

## Sydney West Region Joint Planning Panel

### Penrith City Council

<b>JRPP Ref. No.</b>	2012SYW074
<b>Application Number</b>	DA12/0589
<b>Applicant</b>	LOGOS Property Group
<b>Proposed Development</b>	Construction of 2 x Warehouse Buildings with associated offices, car parking, earthworks, hardstand & landscaping as a Warehouse distribution Centre.
<b>Property Address</b>	9 -10 John Morphet Place, Erskine Park
<b>Property Description</b>	Lot 7 DP 1097134
<b>Property Owner</b>	LOGOS Property
<b>Date Received</b>	11 July 2012
<b>Assessing Officer</b>	Pukar Pradhan
<b>Category of Development</b>	Capital Investment Value > \$20 Million = \$23 mill.



### Executive Summary

Council has received a development application from Logos Property Group seeking approval for the proposed Construction of 2 x Warehouse Buildings with associated offices, car parking, hardstand & landscaping, as a warehouse distribution centre on the abovementioned property.

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 Capital Investment Value (CIV) of the development is \$23.00 million which is over \$20 million and the development application is therefore 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.

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 on 2 November 2012 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 Review Panel (UDRP). The proposed design was considered to be of good design that is consistent with the other up coming and existing developments in that area. The application has adequately responded to the matters raised in relation to providing adequate landscaping along the boundaries with the latest submitted plan.

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
- Appendix No. 5 – Letter from Roads Martine Services
- Appendix No. 6 – Letter from Endeavour Energy

### **Site and Surrounds**

The site is located at the end of a cul-de-sac being John Morphett Place and has a total area of 10.7 hectares. The developable area of the site is only 6.50 hectares due to the presence of electricity transmission line easements located along the northern part of the site. Vehicular access to the site is via John Morphett Place which is off Lenore Drive. See Figure 1 for location plan below.



Figure 1. Location Plan: Source Nearmap

### Development Proposal

Construction of two separate warehouse buildings (Figure 2) comprising the following components:

- Warehouse 1 - having a 20,720.00sqm warehouse facility & 720sqm of ancillary office;
- Warehouse 2 – having a 15,910.00sqm line haul/bulk storage facility & 1,220.00sqm of ancillary office;
- A covered breezeway connecting the 2 warehouses;
- Ancillary plant, services facilities;
- 1 diesel storage tank and 1 LPG tank - above ground for fuelling of trucks;
- Work shop building having floor area of 250sqm;
- 150 On site parking; and
- Associated landscaping.

The number of employees is 65 people with expected growth to 120 in the next 10 years. The warehouse facility would operate on 2 main shifts, namely

Morning shift – 5:00am to 1:00pm; and  
 Afternoon shift – 1:00pm to 9:00pm.

The warehouses generally would not operate during the night time period beyond 9pm but may need to operate during peak periods only. Some trucks would access the site during night time but these trucks will be limited to in between the 2 buildings during night time.

Site, Floor plans and elevations are included in Appendix No. 3.

## Planning Assessment

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 \$23 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 \$20 million.

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 30 August 2012. 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.

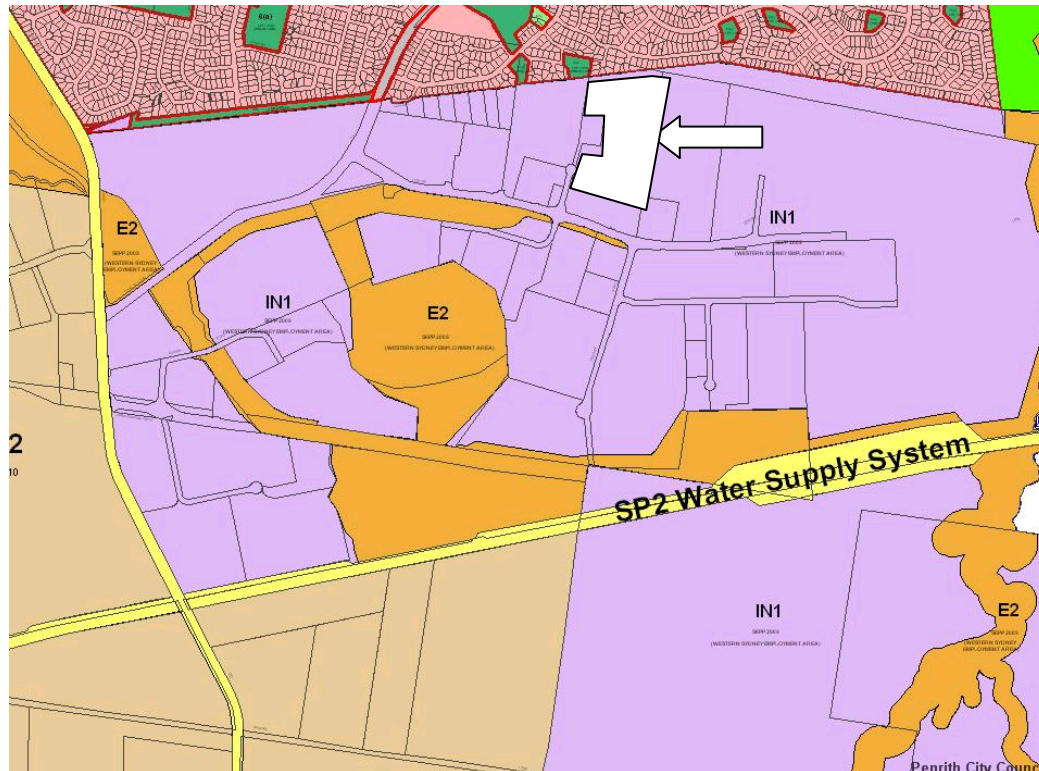
The proposed development would be suitably defined as a 'warehouse, distribution centre' which is outlined as follows: -

***“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 appropriate 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 the warehousing for administration purposes.
- There is no intention to lease or subdivide the space whilst unoccupied or operate independently.
- The proposed development would generate new employment opportunities for the Penrith Local Government Area which is in the spirit of the employment generating nature of Erskine Business Park..
- 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 Maritime Authority (RMS). Subclause 104(3) requires consideration of accessibility and traffic safety should a response not be received from the RMS within 21 days after the notice was given.

A response from the RMS has been received (see Appendix No. 5) 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 RMS's Sydney Regional Development Advisory Committee (SRDAC) have recommended 8 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 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 an 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 150 marked spaces. It is accepted that 150 spaces catering for the needs of tenancies is appropriate as it is within Council and the RMS's adopted range (127-406 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.40, 59, 60 to & 55.

