

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2014SYW062
DA Number	303/2014
Local Government Area	Camden
Proposed Development	Construction of an industrial building for the processing and packaging of vegetables and salads
Street Address	22-28 Waler Crescent, Smeaton Grange
Applicant	Waterford Investments (Qld) Pty Limited
Owner	Investa Commercial Developments Pty Limited
Number of Submissions	1 submission (objection withdrawn following amendment to the proposed development)
Recommendation	Approve with conditions
Report By	Ray Lawlor

PURPOSE OF REPORT

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for construction of an industrial building for the processing and packaging of vegetables and salads, at 22-28 Waler Crescent, Smeaton Grange.

The Panel is the determining authority for this development application as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$26 million which exceeds the CIV threshold of \$20 million for Council to determine the application.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 303/2014 for construction of an industrial building for the processing and packaging of vegetables and salads, at 22-28 Waler Crescent, Smeaton Grange, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council has received a development application for construction and use of an industrial building at 22-28 Waler Crescent, Smeaton Grange for the purpose of a processing and packaging facility for vegetable and salads.

The application has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The application was publicly notified for a period of 14 days from 7 May 2014 to 21 May 2014 in accordance with the requirements of Camden Development Control Plan (DCP) 2011. One submission was received (objecting to the proposed development). This submission was however subsequently withdrawn following amendments to the proposal to address the issues raised in the submission. These amendments included the re-location of carbon dioxide and nitrogen storage tanks.

The applicant proposes a variation to a building height development standard stipulated by Clause 4.3 of the LEP. The LEP limits the height of buildings in this area to 11m however the proposed building is up to 12m (at its highest point) at ridge level when measured from existing ground level. Council staff have assessed this LEP variation and recommend that it be supported, pursuant to the provisions of Clause 4.6 of the LEP. The applicant's justification for the variation adequately demonstrates that compliance with the building height development standard is unreasonable due to the operational requirements of the proposed industry and that the non-compliance will not have any unreasonable impacts including impacts on the visual amenity of the surrounding area. The proposed height is generally consistent with the scale and form of other industrial buildings in the area.

The applicant also proposes a variation to section B5.1 (Off Street Car parking rates/requirements) of Camden DCP 2011. A minimum 87 off street parking spaces are required whereas 76 parking spaces are to be provided, therefore resulting in a deficiency of 11 spaces. This variation is supported and is considered to be justified having regard to the nature of the proposed facility in that significant floor areas are required for the processing plant and for storage of raw materials and finished product. In addition, due to the actual numbers of operational and administrative staff that will be required for the facility, the deficit is deemed acceptable. A condition of consent is recommended, limiting the maximum number of staff to no more than 72 at any one time thus allowing spaces for the maximum 67 staff (at any one shift), as well as any ancillary staff (such as cleaning staff), any potential increase in numbers. Additional spaces will also then be available for visitor parking which will be minimal.

The proposed development will be in the public interest as it will provide for industrial development consistent with the industrial zoning of the land and will provide economic benefits to the area with direct employment opportunities for up to one hundred people, as well as construction jobs.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in Appendix 1 to this report.



Figure 1: The Site – 22-26 Waler Crescent

The site is located at 22-28 Waler Crescent, Smeaton Grange and is legally described as lots 410, 411, 412 and 413 in DP 1129749.

The site has a frontage of 176m to Waler Crescent, a depth of approximately 96.6m and an overall area of 17,018m². The site is recently developed vacant industrial land, and is relatively flat without any significant vegetation.

The site is surrounded by recently industrial buildings, as well as vacant industrial land. On the northern side of Waler Crescent, opposite the site, there is vacant industrial land forming the northern extent of the Smeaton Grange industrial area. Two of the vacant lots opposite the site, 25 and 27 Waler Crescent, are subject to recent development consents for construction of industrial/warehouse buildings, approximately 9.5m in height.

Further to the north, within approximately 100m to 150m, there is residentially zoned land on the northern side of Turner Road, which forms part of the Turner Road precinct within the South West Growth Centre residential release areas. This area is currently characterized by rural/residential style development on lots of approximately 2ha and greater. This area is however expected to be developed and released for residential purposes within the next few years.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
28 October 2004	Creation of the subject lots, approved under Development Consent No. 1127/2003 for creation of 52 industrial lots, 3 residue lots, 1 drainage reserve & new roads, in 3 stages.

THE PROPOSAL

DA 303/2014 seeks approval for the consolidation of the 4 existing lots into 1 lot, and the staged construction of a new industrial building to be used for the processing and packaging of vegetables and salads.

Specifically the proposed development involves:

- consolidation of the 4 existing lots into 1 lot with a total site area of approximately 1.7ha (17,018m²);
- construction of an industrial building with gross floor area of approximately 8750m² and roof ridge height up to 12m. The building will be constructed with insulated colorbond panel walls, with colorbond roof, and grey 'trimdeck' wall cladding to the Waler Crescent elevation, as well as side and rear fascias. The street elevation will also be articulated by use of precast painted concrete panel walling and glazed office/administration areas to parts of this elevation;
- the building will provide a sealed and controlled chilled environment with all external elements such as weather, dust, vermin and the like are totally excluded to meet health requirements for a food standard facility;
- provision of separate delivery and dispatch docks and associated separate driveway access and 76 parking spaces, within the buildings front setback;
- provision of landscaping, including 5m front landscaped setback;
- provision of business identification signage, comprising a 6m high pylon sign and a 4m x 4m wall sign, both non-illuminated;
- the activity will operate 24 hours, 7 days a week. Trucks deliveries and dispatch will be generally undertaken during the day. There will be some deliveries undertaken during the evening after produce has been harvested. Truck dispatch of finished products will be generally undertaken during the day and completed by 9pm with exception of one 11pm dispatch.
- the employment of approximately 100 people, across various shifts. There would be a maximum of 67 staff working in any one shift (48 processing and packaging staff, 15 administrative staff and 4 maintenance staff) which is most likely to occur during the day when the majority of deliveries are received.

The proposed building is to be used for the processing and packaging of vegetables and salads, with a maximum processing capacity up to approximately 24,000 tonnes per year, with the activity involving:

- receipt of vegetables & salads direct from farms/producers in refrigerated vehicles;

- washing of vegetables and salads and batching or mixing of vegetable/salad mixes, such as baby salad leaves;
- Some cooking of vegetables, rice and pasta for salads and the packaging of vegetables and salads into retail ready packets; and
- dispatch of products to retail distribution centres, with approximately 500 pallets of finished products per day.

Staging

The proposed building is to be constructed in 2 Stages. Stage 1 will comprise approximately half of the proposed building at the front of the site, with Stage 2 constructed at a later date comprising the remainder of the building, at the rear of the site. Stage 1 will include all proposed access, loading and parking areas and frontage works including landscaping, and incorporate the construction of the building platform for Stage 2. Stage 1 will also provide for all necessary plant, equipment, administration areas, delivery and dispatch facilities to allow for the initial establishment of the business.

