

SWCPP Ref. No.:	PPSSWC-153
DA No.:	DA21/0308
PROPOSED DEVELOPMENT:	Industrial Re-Development Involving Alterations and Additions to Existing Industrial Buildings (Including Demolition) and Construction Of Four Industrial Buildings, One Multi-Deck Carpark and Associated Works
PROPERTY ADDRESS:	2115 - 2131 Castlereagh Road, PENRITH NSW 2750
PROPERTY DESCRIPTION:	Lot 2 DP 787827,
ZONING:	IN1 General Industrial - LEP 2010
CLASS OF BUILDING:	Class 7a , Class 8
ASSESSING OFFICER	James Heathcote
APPLICANT:	Stimson Urban & Regional Planning
DATE RECEIVED:	6 May 2021
REPORT BY:	James Heathcote, Development Assessment Planner, Penrith City Council
RECOMMENDATIONS:	Approve

Assessment Report

Executive Summary

Council is in receipt of a Development Application lodged by Stimson Urban and Regional Planning (the Applicant) for an Industrial Re-Development Involving Alterations and Additions to Existing Industrial Buildings (including demolition) and Construction of Additional Industrial Building and One Multi-Storey Car park and associated landscaping, driveway and parking and civil works at 2115-2131 Castlereagh Road, Penrith NSW 2750.

Under the *Penrith Local Environmental Plan 2010* (LEP), the subject site is zoned IN1 General Industrial.

Key issues considered as part of the assessment of the proposed development included:

- Ability to grant consent to blanket land uses sought which included general industry, light industry, artisan food and drink industry & warehouse and distribution.
- The urban design and landscape setting, primarily as it relates to the presentation of the development to Castlereagh Road and location of multi-deck car parking structures,
- Land contamination, and
- Requirements of TfNSW, including consolidation of access and deceleration lane configuration.

The application is integrated development with the following NSW Government State Departments:

- Transport for NSW (TfNSW) - Concurrence given, subject to conditions.
- Natural Resource Access Regulator (NRAR) - no objections, subject to conditions.
- NSW Environmental Protection Agency (EPA) - no objections, subject to conditions.

Note: Although not integrated, the application was also referred to Sydney Water and Endeavour Energy

The application was presented to Council's Urban Design Review Panel (UDRP) on 18 August 2021. Some key matters raised through this process included: The arrangement of buildings and presentation of a multi deck car park within the front setback fronting Castlereagh Road is not acceptable outcome in terms of urban design and streetscape, and greater retention of existing vegetation in the front setback is necessary. The UDRP advised that the multi-deck car park should be relocated within the site and not a primary visual focal point. Removal of the multi deck car park structures in the front setback would allow for a building pod in its place that could enhance activation and congregation opportunities. Vegetation retention and clear vehicular and pedestrian pathways were also raised as being vital for the success of the development, this was also reiterated through discussions with TfNSW.

The applicant submitted several packages of amended plans and documentation that have addressed the matters raised throughout the assessment of the application. The application originally included 2 x multi deck car parking structures at the front of the site, which has since been changed to a single multideck car park toward the middle of the site. The application has also removed the proposed blanket land use approvals being sought, all future land uses will be established via a development application or complying development certificate processes, where appropriate. The application as amended seeks consent for an industrial re-development involving only the construction of industrial buildings, a single multi-storey car park and associated works.

The application was reviewed by Council's specialist departments in relation to the technical aspects of the proposal with no significant objections being raised from the relevant officers in relation to Engineering, Environmental Management, Waterways, Public Health, Biodiversity and Waste Services, subject to recommended conditions of consent.

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019*, the application was notified to 37 x adjoining properties and was advertised and publicly exhibited between 31 May and 14 June 2021. No submissions were received in response.

The application was briefed to the Sydney Western City Planning Panel on 19 July 2021. Documents submitted in support of the application identify the proposal will have a combined Capital Investment Value (CIV) greater than \$30 million. Accordingly, pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposal meets the category requirements for 'General development over \$30 million' and is categorised as 'regionally significant development'. Therefore, in accordance with Section 2.12 of the *Environmental Planning and Assessment Act 1979*, the SWCPP is the determining authority for this application as the proposal is identified as a regionally significant development under the *State Environmental Planning Policy (Planning Systems) 2021*.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken, the application as amended and subject to the recommended conditions of consent has adequately addressed the matters raised throughout the assessment process and is therefore recommended for approval.

Site & Surrounds

Properties and Site Characteristics:

The subject site is approximately 12.06 hectares in area and is legally described as Lot 2 in Deposited Plan 787827. The site is zoned IN1 General Industrial under Penrith LEP 2010 for the entire site. The site is bushfire prone land (partly). There are several easements on the site relating to drainage, sewerage, electricity and transmission. The site is mapped as having scenic landscape values. The site includes a flood affectation notation. Transport for NSW have advised Council of an intention to acquire a portion of land on this property for future road widening purposes (its noted that the affected land is not yet zoned for future road widening purposes).



Image 1: Aerial Photo of Subject Site with boundaries highlighted in blue.

Source: Nearmap

The site currently contains the former Crane-Enfield industrial buildings and associated structures, the active tenancy and building for Capral Aluminium, an at grade carpark at the front of the site, several areas used for external storage of plant and materials and a number of trees and shrubs across the site. The rear of the site contains portion of wetland, Hickeys Lane to the east, Penrith Rugby Club and Andrews Road Baseball Complex to the north and Penrith Water Recycling Plant to the south. The Nepean River is located approximately 735 meters to the west.

The site does not contain any heritage items nor is it bound by any heritage properties or items.

The site is located within Industrial Precinct 5: North Penrith (east of Castlereagh Road), as identified by Chapter D4 Industrial Development of Penrith Development Control Plan 2014. The site is located on the eastern side of Castlereagh Road with a frontage of approximately 177.53 metres.

Larger scale industrial warehouse uses are located adjoining the northern boundary of the site. The site also shares southern boundary with a currently vacant site and the Sydney Water Water Recycling Plant.

The precinct contains a wide variety of industrial land uses bound by Andrews Road, Coreen Avenue and Castlereagh Road (both west and east sides). Established residential estates are located to the east approximately 670 metres in Penrith, south approximately 750 metres in Thornton Estate and north approximately 750 metres to Waterside Estate.

The Penrith Lakes and Regatta Centre is located approximately 1 km north-west of the site, with vehicular access connection via Old Castlereagh Road. The site is approximately 1.5 km north of the Penrith Central Business District and Penrith Railway Station.

Relevant and Recent Site History:

- DA21/0789 - Temporary Front Fence Hoarding (18-month period) #Current.
- DA21/0308 - Subject Application #Current.
- DA17/0896 - Glass Recycling Facility #Consent Date 17/5/2018.
- DA11/0735 - Remediation Works in accordance with Voluntary Management Proposal at Crane Enfield Metals Site #Consent Date 4/10/2011.
- DA05/1890 - Pilot Groundwater Extraction and Treatment Facility #Consent Date 23/03/2006.

the existing *Capral Aluminium* building (labelled as 'EW' on the plans). The building is made up of two levels, with a total GFA of 12,075 square metres. The floor plan generally includes an open floor plan, bathroom and office facilities at the south-east corner of the building, loading dock bays at both east and west ends of the building, 21 x car parking spaces including 1 x accessible space and starway to the level 1 offices. The height of the building is 11.34 metres (AHD).

c. Construction of a new industrial building (labelled 'PW1') at the rear of the site. The siting of this building only requires earthworks and removal of some vegetation. The building is made up of two levels, with a total GFA of 7,164 square metres. The floor plan generally includes open floor space, several roller shutter doors along each elevation, 19 x car parking spaces surrounding the building include 1 x accessible space, office and bathroom facilities at the south-west corner of the building, and a stair-well to the other level within the building. The height of the building is 11.32 metres (AHD).

d. Construction of a warehouse/industrial building (labelled 'PW2'). The construction of this building only requires earthworks and removal of some vegetation. The building is made up of two levels, with a total GFA of 3,757 square metres. The floor plan shows a open floor plan, bathroom and office facilities at the north-west corner of the building, loading dock bays on several elevations, 27 x car parking spaces including 1 x accessible space and starway to the level 1 offices. The height of the building is 10.25 metres (AHD).

e. Partial demolition and alteration of existing building labelled 'EW1' to accommodate the proposed multi-deck car parking structure. The multi-deck carpark structure is made up of six levels, with a total number of 435 x car parking spaces. The height of the multi-deck car parking structure is 15.77 metres (AHD), with some lift overruns at either end of the building that reach a height of 17.57 metres (AHD) and another lift overrun section that reaches 19.87 metres (AHD).

f. The works are proposed to be staged as follows:

Stage 1 - Alterations and additions to existing buildings EW3, CAN, MEL, EW1 & EW2.

Stage 2 - Construction of new buildings CW1, PW1, PW2 and the multi-deck car park structure within EW1.

Stage 3 - Construction of new building MF at the front of the site.

g. Landscaping works, including tree removal, retention and replanting across the site.

h. Hardstand and driveway works across the site to accommodate the new buildings and additions, including driveway/access works at the front of the site, as per TfNSW comments, and car parking across the site.

Note: The total proposed number of parking spaces across the site, including the multi-deck car park structure, is 735 x car parking spaces.

i. Civil works across the site to accommodate the proposed development.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Planning Assessment

- **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

In accordance with Section 2.12 of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel (SWCPP) is the determining authority for this application as the proposal is identified as a regionally significant development under the *State Environmental Planning Policy (Planning Systems) 2021*.

The proposal includes alterations and additions to existing industrial buildings (including demolition) and construction of additional industrial buildings and a multi-deck car park, and documents were submitted with the application identifying the proposal will have a combined Capital Investment Value (CIV) greater than \$30 million. Accordingly, pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposal meets the category requirements for 'General Development Over \$30 Million' is as such is classed to be 'regionally significant development'.

- **Section 4.14 - Bushfire prone land assessment**

In accordance with Clause 4.14(1)(a) of the *Environmental Planning and Assessment Act 1979*, the consent authority, being Council, is to be satisfied that the development conforms to the specifications and requirements of the NSW Rural Fire Service document, *Planning for Bush Fire Protection 2019 (PBP 2019)*.

The site is partly bush fire prone, which includes a small portion along the the northern boundary, small portion of the eastern rear boundary and along a portion of the south boundary.



Image 5: Bush Fire Prone Land Map. Subject site highlighted in yellow dashed lines.

Source: NSW Planning Portal Spatial Viewer

The application was supported by a Bush Fire Assessment report, prepared by Control Line Consulting, reference no. 20-12-388 and dated 3 December 2020, which recommended that all new external construction comply with the BALs identified as per the PBP 2019, in addition to other recommended management measures.

Council is satisfied, in assessing the report from the applicant and checking the distance of vegetation from the site and proposed building envelope.

A condition of consent is recommended to ensure the relevant elevations of the development meet the specifications and requirements of "Planning for Bushfire Protection" December 2019, and to the applicable Bush Fire Attack Level in accordance with AS 3959-2009 "Construction of Buildings in Bushfire-prone areas" and that relevant and supported recommendations are adhered to for the life of the development.

As such, the requirements of Clause 4.14 have been suitably addressed.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

- **Section 4.46 - Integrated development**

NSW Transport for NSW (TfNSW) - Roads Act 1997 and Traffic Generating Development under the Transport and Infrastructure SEPP

The application is integrated with TfNSW in accordance with the Roads Act 1997 requiring a Section 138 approval. The development has direct access to Castlereagh Road which is a classified road. Section 138(2) of the Roads Act states a consent may not be given with respect to a classified road except with the concurrence of TfNSW.

Concurrence was granted by TfNSW on 29 September 2022, subject to conditions.

See discussion under the C10 Transport, Access and Parking section of this report for more information.

