WILLOWTREE PLANNING

23 December 2025

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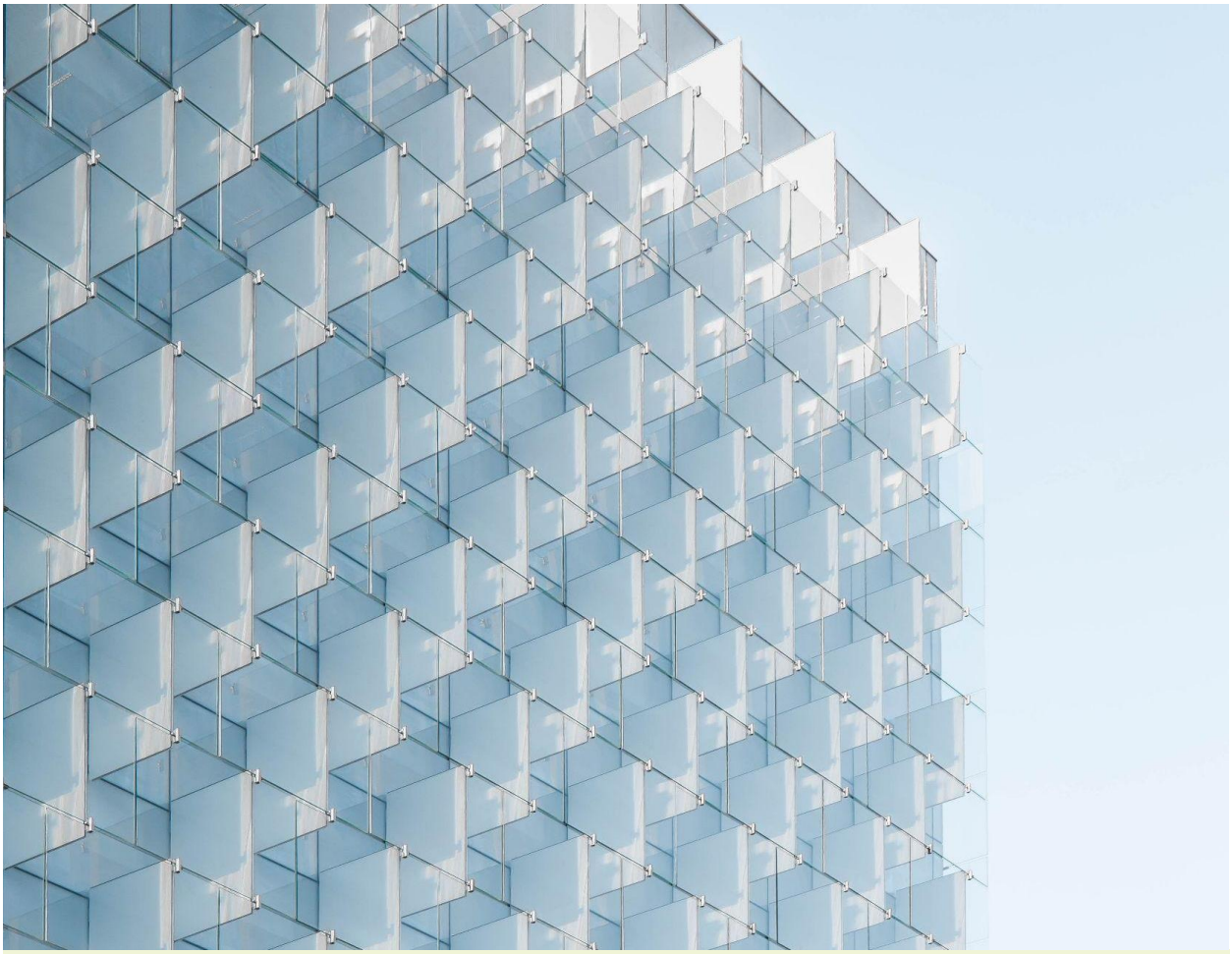
Contact: Anthony Roydhouse



STATEMENT OF ENVIRONMENTAL EFFECTS

Site Remediation and Early Works (including Earthworks and Flood Management Works) – Stage 1

191 Miller Road, Chester Hill
Lot 82 in DP 1282378

—

Prepared by Willowtree Planning Pty Ltd
on behalf of LogiSPACE

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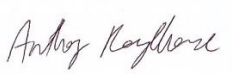
In the spirit of reconciliation and recognition, Willowtree Planning acknowledges the Traditional Owners of this Country throughout Australia and their continuing and ongoing connections to land, waters and community. We show our respect to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands in this Local Government Area, belonging to the local Aboriginal People, where this proposal is located upon.

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ25-396 – Stage 1 Statement of Environmental Effects		
Contact	Anthony Roydhouse		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 – 22/12/2025	Denva Ross Town Planner	Andrew Cowan Director	Andrew Cowan Director
Version No. 2 – 23/12/2025	Anthony Roydhouse Senior Planner		
			

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2	Survey Plan	MNG Landpartners
3	Pre-DA Lodgement Advice	Canterbury-Bankstown Council
4	Owners Consent	LogiSPACE
5	Architectural Plans	PACE
6	Arboricultural Impact Assessment	Canopy Consulting
7	Biodiversity Development Assessment Report	Anne Clements & Associates
8	Civil Engineering Report	Costin Roe Consulting
9	Civil Engineering Plans	Costin Roe Consulting
10	Traffic Management Plan	Colston Budd Rogers and Kafes Pty Ltd
11	Noise & Vibration Impact Assessment	Renzo Tonin & Associates
12	Waste Management Plan	Arcadis
13	Technical Memorandum	Vinculum Advisory
14	Air Quality Impact Assessment	SLR
15	Aboriginal Heritage Report	Artefact
16	Data Gap Investigation	JBS&G
17	Remedial Action Plan	JBS&G
18	Human Health and Ecological Risk	JBS&G
19	Site Audit Report	Enviroview
20	Site Audit Statement	Enviroview
21	Geotechnical Investigation of Stockpiles	PSM
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PART A SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of LogiSPACE Development Management Pty Ltd (the Applicant) and is submitted to Canterbury-Bankstown Council (Council) in support of a Development Application (DA) at No. 191 Miller Road, Chester Hill (site), which includes Lot 82 in DP 1282378.

This DA seeks development consent for site remediation and the demolition of existing structures including earthworks and flood management ('Stage 1') at the site, including other necessary works, as described in **PART C** of this SEE. In particular, the following is involved in this application:

- Site establishment;
- Demolition of existing structures;
- Remediation of the site in accordance with Remediation Action Plan;
- Site preparation and earthworks;
- Flood management/mitigation works; and
- Tree and vegetation removal

Importantly, the proposed remediation works will ensure the site is suitable for future development, particularly considering the presence of contamination from historical uses of the site. Site remediation works will be undertaken in accordance with investigations undertaken by JBS&G and reviewed by Enviroview.

A separate DA is being submitted with Council for the construction and operation of warehousing ('Stage 2'). That application includes the following scope of works:

- Construction of 2 warehouse buildings comprising of 6 tenancies including ancillary offices, loading docks and hardstand areas.
- 24-hour operation, 7 days a week.
- Other associated works including landscaping, car parking and general site improvements.
- Amendment of the crossover for light and heavy vehicle access is proposed from Miller Road.
- Business identification signage and wayfinding signage.

The site is zoned E4-General Industrial, pursuant to the *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP2023), which is intended to:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To support and protect industrial land for industrial uses.*
- *To promote a high standard of urban design and local amenity.*

The proposal seeks to provide demolition, site remediation, earthworks and flood management works to facilitate future industrial and warehousing development, which is permitted within the E4-General Industrial zone and aligns with the zone objectives.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the subject site and proposed development, provides relevant background information and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE ANALYSIS**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the DA be given.

1.2 PRE-LODGEMENT CONSULTATION

A pre-lodgement meeting was held with Canterbury Bankstown Council on 17 November 2025 with Monica Samuel (Executive Planner), Halloum Albaba (Development Engineer), Preetha Kumar (Senior Traffic Services Officer) and Sinan Alanci (Tree Management Officer). **TABLE 1** below outlines the notes provided by Monica Gibson on 21 November 2025 and commentary against each matter.

TABLE 1. PRE-LODGEMENT NOTES

Council Comments	Applicant Response
Remediation Strategy • *Any future DA must accompany a Site Audit Statement and Site Audit Report, prepared by a NSW EPA accredited site auditor. The information must clearly state that the subject site is or can be made suitable for the intended proposed development. The information must include any restrictions or management requirements for the subject site. This forms part of the contaminated land assessment, remediation and validation process.*	A Site Audit Statement and Site Audit Report have been prepared by Enviroview, who are a NSW EPA accredited site auditor. Those reports confirm the proposed remediation strategy detailed in the Remediation Action Plan will make the site suitable for the intended future warehousing development.
Flooding and Existing Infrastructure	Flood modelling and reporting is provided within the Civil

• *The site is subject to medium risk flood prone land (Villawood catchment)* • *A Stormwater System Report (SSR) is required with any future DA, in accordance with Council's Development Engineering Standards, Section 6.2.1. Flood documentation and proposed development shall be revised to reflect the SSR recommendations.*	Engineering Report prepared by Costin Roe and submitted as **Appendix 8**.
Proposed Stormwater Management • *Verification is required to be sought of the existing Sydney Water drainage easement that is running within the boundary and an approval from Sydney Water is to be obtained.* • *The proposed development provides an increase of impervious area. The applicant shall provide an On-Site Detention (OSD) system as part of any future DA.*	The existing Sydney Water drainage easement along the western side of the site has been investigated by Vinculum Advisory, who have confirmed that the asset was previously disconnected. Consent is separately being sought from Sydney Water to release the subject easement and remove the asset. See Technical Memorandum at **Appendix 13**. An OSD has not been provided, as there will be no increase in local runoff, and the outcomes of the flooding assessment completed by Costin Roe confirm there are no adverse impacts associated with the development, there are no proposed water quantity measures, or OSD proposed for the development. Flood storage is provided as an alternative. See **Appendix 8** for further detail.
Proposed Vehicular Footway Crossing (VFC) • *The applicant shall provide in detail the management of high volumes of vehicles entering and exiting the site. This will also determine the proposed VFC width.*	Vehicular footway crossing works are proposed under a separate DA.

Internal Driveway
• *A full driveway profile prepared by a qualified Civil or Traffic Engineer demonstrating compliance with AS2890.1, including car scraping shall be provided for further assessment.*
• *The profile design shall include the following components:*
  ○ *Profile shall extend to the road shoulder*
  ○ *Profile design shall incorporate existing boundary and gutter invert levels.*
	Internal driveway design works are proposed under a separate DA.

Arboricultural Impact Assessment	An Arboricultural Impact Assessment report has been

• *An Arboricultural Impact Assessment is to be submitted as supporting documentation with a development application involving tree removal and / or tree protection and must comply with Australian Standard® AS 4970-2009 Protection of trees on development sites, and include the following information*	prepared by Canopy Consulting and is submitted as part of the documentation package (see **Appendix 6**).
Tree Management Plan • *The applicant shall engage a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 Diploma of Horticulture (Arboriculture) and/or equivalent experience - to prepare a Tree Management Program for the development site. All trees to be retained and protected, and trees located on adjoining properties within 5m of the subject property boundary, are to be covered by this Tree Management Program. The report shall generally comply with Section 2.3.5 of Australian Standard AS 4970-2009 Protection of trees on development sites and Section 8.6 of the Bankstown City Council Tree Management Manual.*	Canopy Consulting, who are an AQF Level 5 arborist, have prepared a Tree Management Plan for the site, which forms part of the submission package.
Driveway arrangement • *The letter indicates that a total of three vehicular crossings are proposed. However, the submitted civil plan identifies only two crossings - one heavy vehicle (HV) driveway with splays and one standard vehicle driveway without splays. It appears that the driveway shown with an exit arrow towards Miller Road represents the HV access, while the adjacent southern driveway serves standard vehicles. Based on the plans provided, it cannot be confirmed that these two driveways are sufficiently separated and do not overlap.* • *Further, the architectural plan depicts a standard vehicle crossing north of the HV driveway, also without splays, which differs from the civil layout.* • *The Applicant is required to provide clarification and sufficient detailed design information for all three proposed driveways, including:* o *Dimensions and splay details for each crossing; and* o *The spacing between adjacent driveways.* o *The spacing between the adjoining existing property driveway and proposed.*	Driveway works are proposed under a separate built form DA.
Driveway arrangement • *The Applicant must ensure that legal on-street parking spaces are retained between driveways, or that the verge spacing between adjacent driveways complies with Council's Standard Drawing S004, which specifies a range of 0.3–2.0 metres (refer to the excerpt below).*	Driveway works are proposed under a separate built form DA.

