency and reduce green house gas emissions

Clause 21 – Height of Buildings

The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:

- (a) building heights will not adversely impact on the amenity of adjacent residential areas, and*
- (b) site topography has been taken into consideration.*

The development provides a relatively large building footprint and a maximum building height of 12.20m.

The height control of 15m (as noted in DCP 2006) for the site is in compliance as the maximum height of the building is 12.20m.

The presence of the building is enhanced by the high quality of architectural presentation and landscaping which has been improved in response the feedback from Council’s UDRP.

Clause 22 - Rainwater Harvesting

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.

The roof areas will be appropriately connected to the onsite detention system. A

specific rainwater harvesting scheme was not required and/or approved by the Director-General. The method for rainwater harvesting on the site is satisfactory.

Clause 23 - Development Adjoining Residential Land

Applies that is within 250 metres of land zoned primarily for residential purposes. Council satisfied that matters relating to visual amenity, noise generation, traffic, parking and landscaping are compatible with the surrounding residential area.

The nearest dwelling is approximately 1000m from the northern site boundary. the proposal is satisfactory in regard to potential noise impacts.

A traffic report was also submitted with the application. The levels of traffic would be no greater than the existing traffic along Mamre Road or Erskine Park Road.

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.

An electricity substation is proposed within the front setback.

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 and the proposal was referred to the RTA for comment with no objection raised.

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 of regional transport infrastructure and services (including the Erskine Park Link Road Network)

Director General's Certification has been received which certifies that no further contributions are required.

Clause 31 – Design principles

In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:

- (a) the development is of a high quality design, and*
- (b) a variety of materials and external finishes for the external facades are incorporated, and*
- (c) high quality landscaping is provided, and*
- (d) the scale and character of the development is compatible with other*

employment-generating development in the precinct concerned.

The proposed building has been architecturally designed to a high standard to ensure that it presents well to road frontage through the use of a combination of office and warehouse elements along the northern and eastern elevations addressing Templar Road. Articulation and design features are incorporated into the office elevations in both buildings A & B to emphasize the predominance of horizontal lines and vertical fenestration proportions. The vertical glazed panels including “decorative” panels in front eastern side elevation and along the southern elevation are further articulated to identify points of entrance while and breaking the scale of the building mass.

High quality landscaping incorporating native species as defined in Council’s DCP is proposed and is consistent with recently completed development nearby. The paved area immediately north of the office building has been configured to reduce hard stand areas and incorporate landscaping.

