

<b>JRPP No:</b>	2010STH001
<b>DA No:</b>	DA-2009/1583
<b>PROPOSED DEVELOPMENT:</b>	Integrated Development Application a pre-delivery motor vehicle inspection, storage and distribution facility with associated buildings, truck marshalling and car parking areas and ancillary hail mesh protective structures. Construction proposed in four stages. Proposed Lot 401 in a Plan of Subdivision of Lots 301 & 302, DP 1133501, 34 Reddalls Road, Kembla Grange
<b>APPLICANT:</b>	Fielders Engineers Pty Ltd
<b>REPORT BY:</b>	City Wide Planning team

## Assessment Report and Recommendation

### EXECUTIVE SUMMARY

#### Reason for Consideration by Joint Regional Planning Panel

The application has been referred to the Joint Regional Planning Panel pursuant to clause 13B(1)(a) of the State Environmental Planning Policy (Major Development) 2005 as the capital investment value of the project exceeds \$10 million.

#### Proposal

The proposal is for a new vehicle pre-delivery inspection, storage and distribution facility upon the subject site. The distribution facility will involve the delivery of new cars off-loaded from ships docked at the inner Port Kembla harbour cargo handling facility and their subsequent distribution to car dealerships throughout Sydney, intrastate and in some cases, interstate.

The proposed motor vehicle pre-delivery inspection, storage and distribution facility will be constructed in four (4) separate stages on the 14ha site.

The first stage of the development will include the construction of car storage pavement to accommodate storage of vehicles in the short term. This includes construction of the transport and security gatehouse, 5ha of vehicle storage pavement, security measures (such as access gate and security office at gate, video surveillance and perimeter fencing), perimeter landscaping onsite detention basin 1 and driveway 1 for site access for all vehicles.

Stage 2 includes construction of the staff and visitor car park, truck marshalling area, remaining 6ha of car storage pavement, security measures (such as chain wire fencing, site flood lighting and video camera surveillance), onsite detention basin 2 and drainage infrastructure, driveway 2 and perimeter landscaping.

Stage 3 includes the construction of the processing building that incorporates internal office and amenities, remaining vehicle storage pavement, wash bay building and facility, culvert bridge and onsite detention basin 3, driveway 3 and remaining security measures and fencing.

Stage 4 is the construction of hail mesh protective structure to the stage 1 vehicle storage area.

The facility is proposed to be run by the Patrick Autocare Pty Ltd, which is a subsidiary of its parent company, Asciano Operations Pty Ltd.

The site is legally described as Proposed Lot 401 in a Plan of Subdivision of Lots 301 & 302, DP 1133501, Reddalls Road, Kembla Grange.

## **Background and Site Description**

The existing Lot 301 in Deposited Plan No. 1133501 has a total site area of 10.43 hectares and is currently vacant undeveloped land. Lot 302, DP1133501 has a total site area of 16.25 hectares and contains the One Steel pipe coating manufacturing and distribution facility. Lot 302 also contains a railway siding, which is situated on the south-western corner of the lot.

Development Application No. 2009/1245 was lodged with Council on 17 October 2009 by Asciano Properties Operations Pty Ltd for a two (2) lot boundary adjustment subdivision by way of a transfer of a portion of Lot 302, DP 1133501 to Lot 301, DP 1133501, in order to allow the proposed Patrick Autocare new car pre-inspection delivery and distribution centre future direct rail access. Proposed Lot 401 has a total site area of 14.13 hectares and has the benefit of a proposed restriction of the use over Proposed Lot 402 (ie to be owned by One Steel) to gain rail access and be able to construct a rail siding on their site.

Development Application No. 2009/1245 was conditionally approved by Council on 3 December 2009, but has not yet been registered with the NSW Land and Property Management Authority. Council will require registration of the subdivision prior to the release of the Stage one Construction Certificate via a condition on any development consent issued.

Proposed Lot 401 is relatively flat to slightly undulating in topography. The rear portion of the site is affected by the flood inundation and includes a watercourse and thus integrated development. The land is also identified as being potentially contaminated.

## **Permissibility**

DA-2009/1583 was lodged with Council on 8 December 2009.

The subject site is zoned 4(b) (Heavy Industrial), under Wollongong Local Environmental Plan (WLEP) 1990. The proposed new car pre-delivery inspection, storage and distribution facility is defined as a “warehouse” and is permissible upon land zoned 4(b) (Heavy Industrial), subject to Council’s consent.