The capital investment value of the works is \$26 million.

PROPOSED SITE PLAN

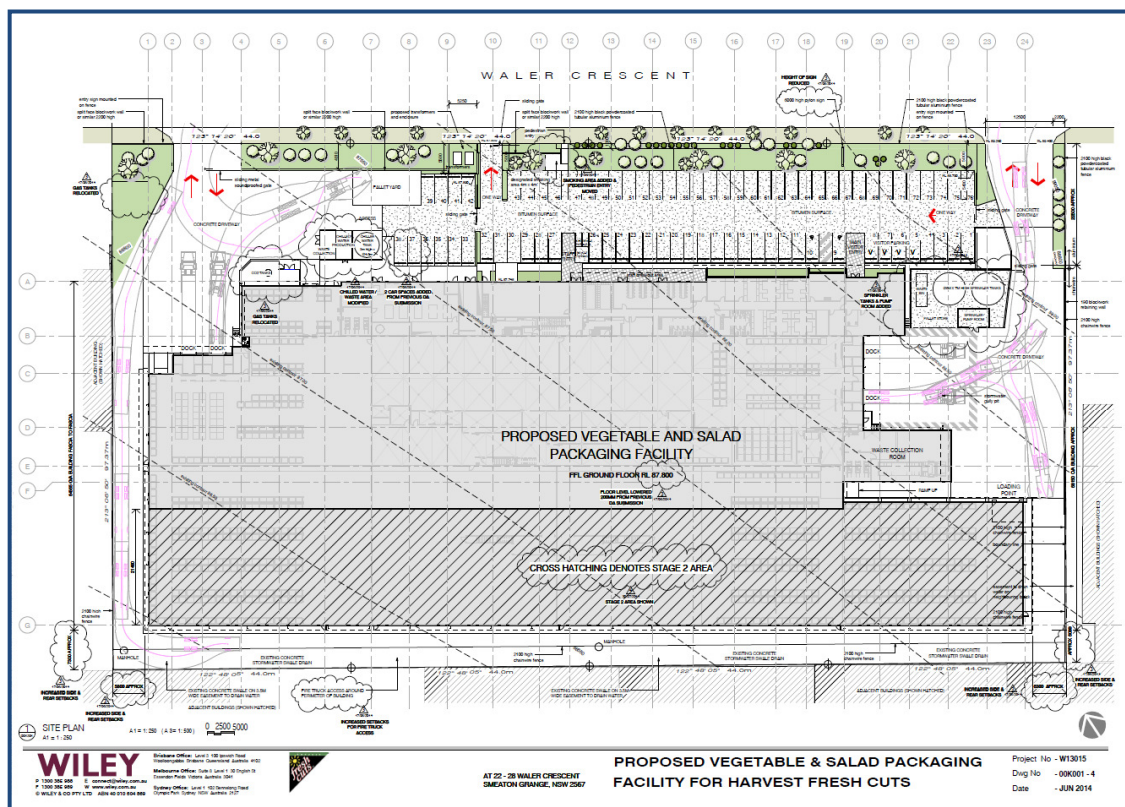


Figure 2: Site Plan



Figure 3: Elevation to Waler Crescent

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a development application, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the application on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- Regional Environmental Plan No 20 – Hawkesbury-Nepean River (deemed SEPP)
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$26 million. This exceeds the CIV threshold of \$20 million for Council to determine the application and therefore it is referred to the Panel for determination.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP)

The SEPP requires Council to assess whether or not the proposed development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP's thresholds are breached, Council must then determine whether or not the proposed development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods, including set backs from the site boundaries, in accordance with the SEPP.

A satisfactory preliminary risk screening assessment of the proposed development in relation to SEPP 33 was submitted with the application. The proposed development will include the use of potentially hazardous or dangerous goods including ammonia, diesel, compressor oils and lubricants, cleaning agents and anti-microbial water additives. These will however have storage quantities below 2,000 litres, or 5,000 litres in the case of diesel storage, which are well below the SEPP 33 screening thresholds. The maximum number of vehicle movements associated with transportation of dangerous goods to and from the premises will be less than one movement per week, being significantly less than SEPP 33 thresholds of more than 6 to 30 movements per week in respect to the relevant classes of dangerous goods.

The proposal also includes Nitrogen and Carbon Dioxide storage tanks, which was a matter raised in the public submission received following notification of the application. The applicant has clarified that these are both non-flammable, non toxic gases and are not potentially hazardous with respect to SEPP 33. The applicant has also advised that the volumes to be stored, up to 3,000 litres, are significantly less than threshold quantities triggering Work Cover requirements in relation to manifest and emergency plans.

Based on the above, the proposed development is not considered to be hazardous or offensive development as defined by the SEPP.

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

Prior to its development for industrial purposes, the land had been used for agricultural purposes, farming/grazing. Contamination issues were dealt with at the time the land was subdivided for industrial development. Council is satisfied that the land is suitable for the intended industrial purposes, and the provisions of SEPP 55 are satisfied.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposed development includes a 6m high free-standing sign within the front setback, and a sign with a display area of 16m² (4m x 4m) located on the front wall of the proposed building. It is proposed that both signs be non-illuminated;

Pursuant to Clause 4(1) of the Advertising and Signage SEPP, the proposed signs are considered to be "business identification signs" as opposed to "advertisements" in that they simply identify the business but do not include the general advertising of products, goods or services. Overall it is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River - Deemed State Environmental Planning Policy

The proposed development is consistent with the aim of the deemed SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and recommended conditions will provide for water pollution control devices as part of the development. Car parks will have a storm water treatment and no wash down waters from equipment or waste receptacles will reach the stormwater system.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned IN2 Light Industrial under the provisions of the LEP. The proposed development is defined as a “light industry” which is permissible with consent in the zone. A “light industry” is defined under the definitions in the LEP to be:

‘a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise’.

The consolidation of land and proposed sings are also permissible with consent in this zone.

Zone Objectives

The objectives of the IN2 Light Industrial zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*

Officer comment:

The proposal will provide the development of the land for light industrial purposes.

- *To encourage employment opportunities and to support the viability of centres.*

Officer comment:

The proposed development will generate employment opportunities by allowing a new business to operate on the site.

- *To minimise any adverse effect of industry on other land uses.*

Officer comment:

The proposed development has been assessed and subject to a recommended mitigation measures relating to the control of potentially offensive noise, it will not have any adverse impacts on any other land uses, and residential areas.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an industrial land use.

- *To support and protect industrial land for industrial uses.*

Officer comment:

This application proposes an industrial development and will also provide an additional lot for future industrial development. This is consistent with this objective.