No major traffic generation impacts are expected from the development and it is 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 RMS and Council's Senior Traffic Engineer and the limited impact the development will have on 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.*

A site contamination assessment prepared by New Environment Pty Ltd, was submitted with the application and concludes the following:

- A Phase 1 site contamination assessment was undertaken for the estate subdivision (including the site) by New Environment Pty Ltd. The assessment found that the estate, prior to recent development for employment purposes, had been used historically for broad acre agricultural purposes (grazing).*
- The assessment considered that the estate was unlikely to have been filled, with the topography reflective of the natural form and no obvious evidence of filling or potentially contaminating activities.*
- No evidence of contamination was identified during the site inspection.*
- Given the findings of the Phase 1 assessment, it is considered that the site is suitable for the proposed industrial land use.*

This report was examined by Council's Environment Officer who has advised that Phase 1 contamination assessment was carried out in accordance with the relevant guideline and agreed with the above conclusion that the site is suitable for the proposed use,

## ***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, 41) 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 1 + 2 – 1 space per 100m<sup>2</sup>

- $36,630\text{m}^2/100 = 366.3$  or = 366 spaces to be provided

Office premises – 1 space per 40m<sup>2</sup>

- $1,590\text{m}^2/40 = 39.75$  or 40 spaces to be provided

Based on floor areas (of warehouse 1 & 2 and office buildings), 406 spaces are required to be provided.

The proposed development includes the provision of 150 car spaces on site, 2 being accessible. The applicant has indicated that 100 spaces located at the western car park would be used for staff and visitors and the 50 northern car park would mainly be used for truck drivers and some staff.

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

*“The proposed development includes the provision of 150 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 RMS's parking requirements is included in the Table 4.1 below.

#### **Parking Requirement Comparison**

<b>Land Use</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>DCP Requirements</b>		<b>RTA Guidelines</b>	
		<b>Rate per m<sup>2</sup></b>	<b>Spaces</b>	<b>Rate per m<sup>2</sup></b>	<b>Spaces</b>
Warehouse	36,630 m <sup>2</sup>	1/100 m <sup>2</sup>	366	1/300m <sup>2</sup>	122
Ancillary Office	1,590m <sup>2</sup>	1/40m <sup>2</sup>	40	1/300m <sup>2</sup>	5
<b>TOTAL</b>	-	-	406	-	127

The above illustrates that there is a demand for between 406 and 127 parking spaces for the proposed development. The proposal accommodates 150 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 RMS 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 151 parking spaces provided on site are more than the RMS requirement. However the number of parking spaces is less than that required by Penrith DCP 2006.

The number of staff working comprising of 65 people will be spread across 2 shifts and is unlikely to occupy all 150 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 14.20m at highest point of the building 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*

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

Details of fencing has not been provided however, the applicant has been required to provide all front fences facing the street to be of black palisade fencing located 3m from the front boundary behind the landscaped area so that it is consistent with the other developments in Erskine Park area (Condition No. 58). Details will be required for consideration and approval prior to the release of Construction Certificate.

#### Setbacks

Clause 4.2 (Setbacks) requires a building setback to John Morphet Place of 15m. The proposed development provides for 45m front setback to that street and hence complies.

#### **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**

The application was accompanied by an Operation Noise Report prepared by Wilkinson Murray dated June 2012 which was examined by Council's Environment Officer. Council then requested the applicant to provide noise levels at residences located 150m from the development site based on 10 truck movements in the peak hour period. This scenario would equate to a "worst case" day period scenario.

Additional information was then submitted an addendum to the Operation Noise Report prepared by Wilkinson Murray dated 3 September 2012 with respect to the peak hour and night operation. The report carried out computer noise model to predicted maximum noise levels at residences. The noise predictions were based on locating a reversing alarm noise source at each loading dock location. The report concludes that its operation during night time would still comply with the applicable noise levels below the applicable criteria at the Erskine Park residences.

That report was further examined by Council's Environment Officer who have advised that the proposal and its operation is unlikely to have adverse noise impact to the residences located to the north of this site provided that all recommendations in the Report prepared by Wilkinson and Murray are carried out. Furthermore, the applicant has been required to provide an Acoustic Compliance Report prepared by a qualified consultant that addresses, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the "Operational Noise Assessment" prepared by Wilkinson Murray (report no 10164.N2, version A) dated June 2012) and associated addendum dated 3/9/2012 and the NSW Industrial Noise Policy.

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

Condition Nos. 55 and 56 are recommended to ensure that these recommendations will be carried out.

### **Traffic and Access**

The subject application was accompanied with a Traffic and Parking Report prepared by Transport and Traffic planning Associates dated June 2012.

Council's Senior Traffic Officer and the RMS 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 the main Lenore Drive and to John Morphett Place. 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 recommended by RMS for car parking, manoeuvrability and sight distances have been recommended in Conditions (Nos. 60 to 68 inclusive).

### **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. Appropriate perimeter 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 16 & 17 has been recommended to ensure this.

## **Environment Management**

The proposal involves a workshop having a total area of 250 sqm for maintenance of vehicles. Council's Environment Officer has recommended appropriate condition (Condition Nos. 18, 22, & 26) to ensure that the waste from washing and engine degreasing of trucks and vehicles are conducted within the wash bay and connected to the sewer in accordance with Sydney Water's requirements or on an approved water recycling system.

The application also involves storage of 68,000 litres diesel tank and 5,100 litres LPG above tanks located at north west corner of the site for on site fuelling of trucks. The amount of fuel located is much less than threshold of 2,000 tonne of any petroleum product outline in Schedule 3 of the Environmental Planning Regulation and hence is not designated development.

The application was examined by Council's Environment Officer and they have raised no objection subject to several condition being imposed with respect to provision of bunding area, discharge of wastes to sewerage system and spill prevention. These have been included in special conditions Nos. 18 to 23 inclusive.

### **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; and
- The site is adequately located away from residential areas to the north of the site.

### **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 2 November 2012, Council received the Director General's certification that the site had met the requirements Clause 29 of SEPP WSEA.

The application was referred to the following stakeholders

- RMS
- Building Surveyor
- Development Engineer
- Traffic Engineer
- Environment Officer,
- Urban Design Review Panel
- TransGrid/Endevour

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

The application was referred to TransGrid and Endeavour Energy for comments. TransGrid has required the applicant to amend the car parking layout to ensure the following:

- Retaining walls were located outside the TransGrid easement;
- All batters were located outside 30m working platform zone;
- Access would be maintained for their vehicles; and
- That approval be sought from TransGrid prior to commencement of all works adjoining the easement construction works. This has been recommended in condition number 67.
- The applicant has been required to submit details of any plants planted along that area would not be greater than 3m-4m in maturity to avoid conflict with the high voltage wires within the easement Condition No.45).

An amended plan was prepared to respond to these matters. TransGrid are now satisfied that the proposed parking layout would not impact on their access to easement areas and all works are located outside the easements.