Wollongong Local Environmental Plan (West Dapto) 2010 (WLEP (West Dapto) 2010) came into effect on 5 May 2010. WLEP (West Dapto) 2010 was an exhibited draft at the time the application was lodged. WLEP (West Dapto) 2010 contains a savings provision under clause 1.8A which states that if a development application has been made before the commencement of the Plan in relation to land to which the Plan applies and the application has not been finally determined before that commencement, then the application must be determined as if the Plan had not commenced. As such WLEP 1990 is the relevant control instrument.

The subject site is zoned IN3 Heavy Industrial, under WLEP (West Dapto) 2010. The proposed pre-inspection, storage and distribution facility is defined as a “warehouse or distribution centre” and is permissible upon land zoned IN3 under WLEP (West Dapto) 2010, subject to Council’s consent.

## **Consultation**

A formal pre-lodgement meeting was held between representatives of the applicant and Council staff on 5 March 2009. A number of issues were discussed at the pre-lodgement meeting, including the requirement for a range of detailed reports to be provided concerning planning, traffic and road access arrangement, flooding/stormwater, site contamination, heritage, landscape and waste management issues.

The application was notified in accordance with Council’s “Development Assessment and Compliance Notification Policy”. One (1) submission was received, during the public exhibition period. The issue

raised in the submission related to the truck entry and exit locations and road safety concerns with regard to sightlines for traffic on Redalls Road.

The application is integrated under the Water Management Act 2000 and was referred to Department of Environment, Climate Change and Water (DECCW) for concurrence.

The application was referred to the Southern Regional Development Committee of the NSW Roads and Traffic Authority (RTA) for comment in accordance with the requirements of State Environmental Planning Policy (Infrastructure) 2007, under Schedule 3 – Traffic Generating Development, areas used exclusively for parking and Column 2 – 200 or more vehicles.

The application was also referred to the NSW Railcorp for concurrence, pursuant to the provisions of clause 84 of SEPP (Infrastructure) 2007.

During the course of assessment amendments were requested with regard to traffic and stormwater matters. Amended plans were re – exhibited in accordance with the initial notification. No submissions were received to the second exhibition.

### **Main Issues**

1. The position of the exit point on to Reddalls Road had the potential to be a cause of vehicle accidents.
2. The car storage pavement in Stage 2 is located within a flooding zone with depths of up to 1m in the 1% AEP event.

These issues were raised with the applicant via an additional information request letter and a meeting.

The applicant responded with amended plans which were re-exhibited.

Response 1. The vehicle entry and exit point locations were changed and Council's Traffic Engineer considers these issues resolved.

Response 2. The Stormwater/flooding matters were revised with amended design and flood study and Council's Stormwater Development Engineer considers these issues conditionally satisfactory

### **Conclusion**

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C(1) of the Environmental Planning and Assessment Act 1979.

The proposed development is permissible with development consent in the 4(b) (Heavy Industrial) zone,, under Wollongong Local Environmental Plan (WLEP) 1990 and consistent with the zone objectives.

The necessary consultations with NSW Public authorities such as RailCorp, Roads and Traffic Authority and the Department of Environment, Climate Change and Water have been undertaken with satisfactory referral comments and required concurrences granted.

The proposal has been examined with regard to its environmental, traffic, stormwater and flooding, social and economic impacts and is considered acceptable.

The one public submission received was reviewed that was in regard to proposed truck entry and exit to Redalls Road which has been resolved via amended vehicle entry and exit points to the satisfaction of Council's Traffic Section.

### **RECOMMENDATION**

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It is recommended that Development Application No.2009/1583 be approved subject to the proposed draft conditions.



## 1. ASSESSMENT REPORT

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### 1.1 Background

The existing Lot 301 in Deposited Plan No. 1133501 has a total site area of 10.43 hectares and is currently vacant undeveloped land. Lot 302, DP1133501 has a total site area of 16.25 hectares and contains the One Steel pipe coating manufacturing and distribution facility. Lot 302 also contains a railway siding, which is situated on the south-western corner of the lot.

Development Application No. 2009/1245 was lodged with Council on 17 October 2009 by Asciano Properties Operations Pty Ltd for a two (2) lot boundary adjustment subdivision by way of a transfer of a portion of Lot 302, DP 1133501 to Lot 301, DP 1133501, in order to allow the proposed Patrick Autocare new car pre-inspection delivery and distribution centre with future direct access to railway siding. Proposed Lot 401 has a total site area of 14.13 hectares and has the benefit of a proposed restriction of the use over Proposed Lot 402 (ie to be owned by One Steel) to gain access to the railway siding, in the future.