- *To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.*

Officer comment:

This objective is not relevant to the proposed development as the proposal is for an industrial land use.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.1 Minimum Subdivision Lot Size	Minimum 2,000m ² lot area	Proposed lot size, following consolidation will be approximately 1.7ha	Yes
4.3 Height of Buildings	Maximum 11m building height	Proposed 12m maximum building height	No – LEP variation 1
4.4 Floor Space Ratio	Maximum 1:1 floor space ratio	Proposed 0.55:1 floor space ratio	Yes
4.6 Exceptions to Development Standards	Written justification for all proposed development standard variations	The applicant has provided written justification for the proposed development standard variation	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water	Yes

Clause	Requirement	Provided	Compliance
		and sewer	

LEP Variation 1 – Building Height

LEP Development Standard

Pursuant to Clause 4.3 of the LEP, the maximum building height permitted on this site is 11m. The proposed building will be 12m high (at its highest point) at ridge level when measured from existing ground level.

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking a variation to the building height development standard (Clause 4.3) on the basis that:

- the majority of the building (85%) will be under the 11m maximum building height. The portion of the building over 11m relating to the building apex and which is located at the western end of the building where the building platform is raised above the natural ground level, which cannot be viewed from Waler Crescent;
- the proposed height is dictated by equipment used in the proposed activity, with void spaces required above a ceiling, for services due to hygiene reasons related to food preparation;
- there is no adverse impact for neighboring properties, and the variation will not be noticeable or out of character compared to surrounding industrial development;
- the proposal (which relies on the variation of the development standard to operate) is in the public interest as it will still comply with the objectives of clause 4.3. The proposal will remain compatible with the bulk and scale of adjoining development in the immediate area and will not compromise the desired future character of Smeaton Grange;
- Council has previously approved industrial buildings which exceed the 11m building height, within the immediate surrounding area; and
- the height will not appear visually dominant and will not detract from views, being partially screened by existing and expected industrial development.

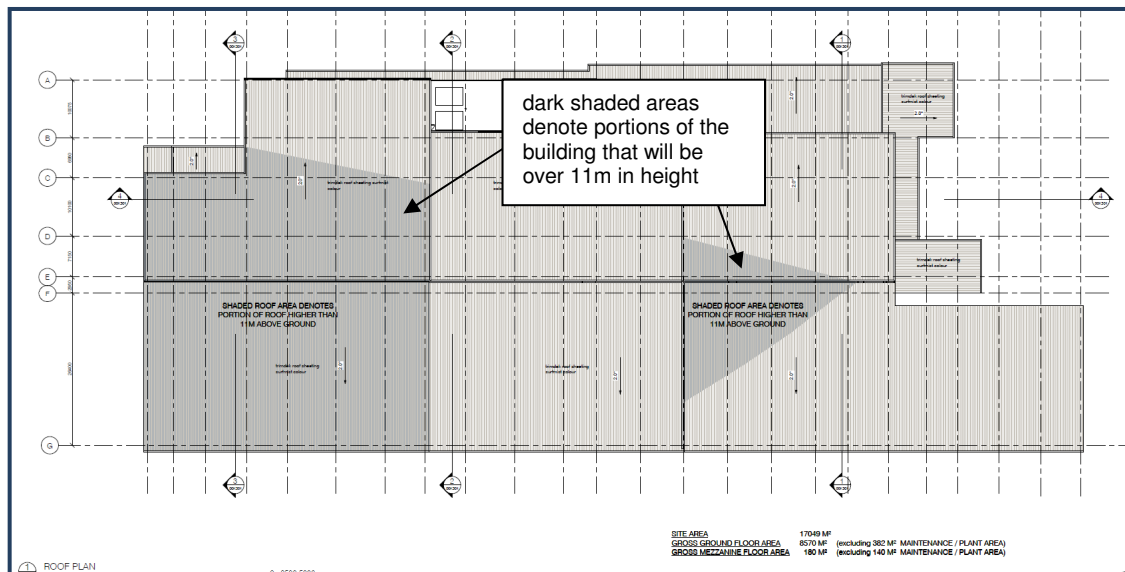


Figure 4: Building Height variation

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant's justification adequately demonstrates that compliance with the building height development standard is unreasonable due to the operational requirements of the proposed industry and that non-compliance with the height limit will not have any unreasonable impacts on the area including no visual amenity impacts for the surrounding area.

In support of the LEP variation it is noted that:

- for operational reasons, such as in the case of this business, industrial buildings higher than 11m may be required in certain circumstances. The most appropriate place for a large building such as this is in an industrial area such as Smeaton Grange which already contains numerous other large buildings;
- the variation applies to only a portion of the building (refer to **Figure 4**);
- it is considered that the portion of the building over 11m in this location will not appear visually dominant or prominent in the streetscape and will not detract from views through the area; and
- the proposed building will be sufficiently articulated to create visual interest and break up large expanses of blank wall areas.

Council has the assumed concurrence of the Director General (now Secretary of the Department of Planning and Environment) and therefore the Panel may determine the LEP variation. Consequently it is recommended that the Panel support this proposed variation to the LEP building height development standard.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

An assessment of the proposed development's compliance with the controls in the DCP is provided in the Table in Appendix 2 to this report, which has identified a variation of the car parking requirements of the DCP.

DCP Variation 1 – Car Parking Provision

DCP Control

In accordance with the requirements of the DCP, the proposed development requires the provision of minimum 87 off street parking spaces. The plans indicate that 76 parking spaces are to be provided, therefore resulting in a deficiency of 11 spaces.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- there will never be more than 67 staff on site at any one time, and visitor parking requirements are negligible;
- there will be no peak shift change over periods as staff will work a variety of hours, arriving and departing in smaller numbers through the day; and
- the applicant currently operates similar processing facilities in Wacol (Brisbane) and Bairnsdale (Victoria). The Wacol facility has been operating for 20 years and therefore staff numbers provided for the proposed Smeaton Grange facility are based on experience of actual needs.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- the applicant's request for a variation of the parking standard is considered to be justified given the nature of the proposed facility as significant floor areas required for the processing plant and for storage of raw materials and finished product; and
- due to the number of operational and administrative staff that will required for the facility (with 67 staff at any one time), it is not considered there will be any adverse impacts as a result of the deficit of 11 car spaces.

Consequently it is recommended that the Panel support this proposed variation, subject to a condition of consent limiting the maximum number of staff to no more than 72 at any one time, which will take into account the 67 staff nominated by the

applicant and allow for any ancillary staff (such as cleaning staff) or any potential increase in numbers.

DCP Variation 2 – Number of Access Driveways

DCP Control

Multiple access driveways are limited to a maximum of two driveways per lot frontage with a minimum separation distance of 30m.