Endeavour Energy have submitted a letter outlining limitations of works that can be carried out along the electricity easement boundary and the parking area proposed for this development. A condition (Cond. No. 697) is recommended that approval be sought with the TransGrid & Endeavour prior to commencement of construction works and only those works outlined in Endeavour Energy's letter dated 14 August 2012 (see Appendix 6) are to be carried out adjoining the easement area. A condition has been imposed to limit the height of any/all plants located along the north side of rear parking area to be of not greater than 3-4m height at their maturity as requested by these Companies.

### **Bulk, Scale and Design**

The proposed building has been architecturally designed to a high standard to ensure that it presents well to road frontage to John Morphett Place through the use of a combination of office and warehouse elements along the western and west/south and part of the northern elevations. Articulation and design features are incorporated into the office elevations in both buildings 1 & 2 to emphasize the predominance of horizontal lines and some vertical fenestration proportions. The vertical coloured panels including "decorative" panels in front and side elevation provides further articulated to identify points of entrance while and breaking the scale of the building mass.

The design has been examined by Council's Urban Design Consultant who have advised that it is of high standard that is suitable in that location and is compatible with other buildings in that area.

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

The proposed development would significantly contribute to the ongoing growth and development of Erskine Business Park and the greater Western Sydney Employment Hub. The contribution to employment opportunities in the region will result from 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 controls and 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. It is considered that the visual impact from the residents located along the north of this site will be minimised due to the natural contour of the site falling away to the southern boundary along with the landscaping provided aligning the rear of the northern car park area.

Combined with landscaping and building design, the proposed development continues the theme for the high 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*. The proposed development is permissible with Consent under the relevant planning instrument and is considered to have substantial merit and is unlikely to result in a significant adverse impact upon adjoining lands.

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. DA12/0589 for the construction of 2 warehouse buildings comprising of ancillary office, car parking, landscaping as warehouse distribution Centre



on Lot 7 DP 1097134 (No. 9-10) John Morphett Place, ERSKINE PARK NSW 2759 be received.

2. Development Application No. DA12/0589 for the construction for the construction of 2 warehouse buildings comprising of ancillary office, car parking, landscaping as warehouse distribution Centre at Lot 7 DP 1097134, (No. 9-10) John Morphett Place, 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 Plans	120101/BS-EP-DA A101 & A102	E & D	Axis Architecture	7/09/12
Ground Floor Plan Building 1	120101/BS-EP-DA A201	B	Axis Architecture	30/07/12
Ground Floor Plan Building 2	120101/BS-EP-DA A202	B	Axis Architecture	30/07/12
Office Plan Warehouse 1	120101/BS-EP-DA A203	B	Axis Architecture	30/07/12
Office Plan Warehouse 2	120101/BS-EP-DA A204	B	Axis Architecture	30/07/12
Operation Office Plan Warehouse 2	120101/BS-EP-DA A205	B	Axis Architecture	30/07/12
Work Shop Plan Warehouse 1	120101/BS-EP-DA A206	B	Axis Architecture	30/07/12
Out Buildings truck wash area Plan Warehouse 1	120101/BS-EP-DA A207	B	Axis Architecture	30/07/12
Roof Plan Buildings 1 & 2	120101/BS-EP-DA A208	A	Axis Architecture	30/07/12
Elevations Building 1	120101/BS-EP-DA A301	B	Axis Architecture	30/07/12

Elevations Building 2	120101/BS-EP-DA A301	B	Axis Architecture	30/07/12
Elevations 3 Warehouse 1 Office Elevation	120101/BS-EP-DA A303	B	Axis Architecture	30/07/12
Elevations 4 Warehouse 2 Office elevation	120101/BS-EP-DA A304	B	Axis Architecture	30/07/12
Section 1 Building 1 & 2	120101/BS-EP-DA A305	B	Axis Architecture	30/07/12
Coloured Elevations 1	120101/BS-EP-DA A501	A	Axis Architecture	30/07/12
Perspectives	120101/BS-EP-DA A502	B	Axis Architecture	30/07/12
Landscaping Plans	12_013 L02 & L03	C	Habitation	2/08/12
Drainage Plans	Co11764.00 -C40; C41; C43; C45; & C46	A	by Costin Roe Consulting Pty Ltd	02/08/12

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 5am to 9pm daily but in peak periods it can operate on a 24 hour basis, seven (7) days a week. Subject to Noise

5. **A030 – No Retail Sales**

No retail sales of goods shall be conducted from the subject premises.

6. **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.

7. **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).

8. **A039 – Graffiti**

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

9. **A046 – Construction Certificate**

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

10. **B004 - Dust**

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

11. **B005 – Mud/Soil**

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

12. **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.

13. **D002 – Spraygrass**

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

**14. 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.

**15. 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.”}

16. **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.

17. **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.

18. **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.

19. **D016 – Fuel Storage area**

The following details are to be submitted to and approved by Penrith City Council before a Construction Certificate can be issued for the development:

- ☐ The proposed fuel bowser/s shall be covered with a canopy. All uncontaminated stormwater from the canopy and other roofed areas shall be directed away from the forecourt area under the canopy.
- ☐ The covered fuel bowser/s area shall be protected from the entry of external surface waters at the canopy line by either a minimum 2% change in grade, or a combination of a minimum 2% grade changes and a grated drainage system.
- ☐ Tanker delivery facilities shall be provided with a spillage collection device, which will collect any spilt fuel.

A copy of Council's approval of the information submitted for the above matters is to be provided to the Certifying Authority as part of the Construction Certificate application.

20. **D017 – Fuel Storage – waste**

All wastes collected within the canopy of the fuel bowzers shall be directed to the sewer after being treated in accordance with the requirements of Sydney Water.

21. **D019 – Bunding Fuel Tanks**

Above ground fuel storage tanks shall be installed on a concrete surface and protected by a grated drainage system to a dead-end sump or by a bund. The storage capacity of the bund or sump shall be equal to 110% of the volume of the tank.

22. **D020 – Vehicle wash bay**

All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority **before the wash bay can be installed.**

23. **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.**

24. Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline".

25. All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining



properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":

- 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 that are carried out inside a building that 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 construction works.

26. **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.

27. **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.

28. **E002** – *BCA Compliance*

Egress from the building is to comply with Section D of the BCA, Fire Resistance and Compartmentation is to comply with Section C of the BCA.

29. **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 1428-2009 and the Disability (Access to Premises) Standards 2010" after AS1428 in this condition so the applicant is aware of the current standards. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

30. **E008 – Fire Safety**

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

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

31. **E009 - Annual fire safety statement-essential fire safety (Class 2–9)**

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 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.

32. **E002 – BCA issues to be addressed**

Access for people with a disability to each level, facilities and carparking spaces are to comply with Part D3 and F2.4 of the Building Code of Australia, AS 1428.1 and AS2890.6.

- Due to the size and scope of the proposed development, it is likely that the applicant will need to utilize an alternative solution to enable compliance with the performance requirements of the Building Code of Australia, particularly part D with respect to access and egress.