Submission Requirements (including but not limited to): • *Architectural plans* • *Stormwater Plans* • *Stormwater System Report - obtain from Council* • *Flood Risk Assessment* • *Site Audit Statement and Site Audit Report* • *Environmental Impact Statement* • *Arboricultural Impact Assessment* • *Tree Management Plan* • *Biodiversity Development Assessment Report* • *Updated survey plan* • *Quantity Surveyor Report* • *BCA Report* • *Acoustic Report* • *Traffic Report* • *Geotechnical Report - must address Clause 6.2 of the CBLEP 2023* • *Disability Access Report* • *Waste Management Plan* • *Statement of Environmental Effects* • *Stormwater Plans* • *Cut & Fill plan – across the site* • *Plan of Management*	In accordance with feedback from Council, documentation has been provided as relevant. It is noted that where documentation related to the Stage 2 built form works, that documentation was provided under a separate DA lodged with Council.

PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The site is identified as 191 Miller Road, Chester Hill, containing the following land holdings:

TABLE 2. SITE IDENTIFICATION		
Site Address	**Legal Description(s)**	**Land Area (approx.)**
191 Miller Road, Chester Hill	Lot 82 in DP 1282378	64,656m^2

The site is irregular in shape and presents a substantial frontage of approximately 144 metres to Miller Road. Industrial development surrounds the remainder of the site, with large warehouse complexes located immediately to the east and south.

The site is currently occupied by a range of industrial and storage activities, reflected by multiple existing structures, stockpiles, hardstand areas and internal access tracks dispersed across the site. Existing buildings are concentrated in the north-western and south-western portions of the land, with expansive areas of cleared hardstand surrounding them. A large central portion of the site remains predominantly open, containing grassed areas and scattered trees. Vegetation is also present along parts of the northern boundary where the site interfaces with the railway corridor.

Vehicular access is currently provided from Miller Road, with internal driveways and hardstand areas servicing the existing buildings. The landform is generally level with evidence of historical earthworks, compacted fill, and disturbance typical of long-term industrial operations.

The site's strategic location places it within close proximity to major transport infrastructure, including Chester Hill Station (~400 m), Leightonfield Station (~1 km), bus services along Orchard Road, and convenient access to the wider road network via Miller Road and the Hume Highway. The surrounding area is characterised by large-scale industrial and warehouse uses consistent with the site's zoning and historical industrial function.

Towards the western portion of the site is a Sydney Water easement, which relates to a disused watermain. All watermains within the easement were disconnected in approximately 1975, however the easement remains active and an easement release process with Sydney Water is underway. A technical memorandum has been prepared by Vinculum Advisory and provides further detail regarding the process being followed to extinguish the easement, with a Feasibility Application made to Sydney Water (see **Appendix 13**).

Refer to **Figures 1 and 2** on the following page.

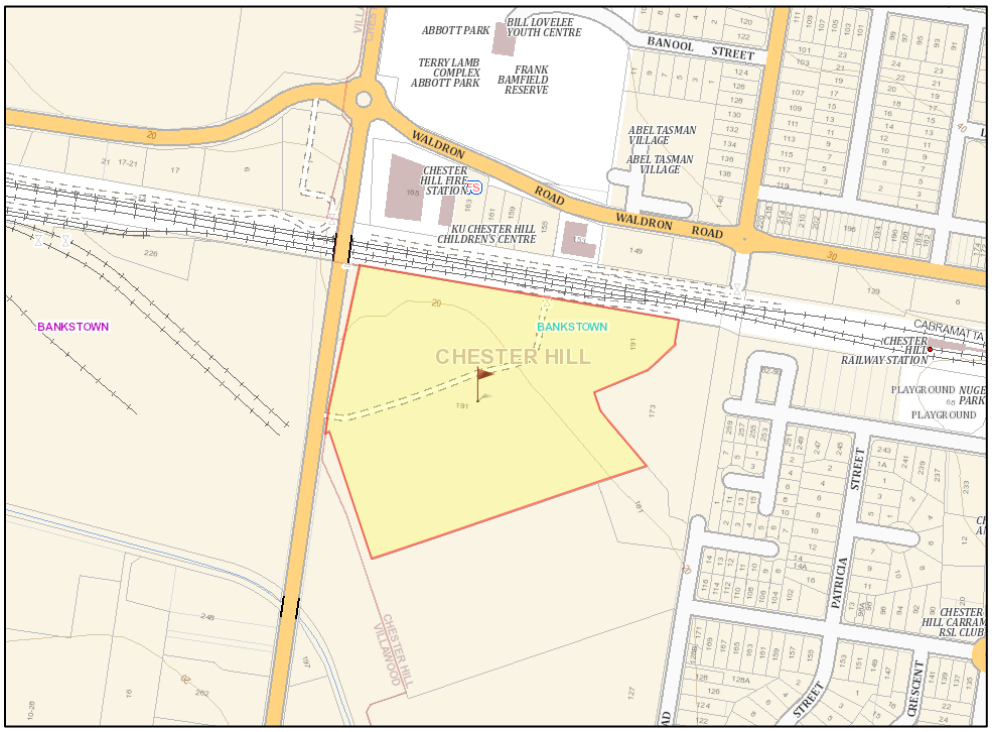


Figure 1. Cadastral Map (Source: SIX Maps, 2025)

Figure 2. Aerial Map (Source: Near Map, 2025)

2.2 SITE CONTEXT

The site is located within the Villawood–Chester Hill industrial precinct, a long-established employment area characterised by large-format warehouses, logistics operations, manufacturing premises and associated hardstand. The broader locality contains a clear separation between industrial lands to the west and south, and established residential neighbourhoods to the north and east of the railway corridor.

North

Immediately north of the site is the Main Southern Railway Line, a significant metropolitan passenger and freight corridor extending between Leightonfield and Chester Hill Stations. The rail corridor creates a substantial physical buffer both in width and elevation between the site and the low-density residential area situated further north within Chester Hill. This interface prevents any direct land use conflict and reinforces the industrial character of the precinct.

South

The land directly south accommodates contemporary warehouse and distribution facilities, including the recently developed multi-tenancy industrial estate fronting Orchard Road. These buildings form a consistent industrial interface and reflect the ongoing renewal of the Villawood industrial area. This southern context is typified by expansive hardstand, loading docks, service vehicle areas and heavy-vehicle circulation routes.

East

To the east, the site adjoins the Orchard Industrial Estate, which contains a series of warehouse units, ancillary offices, storage yards and commercial/industrial operations. This area accommodates a mix of logistics, automotive, building supply and light manufacturing uses and reinforces the site's strategic suitability for continued industrial and employment-generating development.

West

The western boundary fronts Miller Road, a major north–south industrial connector road linking the precinct to the Hume Highway, Woodville Road and the wider arterial network. Opposite the site on Miller Road are further industrial and transport-related uses, including warehousing, packaging facilities and freight operators. The frontage provides convenient vehicle access, including for Heavy Rigid and articulated vehicles, supporting the operational needs of large-format industrial development.

Refer to **Figure 3** on the following page.

Figure 3. Site Context Map (Source: Google Maps, 2025)

2.3 DEVELOPMENT HISTORY

TABLE 3 outlined below provides a summary of the DAs, pertaining to the subject site and of relevance to the proposal, that have been determined or are under assessment.

TABLE 3. EXISTING CONSENTS			
DA Reference	**Summary**	**Date of Determination**	**Decision**
DA-500/2002/1	Office, showroom, associated parking and truck turning area – S96(2)	15/01/2003	Approved 28/03/2003
DA-254/2003	Construction of a new cold store building and two awnings and change of use for the warehousing and distribution of raw materials, refrigerated goods and general consumables	26/02/2003	Approved 06/11/2003
DA-774/2005	Use of premises as a metal recycling facility – subsequent approval given by the Dept of	19/07/2005	Withdrawn

	Planning for purposes of proposed materials recycling		
DA-920/2008	Use of premises for the storage and hire of containers (State Environmental Planning Policy No. 33 Hazardous and Offensive Development applies to this Development Application)	12/11/2008	Approved - 25/02/2010
DA-1042/2010	Partial use of premises for storage and hire of containers	25/10/2010	Refused
CC-917/2010	Use of premises as a metal recycling facility – erection of acoustic barriers and alterations to stormwater	16/12/2010	Approved - 14/12/2010
DA-753/2012	New concrete slab and fencing	20/09/2012	Approved - 07/02/2013
DA-91/2013	Storage of vehicles on existing hardstand area	13/02/2013	Approved - 15/04/2014
DA-162/2013	Partial use of premises for storage and hire of containers with associated site works	08/03/2013	Approved - 13/09/2013
DA-702/2013	Use of yard for storage of building materials and framework	30/08/2013	Approved - 25/09/2013
CD-64/2019	Change of use to a landscape supplies	13/02/2019	Approved - 22/12/2017
MP06_0052	Materials Recycling Facility	N/A	Approved – 27/02/2007
MP06_0052-Mod-1	Materials Recycling Facility	N/A	Approved
MP06_0052-Mod-2	Materials Recycling Facility	N/A	Refused
MP06_0052-Mod-3	Materials Recycling Facility	N/A	Approved - 11/10/2023
DA-741/2022	Demolition of existing structures, removal of site vegetation and retention of 6 trees. Construction of 4 attached warehouse and distribution buildings for 24 hours, 7 days a week operation, ancillary office spaces, awnings, associated site preparation works, vehicular and pedestrian access, car parking and landscaping. This application, having a Capital Investment Value greater than $30m, will be determined by the Sydney South Planning Panel on behalf of Council.	21/10/2022	Approved – 11/10/2023

	Note: This application related to development on No. 149 Orchard Road, adjoining to the south.		
CC-546/2024	CC# 212978/01 Stage 1 (East to West excluding the sewer works) - Stormwater overland flow channel - Council drains along southern body - Footings - Structural - Hydraulic drainage Demolition of existing structures, removal of site vegetation and retention of 6 trees. Construction of 4 attached warehouse and distribution buildings for 24 hours, 7 days a week operation, ancillary office spaces, awnings, associated site preparation works, vehicular and pedestrian access, car parking and landscaping. This application, having a Capital Investment Value greater than $30m, will be determined by the Sydney South Planning Panel on behalf of Council.	20/11/2024	Certificate registered

PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The proposed development seeks consent for early works to support a future warehousing and distribution centre development on the site, which is to be assessed and determined under a separate Development Application. The proposed development includes the following scope of works:

- Demolition of existing structures;
- Clearing of existing vegetation to enable proposed site preparation works;
- Vegetation protection measures to those trees identified to be retained in Arboricultural Impact Assessment report;
- Civil earthworks in preparation of two level building pads suitable for the future proposed warehousing development under a separate Development Application;
- Provision of retaining structures to support civil earthworks and pads for future building development, under a separate Development Application;
- Temporary site stormwater management
- Removal of contaminated earth and potential sources of contamination, including prior petroleum infrastructure;
- Flood management works, including installation of flood storage;
- Category 2 remediation works, pursuant to Chapter 4 of the *State Environmental Planning Policy* (*Resilience and Hazards*) *2021.* The remediation works are in accordance with the Remediation Action Plan prepared by JBS&G and reviewed by Enviroview.

The proposal seeks to utilise the subject site in accordance with the relevant zoning provisions and will not result in any unreasonable environmental or amenity impacts on the future use of the subject site, adjoining tenancies or residential properties in the nearby area. The early works proposal has been devised to ensure the site is suitable for future warehousing development, particularly through the removal of contaminated material and remediation of the site.

3.2 DEVELOPMENT STATISTICS

The proposed early works application includes those works as identified in **TABLE 4** below.

TABLE 4. DEVELOPMENT PARTICULARS	
Component	**Proposed**
Site Area	64,656.98 m²
Primary Land Use	General industries (Note: warehousing proposed under separate DA)
Gross Floor Area	Not applicable – no buildings proposed to be constructed as part of the subject DA.
Floor Space Ratio	Not applicable – no buildings proposed to be constructed as part of the subject DA.
Building Height	Not applicable – no buildings proposed to be constructed as part of the subject DA.

