



**DEVELOPMENT APPLICATION**

# Statement of Environmental Effects

## Canterbury – Bankstown Council

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**Lot 24 in DP 9284 No. 87 Allingham Street CONDELL PARK**

Use of Unit 3A for the purpose of a “warehouse or distribution centre” for the storage and distribution of commercial refrigeration and catering equipment.

**10<sup>th</sup> March 2025**

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Issue No	Amendment	Date
A	Initial draft Report	7 March 2025
B	issue to Client	10 March 2025

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Waiver

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# 1/ INTRODUCTION

## 1.1 Background

Peter Fryar (BTP UNSW) of Key Urban Planning has prepared this Statement of Environmental Effects (the “SEE”).

The SEE assesses the impacts of the proposed development under the provisions of the relevant Planning Controls applicable to the subject site. This assessment has been undertaken in accordance with the provisions of Section 4.15 of the Environmental Planning & Assessment Act, 1979 (the “Act”).

In the preparation of this SEE, the following matters have been considered:

- Undertaken an inspection of the site and surrounding locality.
- Undertaken a review of the Canterbury-Bankstown Local Environmental Plan 2023 (the “LEP”).
- Assessed the proposal against the relevant chapters of Canterbury-Bankstown Development Control Plan 2023 (the “DCP”).
- Considered the relevant provisions of the Act and Regulations.

This SEE has been prepared in accordance with the provisions of Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Section 24 of the Environmental Planning and Assessment Regulation 2021.

The proposal is permissible under the provisions of the LEP. The development application warrants the granting of development consent by Council.

## 2/ SITE ANALYSIS

### 2.1 Site Description & Existing Development

The property is known as Lot 24 in DP 9284 No. 87 Allingham Street CONDELL PARK (the “site”). The site is located on the southern side of Haig Avenue and is irregular in shape. The site frontage is 60.45m, depth of 175.025m/177.425m and rear boundary 60.36m.

*Total site area is 10,636 m<sup>2</sup>.*

The existing site development comprises a large warehouse building divided into four (4) individual units. The front part of the building contains a ground floor showroom with first floor offices used by the proponent for purpose associated with the warehouse operation conducted in Unit 3A.

Photograph 1 – Aerial Image (*courtesy six maps*)



A summary of the relevant development approvals is as follows:

- BC – 28/2022 – BIC 2 tier mezzanine structure (REFUSED 6/5/2024))
- DA – 831/2021 - Use of internal storage mezzanine structure for Unit 3B at the rear of the building (APPROVED 17/11/2021)) – Plans attached.
- CC – 313/2016 – Alterations and Additions to an existing industrial warehouse (APPROVED 9/6/2016))
- DA-484/2015- Modification of DA 484/2015 (APPROVED 16/2/2016)
- DA-484/2015 - Alterations and additions to existing industrial warehouse (APPROVED

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11/5/2015)

- DA-1981/2000 - Change of Use Factory and erect sign (APPROVED 23/11/2000)
- CC-1981/2000 - Change of Use Factory and erect sign (APPROVED 23/11/2000)
- BA-305/1998 - Mobile phone base station facility (APPROVED 10/3/1998)
- DA-1221/1997 - Mobile telephone base station comprising a tower, antennas, and a small, prefabricated equipment hut (APPROVED 11/11/97)
- BA-9/1992 - Additions to existing dwelling (APPROVED 11/2/1992)
- DA-685/1991 - use of site for erection of silos (APPROVED 20/1/1992)
- DA-633/1989 - use of existing premises for distribution of parcels (APPROVED 6/12/1989)

Development consent No. 484/2015 approved “Alterations and additions to existing industrial warehouse”. The subject proposal seeks consent for the use of one (1) of the two (2) industrial units that are contained in the warehouse addition. Whilst the consent approved a ‘warehouse building’ a condition was imposed on the consent that states:

*3) No approval is granted or implied for the use of the building. Separate Development Consent for the use of the industrial floor space is required prior to occupation.*

The imposition of condition 3 does not appear to have any purpose as the addition was approved for the purpose of a warehouse. Regardless, the proponent seeks to obtain a development consent for the use of unit 3A in accordance with the requirements of condition 3 above.