**33. H001 – Stamped Plans and Erection of Site Notice**

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

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

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

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

**34. 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.

### 35. **H041** – Hours of Work

“Construction 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.

36. **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](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92.

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

37. **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.

38. **K027 - Car parking**

A total of 150 off-street parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved schedule of external finishes. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 150 spaces, at least 2 parking spaces for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to all pedestrian entrances to the building.

39. **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).

**40. K210 - On site Detention**

On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval. prepared by Costin Roe Consulting, reference Co11764.00, revision B, dated 02.08.2012.

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.

**41. 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.

**42. K221 – Car Parking**

**Prior to the issue of a Construction Certificate** the Certifying Authority



shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) Vehicular access and internal manoeuvring has been designed for a B-Double vehicle in accordance with AS2890.2.
- c) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
- d) All cars can enter and exit the site in a forward direction

**43. 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.

**44. 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.

**45. 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.

**46. 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.

47. **L001 – General Landscaping**

All landscape works are to be constructed in accordance with the stamped-approved Landscaping Plans Nos. 12\_013 L02 & L03 Issue C prepared by Habitation dated 2/08/12 and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

**Prior to the issue of a Construction Certificate** a landscaping plan is to be provided to Council's satisfaction showing screening vegetation along west, east and the southern boundaries with canopy trees endemic to the area capable of achieving a mature height of 8 metres. Landscaping along adjacent to the northern car park area along the electricity easement boundary should **not be greater than 4m** at maturity. **Details are to be submitted to Council for consideration and approval.**

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.

48. **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.

49. **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.

50. **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.

51. **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.

52. **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.

53. **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.

**54. 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**

**55. Noise Criteria**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the “Operational Noise Assessment” prepared by Wilkinson Murray (report no 10164.N2, version A) dated June 2012) and associated addendum dated 3/9/2012. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

**56. Acoustic Compliance**

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 "Operational Noise Assessment" prepared by Wilkinson Murray (report no 10164.N2, version A) dated June 2012) and associated addendum dated 3/9/2012 and the NSW 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.

57. **Prior to the commencement of any building works**, documentation is to be provided to Council demonstrating that all filling and earthworks have been undertaken in accordance with Development Consent No 12/0451, AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

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

58. All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements or on an approved water recycling system.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

59. ***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.

60. ***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.

61. 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.
62. Pedestrian, and cycle facilities and paths are to be consistent with Australian Standards and Austroads Guidelines.
63. The swept path of the longest vehicle (including B-doubles) 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.
64. If not already in place, full time 'No Parking' restrictions are to be implemented in John Morphet Place, Prior to the installation of the parking restrictions the applicant is to contact RMS's Traffic Engineering Services on phone: (02) 88492294 for a Works Instruction. '
65. **Construction management plan**  
  
A detailed Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council **prior to the issue of the Construction Certificate.**
66. **Associated costs**  
  
All works/regulatory signposting associated with the proposal shall be at no cost to the RMS and Council.
67. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
68. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of John Morphet Place.
69. Approval shall be sought from Endeavour Energy and TransGrid for any construction works that are needed to be carried out adjoining the electricity easement **prior to commencement of any/all construction works.**
70. All matters raised in the letter from Endeavour Energy dated 14 August 2012 that are to be complied with and carried out at all times.
71. **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 3 rainwater tanks of 81,000 litres capacity to harvest rainwater for use in irrigation and toilet flushing. It also has 50,000 litres tank for truck wash.

The applicant has indicated to use and install 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 14.20m.

The height control of 15m (as noted in DCP 2006) for the site is in compliance as the maximum height of the building is 14.20m.

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 150m 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 to John Morphett Place (see Perspective) through the use of a combination of office and warehouse elements along the western and west/south and part of the northern elevations. Articulation and design features are incorporated into the office elevations in both buildings 1 & 2 to emphasize the predominance of horizontal lines and vertical fenestration proportions. The vertical coloured panels including “decorative” panels in front and side elevation provides further articulated to identify points of entrance while and breaking the scale of the building mass.

The design has been examined by Council’s Urban Design Consultant and has advised that it is of high standard that is suitable in that location and is compatible with other buildings in that area.

#### **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.*

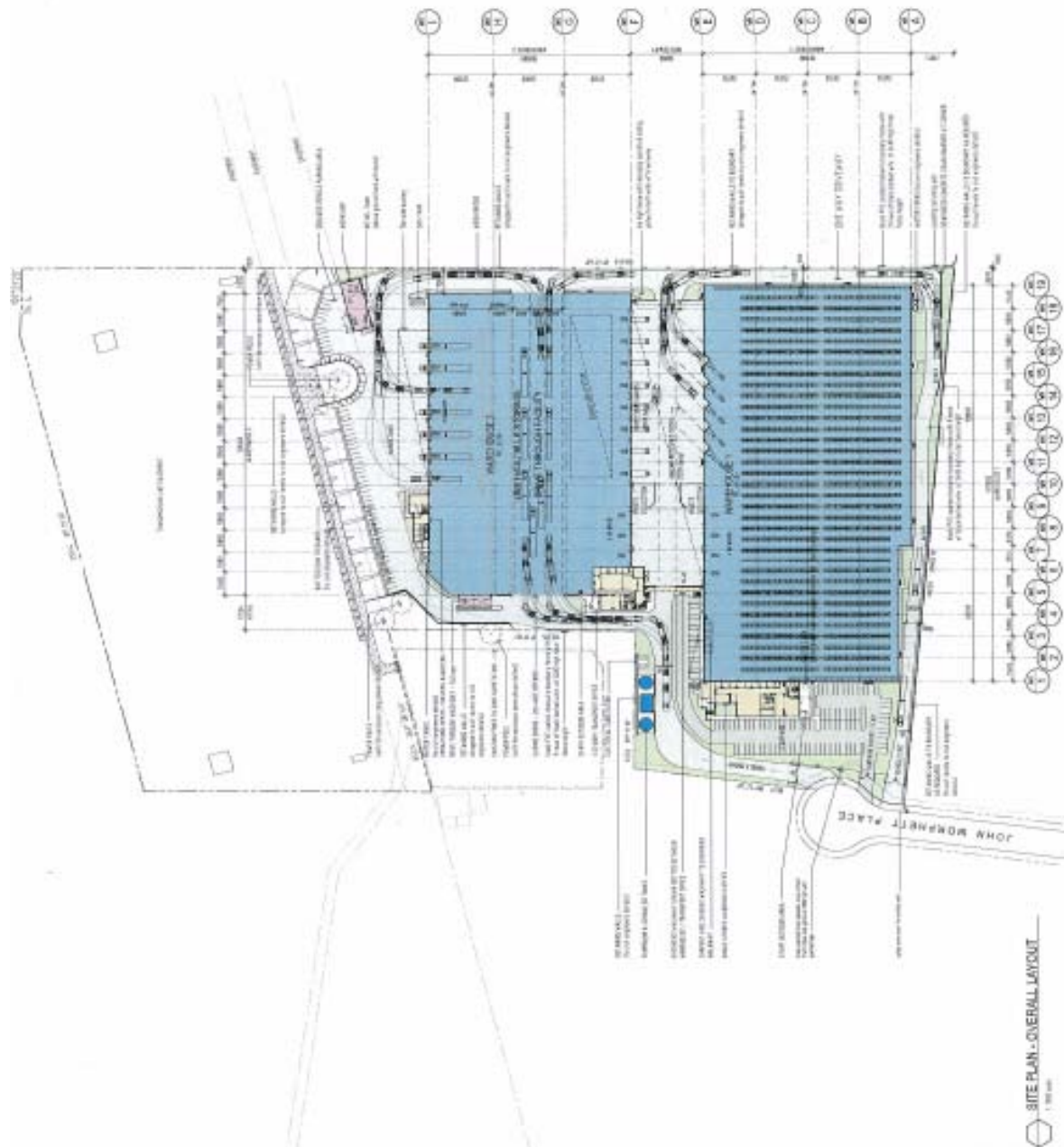
There are no major vegetated areas that will be removed as part of this development.