TABLE 4. DEVELOPMENT PARTICULARS	
Component	**Proposed**
Number of Storeys	Not applicable – no buildings proposed to be constructed as part of the subject DA.
Number of Tenancies/Units	Not applicable – no buildings proposed to be constructed as part of the subject DA.
Landscaping	Not applicable – landscaping works are proposed under separate DA.
Earthworks	Cut: 11,480m^3 Fill: 51,655m^3
Roads / Driveways	Use of existing driveway to Miller Road for construction vehicles Access to Miller Road only (as existing)
Car Parking	Not applicable - car parking proposed under separate DA.
Bicycle Parking	Not applicable - bicycle parking proposed under separate DA.
Tree Removal / Planting	Removal of 405 trees (122 of which are due to weed, health or structural issues) Protection works to 20 trees Note: Future tree planting works under separate DA.
Signage	Not applicable – no signage proposed as part of the subject DA.
Estimated Development Cost	$11,488,359

3.2.1 Demolition

Demolition of all existing structures on the site is proposed, including existing warehousing and storage structures (see **Figure 4**). Fencing to the rail line, existing electrical infrastructure (substation) and the Sydney Water watermain will be retained and protected during demolition, as necessary.

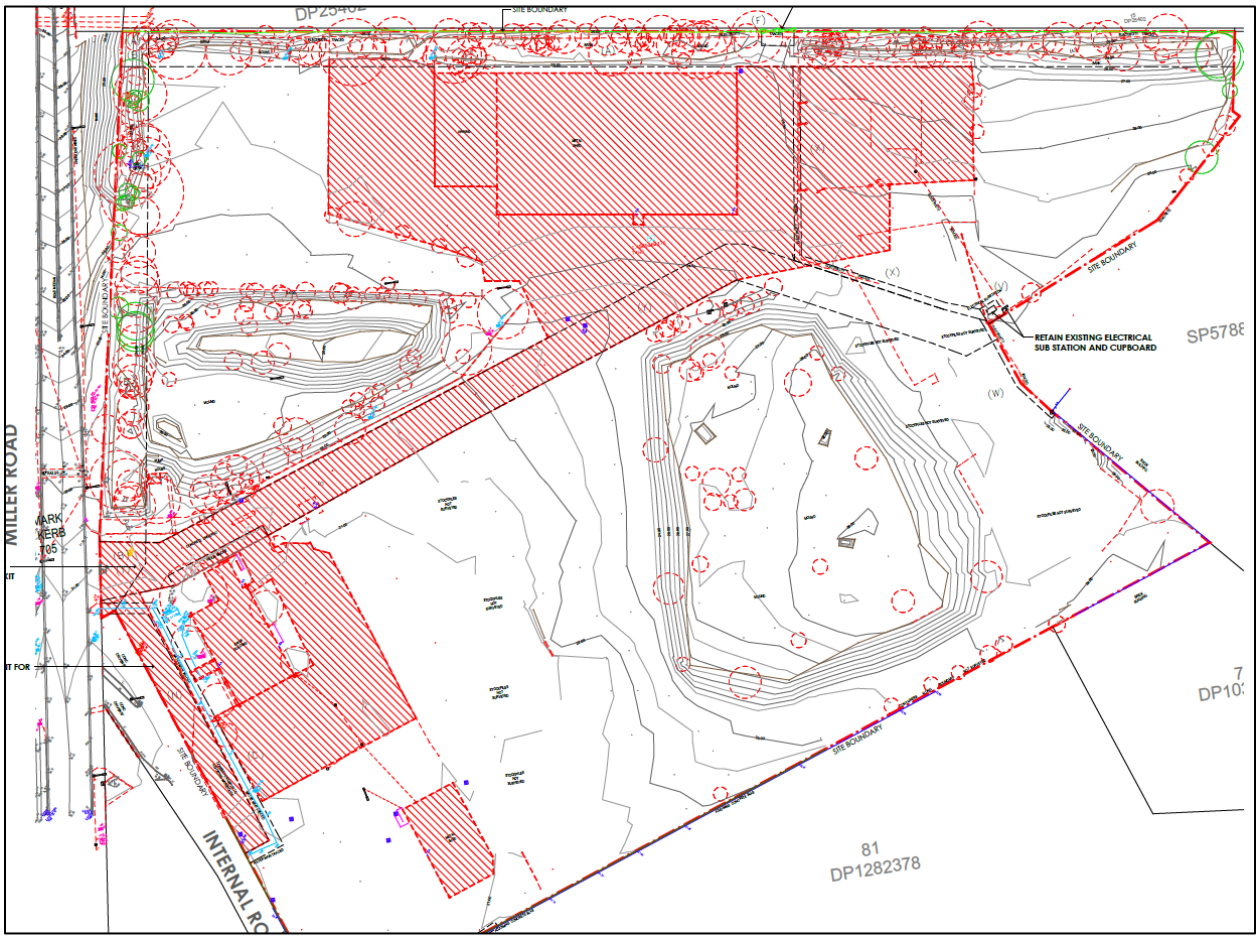


Figure 4: Demolition Plan (Source: PACE Architects, 2025)

3.2.2 Earthworks and Remediation

The contamination found on site can be summarised as follows:

- Asbestos (both asbestos containing material and friable asbestos)
- Chlorinated Hydrocarbons (in both vapour and groundwater forms)
- Petroleum Hydrocarbons
- Various Hazardous Ground Gases

As declared by the NSW EPA, the main source of contamination relates to Chlorinated Hydrocarbon contamination in soil vapour and groundwater. This application seeks to undertake remediation works in accordance with the Remediation Action Plan (RAP) prepared by JBS&G (**Appendix 17**) and peer reviewed by Enviroview (**Appendix 19**), as was informed by previous studies that include a Data Gap Investigation (DGI) by JBS&G (**Appendix 16**) and a Human Health and Ecological Risk Assessment (HHERA) prepared by JBS&G (**Appendix 18**).

As noted in Section 2 of this report, the subject site has a sloping topography, with varying levels across the site. A Cut and Fill Plan prepared by Costin Roe forms part of the Civil Engineering Plans provided at

Appendix 9, with an excerpt at **Figure 5** below. To accommodate the future built form works by providing level work areas and as part of the remediation process, bulk earthworks are proposed. The earthworks involve:

- Placement of asbestos contaminated soils in a containment facility;
- Providing consistent RL of 24.45 AHD;
- Construction of two single flat pads;
- Retaining walls;
- Pavement to approximately 300mm thickness across the site (except where landscaping is proposed).

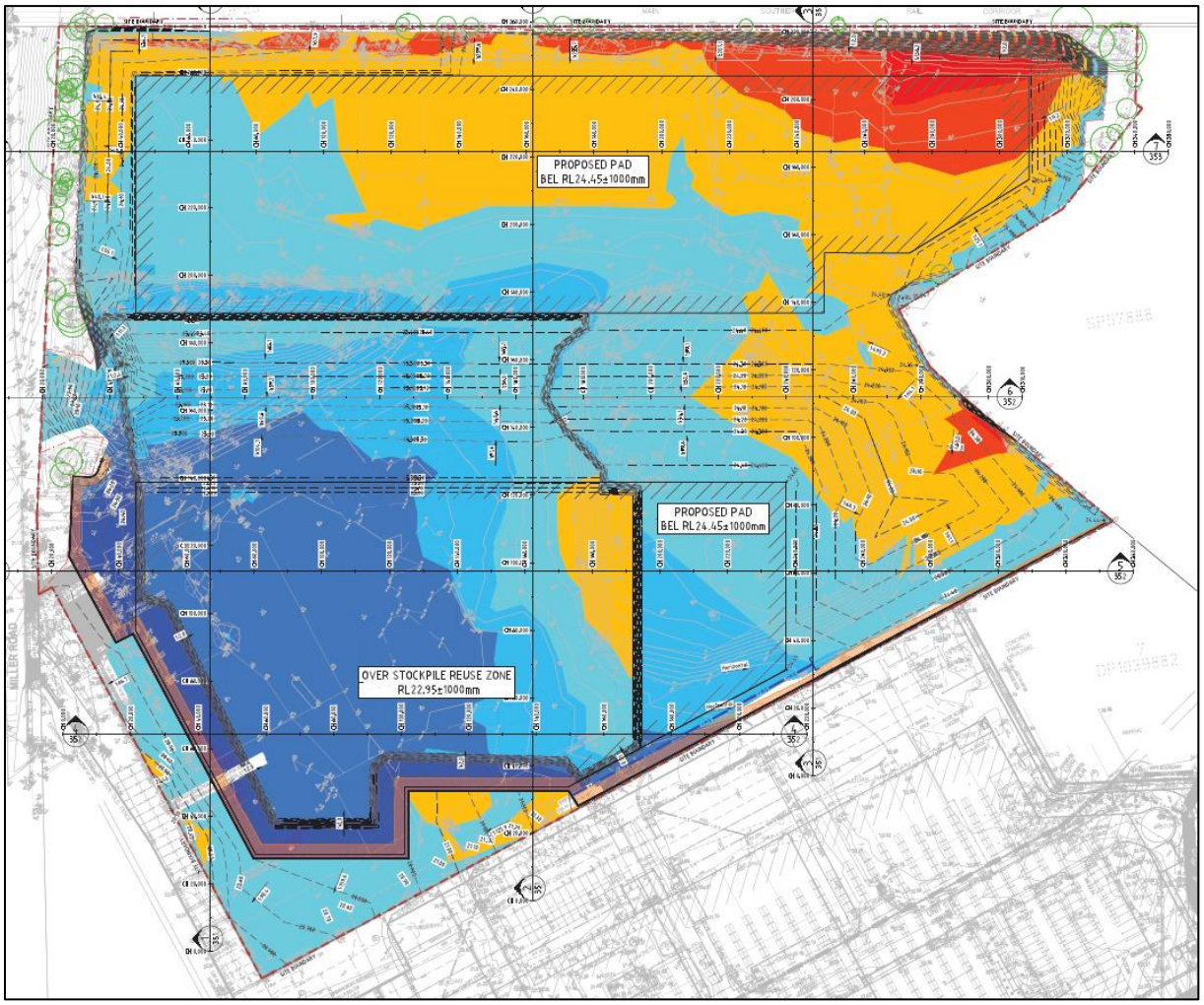


Figure 5: Proposed Cut and Fill Plan (Source: Costin Roe, 2025)

As detailed in the RAP prepared by JBS&G, the proposed scope of remediation works is summarised as follows:

- Site establishment and pre-excavation investigation works to mitigate potential impacts;
- Removal of pavement as needed to access areas of remediations;

- Creation of Soil Treatment Compound, near the centre of the site;
- Degassing and removal of petroleum infrastructure and subsequent removal of impacted soils;
- Removal of stormwater lines;
- Excavation of soils impacted by Chlorinated Ethene, particularly along the line of existing stormwater infrastructure, soils transferred to Soil Treatment Compound;
- Excavation of Xylene impacted soils under existing Building B, soils transferred to Soil Treatment Compound;
- Bioremediation of petroleum and chlorinated hydrocarbons generated by remedial works, to be undertaken within Soil Treatment Compound;
- On-site containment of asbestos, with impacted materials to be excavated, putrescible materials removed and then transferred to controlled stockpile. Long-term containment of asbestos impacted soils will involve a minimum soil cover of 0.5m, with marker layers and capping layer of permanent concrete floor/ground slab above (with marker layer). Specific capping arrangements detailed in Section 5.9.2 of the RAP, which would be observed in any future works;
- Backfilling of areas of cut, with reinstatement of remediated materials where appropriate, otherwise imported fill to be utilised;
- Preparation of a Remediation Environmental Management Plan, prior to the commencement of works, to detail the measures to eliminate or mitigate potential environmental emissions from the above remediation works;
- Validation of the remediation works by a suitably qualified Environmental Consultant;
- Preparation and implementation of a long-term Environmental Management Plan.

It is noted that some of the above works may be carried out in advance of commencement of the DA, as Category 2 works which do not require consent. These works will ensure that the site is suitable for the future warehousing use and does not present an adverse environmental or human health risk.