NSW Environmental Protection Agency (EPA) - Protection of Environmental Operations Act

The application was lodged and referred to NSW EPA given the site is subject to an existing Environmental Protection License (EPL), relating to the Capral Aluminium tenancy on site, which is to remain through the proposed development.

On 16 June 2021 the EPA advised that they do not consider that a license variation is required for License No. 12405 (relating to Capral Aluminium and their EPL). However, EPA did provide comments on matters to be considered prior to determination of the application:

- Wastewater Treatment Plant (WWTP) and irrigation area - The EPA suggested that the applicant provide details on how the WWTP & irrigation area will be upgraded or replaced to service the new development and the existing Capral site. Currently the site's wastewater is being treated by a WWTP which treats a maximum of 33 kL per day and is irrigated on land where the Proposal indicates a building (CW1) would be constructed.
- Ongoing Maintenance Order (OMO) No. 20212805 issued under the Contaminated Land Management Act 1997 - The EPA recommends that the requirements of the OMO be considered in the approval of the proposal. Any action that impedes or prevents the implementation of the groundwater monitoring program (for example by impeding access to or damaging a groundwater monitoring well) may result in a breach of the OMO. The OMO sets out requirements for ongoing groundwater monitoring in accordance with an approved Long-Term Environmental Management Plan (LTEMP). The requirements include implementing the groundwater monitoring program; maintaining the integrity of the groundwater monitoring wells named in the approved LTEMP for the purposes of ongoing monitoring; and reporting to the EPA of any incident that may adversely affect the groundwater monitoring program or cause migration of contaminants to the environment.

See discussion under the Resilience and Hazards SEPP section of this report for more information on the above.

NSW Natural Resource Access Regulator (NRAR) - Water Management Act 2000

The application was referred to NRAR. General Terms of Approval (GTAs) were received on 27 August 2021, with conditions given relating to design of works and structures, erosion and sediment controls, plans, standards and guidelines, rehabilitation and maintenance, and reporting requirements.

A condition of consent is recommended relating to the above-mentioned GTAs and their conditions being satisfied through the development.

NSW Rural Fire Service (RFS) - Rural Fires Act 1997

A small portion of the site (northern portion) is identified as bush fire prone land (partly). However, given that the proposed use as a warehouse/industrial is not identified as a special fire protection use, nor is subdivision proposed, in accordance with Section 100B of the Act, the proposed development does not trigger integrated development for the purposes of bush fire protection. See discussion under the 4.14 Bush fire prone land assessment section of this report for more information on bush fire prone land consideration.

Other Referrals (non-integrated)

The application was referred to Sydney Water and Endeavour Energy for comment, neither authority raised any objections and provided information for reference.

• **Section 7.12 - Developer Contributions**

The site and proposal are subject to Penrith City Council's City-Wide Section 7.12 Development Contributions Plan for Non-Residential Development (amendment 1). As per Table 3 'Section 7.12 Levy Rates', for development that has a proposed cost of works of more than \$200,000.00, the levy rate is 1% of that cost. Based on the applicable rate under this Development Contributions Plan, the following development contribution applies to the proposal:

$$1\% \times \$73,857,651.00 \text{ (cost of construction works)} = \$738,576.51.$$

A condition of consent requiring the payment of this development contribution, prior to the issue of a Construction Certificate, has been recommended.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Biodiversity and Conservation) 2021

On 1 March 2022, the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) consolidated and repealed the provisions of several SEPPs and SREPs including:

- *Sydney Regional Environmental Plan 20 - Hawkesbury-Nepean River No. 2 1997*

It is noted that whilst the clauses of the SEPPs and SREPs have been renumbered, no policy changes have been made. The relevant chapters are discussed in further detail below:

Chapter 2 - Vegetation in non-rural areas

Chapter 2 of the Biodiversity and Conservation SEPP relates to Vegetation in non-rural areas, and applies to the IN1 General Industrial zone within the Penrith local government area. The aims of this chapter include:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Under this Chapter, if proposed clearing of native vegetation is not associated with development (i.e. not for a purpose requiring development consent) and the proposed area of clearing exceeds the area clearing threshold, or vegetation is identified on the Biodiversity Values Map, then approval is required from the Native Vegetation Panel. In this regard, as the proposed tree removal is associated with a development proposal which requires development consent and the area of removal of vegetation on the site is not identified on the Biodiversity Values Map, additional approval from the Native Vegetation Panel is not required.

The proposal was accompanied by an Arborist Report and subsequently referred to Council's Tree Management Officer and Biodiversity Department for review. No objections were raised subject to recommended conditions of consent.

Chapter 9 - Hawkesbury-Nepean River

An assessment has been undertaken of the proposal against relevant criteria within this Policy, and it is acknowledged that there are unresolved contamination matters on the site, which may require remediation works to occur.

See discussion under the Resilience and Hazards SEPP section of this report for more information regarding the contaminated status of the site, its management and assessment through this application process.

State Environmental Planning Policy (Planning Systems) 2021

Documents submitted in support of the application identify the proposal will have a combined Capital Investment Value (CIV) greater than \$30 million. Accordingly, pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposal meets the category requirements for 'General development over \$30 million' and is classed to be 'regionally significant development'. Therefore, in accordance with Section 2.12 of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel (SWCPP) is the determining authority for this application as the proposal is identified as a regionally significant development under the *State Environmental Planning Policy (Planning Systems) 2021*.

State Environmental Planning Policy (Resilience and Hazards) 2021

On 1 March 2022, the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) consolidated and repealed the provisions of several SEPPs including the *State Environmental Planning Policy No 55 - Remediation of Land*.

In this regard, Chapter 4 of the Resilience and Hazards SEPP applies to the subject site. In accordance with Clause 4.6 Contamination and remediation to be considered in determining development application '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.

Historic timeline of contamination and remediation on this site:

- Site History and Groundwater Investigation - The site was historically used by Crane Enfield Metals Pty Ltd for manufacturing copper tube products (under EPL 1098). Previous investigations conducted at the site identified soil and groundwater contaminated with chlorinated hydrocarbons used to clean copper tubes. Ground water assessment completed in 1998 indicated that the contaminant plume was approximately 800-1000 metres in length and discharged through a permeable aquifer into the Nepean River. The site was voluntarily notified to the NSW EPA in 1999 under the Contaminated Land Management Act 1997 and subsequently identified as significantly contaminated. The property was declared to be a remediation site under the Act in 2006.
- Voluntary Management and Remediation - Remediation commenced in 2007, with operation of an on-site groundwater treatment plant. Full-time operation of soil vapour extraction commenced in 2013, with two previous trials in 2007 and 2010. A Voluntary Management Plan (VMP) was issued by the EPA in 2009 relating to identified contamination issues and a Remediation Action Plan was developed which incorporated a voluntary management proposal for long term remediation. Remediation occurred until amendment of the VMP in 2015. Copper tube manufacturing ceased in 2014 and the vapour degreasing unit, associated storage tanks, equipment and bund were dismantled and removed by mid 2015.
- Amendment of VMP - 2015, the groundwater treatment plant was stated to be only removing negligible solvent from ground water. VMP amended to focus on immediate risks to health and the environment. Further amendments made with agreement from EPA, focusing on enhanced bioremediation trials to begin and rebound monitoring to occur and complete a health and environment risk assessment.
- Validation Monitoring - Validation monitoring completed in 2017 which found reduction in contamination levels.
- Human Health Risk Assessment - Risks to workers attending site and nearby were assessed as low and acceptable.
- Soil Assessment - Soil assessment completed 2019, including 40 borehole locations. Noting ongoing groundwater management requirements, the assessment concluded site is suitable for ongoing commercial/industrial land use in its current configuration.
- Ongoing Maintenance Order (OMO) - OMO issued by EPA in January 2020, on completion of site procedures required by the VMP. Requirements of OMO include: implementing groundwater monitoring, maintain integrity of monitoring wells amongst other reporting requirements.

The application was originally lodged with a Site Contamination Status letter prepared by Zoic Environmental Pty Ltd, which provided an overview of the site limited to the known historic impacts to soil

and groundwater by chlorinated hydrocarbons. Upon review by Council's Environmental Department, it was acknowledged that, whilst this information is important, additional information was required to be submitted with the application to demonstrate site suitability of the whole site based on current site conditions, activities that are occurring and have occurred beyond the scope of previous investigations and based upon the proposed development works. This information is required in addition to information addressing historic contamination that is the subject of the OMO for the site. Furthermore, additional information was requested relating to a hazard assessment of the Capral Aluminium use on site and its relationship to the proposed development.

The applicant submitted a 'Desktop Contamination Assessment' (DCA) prepared by Geosyntec Consultants, which provided a desktop review of historic information on the site relating to contamination up to 2019.

Review by Council's Environmental Management Department still raised concerns in relation to the following:

Site Suitability

- The DCA did not include a site visit and did not discuss or investigate site activities and conditions since the 'Phase 1 and Indicative Phase 2 Assessment' was completed in 2019.
- The DCA was not supported by recent site inspection and site investigation data, which is required to identify any areas of environmental concern identified, investigated and assessed in the supplementary report in accordance with NEPM 2013 and applicable NSW EPA guidelines
- Management measures of metal residues was not appropriately detailed or justified.
- Detail of wastewater practices relating to the Capral building was not fully detailed.
 - Detail of compliance with the NSW EPA approved Long-term Environmental Management Plan (in conjunction with the Ongoing Maintenance Order) was not fully detailed or justified.
 - Previous reports identified concentrations of heavy metals, and that these require management. This was not appropriately detailed in the recent report.
 - Former underground storage tanks were identified on site. This was not appropriately detailed in the report, and whether this requires any remediation.
 - The report did not sufficiently detail any storage of hazardous materials on site since 2019.

Potential Hazard

- Further to the above, the operations and impact from the existing Capral's operations to the proposed development was not fully detailed nor justified through an appropriate environmental assessment.

The applicant submitted an Addendum Report, prepared by Geosyntex Consultants Pty Ltd and dated 8 June 2022, and intended to be considered alongside the DCA and other documentation mentioned above. This report detailed recent and thorough site investigations conducted by the consultant (as at 8 June 2022), which demonstrates the site is suitable for the proposed development. The report also demonstrates that the proposed development considers, supports and facilitates the ongoing groundwater monitoring that is currently required by NSW EPA through the Ongoing Maintenance Order that applies to the site. Further, the report informs that wastewater from the site, including the existing Capral facility, is connected to an existing Sydney Water sewer (after appropriate contaminant separation) and that no wastewater is disposed of or applied to the site. Council has been advised that Capral are seeking a modification to the existing Environmental Protection Licence due to the licence being based on historic processes and not reflective of current practices (which is a separate matter to the subject application). The report and associated documentation notes that land contamination investigations conducted on-site, including extensive soil and groundwater sampling and analysis in 2019, demonstrated that wastewater has not impacted the site. As such, the application has demonstrated that the site is suitable for the proposed development in terms of land contamination considerations and status.

The report has also demonstrated that the site is suitable for the proposed development in terms of its co-

existence with current Capral operations and any potential environmental and public health considerations. The report details that Capral's operations are contained within the building and, whilst a small volume of dangerous goods are stored and used in the Capral building, the quantities are well below the Resilience and Hazards SEPP listed thresholds. Furthermore, the future use and tenancy of each warehouse within the proposed development is to be subject of future separate applications, thus ensuring appropriate consideration of any future use that include the storage and/or use of dangerous goods.

Review of the report with Council's Environmental Management Department found that that no objections were raised to the proposed development subject to recommended conditions, including a condition of consent that requires the submission of formal documentary evidence of wastewater being connected to Sydney Water sewer in the appropriate manner.

As such, the requirements of the Resilience and Hazards SEPP have been addressed and satisfied.

State Environmental Planning Policy (Transport and Infrastructure) 2021

On March 1 2022, the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) consolidated and repealed the provisions of several SEPPs including the *State Environmental Planning Policy (Infrastructure) 2007*.

It is noted that whilst the clauses of the SEPP have been renumbered, no policy changes have been made.

