

Statement of Environmental Effects

Proposed development including:
hotel/motel accommodation with associated
conference and retail uses,
and medical centre

449 Victoria Road, Wetherill Park



Prepared by
Michael Gheorghiu
for
APX Properties Pty Ltd

December 2016

Author

Name:

Michael Gheorghiu

Signed:

A handwritten signature in black ink, appearing to read 'Michael Gheorghiu', with a stylized flourish at the end.

Date:

5 December 2016

Michael Gheorghiu
B.Eng (Civil & Bldg), MURP, MUDD
PO Box 357
Bondi Junction NSW 1355
E: michael.mgheorghiu@gmail.com.au

CONTENTS

Executive Summary	1
1 Introduction.....	3
1.1 Cost of Works.....	3
1.2 Pre-DA Meeting.....	3
2 The Site.....	13
2.1 Site Location	13
2.2 Site Description	15
3 The Proposal.....	18
3.1 Overview	18
3.2 Proposed Development Operation.....	19
4 Planning Framework	20
4.1 Planning Assessment.....	20
5 Environmental Assessment	28
5.1 Traffic and Parking Impact Assessment.....	28
5.2 Noise and Vibration Impact Assessment	28
5.3 Preliminary Site Investigation.....	29
5.4 Section J Assessment.....	29
5.5 Flood Impact Assessment.....	30
5.6 Stormwater Management.....	30
5.7 Waste Management	30
5.8 Site Suitability.....	31
5.9 Public Interest	31
6 Conclusion	32

Tables and Figures

Table 1. Response to comments from Pre-DA meeting	4
Table 2. Site Description	15
Table 3. Proposed Development Summary	18
Table 4. Summary of relevant SEPPs	20
Table 5. FLEP Assessment.....	21
Table 6. FDCP Assessment	24
Figure 1. Subject site	13
Figure 2. Site in its Regional Context	14
Figure 3. Site on left of image along Victoria Street looking west.....	15
Figure 4. View to site from Victoria Street looking south	16
Figure 5. Site on right along Victoria Street looking south-east.....	16
Figure 6. View east to site from corner of Newton Road and Victoria Street.....	16
Figure 7. View east to site on right side of image along Victoria Street.....	17

Executive Summary

Overview

This Statement of Environmental Effects (SEE) report supports a development application to Fairfield City Council for a proposed hotel development, including associated conference and retail uses, as well as a medical centre for the site located at 4449 Victoria Road, Wetherill Park (site).

This statement describes the proposed development of the site and surrounding area in the context of relevant planning controls and policies applicable to the site. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The SEE is supported by the following environmental assessment reports and management plans:

- Traffic and Parking Report;
- Landscape Plan;
- Hydraulic engineering plans;
- Flood Impact Assessment Report;
- Contamination Assessment Report
- Acoustic Impact Assessment; and
- Waste Management Plan.

Proposed Development

This application seeks approval for the development of a multi-unit residential building including associated landscaping and civil works. The summary of the proposal is provided in Table A below.

Table A: Proposed Development Summary

Item	Details
Site Area	5,620 sqm
Hotel	
Number of suites	155 suites
Area of conference room	161sqm
Retail area	50sqm
Medical centre	133sqm
Number of car parking spaces	62 spaces, including: - 52 car spaces for hotel use - 1 car space retail use - 9 car spaces for medical centre uses - 2 disabled access spaces are included in the above calculation
Building height	Six storey building including ground level. Overall building height is approximately 21.6 metres.

Item	Details
Landscaped Area	1,303.43 sqm (23.2% of total site area)
Deep Soil Planting	1,292.60 sqm (23% of total site area)

Environmental Assessment

An environmental assessment has been undertaken in Section 5 of this report, supported by additional consultant studies as per Council's requirements.

The environmental assessment found that the associated impacts of the proposal are considered to be minimal and manageable. Hence, the proposal achieves the following:

- Is a suitable development for the subject site;
- Responds to the street alignment;
- Provides for contemporary modern development;
- Ensures traffic impacts on the area are within acceptable levels;
- Provides landscaping to that blends in with the proposed development and reinforces the streetscape; and
- Provides necessary use that supports the surrounding businesses.