Variation Request

Three access driveways are proposed, all greater than 30m apart. These will provide access to separate delivery and dispatch docks, respectively at the eastern and western frontage of the site. A separate egress driveway from the staff parking area will be provided towards the centre of the site frontage.

Council Staff Assessment

This control is designed and intended to apply to standard industrial development, rather than a development of the scale proposed in this application. The variation arises due to the consolidation of the existing 4 lots to create a large parcel of land suitable for the proposed facility. While this varies the number of access driveways, their separation distances are well in excess of 30m and 3 driveways would not be excessive having regard to the 176m site frontage of the consolidated lot.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this application.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Acoustic Impacts

A noise impact assessment was submitted with the application, having regard to the potential for adverse noise impacts due to 24 hour operations and proximity of existing residences and future urban release areas, approximately 100m to 150m to the north of the site. Noise impacts have been satisfactorily assessed against criteria in the Industrial Noise Policy and Road Noise Policy having regard to background noise levels and potential for sleep disturbance. The noise assessment has identified potential sources of noise to include internal noise breakout, refrigeration plant, and noise from the car park areas and from delivery and dispatch vehicles.

As indicated in the development description, the facility will have a sealed and controlled internal environment in order to meet health requirements for a food standard facility, which will act to mitigate potential noise impacts. Refrigeration plant will be contained within a plant room, satisfactorily attenuating noise breakout. Associated refrigeration condenser plant will be externally located on the first floor of the building but will be treated with the provision of an acoustic barrier. A backup generator located externally near the dispatch dock at the western side of the building will be contained within an insulated container and therefore relevant noise criteria can be met.

An assessment of noise associated with the use of the car park has been based upon an estimated 25 staff expected to arrive by car within any given 1 hour period. The assessment indicates that noise from the car park can achieve compliance with the most stringent night time project specific noise criteria, without taking into account shielding affects of parked cars.

The primary source of noise has been identified as the dispatch or loading dock at the western end of the building given its location in relation to the frontage of the site. The separate delivery dock area will be within a more acoustically shielded location at the eastern side of the building. Noise from the dispatch dock is to be mitigated by means of 2.1m high masonry block wall towards the front of the site (behind 5m landscaped strip) in association with a 2.1m high solid sheet metal gate to the driveway access, to be programmed to close automatically (refer to **Figure 5**).

The noise assessment has been reviewed by Council's environmental officers and was appropriately revised to address specific matters raised in relation to sleep disturbance criteria and the recommended acoustic treatment of the dispatch dock. It has also been noted that there will be in future additional noise shielding with eventual development of industrial buildings on the opposite side of Waler Crescent, and this will further mitigate impacts for residential development within the Turner road urban release areas.

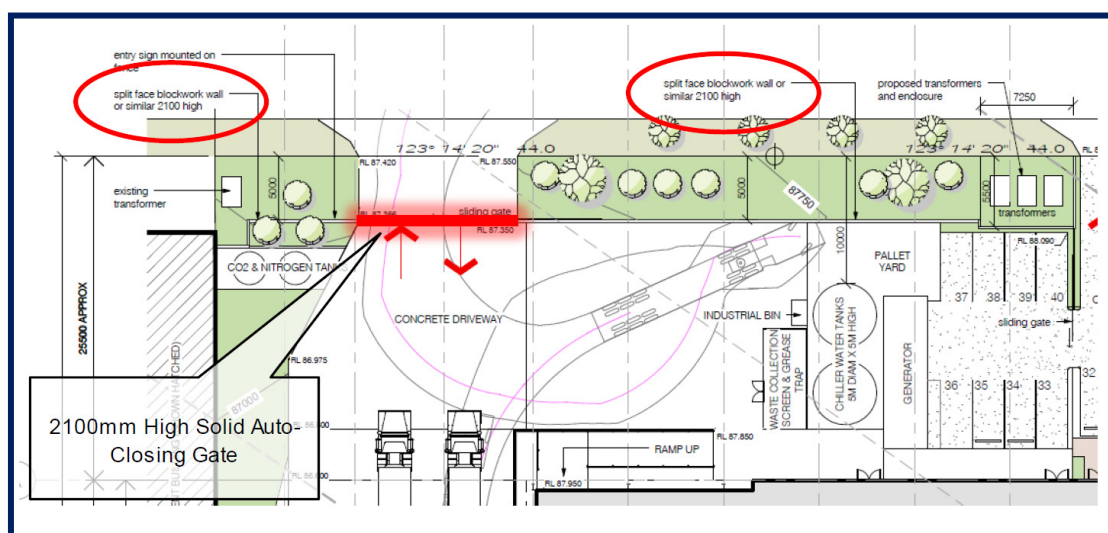


Figure 5: Proposed gate at northern dispatch/loading dock

Council staff are satisfied that the development will be consistent with relevant noise criteria and with Council's Environmental Noise Policy and will not have any adverse acoustic impacts. It is a recommended condition that the development be prohibited

from producing offensive noise as defined by the *Protection of the Environment (Operations) Act 1997*.

Waste Management

The proposed development will generate large volumes of waste including effluents having high organic loads. There will be wastewater volumes up to 500 kilolitres per day. Other waste volumes are expected to be 9321 litres of garbage and 5881 litres of recycling waste per day. A waste management plan (WMP) has been submitted with the application which addresses waste issues related to demolition, construction and operation phases of the proposed development.

The wastewater generated will be screened to remove organics, then pH adjusted, and biologically treated (if required) before being discharged to sewer, so that there will be no significant organic loads in the wastewater. Sydney Water have confirmed that there is capacity within the existing sewer system to accommodate the waste water volumes. However, a Sydney Water trade waste agreement will be required and is a recommended condition.

A grease trap will service cooked production. Liquid screened solid waste and grease trap waste will be stored in dedicated waste storage rooms with collection for disposal to occur daily. Solid waste consisting of discarded vegetables will also be removed daily. Council staff are satisfied that there will be no significant waste impacts subject to implementation of recommended waste management measures, including regular collection.

Air quality and odour impacts

A detailed air quality and odour assessment was submitted with the application including a high level risk-based assessment to identify potential impacts of the proposed development. The report concluded that the proposed operations are unlikely to cause a significant air quality impact given the light industrial nature of the operations. Recommended implementation measures to mitigate potential odour impacts relate to emission stack design (as per BCA requirements) and strict cleaning protocols. It is also noted that solid waste consisting of discarded vegetables will be removed daily, limiting the opportunity for odour impacts. Council staff are satisfied that the development will not have any adverse odour impacts, and appropriate consent conditions are recommended to address these matters.

Traffic and access

Servicing of the development and the delivery and dispatch of products will be undertaken by a range of commercial vehicles; up to 19m long articulated semi-trailers (refrigerated Pantech). Deliveries will be predominantly undertaken during the daytime however there may be some deliveries in the evening, after produce is harvested. The dispatch of finished products will also be generally be undertaken during the day and completed by 9pm with exception of a 11pm dispatch.