Photograph 2– View of subject site from Allingham Street



Photograph 3 – Site entry





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Photograph 4– Internal of premises



Photograph 5 – Mezzanine floor (subject of a BIC)



## 3/ DESCRIPTION OF THE DEVELOPMENT

### 3.1 Proposed Development

The development application seeks to obtain consent for the use of the premises. An internal mezzanine floor has been installed without development consent. The development seeks to gain consent for the use of the mezzanine as part of the warehouse operation and a BIC will be lodged to regularise the works as development consent cannot be granted for the works retrospectively.

Wellkart Pty Ltd is a B2B supplier of commercial refrigeration equipment to the Australian hospitality industry. Occupation of the Premises at Unit 3A comprise:

- Warehouse space for storage and distribution of commercial refrigeration equipment. Commercial refrigeration equipment are bulky goods that are generally packaged with wooden pallets for ease of transport and movement. Main storage method is ground floor stacking without the need for racking. Movement and transfer of bulky goods is via pallet jacks and electric forklift (denoted in blue at Figure 1 below)
- Warehouse mezzanine space for storage and distribution of commercial refrigeration spare parts. Main storage method is via racking equipment at heights accessible without mechanical assistance.
- Warehouse mezzanine space for an enclosed photography and videography studio to create digital assets for Wellkart's range of commercial refrigeration equipment for on-line marketing publication.
- External loading area outside warehouse for goods container drop-off/pick-up, unloading goods containers for storage of commercial refrigeration equipment within the warehouse, loading goods for in-house delivery service to Sydney customers, loading goods for customer pickup and loading goods for dispatch via third party logistics companies for national delivery consignments (denoted in yellow at Figure 1 below).
- Four (4) car parking spaces outside the warehouse alongside the shared driveway for service vehicles, customer vehicles, and company vehicle parking (denoted in pink at Figure 1 below).
- Separately partitioned 210m<sup>2</sup> ground floor office space located towards the entrance of the property for administrative functions serving as a display showroom for commercial refrigeration equipment, as well as an office space for up to 2 staff members to carry out sales and administrative duties (denoted in blue at Figure 1 below).
- Five (5) car parking spaces outside the separately partitioned 210m<sup>2</sup> ground floor office space for customer vehicles and company vehicle parking. (denoted in pink at Figure 1 below).
- Inbound Deliveries include goods container trucks dropping off 20ft to 40ft containers outside warehouse loading area. Frequency depends on seasonality but averages ~2 deliveries per month over the course of a year.
- Outbound Deliveries for Sydney-based deliveries are completed by in-house 3 Tonne Pantech Truck (4.3m long, 2.3m wide, and 2.2m high). Sydney based deliveries are loaded in the morning once per day and available for delivery Monday to Friday depending on customer demand.
- Outbound Deliveries for Australia-wide deliveries are completed by third party logistics companies via either rear load small rigid vehicles (Pantech trucks) or side-load semi-trailer