In accordance with Section 79C of the Act, the assessment of the proposal is found:

- To be wholly suitable for the site:
 - The proposal is permissible on the site;
 - The proposal meets the relevant development standards;
 - The proposal meets the objectives of the zone, in particular encouraging on the site;
 - The proposal provides appropriate level of amenity and access within and around the site for future users; and
 - Provides landscaping enhancing residential amenity of the development.
- To be within the public interest based on the following:
 - The does not adversely impact the amenity of the public domain;
 - Does not generate adverse environmental impacts and
 - Provides employment and supports the ongoing role of the area as an employment precinct.

Therefore, it is considered that the proposal is within the public interest, based on the above outcomes and being of a high quality design for the site.

1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared to support a development application (DA) to the Fairfield City Council (Council) for a proposed hotel/motel development, including associated conference and retail uses, as well as a medical centre for the site located at 449 Victoria Road, Wetherill Park (site).

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act) and should be read in conjunction with information enclosed with this report. Specifically, the SEE includes the following information:

- a) Description of the site in its local context;
- b) Identifies the proposed works;
- c) Identifies and addresses all relevant Council controls and policies; and
- d) Identifies and addresses all potential environmental impacts of the proposal.

1.1 Cost of Works

The estimated cost of development for the proposal is \$22,770,984 including GST.

1.2 Pre-DA Meeting

On 16 February 2016 a pre-development application meeting was held with the Council.

Council's comments and our response to their comments are found in the table below. The table also identifies where in the SEE report additional assessment or supporting information is provided in response to the comments.

Table 1. Response to comments from Pre-DA meeting

Item	Council Comments	Response and Reference in Report
Specific Comments		
1	The proposal is for the construction of a six (6) storey mixed-use development providing for a restaurant, retail floor space, pharmacy, medical centre, conference room, offices, lobby and reception/motel administration on the ground floor. Above ground car parks are proposed on levels 1 and 2 with a series of hotel/motel rooms.	The proposal has been significantly reduced in size and scale to include: • At ground car parking only; • 155 room hotel with conference room and retail uses; and • Medical centre It is considered that the proposal is a significantly better design outcome for the site in comparison with the proposal reviewed by Council at the pre-DA. Refer to Section 3 of this report for details of the proposed development.
2	The subject site is zoned IN1 General Industrial as stipulated within the Fairfield Local Environmental Plan 2013. Within this zone, the proposal would be prohibited. However, pursuant to Clause 2.5 of the Fairfield LEP 2013, additional permitted uses are allowed with consent for certain land identified in Schedule 1 of the LEP. Schedule 1 of the LEP identifies the site as '19' on the Key Sites Map and additional uses are permitted on the land. Below is an extract of Schedule 1 relevant to the land: '19 Use of certain land at 449 Victoria Street and 96 Newton Road, Wetherill Park (1) <i>This clause applies to land identified as "19" and "20" on the Key Sites Map.</i> (2) <i>Development for the purposes of hotel or motel accommodation and medical centres at 449 Victoria Street, Wetherill Park, being Lot 304, DP 1098762, and 96 Newton Road, Wetherill Park, being Lot 4, DP 851250, is permitted with development consent.</i>	The proposed uses are permissible on the site. Refer to Section 4.1.3 of this report for discussion on permissibility.