The subject site has direct vehicular access and frontage to Castlereagh Road, which is a Classified Road. As such, the proposed development was referred to TfNSW for their comments under Clause 2.121 (Traffic-generating development) of the Transport and Infrastructure SEPP (previously Clause 104 of the ISEPP) and concurrence under Section 138 of the *Roads Act 1993*.

The original application proposed two vehicular accessways to and from Castlereagh Road. TfNSW did not support this approach in its initial response on 9 June 2021 and did not grant concurrence for the development. A number of matters were raised in their correspondence in relation to a singular vehicular access, vested strip of land (see Image 6 below), deceleration lane requirements and other matters.



Image 6: Land Reservation Map along Castlereagh Road. Subject Site Highlighted in Yellow

Source: Transport for NSW

Amended plans from the applicant were reviewed by TfNSW, with commentary given on 8 December 2021 and 6 June 2022. However, the following key outstanding matters were preventing TfNSW from granting concurrence. These are detailed below:

a. Access to and from Castlereagh Road

- Whilst TfNSW confirmed a deceleration lane in the road shoulder is accepted, a 75 metre long deceleration lane is required in accordance with Austroads. TfNSW required detailed concept plans for the deceleration lane, including a signage and line-marking plan. The plans are required depict the ultimate deceleration design to demonstrate that the lane will not adversely impact on the development and to future proof the road network.
- 3.5 metre wide land dedication (across the frontage of the site) will be required by TfNSW, and development is to be clear of this.
- The existing bus-stop to be relocated (in accommodating the deceleration lane) shall occur to the north of the site, rather than south as currently proposed. There is approximately 40 metres of land for the location of the bus stop to the south of the intersection of Castlereagh Road and Lugard Street which may be an appropriate position for relocation.
- The development will need to accommodate on-road cyclists by providing a sign posted and line marked shared footpath across the frontage of the development site. The existing foot path will need to be widened to accommodate a compliant share path design.
- TfNSW confirmed the zebra crossing is to be removed to give vehicles right of way across the driveway. The development must demonstrate that the required sight lines can be achieved to ensure there is sufficient reaction time.

b. Internal Circulation

- The current driveway arrangement is not satisfactory as the internal road that loops around building 'MF' has the potential to cause queuing within the road reserve.
- The entrance driveway arrangement requires simplification which may include the removal of the kiss and drop area and loop road around building 'MF' to simplify the arrangement as there is a queuing concern that could impact the road network.

c. Traffic Modelling

- TfNSW requires the development to maintain the same level of service. TfNSW are primarily concerned with the level of service with the intersection of Castlereagh Road and Coreen Avenue. The level of impact proposed is not acceptable. The modelling shows the intersection changing from B>D and B>C on some legs of the round-a-bout. TfNSW requires mitigation measures i.e. slip lane or longer right turn bay as an interim measure until such time as Castlereagh Road is upgraded. The Castlereagh Road upgrade project does not have funding at this stage.
- TfNSW requires the SIDRA files (electronic files) to be submitted to assess the modelling.
- TfNSW advised the trip generation rates are not based off future uses or zoning and are estimates based off the current use of the site. A more robust analysis of traffic generation is required.

The applicant provided amended plans and additional details that addressed the above matters which enabled TfNSW to grant concurrence through their latest referral comments dated 29 September 2022, subject to recommended conditions.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.6 Subdivision - consent requirements	N/A
Clause 4.3 Height of buildings	Does not comply - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.21 Flood planning	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	N/A

Clause 2.3 Permissibility

The subject site is zoned IN1 General Industrial under Penrith Local Environmental Plan 2010.

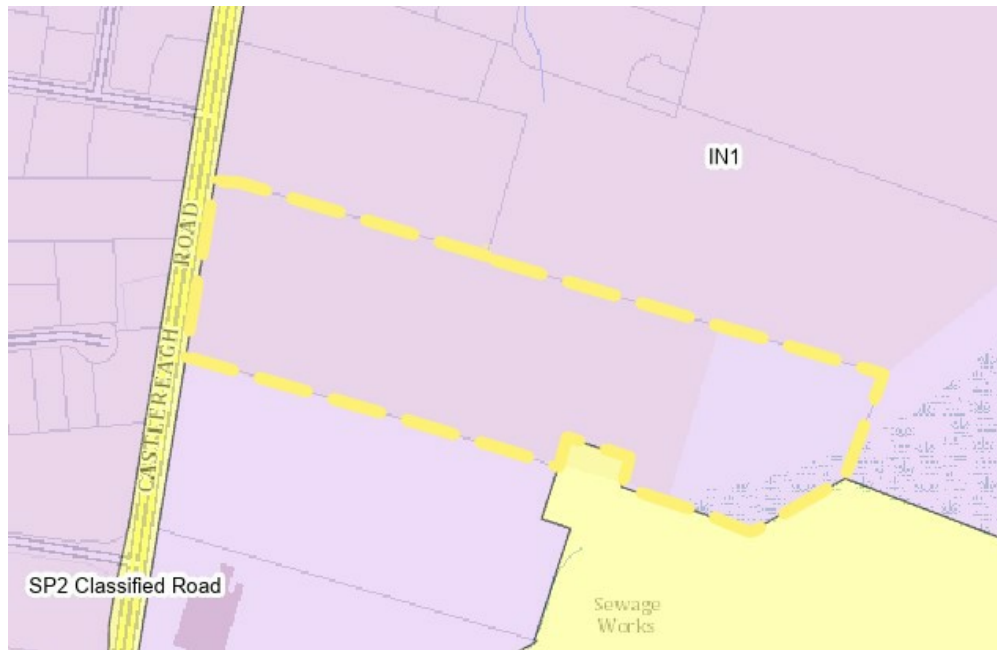


Image 7: Land Zoning Map. Subject Site Highlighted in Yellow Dashed Lines

Source: NSW Planning Portal Spatial Viewer

Concern was raised during the assessment regarding the application seeking approval for blanket land use definitions across the development site for each building. One of the land uses nominated, 'artisan food and drink premises', was sought across a number of buildings. This land use cannot be approved under the first use provisions of State Environmental Planning Policy (Exempt and Complying Codes) 2008. In addition, Clause 5.4 of Penrith Local Environmental Plan 2010 contains limitations on retail floor area. As there were no floor plans or details of the proposed artisan food and drink premises, demonstration of compliance with the controls was not provided. The Statement of Environmental Effects also suggested that a future operator may be a distillery or chocolatier, and it is noted that distilleries may be captured by the designated provisions of the Environmental Planning & Assessment Act 1979. The proposal also applied for a liquor license over the site to be managed by the owner and utilised where a tenant could use this as part of an artisan food and drink industry (for example). Council would not support this approach due to issues that may arise from incompatible land use activities on the site and community safety concerns. As such, the applicant was advised that blanket land use definitions across the site would not be supported.

The applicant has amended the application removing land uses, noting any future land uses sought would be via the appropriate mechanisms being either a separate development application and/or complying development applications where applicable. The development, as amended, only proposes buildings which are to be used for industrial land uses. The development is permitted with consent.

Recommended conditions of consent shall ensure that a development application is lodged for future land uses where applicable.

As such, the application satisfies the requirements of Clause 2.3.

Clause 2.3 Zone objectives

The subject site is zoned IN1 General Industrial, and the objectives of the zone are as follows:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote development that makes efficient use of industrial land.
- To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.

The proposal is for alterations and additions to existing industrial buildings, construction of new industrial buildings and a multi-deck car park. As discussed in the Clause 2.3 section of this report, specific land uses are not being sought for in the application, and the size, scale and type of development proposed has the potential to provide for a wide range of industrial and warehouse land uses that will encourage employment opportunities, whilst minimising adverse effects of works and uses on adjoining properties. Furthermore, the proposal is assessed as generally complying with the development controls listed within the D4 Industrial Development Chapter of Penrith DCP 2014, and therefore can be described as protecting industrial land for industrial uses, promoting development that has made efficient use of industrial land and permitting facilities to serve the convenience needs of people working in the surrounding industrial area.

As such, the proposal satisfies the objectives of the IN1 General Industrial zone.

Clause 4.3 Height of buildings

Clause 4.3 of Penrith LEP 2010 specifies the height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings (HOB) Map. The HOB Map specifies a maximum building height of 12 metres Above Height Datum (AHD) for the subject site and nearby area.

The proposed development does not comply fully with this requirement as demonstrated through the following proposed exceedances:

- The proposed industrial unit building labelled as MF at the front of the site is shown at a height of 14.8 metres AHD, with some minor flumes/vents that reach 15.2 metres AHD.
- The proposed multi-deck car park located toward the middle of the site reaches a building height of 15.77 metres AHD, with 2 x lift overruns that reaches 17.57 metres AHD and 1 x taller lift overrun that reaches 19.87 metres AHD.

It is noted that the existing warehouse (part of the former Crane Enfield building) has a building height reaching 20.91 metres AHD and a chimney that reaches 26.5 metres AHD.

Given the exceedances proposed, a Clause 4.6 Variation Request has been submitted by the applicant, which provides suitable justification and demonstration that the proposed heights shown through the development, whilst numerically non-compliant, achieve the objectives of Clause 4.3.

See discussion under the Clause 4.6 Variation Request section of this report for more information.

Clause 4.6 Exceptions to development standards

Clause 4.3 of Penrith LEP 2010 specifies that the height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings Map, which for the subject site specifies a maximum height of 12 metres AHD. Furthermore, the objectives of Clause 4.3 are as follows:

- To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.
- To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes.

- To minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance.
- To nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

Whilst the proposed development generally complies with the height requirement of Clause 4.3, given the scale of the site, there are several non-compliances to the numerical height control as detailed below:

- Proposed building labelled MF at the front of the site has a building height of 14.8 metres AHD, with 2 x minor lift overruns that reach a height of 15.2m AHD.
- The proposed multi-deck car park structure within the building labelled EW1 towards the middle of the site reaches a height of 15.77 metres AHD, with 2 x minor lift overruns that reach a height of 17.57 metres AHD and another that reaches 19.87 metres AHD.

The above does not comply with the requirements of Clause 4.3 and a Clause 4.6 variation request has been provided with the application.

Clause 4.6(3) specifies that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In addition to the above, the key consideration in assessing a Clause 4.6 variation are the key Land and Environmental Court Principles and demonstrated suitability of the proposal on the site and within the broader character of the area. The test for suitability is also dependent on the demonstrated compliance with the controls and objectives of the relevant development standards.

Upon request from Council, and through amendment of the application, the applicant submitted a 'Clause 4.6 Request To Vary Development Standard' report, prepared by Stimson Urban & Regional Planning.

The applicant has outlined justification within the proposed variation request and established court principles, mentioning the following relevant case law:

- Winten v North Sydney Council.
- Wehbe v Pittwater [2007] NSW LEC 827.
- Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC.
- Moskovich v Waverley Council [2016] NSW LEC 1015.
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSW LEC 118.

As such, the justifications of the variation request against established court principles has been undertaken as follows:

1.How is Strict Compliance with the Development Standard Unreasonable or Unnecessary in this Particular Case

The proposal meets the intent and objectives of the Clause 4.3 development standard and the IN1 zone as follows:

- The proposal is compatible with the height, bulk and scale of recently approved development in the locality, also noting the existing non-compliance height of building for the old Crane-enfield building on the subject site.

- The proposal does not impact on visual amenity nor minimise loss of privacy or solar access to the subject site or adjoining sites.
- There is no heritage item on the site nor immediate adjoining sites.
- The proposal provides a reasonable number of car parking spaces for a 'worst-case' scenario in terms of parking demand and the parking rate requirement of Council's DCP (particularly reference the height exceedance of the multi-deck car park structure).
- It is unreasonable to apply the height limit across the site as the proposal as is does not impact on visual amenity, nor significantly reduces views, privacy or solar access. However, parking provision is benefiting the site as a result.
- The proposed development meets the objectives of the zone and Clause 4.3, it contributes to the provision of necessary land uses with the Penrith LGA in a location close to services and facilities.
- The scale of the overall site (over 12 hectares) means that the breaches of building height controls are imperceptible when viewed from the public domain or any adjoining site.