3.2.3 Tree Works

As part of the early works, significant earthworks including the removal of contaminated materials are proposed to be undertaken across the site. Further works such as installed flood storage and construction of a ground slab will impact upon the viability of existing trees on the site. In this regard, it would not be possible to remediate the site through removal of contaminated earth and replacing with suitable fill without removal of the trees listed within the Arboricultural Impact Assessment.

For the purposes of the tree impact assessment, trees requiring removal due to cut and fill impacts were those subject to fill exceeding 100mm across significant portions of their Notional Root Zone (NRZ) or subject to cut exceeding 150mm across their NRZ. Where trees are proposed to be removed due to their location affected by the new hardstand areas or future warehousing construction, these would require a fundamental redesign to enable retention and would effectively sterilise development on the site for the proposed purpose.

Canopy Consulting have prepared an Arboricultural Impact Assessment for the site (**Appendix 6**), which indicated the following tree works:

- Removal of 283 trees due to development impacts
- Removal of 122 trees due to weed status, health or structural issues

- Retention of 20 trees, which would require specific protection measures to be applied during works.

Replacement tree planting is proposed to be provided under a separate built form DA, consisting of a mixture of small, medium and large canopy trees, with a focus on providing trees indigenous to the Council area where possible. As per Council's DCP, future tree planting will support a buffer to the respective site boundaries, with trees provided at 5m intervals along the northern side boundary to the rail line and within the setback to Miller Road.

A Biodiversity Development Assessment Report (BDAR) has been prepared to consider potential biodiversity impacts and is submitted with the application (**Appendix 7**), which confirms that areas of remnant native vegetation will be protected during works and retained on the site.

3.2.4 Flood Management

To manage flood affectation of the subject site, flood management works are proposed as part of the early works application. A Civil Engineering Report prepared by Costin Roe and submitted separately details the scope of works in response to flood modelling associated with a 1% AEP storm event, with flood storage key to ongoing flood management. It is noted that Council's Stormwater System Report indicated a depth of up to 0.5m in the 1% AEP storm, with Probable Maximum Flood depths ranging between RL 21.30 and RL 27.30.

PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 CONTROLS AND POLICY OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the subject site in accordance with the EP&A Act.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this DA.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Protection of the Environment Operations Act 1997*
- *Contaminated Land Management Act 1997*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

Local Planning Context

- *Canterbury-Bankstown Local Environmental Plan 2023*
- *Canterbury-Bankstown Development Control Plan 2023*
- *Canterbury-Bankstown Contaminated Land Policy*

Draft Planning Instruments

- *Draft State Environmental Planning Policy (Cultural)*

Strategic Context

- *Connective City 2036*
- *CBCity Employment Lands Strategy*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a "controlled action" and formal Commonwealth approval is required.

The proposal does not warrant significant impacts on MNES, therefore no further consideration of the EPBC Act is required.

4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 5** below.

TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	**Response**
Section 4.15(1)(a)(i) any environmental planning instrument, and	The CBLEP2023 is the relevant Environmental Planning Instrument (EPI) applying to the subject site, which is assessed in **Section 4.4** of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Draft State Environmental Planning Policy (Cultural).
Section 4.15(1)(a)(iii) any development control plan, and	The *Canterbury-Bankstown Local Environmental Plan 2023* (CBDCP2023) applies to the site and is addressed in **Section 4.4.2** and **Appendix 1** of this SEE.
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or	There is no planning agreement associated with the proposed development.

TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	**Response**
any draft planning agreement that a developer has offered to enter into under section 7.4, and	
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in **Section 4.3.2** of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in **PART E** of this SEE.

Pursuant to Section 4.5(d) the EP&A Act, the consent authority for the proposed development is Council.

4.3.1.2 Section 4.46 of EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. In these circumstances, prior to granting consent, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development, pursuant to Clause 42 of the EP&A Regulation. In this regard, potential triggers for integrated development have been considered and can be concluded as not necessary for the purposes of the Stage 1 Development Application.

4.3.2 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 6. HOW THE DA IS MADE	
Considerations	**Response**
Division 1 – Making development applications	
Section 23 – Persons who may make development applications	
(1) A development application may be made by— *(a) the owner of the land to which the development application relates, or* *(b) another person, with the consent of the owner of the land.*	This DA is made by LogiSPACE c/o – Willowtree Planning. The owner of the land has provided consent in accordance with Clause 23(1) of the EP&A Regulation to allow for the DA to be made.
Section 24 – Content of development applications	
(1) A development application must— *(a) be in the approved form, and* *(b) contain all the information and documents required by—* *(i) the approved form, and* *(ii) the Act or this Regulation, and*	The DA includes all relevant information including details of the development, address and formal particulars, estimated cost of development, owner's consent, supporting documents including detailed plans and SEE. This DA is submitted via the NSW planning portal.

TABLE 6. HOW THE DA IS MADE	
Considerations	**Response**
(c) be submitted on the NSW planning portal.	
Section 25 – Information about concurrence or approvals	
A development application must contain the following information— *(a) a list of the authorities —* *(i) from which concurrence must be obtained before the development may lawfully be carried out, and* *(ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,* *(b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.*	As indicated at Section 4.3.1.2, the application requires concurrence/approvals from the following authorities (in addition to the Sydney South Planning Panel): • The rail authority for the T3 Rail Corridor - Transport for NSW • Ausgrid • Sydney Water
Section 35C Net zero statement for non-residential development under Sustainable Buildings SEPP	
(2) The development application must include evidence that the development— *(a) will not use on-site fossil fuels after the occupation and use of the development commence, or* *(b) incorporates the infrastructure, or space for the infrastructure, necessary for the development to not use on-site fossil fuels after 1 January 2035.* *(3) The development application must include details of the following—* *(a) any renewable energy generation and storage infrastructure forming part of the development,* *(b) passive and technical design features that minimise energy consumption by users of the development.* *(4) The development application must include the following information if available—* *(a) the estimated annual energy consumption for the building in kilowatt hours per square metre of floor area,* *(b) the estimated amount of emissions relating to energy use in the building, including direct and indirect emissions.*	Section 35C does not apply to the proposed early works application, as it is not considered non-residential development under the Sustainable Buildings SEPP (no new built form is proposed). No further consideration of Section 35C for the purposes of this application is necessary.

4.3.3 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

No dewatering is anticipated with the remedial works, therefore a dewatering license will not be required. No approval under Section 91 of the WM Act is required for the purposes of the application.

4.3.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Under Section 7.7 of the BC Act, a DA for Part 4 activity is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species. In this case, given the proposed tree removal works, a BDAR has been prepared by Anne Clements & Associates to consider the potential for the proposal to significantly affect threatened species (see **Appendix 7**). The proposed tree removal works do not exceed the relevant thresholds for the Biodiversity Offsets Scheme. The assessment of the site by Anne Clements indicated the following:

- There are no mapped watercourses on site;
- There are no wetlands within, adjacent to and downstream of the site;
- The site is isolated with the nearest green space approximately 150m north of the site;
- Karst, caves, crevices, cliffs are not a feature of the shale derived Blacktown soil landscape;
- There are no areas of outstanding biodiversity value occurring within the site;
- There are no mapped NSW State Vegetation within the site;
- There is limited habitat for fauna, particularly with existing canopy trees providing limited habitat for protected species.

As per Part C Stage 2 Impact Assessment within the BDAR, the proposed early works and subsequent landscaping works (under a separate DA) will retain the remnant native trees in the north-east corner of the site, the existing row plantings to Miller Road and includes new native species to the northern boundary.

The assessment provided in the BDAR is sufficient to confirm that the proposed development will not have an unacceptable biodiversity impact.

4.3.5 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposed works do not involve an activity prescribed under Schedule 1 of the POEO Act. Where remediation works are proposed, this involves excavation for treatment at another site, which is excluded in accordance with Clause 15(2) of Part 1 within Schedule 1 of the POEO Act. No further consideration of the POEO Act is necessary.

4.3.6 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) contains planning provisions relating to:

- land use planning within the coastal zone, in a manner consistent with the objects of the *Coastal Management Act 2016*.
- management of hazardous and offensive development.
- remediation of contaminated land and to minimise the risk of harm.

In relation to the subject site, the following matters are highlighted.

Chapter 3 – Hazardous and offensive development

The proposed Stage 1 works involve demolition, remediation, earthworks and flood management activities. These works do not involve the establishment or operation of a potentially hazardous or offensive industry. Accordingly, Chapter 3 does not apply to the proposal.

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, where a DA is made concerning land that is contaminated, the consent authority must not grant consent unless (as stipulated by Clause 4.6 of the SEPP):

(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.

The DGI identified contamination within soil, fill material and groundwater, including asbestos-containing material, petroleum hydrocarbons, chlorinated hydrocarbons and metals. A refined Conceptual Site Model was developed, and the investigation confirmed that the identified contamination can be effectively managed through remediation in accordance with the submitted Remedial Action Plan.

The proposed Stage 1 early works constitute Category 2 remediation works under Clause 4.11 of the Resilience and Hazards SEPP, as they are not a kind of work described in Section 4.8(a)-(f) and may

therefore be carried out without consent. The remediation works described in the Remedial Action Plan prepared by JBS&G (see **Appendix 17**) are summarised as follows:

- Removal of former infrastructure, such as petroleum storage tanks and stormwater pipes
- Excavate soils affected by Chlorinated Hydrocarbon and petroleum, with on-site treatment where possible in Soil Treatment Compound
- Excavate asbestos impacted soils from stockpiles, with long-term on-site containment the preferred approach
- Further investigation of remaining stockpiles, with further survey into the potential for underground storage tanks

The RAP has been reviewed by an EPA-accredited Site Auditor, being Enviroview (attached as **Appendix 19**), who has confirmed that the proposed remediation strategy is appropriate and capable of rendering the site suitable for its intended future industrial use, subject to implementation and validation. Enviroview provided the following conclusions:

- *The proposed remediation is technically feasible*
- *The proposed remediation is environmentally justifiable given the proposed construction and development activities*
- *The proposed validation of the installation of the cap in considered adequate*
- *The contingency plans are suitably comprehensive to ensure contamination above the remediation criteria is appropriately removed.*
- *Following the implementation of the remediation and validation works as detailed in the remedial plan, the site can be made suitable for the proposed use, therefore the RAP is appropriate as a plan of management for the purpose of remediating the site to render it suitable for the proposed commercial and industrial use.*

Accordingly, the proposal satisfies the requirements of Clause 4.6 of the Resilience and Hazards SEPP, as the consent authority can be satisfied that the land will be appropriately remediated prior to its use and that the proposed development will not result in unacceptable risk to human health or the environment.

4.3.7 State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) contains planning provisions relating to:

- employment land in western Sydney.
- advertising and signage in NSW.

The site is not located with the employment land in western Sydney, and no signage is proposed under the proposed early works development. No further consideration of the Industry and Employment SEPP is necessary.

4.3.8 State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) contains planning provisions relating to:

- infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery.
- child-care centres, schools, TAFEs and Universities.

- planning controls and reserves land for the protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line).
- land use planning and assessment framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle.

Of these, Chapter 2 is of relevance to the proposed development and is considered below.

Section 2.48 Development likely to affect an electricity transmission or distribution network (Other Development)

Section 2.48 applies to development applications that involve the penetration of ground within 2m of an electricity distribution pole or within 10m of any part of an electricity tower. As excavation works are proposed along the respective site boundaries, including to Miller Road, the proposed development is subject to Section 2.48. As per Section 2.48(2), written notice is to be given to the electricity supply authority for comment on the potential safety risks associated with the works.

Section 2.98 Development adjacent to rail corridors

Section 2.98 within Subdivision 2 of Division 15 (Railways) relates to development adjacent to rail corridors. To the north of the subject site is the T3 Liverpool and Inner West railway line. This section applies if the development meets any of the following criteria:

(a) is likely to have an adverse effect on rail safety, or
(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
(c) involves the use of a crane in air space above any rail corridor, or
(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

The Stage 1 works involve remediation, demolition and earthworks only. These activities:

- do not involve cranes or structures extending into rail airspace,
- do not involve metal finishes facing the corridor,
- do not occur within 5 metres of overhead rail power lines, and
- do not adversely affect rail safety.

Accordingly, no further consideration of Section 2.98 is necessary for the purposes of the Stage 1 application.

