

PENRITH CITY COUNCIL

Serving Our Community

Our Ref: DA11/0302
Contact: Development Services
Telephone: (02) 4732 7991

05 August 2011

Ing Industrial Custodian Pty Limited
Level 6, 345 George Street
SYDNEY NSW 2000

Dear Sir/Madam

Development Application No. DA11/0302

Proposed: Fitout and Use of Existing Warehouse and Advertising Signs x 6

Address: Lot 1 DP 1128233, 23-107 Erskine Park Road ERSKINE PARK NSW 2759


Reference is made to your Development Application for the construction of Fitout and Use of Existing Warehouse and Advertising Signs x 6 at the above mentioned premises.

Please find enclosed a copy of your development consent and stamped approved plans. You are advised, construction cannot commence until such time as a Construction Certificate has been issued.

If your Construction Certificate application has been submitted to Council for assessment, your development approval file has been sent directly to the appropriate assessment officer in Council's Building Approvals Unit.

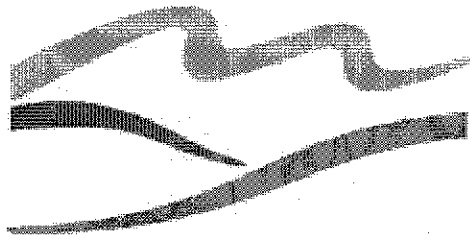
If you require any additional information, please do not hesitate to contact Colin Wood directly on 4732 8083.

Yours faithfully

per: 

Maya Goldsmith
Administration Services Supervisor

ENGLISH	If you do not understand this, please contact the Telephone Interpreting Service on 131 450 and ask them to contact Penrith City Council on your behalf on (02) 4732 7777. Or come to the Council offices and ask for an interpreter.
ARABIC	إذا لم يكن بإمكانك قراءة النص أعلاه، الرجاء الاتصال بخدمات الترجمة الفورية الهاتفية (TIS) على الرقم 131 450 والطلب منهم الاتصال بدورهم بمجلس مدينة بنريث نيابة عنك على الرقم 4732 7777 (02). أو يمكنك الحضور إلى المجلس وطلب ترتيب مترجم فوري لك.
CHINESE	如果您无法阅读这些文字，请致电 131 450 联系电话传译服务中心，请他们代您拨打 (02) 4732 7777 联系 Penrith 市议会。您也可以亲自到市议会来并要求获得口译服务。
GREEK	Αν δεν μπορείτε να το διαβάσετε αυτό, τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων στο 131 450 και ζητήστε τους να επικοινωνήσουν με το Δήμο Penrith (Penrith City Council) για λογαριασμό σας στον αριθμό (02) 4732 7777, ή ελάτε στη Δημαρχία και ζητήστε διερμηνέα.
HINDI	यदि आप इसे नहीं पढ़ पाते हैं, तो कृपया 131 450 पर टेलीफोन दुभाषिया सेवा से संपर्क करें और उनसे कहें कि वे आपकी ओर से पेनरथि सिटी काउंसिल से (02) 4732 7777 पर संपर्क करें. या आप काउंसिल आएँ और एक दुभाषिया की माँग करें.
ITALIAN	Se non riuscite a leggere questo, contattate il servizio telefonico di interpretariato al numero 131 450 e chiedetegli di contattare da parte vostra il comune di Penrith City al numero (02) 4732 7777 oppure venite in comune e richiedete un interprete.
MALTESE	Jekk ma tistax taqra dan, jekk jogħġbok, ikkuntattja lit-Telephone Interpreting Service fuq 131 450 u itlobhom biex jikkuntattjaw Penrith City Council f'ismek fuq (02) 4732 7777. Jew ejja l-Kunsill u itlob għal interpretu.
PERSIAN	اگر نمی توانید این مطلب را بخوانید، لطفاً به خدمات ترجمه تلفنی به شماره 131 450 زنگ بزنید و از آنان بخواهید با شورای شهر پنریت Penrith City Council به شمار ه 4732 7777 (02) از جانب شما تماس بگیرند. یا اینکه به شهرداری Council آمده و مترجم بخواهید.
SINGHALESE	ඔබට මෙය කියවීමට නොහැකි නම්, කරුණාකර දුරකථන අංක 131 450 ඔස්සේ දුරකථන පරිවර්තන සේවාව (Telephone Interpreting Service) අමතා ඔබ වෙනුවෙන් දුරකථන අංක (02) 4732 7777 අමතා පෙන්රිත් නගර සභාව (Penrith City Council) හා සම්බන්ධ කර දෙන ලෙස ඉල්ලා සිටින්න. නැතිනම් නගර සභාව වෙත පැමිණ භාෂා පරිවර්තකයකු ලබා දෙන ලෙස ඉල්ලා සිටින්න.
TAMIL	இதை உங்களால் வாசிக்க இயலவில்லை என்றால், 'தொலைபேசி உரைபெயர்ப்பு சேவை'யை 131 450 எனும் இலக்கத்தில் அழைத்து 'பென்ரித் நகரவையுடன்' (02) 4732 7777 எனும் இலக்கத்தில் உங்கள் சார்பாக தொடர்பு கொள்ளுமாறு கேளுங்கள். அல்லது நகரவைக்கு விஜயம் செய்து உரைபெயர்ப்பாளர் ஒருவர் வேண்டுமெனக் கேளுங்கள்.
VIETNAMESE	Nếu quý vị không thể đọc được thông tin này, xin liên lạc Dịch Vụ Thông Dịch Qua Điện Thoại ở số 131 450 và yêu cầu họ thay mặt quý vị liên lạc với Hội Đồng Thành Phố Penrith ở số (02) 4732 7777. Hoặc hãy tới Hội Đồng và yêu cầu có thông dịch viên.