Given the above, the spatial context of the buildings, the proposed building height encroachment will not present as a perceptible element. It is considered that the proposal is in the public interest and strict compliance with the development standard is both unreasonable and unnecessary in this instance.

2. How Would Strict Compliance Hinder The Attainment of the Object Specified in the Environmental Planning and Assessment Act 1979 (The Act)?

Section 1.3 specifies the Objects of the Act as follows (relevant objects inserted below):

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

Given the above objects of the Act, the proposed height encroachment maintains an appropriate bulk and scale, and also maintains the objectives of the clauses within Penrith LEP 2010 that relate to the zone and height of buildings. The objects of the Act are not hindered through the proposed variation being supported. By breaching the height limit with the proposed car parking structure, the resultant outcome on the site is a highly efficient presentation of industrial built form and land use, maximising the available floor area. If compliance was achieved with the height, this would not alter the overall outcome in relation to visual bulk, scale, amenity and solar access and the proposal is considered to have a positive planning outcome.

3. Would Strict Compliance with the Standard be Unreasonable or Unnecessary?

Strict compliance with the development standard is unreasonable and unnecessary in this instance as the variation sought is considered to be appropriate in the context and setting of the site. The proposal meets the objectives of the zone, it meets the objectives of the height of buildings clause and is considered that the objects of the Act are not undermined by the variation.

Strict compliance with the standard is unnecessary given the negligible resultant environmental impacts of the proposal, and is unreasonable given the benefits that the proposal will bring to this industrial precinct of

Penrith (over a strictly compliant development).

Supporting the variation will retain the public interest with key objectives of planning controls being achieved/complied with, such as:

- Building alignment to existing context (adjoining buildings along Castlereagh Road).
- Extensive landscaping throughout the site being retained.
- No overshadowing impacts to the subject site or adjoining sites.
- Strategic positioning of parts of buildings above the height limit on the site (in limiting visual and amenity impacts).
- Maximising the delivery of industrial floor spaces to the Penrith market.

4.Are There Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

There are a number of positive environmental planning grounds resulting from the proposal, including the height limit breach, including:

- The proposed variation of the height standard allows for provision of additional parking on site to cater for future workers and/or visitors to the site.
- The height variation allows for optimisation of the State's development potential as a transport-accessible site and provision of sought after industrial floor space in the Penrith Local Government Area.
- The proposal represents the orderly and economic development of land, and provide for industrial floor space, promoted within the objects of the Act.
- The proposed height variation makes for efficient, economic and optimal use of the subject site, taking advantage of the local topographic and surrounding context.
- The non-compliant height will not give rise to any material streetscape or amenity impacts compared to a numerical compliant development, by virtue of the proposed siting, massing, setbacks, design of the building and site characteristics. The proposal represents a reflects a built form that is not inconsistent with the controls within the DCP and with development that has already been constructed in the locality.
- The proposed development satisfies the objectives of Clause 4.3 and the IN1 General Industrial zone, despite the numerical non-compliances.
- Compliance is achieved with all other development standards that apply to the development (pending Contamination and Transport for NSW matters being resolved).

Assessment of the submitted variation request:

The variation request has adequately addressed the matters required to be demonstrated by Clause 4.6(3), being that compliance with the Clause 4.1A development standard is unreasonable and unnecessary in this instance and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development is in the public interest, consistent with the objectives of Clause 4.3 and the objectives of the IN1 General Industrial Zone.

The variation in height for the multi-deck car parking area, in particular, is appropriate in the context of the broader site and is unlikely to have any substantial visual impacts. The isolated variations of height allow for greater retention of landscaping at the front of the site which is a desired element of the proposal for its contribution towards the scenic and landscape qualities of Castlereagh Road which generally contains large setbacks of mature vegetation. Given the surrounding context the height variation is proportionate to other elements on the site with a greater height.

Clause 5.21 - Flood planning

See discussion under the C3 Water Management section of this report for more information.

Clause 7.5 Protection of scenic character and landscape values

The subject site is identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map, as per Clause 7.5(2) of Penrith LEP 2010.

Clause 7.5 (3) states that development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.

The proposal originally included 2 x multi-deck car park structures located toward the front of the site (approximately 20 metres from Castlereagh Road). Both prelodgement advice and the initial request for additional information letter from Council for this application raised concerns with the impact of the proposal on the current landscape setback and setting, which is well established containing mature trees and vegetation that is considered to be valuable given the scenic values of Castlereagh Road, and this site being within an older industrial precinct of Penrith that is relatively close to Penrith Lakes to the North-west and the Nepean River to the west. Given requirements of TfNSW, concern was raised that access requirements from Castlereagh Road will further impact upon vegetation in future, and therefore as much landscaping as possible shall be retained, to ensure a substantial landscape setting was retained.

The application has since been amended to remove the 2 x car park structures at the front of the site and a smaller industrial building placed toward the front that limits the amount of parking in enabling further retention of trees within the front setback. The height of the buildings toward the front of the site should not result in any significant visual impact from the streetscape perspective. See discussion under the 4.3 Height of Buildings section of this report for more information. Furthermore, the application proposes generous landscaping with a mix of trees and shrubs in the front setback area and around the proposed building 'MF' and around driveways and paths and is retaining approximately 40 mature trees. The front setback area also retains the minimum separation distance from Castlereagh Road and the front building line of building 'MF', which enables a high-quality landscaped outcome in the front setback to be maintained. The retention of the landscaped front setback area through the development contributes positively to the context of the area and is important in adding to elements of place making for the site and development.

To ensure the landscaped front setback continues to thrive, conditions of consent are recommended for some additional planting, landscape maintenance and the like.

As such, in accordance with Clause 7.5(3) of Penrith LEP 2010, Council is satisfied that measures have been taken in relation to the location and design of the development to minimise the visual impact of the development when viewed from Castlereagh Road.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	Complies - see Appendix - Development Control Plan Compliance
D4.2. Building Height	Complies - see Appendix - Development Control Plan Compliance
D4.3. Building Setbacks and Landscape	Complies - see Appendix - Development Control Plan Compliance
D4.4. Building Design	Complies - see Appendix - Development Control Plan Compliance
D4.5. Storage of Materials and Chemicals	Complies - see Appendix - Development Control Plan Compliance
D4.6. Accessing and Servicing the Site	Complies - see Appendix - Development Control Plan Compliance
D4.7. Fencing	Complies - see Appendix - Development Control Plan Compliance
D4.8 Lighting	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applicable to the subject site or application.

Section 4.15(1)(a)(iv) The provisions of the regulations

The requirements of the Regulations have been considered in the assessment of the application, with applicable conditions of consent being recommended.

Section 4.15(1)(b)The likely impacts of the development

The likely impacts of the proposed development as identified throughout the assessment process of the application include:

Existing Amenity, Scenic Character and Landscape Values

The built form of the development has sought to create a visually coherent built form that is sensitive to the wider community by locating the new multi-deck car park building behind existing buildings further within the site. The visual impact of this new building will therefore be reduced when viewed from Castlereagh Road, thereby unlikely to have an adverse impacts on the streetscape. Furthermore, a comprehensive landscape strategy with embellishment within the front setback and along the frontage to the site are provided, in conjunction with a mix of shrubs and trees of varying densities, canopy trees and buffer planting across the site and development to suitably address the impacts of the development on the local character, scenic values and streetscape. Therefore, the proposed development will have an acceptable impact on the amenity of the surrounding buildings and adjoining residential development.

Access, Parking, Manoeuvrability and Traffic Generation

The development provides a total of 735 car parking spaces, including several accessible car parking spaces to serve the proposed uses. This is considered to be acceptable and ensures the development will cater for the demand of parking on site.

Site access and related arrangements have been given concurrence via TfNSW. See discussion under the C10 Transport, Access and Parking section for more information.

Stormwater and Overland Flow Impacts

Council's Development Engineering Department has reviewed the submitted civil and stormwater plans in conjunction with the civil engineering report and the proposal is acceptable in its proposed stormwater drainage design. Stormwater runoff will be appropriately collected, treated and discharged into the proposed drainage system.

Furthermore, the proposal is not anticipated to impact or be impacted by overland flow flooding. See discussion under the C3 Water Management section of this report for more information.

Air Pollution and Odour

It is not anticipated that there will be any air quality impacts once the development becomes operational. Any concerns associated with air pollution and odour generated throughout the demolition and construction phase of the development will be addressed via conditions of consent or through new development applications lodged for the use of buildings.

Contamination

Matters relating to land contamination have been appropriately resolved through site investigations, analysis and reporting provided in the application. See discussion under the Resilience and Hazards SEPP section of this report for more information.

Noise Impacts

Standard conditions of consent are recommended for noise mitigation during the construction phase of the development. Given that no land uses form part of the proposed development, any further noise considerations would be further assessed at that stage.

Social and Economic Impacts

It is anticipated that the proposed development will benefit the social and economic environment of the locality. The proposed uses will provide additional local employment opportunities, encourage economic activity and support activation of the industrial site and area.

Section 4.15(1)(c) The suitability of the site for the development

The site is considered to be suitable for the proposed development for the following reasons:

- The site and proposed industrial re-development involving alterations, additions, new buildings and structures are of a similar scale and type of existing and previous uses on the site and are compatible with the surrounding land uses.
- The proposed built form, architectural elements, and landscaping will ensure the proposal will sit harmoniously with the surrounding area and context.
- The proposed road works ensures the site can be adequately and safely accessed by vehicles and pedestrians.
- The proposed development does not negatively affect existing overland flow paths within the site or for adjoining properties.
- The site is situated within an established area and access to services and storm water infrastructure is readily available. This includes electricity, gas, water, telephone services and drainage for storm water and sewerage.
- The site can accommodate the proposed uses and traffic generated and associated impacts are mitigated via recommended conditions of consent.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's adopted Community Engagement Strategy and Community Participation Plan 2019, the application was notified to adjoining properties and was advertised (including in the Western Weekender newspaper on 27 May 2021) and publicly exhibited between 31 May and 14 June 2021. No submissions were received in response.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	Awaiting additional information
Tree Management Officer	No objections

Building Surveyor

The application was referred to Council's Certification Team to review and provide comments on the development's compliance with the Building Code of Australia and Regulations for the upgrading of a

building in relation to fire safety. They raised no objections subject to the following being addressed through conditions of consent:

1. The proposed carpark and melfor platform within existing warehouse 1 do not comply with Clause D1.4 in relation to travel distances.
2. The proposed manufacturing building (MF) does not comply with Clause D1.4 and D1.5 in relation to travel distances and distances between alternative exits.
3. Clause C2.3 of the BCA requires large isolated buildings to have perimeter vehicular access. Existing warehouse 1 and 2 is proposed to form one building (according to various site plans) with proposed warehouse 1 and 2 and therefore will be considered a large isolated building. Perimeter access is not provided in accordance with Clause C2.3.

Section 64 of the Environmental Planning and Assessment Regulation 2021

Following on from site inspection, it was evident that the fire protection was not adequate to ensure egress in the event of a fire. An assessment and inspection of the proposed development under Section 64 has been undertaken and the following comments are made:

1. EW 1 and EW 2 is required to have a sprinkler system throughout in accordance with the requirements of C2.3 and Table E1.5 of the BCA.
2. EW 1 and EW2 is required to have perimeter vehicular access in accordance with Clause C2.4 of the BCA. In its current form, compliance with the deemed to satisfy provisions cannot be achieved as the area between EW1 and EW3 is not accessible by vehicles.
3. EW1 and EW2 is required to have compliant travel distances and distances between alternative exits in accordance with Clause D1.4 and D1.5 of the BCA. In its current form, compliance with the deemed to satisfy provisions cannot be achieved.
4. EW 1 and EW2 is required to have an automatic smoke exhaust system in accordance with Table E2.2a of the BCA.
5. EW1 and EW2 is required to have emergency lighting and exits signs installed throughout in accordance with Clause E4.2 and E4.5 of the BCA.