Clause 32 - Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

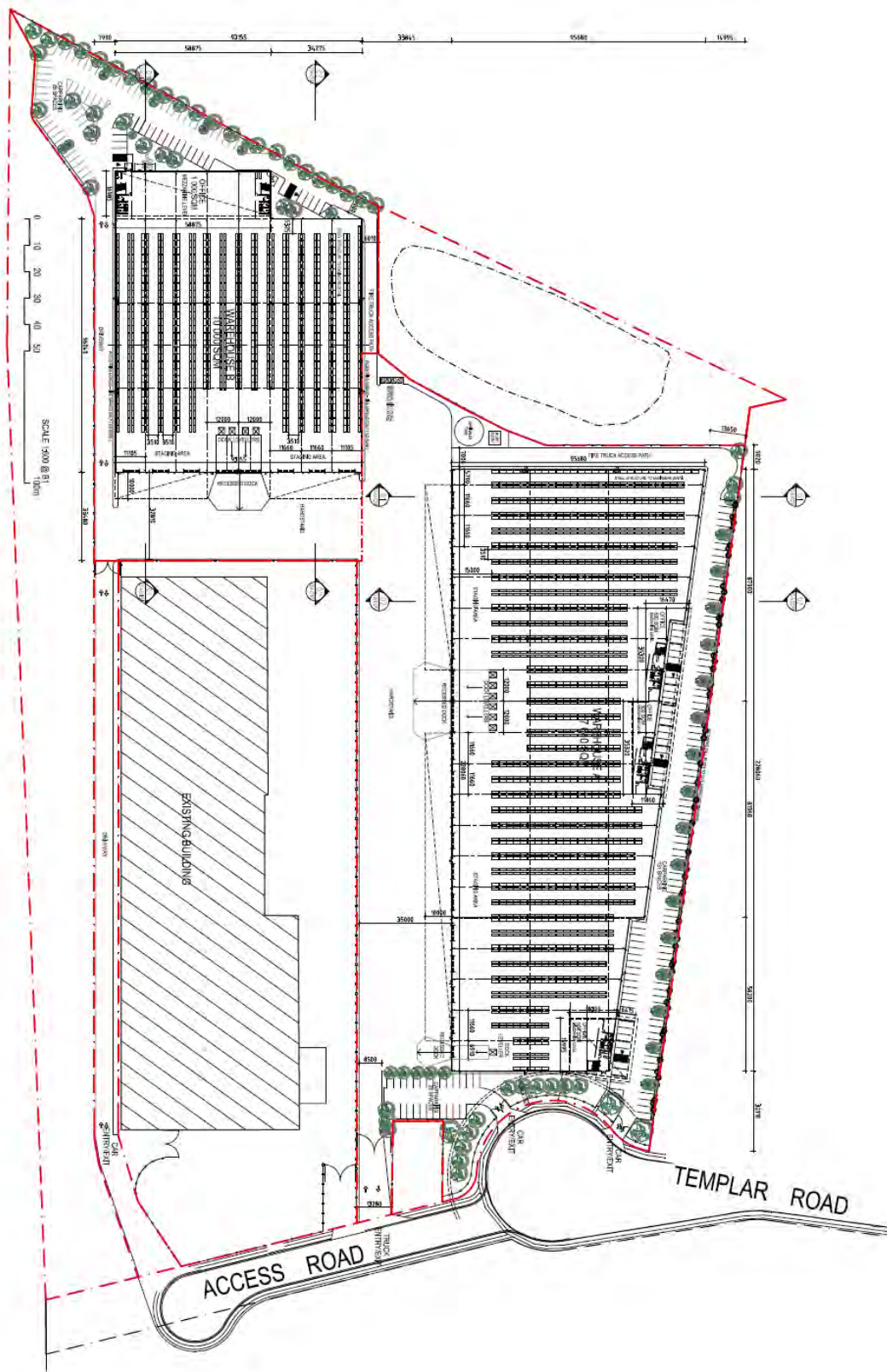
There are no major vegetated areas that will be removed as part of this development.