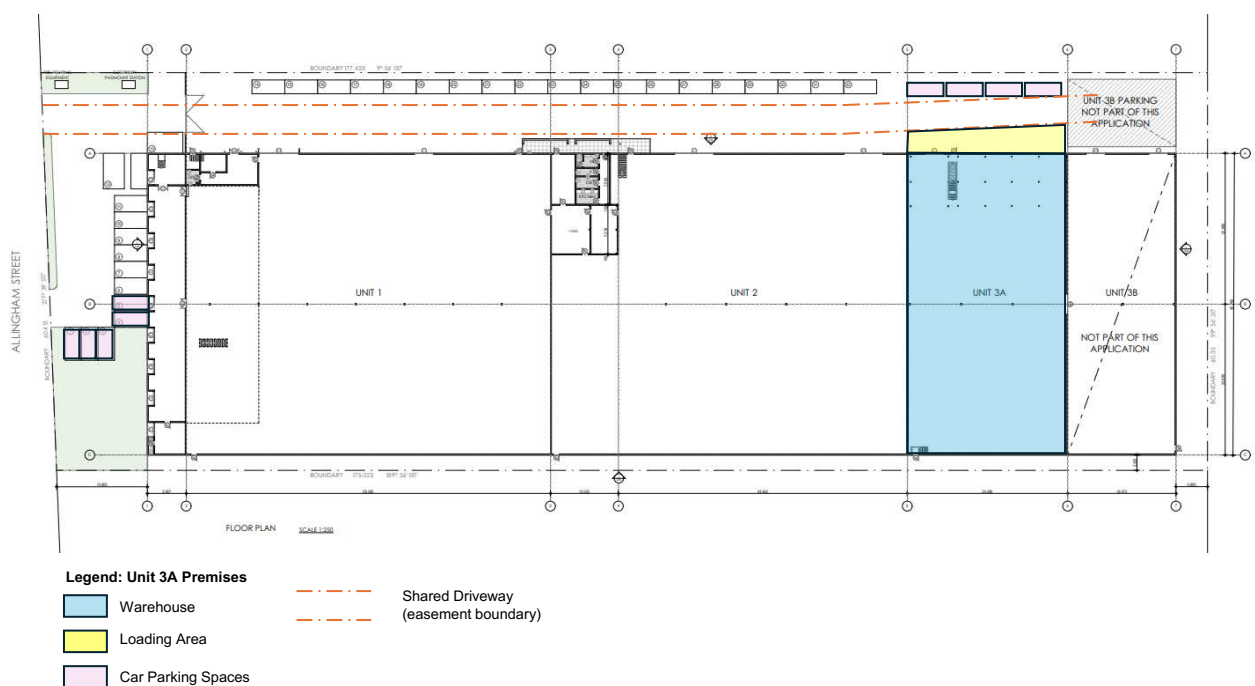
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trucks. Australia-wide deliveries depend on customer demand but usually scheduled twice a week for Tuesday and Friday dispatch from the warehouse.

- 2 Full-time employees (administrative) and 2 Casual employees (bulky goods delivery and warehouse functions)
- Waste management is contracted out to a third-party waste management company (Waster Pty Ltd):

General Waste stored in a 1.5 m<sup>3</sup> top-load bin scheduled for weekly collection and cardboard stored in a 4.5m<sup>3</sup> top-load bin scheduled for fortnightly collection

Figure 1 – Premises Plan Carparking allocation



## 4/ CANTERBURY - BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

### 4.1 Aims of the Plan (Clause 1.2)

LEP 2023 came into effect on 23 June 2023 and adopted the Standard Environmental Planning Instrument form pursuant to section 33A of the Act. The LEP 2023 prescribes certain broad aims of the plan which development within Canterbury-Bankstown LGA should accord with where applicable. The relevant aims of the plan to the proposed development are as follows:

*"aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*

*(a) to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,*

*(b) to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,*

*(c) to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,*

*(d) to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*

*(e) to restrict development on land that is sensitive to urban and natural hazards,*

*(f) to provide a range of residential accommodation to meet the changing needs of the population,*

*(g) to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,*

*(h) to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,*

*(i) to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,*

*(j) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*

*(k) to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,*

*(l) to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,*

*(m) to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*

*(n) to ensure development is accompanied by appropriate infrastructure,*

*(o) to promote ecologically sustainable development."*

The proposed development is consistent with the relevant aims detailed above for the following reasons:

- The use of the premises as a 'warehouse' is consistent with the planning framework for the Canterbury-Bankstown LGA and the goals and outcomes of the Strategy – Planning for the City Connective City 2036.
- The proposal is consistent & compatible with the desired future character of the locality.
- The proposal will not detrimentally affect the public domain.
- The proposal will maintain the existing amenity of the local community.
- The proposal will not result in adverse impacts on the amenity of adjoining or nearby properties.
- The proposal is consistent with the aim of providing a range of facilities and services for residents in the Canterbury - Bankstown LGA.
- The proposal will not detract from the character of the surrounding area.