Given the above comments, it is considered appropriate that the above issues be addressed as part of conditions of this consent.

As such, no objection are raised by Council's Building Surveying Department to the application subject to the recommended conditions of consent.

Development Engineer

The application was referred to Council's Development Engineering Department, who raised no objections to the proposed development subject to recommended conditions of consent. See discussion under the DCP Chapter C section of this report for more information.

Environmental - Biodiversity

The application was referred to Council's Biodiversity Department, who considered the status of vegetation on site and nearby, and the proposed vegetation removal, retention and replanting. No objections were raised by Council's Biodiversity Department subject to recommended conditions of consent.

Environmental - Environmental management

Referral to Council's Environmental Management Department found that, upon request and review of amended land contamination and status documentation, they raised no objections to the proposed development subject to recommended conditions of consent. See discussion under the Resilience and Hazards section of this report for more information.

Environmental - Public Health

The application was referred to Council's Public Health Department, who raised no objections subject to recommended conditions of consent. Conditions relate to future development applications being required

for any land use relating to food preparation and serving, and regarding regulation of existing cooling towers on site (for manufacture or air conditioning), noting several cooling towers were used by Crane-Enfield at the subject site previously.

Landscape Architect

The application was reviewed with Council's Landscape Architect, who raised no objections to the proposed development subject to recommended conditioning on landscape treatment and planting for the site. See discussion under the C2 Vegetation Management section of this report for more information.

Traffic Engineer

See discussion under the C10 Traffic, Access and Parking section of this report for more information.

Tree Management Officer

Referral to Council's Tree Management Officer raised no objections subject to standard landscaping conditioning and the recommendations of the arborist report being implemented.

Waste Services

The application was referred to Council's Waste Services Department, who raised no objections subject to recommended conditioning for the application. This condition will be included on the consent if applicable for the development, noting future development applications required and the likelihood of private contractors being used to attend to waste removal.

Section 4.15(1)(e)The public interest

The likely impacts of the proposal have been assessed as acceptable or have been addressed by way of recommended conditions of consent. The proposed development is not considered to be in conflict with the key aims, objectives and controls of the applicable planning instruments. In the context of the broader precinct and the significant economic opportunities the redevelopment of the site promotes and having regard to the likely environmental impacts of the development, the proposal is in the public interest.

Conclusion

The development application has been assessed against the Environmental Planning and Assessment Act 1979, and the applicable environmental planning instruments, including:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Penrith Local Environmental Plan 2010.
- Penrith Development Control Plan 2014.

It is considered that the proposal is consistent with the aims, objectives and specific provisions of these plans and policies.

The proposal, as amended, is satisfactory in relation to air quality, noise impacts, the management of waste, wastewater and water and hazards associated with storage. The landscaping embellishment along the Castlereagh Road frontage and property boundaries has been maximised (where possible) to appropriately mitigate any visual impacts associated with the hardstand area and built form and also respect and retain the existing character of North Penrith Industrial Precinct 5.

In relation to traffic, access, parking and the works proposed with access from Castlereagh Road, being a Classified Road, the concurrence of Transport for NSW has been obtained and the scale of the development and its subsequent traffic generation can be supported given the access treatments proposed. In relation to stormwater, overland flow and waterways, Council's Development Engineer and Waterways Officers supported the proposal noting it will not affect the existing overland flow paths within the site and stormwater can be adequately detained and treated.

Council's Biodiversity Department raised no objections to the proposal and concludes that the proposed development and associated tree removal will not result in serious or irreversible impacts to native flora and fauna. Furthermore, data gaps identified in the Detailed Site Investigation Report have been appropriately addressed which was assessed by Council's Environmental Management Department, who raised no objections subject to recommended conditions of consent.

It is for the above reasoning that the development application can be supported and is in the public interest.

Recommendation

That DA21/0308 for an Industrial Re-Development involving Alterations and Additions to Existing Industrial Buildings (including Demolition) and Construction of Additional Industrial Buildings and One Multi-Storey Carpark at 2115-2131 Castlereagh Road, Penrith NSW 2750, be approved subject to the attached conditions of consent.

CONDITIONS

General

- The development must be implemented substantially in accordance the following stamped approved plans by Council, the application form and any supporting information received with the application, except as may be amended in red or by the following conditions within this consent:

Description	Plan No.	Revision	Prepared By	Date
Traffic and Pedestrian Plan Existing, Proposed & Future	A02.22 - 06	06	BN	25.08.22
Title Sheet, Location Plan and Drawing List	A00.01 - 02	02	BN	21.04.22
Site Location Plan	A00.05 - 02	02	BN	21.04.22
Existing Site Plan	DA-0102	12	SJB Architects	05.11.2021
Proposed Site Plan	A02.10 - 05	05	BN	21.04.22
Site Analysis Plan	A00.06 - 02	02	BN	21.04.22
Site Staging Plan	A02.11 - 02	02	BN	21.04.22
Traffic and Pedestrian Plan Decel Lane on Existing Shoulder	A02.12a - 07	07	BN	20.04.22
Traffic and Pedestrian Plan Concept - Future Decel Lane	A02.12b - 07	07	BN	21.04.22
Overall G-L1	A02.13 - 02	02	BN	21.04.22
Overall L2-L3	A02.14 - 02	02	BN	21.04.22
Overall L4-L5	A02.15 - 02	02	BN	21.04.22
Overall Elevations & Sections	DA-0121	11	SJB Architects	05.11.2021
Proposed Manufacturing	A06.01 - 02	02	BN	21.04.22
EW1 & 3 - Ground - Part 1	A06.02 - 02	02	BN	21.04.22
EW1 & 3 - Ground - Part 2	A06.03 - 02	02	BN	21.04.22
EW1 & 3 - Level 1 - Part 2	A06.04 - 02	02	BN	21.04.22
EW1 & 3 - Level 2 - Part 2	A06.05 - 02	02	BN	21.04.22
EW1 & 3 - Level 3-4 - Part 2	A06.06 - 02	02	BN	21.04.22
EW1 & 3 - Level 5 - Part 2	A06.07 - 02	02	BN	21.04.22
CW1 - Ground	A06.08 - 02	02	BN	21.04.22
CW1 - Level 1	A06.09 - 02	02	BN	21.04.22
PW1 - Ground	DA-0212	11	SJB Architects	05.11.2021
PW1 - Level 1	DA-0213	9	SJB Architects	05.11.2021
PW2 - Ground	A06.10 - 02	02	BN	21.04.22
PW2 - Level 1	A06.11 - 01	01	BN	21.04.22
EW1 Meltor Platform	A06.12 - 01	01	BN	21.04.22
MF Elevations	DA-0501	10	SJB Architects	05.11.2021

EW1 Elevations	DA-0502	9	SJB Architects	05.11.2021
EW1 & EW3 Elevations	DA-0503	9	SJB Architects	05.11.2021
CW1 Elevations	DA-0504	9	SJB Architects	05.11.2021
PW1 Elevations	DA-0505	9	SJB Architects	05.11.2021
PW2 Elevations	DA-0506	9	SJB Architects	05.11.2021
MF Sections	DA-0601	9	SJB Architects	05.11.2021
EW1 & EW3 Sections	DA-0602	10	SJB Architects	05.11.2021
CW1 Sections	DA-0603	10	SJB Architects	05.11.2021
PW1 & PW2 Sections	DA-0604	9	SJB Architects	05.11.2021
Demolition Plans	DA-2501	11	SJB Architects	05.11.2021
3D Demolition	DA-2503	3	SJB Architects	05.11.2021
Photomontage	DA-3011	12	SJB Architects	23.11.2021
Visual Analysis - Sheet 1	DA-3021	7	SJB Architects	05.11.2021
Visual Analysis - Sheet 2	DA-3022	6	SJB Architects	05.11.2021
Height of Buildings	DA-3031	3	SJB Architects	05.11.2021
Site Plan	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Tree Survey Plan	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Landscape Plan 01	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Landscape Plan 02	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Landscape Plan 03	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Details	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Details	LPDA 22 - 176	C	Conzept Landscape Architects	07.04.2022
Drawing List and General Notes	C014203.01 - DA10 B		Costin Roe Consulting	26.03.21
Erosion & Sediment Control Plan	C014203.01 - DA20 C		Costin Roe Consulting	05.11.21
Erosion & Sediment Control Plan	C014203.01 - DA25 B		Costin Roe Consulting	26.03.21
Stormwater Treatment Catchment Plan	C014203.01 - DA40 C		Costin Roe Consulting	05.11.21
Concept Stormwater Drainage Plan Sheet 1	C014203.01 - DA41 D		Costin Roe Consulting	11.04.22
Concept Stormwater Drainage Plan Sheet 2	C014203.01 - DA42 D		Costin Roe Consulting	11.04.22
Stormwater Drainage Details Sheet 1	C014203.01 - DA45 C		Costin Roe Consulting	11.04.22
Stormwater Drainage Details Sheet 2	C014203.01 - DA46 B		Costin Roe Consulting	26.03.21
Stormwater Drainage Details Sheet 3	C014203.01 - DA47 B		Costin Roe Consulting	26.03.21
Stormwater Drainage Details Sheet 4	C014203.01 - DA48 A		Costin Roe Consulting	26.03.21

Finished Levels Plan Sheet 1	C014203.01 - DA51 C	Costin Roe Consulting	05.11.21
Finished Levels Plan Sheet 2	C014203.01 - DA52 C	Costin Roe Consulting	05.11.21

- 2 The development is to be carried out generally in accordance with the stamped-approved plans and the staging strategy outlined in Schedule 3 of this development notice, and accompanying documentation submitted in respect to this application.

Each stage of the development shall have adequate car parking facilities available in accordance with the rates specified in Chapter C10 of Penrith Development Control Plan 2014 and this shall be reflected in the staging strategy and Construction Management Plan where relevant.

For the avoidance of doubt, unless specified, any reference to a Construction Certificate or Occupation Certificate is a reference to the Construction Certificate or Occupation Certificate for the relevant stage of the development and each condition of consent is only required to be satisfied as it relates to that stage of the development shown on the approved staging plan.

- 3 The deceleration lane and related works, as detailed in the 'Traffic and Pedestrian Plan Existing, Proposed & Future', numbered A02.22-06, revision 6, prepared by BN and dated 25.08.22, and as required by Transport for NSW, shall be completed prior to the issue of an Occupation Certificate for Stage 1.
- 4 A copy of the General Terms of Approval issued by the Department of Planning and Environment - Water under the Water Management Act shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

- 5 A copy of the Concurrence Letter (TfNSW Reference: SYD21/00106/10 and dated 29 September 2022) issued by Transport for NSW (TfNSW) under the Roads Act shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

As detailed in the abovementioned letter, the following conditions are to be implemented for the site and development (as required by TfNSW):

- The subject property is affected by a Road Widening Order under investigation for potential transport improvements. Any new building or structures (including signage), together with any improvements integral to the future use of the site, are erected clear of the land required for road (unlimited in height or depth) and the Castlereagh Road boundary.
- A deceleration lane along Castlereagh Road and relocation of bus stop shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
- The proposed pavement details should be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to Development.sydney@transport.nsw.gov.au.
- Sight distances from the vehicular crossings to vehicles on Castlereagh Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossing to motorist, pedestrians, and cyclists.
- The proposed mitigation measures to address the road safety issues identified in Road Safety Audit by DC Traffic Engineering 7 August 2022 should be submitted to TfNSW for approval prior to the commencement of any works. Please send all documentation to Development.sydney@transport.nsw.gov.au.
- The redundant driveway on the Castlereagh Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Castlereagh Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.
- Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020-001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Castlereagh Road.
- Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Castlereagh Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- A plan checking fee and lodgement for a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW. The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

- 6 No works shall be carried out on the land required for road widening purposes other than works approved by this consent and in accordance with the requirements of Transport for NSW.
- 7 Prior to the issue of a Construction Certificate, the architectural and landscape plans shall be amended to be consistent with the 'Traffic and Pedestrian Plan Existing, Proposed & Future, numbered A02.22-06, revision, prepared by BN and dated 25.08.22.
- 8 Prior to occupation of a building and/or a tenancy within any building, a separate development approval is to be obtained for the use. This consent does not approve the use of any building or tenancy.