No adverse noise impacts are expected from these truck movements. The noise impact assessment report submitted with the application addresses potential noise impacts associated with any trucks/heavy vehicles accessing the facility at night, with relevant noise criteria being met with recommended noise attenuation measures, including solid fencing and gates to the dispatch dock area.

Access to the site will be through the Smeaton Grange industrial area via local collector roads within the industrial estate, from Camden Valley Way and Narellan Road (regional/state roads). These roads can accommodate the additional traffic resulting from the proposed development and there will be no traffic impacts for any residential areas.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited for a period of 14 days, from 7 May 2014 to 21 May 2014, in accordance with the requirements of Camden DCP 2011. One submission was received raising concerns related to proposed gas tanks (CO₂ and Nitrogen) being unsafely located adjacent to existing pad mount substations at the frontage of the site; and related to the capacity of the vehicle access on local roads to accommodate additional traffic resulting from the development.

Following discussions with both the applicant and the submitter, both of the issues raised have now been resolved. The applicant amended the proposal to relocate the tanks. Council's traffic engineer has reviewed the traffic concerns and advised that current and expected volumes of traffic can be accommodated on the local roads. The submission has been withdrawn.

(e) *The public interest*

The public interest is served through the detailed assessment of this application under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

The proposed development is also in the public interest as it will provide development of the land for industrial purposes consistent with the zoning of the land and provide economic benefits to the area with employment opportunities with construction and operational jobs.

EXTERNAL REFERRALS

Endeavour Energy

The application was referred to Endeavour Energy regarding the location of gas tanks (CO₂ and Nitrogen) adjacent to existing padmount substations/transformers at the Waler Crescent frontage of the site, pursuant to clause 45, State Environmental Planning Policy (Infrastructure) 2007. As indicated above, the applicant has relocated these tanks away from the substations; however no response has been received from Endeavour Energy.

Sydney Water

The application was also referred to Sydney Water, having regard to the proposed volumes of waste water discharge, being up to 500kL per day. Sydney Water has confirmed that this volume of discharge of waste water can be accommodated by the

existing sewer system, subject to an appropriate trade waste agreement with Sydney Water.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONDITIONS

Draft consent conditions were forwarded to the applicant for review. The applicant agreed to the draft conditions, with minor amendments made to clarify the relationship of the conditions to the staging of the development and clarify the acoustic treatment measures for the condenser unit. These amendments have been included in the recommended conditions of consent, listed in Appendix 1.

CONCLUSION

The application has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

Based on the assessment, it is recommended that the application be approved subject to the conditions contained in Appendix 1 to this report.

RECOMMENDED

That the Panel:

- a) support a variation to the maximum 11m building height (required under clause 4.3 of Camden LEP 2010) pursuant to clause 4.6 of Camden LEP 2010; and**
- b) pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* grant consent to DA 303/2014 for consolidation of lots and construction of an industrial building at 22 to 28 Waler Crescent Smeaton Grange for use as a food processing facility (processing and packaging of vegetables and salads), subject to the recommended conditions of consent, listed in Appendix 1.**

APPENDIX 1

Recommended Conditions of Consent

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Document / Development No.	Description	Prepared by	Dated
14149 – Rev A	Plan of Consolidation of Lots 410-413 in DP 1120749	Richard Hogan & Co	April 2014
W13015 00K001 - 4	Site Plan	Wiley & Co	June 2014
W13015 00K002 - 3	BCA Compliance Plan	Wiley & Co	June 2014
W13015 00K101 - 3	Ground Floor Plan	Wiley & Co	June 2014
W13015 00K102 - 3	Mezzanine Plan	Wiley & Co	June 2014
W13015 00K103 - 3	Roof Plan	Wiley & Co	June 2014
W13015 00K201 - 4	Elevations	Wiley & Co	June 2014
W13015 00K301 - 3	Sections	Wiley & Co	June 2014
W13015 00K003 - 3	Perspective drawings - Aerial view, Overall View and Reception View	Wiley & Co	June 2014
W13015 00K004 - 3	Perspective drawings - Street view, Staff Entry View, Aerial View	Wiley & Co	June 2014
LO1.1 – K19113	Landscape Concept Plan	Michael Siu Landscape Architects	16 June 2014
Project No. 001/2014	Statement of Environmental Effects (as amended by Jensen Bowers letter dated 23 June 2014)	Marchese & Partners	16 April 2014
610.13841-R1	DA Noise impact assessment – Revision 2	SLR Consulting	12 June 2014
610.13841-R2	Air Quality & Odour	SLR Consulting	17 April

	Impact Assessment		2014
610.13841-R3	Construction and operational waste management plan	SLR Consulting	17 April 2014
6588	Storm water Management Plan, issue A	MPN consulting	16 April 2014

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (3) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (4) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
 - (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by Camden Council prior to the issue of any Construction Certificate

- (5) **Food Codes And Regulations Compliance** - The construction fit-out an operation of the premises or any part thereof, to be used for the manufacture, preparation or storage of food, must comply with Camden Council's Food Premises Code, the *Food Act 2003* and the *Food Regulations 2010* (incorporating the Food Standards Code).

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Staging of the development** – Construction certificates for the development may be issued in stages, generally consistent with the staging shown on the approved site plan, W13015 - 00K001 – 4, providing for construction of the building in 2 stages.

Where the development is to be completed in stages, a plan must be submitted showing details of boundaries for each stage and their relationship to adjoining land and buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage (known as Stage 1 and Stage 2), and the expected timing of such development.

In addition, details must be shown as to any proposed reciprocal rights of access and rights of way or easement designed to ensure the effective future functioning, maintenance and use of common areas such as roadways and open spaces.

The above details must be submitted to the certifying authority prior to the issue of the Stage 1 construction certificate.

- (2) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (3) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
- (b) all matters associated with Occupational Health and Safety;
- (c) all matters associated with Traffic Management/Control; and
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (4) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Stage 1 Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (5) **Performance Bond - Prior to the issue of the Stage 1 Construction Certificate**, a performance bond of \$20,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (6) **Public Risk Insurance Policy - Prior to the issue of the Stage 1 Construction Certificate**, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.

- (7) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the Roads and Maritime Services). Plans and proposals must be approved by Council (and the Roads and Maritime Services) prior to the Stage 1 Construction Certificate being issued.
- (8) **Parking Spaces** - A minimum of 76 car parking spaces must be provided on site. These spaces and associated access driveways and maneuvering areas must conform with Camden Council's Car Parking requirements (Camden Development Control Plan (DCP) 2011), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (i.e. Camden Council) standard. Documentary evidence of compliance from an Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority prior to the Stage 1 Construction Certificate being issued.
- (9) **Sydney Water** - The Sydney Water Trade Waste Section must be contacted regarding their requirements for the installation of any grease trap and requirements for a trade waste agreement.