## **APPENDIX 2: DCP 2006 ASSESSMENT**

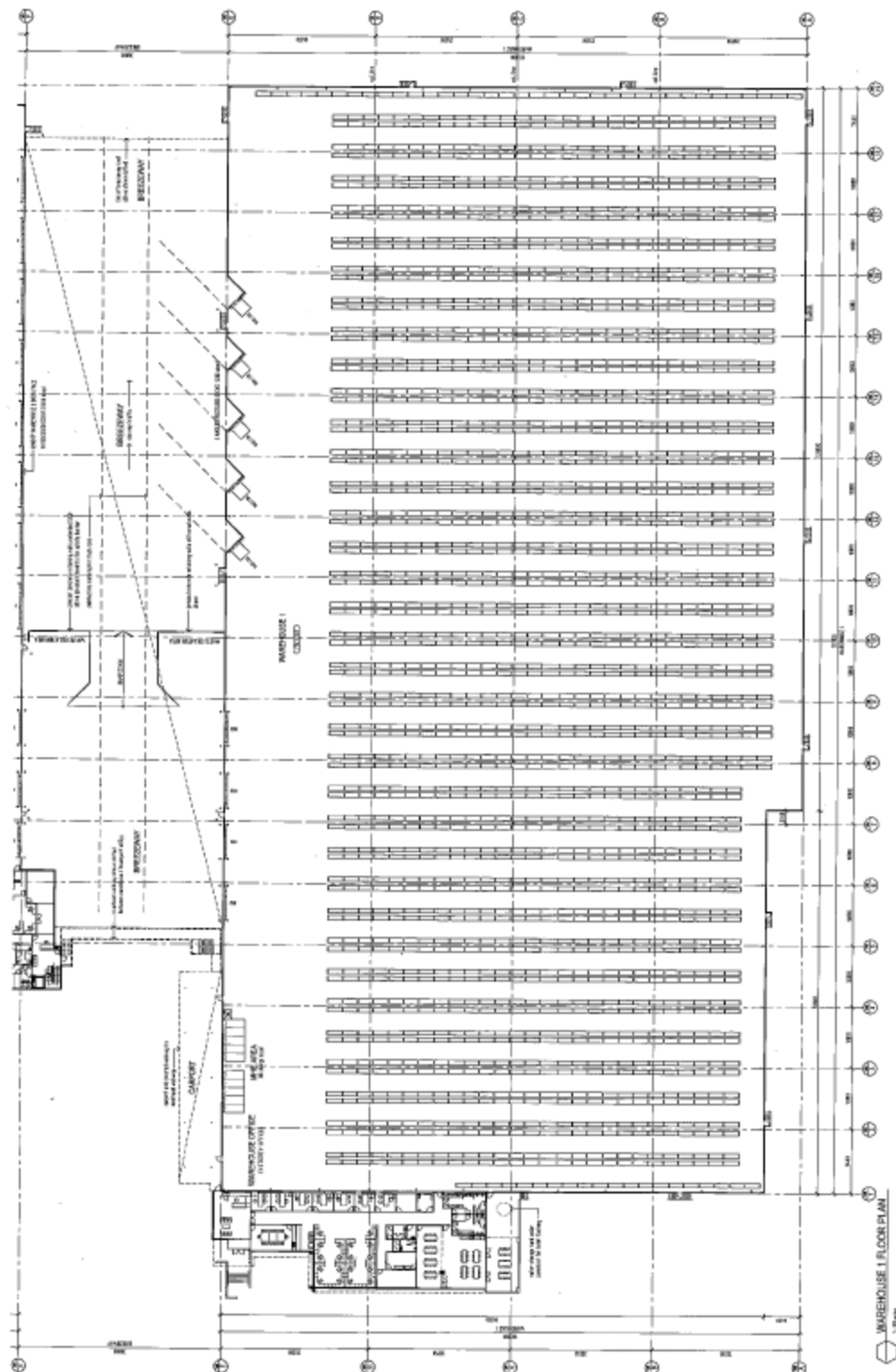
<b>Requirement</b>	<b>Comment</b>	<b>Complies</b>
<b>Section 2.2 Crime Prevention through Environmental Design</b>		
<b>Lighting</b>	Lighting is anticipated to be installed around the site. Condition No.7 has been recommended to ensure minimal impact to adjoining properties.	Yes
<b>Entrapment spots and blind corners &amp; Landscaping</b>	Access to the site would be controlled with gates at all entry points, security patrols.	Yes
<b>Communal/ Public Areas</b>	Design of built form and landscaping enables effective passive surveillance from all side of the site with security fencing.	Yes
<b>Entrances</b>	Main access to the warehouse area, office area and other heavy vehicles/ trucks entering from via Lenore Drive and then from John Morphett Place to the subject development site..	Yes
<b>Section 2.7 Notification and Advertising</b>		
<b>B.1 Who will be notified</b>	The application was notified to adjoining and neighbouring land but no submissions received.	Yes
<b>B.9 Amended Plans</b>	Amended plans were received to adjust the finish floor level of the building which results in raising the ground level of Warehouse 1 by 40cm and 20cm of Warehouse 2 which were of minor nature. Amended landscape plan to address those issues raised by UDRP.	Yes
<b>Section 2.9 Waste Planning</b>		
<b>Waste Management Plan</b>	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
<b>Section 6.10 – Erskine Park Employment Area</b>		
<b>Part 2 – Drainage</b>	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
<b>4.2.4 Car Parking Requirements</b> Warehouse 1 space/100m <sup>2</sup>  Office premises 1 space/40m <sup>2</sup>	Based on floor areas (36,630m <sup>2</sup> of warehousing and 1,590m <sup>2</sup> of office), 150 spaces are provided in which 2 being accessible. This has been discussed in the earlier part of the report. .	Yes - See comment in report
<b>4.7 Fencing</b>	Black palisade fencing at a height of 2m is	Yes

