

Tables of Compliance

Table 1 – State Environmental Planning Policy (Western Sydney Employment Area) 2009

Section	Requirement	Proposal	Compliance
Part 1 Preliminary			
3 Aims of Policy	(a) to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities,	<ul style="list-style-type: none"> The proposal will provide 93.5 hectares of developable area for employment uses and is expected to provide between 1,870 and 3,740 new jobs within the Western Sydney Employment Area (WSEA). 	Y
	(b) to provide for the co-ordinated planning and development of land in the Western Sydney Employment Area,	<ul style="list-style-type: none"> The proposed Concept Plan will ensure that the redevelopment of the Horsley Park Employment Precinct occurs in a co-ordinated manner. 	Y
	(c) to rezone land for employment or environmental conservation purposes,	<ul style="list-style-type: none"> The land is zoned for employment and environmental conservation purposes. The proposal is consistent with that zoning. 	Y
	(d) to improve certainty and regulatory efficiency by providing a consistent planning regime for future development and infrastructure provision in the Western Sydney Employment Area,	<ul style="list-style-type: none"> Noted. 	N/A
	(e) to ensure that development occurs in a logical, environmentally sensitive and cost-effective manner and only after a development control plan (including specific development controls) has been prepared for the land concerned,	<ul style="list-style-type: none"> The Concept Plan (Section 4 of the EAR) and Development Guidelines (Appendix L) constitute a DCP as provided for under Clause 18. This will ensure that development occurs in a logical, environmentally sensitive and cost effective manner. 	Y
	(f) to conserve and rehabilitate areas that have a high biodiversity or heritage or cultural value, in particular areas of remnant vegetation.	<ul style="list-style-type: none"> No development will occur within the E2 zones with the exception of flood mitigation works, stormwater outlets and services. The site does not have a high bio-diversity nor apparent heritage or cultural value. 	Y
6 Consent authority	For the purposes of this Policy, the consent authority for development of land to which this Policy applies is, subject to the Act, the council (referred to in this Policy as <i>the relevant council</i>) of the local government area in which the land is situated.	<ul style="list-style-type: none"> The project has been declared as a Major Project under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>, in accordance with <i>State Environmental Planning Policy (Major Development) 2005</i>. Accordingly the Minister is the consent authority. 	Y
8 Relationship to other	SEPPs that do not apply to this Policy The following environmental planning instruments (or provisions) do not apply to the land to which this Policy applies:	<ul style="list-style-type: none"> Noted 	N/A

Section	Requirement	Proposal	Compliance
environmental planning instruments	<u>State Environmental Planning Policy No 1—Development Standards</u> <u>State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development</u> (clause 6) <u>State Environmental Planning Policy No 60—Exempt and Complying Development</u>		
	This Policy to prevail over LEPs In the event of an inconsistency between this Policy and a local environmental plan or deemed environmental planning instrument that applies to the land to which this Policy applies, this Policy prevails to the extent of the inconsistency.	<ul style="list-style-type: none"> Noted 	N/A
Part 2 Permitted or prohibited development			
Zone IN1 General Industrial	1 Objectives of zone (a) To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space. (b) To encourage employment opportunities along motorway corridors, including the M7 and M4. (c) To minimise any adverse effect of industry on other land uses. (d) To facilitate road network links to the M7 and M4 Motorways. (e) To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment. (f) To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.	<ul style="list-style-type: none"> The proposed development is consistent with the objectives of the IN1 Zone in that it: <ul style="list-style-type: none"> will facilitate the development of employment generating uses on the site; will provide employment opportunities along the M4 and M7 corridors; incorporates mitigation measures that minimise adverse environmental impacts on surrounding land uses; includes key sections of the proposed Regional Road Network which facilitate links to the M4 and M7 motorways; includes development guidelines that will encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment; A small scale service centre is proposed in the centre of the precinct which will provide day to day services required by employees within the precinct. 	Y

Section	Requirement	Proposal	Compliance
	2 Permitted without consent Nil	<ul style="list-style-type: none"> Noted. 	N/A
	3 Permitted with consent Depots; Food and drink premises; Freight transport facilities; Industrial retail outlets; Industries (other than offensive or hazardous industries); Neighbourhood shops; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.	<ul style="list-style-type: none"> The Stage 1 PA seeks consent for a warehouse and distribution centre which is permissible with consent in the IN1 zone. 	Y
	4 Prohibited Any development not specified in item 2 or 3.	<ul style="list-style-type: none"> Noted. 	N/A
	1 Objectives of zone (a) To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. (b) To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	<ul style="list-style-type: none"> The proposed development is consistent with the objectives of the E2 zone in that: <ul style="list-style-type: none"> (a) mitigation measures are proposed to minimise any adverse environmental impacts to the E2 zoned land; (b) buildings and structures will be setback a minimum of 10m from the E2 zoned land; and (c) no development is proposed within the E2 zone, with the exception of flood mitigation works, stormwater outlets and services which are permissible within the zone. 	Y
Zone E2 Environmental Conservation	2 Permitted without consent Nil.	<ul style="list-style-type: none"> Noted. 	N/A
	3 Permitted with consent Artificial waterbodies; Environmental facilities; Environmental protection works; Flood mitigation works; Roads.	<ul style="list-style-type: none"> The only development that is proposed within the E2 zoned land is flood mitigation works, stormwater outlets and services which are permissible with development consent. 	Y
	4 Prohibited Any development not specified in item 2 or 3.	<ul style="list-style-type: none"> Noted. 	N/A
14 Subdivision-	Land to which this Policy applies may be subdivided, but only with	<ul style="list-style-type: none"> Subdivision is proposed as described in Section 5 of the EAR and 	Y

Section	Requirement	Proposal	Compliance
consent requirements	consent.	shown on the subdivision plan at Appendix N .	
	However, consent is not required for a subdivision for the purpose only of any one or more of the following: (a) widening a public road, (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings, (d) rectifying an encroachment on a lot, (e) creating a public reserve, (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.	<ul style="list-style-type: none"> N/A 	N/A
Part 4 Development Control Plans			
18 Requirement for development control plans	(1) Except in such cases as the Director-General may determine by notice in writing to the consent authority or as provided by clause 19, the consent authority must not grant consent to development on any land to which this Policy applies unless a development control plan has been prepared for that land.	<ul style="list-style-type: none"> The proposed Concept Plan and Design Guidelines are considered to fulfil the requirement for a Development Control Plan. 	Y
	(2) The requirements specified in Schedule 4 apply in relation to any such development control plan.	<ul style="list-style-type: none"> The Design Guidelines (Appendix L) fulfil the requirements outlined in Schedule 4. 	Y
	(3) For the purposes of section 74D (3) of the Act, a development control plan that is required by this clause may be prepared and submitted by 60% of the owners of the land to which the plan applies.	<ul style="list-style-type: none"> The land is owned by a sole entity who is the Proponent of the Development. 	Y
	(4) The Minister is authorised, for the purposes of section 74D (5) (b) of the Act, to act in the place of the relevant planning authority in accordance with that section.	<ul style="list-style-type: none"> Noted. 	N/A
	(5) Without limiting subclause (2), if a development control plan is required to be prepared for part of a precinct only, the development control plan must:	<ul style="list-style-type: none"> The Concept Plan and Guidelines take into account the redevelopment of the broader WSEA in that they: 	Y

Section	Requirement	Proposal	Compliance
	(a) demonstrate the manner in which it integrates with planning for the whole of the precinct, and (b) take into account any other development control plans applying to the precinct.	<ul style="list-style-type: none"> - provide suitable regional road connections; and - propose mitigation measures in terms of potential off-site impacts such as flooding and noise. 	
	(6) For the purposes of this clause, a development control plan is taken to have been prepared for so much of the land to which this Policy applies as is identified as the "Erskine Park Employment Area" under the <i>Penrith Development Control Plan 2006</i> (approved 21 August 2006 and as in force on 15 December 2006).	<ul style="list-style-type: none"> ▪ N/A 	N/A
Part 5 Principal Development Standards			
20 Ecologically Sustainable Development	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that the development contains measures designed to minimise: (a) the consumption of potable water, and (b) greenhouse gas emissions.	<ul style="list-style-type: none"> ▪ Sustainable development details are provided in Section 6.12 of the EAR and the design guidelines at Appendix L. ▪ Rainwater harvesting for non-potable uses is proposed to reduce potable water use. Water efficient fixtures will be incorporated into the development. ▪ A range of measures are proposed to reduce greenhouse gas emissions including, installation of energy efficient fixtures and fittings, providing facilities which encourage use of sustainable forms of transport, design measures which encourage use of natural light and ventilation etc. 	Y
21 Height of Buildings	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that: building heights will not adversely impact on the amenity of adjacent residential areas, and (b) site topography has been taken into consideration.	<ul style="list-style-type: none"> ▪ The proposed Stage 1 warehouse has a maximum height of 13.7m which is consistent with that of existing warehouses in the surrounding area. It is sufficiently remote from residential areas to not materially impact on residential amenity. ▪ A design guideline is proposed which requires future applications to demonstrate that the height of the proposed buildings will not adversely affect the amenity of neighbouring properties and that the topography of the site has been taken into consideration. 	Y