Prior to a Construction Certificates for Stage 1 and Stage 2, written evidence from Sydney Water stating that they agree to accept the following wastewater must be obtained:

- (a) waste liquids and solids being discharged to sewer; and
 - (b) waste from the proposed pre-treatment facilities being discharged to sewer.
- (10) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge, which is to be installed and maintained in accordance with manufacturer's specifications.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice Of Commencement Of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated ‘principal contractor’ for the building or subdivision works.
- (5) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **Soil Erosion And Sediment Control** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council’s current Engineering Design Specifications.
- Soil erosion and sediment controls must be implemented prior to works commencing on the site, maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).
- (7) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (2) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of for both Stage 1 and Stage 2. The survey reports shall be submitted to the Principal Certifying Authority (PCA) upon completion of the Stage 1 and Stage 2 and prior to the issue of an Occupation Certificate for each of these stages.

- (3) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm; and
 - (c) work on Sunday and Public Holidays is prohibited.
- (4) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (5) **Excavation and Backfilling** – All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with 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.
- (6) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building 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. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (7) **Roofwater to Drainage Easement** - The roof of the subject building(s) shall be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the drainage easement.

Connection to the drainage easement shall only occur at the designated connection point for the subject allotment. New connections that require the rectification of an easement pipe shall only occur with the prior approval of Camden Council.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

- (8) **Acoustic attenuation measures** – The following measures are to be implemented, in accordance with the finding and recommendations within the Noise Impact Assessment report, prepared by SLR Consulting, No 610.13841-R1, dated 12 June 2014.

(a) A spilt face solid block work wall is to be constructed to a minimum height of 2100mm, in the locations consistent with those shown on the approved plans and as shown in Figure 4 contained within the SLR Noise Assessment report.

(b) A solid sheet metal self closing gate at least 2100mm high is to be constructed at the northwest driveway entry, consistent Figure 4 contained within the SLR Noise Assessment report.

(c) A solid acoustic barrier is to be constructed around the edge of the condenser platform that extends to the top of the front wall and/or northern elevation of the building. The barrier must be internally lined with weather resistant absorptive material to reduce noise reverberation when the unit is operational.

- (11) **Mitigation Measures For Construction Phase** – During the construction phase fugitive emissions of nuisance dust from construction activities, emissions from fuel and chemical storage, emissions from plant and machinery, must be monitored and mitigated consistent with recommendations in “Section 8.1– Construction Phase” in report “*Air Quality / Odour Assessment: Proposed Vegetable & Salad Packaging Facility 22-28 Waler Crescent Smeaton Grange, Prepared by SLR, Report No 610.13841-R2, Dated 17 April 2014.*”

- (12) **Construction Noise Levels** – Noise Levels emitted during construction works must be restricted to comply with the *Interim Noise Construction Guidelines*, DECC (now Office of Environment & Heritage) July 2009.

- (13) **Exhaust Ventilation and Emission Stacks** - Mechanical exhaust ventilation must be provided where cooking appliances are installed.

- (a) Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
 - (b) Emission Stacks must be designed and constructed to comply with the minimum requirements of the Building Code of Australia (BCA).
- (14) **Wash Down Waters** – All waste storage and loading areas shall be graded, drained and connected to Sydney Water reticulated sewer in accordance with the provisions of AS3500 – Plumbing and Drainage. The washing of waste materials into stormwater drains is prohibited.
- (15) **Street Trees, their tree root barrier guards, protective guards and bollards.**
During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Occupation Certificate.
- (16) **External Materials and Finishes** - The development shall be completed in accordance with the external material and finishes, as shown in the approved elevations and perspective drawings. Any alterations to the schedule must be submitted to Camden Council for consideration.
- (17) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must: -

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".

- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - (iv) is suitable for its intended purpose and land use, and
 - (v) has been lawfully obtained.
- (e) Sampling of VENM for salinity of fill volumes: -
- (i) less than 6000m³ - 3 sampling locations,
 - (ii) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (i) and (ii) a minimum of 1 sample from each sampling location must be provided for assessment.

- (f) Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (18) **Salinity Management Plan** - All proposed works that includes earthworks, imported fill and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the report "*Salinity Hazard Assessment and Salinity Management Plan, Prepared by SMEC Australia Pty Ltd, Project Number 31342.038 Dated March 2004*" and "*Additional Site Investigations And Details Salinity Management Plan Prepared by SMEC Australia Pty Ltd Project No 31342.038, Dated June 2004.*"

5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the both Stage 1 and Stage 2. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Fire Safety Certificates** –Fire Safety Certificates are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of Occupation Certificates for Stage 1 and Stage 2 in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificates are to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

- (3) **Emission Requirements & Certification Of Exhaust System** - All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must be collected into approved stacks for discharge to the atmosphere.

Where an exhaust ventilation system is installed, a Certificate of Compliance must be submitted to Camden Council, prior to occupation. The certificate must be issued by a suitably qualified person and verify that the exhaust system as installed, has been tested and complies with relevant Australian Standard/s and the Building Code of Australia.

- (4) **Food Authority Notification** - Prior to occupation of the premises written confirmation of notification of the subject food manufacturing / wholesaling business to the NSW Food Authority shall be provided to Council.
- (5) **Installation of Street Trees, tree guards and protective bollards** - Prior to the issue of an Occupation Certificate, 8 Street Trees are to be installed, evenly spaced, in the Nature Strip area of the subject site.

Prior to the issue of the Occupation Certificate, the Applicant must arrange an inspection with Council's Landscaping Assessment Officer to inspect and approve the installed 8 street trees and tree guard protection.

The 8 trees are to be *Lirodendron tulipefera* and sourced in minimum 75 litre container size.

The 8 street trees are to have well constructed tree guard protection.

Garden stakes used for support are not considered by Council to be an appropriate tree guard protection.

A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.

The street trees are not to be multi stemmed, but have only one central main stem. The trees, when planted, must be able to stand alone without the need for support, and must be well watered at installation and regularly during the establishment period.

If any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installations are disturbed, relocated, removed, or damaged during any earthworks and development works relating to this Consent, then they must be successfully restored at the time the damage or disturbance occurred. The same type, species, plant maturity, materials and initial installation standards must be applied and the works and successful establishment of the trees carried out prior to the issue of the Occupation Certificate.

During the 12 month maintenance and establishment period, any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.

At the completion of the 12 month landscaping maintenance and establishment period, all street trees, street tree protective guards and bollards must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

- (6) **Gutter/Footway Crossings** - The following works must be constructed prior to the issue of the Occupation Certificate and under the *Roads Act 1993* must be approved by Camden Council:

- (a) Provision of a heavy duty industrial gutter crossing at all points of ingress and egress.