Section 2.99 Excavation in, above, below or adjacent to rail corridors

Section 2.99 within Subdivision 2 of Division 15 (Railways) relates to excavation in, above, below or adjacent to rail corridors. To the north of the subject site is the T3 Liverpool and Inner West railway line. This section applies to the development, as the proposal involves excavation works along the northern boundary of the site, which will result in penetration of the ground to a depth of greater than 2m below existing ground. Concurrence from Transport for NSW is required. Subject to the excavation works being undertaken in accordance with the submitted Geotechnical Report and Civil Engineering Plans, there will be no adverse impacts to the rail corridor as a result of the proposal.

Section 2.122 Traffic generating development

Section 2.122 requires that Development Applications for certain traffic generating development be referred to Transport for NSW for consideration prior to determination. With reference to Schedule 3, a 'warehouse or distribution centre' of >8,000m^2 would require referral to Transport for NSW.

Stage 1 does not propose any built form or warehousing. Therefore, no referral is required.

4.3.9 State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP contains planning provisions relating to:

- State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure.
- consideration of development delivery plans by local Aboriginal land councils in planning assessment.
- election of the Planning Secretary to be the concurrence authority for certain development that requires concurrence under nominated State environmental planning policies.

Chapter 2 State and regionally significant development

The proposed estimated development cost of $11,488,359 does not meet the threshold for regionally significant development (as per Schedule 6 of the SEPP). The application is not a form of regionally significant development.

Chapter 3 – Aboriginal land

The site is not identified as land owned or managed by a Local Aboriginal Land Council (LALC) under the provisions of Chapter 3 of the Planning Systems SEPP. An Aboriginal Heritage Due Diligence Report dated 6 November 2025, prepared by Artefact Heritage (**Appendix 15**), was undertaken for the site and confirms that no Aboriginal objects are present or are likely to be present. The report concludes that no further Aboriginal heritage assessment is required, subject to the implementation of an appropriate Aboriginal heritage induction and an unexpected finds procedure should any potential Aboriginal objects be encountered during works.

4.3.10 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) contains provisions relating to the protection of vegetation, water resources, threatened species, and strategic conservation planning across NSW.

In relation to the subject site, the following Chapters are relevant:

Chapter 2 – Vegetation in non-rural areas

The site is located within a non-rural zoned area under the CBLEP 2023. Chapter 2 applies to the removal of vegetation that is not otherwise exempt under Council's controls. Stage 1 includes tree and vegetation removal necessary to facilitate site remediation, earthworks, and flood management works. In particular,

the proposal seeks consent to remove 283 trees which are found across the subject site. Further tree removal works relate to weeds or trees in poor health that may otherwise be removed without consent.

An Arboricultural Impact Assessment prepared by Canopy Consulting is included in the submission documentation, with the recommended tree works summarised as follows:

- Removal of 283 trees due to project impacts
- Removal of 122 trees due to their weed or health status
- Retention of 20 trees, with tree protection measures necessary

Importantly, the proposal will ensure retention of those trees identified in the BDAR as being remnant native trees, including those located in the north-east corner of the site.

Considering the above and proposed replacement planting, the proposal represents an acceptable outcome having regard to Chapter 2 of the Biodiversity and Conservation SEPP.

Chapter 6 – Water catchments

The site is not located within a declared special area or prescribed water catchment under Chapter 6. As such, the provisions of this Chapter do not impose additional assessment or approval requirements for the proposed works.

4.4 LOCAL PLANNING CONTEXT

4.4.1 Canterbury-Bankstown Local Environmental Plan 2023

The CBLEP2023 is the primary Environmental Planning Instrument that applies to the subject site.

The relevant provisions of CBLEP2023 as they relate to the subject site are considered in the following subsections.

4.4.1.1 Zoning and Permissibility

The subject site is located within the E4 General Industrial zone under the CBLEP2023 as shown in **Figure 6**.

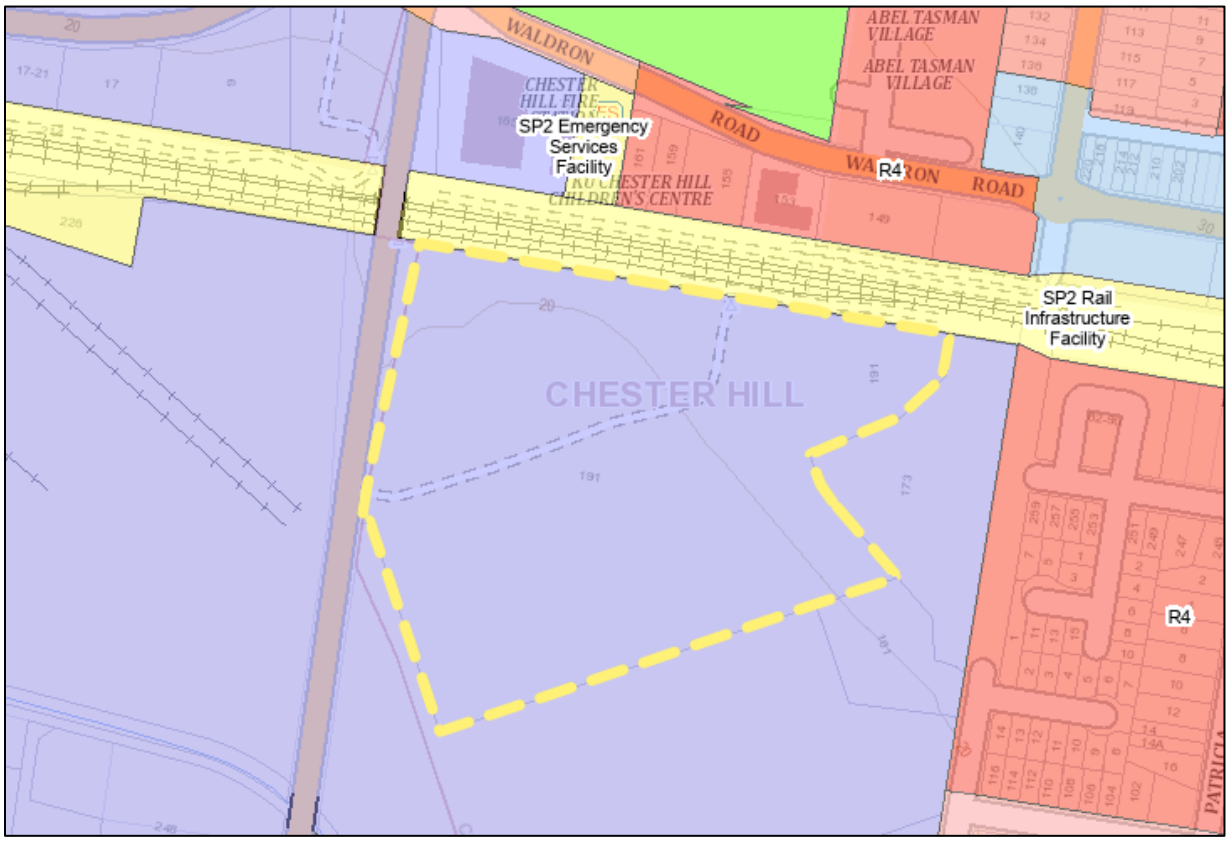


Figure 6: CBLEP2023 Zoning Map (Source: NSW Legislation, 2025)

The objectives of the E4 General Industrial zone include:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To support and protect industrial land for industrial uses.*
- *To promote a high standard of urban design and local amenity.*

Within the E4 General Industrial zone, the following development is permitted without consent:

- *Nil*

Within the E4 General Industrial zone, the following development is permitted with consent:

- *Agricultural produce industries; Building identification signs; Business identification signs; Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Light industries; Local distribution premises; Neighbourhood shops; Oyster aquaculture;*

Restaurants or cafes; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Within the E4 General Industrial zone, the following development is prohibited:

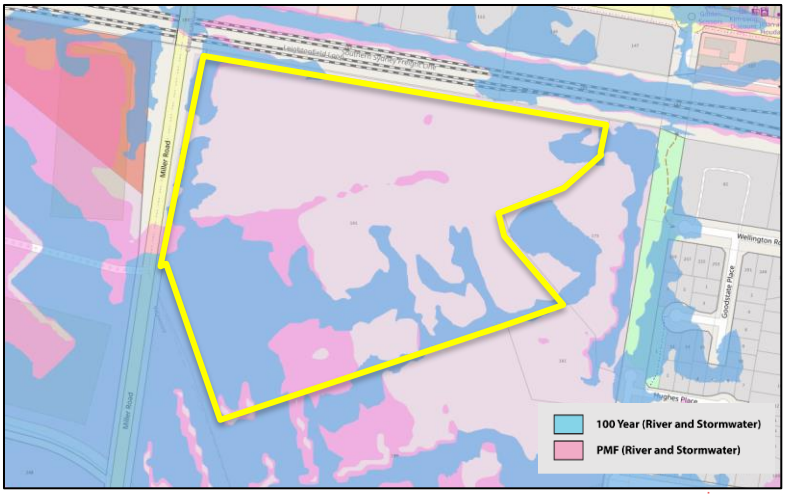
- *Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Early education and care facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*

The proposal seeks to provide site remediation, demolition and earthworks, which are preparatory works that facilitate the ongoing use of the land for industrial and warehouse purposes, which is permitted with consent within the zone. These works support and protect industrial land, enable its efficient and viable future use, and align with the objectives of the E4 General Industrial zone.

4.4.1.2 Development Standards

TABLE 7 outlines the developments consistency and compliance with the relevant development standards and controls under CBLEP2023.

TABLE 7. CBLEP2023 DEVELOPMENT STANDARDS	
Clause	**Comment**
Clause 4.1 – Minimum Lot Size	N/A - subdivision works are not proposed.
Clause 4.3 – Height of Buildings	N/A – no building works are proposed.
Clause 4.4 – Floor Space Ratio	Maximum FSR development standard of 1:1 applies to the subject site, however no built form works are proposed under this application. No further consideration is necessary.
Clause 4.6 – Exceptions to development standards	N/A - no variation is sought.
Clause 5.10 – Heritage	The site is not identified as a heritage item, nor is it within a heritage conservation area. The site does not adjoin any items of heritage significance. No further consideration is necessary.

Clause 5.21 – Flood planning	The site is part identified as flood prone land, particularly at the south-western corner near 149 Orchard Road (both 100 year and PMF – see **Figure 7**). This clause applies and, at subclause (2), states: *(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—* *(a) is compatible with the flood function and behaviour on the land, and* *(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and* *(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and* *(d) incorporates appropriate measures to manage risk to life in the event of a flood, and* *(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*  **Figure 7: CBLEP2023 Flooding Map** (Source: CBC Maps, 2025) A Civil Engineering Report prepared by Costin Roe accompanies the submission documentation and considers the potential flood impacts as a result of the proposed development. Considering data from Council's flood study of the Villawood catchment, the site is subject to an approximate depth of 0.5m in the 1% AEP storm event.

	As indicated in Part C of this report, the proposed works involved in this application are limited to site preparation works, however will include establishing a level of RL 24.45 across the site. This will allow the stormwater system to drain by gravity. Discharge from the site will continue to be via existing Council drainage pipes at the south-western boundary. The assessment of Costin Roe concluded that the resulting flood risk for and from the development would be low to negligible. Floodwater management solutions are to be implemented, such as construction of flood storage at the south-west portion of the site, which will limit the impact of potential flooding. Accordingly, the proposal will not result in an adverse flood outcome and the proposal can proceed with appropriate flood mitigation and drainage measures, as are proposed.
Clause 6.1 – Acid sulfate soils	Not identified.
Clause 6.2 – Earthworks	Clause 6.2 applies to the proposed development and requires the consent authority to consider the following matters: *(a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,* *(b) the effect of the development on the likely future use or redevelopment of the land,* *(c) the quality of the fill and the soil to be excavated,* *(d) the effect of the development on the existing and likely amenity of adjoining properties,* *(e) the source of the fill material and the destination of the excavated material,* *(f) the likelihood of disturbing relics,* *(g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,* *(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.* Considering the above, the following is noted: • The proposed earthworks will not adversely impact upon drainage patterns and soil stability in the locality, through observing recommendations provided in the Civil Engineering and Geotechnical investigations. • The proposed earthworks are essential to support future development of the site for the purposes of warehousing, a permitted use within the E4 General Industrial zone.