Development Application No. 2009/1245 was conditionally approved by Council on 3 December 2009, but has not yet been registered with the NSW Land and Property Management Authority. Council will require registration of the subdivision prior to the release of the Stage one Construction Certificate via a condition on any development consent issued.

#### Site Description

The site is legally described as Proposed Lot 401 in a Plan of Subdivision of Lots 301 & 302, DP 1133501, Reddalls Road, Kembla Grange.

Proposed Lot 401 is relatively flat to slightly undulating in topography covered in grass type species and is vacant of development. The rear portion of the site (western end) is affected by the flood inundation. The land is also identified as being a potentially contaminated. The site is bounded by Redalls Road to the north and east. One Steel pipe coating factory to the south and BlueScope Steel owned vacant land to the west.

### 1.2 Proposal

The proposal is for a new vehicle pre-delivery inspection and storage facility upon the subject site. In this regard, new vehicles will be delivered by ship to the Port Kembla cargo handling facility and will then be transported by truck to the subject site.

The proposed motor vehicle pre-delivery inspection and storage facility will be constructed in four (4) separate stages on the 14ha site.

The first stage of the development will include the construction of vehicle storage pavement to accommodate storage of vehicles in the short term. This includes construction of the transport and security gatehouse, 5ha of vehicle storage pavement, security measures (such as: an automatic sliding access gate and security office at gate, video surveillance and perimeter fencing of 2.7m high chain wire mesh with 3 strands of barb wire on the top), perimeter landscaping. On-site detention basin 1 and driveway 1 for all vehicle access.

Stage 2 includes construction of the staff and visitor car park, truck marshalling area, remaining 6ha of vehicle storage pavement, security and fencing, lighting to the site, onsite detention basin 2 and drainage infrastructure, driveway 2 that will allow separate vehicle entry and exit from the site, and perimeter landscaping.

Stage 3 includes the construction of the processing building which is 60 metres x 40 metres in dimension incorporating: internal office and amenities, a processing workshop, a storeroom for spare parts and materials. Processing will include, fitting extras and compliance matters to the Australian standard, remaining vehicle storage pavement, wash bay building and facility, culvert bridge and onsite detention basin 3, driveway 3 which is the truck entry, security and remaining fencing.

Stage 4 is the construction of the hail mesh protective structure to the stage 1 car storage area.

Given the staging of the construction Council purposes to condition separate Construction Certificates for each construction stage.

The construction of a rail siding is also proposed in the future (ie not part of the current Development Application), which is to be linked with the existing rail siding located towards the south-western corner of the adjoining One Steel manufacturing and storage facility. The future rail siding is however, shown on the site plan for information purposes only.

## 4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in section 79C(1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C(1) and the significant matters are discussed in further detail further in the report.

1.2.1.1. Section 79C(1) of the Environmental Planning and Assessment Act 1979	
1.2.1.2. (a)(i) any environmental planning instrument	
<u>State Environmental Planning Policies</u> Illawarra REP No. 1 1986  State Environmental Planning Policy 55 – Remediation of Land  State Environmental Planning Policy (Infrastructure) 2007  <u>Local Environmental Planning Policies</u> Wollongong Local Environmental Plan (WLEP) 1990	
1.2.1.3. (a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority	
West Dapto LEP 2010 was a draft at the time of lodgement of the application.	
1.2.1.4. (a)(iii) any development control plan	
<ul style="list-style-type: none"> <li>Wollongong Section 94A Development Contributions Plan 2009</li> <li>DCP 6 Commercial and Industrial Development</li> </ul> Detailed assessment below.	
1.2.1.5. (a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F	
There are no planning agreements entered into nor any draft agreement offered to enter into under S93F of the EP & A Act which affect the development.	

#### 1.2.1.1. Section 79C(1) of the Environmental Planning and Assessment Act 1979

##### 1.2.1.6. (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The proposal does not involve demolition.

The site is not located on land to which the NSW Government's Coastal Policy applies.

##### 1.2.1.7. b) the likely impacts of development

###### 1.2.1.7.1. Context and Setting:

The site is vacant land vegetated with a mixture of grass species. The northern boundary has trees on the road reserve that screen the site from Reddalls Road. The rear portion of the site is below the 1% Annual Exceedance Probability (AEP) flood level and hence, the second and third stages of the proposed vehicle storage area is affected.