Section	Requirement	Proposal	Compliance
22 Rainwater harvesting	The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that adequate arrangements will be made to connect the roof areas of buildings to such rainwater harvesting scheme (if any) as may be approved by the Director-General.	<ul style="list-style-type: none"> ▪ The Stage 1 warehouse will have a rainwater tank with a storage capacity of 25kL. ▪ A design guideline is proposed which requires future applications to provide rainwater storage tanks. 	Y
23 Development adjoining residential land	(1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.	<ul style="list-style-type: none"> ▪ The closest residential property adjoins the south-eastern corner of the site. This land is zoned 1(a) Non-Urban Residential under Fairfield Local Environmental Plan 1994. A portion of the site is therefore affected by this clause. 	Y
	<p>(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:</p> <ul style="list-style-type: none"> (a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and (b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and (c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and (d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and (e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and (f) the development will provide adequate off-street parking, relative to the demand for parking likely to be generated, and (g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment. 	<ul style="list-style-type: none"> ▪ The Concept Plan Statement of Commitments and Design Guidelines provide mitigation measures for future applications to minimise any environmental impacts of the proposed development. ▪ Such measures include: <ul style="list-style-type: none"> - lowering the ground level of building pads in the affected area to reduce the apparent height of the future buildings, - setback the buildings from the affected property boundaries by a minimum of 20 metres, or 30 metres in the case of the eastern boundary to properties on Greenway Place, - locating noise generating activities appropriately and using shielding or other mitigation measures where necessary, and - landscape planting and fencing of boundaries. ▪ The Stage 1 Development proposes a warehouse building which is more than 250m from land zoned primarily for residential purposes, therefore this provision is not applicable to the Stage 1 project application. 	Y

Section	Requirement	Proposal	Compliance
24 Development involving subdivision	<p>The consent authority must not grant consent to the carrying out of development involving the subdivision of land unless it has considered the following:</p> <ul style="list-style-type: none"> (a) the implications of the fragmentation of large lots of land, (b) whether the subdivision will affect the supply of land for employment purposes, (c) whether the subdivision will preclude other lots of land to which this Policy applies from having reasonable access to roads and services. 	<ul style="list-style-type: none"> ▪ The proposed subdivision will facilitate the use of the site for employment purposes thereby increasing the amount of land available for such purposes. The size of the proposed warehouse lots are large and of a size suitable for the scale of industrial development proposed. ▪ The Concept Plan accounts for new regional and local connections and will enable access to roads and services. 	Y
25 Public utility Infrastructure	(1) The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	<ul style="list-style-type: none"> ▪ The services plans at Appendix K demonstrate that the precinct and Stage 1 development can be suitably serviced. 	Y
	(2) In this clause, public utility infrastructure includes infrastructure for any of the following: <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the supply of natural gas, (d) the disposal and management of sewage. 	<ul style="list-style-type: none"> ▪ Noted. 	Y
	(3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.	<ul style="list-style-type: none"> ▪ Noted. 	N/A
26 Development on or in the vicinity of proposed transport infrastructure routes	(1) This clause applies to any land to which this Policy applies that is situated on or in the vicinity of a proposed transport infrastructure route as shown on the <u>Transport and Arterial Road Infrastructure Plan Map</u> .	<ul style="list-style-type: none"> ▪ The site is affected by this clause. 	N/A
	(2) The consent authority must refer to the Director-General of the Department of Planning any application for consent to carry out	<ul style="list-style-type: none"> ▪ Noted. The Minister for Planning is the consent authority, and the Department of Planning will assess the applications. 	N/A

Section	Requirement	Proposal	Compliance
	development on land to which this clause applies.		
	(3) The consent authority must, before determining any such development application, consider any comments made by the Director-General as to the compatibility of the development to which the application relates with the proposed transport infrastructure route concerned.	<ul style="list-style-type: none"> The proposed Concept Plan layout is consistent with the Regional Road Network identified on the WSEA SEPP Map. 	Y
27 Exceptions to development standards	(1) The objectives of this clause are: <ul style="list-style-type: none"> (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. 	<ul style="list-style-type: none"> Noted. The application does not seek a variation to any development standard. 	N/A
	(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	<ul style="list-style-type: none"> The application does not seek a variation to any development standard 	N/A
	(3) 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: <ul style="list-style-type: none"> (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. 	<ul style="list-style-type: none"> N/A 	N/A

Section	Requirement	Proposal	Compliance
	<p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director-General has been obtained.</p>	<ul style="list-style-type: none"> N/A 	N/A
	<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<ul style="list-style-type: none"> N/A 	N/A
	<p>(6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</p>	<ul style="list-style-type: none"> N/A 	N/A
	<p>(7) This clause does not allow consent to be granted for development that would contravene:</p> <p>(a) a development standard for complying development, or</p> <p>(b) clause 29 or 30.</p>	<ul style="list-style-type: none"> N/A 	N/A

Part 6 Miscellaneous Provisions

29 Industrial	(1) This clause applies to the land shown edged heavy black on the	<ul style="list-style-type: none"> The land is located within the Industrial Release Area. The land is not 	N/A
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Section	Requirement	Proposal	Compliance
Release Area-satisfactory arrangements for the provision of regional transport infrastructure	<u>Industrial Release Area Map</u> , but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).	part of a special contributions area.	
	(2) The object of this clause is to require assistance to authorities of the State towards the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) to satisfy needs that arise from development on land to which this clause applies.	<ul style="list-style-type: none"> The Concept Plan is consistent with the regional road network (in the SEPP map). 	Y
	(8) Despite any other provision of this Policy, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services (including the Erskine Park Link Road Network) in relation to the land to which this Policy applies.	<ul style="list-style-type: none"> The Concept Plan has provided sufficient allowance for the lot and building setbacks to the proposed regional roads and infrastructure. 	Y
	(9) Subclause (3) only applies if the land that is the subject of the application for development consent was not being used for industrial purposes immediately before the application was made.	<ul style="list-style-type: none"> Noted, the site has not previously been used for industrial uses and as such the clause applies. 	Y
	(10) Subclause (3) does not apply in relation to: <ul style="list-style-type: none"> a. any land that is reserved exclusively for a public purpose, or b. any development that is, in the opinion of the consent authority, of a minor nature. 	<ul style="list-style-type: none"> Noted. 	N/A
30 Controls relating to miscellaneous permissible uses	Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Policy, the retail floor area must not exceed: <ul style="list-style-type: none"> (a) 20% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or (b) 400 square metres, whichever is the lesser.	<ul style="list-style-type: none"> No industrial retail outlet is currently proposed within the precinct. If in the future industrial retail outlets are proposed to be associated with a warehouse and distribution centre the application for that development will demonstrate compliance with this control. 	N/A

Section	Requirement	Proposal	Compliance
	Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Policy, the retail floor area must not exceed 200 square metres.	<ul style="list-style-type: none"> The Concept Plan contemplates a service centre in the middle of the precinct. A future application will detail the size of any neighbourhood shop proposed as part of that centre. 	Y
31 Design Principles	In determining a development application that relates to land to which this Policy applies, the consent authority must take into consideration whether or not:	<ul style="list-style-type: none"> The proposed warehouse is considered to demonstrate a high quality architectural and environmental design. The design guidelines will ensure future developments exhibit the same level of design quality. 	Y
	(b) the development is of a high quality design, and		
	(a) a variety of materials and external finishes for the external facades are incorporated, and	<ul style="list-style-type: none"> The photomontages at Appendix O demonstrate that a variety of finishes are proposed for the stage 1 warehouse. The design guidelines will require a variety of materials and finishes for external facades. 	Y
	(c) high quality landscaping is provided, and	<ul style="list-style-type: none"> Clouston Associates has prepared a landscaping scheme for the Stage 1 warehouse and landscaping principles for future applications which will ensure that all landscaping within the precinct is of a high quality. 	Y
	(b) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	<ul style="list-style-type: none"> The proposed warehouse is of a similar scale and design of other developments recently developed or approved within the WSEA. 	Y
32 Preservation of trees or vegetation	(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation	<ul style="list-style-type: none"> A Flora and Fauna Impact assessment has been prepared by Whelans Insites which demonstrates that the proposed development will not have any adverse impacts on the biodiversity values of the site. Rather, the biodiversity values are expected to improve with the natural expansion of the E2 Zone and the provision of onsite water detention basins which will provide improved habitat opportunities. 	Y
	(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made under Division 6 of Part 3 of the Act.	<ul style="list-style-type: none"> Noted. 	N/A