APPENDIX 2: DCP 2006 ASSESSMENT

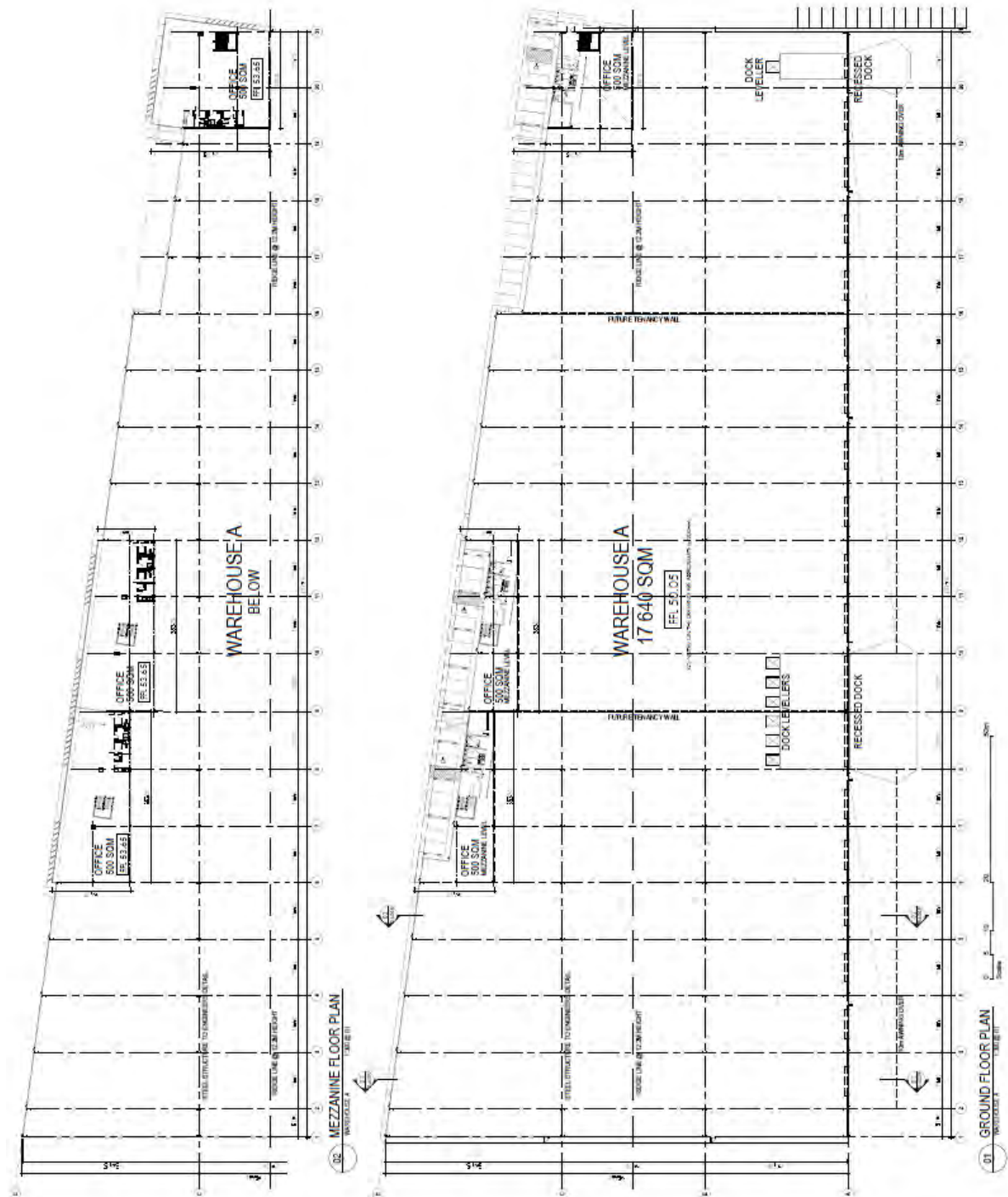
| Requirement | Comment | Complies |
|--|---|--------------------------------------|
| Section 2.2 Crime Prevention through Environmental Design | | |
| Lighting | Lighting is anticipated to be installed around the site. Condition No.9 has been recommended to ensure minimal impact to adjoining properties. | Yes |
| Entrapment spots and blind corners & Landscaping | Access to the site would be controlled with gates at all entry points, security patrols. | Yes |
| Communal/ Public Areas | Design of built form and landscaping enables effective passive surveillance from all side of the site with security fencing. | Yes |
| Entrances | Main access to the warehouse area, office area and other heavy vehicles/ trucks entering from via Templar Road. | Yes |
| Section 2.7 Notification and Advertising | | |
| B.1 Who will be notified | The application was not required to be notified to adjoining and neighbouring land as it will not have adverse impact to adjoining properties. | Yes |
| B.9 Amended Plans | Amended plans were received were of minor nature to address those issues raised by UDRP. | Yes |
| Section 2.9 Waste Planning | | |
| Waste Management Plan | Waste and recyclable materials will be stored in large lift bins and commercial arrangements will be made for their removal. Waste will be generated through the office, parts stores, crane assembly facilities and landscape maintenance in addition to construction waste. | Yes |
| Section 6.10 – Erskine Park Employment Area | | |
| Part 2 – Drainage | A Stormwater Management Plan has been prepared. It addresses all of the necessary stormwater requirements of Council contained within the Development Control Plan and relevant engineering standards. | Yes |
| 4.2.4 Car Parking Requirements Warehouse 1 space/100m ² Office premises 1 | Based on floor areas (24540m ² of warehousing and 855m ² of office), 267 spaces are required to be provided. The proposed development includes the provision of 99 car spaces on site, 2 being | Yes - See comment in report |