The subject land is also identified as a "potentially contaminated site". The application was supported by a Phase 1 site contamination impact assessment prepared by Coffey Environments Pty Ltd dated 8 August 2008. The report found the north-eastern part of the site was subject to an excavation of approximately 2.5 metres to 3 metres below the natural ground level and was used for the storage of relatively small fill mounds. The report also stated that a review of the previous site history did not confirm any particular past land use however anecdotal evidence suggests that a former military compound may have been built in the locality. Two (2) test pit locations in the north-eastern part of the site indicated the existence of some land fill material, approximately 0.9 metres thick but no obvious evidence of any contamination. The land fill material within this area contained concrete, brick and slag fragments but no contaminants. The southern boundary was subject to six (6) test pit locations which revealed the existence of similar land fill material to a depth ranging between 1.3 metres to 2 metres but there was no evidence of any contamination. The laboratory analysis of the fill material indicated that the existence of heavy metals and other potential soil contaminants such as TPH, PCBs, PAHs etc were below the NSW DECCW threshold criteria. The report was referred to Council's Environment Section for appropriate review who confirmed no objection to the findings and conclusions of the report.

The processing building has a maximum height of about 7.5m which is approximately equivalent to the height of the industrial building to the south of the site. It is considered the visual impact to be similar. A landscape plan was submitted and reviewed by Council's Landscape Architect and considered satisfactory. This will provide screening to the boundary of the site. On the outside of the vegetative screening is a security fence.

Initially the entry and exit for the vehicle carriers was on the part of Reddalls Road that runs north - south and between two ninety degree bends. This was considered a road safety matter by City Planning and the applicant was requested to amend the entry and exit points to the east - west section of Redalls Road.

The applicant redesigned the site to accommodate the truck entry and exit points they are now considered acceptable to Council's Traffic Section.

Stormwater and flooding issues for the amended site design are now considered acceptable to Council's Stormwater Development Engineer.

###### 1.2.1.7.2. Access, Transport and Traffic:

Initially the entry and exit for the car carriers was on the part of Reddalls Road that runs north - south and between two ninety degree bends. This was considered a road safety matter by City Planning and the applicant was requested to amend the entry and exit points to the east - west section of Redalls Road.

The applicant redesigned the site to accommodate the truck entry and exit points as suggested by City Planning and they are now considered acceptable to Council's Traffic Section.

### 1.2.1.1. Section 79C(1) of the Environmental Planning and Assessment Act 1979

#### 1.2.1.7.3. Public Domain:

The impact to the road network has been considered. The RTA has no objection to the development proposal and recommend no conditions. Railcorp requested the applicant submit a risk assessment for the impact on the rail crossing which was assessed and found to be satisfactory and their concurrence has been received subject to a condition which has been included in the draft conditions.

#### 1.2.1.7.4. Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Utilities, water, sewer and electricity will be required to be connected to the site.

#### 1.2.1.7.5. Heritage:

The applicant submitted a statement for Clause 29C of WLEP 1990 regarding adjacent building items and possible archaeological presence. This was referred to Council's Heritage Officer for assessment and found to be satisfactory.

#### 1.2.1.7.6. Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

#### 1.2.1.7.7. Water:

The site will require connection for drinking water. Stormwater is proposed to be the primary non-potable water source, collected via rainwater tanks for the use in the vehicle wash bay and for watering landscaped areas.

General Terms of Approval were issued by DECCW on the 20 January 2010 for the initial site layout and for the amended site layout on the 2 December 2010.

The proposal is not envisaged to have unreasonable water consumption.

#### 1.2.1.7.8. Soils:

The soils will be disturbed by the proposal and the contamination report stated that no further assessment was required and recommended precautionary measures during excavation of the land.

Council's Environment Division has recommended conditions to meet such requirements. These are to be placed on any consent issued.

#### 1.2.1.7.9. Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

#### 1.2.1.7.10. Flora and Fauna:

Some tree removals are required to accommodate the proposal. The initial site landscape plan was referred to Council's Landscape section and found to be conditionally satisfactory as was the amended landscape plan.

#### 1.2.1.7.11. Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Waste generation during stage 1 and stage 2 when no processing of vehicles is proposed on the site, the waste generated will be from staff usage of the office/gatehouse and facilities. This that can be accommodated by Council's standard collection service. When the processing building is completed in stage 3, bins will be stored outside the processing building and adjacent to the gatehouse and will be required to be removed by a commercial collection service contractor.