Section	Requirement	Proposal	Compliance
	<p>(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:</p> <p>(a) development consent, or</p> <p>(b) a permit granted by the Director-General as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act.</p>	<ul style="list-style-type: none"> Noted. The site is generally clear of vegetation. Some hollow bearing trees will require removal on the southern part of the site as discussed by Whelans Insites in their report at Appendix E. No trees are affected by the Stage 1 Project Application. 	Y
	<p>(4) This clause does not apply to a tree or other vegetation that the relevant council or the Director-General (as the relevant planning authority for the purposes of Division 6 of Part 3 of the Act) is satisfied:</p> <p>(a) is dying or dead and is not required as the habitat of native fauna, or</p> <p>(b) is a risk to human life or property.</p>	<ul style="list-style-type: none"> Noted. There are no significant or protected trees located on the site that are subject to a DCP. 	N/A
	<p>(5) This clause does not apply to or in respect of:</p> <p>(a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or</p> <p>(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or</p> <p>(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forestry Act 1916</i>, or</p> <p>(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i>, the <i>Roads Act 1993</i> or the <i>Surveying Act 2002</i>, or</p> <p>(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i>.</p>	<ul style="list-style-type: none"> Noted. The site is generally clear of vegetation. A small number of trees will require removal from the southern part of the site, however this is not considered to cause a significant adverse impact as discussed by Whelans Insites in their report at Appendix E. No trees are affected by the Stage 1 Project Application. 	N/A

Table 2 – Penrith Development Control Plan 2006 – 4.1 Industrial Land

Section	Requirement	Proposal	Compliance
PART 1 – Introduction			
Aims and Objectives of This Section	<p>(1) This Section aims to:</p> <ul style="list-style-type: none"> consolidate and rationalise detailed development controls for established industrial land into a single plan; and promote the aims and objectives specified in the Local Environmental Plan 1996 (Industrial Land), and the objectives of the Environmental Planning and Assessment Act, 1979 (EPAA). 	<ul style="list-style-type: none"> Noted. 	N/A
	<p>The objectives of this Section are to:</p> <ul style="list-style-type: none"> (c) provide clearer guidance and certainty to industry, employers and investors regarding Council's requirements; (d) assist in the promotion and development of Penrith's established industrial land; (e) promote industrial development which can operate in a functional and safe manner; (f) ensure the orderly provision of services and infrastructure to meet the needs of development; (g) ensure that development of land to which this section applies will not significantly affect the function, efficiency and safety of the road network particularly Castlereagh Road, the Great Western Highway, Mulgoa Road and Parker Street; (h) promote development of a visually attractive form, design and scale, where urban elements and built forms are integrated with the existing environment; and (i) promote development that is consistent with Council's vision for the region, namely one where a harmony of urban and rural qualities exists, and with a strong commitment to environmental protection and enhancement. 	<ul style="list-style-type: none"> The proposal is consistent with the objectives of the DCP in that it: <ul style="list-style-type: none"> promotes the orderly development of the land; ensures that all lots can be suitably serviced; will maintain the orderly operation of the surrounding road network; will provide a visually attractive precinct; and is consistent with the vision for the Western Sydney Employment Area. 	Y
PART 2 – PRELIMINARY SITE INVESTIGATIONS			
2 Remnant Native Vegetation	<p>Conserve and protect significant stands of trees or other vegetation within the industrial areas of Penrith that are of environmental heritage significance.</p> <p>(1) You should determine whether your site contains trees or vegetation that may be listed in the local inventories:</p> <ul style="list-style-type: none"> (a) Penrith Development Control Plan - Register of Significant Trees and Vegetation, (b) Penrith City Remnant Vegetation Survey, 	<ul style="list-style-type: none"> Whelans Insites has undertaken an assessment of the vegetation on the site, refer to Appendix E. Vegetation within the E2 zone will be retained under the proposed development. 	Y

Section	Requirement	Proposal	Compliance
	<p>(c) NPWS (2000) The Native Vegetation of the Cumberland Plain, Western Sydney - Technical Report (and maps).</p> <p>Table 2 provides a summary of such vegetation that is in the industrial areas of Penrith (see next page). In some cases, vegetation not listed in Table 2 may also have significance.</p>		
	<p>(2) If your site is listed in the local inventories or contains significant vegetation, an assessment is needed to determine:</p> <p>(a) whether the provisions of the Threatened Species Conservation Act applies to your site,</p> <p>(b) whether the vegetation is in a healthy condition and likely to survive over the long term, and</p> <p>(c) the value of the vegetation and the need to incorporate this into the planning and design of the development. You should obtain detailed advice from a qualified Arborist or landscape architect (recommended in Council's Register of Approved Arborists and Landscape Consultants) regarding appropriate planning and design of the development.</p>	<ul style="list-style-type: none"> Refer to bio-diversity assessment at Appendix E. The proposal is expected to increase the quality and quantity of habitat and vegetation on the site. 	Y
	<p>(3) Council may, in exceptional circumstances, impose a condition on the development consent for a bank guarantee to be lodged with Council to ensure that the remnant vegetation is adequately protected during the construction of the development. The value of the bank guarantee will be based on the Thyer system of valuation (for trees).</p>	<ul style="list-style-type: none"> Noted, but not necessary in this instance. 	Y
3 Tree Preservation Orders	<p>(1) The ringbarking, cutting down, digging up, topping, lopping, removing, injuring by mechanical or chemical means or any action which could cause the death of any tree or trees is prohibited without the Council's consent.</p>	<ul style="list-style-type: none"> The site is generally clear of trees due to its historic use for grazing purposes. Trees on the site are generally located within the E2 zone and will be preserved and protected. Where trees are within the proposed development lots these will be preserved where possible. However consent will be sought at the PA stage for removal of trees which are in the IN1 zone and are affected by site levelling or building works. Each project application will involve the planting of new trees with each development lot and as such will increase the vegetation available on the site. It is therefore considered that the loss of a few scattered trees will be more than outweighed by the revegetation within the lots. 	Y

Section	Requirement	Proposal	Compliance
	<p>(2) Council's consent is not required for the following with respect to a tree:</p> <ul style="list-style-type: none"> (a) pruning for the purpose of its regeneration or shaping, or (b) necessary action to prevent imminent personal injury or imminent damage to property, or (c) to take appropriate action where the tree has otherwise become dangerous, but only if 7 days' notice of the action proposed has been given to the Council, or (d) for the removal of noxious plants, being plants listed as noxious and environmental weeds in Part 2 Section 2.6 of the Penrith DCP 2006. 	<ul style="list-style-type: none"> ▪ Noted. 	N/A
4 European Heritage	<p>(1) New development shall be of a scale and form that does not detract from the historical significance, appearance and setting of the heritage item. In this way, the following elements require specific consideration:</p> <ul style="list-style-type: none"> (a) The height of new development near heritage items shall be less than the subject item. Increases in height shall be proportional to increased distance from the items and will be considered on merit. 	<ul style="list-style-type: none"> ▪ N/A, there are no heritage items on the site. 	Y
	<ul style="list-style-type: none"> (b) Views and vistas to the heritage item from roads and other prominent areas are key elements in the landscape and shall be retained. 	<ul style="list-style-type: none"> ▪ N/A 	N/A
	<ul style="list-style-type: none"> (c) If the development site can be viewed from a heritage item(s), any new development will need to be designed and sited such that it is not obtrusive when it is viewed from the said heritage item(s). 	<ul style="list-style-type: none"> ▪ N/A 	N/A
	<ul style="list-style-type: none"> (d) Curtilages shall be retained around all listed items sufficient to ensure that views to them and their relationship with adjacent settings are maintained. 	<ul style="list-style-type: none"> ▪ N/A 	N/A
	<p>(2) Vegetation around a heritage item shall be assessed for its value to the item and retained where required.</p>	<ul style="list-style-type: none"> ▪ N/A 	N/A
5 Aboriginal Archaeological Surveys	<p>(1) If the development including subdivision, but not strata subdivision, is on land identified as potentially archaeologically sensitive, an Archaeological survey is required with the development application. The National Parks and Wildlife Service should be contacted for advice on survey needs and requirements.</p>	<ul style="list-style-type: none"> ▪ An Aboriginal Heritage assessment has been prepared by Godden Mackay Logan (GML) (See Appendix F). Mitigation measures have been proposed which will ensure that the Aboriginal significance of the site is considered with each project application. ▪ GML has recommended that the Stage 1 bulk earthworks be overseen by a member of the local Aboriginal community. 	Y