<b>Requirements</b> Fencing to be located behind landscaping	common in that area and the applicant has been required to provide this along John Morphett Place and chain mesh fencing can be provided along all other boundaries.	
<b>5.1.2 Height Requirements</b> Building height to be a maximum 15 metres	The proposed building will have a maximum height of 14.20 metres at the ridgeline.	Yes
<b>5.2.2 Site Coverage Requirements</b> Site coverage shall not exceed 50%.	The proposed development will have a total site coverage of approximately 43 Percent.	Yes
<b>5.3.2 Setback Requirements</b> Lockwood Road 20m Rear & side boundaries 5m	Front – 47 metres to Lockwood Road Sides– 5 metres to western boundary Rear Easement – 8.0 metres to the north	Yes
<b>5.4.1 Urban Design Requirements</b>	The colours and shapes incorporated into the warehouse elevation and the inclusion of office building at the corner of the buildings help to reduce the bulk of the buildings. The proposed office facade of both buildings 1 & 2 provides a contemporary front in Erskine Park and has been designed to contrast with the main building. The proposal was considered by Council's Urban Design Review Panel and has considered it to be of high standard that is consistent with the other buildings in that area.	Yes
<b>5.9.1 Operating Hours</b>	The hours of operation is limited to 5am to 9pm daily in 2 shifts 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
<b>6.1 Noise</b>	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
<b>6.5 Soil erosion</b>	Erosion and sediment control measures have been submitted and conditions of consent are recommended.	Yes
<b>6.6 Air Pollution</b>	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