### 1.2.1.1. Section 79C(1) of the Environmental Planning and Assessment Act 1979

#### 1.2.1.7.12. Energy:

The proposal is not envisaged to have unreasonable energy consumption that will include flood lighting of the vehicle storage pavement area to assist video surveillance.

#### 1.2.1.7.13. Noise and vibration:

An acoustic report was submitted and referred to Council's Environment Division for assessment and found to be conditionally satisfactory.

#### 1.2.1.7.14. Natural hazards:

There are natural hazards affecting the site.

Council records list the site flood affected. The application was referred for assessment to Council's Stormwater Development Engineer and found to be conditionally satisfactory.

#### 1.2.1.7.15. Technological hazards:

There are technological hazards affecting the site.

Council records list the site as contaminated land affected. The application was referred to Council's Environment Division for assessment and found to be conditionally satisfactory.

#### 1.2.1.7.16. Safety, Security and Crime Prevention:

The proposal will have adequate security measures which include a 2.7m high chain wire perimeter fence, installation of access gates and turnstiles for vehicles and personnel, security office and flood lighting of the vehicle storage pavement areas with video surveillance cameras for 24 hour monitoring.

#### 1.2.1.7.17. Social Impact:

The proposal is not expected to create any negative social impact.

#### 1.2.1.7.18. Economic Impact:

The proposal is expected to have a positive economic impact and will generate construction and operational employment opportunities.

#### 1.2.1.7.19. Site Design and Internal Design:

Initially the entry and exit for the vehicle carriers was on the part of Reddalls Road that runs north - south and between two ninety degree bends. This was considered a road safety matter by City Planning and the applicant was requested to amend the entry and exit points to the east - west section of Redalls Road.

The applicant redesigned the site to accommodate the truck entry and exit points and are considered acceptable to Council's Traffic section.

#### 1.2.1.7.20. Construction

A condition will be attached to any consent granted that WorkCover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

#### 1.2.1.7.21. Cumulative Impacts:

Stormwater from the buildings is proposed to be collected in rainwater tanks for use in the vehicle wash bay and for landscape watering which will assist to reduce water usage on the site. Over flow water from the rainwater tanks and water from the pavement surfaces will be directed to the on-site detention system that will have pollution control measures to mitigate potential impacts to the environment

#### 1.2.1.1. Section 79C(1) of the Environmental Planning and Assessment Act 1979

##### 1.2.1.8. c) the suitability of the site for development

###### 1.2.1.8.1. Does the proposal fit in the locality?

The use is permissible with development consent with the regard to the land use zoning and the scale of the completed development is compatible with existing adjoining land uses.

###### 1.2.1.8.2. Are the site attributes conducive to development?

The site is currently vacant. The south west corner is flood affected and this matter has been resolved to Council's satisfaction. The site is also noted as contaminated. A report was submitted and reviewed by Council's Environment Division who have recommended suitable conditions to be placed on any consent issued.

##### 1.2.1.9. d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council's "Development Assessment and Compliance Notification Policy" and re-exhibited following the submission of amended site plans to address Council's traffic safety concerns.

One submission was received to the initial exhibition and no submissions received in the second exhibition period.

###### 1.2.1.9.1. Submissions from public authorities

Referral advice sought and received from DECCW, RTA and RailCorp.

##### 1.2.1.10.e) the public interest

**The application is not expected to have any negative impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.**

### 1.3 State Environmental planning policies

#### State Environmental Planning Policy # 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land came into effect on 28 August 1998 and applies state wide. The aim of SEPP 55 is to provide for a state-wide planning approach to the remediation of the contaminated land.

SEPP 55 is also supported by the then NSW Department of Urban Affairs & Planning and NSW Environment Protection Authority's *"Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land (August 1998)"*.

Under SEPP 55, a planning authority in determining a Development Application is required to consider whether land is contaminated and whether the proposed remediation of any identified contamination site will satisfactorily render the site suitable for the intended land use upon the site.

The site is identified from Council's Land Information System, as a "potentially contaminated site". The application submission was supported by a Phase 1 site contamination impact assessment prepared by Coffey Environments Pty Ltd dated 8 August 2008. The report found the north-eastern part of the site was subject to an excavation of approximately 2.5 metres to 3 metres below the natural ground level and was used for the storage of relatively small fill mounds. The report also stated that a review of the previous site history did not confirm any particular past land use however anecdotal evidence suggests that a former military compound may have been built in the locality. Two (2) test pit locations in the north-eastern part of the site indicated the existence of some land fill material, approximately 0.9 metres

thick but no obvious evidence of any contamination. The land fill material within this area contained concrete, brick and slag fragments but no contaminants. The southern boundary was subject to six (6) test pit locations which revealed the existence of similar land fill material to a depth ranging between 1.3 metres to 2 metres but there was no evidence of any contamination. The laboratory analysis of the fill material indicated that the existence of heavy metals and other potential soil contaminants such as TPH, PCBs, PAHs etc were below the NSW DECCW threshold criteria.