Section	Requirement	Proposal	Compliance
	(2) Despite clause 1, an archaeological assessment is required if the site area is 5 hectares and more. The archaeological assessment should determine whether or not Aboriginal archaeological resources are present on site, and where appropriate, identify management principles to be implemented.	<ul style="list-style-type: none"> Noted, see comment above. 	Y
	(3) The requirements stated in clauses 1 and 2 above will not apply to developments where there is no: <ul style="list-style-type: none"> (a) disturbance of the soil, or (b) construction works on the land. For the purposes of this section, any internal or external works to an existing building or unit(s) is not deemed to be construction work. 	<ul style="list-style-type: none"> Disturbance of soil and construction is proposed and a survey has been prepared. 	Y
6 Hazard an Risk - Flooding	(1) Where the property is likely to be affected by flooding, the development application should include a report from qualified consultants demonstrating: <ul style="list-style-type: none"> (a) compliance with statutory requirements and best-practice guidelines, and (b) that the proposal will not be exposed to unreasonable property damage or adversely impact upon the environmental quality of the surrounding area. 	<ul style="list-style-type: none"> Brown Consulting Engineers (Browns) has prepared a flood assessment (Appendix R) for the proposed development. The report demonstrates that the proposed development will not affect upstream or downstream flooding, that pre-development flows will be maintained and that the development will meet the adopted water quality targets. 	Y
7 Hazard and Risk	(1) Contaminated land means 'land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment'.	<ul style="list-style-type: none"> Noted. Consulting Earth Scientists has undertaken a Phase 1 assessment. The site is not likely to contain hazardous substances and as such remediation of the site is not required to make it suitable for the proposed use. 	Y
	(2) Contaminated land is to be remediated before development can occur on that land. Remediation involves the treatment and/ or mitigation of the contaminants.	<ul style="list-style-type: none"> N/A. Consulting Earth Scientists undertook soil sampling and testing of the PA site and established that no remediation was required. 	N/A
	(3) Development consent is required for the remediation of contaminated land under <i>State Environmental Planning Policy 55-Remediation of Land</i> (SEP55). The application requirements for this type of development are documented in SEPP55 as well as Council's <i>Contaminated Land Development Control Plan</i> .	<ul style="list-style-type: none"> Noted. 	N/A
8 Infrastructure - Drainage	(1) If the site is affected by drainage constraints, a report on the current stormwater discharge and likely future discharge is to be submitted with the development application. This report is be prepared by a qualified engineer and should also demonstrate that the development	<ul style="list-style-type: none"> The proposed trunk drainage strategy, prepared by Browns, is provided within the stormwater management plan at Appendix R. The strategy will cater for 1 in 100 year events and will be designed to meet council's requirements in terms of stormwater 	Y

Section	Requirement	Proposal	Compliance
	does not overload trunk drains during peak storm events or cause localised flooding.	discharge.	
	(2) Drainage systems must have an adequate capacity to cater for the expected pollutant loading of the development. Details of compliance with the water quality requirements referred to in Section E3 must be submitted to Council as part of this development application.	<ul style="list-style-type: none"> The proposed development includes bio-retention basins which will treat stormwater so as to meet the water quality targets set for the precinct. Meeting these targets is considered to be best practice. Refer to the stormwater report for an assessment of the proposed scheme against council's water quality requirements (Appendix R). 	Y
9 Infrastructure - Roads	(1) Some sites in the City may have difficulty in securing access to public roads without affecting existing levels of safety or the efficient flow of traffic because of the property's: <ul style="list-style-type: none"> (a) frontage to defined arterial roads, or (b) proximity to certain intersections. 	<ul style="list-style-type: none"> The proposal includes the upgrade of Burley Road (between Old Wallgrove Road and the site) and also the construction of part of the regional road network and local roads. All access will be safely from the proposed local road in accordance with the RTA guidelines. 	Y
	(2) In determining whether or not access into the site is restricted, the applicant is required to consider the efficiency of the access and the scale of the development proposed.	<ul style="list-style-type: none"> The traffic impact assessment (at Appendix I) considers that the proposed access roads are sufficient to cater for the proposed development. 	Y
10 Infrastructure – Storage and Removal of Waste	(1) A waste prevention and minimisation plan is to be submitted to Council with the development application.	<ul style="list-style-type: none"> A commitment has been made for both the Concept Plan and Stage 1 applications which require occupants of the buildings to prepare site specific waste management plans prior to occupation. It is considered the preparation of site specific plans will be more effective in managing waste as opposed to broad generic plans which may not account for all aspects of businesses operating within the precinct. 	Y
	(2) In the planning and design of the proposal, adequate area(s) for the storage of on-site waste containers and disposal of trade waste and refuse is to be included. Facilities for the storage of materials that can be recycled should be provided where applicable.	<ul style="list-style-type: none"> Noted. Appropriate waste storage areas can be accommodated within the proposed design of the Stage 1 warehouse. 	Y
	(3) Incinerators are not a permitted means of waste disposal.	<ul style="list-style-type: none"> Noted. No incinerators are proposed. 	Y
11 Infrastructure – Water and Sewer	(1) It is the applicant's responsibility to ensure that: <ul style="list-style-type: none"> (a) water and sewer services are available to the site, and (b) the level of services is adequate for the development, by consulting Sydney Water. 	<ul style="list-style-type: none"> Infrastructure plans are included at Appendix K. The proponent will consult with Sydney Water during the assessment process. 	Y

PART C - SUBDIVISION

Section	Requirement	Proposal	Compliance
1 Subdivision – Lot Standards	(1) A person is not to subdivide land without the consent of the Council. The following provisions do not apply to proposals for strata subdivision of a building/ development.	<ul style="list-style-type: none"> Noted. Consent is sought for subdivision as shown on the draft subdivision plan at Appendix N. 	Y
	(2) In Section C1, the area of a lot does not include the area of any access corridor or right-of-carriageway. The minimum lot size and lot width of each of the resultant lots are to be in accordance with the controls set out in Table 4 Table 4 All other lots (not specified above) Min. Lot Size: 2000m ² Min. Lot Width: 20 metres	<ul style="list-style-type: none"> Noted. The proposed Stage 1 lot exceeds the minimum lot size specified in Table 4. 	N/A
	(3) Subdivision of land fronting Castlereagh Road, the Great Western Highway, Mulgoa Road and Parker Street shall not result in the creation of battle-axe or hatchet-shaped allotments.	<ul style="list-style-type: none"> N/A. 	N/A
	(4) Council may agree to a subdivision which creates battle-axe or hatchet shaped allotments in the following circumstances: (a) where the access handle has a minimum width of 15m and the proposed allotment(s) of land does not directly access Castlereagh Road, the Great Western Highway, Mulgoa Road and Parker Street, or (b) in Precincts 1 and 2 (Dunheved/St Marys) where it can be demonstrated that satisfactory access and manoeuvring areas for vehicles can be provided.	<ul style="list-style-type: none"> N/A no battleaxe lots are proposed. 	N/A
	(5) Subdivisions creating more than 5 lots shall provide: (a) a variety of lot sizes, and (b) at least 20% of the lots have dimensions greater than the specified minimum for that precinct.	<ul style="list-style-type: none"> The indicative Concept Plan layout allows for a range of lot sizes and shapes. 	Y
	(6) Where industrial development involves two or more existing allotments, consolidation of those lots must occur as a requirement of the development consent. Evidence of such consolidation must be submitted to Council prior to occupation of the approved use.	<ul style="list-style-type: none"> N/A the site is in a single allotment. 	N/A
	(7) Land within Precinct 4 - Lambridge Estate must be consolidated prior to development. Consolidation shall occur in accordance with Figure 4 of this section.	<ul style="list-style-type: none"> N/A 	N/A
2 Subdivision – Access Roads	(1) All roads and intersections within any internal road network shall incorporate traffic facilities that promote safe and efficient traffic movement, speed control and maximise landscape opportunities.	<ul style="list-style-type: none"> The proposed design includes roundabouts at intersections which will control movement and the speed of traffic. 	Y