## 4.2 Suspension of Covenants, Agreements and Instruments (Clause 1.9A)

Clause 1.9A of the LEP states:

*“(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.”*

The proposed development application does not seek to modify the terms of any s 88B restriction. A lease and restriction to user applies to the rear north-western corner of the site where a mobile telephone tower is located.

## 4.3 Permissibility of the Development (Clause 2.2)

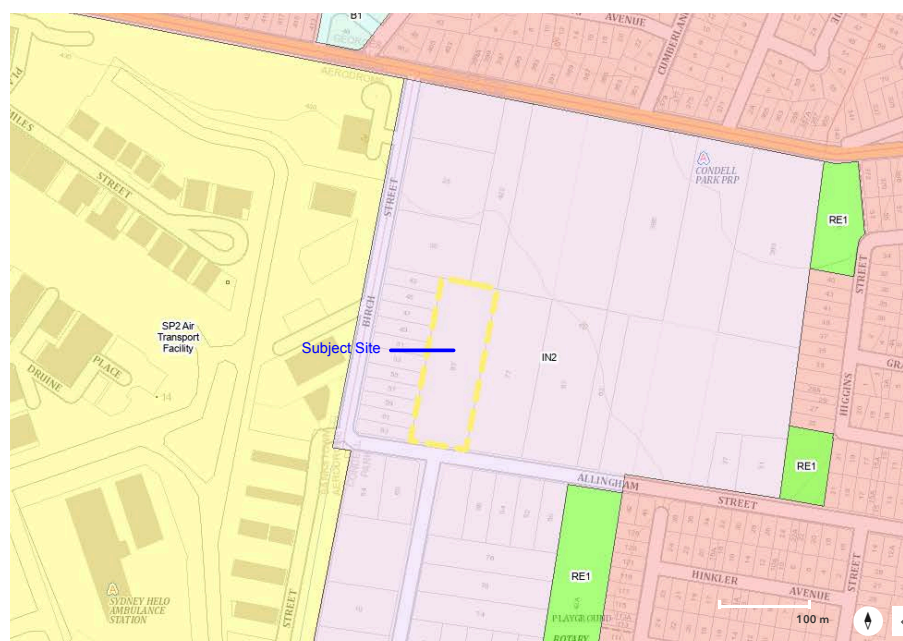
The site is zoned IN2 Light Industrial under the LEP 2023.

The proposed use is defined under the ‘Dictionary’ contained in the LEP 2023 as an “warehouse of distribution centre” that means:

*“warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.”*

An “warehouse or distribution centre” is permissible under the LEP 2023 with development consent. Whilst the consent for the extension to the existing building under DA No. 484/2015 approved “Alterations and additions to existing industrial warehouse” the proponent seeks to obtain a further development consent, albeit the author is of the opinion that consent has already been granted for the warehouse use, to comply with the requirements of condition 3.

Figure 2 – Zoning Map – LEP 2023



## 4.4 Objectives of the IN2 Light Industrial Zone (Clause 2.3)

Clause 2.3 of LEP 2023 requires the Council in granting consent to development under the plan to “have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The issue of permissibility discussed previously in this SEE.

The applicable objectives of the zone for the use are:

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for certain non-residential uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

**Comment:** The proposed development will complement and is compatible with the surrounding industrial/ warehousing land use activities.

The facility provides employment opportunities for residents in the local community.

## 4.5 Demolition (Clause 2.7)

Clause 2.7 of LEP 2023 requires development consent to be obtained prior to undertaking any demolition works. Demolition works are not proposed. Consent is not sought for any demolition works as part of the Development Application. The development application seeks consent for the use of the premises only.