**PENRITH
CITY COUNCIL**
Serving Our Community

DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA11/0302
Description of development	Fitout and Use of Existing Warehouse and 6x Advertising Signs
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class 8

DETAILS OF THE APPLICANT

Name & Address	Ing Industrial Custodian Pty Limited Level 6, 345 George Street SYDNEY NSW 2000
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NOTES

1. Your attention is drawn to the attached conditions of consent attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description: Lot 1 DP 1128233
Property Address: 23-107 Erskine Park Road ERSKINE PARK NSW 2759

DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions implementation in attachment 1.

Date from which consent operates 05 August 2011
Date the consent expires 05 August 2013
Date of Decision 04 August 2011

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

REVIEW OF DETERMINATION & RIGHTS OF APPEAL

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 12 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

3. Right of Appeal if the application was for Designated Development
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

REASONS

The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer

Pukar Pradhan

Senior Environmental Planner

Contact telephone number

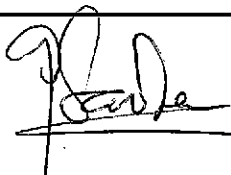

(02) 4732 7726

SIGNATURE

Name

Pukar Pradhan

Signature

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the plans numbered 3862_DA001A, 3862_DA011A, 3862_DA012A, 3862_DA021A drawn by nettletonetribes and dated 23/03/2011, and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

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

- 3 The development is permitted to operate from 6 am to 10pm, seven (7) days a week. Operating hours may extend to 24 hours subject to and in accordance with a Noise Management Plan prepared by a qualified person submitted to and approved by Penrith City Council to demonstrate that the acoustic impacts will be minimal to the surrounding area. Provisions within this Plan shall include but not limited to measures to mitigate acoustic noise impact and procedures in resolving these noise impacts. Any recommended works made in the report shall be carried out and completed within 60 days.

Within twelve months after the issue of an Occupation Certificate, a review of acoustic impact is to be conducted by a suitably qualified acoustic consultant. Should the compliance report identify any minor non-compliance issues, the report is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council.

Should major acoustic impacts be identified that contravene the level of compliance with the noise criteria as determined by Council with regard to the approved Noise Management Plan and the Department of Environment and Climate Change's Industrial Noise Policy, the operating hours involving all activities shall revert to: -

- Monday to Friday - 6:00am - 10:00pm only.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise and the Department of Environment and Climate Change's Industrial Noise Policy.