Section	Requirement	Proposal	Compliance
	(2) The design of roads and traffic facilities shall comply with Section 2.3 Engineering Works Penrith Development Control Plan 2006 and its accompanying Guidelines, and Roads and Traffic Authority requirements.	<ul style="list-style-type: none"> The proposed regional road design is consistent with that approved in the Erskine Park Link Road Concept Plan. Local road design is consistent with Section 2.3 of Penrith DCP 2006. 	Y
	(3) New industrial subdivisions should incorporate road designs that: <ul style="list-style-type: none"> (a) provide a distinctive and hierarchical network of roads, with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds and safety; (b) utilise interesting, varied street patterns and avoid long 'gunbarrel' effects; and (c) incorporate cycle links adjacent to cycle and pedestrian networks. 	<ul style="list-style-type: none"> Noted, a hierarchy of regional and local roads is proposed. Cycle and pedestrian paths are proposed on all roads. 	Y
	(4) Newly created lots, resulting from the subdivision (but not strata subdivision) of land that has frontage to Castlereagh Road shall not have direct access onto Castlereagh Road. Access into these new lots shall be incorporated into the design of the subdivision by providing a new road off Castlereagh Road.	<ul style="list-style-type: none"> N/A 	N/A
3 Subdivision – Other Requirements	(1) Newly created lots are to drain directly to a piped drainage system, and not to the kerb and gutter.	<ul style="list-style-type: none"> Noted, all sites will drain into the proposed trunk drainage system. 	Y
	(2) If the land has an area of 5 hectares or greater, then the subdivision proposal is to incorporate the specific water quality treatment measures detailed in Section E3 "Water Quality". Information on the water quality treatment for the subdivision is to be submitted with application for subdivision.	<ul style="list-style-type: none"> Water quality treatment measures are detailed in the stormwater management plan at Appendix R. 	Y
	(3) The likelihood of Aboriginal archaeological sites being present on the land must also be considered with the creation of new industrial lots. Section B5 'Aboriginal Archaeological Surveys' details the necessary documentation to be submitted with the application for subdivision.	<ul style="list-style-type: none"> An Aboriginal archaeological assessment has been undertaken by GML. See Appendix F. 	Y
PART D – DESIGN PRINCIPLES			
1 Areas of Scenic of Visual Importance	(1) The following areas are classified as having high scenic or visual quality: <ul style="list-style-type: none"> i. land which can be viewed from the Nepean River; ii. land located within the vicinity of items of environmental heritage or iii. significant trees and/or vegetation; iv. land which can be viewed from the Blue Mountains Escarpment; 	<ul style="list-style-type: none"> The site can be viewed from residential properties to the south east and south. As such a visual impact assessment has been prepared for the development (Appendix T). 	Y

Section	Requirement	Proposal	Compliance
	<ul style="list-style-type: none"> v. land which can be viewed from the western railway line; vi. land which can be viewed from or is adjacent to residential development (whether or not such residential development is on land that is subject to this section); and vii. land which can be viewed along important gateway entries to the City, including Mulgoa Road, Castlereagh Road, Old Bathurst Road and the M4 Motorway. 		
	(2) Development within these areas will require special attention regarding the scale, form and external finishes of buildings, to reduce their visual impact. As such, setback and landscaping requirements should be above the minimum requirements specified in this chapter of this Section of the Penrith DCP 2006. Height limitations for proposals in these areas are specified in D4.	<ul style="list-style-type: none"> ▪ Development in the south-eastern corner of the site will be subject to specific guidelines relating to building heights, setback and landscape design so as to mitigate any potential impacts on neighbouring residential properties. See Design Guidelines at Appendix L. 	Y
2 Site Layout Including Storage of Materials/ Chemicals	(1) The development should be designed for function and safety by incorporating the Crime Prevention Through Environmental Design (CPTED) principles	<ul style="list-style-type: none"> ▪ Noted. CPTED principles will be incorporated in to each development. ▪ The Stage 1 warehouse complies with the CPTED principles in that: <ul style="list-style-type: none"> - the development provides appropriate sightlines; - access will be controlled; - public and private areas are clearly designated; and - the site will be appropriately maintained by the tenant. 	Y
	<p><i>i. Surveillance</i></p> <p>Providing opportunities for effective surveillance, both natural and technical, can reduce the attractiveness of crime targets. Good surveillance means that people can see what others are doing thereby deterring 'would-be offenders' from committing crime in areas with high levels of surveillance. From a design perspective, 'deterrence' can be achieved by:</p> <ul style="list-style-type: none"> • clear sightlines between public and private places, • effective lighting of public places, • landscaping that makes places attractive, but does not provide offenders with a place to hide or entrap victims. 	<ul style="list-style-type: none"> ▪ Staff areas and car parking has been designed such that they are open and allow for natural surveillance. CCTV and lighting will also be installed by tenants so as to achieve greater surveillance of all areas of each warehouse development. 	Y

Section	Requirement	Proposal	Compliance
	<p><i>ii. Access control</i> Physical and symbolic barriers can be used to attract, channel or restrict the movement of people and in turn, minimise opportunities for crime and increase the effort required to commit crime. Effective access control can be achieved by:</p> <ul style="list-style-type: none"> • creating landscapes and physical locations that channel and group pedestrians into target areas, • provide public spaces that attract rather than discourage people from gathering, • restricting access to internal areas or high-risk areas such as loading or service areas and is often achieved through the use of physical barriers. 	<ul style="list-style-type: none"> ▪ Each development lot will be bound by fencing to clearly delineate private and public land and also to restrict access to the individual allotments. 	
	<p><i>iii. Territorial reinforcement</i> This principle relies on the users of spaces or areas. If people feel that they have some ownership of public space, they are more likely to gather and enjoy that space. The ownership of space increases the likelihood that people who witness crime in or adjacent to that space will respond by quickly reporting it or by attempting to prevent it. Territorial reinforcement can be achieved in the design of the development by having distinct transitions/ boundaries between the public and private areas.</p>	<ul style="list-style-type: none"> ▪ Noted, private and public areas will be clearly delineated by fencing and landscaping treatments. 	Y
	<p><i>iv. Space management</i> Public space that is attractive and well maintained is inviting to users and becomes a well used space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for. Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</p>	<ul style="list-style-type: none"> ▪ No public open space is proposed. 	N/A
	<p>(2) The external storage of goods is not encouraged. For particular activities that require areas of external storage as part of their operations, proposals will be considered on merit.</p>	<ul style="list-style-type: none"> ▪ Noted. No external storage of materials is proposed as part of the Stage 1 PA. 	N/A
	<p>(3) If the development involves the storage of chemicals on the site, the following information is to be submitted with the development application:</p> <p>(a) Detailed description of the use and all methods/procedures associated with the use.</p>	<ul style="list-style-type: none"> ▪ A commitment has been made at Section 7 of the EAR which requires the preparation of a hazardous materials assessment prior to the occupation of the warehouse if storage of hazardous materials is required. 	Y

Section	Requirement	Proposal	Compliance
	<p>(b) A floor plan of the subject premises depicting the dimensions of the building and indicating the internal layout of all equipment, storage and display areas.</p> <p>(c) A comprehensive list is required of all chemicals/goods and quantities proposed to be utilised and stored.</p> <p>(d) An analysis of the development in accordance with <i>State Environmental Planning Policy No.33-Offensive and Hazardous Industries</i>.</p> <p>(e) A description of the method of storage of chemicals/goods on the premises and the type of containment or packaging used.</p> <p>(f) A description of the method of transportation of chemicals/goods to the premises including the size and nature of vehicles, proposed routes and frequency of delivery.</p> <p>(g) Details of the number of vehicles likely to be involved and the location of vehicle storage/standing areas.</p> <p>(h) Details of on-site water quality control.</p> <p>(i) Details of waste treatment and transportation.</p>		
3 Urban Design Including Use of External Materials	<p>(1) Developments on land identified in D1 'Areas of scenic or visual importance' of this section shall be designed to:</p> <p>(a) present a high standard of urban form incorporating innovative and attractive architectural design of all elevations and roof form, and</p> <p>(b) appropriately reflect the important gateway entry roles and visually important access routes to the City.</p>	<ul style="list-style-type: none"> Noted. The site can be viewed from an adjacent residential property and as such is subject to this clause. Specific design controls are proposed for development that will be located in the south eastern corner of the site. See the design guidelines at Appendix L. 	Y
	<p>(2) Prominent elevations, such as those with a frontage to the street or public reserves, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted. Instead, large elevations should be articulated by structural variations and/or a blend of external finishes. Additionally, the landscape design should consider the scale of the building and where appropriate, the location of and careful selection of plants may aid in reducing the bulk and scale of the building form.</p>	<ul style="list-style-type: none"> Design Guidelines are provided as part of the Concept Plan and the Stage 1 building satisfies those guidelines. Details of the architectural features of the buildings in the south-eastern corner will be provided at the relevant project application stage. 	Y
	<p>(3) Particular care should also be taken in:</p> <p>(a) designing roof elements, and</p> <p>(b) locating plant and mechanical equipment including exhausts, so as to screen them from a public place.</p>	<ul style="list-style-type: none"> Roofing details are provided for the Stage 1 PA, and will be provided with each subsequent application for the consideration at the relevant PA stage. An acoustic assessment has been provided for the Stage 1 PA and 	Y