The report was referred to Council's Environment Section for appropriate review who advised no objection to the findings and conclusions of the report. A condition of consent is recommended which requires that any proposed excavated land fill material be assessed for waste classification in accordance with the NSW DECC *"Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Waste 2004"* and be disposed of accordingly.

## State Environmental Planning Policy (Infrastructure) 2007

Under clause 84 of State Environmental Planning Policy (Infrastructure) 2007, concurrence is required from NSW RailCorp with the regard to the impact of the proposal on the rail crossing on West Dapto Road. The NSW RailCorp via correspondence (Attachment 7), dated 11 June 2010, granted concurrence to the development after requesting and receiving a risk assessment report.

Under clause 104 of SEPP (Infrastructure) 2007, the proposal is defined as traffic generating development requiring referral to the Roads Traffic Authority (RTA ). The RTA via correspondence dated 8 January 2010 (Attachment 5), had no objection to the development.

### 1.4 Wollongong IREP 1 1986 (Deemed SEPP 1 July 2009)

The aim of this plan is to maximise the opportunities for the people of the region and the State to meet their individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources.

- The proposed development is considered to meet the objectives of Part VI – provisions relating to industry.

## West Dapto Environmental Plan 2010

The West Dapto LEP 2010 came into effect on 5 May 2010. However, this plan was an exhibited draft at the time the application was lodged.

The site is zoned IN 3 - Heavy Industry pursuant to this plan and the proposal is categorised as a warehouse or distribution centre which is permissible with development consent.

### Clause 1.4 – Definitions

Warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale but from which no retail sales are made.

### 1.8A Savings provision relating to pending development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had not commenced.

### Clause 2.3B – Zone objectives

The objectives of the zone are as follows:

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.

To make best use of public utilities and infrastructure required by substantial enterprises.

The proposal is considered to meet these objectives.

Given the savings provision outlined above WLEP 1990 is the determining control instrument.

## **1.5 Wollongong Local Environment Plan 1990**

The site is zoned 4(b) – Heavy Industry pursuant to this plan and the proposal is categorised as warehouse which is permissible with development consent.

### Clause 9 - Zone Objectives

- (a) To provide suitable areas for those industrial enterprises that should be kept well away from residential neighbourhoods
- (b) To make best use of public utilities and infrastructure required by substantial enterprises.
- (c) To allow some diversity of activities that will not prejudice achievement of the objectives referred to in paragraph (a) and (b) or significantly detract from the operation of existing or proposed industrial enterprises.

The proposal is considered to meet these objectives.

### Clause 6 Definition

Warehouse means a building or place used for the principal purpose of distributing, storing, handling or displaying items (whether goods or materials).

The proposal is considered to meet this definition.

### Clause 12. Floor space ratios

No statutory requirement for the zoning.

### Clause 26. Development in flood prone land

Part of the site is flood affected. Details of the proposal were forwarded to Council's Stormwater Development Engineer for comment and considered to be satisfactory.

### Clause 30. Services

Services for possible connection are available along Reddalls Road. A Section 73 certificate from Sydney Water will be required for site servicing for water and sewer provision.

### Clause 34. Tree preservation

Some tree removals are required to permit the development. Details of the development application and landscape plan for the site were forwarded to Council's Landscape section for assessment and found to be satisfactory. The concept landscape plan for the amended site layout was forwarded to Council's Landscape section for assessment and found to be satisfactory.

## **2. Wollongong DCP 2009 (3/3/10)**

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### **8 Savings and Transitional Provisions**

1. This plan does not apply to any Development Application which was lodged with Council but not finally determined before the commencement of this plan. Any application lodged before the commencement of this plan will be assessed in accordance with any previous development control plan, technical policy or other Council policy which applied to the site at the time of application lodgement. Therefore this proposal is required to be assessed under the provisions of DCP 6 that applied at the date of lodgement - (8 December 2009)

## 2.1 DCP 6 Commercial and Industrial Development

Development Control Plan No 6 - Commercial and Industrial Development applies to the development.