Note: The use of building EW4 continues to operate in accordance with the land use established through previous applications.

- 9 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 10 Prior to the issue of an Occupation Certificate, an internal signage strategy for the development shall be submitted to Council for approval. The strategy shall incorporate all forms of signage to be used on the site (including any LED signs).
- 11 The operating hours are from 7:00am to 6:00pm, Monday to Sunday, unless otherwise specified through subsequent applications.
- 12 There shall be no external storage of any goods, materials and the like on the site.
- 13 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- 14 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 15 All proposed buildings shall be constructed in accordance with the provisions of "Planning for Bushfire Protection" November 2019, and to BAL construction under AS3959-2018 "Construction of buildings in bushfire-prone areas as recommended in the Bush Fire Assessment Report prepared by Control Line Consulting, REF No. 20-12-388.

- 16 An Asset Protection Zone for protection from bushfire shall be provided and maintained to the Building footprint, in accordance with the recommendations outlined in the Bush Fire Assessment Report (Control Line Consulting, 2/2/21), and in particular are to include the following:
- i. That where not built upon, all grounds within the subject site are to be maintained as an asset protection zone, inner protection area in accordance with Appendix 4 of 'Planning for Bushfire Protection 2019, for the lifetime of the development
 - ii. The Inner Protection Area (IPA) shall be maintained as follows:
 - minimise fuel levels at ground level that can be set alight by a bushfire,
 - vegetation does not provide a path for the transfer of fire to the development - that is fuels are discontinuous,
 - no trees are to overhang the building,
 - trees should be well spread out and not form a canopy,
 - trees or shrubs that retain dead material or deposit excessive quantities of fuel in a short period of time should not be planted within the IPA,
 - trees and shrubs should be located far enough from the building that the radiant heat they produce or direct flame contact will not ignite the house,
 - wooden sheds, combustible material, large areas or quantities of garden mulch, stacked flammable building materials etc, shall not be sited in the IPA.
- 17 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 18 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Multi-Deck Car Park Structure

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the buildings including the car parks.
- Australian Standard 220 – door and window locks must be installed in all buildings.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Fencing

- Fence design should maximise natural surveillance from the street to the development site and from within the site to the street, and minimise the opportunities for intruders to hide.
- Fencing is required to be in accordance with Chapter D4 Industrial Development and the requirements of Transport for NSW.

- 19 Prior to the issue of an Occupation Certificate, a 'Way-finding, Signage and Vehicle Management Strategy' shall be prepared and approved by Penrith City Council to ensure that potential conflicts between heavy vehicles and light vehicles are minimised.

The strategy shall address (but not be limited to) the following:

- Signage for when vehicles and pedestrians enter the site detailing the direction to the different parts of the site. Such signage shall delineate between visitors and staff user accessing the site.
- Way-finding signage throughout the site that give directional detail for each building access. Such signage should, at a minimum, be included at each building corner where vehicles and pedestrians may pass and shall be placed in practical and safe locations.
- Traffic management barrier or otherwise near the entry of the multi-deck car parking structure. This is to ensure delineation of users visiting the front of the site for smaller industrial units and those staff and larger trucks and other vehicles accessing the rear of the site.
- General signage to prevent visitors from accessing restricted areas or unsafe locations for pedestrian access.

Once approved, the recommendations of the strategy are to be implemented, maintained and adhered to for the life of the development. Any amendments or alteration to the strategy can only be approved by Penrith City Council. This strategy is to be kept on the premises and available for Council viewing upon request.

- 20 The Capral facility shall continue to operate in accordance with the requirements from existing/current approvals or consents.
- 21 Prior to the issue of a Construction Certificate, a detailed material and colour schedule for the multi deck car park and new buildings shall be provided to Council for approval.
- 22 The glazed windows and doors for building 'MF' shall not be obscured or covered by signage, decals, advertising, or the like.

Demolition

- 23 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures".

SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the SafeWork NSW Code of Practice Demolition Work August 2019, is required.

Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

24 Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

- Work Health and Safety Act 2011,
- Work Health and Safety Regulation 2017
- SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019,
- SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019.
- Australian Standard AS2601-2001 The demolition of structures

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the Asbestos Policy Penrith City Council 2014.

All asbestos laden waste must be disposed of at a waste management facility licensed by the NSW Environment Protection Authority to receive asbestos waste.

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

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

27 Demolition and construction works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition and/or construction work relates to work inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise then the works are not restricted to the hours stated above.

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

Environmental Matters

28 The development must not be inconsistent, or be in conflict, with any Long-Term Environmental Management Plan or Ongoing Maintenance Order for the site, as required by the NSW Environment Protection Authority.

- 29 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 installed and maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The erosion and sediment control measures are to be maintained throughout the construction phase and shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. These measures shall minimise the tracking of mud and soil from vehicular movements to and from the site onto the roadway. Any mud or soil tracked onto the roadway is to be cleaned up using dry methods as soon as is practicable. Dust suppression techniques are to be employed during site remediation and construction works to reduce any potential nuisance to surrounding properties.

- 30 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.
- 31 No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall:
- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.

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 work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: For the purpose of this condition an appropriately qualified person is defined 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."}.

- 32 All demolition and construction 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 be fully enclosed when the site is unattended.

- 33 Waste materials associated with the demolition and construction phase of the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled.

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.

- 34 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Assessment (revision 6) prepared by Renzo Tonin & Associates and dated 05.04.2022 (Ref: TL889-01F02 r6). The recommendations provided in the Acoustic Assessment 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, including any mechanical plant and equipment and acoustic barriers, has been constructed to meet the noise criteria in accordance with the Council approved Acoustic Assessment (revision 6) prepared by Renzo Tonin & Associates and dated 05.04.2022 (Ref: TL889-01F02 r6). This certificate is to be submitted to Council for consideration and approval **prior to the issue of an Occupation Certificate**. The Council approved certificate is to be submitted to the Principal Certifying Authority before an Occupation Certificate can be issued for the development.

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

{Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member}.

- 35 **Prior to the issue of the Construction Certificate**, further details on the type and location of all proposed mechanical plant and equipment (excluding existing) associated with the proposed development is to be provided to Penrith City Council for consideration and approval. Suitable data and information assessed by a suitably qualified acoustic consultant is to be supplied to demonstrate compliance with the established noise criteria and the approved Acoustic Assessment (revision 6) prepared by Renzo Tonin & Associates and dated 05.04.2022 (Ref: TL889-01F02 r6).

Prior to the issue of the Occupation Certificate, a Compliance Certificate, prepared by a suitably qualified acoustic consultant, is to be submitted to the Principal Certifying Authority and be approved by Penrith City Council. The Certificate is to demonstrate that the plant and equipment has been installed to comply with the established noise criteria.

{Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member}.

36 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.

All liquid wastes generated on site (including from existing Capral operations) that are suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements. If Sydney Water will not allow disposal to the sewer then a suitable waste contractor is to remove the liquid waste from the premises to an appropriate waste facility. No waste liquid or material is to be disposed of on site.

Waste licensing requirements apply in NSW. Where required, the waste contractor and waste facility are to be licensed by the NSW Environment Protection Authority. Reference should be made to the NSW Environment Protection Authority for licensing requirements.

37 Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared by a suitably experienced / qualified person and submitted to the Principal Certifying Authority. The CEMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to, the following:

- Water quality management,
- Noise control and hours of operation,
- Dust suppression,
- Waste management (including solid and liquid waste),
- Erosion and sediment control,
- Air quality including odour and dust control,
- Pedestrian and vehicle safety,
- Construction zones, and
- Construction stages.

All construction activities on the site are to be implemented and carried out in accordance with the CEMP.

- 38 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to the issue of the Construction Certificate**, the Protocol is to be submitted to Penrith City Council for approval. If Council is not the certifying authority for this development, the report is required to be provided to Council for approval.

The Protocol is to address, at minimum, the management of any contamination found on the site during the excavation, demolition and construction phase of the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The Protocol is to clearly detail that all remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy (Resilience and Hazards) Chapter 4 - Remediation of Land, and that should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

The Council approved Protocol is to be complied with at all times during the construction phase of the development.

{For the purpose of this condition an appropriately qualified person/environmental consultant is defined 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.”}

- 39 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy (Resilience and Hazards). Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

{For the purpose of this condition an appropriately qualified person is defined 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.”}.

- 40 To ensure the efficient collection of waste and safe waste management practices, each building and/or tenancy within a building shall be provided with a designated waste storage and collection area. Each collection area shall be serviced by a loading bay or other nominated location. Details shall be shown on the architectural plans prior to the issue of a Construction Certificate.

Waste infrastructure shall not be placed or remain within any areas of the site nominated for the parking of vehicles.

BCA Issues

41 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 performance 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).

42 Prior to the issue of a Construction Certificate, the following matters shall be addressed:

a) An automatic smoke exhaust system is to be provided to existing warehouse 1 (EW1) and existing warehouse 2 (EW2) in accordance with Table E2.2a of the Building Code of Australia. Alternatively, a performance solution is to be proposed and submitted to the certifier demonstrating compliance with the relevant performance requirements of the Building Code of Australia.

b) Travel distances and distances between alternative exits are to be provided to existing warehouse 1 (EW1) and existing warehouse 2 (EW2) in accordance with Clause D1.4 and D1.5 of the Building Code of Australia. Alternatively, a performance solution is to be proposed and submitted to the certifier demonstrating compliance with the relevant performance requirements of the Building Code of Australia.

c) A sprinkler system is to be provided throughout existing warehouse 1 (EW1) and existing warehouse 2 (EW2) in accordance with the requirements of Clause C2.3 and Table E1.5 of the Building Code of Australia. Alternatively, a performance solution is to be proposed and submitted to the certifier demonstrating compliance with the relevant performance requirements of the Building Code of Australia.

d) Existing warehouse 1 (EW1) and existing warehouse 2 (EW2) are to be provided with perimeter vehicular access in accordance with Clause C2.4 of the Building Code of Australia. Alternatively, a performance solution is to be proposed and submitted to the certifier demonstrating compliance with the relevant performance requirements of the Building Code of Australia.

43 The recommendations of the Access Report, titled 'Statement of Compliance Access for People with a Disability Report', numbered 220311, prepared by Accessible Building Solutions and dated 12/3/21, are to be implemented for the development.

44 Prior to the issue of an Occupation Certificate, emergency lighting and exit signs are to be installed throughout existing warehouse 1 (EW1) and existing warehouse 2 (EW2) in accordance with Clause E4.2 and E4.5 of the Building Code of Australia.

Health Matters and OSSM installations

45 The proprietor any food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times. Any food business or food manufacturer shall be registered with Penrith City Council by completing the "Registration of Premises" form or if a manufacturer registered with NSW Food Authority. Registration is to be completed prior to the operation of the business from the site.

- 46 Cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council prior to the issuing of the Occupation Certificate and operation of the system.
- 47 On completion of installation of any air handling, hot water, humidifying, warm water or water cooling systems, a Certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011.

All air handling systems, hot water systems, humidifying systems, warm water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 Air-handling and water systems of buildings – Microbial control - Operation and maintenance and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease. There must be safe and easy access to a regulated system (as defined in the Public Health Act 2010) for the purpose of the cleaning, inspection and maintenance of the system.