All works must be carried out strictly in accordance with Camden Council's current Engineering Specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

6.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Certificate, relating to the consolidation of allotments.

- (1) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained, where relevant, and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
 - (a) a certificate pursuant to section 73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment (Application for such a certificate must be made through an authorised Water Servicing Co-ordinator).
 - (b) a Notification of Arrangements from Endeavour Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (3) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (4) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (5) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates all necessary easements for services and drainage.

7.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **General Requirement** - All activities associated with the development must be carried out within the building or approved designated external areas, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the *Protection of the Environment Operations Act 1997*.

The use must at all times be conducted so as not to give rise to emission of air impurities in contravention of the *Protection of the Environment Operations Act, 1997*. All air ventilation and extraction systems must have adequate filters provided and maintained.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997*.

The noise level from the combined use and operation of all external mechanical plant must not exceed 42dB(A) LAeq 15 minutes when measured one metre inside the nearest residential boundary.

- (3) **Number of Staff** - The maximum number of staff must not exceed 72 persons at any one time.

Note: The restriction is applied having regard to the 76 on site car parking spaces to be provided, compared to the minimum 87 spaces which would otherwise be required under the provisions of Camden DCP 2011.

- (4) **Waste Management** – The management of waste, including waste water, must be in accordance with *“Waste Management Plan: Proposed Vegetable & Salad Packaging Facility 22-28 Waler Crescent Smeaton Grange, Prepared by SLR, Report No 610.13841-R3, Dated 17 April 2014.”* The waste management plan shall be kept on the premises.
- (5) **Mitigation Measures for Operational Phase** - Quality assurance controls, wastewater treatment, the cooking of vegetables, waste storage and refrigeration units must be monitored and controlled consistent with recommendations in “Section 8.2– Operational Phase” in report *“Air Quality / Odour Assessment: Proposed Vegetable & Salad Packaging Facility 22-28 Waler Crescent Smeaton Grange, Prepared by SLR, Report No 610.13841-R2, Dated 17 April 2014.”*
- (6) **Storage of Materials and Waste** – All materials must be stored within the building or within approved designated external areas only. All waste materials or products must be stored in enclosed receptacles.
- (a) Solid waste and grease waste must be stored in one of two dedicated waste storage rooms with wastes collected by a licensed collection contractor on a daily basis for disposal to a licensed waste receiving facility.
- (b) Pallets to be stored within the front setback shall not extend above the height of front screen walling.
- (7) **Chemical Storage** - The storage and handling of all flammable and combustible liquids must be in accordance with Australian Standard AS 1940 “the Storage and Handling of Flammable and Combustible Liquids.”
- (8) **Bunding** – All liquids shall be stored in a covered and banded area. The banded area shall be constructed of impervious material and being able to effectively store a minimum of 110% of the volume of the largest container stored or 25% of total volume of the stored product for facilities storing a number of small containers.
- (9) **Truck Queuing** – truck queuing must be minimised through effective logistical planning of materials delivery, work practices, and dispatch activities.
- (10) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.

- (11) **Hours of Operation** – The approved hours of operation are 24 hours a day, seven days a week.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Regulations* made thereto.
- (2) To ensure that the building complies with the requirements of the *Building Code of Australia* and applicable Australian Standards.
- (3) To ensure that the development meets the aims, objectives and requirements of Camden Council's *Local Environmental Plan 2010* and *Camden Development Control Plan 2011* which relate to the subject land.
- (4) To ensure that the land and/or building will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.

Advisory Conditions:

- (1) **Subdivision Certificate Application** - Prior to the submission of any Administration Sheet/Plan Drawing Sheet to the Department of Lands - Land and Property Information for registration, the original Administration Sheet, together with a paper copy of the Plan Drawing Sheet/s, must be signed by Camden Council's authorised officer. Accordingly, a completed Subdivision Certificate application must be submitted to Camden Council with the following: -
 - (a) the appropriate fee as determined by Council's current Schedule of Fees and Charges,
 - (b) the original Administration Sheet and original s.88B instrument, both unmarked, unstapled and submitted in protective plastic sleeves,
 - (c) one (1) paper copy of the original Plan Drawing Sheet (A2),
 - (d) four (4) copies Plan Drawing Sheet (A2)
 - (e) all service provision certificates/documents from the relevant service authorities, and
 - (f) electronic versions of the original Plan Drawing Sheet, in: -
 - (i) AutoCAD (.dwg), or
 - (ii) AutoCAD (.dxf),

prepared in co-ordinates GDA94. MGA Zone 56 for integration into Council's mapping system, also required is a copy in Portable Document Format (.pdf) at A2 size.

- (2) **Disability Discrimination Act** - Your attention is drawn to the existence of the *Disability Discrimination Act*. Please be advised that the application may not comply with the requirements of the *Disability Discrimination Act*. Compliance with the provisions of this Act is the sole responsibility of the owner/applicant.

- (3) **Compliance with Building Code** - A preliminary assessment of the plan submitted with the Development Application has disclosed certain discrepancies with respect to the deemed to satisfy provisions of the *Building Code of Australia*. The non-complying aspects of the plan relate to the following provisions of the Building Code:

- (a) D1.4 Exit travel distance

All aspects of the building design must comply with the applicable performance requirements of the abovementioned Code. Compliance with the performance requirements can be achieved by either:

- (a) Complying with the deemed to satisfy provisions, or
(b) Formulating an alternative solution which:
 (i) complies with the performance requirements, or
 (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
(c) A combination of a) and b).

The discrepancies mentioned above need to be addressed by the applicant in consultation with the Certifying Authority prior to the release of a Construction Certificate.

- (4) **Offences** - Section 125 of the *Environmental Planning and Assessment Act* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent is guilty of an offence against this Act.
- (5) **Penalties** - Section 126 of the *Environmental Planning and Assessment Act* provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding \$100,000 and to a further daily penalty not exceeding \$10,000.
- (6) **Long Service Levy** - Pursuant to the requirement of the *Building and Construction Industry Long Service Payments Act 1986*, all building and construction work costing \$25,000 or more incurs the payment of a Long Service Levy. The levy, currently set at 0.35% of the cost of the work must be paid prior to the issue of Construction Certificate. Where it will assist applicants Council will act as a payment collection agency on behalf of the Long Service Payments Corporation.

- (7) **Disabled Car Parking Spaces** – Parking space/s provided on site, shall be dedicated for use by disabled persons, in accordance with the relevant Australian Standard. Full details shall be included on any plans prepared for the purposes of obtaining a Construction Certificate.