| | | |
|---|--|---------------------------------|
| space/40m ² | accessible. | |
| 4.7 Fencing Requirements Fencing to be located behind landscaping | Black palisade fencing at a height of 2m is proposed along Mamre Road and chain mesh fencing is proposed along all other boundaries. | Yes |
| 5.1.2 Height Requirements Building height to be a maximum 15 metres | The proposed building will have a maximum height of 12.20 metres at the ridgeline. | Yes |
| 5.2.2 Site Coverage Requirements Site coverage shall not exceed 50%. | The proposed development will have a total site coverage of approximately 47 Percent. | Yes |
| 5.3.2 Setback Requirements Lockwood Road 20m Rear & side boundaries 5m | Front – 11m & 50 metres to Lockwood Road Side – 12 metres to western boundary Side – 55 metres to eastern boundary Rear – 11.50 metres to the south/rear Car parking is located within the setback | NO see other part of the report |
| 5.4.1 Urban Design Requirements | The colours and shapes incorporated into the warehouse elevation and the inclusion of office building at the north/eastern corner of the building help to reduce the bulk of the building for building A. The proposed office facade of both buildings A & B provides a contemporary front in Erskine Park and has been designed to contrast with the main building. The proposal is considered to be of high standard that is consistent with the other buildings in that area. | Yes |
| 5.9.1 Operating Hours | The hours of operation is limited to 7am to 5pm daily but may operate 24 hours a day during peak period, 7 days a week operating hours are do not affect the amenity of nearby residential land. | Yes |
| 6.1 Noise | The noise assessment of the proposed facility. demonstrates limited impact to the nearby residential land. Conditions of consent are recommended to gauge noise impact once it is in operation and if there are any adverse impact then the applicant would be required to rectify these impacts. | Yes |
| 6.5 Soil erosion | Erosion and sediment control measures have been submitted and conditions of consent are recommended. | Yes |
| 6.6 Air Pollution | The proposed development will not result in any significant air pollution emissions based on the nature of the proposed use. | Yes |