Utility Services

- 48 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92. The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Prior to the issue of the Construction Certificate, the Section 73 Certificate issued by Sydney Water for the discharge of trade waste and wastewater from the premises shall be submitted to Penrith City Council for approval, and the Principal Certifying Authority. Council is to be satisfied with the documentary evidence provided and is to approve the documentation provided prior to the issue of the Construction Certificate.

- 49 Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 50 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

- 51 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 Certifier, 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.

52 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.

53 A demolition and construction waste management plan shall be submitted to Council's Environmental Health Department for consideration and approval. Council must approve the plan before works can commence on site.

The waste management plan shall be prepared in accordance with applicable waste guidelines and standards with consideration of applicable legislation including the Protection of the Environment Operations Act 1997. The waste management plan shall address all waste materials likely to result from demolition and construction activities associated with the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, construction and occupation with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

54 All buildings shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when buildings are constructed to ground floor slab level.

55 All rainwater tank(s) are to be:

- placed in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
-
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the development and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

56 Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank/s, and is to be submitted prior to the issue of the Occupation Certificate.

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

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

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

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

Engineering

58 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council or Transport for NSW.

59 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

60 Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council for any new footpath construction following diversion of the existing footpath to suit the proposed deceleration lane as well as any required road openings for utilities.

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate as applicable.

61 Prior to the issue of any Construction Certificate, the Certifier shall ensure that any applicable application, including the payment of application and inspection fees, has been lodged with and approved by Transport for NSW (TfNSW) for any works within the Castlereagh Road road reserve.

A copy of the TfNSW approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

- 62 The stormwater management system shall be consistent with the plans lodged for development approval, prepared by Costin Roe Consulting, reference number C014203.01, dated 11/04/2022.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy as well as Australian Standard AS3500.3.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

- 63 Prior to the issue of any Construction Certificate, the Certifier shall ensure that the foundations of proposed structures adjoining the drainage and/or services easement have been designed clear of the zone of influence.
- 64 Prior to the issue of any Construction Certificate, the Certifier shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by Costin Roe Consulting - Appendix F to the prepared Civil Engineering Report, reference number 14203.00-03c.rpt, revision C, dated 11/04/2022.

As part of this compatibility check, the Certifier shall ensure that a Flood Evacuation Management Plan is prepared in accordance with the recommendations of this report. The Flood Evacuation Management Plan shall be implemented for the development.

- 65 Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, maneuvering, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

Vehicle maneuvering internal to the site is to be separated for heavy vehicles and light vehicles/pedestrians. Engineering plans and supporting details demonstrating this separation are to be provided to the Certifier prior to the issue of any Construction Certificate.

- 66 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.
- 67 Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Transport for NSW and Penrith City Council (as required).

- 68 Prior to the issue of any Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

- 69 Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design):
- have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
 - have met the design intent with regard to any construction variations to the approved design, and;
 - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

- 70 Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

- 71 The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 72 End of user bicycle facilities shall be provided in accordance with the relevant Australian Standards.

Landscaping

- 73 All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 Landscape Design of Penrith Development Control Plan 2014. The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

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.

- 74 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 suitably qualified and experienced landscape professional.

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.

- 75 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Chapter C6 Landscaping Design of Penrith Development Control Plan 2014.

- 76 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.

- 77 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.

- 78 The trees identified for retention by the Arboricultural Report shall be retained and duly protected during the construction of the development. Tree protection measures shall:

- be installed before any works can commence on site including the clearing of site vegetation, and
- comply with the standards prescribed by the Tree Management Plan, and
- be certified by the author of the Tree Management Plan (TMP) before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".

79 Prior to the issue of a Construction Certificate, a 'Green-Wall Maintenance Strategy', relating to the multi-deck car parking structure, shall be prepared and implemented for the development. The strategy shall include (but not be limited to) the following:

- Pruning measures and frequency of maintenance required.
- Soil nourishment for sustainable plant growth.
- Consideration of the life cycle/replacement of planting, including strategies for replacement of plantings every 5 years (or sooner, as required).
- Access arrangements or other measures in place in order for maintenance access.
- Soil volumes and related details provided on the planter pots for the green wall plantings, ensuring these are sufficient in long-term sustainable plant life.
- Water and Drainage requirements.

This strategy is to be kept on the premises and available for Council viewing upon request.

80 Prior to the commencement of works, an amended landscape plan shall be submitted to and approved by Council that incorporates additional landscape planting to the front setback area of the site. The amended landscape plan is to include the following:

- The 17 x 'Water Gum' trees shall be replaced with a larger mix of gum trees, predominantly native species with some exotic species incorporated.
- The use of Illawarra Flame Tree is acceptable but should be incorporated with a mix of species and should be incorporated informally (not in a row of similar species, nor as a dominant vista planting position).
- The same number of trees shall be planted to replace those being removed, like-for-like.
- Succession planting shall be provided in the front setback area, which shall have a similar scale of plantings and species and provide the same canopy cover as existing landscaping does.
- The additional planting shall incorporate a mix of trees and shrubs of similar species, pot size and maturity of existing vegetation in this area.
- Additional tree retention shall be explored in this area, if viable in consideration of tree health, condition and structure.
- Details of any new fencing shall be provided.

81 Prior to the commencement of works, including the removal of any trees, an inspection of all trees scheduled for removal (including inspection of all hollows) for resident fauna is to be undertaken under the supervision of a fauna ecologist. Where possible, these fauna are to be removed and relocated in accordance with relevant guidelines and permits. Trees identified for removal are to be lowered to the ground slowly under the supervision of a qualified ecologist when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches. A local Wildlife rescue group are to be contacted in the case of any injured fauna.

82 No fill, machinery, or materials are to be placed or stored within the designated Tree Protection Zone as calculated using AS4970 – 2009, Protection of trees on development sites or as defined in the Arborist report (Urban Arbor, 1/4/21) of any tree that is to be retained. Tree protection measures are to be implemented as outlined in the Arboricultural Impact Assessment (Urban Arbor, 1/4/21), OR AS4970 – 2009, Protection of trees on development sites. Prior to the commencement of works, a compliance inspection of tree protection measures implemented within the site is to be undertaken by a Penrith Council Officer unless otherwise specified in an approved site-specific Tree Protection Plan (Specification) and Drawing.

Development Contributions

- 83 This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$738,576.51** is to be paid to Penrith City Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 plan.

The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Payment of Fees

- 84 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 85 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

- 86 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifier 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 Certifier shall submit to Council an "Appointment of Principal Certifier" 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.

- 87 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C2 Vegetation Management & C6 Landscape Design

Objectives of these Chapters include:

- To protect and enhance biodiversity corridors, landscape character and scenic values of the City.
- To preserve existing trees and other vegetation where possible during the planning, design, development and construction process.
- To ensure landscape design takes into account the site's context, landscape and visual character, existing landscape features and amenity, both at the local and regional scale.

The application was supported by an Arboricultural Impact Assessment Report, prepared by Urban Arbor, reference 220503-2115 Castlereagh-AIA and revision C. This report detailed the following:

- The report assessed the impact of the proposal on site to all significant trees located within 10 metres of development works. 190 x trees have been identified and assessed through this report.
- 78 x trees have been recommended for removal in accommodating development works. 36 of these trees have higher value for retention (category A - meaning trees that are mature, good health and structure). The remaining 42 trees have a lower value for retention (category Z - meaning trees that fall within exemptions, poor health, poor condition or high risk of failure). The location of these trees are generally located within the front setback area and middle front portion of the site, between proposed building (MF), existing canteen building (CAN) and proposed drop-off bay.
- 112 x trees have been recommended for retention, subject to tree sensitive design and construction methods being implemented to reduce impacts to tree health. In reducing impacts, the proposed construction within the Tree Protection Zone (TPZ) of the trees must be completed in accordance with Section 9.2 of this report. This section details special construction requirements relating to tree sensitive hard surfacing construction methods, fencing construction requirements, considerations when implementing underground services, bulk earthworks and consideration of soil level modifications (cut-and-fill). Further, all trees to be retained are to be protected in accordance with AS4970-2009, which will form part of conditions of consent. The location of these trees are throughout the site including along north and southern boundary lines.
- Other tree protection requirements that would form part of recommended conditions of consent relate to: contractors being made aware of tree protection requirements prior to works commencing on site, a qualified project arborist being appointed for the site (with regular site inspections), all tree work being carried out by a qualified arborist, site specific tree protection recommendations and specifications including trunk and branch protection, protective fencing, TPZ signage, mulching, ground protection, use of temporary irrigation, restricted activities inside the TPZ, demolition requirements, excavation requirements, landscaping works within the TPZ of trees, sediment and erosion control, and the like.

Referral to Council's Biodiversity Department raised no objections to the proposed development and associated vegetation clearing subject to recommended conditions of consent relating to Asset Protection Zone requirements, TPZ and tree protection requirements, fauna protection, erosion and sediment control and general landscaping requirements.

Referral to Council's Tree Management Officer did not raise any significant concern for the

proposed development, subject to the recommendations, including Section 9.2, of the Arborist Report being implemented for the development.

The proposed landscaping plans, prepared by Conzept Landscape Architects and dated April 2022, included a tree survey linked with the arborist report and proposed plantings and plan overlays in showing vegetation being removed and the proposed replanting. Given the scale of the site, several landscape plans were provided in detailing sections of the development, as follows:

Landscape Plan 01 (covering the north-west corner of the site, frontage, proposed building MF and associated driveway and parking areas)

Proposed plantings in this area as follows:

Trees

- 17 x Watergum (native), pot size 75L and reach 5-8 metres in height at maturity.

Shrubs and Hedges

- 55 x compact heavenly bamboo (exotic), pot size 200mm and 1.2 metres in height at maturity; 50 x B.Gem Coastal Rosemary (native), pot size 200mm and 1.5 metres in height at maturity.

Landscape Plan 02 & 03 (covering the west front setback area, proposed drop-off bay, front forecourt area and south-western landscaped area)

Proposed plantings in this area as follows:

Trees

- 26 x Illawarra Flame Tree (native), pot size 75L and 16 metres in height at maturity.
- 2 x Blueberry Ash (native), pot size 75L and 8-10 metres in height at maturity.
- 2 x Fig (native), pot size 75L and 15 metres in height at maturity.
- 8 x Claret Ash (exotic), pot size 75L and 15 metres in height at maturity.
- 5 x NSW Christmas Bush (native), pot size 75L and 5-8 metres in height at maturity.

Shrubs and Hedges

- 63 x Dwarf Mock Orange (exotic), pot size 200mm and 1.5 metres in height at maturity.
- 70 x Indian Hawthorn (exotic), pot size 200mm and 1.5 metres in height at maturity.

Accent Plants

- 8 x Giant Bird of Paradise (exotic), pot size 300mm and 6 metres in height at maturity.
- 19 x Gynea Lily (native), pot size 300mm and 1.1 metres in height at maturity.
- 6 x New Zealand Flax (exotic), pot size 300mm and 0.9 metres in height at maturity.
- 60 x Kangaroo Paw cvs (native), pot size 150mm and 0.4 metres in height at maturity.

Green wall for Proposed Multi-deck car park

The elevation plans for the proposed multi-deck car park includes a greenwall for the elevation facing south. No detail has been provided in the amended plan set showing details (such sectional plans of planter bed and required irrigation systems) nor has any management measures for the upkeep of this green wall with regard to maintenance, pruning, watering, and the like. A condition of consent is recommended that further detail be provided and a green wall maintenance strategy being implemented for the development (including selection of suitable species), in ensuring the sustainability of this green wall.

Site Plan - Other Landscape Items

The landscape plans also show other features to be used as part of the overall landscaping in adding interest and visual appeal (and also incorporating the historic industrial nature of the former "Crane Enfield site") for the site and development. These are as follows:

- 5 x existing silos on site to reuse as feature around the drop-off bay and nearby forecourt area.