## 4.6 Heights of Buildings (Clause 4.3)

There is no maximum building height that applies to development of the site. The operation is within an existing (approved) warehouse building. No external building works are proposed as part of the development application.

Figure 3 – Building Height Map – LEP 2023



## 4.7 Floor Space Ratio (Clause 4.4)

Clause 4.4 (1) & (2) of the LEP states:

### “4.4 Floor space ratio

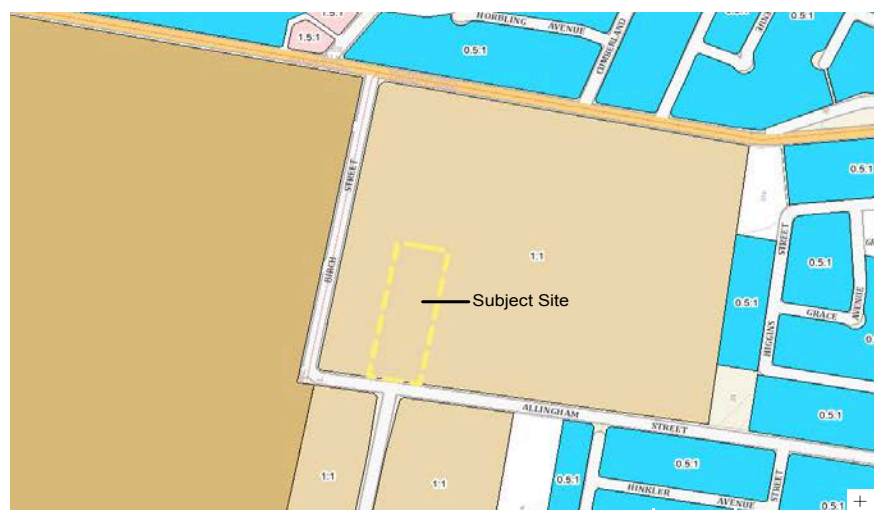
(1) The objectives of this clause are as follows:

(a) to permit development of a bulk and scale that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the *Floor Space Ratio Map*.”

The LEP maps prescribe a maximum Floor Space Ratio (FSR) for the site of 1:1. The proposed FSR is 0.87:1 and complies with the development standard. This includes the existing warehouse floor space as well as the additional floor space that has been added internally as part of the mezzanine.

Figure 4 –FSR Map – LEP 2023



## 4.8 Heritage Conservation (Clause 5.10)

The site is located within the vicinity of a heritage item (Local Item No. 126 – Bankstown Aerodrome) shown in a tan colour on the map at Figure 4 below.

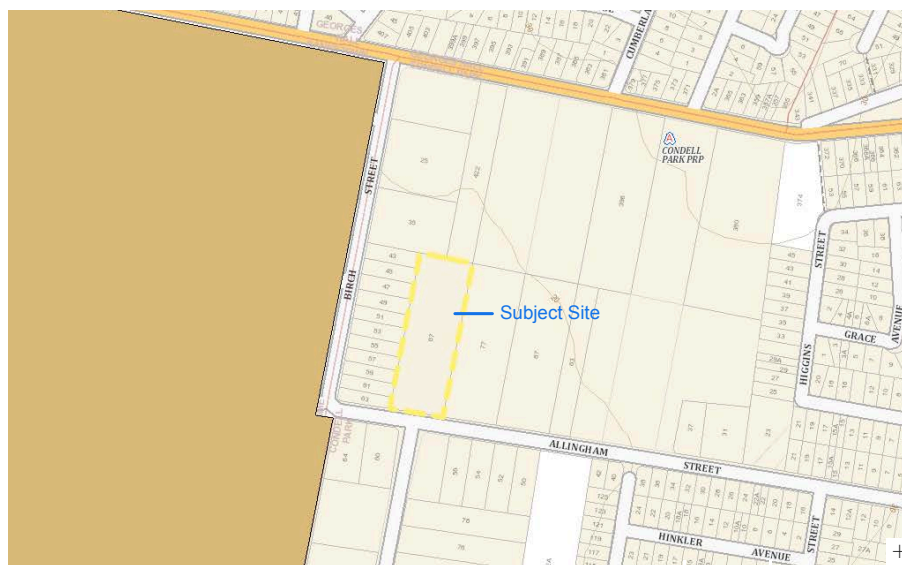
Clause 5.10(5) of LEP 2023 requires a consent authority in granting development consent on land within the vicinity of a heritage item to “.....require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned”.