APPENDIX – 3 Site Plan



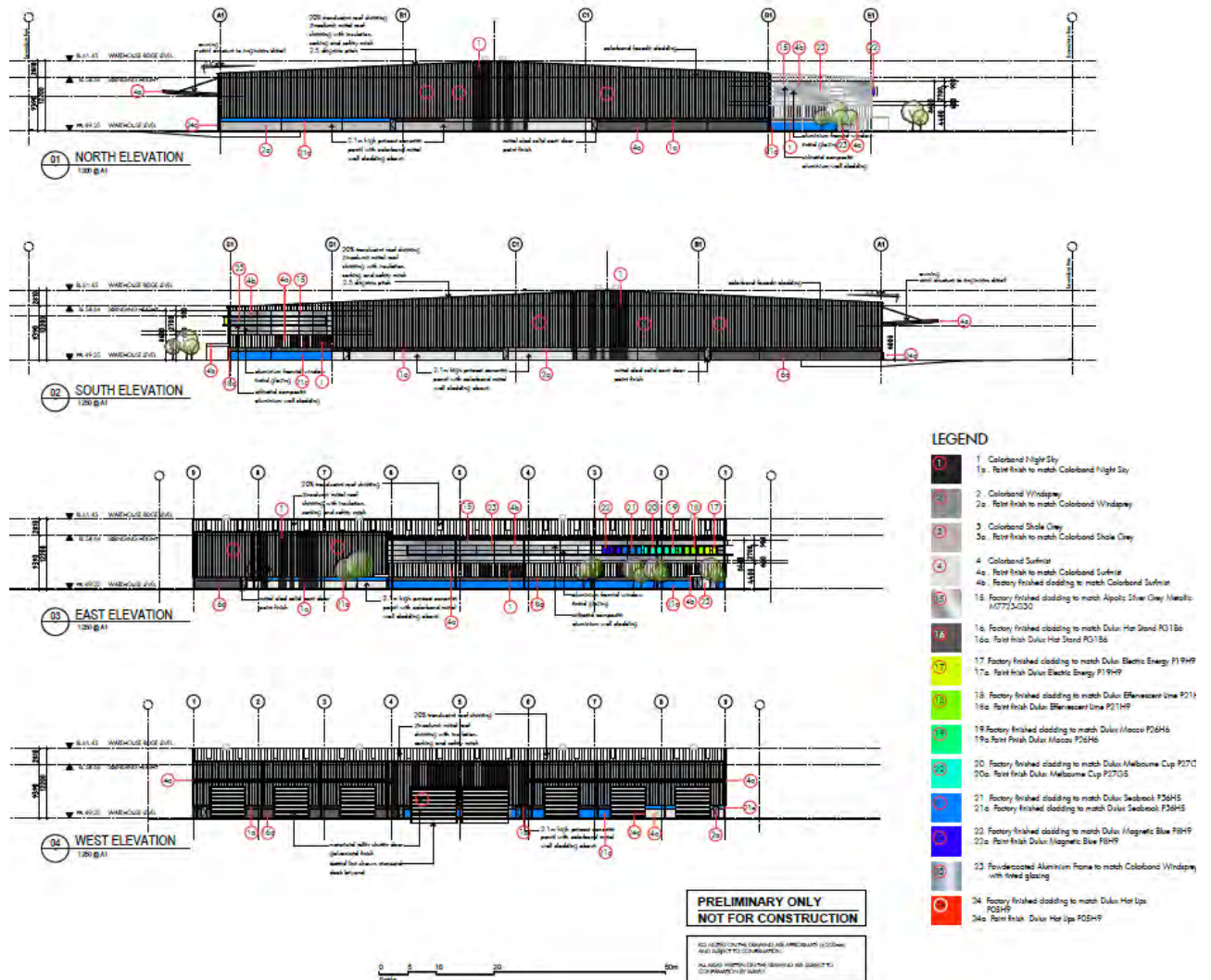
APPENDIX 3 - Floor Plan – Building A



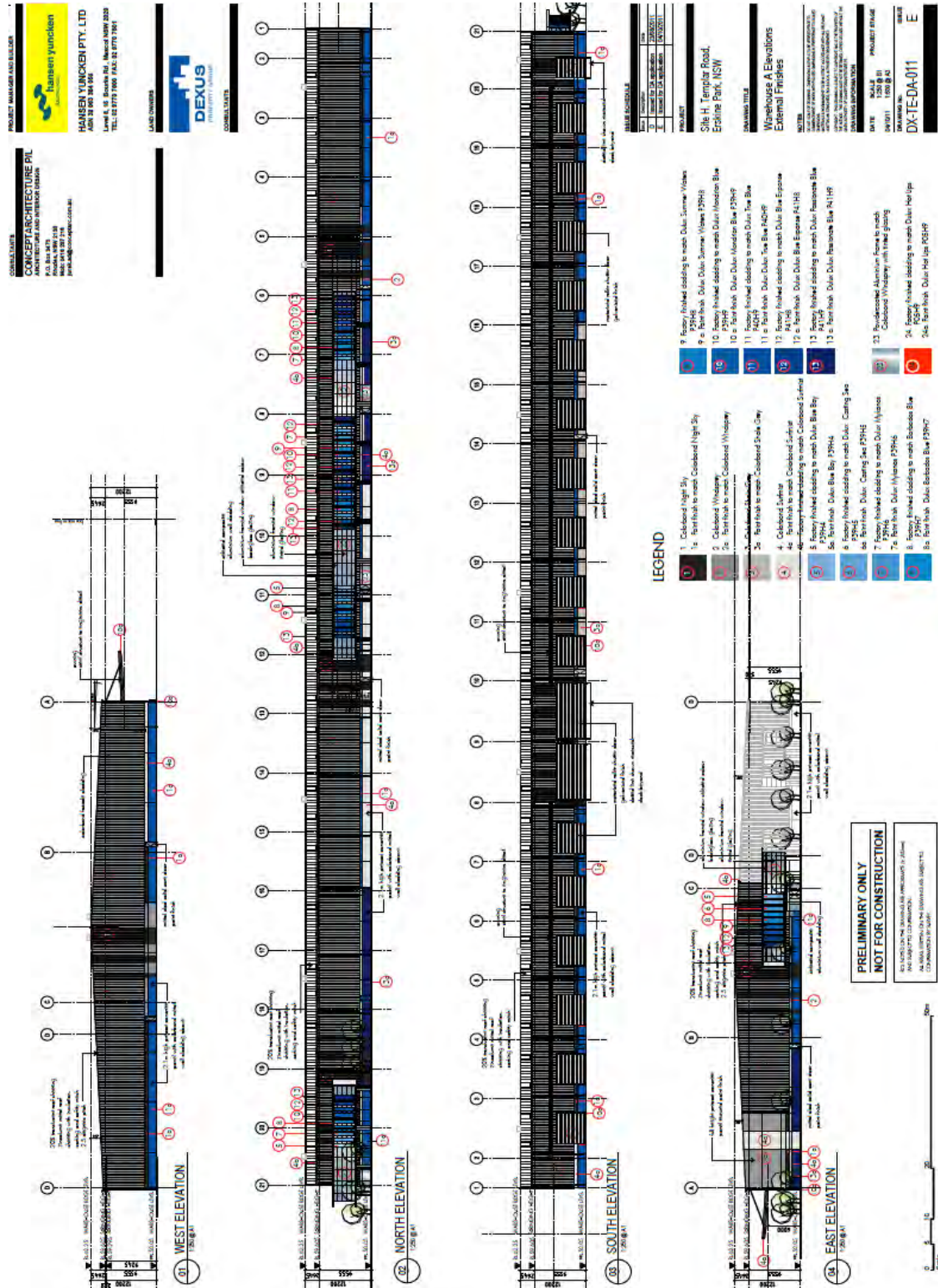
JRPP (SYDNEY WEST REGION) BUSINESS PAPER – 9 DECEMBER 2011 – ITEM No. 1



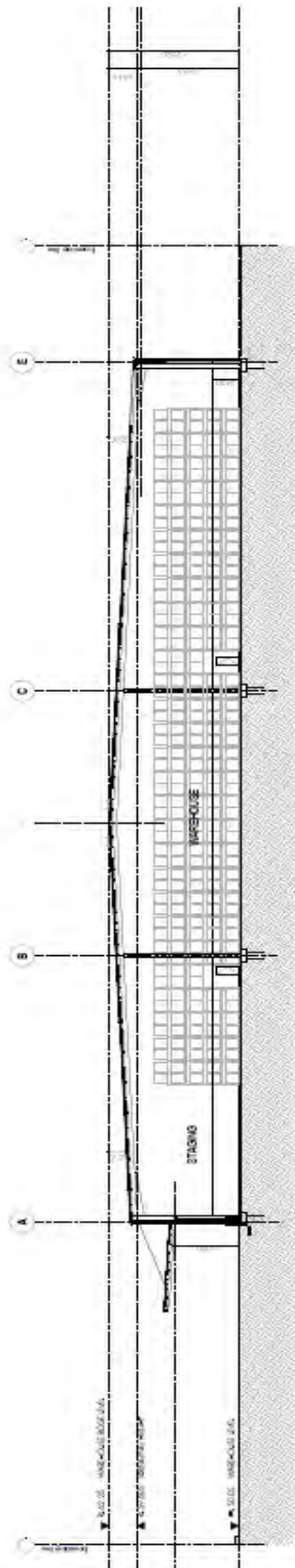
APPENDIX-3 – Elevations of Building - B



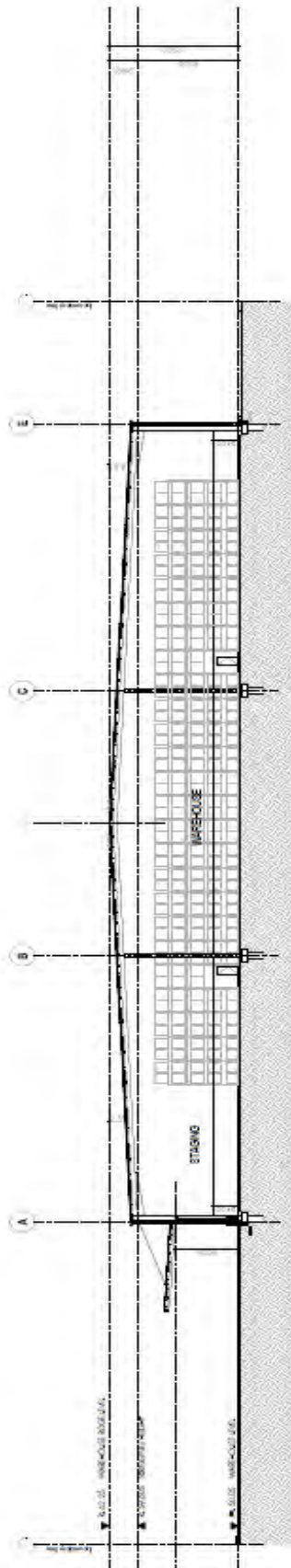
APPENDIX 3 - Elevations of Building - A



APPENDIX 3 - Cross Sections



01 SECTION AA
WAREHOUSE A
1:25 @ A1



02 SECTION BB
WAREHOUSE A
1:25 @ A1

APPENDIX – 3 – Landscaping Plan

[illegible]



APPENDIX 3 – Perspective of the Northern elevation of Building A



APPENDIX -3 Perspective of Building B



**Planning &
Infrastructure**

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

11/19029

Attention: Pukar Pradhan, Senior Environmental Planner

Dear Mr Stoneham