### 2.1.1.1.1. Part 1 – Statement of environmental effects (industrial)

Criteria	Comment
Plant to be used on the site	Wash bay for vehicle detailing, extras fitting and car compliance matters to Australian Standards.
Processes to be used	Vehicle storage, vehicle processing, office and amenities.
Noise, water and air pollutants (including dust emissions) likely to be generated by that plant and proposed means of waste removal and disposal.	<p>When vehicle processing occurs at stage 3, it will be inside a building and a separate carwash bay is provided. Waste water will be required to meet Sydney Water requirements.</p> <p>Solid waste disposal is to be in bins stored next to the processing building and collected by the waste contractor.</p> <p>Noise – the acoustic report submitted states compliance for truck unloading for the night time period. Council Environment Division considered details of the report to be satisfactory.</p>
waste products (including chemicals and air and water borne wastes) likely to be generated and proposed means of waste removal and disposal	As per previous.
effluent that will be generated and proposed means of effluent disposal	Will be required to meet Sydney Water requirements and connection to the sewer.
traffic generation including the type and frequency of heavy vehicles likely to be attracted to the site	<p>A Traffic Impact Study was submitted and referred to Council's Traffic Engineer who considered it to be satisfactory.</p> <p>Proposed development details referred to the RTA for comment under SEPP (Infrastructure) 2007 for traffic generating development. The RTA had no objection to the proposal in principle.</p>

### 2.1.1.2.

#### 2.1.1.2.1. Part 3 – Development standards – (industrial)

Criteria	Comment
Design	Considered functional in preliminary plans. Colour finishes will required to be muted tones for the processing building via a condition of consent, to

	minimise any possible visual impact on Glengarry Cottage .
Setback	The landscape setbacks will comply with the DCP requirement.
Landscaping	Council's Landscape Architect considered the initial landscape plan to be conditionally satisfactory and also the amended landscape plan for the new site layout.
Fences	A security fence is proposed to be constructed on the site perimeter in from the boundary to permit landscaping on the northern and eastern boundaries on the outside of the fence. On the western and southern boundaries the fence is to be on the boundary with the landscaping on the inside for ease of access to maintain the landscaping. The 2.7m fence is to be black cyclone mesh with galvanised posts with 3 strands of barb wire on top of the fence.
Advertising structures	No signage is proposed in this application.
Neighbourhood Amenity	The development proposed is located within an industrial zone with perimeter landscaping and is considered acceptable.
Discharges	<p>A condition will be placed on any consent issued that the developer be required to apply to Sydney Water, Trade Waste section, for a dirty water discharge licence for the car wash facility. This condition will also incorporate the requirement for wastewater to be drained to a sump where it can be cleaned by a coalescing plate separator, or similar process, prior to discharge into the sewer.</p> <p>Pavement stormwater drainage and rainwater tank overflow will drain to the watercourse via on-site detention that will incorporate pollution screening measures.</p>

#### 2.1.1.2.2. Planning for traffic

Criteria	Comment
Site access	Amended site design for new truck entry and exit points considered satisfactory by Council's Traffic section.
Parking	Referred to Council's Traffic section, who have recommended conditions of consent.
On-site circulation	Referred to Council's Traffic section, who have recommended conditions of consent.
Dimensions	<p>All car parking bays and internal aisle widths are required to comply with Australian Standards.</p> <p>Referred to Council's Traffic section, who have recommended conditions of consent.</p>

#### 2.1.1.2.3. Land constraints

Constraint	Comment
Flood	Council records list the site as flood affected. Details of the proposal were referred to Council's Stormwater Development Engineer, who considered the application as conditionally satisfactory.

Constraint	Comment
Landslip	Not applicable
Archaeology	Details of the proposal were referred to Council's Heritage Officer, who considers the application satisfactory.
Soil and Water	<p>Council records list the site as contaminated land affected</p> <p><b>Soil</b>  Details of the proposal were referred to Council's Environment Division who reviewed in particular the phase 1 contamination report submitted. After requesting minor amendments found it to be conditionally satisfactory.  A sediment/erosion management plan were included in the details of the proposal. The plan was found to be satisfactory</p> <p><b>Water</b>  Pavement and building stormwater has been discussed in Discharges above.  The General Terms of Approval were issued by DECCW on the 20 January 2010 for the initial site layout and amended plans re-referred and no changes required stated in the letter dated 2 December 2010.</p>

#### 2.1.1.2.4. Part 4 – Development Policies and Guidelines

Criteria	Comment
General Objectives	It is considered that the application largely complies with the objectives of planning in Wollongong for industrial land use zones. However, part of the site is flood prone and was initially proposed as vehicle. This area has been deleted in the amended site layout plan..
Retail Strategy	Not applicable
Employment Strategy	The subject site is appropriately zoned for the intended use and has the potential to promote employment opportunities within an accessible location.
Objectives of zones	The proposal is considered to meet the zone objectives.
Traffic objectives	Council's Traffic section have provided a satisfactory referral response with recommended conditions of consent.