	• Ongoing testing and reporting regarding fill material will ensure use of suitable materials. Removal of deleterious material will support the quality of fill. • Subject to observing the recommendations contained within the Construction Noise and Vibration Assessment prepared by Renzo Tonin & Associates, the proposed earthworks will not adversely affect the existing and likely amenity of adjoining properties. • Proposed fill is to consist of a mixture of reused cut and imported engineered fill, as specified in the Geotechnical Investigation undertaken by PSM. Where reuse of existing material is proposed (such as reuse of stockpile waste fill), this is only to be undertaken within building footprint and hardstand and subject to specific design conditions to avoid structural and health impacts. • The site is not mapped as containing any items of Aboriginal Heritage. An Aboriginal Heritage Due Diligence Report prepared by Artefact (**Appendix 15**) assessed the proposal as unlikely to impact Aboriginal objects or relics. • The site does not contain a waterway and is in proximity to any waterway, drinking water catchment or within an environmentally sensitive area, nor are there any potential adverse impacts on those areas as a result of the proposal. As part of the remediation works associated with the proposal, groundwater investigations have indicated that there is a low potential for significant groundwater migration, given the underlying hydrogeological conditions. • The proposed early works, which involve earthworks, remediation and site preparation for subsequent warehousing development will apply appropriate measures as recommended by the relevant consultants and in accordance with any conditions of consent. This will ensure the proposal can avoid, minimise and mitigate impacts arising from the development.
Clause 6.3 – Stormwater management and water sensitive urban design	Clause 6.3 applies to the proposed development and requires the consent authority to be satisfied that the proposed development: *(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and* *(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and* *(c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be*

	reasonably avoided, minimises and mitigates the impact, and *(d) includes riparian, stormwater and flooding measures, and* *(e) is designed to incorporate the following water sensitive urban design principles—* *(i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,* *(ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,* *(iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.* In considering the above, the following is provided: • Water permeable surfaces have been maximised; • On-site flood storage is proposed, which will provide an alternative storage area in the event of heavy rainfall events; • Runoff from the site will be discharged via the existing Council drainage system to the west of the site; • There will be no increase in local runoff arising from the proposal, with modelling by Costin Roe confirming no adverse impacts associated with the development.
Clause 6.4 - Biodiversity	Not identified
Clause 6.5 – Riparian lands and watercourses	Not identified

4.4.2 Canterbury-Bankstown Development Control Plan 2023

The CBDCP2023 provides detailed planning and design guidelines to support the planning controls of the CBLEP2023.

An assessment of the proposal against the relevant sections of the CBDCP2023 is provided at **Appendix 1**.

4.5 CANTERBURY BANKSTOWN CONTAMINATED LAND POLICY

The site is subject to an EPA declaration of significantly contaminated land. The proposal is supported by a Detailed Site Investigation and RAP, which confirm that the land can be made suitable for industrial and warehouse use following remediation. The works comply with Council's Contaminated Land Policy by ensuring contamination risks are identified, managed and remediated prior to redevelopment.

In this case, the site is subject to an EPA declaration of significantly contaminated land and has been comprehensively investigated through a DGI prepared by JBS&G (see **Appendix 16**). The investigation has identified the nature and extent of contamination and informed the preparation of a Remedial Action Plan (RAP) that establishes appropriate remediation objectives, methodologies and validation requirements (see **Appendix 17**). The DGI and RAP have been reviewed by an EPA-accredited Site Auditor, Enviroview, who provided independent assurance that the site can be made suitable for its intended future industrial and warehouse use (see **Appendix 19 and 20**).

The proposed works are limited to remediation, earthworks and associated enabling works and will ensure that contamination risks are addressed prior to future redevelopment of the site under a separate DA. Accordingly, the proposal accords with Council's Contaminated Land Policy by adopting a precautionary and risk-based approach to contamination management and ensuring the site will be suitable for its intended use following remediation.

4.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The site is subject to the Draft State Environmental Planning Policy (Cultural). The draft instrument does not alter the permissibility of the proposed development or materially affect the assessment of the application.

4.7 STRATEGIC PLANNING CONTEXT

4.7.1 CBCity Employment Lands Strategy

The CBCity Employment Lands Strategy applies to the proposed development. The site is within the Villawood employment precinct pursuant to the Employment Lands Strategy. In line with the strategic direction of that precinct, the proposed development would ensure existing employment lands are retained and managed, utilising an otherwise underutilised site. Separately, it is noted that the subject site is suitable for the proposal given the large lot size and reasonable access to the Hume Highway. Subject to remediation works, the site would be suitable for the intended uses.

Overall, the proposal is consistent with the strategic direction of the Villawood employment precinct and the underlying strategies of the plan.

4.7.2 Connective City 2036 Local Strategy Planning Statement

Connective City 2036 is the Canterbury-Bankstown Local Strategy Planning Statement which applies to the subject site. Within that strategy, the subject site is identified as part of the industrial precinct between Chester Hill and Leightonfield Stations. The underlying intention of that precinct is to retain and manage industrial and urban services land. The proposed warehousing assists with achieving Evolution 3 under the strategy as follows:

- The site is ideally located in close proximity to existing freight rail connections
- The warehousing use of the site will increase jobs within Canterbury-Bankstown LGA
- The site is within a walkable distance to Chester Hill Train Station
- The proposed development will renew the existing industrial use of the site and therefore represents the efficient use of land in an existing industrial precinct
- The proposal will support increased opportunities for employment in the LGA

In this way, the development supports the following priorities:

- *Retain and manage industrial and urban services land*
- *Increase job numbers, choice and diversity*
- *Protect and enhance employment lands*
- *Increase the number of people living and working in the City.*

PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTAMINATION

The subject site at has a long and complex industrial history and has been declared Significantly Contaminated Land under the Contaminated Land Management Act 1997. Historical activities include explosives and fertiliser manufacturing, chemical storage, waste processing and recycling, which have resulted in soil, fill and groundwater contamination across the site.

There have been several previous contamination investigations on the site. These identified contaminants of concern including asbestos-containing material (ACM), petroleum hydrocarbons, chlorinated hydrocarbons, metals and hazardous ground gases, within fill soils, shallow groundwater and soil vapour. Contributing to the contamination are infrastructure and former dump sites associated with historical uses (see **Figure 8**).

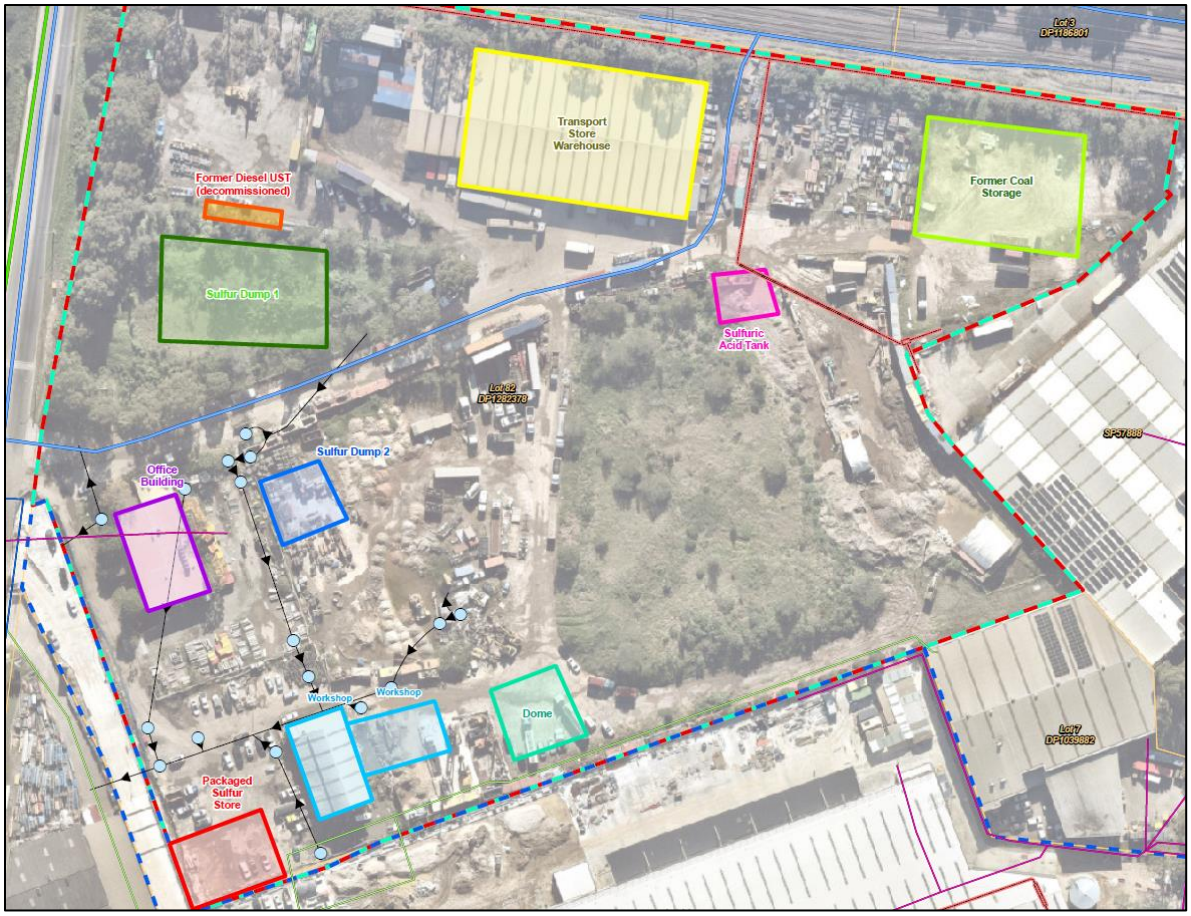


Figure 8: Historical Site Layout and Underground Services (Source: JBS&G, 2025)

The location of contamination found during testing closely followed areas of previous waste storage (such as the stockpiles) and of decommissioned infrastructure (see **Figure 9**).

Figure 9: Location of Contamination Found in Testing (Source: JBS&G, 2025)

A DGI was undertaken by JBS&G to address information gaps identified in earlier investigations and to refine the understanding of contamination conditions across the site. The DGI included additional targeted soil, groundwater and vapour sampling and the refinement of the Conceptual Site Model, confirming the nature and extent of contamination and associated potential exposure pathways. The findings of the DGI demonstrate that the identified contamination can be effectively managed through remediation in accordance with the approved remediation strategy and do not present unacceptable risks beyond the site boundary.

Accordingly, the proposed development will not result in unacceptable contamination impacts, provided remediation is undertaken in accordance with the approved remediation framework.

5.1.1 Remedial Action Plan

A RAP has been prepared by JBS&G (see **Appendix 17**) for the site to support the proposed Stage 1 – Site Remediation and Early Works. The RAP establishes remediation objectives, defines the extent of contamination, and outlines the proposed remediation methods, validation requirements and contingency measures to ensure the site can be made suitable for its intended future industrial use.

The RAP has been prepared in accordance with the following relevant guidelines and standards:

- NSW EPA Guidelines for Consultants Reporting on Contaminated Land; an
- National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)

Remediation and validation works will be undertaken prior to the commencement of any future operational development on the site, and a Site Audit Statement will be issued upon completion of remediation to confirm the suitability of the land for its intended use. Implementation of the RAP will ensure that contamination risks are appropriately managed and that the proposed development will not result in unacceptable risks to human health or the environment.

A Site Audit Report (**Appendix 19**) has been prepared by James Davis of Enviroview, a New South Wales Environment Protection Authority (NSW EPA)– a Contaminated Land Site Auditor accredited under Part 4 of the Contaminated Land Management Act 1997. The Site Audit has reviewed the contamination investigations and remediation strategy for the site and provides independent confirmation regarding the suitability of the proposed remediation approach.

5.1.2 Human Health and Ecological Risk

A HHERA has been prepared by JBS&G and is provided as **Appendix 18**. The HHERA assesses potential risks associated with contaminants identified in soil, soil vapour and groundwater, having regard to the proposed remediation works and the anticipated future commercial and industrial land use.

The assessment considered a range of potential receptors, including construction and remediation workers, future commercial and industrial occupants, and off-site ecological receptors. The HHERA identified that, in the absence of remediation, certain contaminants may pose potential risks to human health and the environment, primarily associated with volatile chlorinated hydrocarbons in soil vapour and groundwater, and polycyclic aromatic hydrocarbons in soils.