The site is removed from the heritage item by the adjacent industrial development and the development application relates to the internal use of the existing warehouse premises. Consequently, there is spatial separation to the heritage item.

That part of the Aerodrome site adjacent to the subject site does not contain any specific items of heritage significance. Accordingly, a Heritage Conservation Management Plan is not required pursuant to clause 5.10(6) of the LEP 2023.



Figure 5 – Heritage Map – LEP 2023



#### 4.9 Essential Services (Clause 6.9)

Development consent must not be granted to development unless Council is satisfied that any of the following services, being the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, and suitable vehicular access, that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required. The site is adequately serviced.

## 5/ CANTERBURY DEVELOPMENT CONTROL PLAN

### 5.1 Chapter 3.2 – Parking

Chapter 3.2 specifies that development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site.

On-site carparking is to be provided for a warehouse at the rate of 1 car space per 300m<sup>2</sup> GFA or 1 car space per 2 staff, whichever is the greater.

Note 1: Where a retailing component is involved and provided this does not exceed 15% of the gross floor area (covering the retail component only), 1 car space per 100m<sup>2</sup> gross floor area is to be provided.

Note 2: Where an office component is involved and provided this does not exceed 20% of the total gross floor area, 1 car space per 100m<sup>2</sup> gross floor area is to be provided. Any additional office space will be assessed at a rate of 1 car space per 40m<sup>2</sup> gross floor area.

Warehouse – GFA 1,096m<sup>2</sup> (4 spaces required)

Office – GFA 210m<sup>2</sup> (2 spaces required)

Total parking required 6 spaces

Total parking provided 9 spaces

Four (4) car parking spaces outside warehouse alongside the shared driveway for service vehicles, customer vehicles, and company vehicle parking.

Five (5) car parking spaces outside the separately partitioned 210m<sup>2</sup> ground floor office space for customer vehicles and company vehicle parking.

These dimensions are considered appropriate, being in accordance with AS 2890.1:2004 and AS 2890.6:2009.

All loading and unloading of goods is in accordance with the approved development plans for the warehouse extensions.

### 5.2 Chapter 3.3 – Waste Management

Waste management is contracted out to a third-party waste management company (Waster Pty Ltd).

General Waste stored in a 1.5 m<sup>3</sup> top-load bin scheduled for weekly collection Cardboard stored in a 4.5m<sup>3</sup> top-load bin scheduled for fortnightly collection.

Waste management and collection is consistent with the approved development plans for the development.

5.3 Chapter 4.4 – Development within the vicinity of items of Heritage Significance

The objectives of Chapter 4.4 are as follows:

Objectives

- O1 To ensure that adjacent development does not detrimentally impact upon the heritage significance of places of heritage significance or their settings.
- O2 To ensure that new development is compatible with the heritage values of adjacent places of heritage significance.

The site is located within the vicinity of a heritage item (Local Item No. 126 – Bankstown Aerodrome).

The site is removed from the heritage item by the adjacent industrial development. Consequently, there is spatial separation to the heritage item.

That part of the Aerodrome site nearby to the subject site does not contain any specific items of heritage significance. Accordingly, a Heritage Conservation Management Plan is not required pursuant to clause 5.10(6) of the LEP 2023.

5.4 Chapter 9.1 – Industrial Precincts

Chapter 9.1 of the DCP 2023 contains provisions for industrial Precincts. An assessment against the relevant provisions of the DCP are at table 1 below.