**Development Application DA 11/0919, Lot 23 DP 1120114, 16-76 Templar Road
Erskine Park – Satisfactory Arrangements to Contribute to the Provision of
Regional Transport Infrastructure**

I refer to the above application from Hansen Yuncken Pty Ltd and your letter dated 7 September 2011.

As you are aware, clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 ("the SEPP") requires that satisfactory arrangements to contribute to the provision of regional transport infrastructure and services be certified by the Director General prior to the determination of development.

Contributions to the provision of regional transport infrastructure and services have been made for the subject land under Penrith City Council's existing section 94 contribution plan for Erskine Park. Consequently, I can certify that satisfactory arrangements have been made for the purposes of the SEPP.

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 9860 1552.

Yours sincerely

Andrew Jackson
Executive Director, Strategy and Infrastructure Planning



**Director General's Certificate
Satisfactory Arrangements For State Public Infrastructure Provision**

In accordance with the provisions of Clause 29 of the State Environmental Planning Policy (Western Sydney Employment Area) 2009 I, Andrew Jackson, as a delegate of the Director General of the Department of Planning and Infrastructure, certify that satisfactory arrangements are in place for the provision of State public infrastructure in respect of the general industrial lots identified below:

- DA 11/0919 – general industrial lots on Lot 23 DP 1120114, Templar Road, Erskine Park.


Andrew Jackson
As a delegate of the Director General

Date:

14/12/11