Section	Requirement	Proposal	Compliance
		will be provided with each subsequent project application. The future acoustic assessments will detail any acoustic mitigation measures to be implemented, if required.	
	(4) Architectural features, consistent with the overall design of the building, may be used to: (a) highlight entrances to buildings, and (b) accentuate pedestrian areas, particularly for buildings that will experience high volumes of pedestrian movements, such as colonnades, verandahs and awnings (see example below).	<ul style="list-style-type: none"> The main entrance to the Stage 1 warehouse building is highlighted by an awning and the use of different materials and colours. 	Y
	(5) Attention shall be given to solar efficiency in building design.	<ul style="list-style-type: none"> Buildings on the site will be encouraged to maximise the use of natural light and ventilation. 	Y
	(6) The development is to incorporate a variety of external finishes in terms of both colour and type of material used. The external finishes of the development are to be: (a) made from durable high quality, low maintenance materials, (b) compatible with the overall design and form of the development, (c) selected for all built forms to ensure the entire development presents a homogeneous form, (d) considered in association with proposed plantings and landscape treatment, (e) considered for their ability to provide visual relief in large wall surfaces and elevations, and (f) selected to ensure the development complements the surrounding environment while reducing the temptation to vandalism and graffiti.	<ul style="list-style-type: none"> Noted. The details of the proposed external materials for the stage 1 development are provided at Section 5 of the EAR, and are considered to be high quality, durable and will be compatible with surrounding development. 	Y
	(7) Courtyard and screen walls should be in the same material as the building facades.	<ul style="list-style-type: none"> Noted, all external facades are consistent. 	Y
	(8) Highly reflective materials, including white or off white metal colours will not be accepted. In this regard, the roof material(s) to be used shall not be reflective.	<ul style="list-style-type: none"> Highly reflective white finishes are not proposed on the Stage 1 warehouse. The roof of the building will not be visible from any surrounding property, and will have low or minimal reflectivity 	Y
	(9) Development within Precincts 4, 5, 7, 8 and 9 identified as having high scenic or visual quality shall use primarily natural and earthy tones for external finishes.	<ul style="list-style-type: none"> N/A 	N/A
	(10) Development applications for new buildings or additions to existing buildings are to be accompanied by a schedule of external finishes and colours, detailing compliance with the above requirements.	<ul style="list-style-type: none"> Details of the proposed finishes are included on the architectural plans at Appendix O. 	Y

Section	Requirement	Proposal	Compliance
4 Building Heights and Setbacks	(1) For Precincts 1, 2, 3, 5, 6, 10 and 11, the building(s) shall have a maximum height of 9 metres.	■ N/A	N/A
	(2) In Precincts 4, 7, 8 and 9, building(s) will need to satisfy the following controls: (a) For Precincts 4 and 8 (areas adjacent to Nepean River), the development must not be visually obtrusive and must not adversely affect the scenic quality of the river. (b) For Precincts 7 (west of Mulgoa Road) and 9 (south of Old Bathurst Road), the application must demonstrate that the scenic quality of the precinct(s) will not be adversely affected by the development, particularly when viewed from elevated locations. In particular, the: <ul style="list-style-type: none"> • development of land adjacent to the M4 Motorway shall be limited in height to the elevation of the M4 Motorway; and • development of land adjacent to the Main Western Railway shall be limited in height to the elevation of the Main Western Railway. (c) Maximum height of the building is 9 metres.	■ N/A	N/A
	(3) The building height may be increased above 9m where it can be demonstrated that: (a) the proposed height is in keeping with the character of the locality; (b) the building, or any part thereof, is not visually obtrusive; (c) the additional height is required due to the nature of the proposed development; and (d) the overall design of the development, including landscaping and building materials, reduces the impact of height and bulk of the building.	■ The proposed Stage 1 warehouse has an overall height of 13.7m. Whilst this is higher than 9m, it is noted that the building: <ul style="list-style-type: none"> - is not located adjacent to a residential property; - will not obstruct any important or significant views; - with the proposed height will cater for a more broad range of businesses, and is therefore a more adaptable and sustainable building. The additional height is therefore considered acceptable. ■ Future applications within the precinct will provide an assessment of the impact of the proposed building height.	Y

Section	Requirement	Proposal	Compliance
	<p>(4) Setbacks for industrial development are to be in accordance with the standards specified in Table 5 (see next page). These setback areas are to be landscaped in accordance with the landscaping provisions of this plan, and may incorporate off-street parking area within the front setback if it can be demonstrated that the location of the car parking area:</p> <p>(a) promotes the function and operation of the development,</p> <p>(b) enhances the overall design of the development by implementing</p> <p>(c) design elements including landscaping, that:</p> <ul style="list-style-type: none"> ▪ will screen the parking area, and ▪ is complementary to the development, and <p>(d) does not detract from the streetscape values of the locality.</p>	<ul style="list-style-type: none"> ▪ Noted, setbacks will be landscaped in accordance with the plans and report prepared by Clouston Associates (Appendix Q). ▪ The Stage 1 building exceeds the setbacks nominated below and this development is appropriately landscaped in accordance with these provisions. 	Y
	<p>(5) The minimum building setbacks for lots:</p> <p>(a) Fronting Castlereagh Rd or Mulgoa Rd is 20 metres</p> <p>(b) Fronting Andrews Rd or Old Bathurst Rd is 15 metres</p> <p>(c) Adjacent to M4 Motorway, Nepean River or the Western Railway is 10 metres</p> <p>(d) Lots within the vicinity of "Craithes" or adjoining "Combewood" are shown in Figures 5-7</p> <p>(e) All other locations is 9 metres</p> <p>(f) Secondary road frontages for corner lots is 5 metres</p> <p>(g) Side and Rear setbacks are not required.</p>	<p>Minimum building line setbacks proposed in the Concept Plan are:</p> <ul style="list-style-type: none"> ▪ 20m setbacks from the regional road ▪ 7.5m setbacks from the local roads ▪ 20 metres from the southern boundary and 30 metres from the eastern boundary in the south-east corner near adjoining rural residential development. 	Y
5 Landscape Design	<p>(1) Prior to lodging a development application, applicants should refer to Part 2 Section 2.6 Landscape in the Penrith DCP 2006 to ensure that the level of landscape documentation submitted with the application is in accordance with that section.</p>	<ul style="list-style-type: none"> ▪ In preparing the landscape scheme and report, Clouston Associates has had regard to Section 2.6 of the Penrith DCP. 	Y
	<p>(2) The siting and layout of a development must consider the location of all on-site trees, with a view to their preservation. Existing trees are to be preserved where possible and those trees shall not be removed without the prior written consent of Council. Development of land on or within the vicinity of a heritage item (See Table 3 of this section) should occur in a manner that will not result in the damage or</p>	<ul style="list-style-type: none"> ▪ There are few trees on the site and as such the redevelopment of the site will result in a significant increase in the number of trees and amount of landscaping on the site. ▪ The Stage 1 development will not result in the loss of any trees. 	Y