The HHERA concludes that these risks can be appropriately managed and mitigated through implementation of the Remedial Action Plan (RAP), including removal and treatment of contaminated materials, vapour mitigation measures, management of intrusive works, and validation against site-specific, risk-based criteria. The assessment confirms that soils are not suitable for unrestricted surface exposure and that appropriate controls are required during remediation and future development. As part of the proposed works, construction of a slab-on-grade to most of the site will provide an effective capping barrier.

With remediation undertaken in accordance with the approved RAP and validated through the site audit process, the HHERA concludes that the site can be made suitable for its intended future commercial and industrial use and that the proposed Stage 1 works will not result in unacceptable risks to human health or ecological receptors.

5.2 FLOODING

A Flood Impact Assessment has been undertaken as part of the Civil Engineering Report – Early Works prepared by Costin Roe Consulting Pty Ltd (**Appendix 8**). The assessment confirms that the site is affected by mainstream flooding during the 1% AEP event, primarily within a variable-width Sydney Water drainage easement along the western boundary, with flood depths of up to approximately 0.5 m, and that the site is also affected by the Probable Maximum Flood. A site-specific two-dimensional TUFLOW flood model was used to assess existing and post-development conditions and demonstrates that the proposed Stage 1 earthworks and flood management measures, which include site regrading, provision of flood storage and conveyance of upstream flows, do not increase flood levels, velocities or hazard on the site or adjoining properties. The proposed finished floor level of RL 24.75 m AHD exceeds Council's Flood Planning Level (1% AEP plus 0.5 m freeboard), and the overall flood risk to and from the development is assessed as low to negligible.

Accordingly, the proposal is acceptable from a flooding perspective and satisfies the relevant heads of consideration under Section 4.15(1)(b) of the EP&A Act.

5.3 SITE WORKS

The proposed Stage 1 Site Works comprise enabling works associated with site remediation and preparation for future industrial development. The works are limited to demolition of existing structures, earthworks, retaining structures and associated civil works required to establish suitable site levels, manage flood behaviour and provide safe and stable building platforms. No permanent buildings are proposed as part of Stage 1, and the site works are not expected to result in adverse impacts on surrounding land or infrastructure.

5.3.1 Earthworks

The proposed Stage 1 development includes bulk earthworks to create two level building pads at RL 24.45 m AHD to facilitate future industrial development and appropriate site drainage. The works include cut and fill, detailed excavation, retaining walls and batters, with earthworks volumes comprising approximately 11,480 m^3 of cut and 51,655 m^3 of fill, as outlined in the Civil Engineering Report (**Appendix 8**). Retaining walls are proposed along site boundaries where required to accommodate level differences with adjoining properties and to minimise site disturbance. All earthworks will be undertaken under Level 1 geotechnical supervision in accordance with AS 3798, and the proposed works will not result in adverse impacts on surrounding land.

5.4 STORMWATER & EROSION & SEDIMENT CONTROL

The proposed Stage 1 works include stormwater management and erosion and sediment control measures to ensure that surface runoff is appropriately managed during and following construction. These measures

have been designed to protect downstream drainage infrastructure and receiving environments and to ensure compliance with Council's stormwater quality and flood management requirements.

5.4.1 Stormwater

A site-specific stormwater management strategy has been prepared as part of the Civil Engineering Report – Early Works (**Appendix 8**). The proposed system incorporates a minor drainage system designed for the 1 in 20-year ARI event and a major overland flow system designed to safely convey flows up to the 1 in 100-year ARI event. Stormwater from the site will be collected and discharged via the existing Council drainage system at the southwestern boundary of the site. Flood modelling confirms that the proposed works do not increase stormwater runoff, flood levels or impacts on downstream or adjoining properties, and that the stormwater strategy is consistent with Council requirements.

5.4.2 Erosion and Sediment Controls

Erosion and sediment control measures will be implemented during construction in accordance with a preliminary Soil and Water Management Plan and Erosion and Sediment Control Plan prepared by Costin Roe Consulting (**Appendix 9**). The proposed measures include sediment basins, sediment fencing, stabilised site access points, staged earthworks and progressive stabilisation of disturbed areas. These measures have been designed in accordance with Council requirements, the Managing Urban Stormwater – Soils and Construction (Blue Book) and the ICEA Best Practice Erosion and Sediment Control Guidelines and will ensure that sediment-laden runoff does not adversely impact downstream drainage systems or receiving environments.

5.5 CONTEXT AND SETTING

The subject site is located within an established industrial area characterised by large-scale warehousing, transport and distribution uses. Surrounding development comprises industrial buildings of varying developments and scale, with Miller Road forming the primary road frontage and the rail corridor along the northern boundary. The proposed Stage 1 works are temporary and enabling in nature and will not alter the established industrial character, streetscape or broader setting of the locality. No long-term changes to the visual or physical context will occur as a result of the proposed early works.

The nearest residential receivers are located to the north of the site, on the opposite side of the rail line, on Waldron Road. Further residential properties are located to the east of the site on Wellington Road, separated by the existing warehousing at No. 173 Orchard Road. The proposed scope of works involved in this application will remove sources of contamination and remediate the site, which will reduce the potential for health hazards arising from the site.

During demolition, remediation and construction works, potential noise, air quality and vibration impacts will be mitigated through compliance with those recommendations made by the relevant consultants and in accordance with any conditions of consent. This will ensure that the proposed works do not have an adverse impact on the surrounding context and setting.

5.6 BUILT FORM

All existing buildings are to be demolished as part of this application. No new built form is proposed as part of the Stage 1 works.

5.7 TRAFFIC & TRANSPORT

No on-site parking (car, motorcycle or bicycle) is proposed as part of this application. Approval for permanent on-site parking is sought under the separate built form application (Stage 2), in accordance with Council's Development Control Plan. Temporary parking associated with demolition, remediation and early works will be managed as part of the construction phase.

5.7.1 Traffic Generation

The Traffic Management Plan prepared by Colston Budd Rogers & Kafes (**Appendix 10**) includes the following data regarding traffic generation:

- During demolition and site earthworks: 10-15 trucks per day, with an average of 2-3 trucks per hour two-way entering and exiting the site.
- During demolition, remediation and early works: 20-30 workers on the site at any one time.

The Traffic Management Plan concludes that surrounding intersections and the local road network have sufficient capacity to accommodate the temporary increase in construction-related traffic without adverse impacts.

Due to limited public transport and active transport infrastructure in the surrounding area, it is anticipated that construction workers will primarily travel to the site by private vehicle. To manage temporary parking demand, a designated construction parking area will be provided within the site, ensuring no increased reliance on surrounding public roads for parking.

5.7.2 Access and Loading

Vehicle access during demolition, remediation and early works will be provided via the existing vehicle crossover to Miller Road. All construction vehicle movements will be managed in accordance with the Traffic Management Plan, including the use of accredited traffic controllers where required (see **Figure 10**).

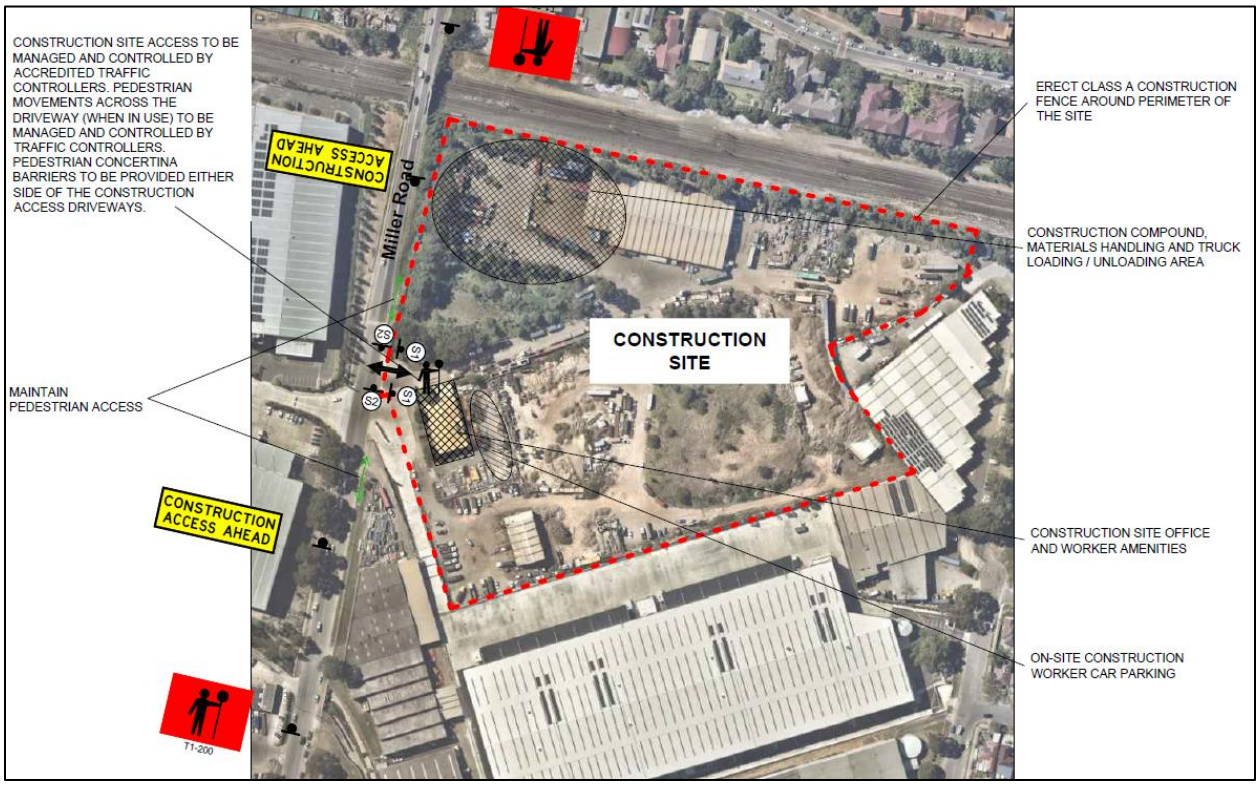


Figure 10: Proposed Traffic Management Plan (Colston Budd Rogers & Kafes, 2025)

All truck loading, unloading, material handling and spoil removal will occur entirely within the site, and construction vehicles will enter and exit the site in a forward direction only. Pedestrian access along Miller Road will be maintained at all times, with appropriate signage, barriers and traffic control measures implemented to ensure safety.

Construction vehicle movements will be restricted to approved haulage routes and approved construction hours. A driver code of conduct will be enforced to minimise amenity impacts and ensure safe operation. Overall, the proposed Stage 1 works are not expected to result in unacceptable traffic, access or safety impacts and are considered acceptable from a traffic and transport perspective.

5.8 NOISE

A Construction Noise and Vibration Impact Assessment has been prepared by Renzo Tonin and Associates and is provided at **Appendix 11**.

Nearby sensitive receivers have been identified in accordance with the Noise Policy for Industry (NPfI). The residential receivers have been grouped into Noise Catchment Areas (NCAs). The NCAs are areas where receivers have a similar land use (as defined in the NPfI and ambient noise environment. The NCAs are:

- NCA1 – Residences north and northeast of the proposal in Chester Hill, north of Liverpool and Inner west passenger and freight line
- NCA2 – Residences north and northeast of the Proposal in Chester Hill, north of Frost Lane.

- NCA3 – Residences east of the Proposal in Chester Hill north of Wellington Road
- NCA4 – Residences east and south-east of the proposal in Chester Hill south of Wellington Road and north of Proctor Parade
- NCA5 – Residences southeast of the proposal in Chester Hill, south of Proctor Parade

The location of the NCAs is provided in **Figure 11** below.

Figure 11: Identification of NCAs (Source: Renzo Tonin & Associates, 2025)

The predicted noise levels provided within the Construction Noise and Vibration Impact Assessment indicate noise will exceed the NMLs, during demolition, remediation and earthworks, to certain receivers. The reporting indicates that the most sensitive receiver relates to NCA1, which relates to residential properties on the opposite side of the railway corridor. The exceedances would occur when hydraulic

hammers are used or when works are occurring at the closest point to the receiver. It is noted that these works form a limited component of the overall scope of works involved.