APPENDIX 2

Camden Development Control Plan 2011

The following is an assessment of the proposed development's compliance with the relevant controls in Camden Development Control Plan 2011. Discussion of any variations of the controls is provided within the assessment report.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sedimentation controls measures are proposed and can be provided	Yes
B1.2 Earthworks	Buildings are to be designed to respond to the natural topography of the site where possible and cut and fill to be minimized	A maximum approximately 1.5m cut and fill is proposed which is considered acceptable having regard to the size of the site, industrial building and use and relationship to adjoining properties	Yes
B1.3 Salinity Management	Proposed development to provide for salinity resistant construction	The proposed development will be constructed to be salinity resistant Prior to designing foundation/footings the site will be analysed for salinity	Yes
B1.4 Water Management	Development to comply with Council's engineering specifications in respect to drainage, detentions and water sensitive urban design measures.	A concept storm water drainage plan and report has been submitted with the application and assessed as satisfactory by council's development engineer	Yes
B1.9.9 Waste Management Plan	Waste management plan	Satisfactory waste management plans have been provided	Yes
B1.12	Contamination	The land was	Yes

Control	Requirement	Provided	Compliance
Contaminated and Potentially Contaminated Land	assessment and remediation (if required)	previously assessed as part of the subdivision and deemed to be suitable for the intended industrial use	
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	A noise impact assessment report has been submitted with the application, which has been suitably revised to deal with issues raised by council's environmental officers. This in particular provides for solid masonry fencing and gates to acoustically screen truck loading activities	Yes
B2 Landscape Design	A landscape plan is required. Landscape design is to integrate new buildings with the existing character of the street and enhance and soften visual qualities and built form.	An appropriate concept landscape plan has been provided, providing for a mix of trees, shrubs and ground covers to enhance the site and development	Yes
B4.1 General Requirements for Signs	Signs are not to detract from amenity/character of the area	Only one sign on the northern elevation is proposed as well as a pylon sign, which will not detract from the amenity/character of the area	Yes
	Signs must be in scale with development	The proposed signs are in scale with the proposed building	Yes
	Signs must be located wholly	The proposed signs will be	Yes

Control	Requirement	Provided	Compliance
	within the site's property boundaries	located wholly within the property boundaries	
B4.5 Industrial Zones	Lighting to comply with Australian Standards	A condition can be imposed to ensure compliance with lighting Australian Standards.	Yes
	Signage not to exceed 20% of visible wall area	The proposed wall sign (4m x 4m) will occupy only a minor percentage of the extensive visible wall area of the front elevation.	Yes
	Maximum of three signs per elevation	Only one sign is proposed on the building's front elevation	Yes
	Only one 6m high free-standing sign is permitted	One 6m high free-standing pylon sign is proposed	Yes
B5.1 Off-street Car Parking Rates and Requirements	A minimum 87 off-street car parking spaces would be required and service vehicle provision.	76 off-street car parking spaces are proposed, resulting in deficiency of 11 spaces.	No – DCP variation 1 (refer to discussion in the assessment report)
D4.2.1 Lot Sizes & Proportions	Minimum 2,000m ² lot area and 32m lot width	The proposed consolidated lot will have an area of 17,018m ² with frontage of 176m. The building will be setback 25.5m	Yes
D4.2.2 Building Materials & Appearance	Structural articulation and/or a mix of external finishes and colours	The proposed development incorporates glazing, trim deck paneling, and part coloured concrete panels with articulation provided with the various elements of the building structure, fronting Waler Crescent	Yes

Control	Requirement	Provided	Compliance
D4.2.4 External Storage	External storage areas visible from a public place to be effectively screened, with screen walls or landscaping. Landscaping should be used to break up large expanses of screen walls (with finishes which match or are compatible with external finishes)	Pallet storage areas are proposed in the front setback, which will be screened by split face block work walling located behind 5m landscaped setback	Yes
D4.2.5 Fencing	Open style fencing with a maximum height of 2.1m and a minimum front setback of 1m	A 2.1m high black tubular aluminum fencing fence with a 1m front setback to majority of the fencing	Yes
D4.2.6 Environmental Management Plans	Geotechnical report is required for new buildings	A geotechnical report was not considered to be necessary due to the site's level topography and recent development for industrial purposes	N/A
D4.2.7 Storm water	Water quality strategies are required with collection of rainwater encouraged, to tank, for non potable use.	Water quality strategies have been provided which include gross pollutant traps, to hardstand areas, in accordance with Council's engineering specifications	Yes
D4.2.9 Recycling and Waste Management	A waste management plan is required	A satisfactory construction and operation waste management plan has been provided	Yes
D4.2.10	Compliance with	A noise impact	Yes

Control	Requirement	Provided	Compliance
Noise and Vibration	Council's Environmental Noise Policy	assessment report has been submitted with the application, which has been suitably revised to deal with issues raised by council's environmental officers. This in particular provides for solid fencing and gates to acoustically screen truck loading activities	
D4.2.12 Hazardous Goods and Materials	Details are required of the types and quantities of dangerous goods	A SEPP 33 screening assessment report has been provided with the application which lists and addresses the types and quantifies of dangerous goods to be stored and delivered to the site	Yes
D4.2.11 Air quality	The emissions of air impurities is to be strictly controlled to prevent or minimize air pollution	The application has been accompanied by an air quality and odour assessment which has not identified any air quality impacts.	Yes
D4.3.1 Landscaping and Public Domain	Detailed landscaping plans and street tree planting Street verges to be turfed and planted with appropriate upper canopy trees at a rate of 1 tree per 15m	A concept landscape plan has been provided The preparation of a detailed landscaping plan is a recommended condition and appropriate street planting has been proposed	Yes
D4.4 Parking and Access	Compliance with DCP Section B5 and	The development results in a deficiency of 11	No - DCP variation 2 (refer to

Control	Requirement	Provided	Compliance
	Multiple access driveways limited to maximum of two driveways per lot frontage with a minimum separation distance of 30m	spaces compared to the parking required under the DCP, which has been addressed by the applicants traffic engineer and is discussed in the report. Three access driveways are proposed, to provide access to separate delivery and dispatch docks and a separate egress driveway for the staff parking area. While this is a variation of the number of access points, their separation distances are well in excess of 30m and 3 driveways would not be excessive having regard to the 176m site frontage, where at least 4 driveways would otherwise be possible without the proposed lot consolidation.	discussion in the assessment report, in respect to the parking deficiency and driveway provision)
D4.5.2 Smeaton Grange Industrial Area	Consistency with the Smeaton Grange Industrial Area Desired Future Character Statement, to strive for the highest standards of design, landscaping and environmental sustainability.	The proposed development is consistent with the character statement in that it will provide a well designed industrial development that will sensitively integrate with adjoining existing and expected future development, and will present and suitable articulated and landscaped	Yes

Control	Requirement	Provided	Compliance
		appearance when viewed from Waler Crescent	
	Street tree planting	Appropriate street planting has been proposed	Yes
	10m building front setback	A front setback of 17m is proposed	Yes
	5m of on-site landscaping	5m of on-site landscaping is proposed	Yes