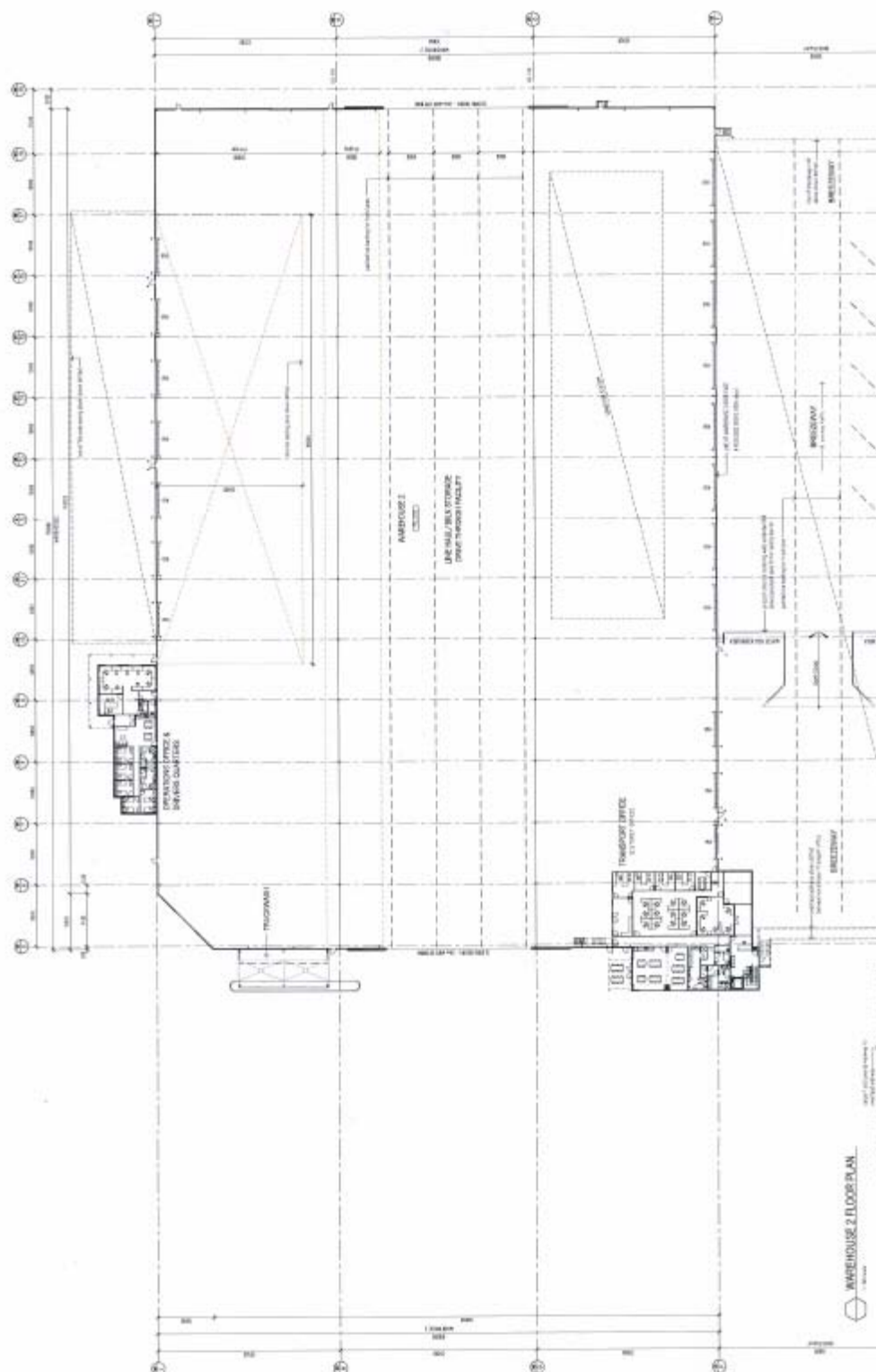


## APPENDIX – 3 Ground Floor Plan of Warehouse 1

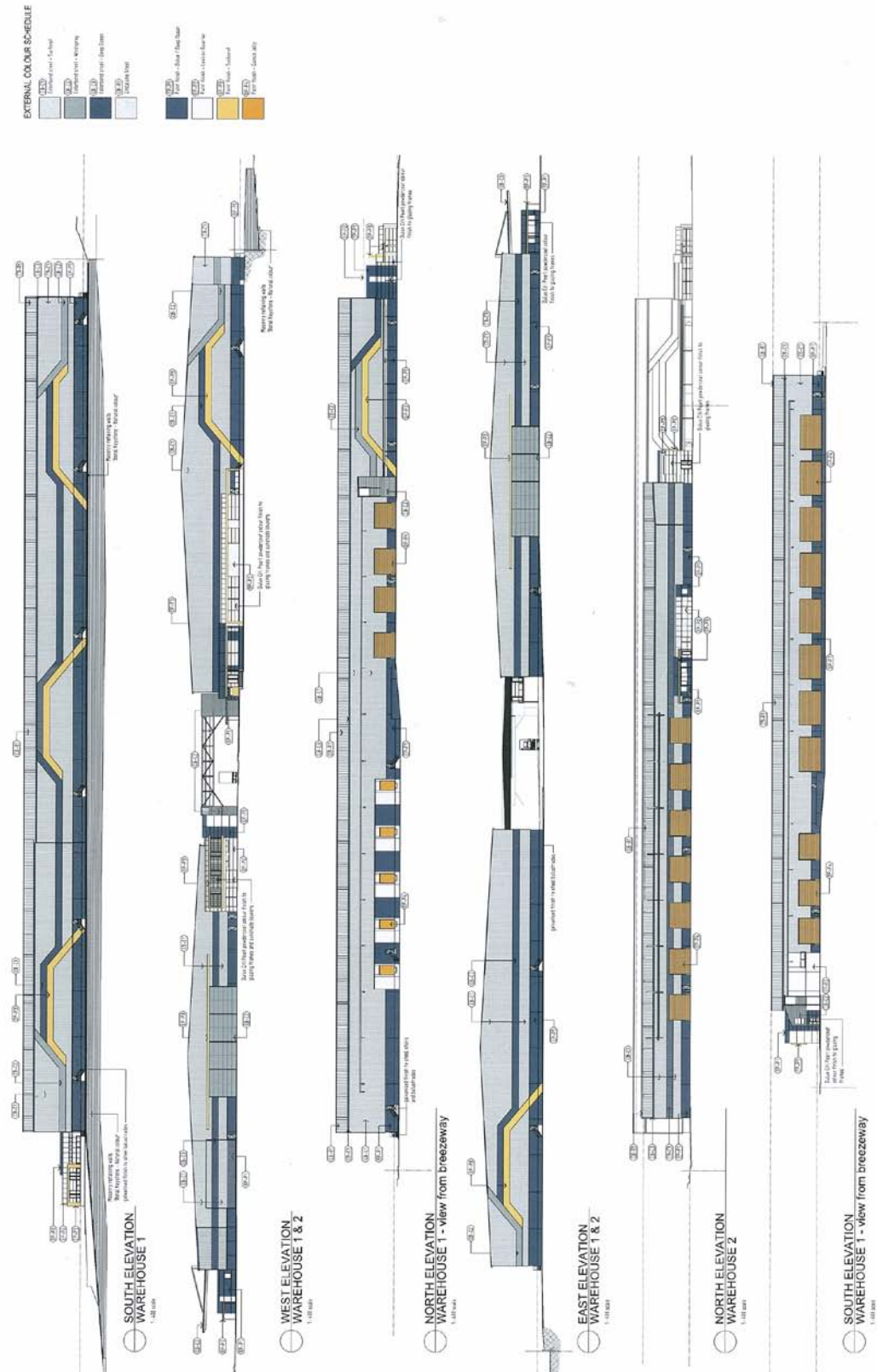




### APPENDIX-3 Ground Floor Plan of Warehouse 2



## **APPENDIX – 4 Elevations of Warehouse 1 & 2.**

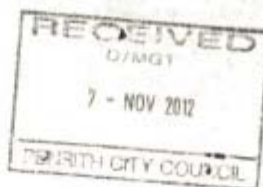


**Appendix No. 4 – Letter from the Department of Planning**



**Planning &  
Infrastructure**

The General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751



12/17434

Dear Sir,

**SUBJECT: WESTERN SYDNEY EMPLOYMENT AREA REFERRAL (DA 12/0451 &  
DA 12/0589) LOT 7 DP 1097134, LENORE DRIVE, ERSKINE PARK**

I refer to the above land and clause 29 of State Environmental Planning policy (Western Sydney Employment Area) 2009 ("the SEPP").

As you are aware, clause 29 of 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 would be applicable 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.

Should you have any further enquiries about this matter, I have arranged for Terry Natt, Manager, Strategic Infrastructure Planning, of the Department of Planning and Infrastructure to assist you. He can be contacted on telephone number (02) 9228 6169.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Elizabeth Kinkade".

Elizabeth Kinkade 2/11/12  
A/Executive Director, Strategy and Infrastructure Planning

**Appendix No. 4 – Letter from the Department of Planning**



**Planning &  
Infrastructure**

**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, Elizabeth Kinkade, 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 lot identified below:

**Lot 7 DP 1097134, Lenore Drive, Erskine Park**

A handwritten signature in blue ink, appearing to read "EKinkade".

Elizabeth Kinkade:  
As a delegate of the Director General

Dated 2 day of November 2012

## **Appendix No. 5 – Letter from the Roads and Maritime Services**

Your Reference: DA12/0589 Our Reference: SYD12/00939 Contact: Chris Goudanas Telephone: 8849 2965		<b>SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE</b>
		<b>SRDAC</b>

The General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2750

**Attention: Pukar Pradhan**

**PROPOSED WAREHOUSE DISTRIBUTION CENTRE  
LOT 7 JOHN MORPHETT PLACE, ERSKINE PARK**

Dear Sir/Madam

I refer to your letter of 6 August 2012 (Council Ref: DA12/0589), concerning the abovementioned development application which was referred to Roads and Maritime Services (RMS) 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 12 September 2012 and provides the following comments:

1. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.
3. If not already in place, full time 'No Parking' restrictions are to be implemented in John Morphett Place. Prior to the installation of the parking restrictions the applicant is to contact RMS's Traffic Engineering Services on phone: (02) 8849 2294 for a Works Instruction.
4. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
5. The car parking provision is to be to Council's satisfaction.
6. The swept path of the longest vehicle (including B-doubles) 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.

Roads and Maritime Services of New South Wales

LEVEL 11, 27-31 ARGYLE STREET PARRAMATTA NSW 2150  
PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555  
[www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) | 13 22 13



## **Appendix No. 5 – Letter from the Roads and Maritime Services**

7. All vehicles are to enter and leave the site in a forward direction.
8. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of John Morphet Place.

**In accordance with State Environmental Planning Policy Infrastructure, it is essential that a copy of Council's Determination on the proposal (Conditions of Consent if approved) is forwarded to the RMS at the same time it is sent to the developer.**

Any inquiries in relation to this development application can be directed to Chris Goudanas on telephone 8849 2965.

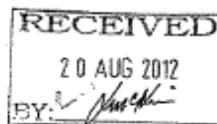
Yours faithfully



Chris Goudanas  
Chairman, Sydney Regional Development Advisory Committee  
Land Use Planning and Assessment Manager

12 September 2012

**Appendix No. 6 - Letter from Endeavour Energy**



14<sup>TH</sup> August 2012

Mr. L. McKinnon  
Power Line Design Pty Ltd  
PO Box 338  
**MITTAGONG NSW 2575**

**RE: DEVELOPMENT AFFECTING TRANSMISSION LINE EASEMENT AT LOT 7  
JOHN MORPHETT PLACE ERSKINE PARK.**

Dear Mr McKinnon

Reference is made to correspondence and subsequent telephone conversations between yourself and Endeavour Energy's Mr Steven Baker regarding the abovementioned matter.