## 2.2 Combined City Wide and City Centre Section 94A Development Contributions Plan July 2008

The estimated cost of works is over \$10 million and a section 94A levy is therefore applicable as the threshold figure is \$100,000.

## 2.3 Consultation

### 2.3.1. Notification Policy

The application was notified in accordance with Council's "Development Assessment and Compliance Notification Policy". One submission was received in the first exhibition period.

The main issues identified in the submission were:

Entry and exit points;

The position of the driveways in relation to existing traffic on Reddalls Road increases the likelihood of accidents occurring due to the limited site lines.

These issues were raised with the applicant who amended site design that changed the truck entry and exit points to the east-west aspect of the site on Redalls Road. The amended design was re-exhibited and no submissions were received.

### 2.3.2. Internal consultation

#### Stormwater

**Satisfactory** subject to conditions.

#### Landscaping

**Satisfactory** subject to conditions.

#### Traffic

**Satisfactory** subject to conditions.

#### Works and Services

**Satisfactory** subject to conditions.

#### Heritage

**Satisfactory** with no conditions

The proposed development has been assessed against clause 29C of the WLEP 1990 with regard to potential impacts on nearby heritage items including Glengarry Cottage and the War Cemetery and considered to be satisfactory.

This is because in the context of an industrial environment the low scale of buildings on the site will have a minimal impact on the setting of neighbouring items. Views from Glengarry to the South and of Glengarry from the South will not be impacted significantly as the existing plantings along the Southern boundary of Glengarry will provide screening of low level buildings. The impact on the War Cemetery across the road will also be minimal given the existing industrial context of the site.

#### Environment

**Satisfactory** subject to conditions.

### 2.3.3. External consultation

#### RTA

Comment was received from the RTA in the letter dated 8 January 2010, stating that the proposal had been reviewed from a traffic generating perspective and that there was no objection to the proposal in principle. (copy of the letter Attachment 5)

#### Department of Environment and Climate Change and Water

The General Terms of Approval were issued by DECCW on the 20 January 2010 for the initial site layout and amended plans re-referred and no changes to GTA's required, stated in the letter dated 2 December 2010. (Copy of the letter Attachment 6).



## Railcorp

The rail crossing risk assessment requested of the applicant by RailCorp under clause 84 (4) of the SEPP (Infrastructure) 2007, was reviewed by RailCorp and the letter granting concurrence with a condition is dated 11 June 2010. (Copy of the letter Attachment 7)

## **CONCLUSION**

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C(1) of the Environmental Planning and Assessment Act 1979, including all relevant environmental planning instruments, Council DCP's and Policies and public submissions received on the proposal.

The proposed development is permissible with development consent in the 4(b) (Heavy Industrial) zone , under Wollongong Local Environmental Plan (WLEP) 1990 and consistent with the zone objectives.

The necessary consultations with NSW Public authorities such as RailCorp, the Roads and Traffic Authority and Department of Environment, Climate Change and Water have been undertaken with satisfactory referral comments and required concurrences granted

The proposal has been examined with regard to its environmental, social and economic impacts and is considered satisfactory.

The public submission received has been resolved via amended vehicle entry and exit points in the re-designed site layout.

## **RECOMMENDATION**

This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 1990 and all relevant Council DCPs, Codes and Policies.

It is recommended that DA 2009/1583, be approved subject to the proposed draft conditions as at Attachment 8.

## **ATTACHMENTS**

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- 1 Aerial Photograph and draft subdivision layout
- 2 WLEP 1990 Zoning Map
- 3 West Dapto LEP 2010 Zoning Map
- 4 Plans
- 5 Copy of the letter granting concurrence from the Roads and Traffic Authority
- 6 Copy of the letters granting General Terms of Approval from the Department of Environment, Climate Change and Water
- 7 Copy of the letter granting concurrence from RailCorp
- 8 Draft Conditions