Section	Requirement	Proposal	Compliance
	destruction of this vegetation.		
	(3) For each industrial precinct, landscaping shall be established and reflect the adopted landscape theme in accordance with that precinct (see Appendix). Refer to E4 of this Section regarding the implementation and maintenance of landscaping for the site.	<ul style="list-style-type: none"> N/A, however the pastoral theme of the existing site has been incorporated into the proposed landscape scheme. 	Y
	(4) Smaller scale and less visually prominent planting may include species other than those stipulated for each landscape theme. This will create an additional variety and interest in the appearance of the site.	<ul style="list-style-type: none"> Noted. A variety of vegetation is proposed. 	Y
	(5) Presentation of a building facade to the street should be complemented with appropriate vegetation. The visual impact of large expanses of wall should be reduced in scale by architectural treatment as well as by dense grove planting or other landscape design solutions.	<ul style="list-style-type: none"> Clusters of trees are proposed to break down the scale of the buildings. 	Y
	(6) Landscape materials should cause minimal detrimental visual impact, and the use of subtle coloured materials and block or brick paving is encouraged. Paving and structures shall complement the architectural style of existing buildings.	<ul style="list-style-type: none"> The scheme proposed is subtle and consistent with the existing pastoral appearance of the site. 	Y
	(7) Consideration should be given to solar access and energy conservation, with the appropriate use of deciduous trees.	<ul style="list-style-type: none"> Noted, however due to the type of landscaping proposed, deciduous trees are not necessary in this instance. 	Y
	(8) Landscaped gardens should be utilised across the front boundary of sites with property entrances highlighted by feature planting, and need not be limited by the thematic approach. Other species will be assessed on merit.	<ul style="list-style-type: none"> A feature tree will be planted at the main entrance of each development. 	Y
	(9) Plant material shall be a mix of super-advanced, advanced and normal nursery stock which will provide a quick effect, especially in visually prominent areas. Larger plant sizes would be appropriate in some locations.	<ul style="list-style-type: none"> A range of species maturity will be planted on the site. 	Y
	(10) Groundcovers should be considered as a grass alternative in areas not specifically designed for pedestrian use.	<ul style="list-style-type: none"> Noted, a range of native grasses is proposed. 	Y
	(11) Plant material in carparks should be used to provide shade, ameliorate views of large expanses of paved areas and parked cars, and to identify entrances to carparks.	<ul style="list-style-type: none"> Noted, trees will surround the car park area, providing shade in summer. 	Y
	(12) Island planting beds should be interspersed throughout large parking areas. Planting should consist of ground covers, shrubs to 1m, shade producing and canopy species.	<ul style="list-style-type: none"> Small island plantings are proposed and trees will only be planted around the perimeter of the car park. 	Y

Section	Requirement	Proposal	Compliance
	(13) Shade trees should be provided in outdoor staff amenity areas and along pedestrian paths and walkways.	<ul style="list-style-type: none"> The staff outdoor area is located to the south of the Stage 1 warehouse and as such tree planting for shade is not required. Shrubs will be planted around the staff area for amenity and to separate the area from the car park. 	Y
	(14) Plant species should be carefully selected to meet service authority requirements in easement locations.	<ul style="list-style-type: none"> Trees will be planted a sufficient distance from services and infrastructure. 	Y
6 Accessing and Servicing the Site	<p>(1) New developments with direct access onto Castlereagh Road, the Great Western Highway or Parker Street will need to provide a deceleration lane in accordance with the Roads and Traffic Authority Guidelines.</p> <p>Development on newly created allotments that front Castlereagh Road, the Great Western Highway or Parker Street shall ensure that:</p> <ul style="list-style-type: none"> the allotment of land was created in accordance with the subdivision approved pursuant to this section, and access to the allotment is in accordance with the access arrangements approved with the subdivision. 	<ul style="list-style-type: none"> N/A 	N/A
	(2) Development of land having frontage to Mulgoa Road, between Batt Street and Surveyors Creek, shall only be permitted if access into the development site is via a Right-of-Way (9metres wide) in accordance with the plan and details provided at Figure 8 of this section.	<ul style="list-style-type: none"> N/A 	N/A
	<p>(3) Industrial development shall, where appropriate, be designed to:</p> <ol style="list-style-type: none"> allow all vehicles to either leave or enter the site in a forward direction, accommodate heavy vehicle parking and manoeuvring areas, avoid conflict with staff, customer and visitor vehicular movements, and ensure satisfactory and safe operation with the adjacent road system. 	<ul style="list-style-type: none"> All vehicles will be able to enter and exit in a forward direction. Appropriate vehicle circulation areas are provided. Separate entrances are proposed for staff and trucks in accordance with RTA guidelines. 	Y
	<p>(4) In determining access, servicing and car parking requirements, Council will take the following into consideration:</p> <ol style="list-style-type: none"> The location, type and scale of the proposed development. The compatibility of the location and design of the car park with adjoining properties. The existing level of on-site parking, in the case of redevelopment proposals. The nature and volume of traffic on the adjoining road network. 	<ul style="list-style-type: none"> An assessment of the proposed on-site parking is provided in the Halcrow traffic report at Appendix I. 	Y

Section	Requirement	Proposal	Compliance
	<p>(e) Traffic Authority Guidelines and comments of the Local or Regional Traffic Committee(s).</p> <p>(f) The potential for the land use to generate heavy vehicle movements.</p> <p>Full details of the volume, frequency and type of vehicle movements shall be submitted with the development application</p>		
	<p>(5) Carparks, aisles and manoeuvring areas shall be designed with function and safety in mind, and have minimum dimensions in conformity with the Australian Standards 2890 - Parking Facilities. The relevant parts of this standard are AS2890.1 - Off-street parking, AS2890.2 - Commercial vehicle facilities, and AS2890.3 - Bicycle parking facilities.</p>	<ul style="list-style-type: none"> Noted, Halcrow has assessed the proposed design and considers that it can comply with the relevant standards. 	Y
	<p>(6) Where the nature of the development will attract clients/visitors to the site, the following elements shall be included in the carpark design:</p> <ul style="list-style-type: none"> the internal (vehicular) circulation network is to be free of disruption to circulating traffic and ensures pedestrian safety, and the movement of pedestrians throughout the carpark is clearly delineated by all users of the carpark and minimises conflict with vehicles. 	<ul style="list-style-type: none"> The proposed car park provides a clear and logical design which will afford pedestrian safety. 	Y
	<p>(7) Where parking spaces are to be provided for people with disabilities, these spaces are to be:</p> <ul style="list-style-type: none"> suitably located near entrances to the building, lifts and access ramps (if required), and provided in accordance with AS1428.1 - Design for Access and Mobility. <p>Appropriate signage and tactile pavement treatments should also be installed where required.</p>	<ul style="list-style-type: none"> Noted, accessible parking spaces will be provided adjacent to the entrance in accordance with the relevant standard. 	Y
	<p>(8) Major developments such as multi unit industrial developments, bulky good outlets and other significant industrial developments shall make adequate provision for bicycle parking.</p>	<ul style="list-style-type: none"> Bicycle parking will be provided at a rate of 1 space per 10 car spaces. 	Y

Section	Requirement	Proposal	Compliance
	(9) Car parking may be provided within the front setback if it can be demonstrated that the proposed location of the car parking area: (a) promotes the function and operation of the development, (b) enhances the overall design of the development by implementing design elements including landscaping, that: ▪ will screen the parking area, and ▪ is complementary to the development, and (c) does not detract from the streetscape values of the locality	<ul style="list-style-type: none"> No parking is proposed within the applicable setbacks of the Stage 1 development. 	Y
	(10) Council will require off-street parking spaces to be provided in accordance with the standards specified in Table 6. For mixed developments, a separate parking calculation will be made for each floorspace component	<ul style="list-style-type: none"> An assessment of the off-street parking is provided at Appendix I. The proposed rates comply with the RTA's Guide to Traffic Generating Development guidelines. Overflow parking can be provided if needed by the occupier of the building. 	Y
7 Drainage	(1) All roof and surface water is to be discharged into Council's stormwater drainage system to Council's satisfaction. No surface drainage will be permitted to discharge across Council footways or reserves, or enter adjoining private land.	<ul style="list-style-type: none"> Roof water will drain into an onsite rainwater tank and overflow will be directed into the onsite drainage system. 	Y
	(2) Water discharge must not contain contaminants, unless necessary licences are obtained from relevant government authorities.	<ul style="list-style-type: none"> Noted, bio-retention basins will treat water to the relevant standards prior to discharge into receiving waters. 	Y
	(3) Drainage systems must have an adequate capacity to cater for the expected pollutant loading of the development. Details of compliance with the water quality requirements referred to in Section E3 must be submitted to Council as part of this development application.	<ul style="list-style-type: none"> Water will be treated to the appropriate standard, refer to the stormwater strategy at Appendix R. 	Y
8 Advertising Signs	(1) All advertising is to be: (a) constructed of high quality, durable materials, (b) considered in conjunction with the design and construction of buildings, (c) restricted, generally, to one sign identifying the name of the occupants and/or products manufactured or produced on the site, and (d) contained wholly within the site.	<ul style="list-style-type: none"> A separate application will be lodged for signage. 	N/A
	(2) In the case of factory units: (a) each factory unit development should have a directory board within or near the landscape area listing each firm and their unit number within the complex, and (b) subject to compliance with the exempt development requirements,	<ul style="list-style-type: none"> A separate application will be lodged for signage. 	N/A