Endeavour Energy advise that the property is affected by easements encompassing overhead 132kv transmission lines 219 & 939. Consequently the property is subject to some restrictions within the easement area.

Electricity easements are acquired by Endeavour Energy to ensure that no work or other activity occurs under or near any electrical asset that:

- By accident or otherwise creates an unsafe situation for members of the public.
- By accident or otherwise creates an unsafe situation for Endeavour Energy staff, does not allow for adequate working space or obstructs our ability to provide a safe work area in accordance with OH&S and Workcover legislation.
- Infringes statutory minimum safe clearances to the assets.
- May affect the continuous operation or security of the electrical asset and network.

Following a detailed assessment of your application; submitted plans; 120101/BS-EP-SK Rev:E, L002 Rev:C and survey profile, Endeavour Energy advise that no objections are raised to the proposed development subject to compliance with the following conditions:

Your contact: Lesa Bunn Direct: 9853-4657 or 0418-964553  
Fax: 9853-4622 Email: [lesa.bunn@endeavourenergy.com.au](mailto:lesa.bunn@endeavourenergy.com.au)  
Huntingwood Drive, Huntingwood NSW 2148  
Telephone: 131 081 Facsimile: (02) 9853 6000  
Postal Address: PO Box 6366, Blacktown NSW 2148. DX 8148 Blacktown

PAGE 1 OF 4

## **Appendix No. 6 - Letter from Endeavour Energy**

1. No part of any building, including awnings is permitted to encroach the easement area.
2. Excavation to RL's nominated in drawing 120101/BS-EP-SK REV:E are approved.
3. No excavation is permitted within a 5 metre radius of any structure.
4. Verification is required to be submitted to Endeavour Energy that the proposed retaining walls are capable of supporting a live load of 25 tonne. This verification is required in writing and from a fully qualified Civil Engineer.
5. Armco railing is required to be installed at the top of the batter around the structures.
6. The finished surface level within the 5 metre exclusion zone is to be flat, finished with a suitable material, able to withstand a weight of 25 tonne and maintenance free.
7. A 4 metre wide access track is to be provided within the easement, parallel to the conductors and a minimum of 5 metres out from the conductors. Your plan 120101 REV:E shows the location of the proposed access track. Endeavour Energy advise that this location is approved.
8. The finished surface level of the access is to be flat, finished with a suitable material, able to withstand a weight of 25 tonne and maintenance free.
9. Armco railing is required to be installed at the top of the batter along the access track.
10. Vegetation within the easement as outlined in Landscape Concept Plan L002 REV:C is approved.
11. Lighting, fencing, underground or overhead services and signage have not been requested in your application and as such are not approved within the easement.
12. Written approval to the abovementioned conditions is required within 30 days from the date hereof. Formal approval does not commence until receipt of agreement. Should no agreement be received, it may be necessary for the application to be resubmitted.
13. This approval is valid for a period of 6 months from the date hereof.

The following "General Restrictions" are also applicable to this application:

- A. Site sheds are not permitted within the easement area.
- B. Statutory clearances to the conductors are to be maintained at all times. It should be noted that powerlines are designed to allow for sag and swing sideways, consequently allowance for this needs to be considered at all times.



## Appendix No. 6 - Letter from Endeavour Energy

The statutory clearance up to 132kv conductors is 3 metres, in all directions, at all times. This measurement applies to, but is not limited to; persons, vehicles, hand tools and equipment, cranes, lifting gear, plant and loads. Consideration needs to be given and the clearances increased, where there is the likelihood of any inadvertent movement or swinging of the plant, crane, load or lifting gear towards the powerlines. A suitably trained safety observer is required when any work is being carried out within the easement area.

- C. Vehicles, plant or equipment having a height when fully extended that exceeds 4.3 metres shall not be brought onto the easement area without the prior written approval of Endeavour Energy. Vehicles with extendable operating equipment ie; earth moving vehicles, loaders, tip trucks, cranes, etc are not to be operated within the easement except with that equipment in the travelling position. **Aerial boom concrete pumps are not permitted in any overhead easement.**
- D. Approval for the operation of mobile plant and equipment within the easement area is dependent upon available clearances to the conductors under maximum operating conditions, power line voltages, vehicle operating heights and the level of accreditation of the vehicle operator. Consequently, each application for the operation of mobile plant and equipment must be carefully assessed to ensure compliance with OH&S and NSW WorkCover legislation.
- E. Adequate precautions must be taken to prevent collision or interference with structures or supporting guys. This protection is usually achieved by the installation, by the applicant, of suitable pole protection measures. The height, type and location of the structure protection are to be determined by Endeavour Energy.
- F. Materials that are conductive, flammable, combustible or explosive, including pallets and gas bottles are not permitted within the easement area. Flammable liquid carriers are not permitted within the easement area. Vehicle refuelling facilities are not permitted within the easement area.
- G. The storage of materials that are non conductive, flammable, combustible or explosive will be considered however approval will be dependant upon the applicant establishing that minimum safety clearances will exist and nominating how the material will be moved around the site. No storage is permitted within 15 metres of the closest structure, closer than 5 metres from the vertical projection of the closest conductor or if the activity will restrict access.
- H. No lengths of metal, metal pipes, metal girders or other lengths of material are to be located within the easement area without the prior written consent of Endeavour Energy.
- I. Garbage, garbage bins, refuse or fallen timber are not permitted within the easement area. These materials present a fire hazard that would inhibit the integrity of the asset. They also present a hazard and obstruction in respect of OH&S for Endeavour Energy staff. Furthermore, there is generally insufficient clearance for vehicles used in these industries to operate under the conductors.

## Appendix No. 6 - Letter from Endeavour Energy

- J. For the attention of staff and visitors to the site and to ensure constant vigilance, clearly visible safety signs are to be erected, in accordance with the relevant safety standards, alerting attention to the transmission lines and associated hazards.
- K. Hazard identification and risk assessments are required to be carried out within the easement area. Safe work method statements are required for all activities carried out within the easement area. Staff are required to be briefed regularly, or when there are any changes, as to the contents of the risk assessment and safe work method statement.
- L. **Unobstructed access to the easement area and associated structures must be available on a 24hr/7 day a week's basis. Endeavour Energy locks are to be installed in gates. Endeavour Energy reserves the right to restrict access, to part or all, the easement area for maintenance, further construction, emergency works, issues of public safety or to provide a safe work area for Endeavour Energy staff in accordance with Occupational Health and Safety and Workcover requirements.**

Should you require any further information regarding this or any other matter please do not hesitate to contact Endeavour Energy.

Yours faithfully



Lesla Bunn  
Easement Liaison Officer  
ENDEAVOUR ENERGY