To minimise or mitigate potential noise impacts described above, Renzo Tonin & Associates have provided the following noise mitigation and management measures, which would be adopted during works:

- Selection of quieter, less noise emitting methods and equipment
- Maintain plant and equipment
- Avoid simultaneous operation of noise plant equipment, where possible
- Avoid use of noise equipment for extended periods
- Use of non-tonal reversing alarms
- Appropriate coordination of delivery, with unloading and loading away from sensitive receivers
- Apply silencers on mobile plant
- Preparation of materials off-site
- Limit use of compression brakes
- Use of construction hoardings, site sheds as a noise barrier
- Enclosure of pumps and compressors
- Use of temporary barriers for mobile plant and machinery

The above measures are capable of a noise reduction of up to 20db, which would ensure compliance with the relevant noise goals.

5.9 VIBRATION

A key aspect of the proposal is excavation works, as part of site remediation and establishing appropriate levels for construction of warehousing. As part of the Construction Noise and Vibration Impact Statement (see **Appendix 11**), an assessment of the potential for vibration impacts and subsequent mitigation measures has been provided.

Recommendations to minimise vibration impacts include:

- Apply minimum working distances, depending on the equipment type and structure type
- Implement complaint management procedures, with advance notification to potentially affected properties
- Conduct attended vibration measurements, where appropriate
- Generally, select equipment that emits less vibration, where feasible
- Schedule higher vibration works during less sensitive periods
- Conduct building surveys for structures that are within specified minimum working distances
- Ongoing monitoring of compliance through attended and unattended monitoring

Given the general uncertainty about the extent of vibration arising form the proposal, ongoing consideration of vibration impacts will be necessary during earthworks. Notwithstanding this, the nearest potentially impacted receivers will be adjoining industrial uses at 149 Orchard Road and 173 Orchard Road. Impacts to those properties are to be managed through applying a proactive approach to minimising human annoyance and potential structure damage during construction processes, with ongoing monitoring and observance of conditions of consent.

Considering this, the proposed development will not result in adverse vibration impact to surrounding properties.

5.10 AIR QUALITY

Assessment of the potential for air quality impacts from the proposed works has been undertaken by SLR as part of an Air Quality Impact Assessment (see **Appendix 14**).

Potential sources of emissions during demolition works are as part of grading, loading and unloading, dust from vehicles and wind erosion of exposed surfaces. Further emissions may arise during remediation, particularly in the excavation and handling of contaminated soil. Variables including weather and surface conditions may affect the generation and dispersion of dust emissions.

Monitoring data included in the Air Quality Impact Assessment defined the overall air quality risk from the project demolition activities to be low for residential areas and medium for industrial areas. Based on the implementation of the recommended mitigation measures provided at Table 4-3 within the Air Quality Impact Assessment, off-site dust impacts from demolition are considered low risk, while VHC and odour emissions from remediation works are considered to be neutral significance. Residual impact testing (following inclusion of mitigation measures) confirmed further reduction in impacts to be negligible-low impact only. Importantly, no exceedances of the air quality criteria are anticipated, therefore further quantitative modelling is not necessary.

Through observing mitigation measures provided in the Air Quality Impact Assessment and ensuring compliance with any conditions of consent, the development can mitigate potential impacts on air quality.

5.11 WASTE

Waste generated during the proposed Stage 1 – Site Remediation and Early Works will be managed in accordance with a Waste Management Plan (WMP) prepared by Arcadis (**Appendix 12**). The WMP adopts the waste hierarchy, prioritising waste avoidance, reuse and recycling, and provides measures to ensure all waste is handled, stored, transported and disposed of in a safe and environmentally responsible manner. Implementation of the WMP will ensure that waste generated during Stage 1 does not result in adverse environmental or amenity impacts.

5.11.1 Site Remediation and Earthworks Waste Management

Site remediation and earthworks will generate waste streams including excavated soils, contaminated soils, asbestos-impacted materials and surplus fill. All soils and materials will be classified in accordance with the NSW EPA Waste Classification Guidelines (2014) and managed in accordance with the proposed RAP and Waste Management Plan. All waste generated during remediation and earthworks will be transported by licensed contractors to appropriately licensed treatment or disposal facilities. Waste handling and stockpiling areas will be located within the site and managed to prevent dust generation, runoff and cross-contamination.

Further detail regarding waste management during remediation processes is provided within the Waste Management Plan provided at **Appendix 12**.

5.11.2 Demolition Waste Management

Demolition works will generate waste materials including concrete, asphalt, bricks, metals, timber and general construction waste. The WMP identifies opportunities for reuse and recycling of demolition materials, with recyclable materials separated on site where practicable to maximise diversion from landfill. Any hazardous or regulated waste, including asbestos-containing material, will be removed by licensed contractors and disposed of at EPA-licensed facilities in accordance with relevant legislation and guidelines. All demolition waste will be managed to minimise impacts on surrounding land, the road network and the local environment.

5.12 HERITAGE

The site is not mapped to contain any items of Aboriginal or environmental heritage. Investigations undertaken by Artefact did not identify any evidence of Aboriginal artefacts, with this likely a result of the high level of existing ground disturbance as part of previous site works (see **Appendix 15**). A review of Aboriginal Heritage Information Management System (AHIMS) records did not indicate the presence of any registered sites within the study area or its vicinity. No impacts on Aboriginal or environmental heritage are anticipated as a result of the proposed early works DA. In any event, a condition requiring an unexpected finds protocol would be accepted, as per the recommendations of Artefact.

5.13 BUSHFIRE

The subject site is not identified as bushfire prone land and there is no bushfire prone land within the vicinity of the site (see **Figure 12**).

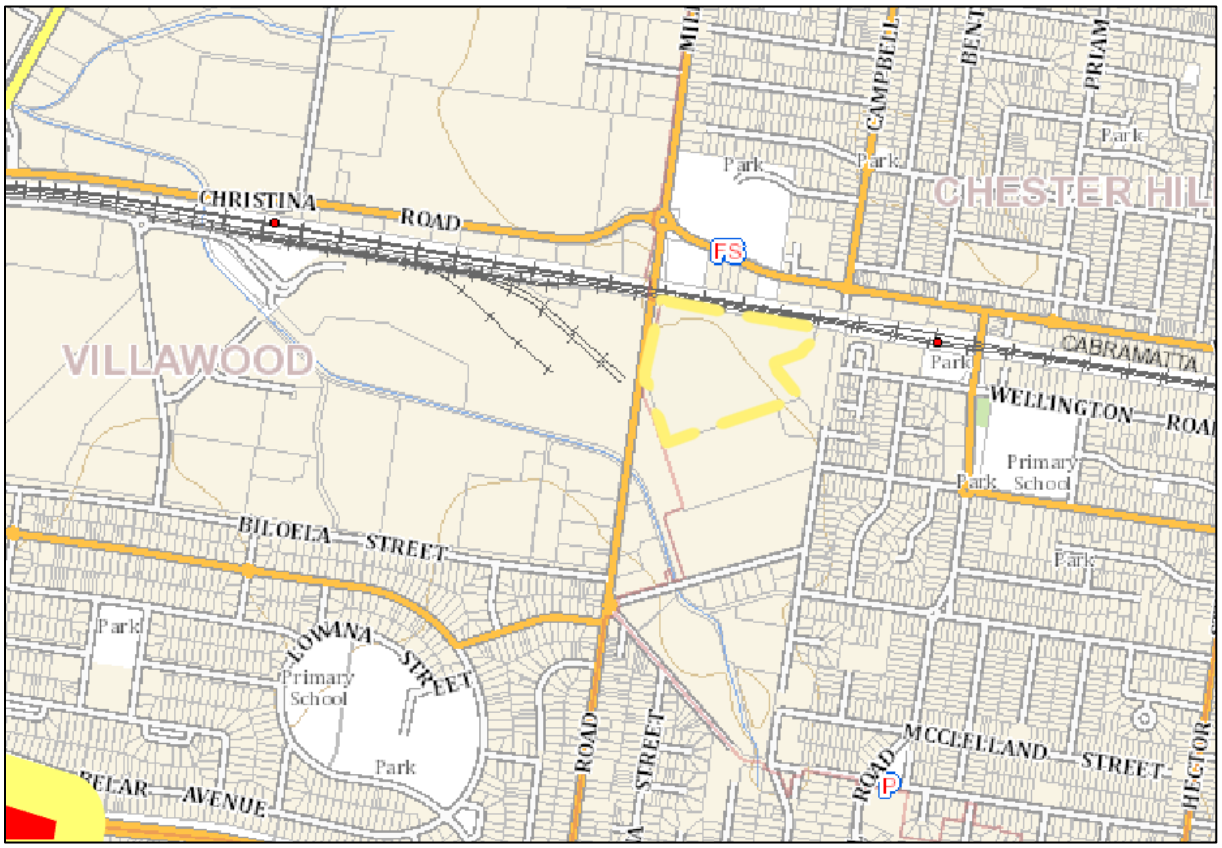


Figure 12: Bushfire Prone Land Map (Source: NSW Planning Portal, 2025)

5.14 ACCESSIBILITY

Vehicle access to the site during the proposed Stage 1 works will be provided via the existing driveway to Miller Road, which will operate as a two-way access point. Truck access will be managed by accredited traffic controllers, with appropriate signage installed on Miller Road to warn road users of construction vehicle movements.

To mitigate potential impacts on pedestrians using the footpath along Miller Road, pedestrian concertina barriers will be installed to the north and south of the site driveway for the duration of construction works. These measures will ensure the safe separation of vehicles and pedestrians during demolition, remediation and early works.

The proposed early works will establish finished site levels at approximately RL 24.45 m AHD, facilitating generally level access across the site and enabling compliant and accessible future development as part of the subsequent built form application.

5.15 SOCIAL AND ECONOMIC IMPACTS

The proposed Stage 1 remediation and early works will deliver positive social and economic outcomes. Removal of contaminated materials and remediation in accordance with the RAP will reduce existing environmental and human health risks, benefiting surrounding land uses and nearby receivers.

The proposed development will also generate short-term employment opportunities during demolition, remediation and construction activities. In the longer term, the remediation and preparation of the site will facilitate future industrial development under a separate Stage 2 application, supporting ongoing employment generation and contributing positively to the local and regional economy.

Overall, the proposal will not result in adverse social or economic impacts and is considered to provide a net community benefit.

5.16 SERVICES

All essential services, utilities and public infrastructure are capable of servicing the proposed development.

5.17 SUITABILITY OF SITE FOR DEVELOPMENT

The site, in its current condition, requires extensive remediation works and subsequent site preparation works to be considered suitable for future development. As indicated, the site is to be subject to a future warehousing built form DA, which will enable the site to be utilised in accordance with a permissible use within the E4 General Industrial zone. The site is therefore suitable for the proposed early works which will support a future warehousing development.

5.18 SUBMISSIONS

The applicant is willing to address any submissions, should they be received by Council.

5.19 THE PUBLIC INTEREST

As outlined in this report, the proposed development will not result in any unreasonable environmental or amenity impacts to surrounding properties, nor will it pose any safety concerns to the public. The proposal is considered in the public interest as it will facilitate the future development of a General Industrial zoned site.

PART F CONCLUSION

The purpose of this SEE has been to present the proposed early works application at No. 191 Miller Road, Chester Hill and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the site;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and
- The pre-lodgement advice received from Canterbury-Bankstown Council has been considered and is addressed as it applies to the proposed early works proposal (note a separate application is being applied for, which will consider other matters raised in the Pre-DA advice, as they apply).

As indicated in this report, the proposed early works will ensure the site is suitable for future warehousing development, through remediation and early works. The proposal is considered to warrant a favourable determination for the following reasons:

- It is permissible with consent and is consistent with the objectives of the E4 General Industrial zone pursuant to the CBLEP2023;
- It will facilitate future development of the subject site for warehousing purposes, which is a use that will be appropriate within the surrounding industrial context and similar to other recently constructed uses of neighbouring sites;
- It represents a suitable and appropriate development as assessed against the relevant heads of consideration under Section 4.15 of the EP&A Act;
- The proposed development shall not create any unreasonable adverse amenity impacts on the surrounding sites or public domain; and
- The proposed development is generally consistent with the provisions of the CBDCP2023 and where minor departure from the numeric controls are proposed, consistency with the objectives is demonstrated.

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this SEE, the matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.