Table 1 – DCP Compliance

Chapter 9.1 Industrial Precincts – Development Control Plan 2023		
DCP Requirements	Proposal	Complies
<p><b><u>Facade Design</u></b></p> <p>The E 3.1 Development must articulate the facades to achieve a unique and contemporary architectural appearance that:</p> <p>(a) (b) (c) (d) (e) unites the facades with the whole building form; composes the facades with an appropriate scale and proportion that responds to the use of the building and the desired contextual character; combines high quality materials and finishes; considers the architectural elements shown in Figure 3a; and considers any other architectural elements to Council's satisfaction. 3.2 Development may have predominantly glazed facades provided it does not cause significant glare nuisance. 3.3 Industrial retail outlets must incorporate shopfront style windows with clear glazing so that people can see into the premises and vice versa. Council discourages the use of obscure</p>	<p>The façade design is consistent with the provisions of the DCP albeit the front part of the development was approved prior to the adoption of the DCP.</p> <p>The front office component is predominantly glazing.</p>	<p><b>YES</b></p>

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<p>or opaque glass, or other types of screening.</p> <p>3.4 Where development proposes a portal frame or similar construction, Council does not allow the 'stepping' of the parapet to follow the line of the portal frame.</p>		
<p><b><u>Matters for consideration - General</u></b></p> <p>3.15 Council must take into consideration the following matters for development in the industrial zones: (a) (b) (c) (d) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated; whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment; whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality; whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that: (i) illustrates that no alternative access is available otherwise than by means of a residential street; and (ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas; and (iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment; (e) (f) (g) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened; whether the proposed development will detract from the amenity of any residential area in the vicinity; and whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.</p>	<p>Refer to section 5.1 above.</p> <p>All goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened.</p> <p>Consideration has been given to the effect of traffic generated from the site and the likely impact on the surrounding development.</p> <p>The proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated.</p>	<p><b>YES</b></p>
<p><b><u>Safety and Security</u></b></p> <p>The front door to buildings should face the street.</p> <p>3.9 The administration offices or industrial retail outlets must locate at the front of buildings.</p> <p>3.11 Access to loading docks or other restricted areas in buildings must only be available to tenants via a large security door with an intercom, code or lock system.</p> <p>3.13 Development must provide lighting to the external entry paths, common lobbies, driveways and car parks using vandal resistant, high mounted light fixtures.</p>	<p>The administrative offices are located at the front of the building to avoid visitors entering the industrial areas of the site and potential conflict with truck movements.</p> <p>An entry gate secures the main warehouse areas and loading docks.</p> <p>Lighting has been installed on the site to ensure the principles of 'Safety by Design' are incorporated.</p>	<p><b>YES</b></p>

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<p><b><u>General</u></b></p> <p>Council must take into consideration the following matters for development in the industrial zones: (a) (b) (c) (d) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated; whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment; whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality; whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that: (i) illustrates that no alternative access is available otherwise than by means of a residential street; and (ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas; and (iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment; (e) (f) (g) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened; whether the proposed development will detract from the amenity of any residential area in the vicinity; and whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.</p>	<p>Adequate off-street carparking is provided and complies Chapter 3.2 of the DCP.</p> <p>Initiatives to include the reduction of waste, embodied energy and emissions, through passive design principles and the use of advanced energy production systems where possible are used by the occupant of the premises.</p> <p>Suitable on-site traffic and access measures have been approved by council.</p> <p>Goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened; The proposed development will not detract from the amenity of other industrial user in the vicinity of the site or within the site.</p>	<p><b>YES</b></p>
<p><b><u>Environmental Management</u></b></p> <p>4.1 Development must: (a) consider the Noise Policy for Industry and the acoustic amenity of adjoining residential zoned land; and (b) may require adequate soundproofing to any machinery or activity that is considered to create a noise nuisance. Pollution control 4.2 Development must adequately control any fumes, odour emissions, and potential water pollutants in accordance with the requirements of the relevant public authority.</p>	<p>The development is not a noise generating use as there is no manufacturing involved. The use is for warehousing purposes only, the site is surrounded by industrial development and machinery used is a forklift for loading/unloading purposes.</p> <p>No fumes or odour is generated and suitable waste collection serv</p>	<p><b>YES</b></p>
<p><b><u>Site Facilities</u></b></p> <p>5.1 The storage and use of hazardous materials must comply with the requirements of WorkCover NSW and other relevant public authorities. 5.2 The storage and use of dangerous goods must comply with the</p>	<p>No hazardous goods are stored within the premises.</p> <p>The site has adequate utility services incorporated into the design of the development. Services.</p>	