- 4 No retail sale of goods shall be conducted from the subject premises.
- 5 **Prior to the issue of the Occupation Certificate**, any lighting system to 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).
- 6 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 7 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 8 All proposed signage are not to use flashing and or bright light signage in order to minimise any adverse impact to the traffic or on to the rural/residential dwellings located in close proximity to the site.

ENVIRONMENTAL MATTERS

- 9 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 10 The operating noise level of any equipment or plant shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA ISSUES

- 11 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

- 12 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current

fire safety schedule) in the building.

- 13 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

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

CERTIFICATION

- 14 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building/tenancy and commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, [Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades. In addition, Certification or other documentation deemed suitable to the Principal Certifying Authority (PCA) is to be submitted to the PCA, detailing compliance with:

- The provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Certification (or other documentation) is to be prepared by an accredited access consultant.
- A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the abovementioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

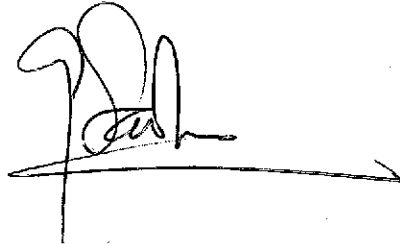
- 15 **Prior to the commencement of any earthworks or construction works on site**, the proponent is to:

- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

A handwritten signature in black ink, appearing to be 'P. Pradhan', written over a horizontal line.

Pukar Pradhan

Signature

For the Development Services Manager

ADVISORY NOTES FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

These advisory notes have been developed for your information and should be read in conjunction with Penrith City Council's Notice of Determination issued for the development.

I N F O R M A T I O N

1. A Construction Certificate must be issued before you can commence any construction works on the site. You can apply to Penrith City Council or an appropriately accredited certifier for a Construction Certificate. The application for a Construction Certificate should include detailed plans, specifications and any other documentation that may have been specified in the Notice of Determination.
2. To undertake construction of your development as approved, you will need to appoint a Principal Certifying Authority (PCA). A PCA may either be Penrith City Council or a private certifier. The critical mandatory inspections are listed in the documentation for the Construction Certificate. Failure to request a critical mandatory inspection will prevent the PCA from issuing an Occupation Certificate for the development. An Occupation Certificate needs to be obtained before you can occupy/use the new building works.
3. If Penrith City Council is required to undertake the critical mandatory inspection, you are requested to contact Council's Development Services Administration on 02 4732 7991, by phone before 4.00pm on the weekday before the inspection is required.
4. Damage to major utilities such as underground cables, pipe work, and other utility services can be a serious problem. Damage to the utilities can be avoided by contacting the "Dial before you Dig Service." You can obtain the information from the web page at www.1100.com.au or by phoning 1100. Individuals and companies who do not follow this procedure may be required to pay for any damage caused to a major utility. Consideration should also be given to other non member utility providers who do not participate in the "Dial before you Dig Service."
5. Prior to any work commencing on the site for development you are required to liaise and gain approval from Sydney Water for the approved development plans. Other utility providers that may require consultation include Integral Energy, AGL Gas, Telstra, Australia Post, WorkCover and other State or Federal Government departments.
6. For developments including an on – site detention system (OSD), you are advised that OSD levels are critical. They should be carefully checked prior to and during construction of the system to ensure that the OSD system is constructed in accordance with the approved plans to provide the required volume for storage.
7. A Fire Safety Certificate will need to be issued for the building/use before you can request the Principal Certifying Authority to issue the applicant with an Occupation Certificate. The Occupation Certificate is required to be issued before you can occupy and operate in the new building (work). Failure to obtain the Occupation Certificate is an offence and is subject to a penalty under the Environmental Planning & Assessment Act 1979.
8. For developments involving a food shop, Penrith City Council's Environmental Health Department must be contacted on 02 4732 7991 to arrange a final inspection of the food shop. The final inspection is required to assess compliance with Australian Standard 4674 Design, Construction and fit out of Food Premises, the Food Act 2003, and associated regulations. The business shall not operate until a satisfactory inspection of the food shop has been completed.