- 3 x mechanical sculptural item along the front driveway area in front of the former Crane Enfield building.
- 1 x gazebo by the drop-off area.
- 2 x water features within the front vehicular accessway.
- 1 x misting post and 1 x pergola in front of the former Crane Enfield building.
- Other landscape items such as: sandstone seating logs, recycled brick fencing, steel garden edging, stepping stones, deco-granite surface, sandstone ballast, rubber softfall, corten steel planters, retaining/raised planter walls.

The application, including the above aspects, were also reviewed with Council's Landscape Architect. Following this review, the following was observed:

- The proposed planting of 17 x 'Water Gum' Trees is out of character for the front setback area. This proposed planting regime should be replaced with a greater mix of predominantly native species with some exotic species incorporated. This is a general rule that shall be adopted throughout the front setback landscaping area.
- The use of Illawarra Flame Tree is acceptable, but should be incorporated into a mix of species, and not be the only species used (such as 6 in a row of the same species).
- Further succession planting should be delivered in the front setback area in preparation for when road widening works from TfNSW eventually occur. This succession planting shall have similar scale plantings and species, and provide the same canopy cover as the existing landscaping in the front setback does.
- More species of gum tree shall be incorporated into the front setback area.
- A similar number of trees shall be planted to replace those being removed, if not more planting at a 3-to-1 ratio.

As such, whilst the proposed retention and replanting scheme is generally supportable, some of the proposed tree planting requires augmenting. Also, some tree removal within the front setback is assessed as being unnecessary given that trees appear clear of proposed works. Furthermore, additional planting and choice of species is assessed as being able to be augmented to further enhance the long-term landscaping for this site. As such, in the interest of maintaining a well landscaped front setback for the site, a condition of consent is recommended with regard to additional tree retention and replanting (where appropriate) within the front setback area of the site. Additionally, standard conditions of consent relating to landscaping are recommended in ensuring a good landscape and vegetation retention and replanting outcome for the development and site.

As such, the proposal satisfies the requirements of these Chapters.

C3 Water Management

Objectives of this Chapter include:

- To apply a "merit approach" to all development and building decisions, which takes account of social, economic and ecological factors as well as flooding considerations.
- To ensure that an adequate and environmentally acceptable method of removing surface water and stormwater is implemented.
- To maximise reasonable on-site detention, to provide opportunities for rainwater re-use.

The original plans and documentation was referred to Council's Development Engineering Department, who did not support the application and raised concerns on the following matters:

Flooding

- The site is affected by both mainstream and local overland flow flooding, and an assessment of local overland flows is required as part of the flood report.
- Demonstration of freeboard/flood proofing in accordance with Clause 3.5 (C)(6) for the

highest flood level affecting the site for any new buildings proposed.

- Use flood model maps that include through to the intersection of Lambridge Place and Andrews Road so that any impacts to the 0.5% annual exceedance probability can be assessed.

Stormwater/On-Site Detention (OSD)

- Confirming legal connections to easements.
- Slopes of battering in accordance with flooding requirements.
- Further details on the OSD and its required compliance.
- Demonstration of proposed stormwater pipes and pits with required specifications and compliance.

Referral was also made to Council's Waterways Department, who did not support the application as the proposal did not demonstrate compliance with Council's Water Sensitive Urban Design (WSUD) Policy. As such, the following was requested:

- A MUSIC model and report that identifies catchment breakup, splitting of surface types, rainwater tanks and other assumptions.
- Demonstrating non-potable water reuse of 80%.
- An amended stormwater plan confirming the size and location of all rainwater tanks to be provided.
- A draft operation and maintenance manual that details maintenance requirements and provide an estimation on the annual and life-cycle costs associated with proposed treatment measures.

The applicant submitted amended plans and documentation to address the above flooding, storm water and WSUD matters. Re-referral to Council's Waterways Department and Development Engineering Department raised no objections subject to recommended conditions of consent.

Regarding flood safe evacuation, Council's Engineers noted the following:

- The application is supported by a Civil Engineering Report prepared by Costin Roe Consulting, which includes a flood impact assessment and covers flood safety and evacuation.
- The above includes a site specific flood evacuation plan, recommending details such as appointment of a flood warden, evacuation zones and routes and the nominated persons on-site to be responsible for flood safety.
- The above report denotes the evacuation status of the site in various design flood events, which shows evacuation cut in the 1% annual exceedance probability event. However, prior to these evacuations routes being cut, there are flood warnings which provide ample notice to persons on-site to prepare for evacuation at the minor warning and then subsequently commence evacuation procedures should a moderate warning be issued.
- Given the above evacuation plan, Council's Development Engineering Department generally concur with this plan, given the developed form of the site will be mixed industrial and that there are no habitable rooms on-site and no workers residing on-site overnight. The long duration of issued flood warnings prior to floodwaters cutting off evacuation routes provides any persons on-site with ample to to evacuate if required.

As such, the proposal satisfies the requirements of Chapter C3.

C4 Land Management

See discussion under the Resilience and Hazards section of this report for more information.

C10 Transport, Access and Parking

Regarding traffic, access and parking requirements for the development, it is noted that the subject site is accessed via Castlereagh Road (a classified state road). As such, concurrence and other requirements from TfNSW are required for the development, which is discussed further under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* section of this report.

Regarding traffic, access and parking requirements from consideration of Chapter C10 of Penrith DCP 2014, initial requirements were sought through referral to Council's Development Engineering and Traffic Engineering Departments. Noting that the original proposal included two separate driveway access in/out of the site and 3 x multi-deck car parking structures (2 at the front, 1 in the middle), initial comments from Development Engineering generally covered the following:

- Swept paths for driveways were required to demonstrate clearances.
- Parking areas requiring compliance with relevant Australian Standards.
- Further clarification was requested on internal movements throughout the site and potential points of conflict.

The applicant was requested to address the above, and through the Urban Design Review process, concerns were also raised for the 2 x multi-deck car parking structures at the front of the site as having poor urban design, visual impact and amenity outcome. Issue was also raised on the complicated vehicular access arrangement at the front of the site and poor way-finding principles in place. Additionally, the shared driveways and vehicular access throughout the site between normal sized passenger vehicles and large b-double trucks was assessed as having the potential for points of conflicts throughout the site between different users of the site (between those visitors accessing smaller industrial uses at the front of the site and staff accessing larger warehouse and other industrial uses at the rear of the site).

Several meetings were held with the applicant in discussing the above, where it was advised that the multi-deck car park structures at the front of the site be removed and relocated within a single multi-deck car park toward the centre of the site (within the former Crane Enfield building envelope). It was proposed that a single industrial building be placed at the front of the site with minimal parking in front of the building to maximise landscape retention. It was also agreed that way-finding signage be incorporated into the development and a barrier be implemented near the multi-deck car parking structure that directs visitors to the multi-deck car park (smaller industrial uses) or to the rear of the site (larger warehouse/industrial uses) in delineating between the different users attending the site and reducing any potential points of conflict.

The applicant submitted amended plans and documentation (including a Traffic Impact report) which reflected the above. However, detail on way-finding signage and vehicle barriers was not identified. Given the revised layout of the site, it is expected that this can be resolved through conditions of consent in this instance.

Regarding the parking rate specified by Table C10.2: Car Parking Rates for 'Industries, including ancillary office' is 1 space per 75 sqm of GFA or 1 space per 2 employees, whichever is the greater. The proposed GFA is greater and is approximately 52,908 sqm. This equates to a required 706 parking spaces. The proposed on site parking, including the multi-deck car park and spaces scattered across the site equates to 735 spaces, complying with the required parking rate.

Re-referral to Council's Development Engineering Department raised no objections to the proposal subject to recommended conditions of consent. Furthermore, concurrence was granted by TfNSW on 29 September 2022 subject to recommended conditions of consent

which are recommended for inclusion on this consent. The recommended conditions are also expected to resolve access and circulation to satisfy requirements of Council's Traffic Engineering Department.

As such, the proposal satisfies the requirements of Chapter C10.

C12 Noise and Vibration

An objective of this Chapter is to ensure that industrial development does not adversely impact on the amenity of neighbouring residential development and other sensitive land uses.

The application was supported by an Acoustic Assessment, prepared by Renzo Tonin & Associate, which predicted noise impacts from the overall site based on 7 x primary warehouses and car parks, provides recommendations and identifies that future detailed acoustic assessment will be required for the actual uses subject to future development applications and assessment.

The application was initially referred to Council's Environmental Management Department, who raised concern regarding the above matter and given the application originally proposed blanket land uses for each building across the site.

Revised plans and documents for the application since have clarified that the application has removed the land use of each of the proposed buildings which will be secured through future development applications (or otherwise). Given this, Environmental Management have no significant concerns regarding acoustical considerations subject to recommended conditions of consent.

Subject to conditioning, the application satisfies the requirements of Chapter C12.

D4 Industrial Development

Keys Precincts

The subject site is part of Precinct 5: North Penrith (east of Castlereagh Road).

Building Height

This section states that industrial development should achieve a scale and height that is in keeping with the existing and desired future character of the area. Objectives of this section also includes ensuring a scale of building which complements the existing environment in which the site is located, addressing visibility from key public spaces and the scale and context of the existing and desired streetscape.

The proposed development includes industrial buildings that are generally of a height and scale similar to that of nearby industrial developments. However, there are building heights that exceed the 12 metre height of building control by Penrith LEP 2010, including the proposed front industrial building (labelled MF), the existing smelter and chimney associated with the old Crane Enfield building and the proposed multi-deck car park located at the middle of the site.

See discussion under the Clause 4.3 section of this report for more information.

Building Setbacks and Landscape

- The proposal satisfies the minimum building setback of 20 metres for lots fronting Castlereagh Road, which is approximately 28 metres setback from the site frontage to the front building line of proposed building MF; and approximately 25 metres setback in consideration of the future deceleration lane as required by TfNSW.
- No parking is proposed within the front setback area, and appropriate tree retention and

replanting is proposal to retain a significant landscaped front setback, which helps reduce the bulk and scale of the proposed and existing buildings visible from the streetscape perspective.

- The front building (labelled MF) does not incorporate large expanses of wall, rather it is articulated through a curved built form utilising a mixed glass exterior and tiered between levels which breaks up the bulk and scale of the building.
- A mixture of planting types are included, particularly in the front setback area, to add variety and interest in the appearance of the site. Trees that incorporate generous shade are integrated into landscaped areas and along pedestrian paths and walkways in providing reasonable amenity.

Building Design

- The proposed buildings, and alterations to existing buildings, have been designed to present a high standard of urban form that incorporates an attractive design of all elevations and roof forms whilst respecting the older Crane Enfield industrial building appearance into the proposed redevelopment of the site. This appropriately reflects the important gateway entry role of this industrial precinct.
- Prominent elevations (mainly the west street frontage) present a significant architectural and design merit, notably the front industrial building (labelled MF). This frontage does not incorporate blank surfaces and is well articulated, incorporating a variety of external finishes in terms of colour and material.
- Accessibility features are incorporated into the development site, and are ensured through recommended conditions of consent (including incorporation of a wayfinding strategy for the site to direct different categories of site users and in ensuring safety measures are in place).
- Loading areas are appropriately located in minimising potential points of conflicts between different site users.

Storage of Materials and Chemicals

- The proposed layout of the site is conducive to limiting the external storage of good and materials. This aspect will form part of a condition of consent.
- Water tanks are not visually intrusive to the main street frontage or other public areas.
- Regarding the storage of chemicals on site, see discussion under the Resilience and Hazards SEPP section of this report for more information.

Accessing and Servicing the Site

See discussion under the C10 Transport, Access and Parking section of this report for more information.

Fencing

A condition of consent is recommended that any future fencing for the site complies with the requirements of this section, the requirements of TfNSW, in addition to other requirements.

Lighting

Adequate external lighting is required in addressing principles of Crime Prevention Through Environmental Design (CPTED). A condition of consent is recommending in ensuring compliance with CPTED principles.