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Dangerous Goods (Road and Rail Transport) Act 2008 and its regulations, and any other requirements of WorkCover NSW. Building design (utilities and building services) 5.3 The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans. 5.4 Utilities and building services are to be integrated into the building design and concealed from public view. 5.5 External lighting to industrial development must give consideration to the impact of glare on the amenity of adjoining residents. 5.6 Council may require development to include public domain improvements to an adjacent footpath in accordance with a design approved by Council's Landscape Architect	External lighting and security have been incorporated into the site development.	YES
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## 6/ SECTION 4.15 OF THE EP & A ACT, 1979

### 6.1 The Provisions of Relevant Planning Controls

#### 6.1.1 State Environmental Planning Policy (Transport & Infrastructure) 2021

The proposal is not deemed to be a "Traffic -generating development" under schedule 3 of the SEPP and accordingly, referral to the RMS is not required under the SEPP.

The proposal will not require the provision of additional means of access to the site and it is considered that the proposed means of vehicle entry/exit to the site is safe and will not adversely impact upon the operations of the adjoining roadways.

#### 6.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the SEPP provides guidelines for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Section 4.6 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

Section 4.6 of the SEPP states:

*"(1) A consent authority must not consent to the carrying out of any development on land unless:*  
*(a) it has considered whether the land is contaminated, and*  
*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*  
*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

Sections 4.7, 4.8 and 4.9 of the SEPP are not relevant to the proposal as the site is not considered to be contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under the SEPP.

#### 6.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is located within the hydrological catchment of the Georges River Catchment.

Section 6.6(2) states:

*(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—*  
*(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and*  
*(b) the impact on water flow in a natural waterbody will be minimised.*

Section 6.7(2) states:

*(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—*  
*(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept*

*to the minimum necessary for the carrying out of the development,*  
*(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,*  
*(c) if a controlled activity approval under the [Water Management Act 2000](#) or a permit under the [Fisheries Management Act 1994](#) is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,*  
*(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,*  
*(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.*

The proposed use of the site will not result in any adverse impacts upon the water quality of the Georges River Catchment and the development essentially seeks consent for the use of the land.

## 6.2 The Likely Impacts of The Development

### 6.2.1 Noise Generation

This matter has been addressed above in the SEE.

## 6.3 The Suitability of the Site

The proposed development is consistent with the relevant objectives of the IN2 zone. This is discussed in detail under section 4.3 of the SEE. The proposed development is permissible with the consent of Council.

## 6.4 Submissions

This is a matter for Council's consideration under Council's notification requirements.

## 6.5 The Public Interest

The public interest is served using the land in an efficient and economical way that will not detract from the character of the area and amenity of the neighbourhood.

## **7/ CONCLUSION**

The merits of the application have been considered in this assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979, Canterbury-Bankstown Local Environmental Plan 2023 and Development Control Plan 2023.

The proposal satisfies the intent of the relevant planning controls for the locality.

The proposal achieves the objectives of Council's planning controls and is suitable for approval.

**Peter Fryar**

BTP(UNSW), CERT T&CP(Ord4), MPIA

**Director,**

**KEY URBAN PLANNING**