Section	Requirement	Proposal	Compliance
	(c) each firm is entitled to have : <ul style="list-style-type: none"> ▪ a sign located on or over the door of the unit so occupied, and ▪ another sign placed on the face of the building(s). 		
9 Fencing	(1) Fencing does not require development consent if the fencing is: <ul style="list-style-type: none"> (a) below 1.2m in height, (b) located behind the landscaping and not on the road alignment, and (c) of an "open" nature, eg. decorative metal and coloured green or black. 	<ul style="list-style-type: none"> ▪ Black metal palisade fencing is proposed for the Stage 1 warehouse, refer to the landscape plans and report at Appendix Q. The fencing for the site will be black and of an open nature. 	Y
	(2) Fencing proposals that do not meet the exempt provisions, as stated in clause 1, will require development consent. In this regard, fencing shall be: <ul style="list-style-type: none"> (a) positioned behind the landscaping and not on the road alignment, and (b) a maximum height of 1.8m and of an "open" nature, eg. Decorative metal and coloured green or black. 	<ul style="list-style-type: none"> ▪ Consent is sought for erection of fencing on the Stage 1 allotment boundary as shown on the landscape plan (Appendix Q). 	Y
	(3) Fencing may be positioned along the front property boundary only if: <ul style="list-style-type: none"> (a) the site is not located on, face or fronts: <ul style="list-style-type: none"> ▪ Andrews Road, Castlereagh Road, Christie Street, Forrester Road, Great Western Highway, Mulgoa Road, Old Bathurst Road, Parker Street, or ▪ the main road or collector road of the industrial precinct, and (b) it is decorative fencing that has an open style appearance (metal, pool type fencing), and (c) the fencing is complementary to the landscaping. 	<ul style="list-style-type: none"> ▪ Black palisade fencing is proposed which is open style and decorative for the Stage 1 warehouse. 	Y
	(4) Cyclone fencing may be used on sites that faces or fronts no-through roads or cul-de-sacs.	<ul style="list-style-type: none"> ▪ Noted. 	N/A

PART E – OTHER ENVIRONMENTAL FACTORS ARISING FROM THE PROPOSAL

Section	Requirement	Proposal	Compliance
1 Air Quality	(1) Details of all external on-site storage and/or processing of potentially airborne materials such as sand, soil, cement or the like is to be submitted with development applications. These materials are to be stored, screened and contained to satisfactorily minimise any potential effects of airborne pollution on surrounding localities.	<ul style="list-style-type: none"> A Construction Management Plan will be prepared prior to works commencing which will include measures to ensure the air quality is not affected by the proposed development. 	Y
2 Noise and Vibration	(1) Any noise generated by the development shall not be offensive and shall be in accordance with Penrith Development Control Plan 2006 adopted by Council for noise or, in the absence of such a plan, the Environment Protection Authority's Guidelines.	<ul style="list-style-type: none"> An acoustic assessment has been prepared which demonstrates that the Stage 1 development will not generate any adverse noise impacts. Noise assessments will be submitted for future project applications demonstrating compliance with the noise goals set for the project. 	Y
	(2) Where it is considered likely that a development will cause an adverse impact on adjoining properties or nearby residential areas, a noise impact statement shall be submitted to Council for consideration with the development application. The noise impact statement is to be prepared by a qualified acoustical engineer and will need to demonstrate that the proposal will not create any adverse impact. Applicants should investigate noise amelioration features that can be incorporated in building or site layout design to minimise noise emissions from premises.	<ul style="list-style-type: none"> Noise assessments will be submitted for future project applications demonstrating compliance with the noise goals set for the project. In particular, details of noise amelioration for the warehouses in the south eastern corner will be submitted with the relevant project applications to address any potential noise impacts on nearby dwellings. 	Y
	(3) All plant and machinery installed on site is to ensure that no vibration is transmitted outside the limits of the subject land.	<ul style="list-style-type: none"> Noted. The details of plant and machinery are yet to be determined. 	N/A
	(4) In considering applications, Council shall have regard to the likely impact of the trading hours of a particular activity on the amenity of adjoining residential areas.	<ul style="list-style-type: none"> 24 hour operation is proposed for the Stage 1 warehouse development. Due to the proposed warehouse use and the significant distance of the Stage 1 building from residential development, these hours of operation are not expected to generate any adverse impacts. An assessment of the hours of operation of future developments will be provided with future project applications. 	Y
3 Water Quality	(1) Suitable erosion and sediment control measures shall be carried out during the construction process and subdivision engineering works stages. Details are to be submitted with the Construction Certificate application for the development and/or engineering works attributed with the subdivision.	<ul style="list-style-type: none"> Soil and erosion control measures are included in the stormwater management plan at Appendix R. 	Y

Section	Requirement	Proposal	Compliance
	(2) Developments that consume high volumes of water in their operation should incorporate recycling initiatives in the plant's operation to reduce the demand on water.	<ul style="list-style-type: none"> Noted. Rainwater harvesting for non potable uses is proposed. 	N/A
	(3) All liquids (including water) produced and/or discharged from the site shall not contain pollutants above acceptable levels. Acceptable levels will be determined at the time of consideration of individual proposals and in conjunction with the Environmental Protection Authority.	<ul style="list-style-type: none"> Noted, water treatment facilities are proposed. 	Y
	(4) Certain liquids (in addition to sewage) may be discharged into the sewer provided a Trade Waste agreement is entered into with Sydney Water. Copies of any Trade Waste agreements are to be submitted with the Construction Certificate application.	<ul style="list-style-type: none"> Noted. Should a trade waste agreement be required, this will be sought from Sydney Water prior to occupation. 	Y
	(5) Where a site is subject to inundation by the standard flood, the development must comply with the requirements of Part 2 Section 2.10: Flood Liable Land in the Penrith DCP 2006. Measures should be undertaken to ensure all possible pollutants are stored above the flood level. Details of such measures should be provided with the development application.	<ul style="list-style-type: none"> Details of the proposed stormwater management plan are provided in Brown Consulting Engineers report at Appendix P. 	Y
	(6) Specific water quality treatment objectives define the level of water quality control for various types of development, the priority pollutants for different land uses, and the relative performance criteria associated with each treatment strategy. These objectives are detailed in the relevant Stormwater Management Plan for the local or regional catchment.	<ul style="list-style-type: none"> Stormwater will be treated to the water quality targets established for the project which are considered to be best practice, see Appendix R. 	Y
	(7) Catchments over 5 ha are to: (a) provide detailed hydrological calculations using the runoff produced by the 50th percentile annual rainfall, and (b) verify the ability of the proposed pollution control strategy to retain the pollutants from such an event to the levels defined in Table 8	<ul style="list-style-type: none"> Stormwater will be treated to the adopted water quality targets which are considered to be best practice, see Appendix R. 	

Section	Requirement	Proposal	Compliance
4 Landscape Implementation and Maintenance	<p>(1) Landscaping works are to be carried out and maintained in accordance with the approved landscaping plan and Part 2 Section 2.6: Landscape in Penrith DCP 2006. In this regard, all landscaping is to be certified by an approved landscape consultant.</p> <p>Landscape works shall be maintained throughout the duration of construction works, and in perpetuity for the life of the development. The onus for satisfactory maintenance is on the applicant until the development is completed and on the owner thereafter. Part 2 Section 2.6: Landscape in Penrith DCP 2006 requires the submission of documentation to the condition of the landscaping within a certain period after completion of the development.</p>	<ul style="list-style-type: none"> Details of the proposed ongoing management of the landscaping are provided at Appendix Q. The landscaping has been designed by a certified landscape architect. Landscape condition report is noted and can be provided for by way of condition of consent. 	Y
	(2) Existing landscaping should be retained and, where applicable, embellished as part of any redevelopment of an industrial site.	<ul style="list-style-type: none"> Landscaping works are proposed. 	Y
	<p>(3) Where existing vegetation is to be retained, that vegetation must be protected from soil compaction; root, trunk and limb damage; soil contamination and changes in surface level that will affect the health of the vegetation.</p> <p>(a) Protection measures are to be installed prior to the commencement of any earthworks, in accordance with Part 2 Section 2.6 Landscape Penrith Development Control Plan 2006. In this regard:</p> <ul style="list-style-type: none"> i. A person-proof, chainwire fence is to be erected around the tree no closer to the trunk of the tree than the dripline. ii. Timber encasement around the trunk. iii. No storage of materials within the fenced off area. <p>(b) Tree bonds may also be imposed by Council as per Part 2 Section 2.6 Landscape Penrith Development Control Plan 2006 if the trees on-site are of particular merit to warrant the imposition of a bond.</p>	<ul style="list-style-type: none"> The few existing trees are primarily located within the E2 zone. No trees or significant vegetation is affected by any works proposed within the Stage 1 PA. 	Y