Item	Council Comments	Response and Reference in Report
3	The site is regulated by a Site Specific Development Control Plan as detailed within Chapter 9 of the Fairfield City Wide DCP 2013. The SSDCP accompanied a Planning Proposal that amended Fairfield Local Environmental Plan 2013 (gazetted on 21 March 2014) to permit the following additional land uses on the site: Hotel or motel accommodation (with ancillary conference rooms) up to 7000m.; Medial Centre (up to 300m.); and Neighbourhood shops (up to 80m.). The proposed built form and distribution of buildings on the site is very conceptual and only shows pad sites. Therefore, it would be difficult to determine the suitability of the proposal for the site. Nonetheless, the proposal is contrary to the built form detailed in Figure 2 of the SSDCP, which was the result of extensive flood modelling analysis conducted for the site as part of the Planning Proposal.	The proposed development responds to the controls in Council's DCP. The proposal complies with the maximum permissible areas for each use. An assessment of Council's DCP is provided in Section 4 of this report. The proposal is generally consistent with the intent of the SSDCP. Combined with the approved service station, the proposal is generally consistent with the building plan identified in the SSDCP. This proposal has been subject to extensive flood modeling. The findings of the flooding modeling are that the proposal achieves the required Australian Standards and 1 in 100 years ARI levels. The proposal does not adversely impact flooding on the site. The findings of flooding modeling are consistent with and respond to the controls in the SSDCP.
4	The layout of any buildings on the subject site is required to be generally in accordance with Figure 2, as detailed on page 26 of Chapter 9 of the Fairfield City Wide DCP 2013. However, alternative layout will be considered subject to flooding issues being satisfactorily addressed. You indicated at the meeting that the built form proposed is conceptual and may change in response to the required flood modelling for the site.	Since the publication of the DCP with the relevant controls and figures specifically relating to this site, the site has been subject to a separate development approval. Part of the site has been approved for a service station. Notwithstanding this, the proposal is generally consistent with the intent of the SSDCP. Combined with the approved service station, the proposal is generally consistent with the building plan identified in the SSDCP. Further, it is considered that the proposal is a significantly better design outcome for the site in comparison with the proposal reviewed by Council at the pre-DA.

Item	Council Comments	Response and Reference in Report
5	It was advised during the meeting that Council is currently assessing a development application for the construction of a service station on the subject lot. In this regard, it is considered that the introduction of motel accommodation on the site would result in an unacceptable impact on the safety and well-being of the patrons if the service station is developed. Further, it is considered that the proposed development is unlikely to achieve compliance with State Environmental Planning Policy No 33—Hazardous and Offensive Development.	Clause 13(e) of the SEPP under <i>'Matters for consideration by consent authorities'</i>, gives power to Council to consider development on adjoining land to potentially hazardous or offensive development. However, this only relates to a proposed hazardous and offensive development and its response to the likely future surrounding development, not vice-versa. Further to this, there numerous examples around Sydney where a service station is located in close proximity to residential development, commercial businesses and/or hotels. We are strongly of the opinion that the SEPP does not apply in the circumstances of the case and that it is up to the approved service station to demonstrate that it won't have a detrimental impact to surrounding development. Moreover, the service station has been approved and is under construction. It has been demonstrated that the design of the hotel can withstand the impacts of the service station.
6	If the adjoining site is developed for the purpose of a service station, the subject development would introduce a conflicting land use with the operation of the service station in close proximity of a motel building. It is proposed that a sensitive land use is developed on a site where a hazardous development is currently proposed to be developed on an adjoining allotment is not considered appropriate. In this regard, it is unlikely that Council will support the proposal in its current form. There is no compelling evidence to support the proposal.	Further to above, there are many examples in Sydney where a service station is located near residential or more intensive land uses. The service station does not pose a significant impact to the hotel and nor does the hotel pose a significant impact to the operation of the station from either an acoustic impact perspective or traffic impact perspective. We strongly disagree with Council that there is conflict in land uses between the proposals.

Item	Council Comments	Response and Reference in Report
General Comments		
7	The subject site is identified within an area that is affected by flooding. A catchment study for the Wetherill Park area, which includes the subject site has been carried out by Council, but has not yet been adopted. The applicant is required to obtain information from the study by submitting a GIPA request under the <i>Government Information (Public Access) Act 2009</i>. In addition to this, a Flood Impact Study carried out by a suitably qualified engineer shall be submitted to demonstrate that the proposed development will not result in any adverse flooding impacts upon surrounding properties. Please be advised that Council's Catchment Branch can be contacted to enter into a developer's agreement to obtain information regarding the Flood Impact Study.	The proposal complies with relevant flooding requirement and achieves the minimum required flood levels for a 1 in 100 year ARI. Key findings from the flooding impact assessment include: • Portions of the site are proposed to be raised/filled to prevent flood impacts on the proposed development; • In relation to overland flow paths and flood levels, the proposed finished floor level will comply with required 1 in 100 year ARI levels and with the site specific development control plan issued by Council for the site; • A redistribution of flow in the 1% AEP event results in no significant increase to flooding outside the proposed lot; and • There are no other significant flood impacts as a result of the proposed development. Refer to Section 5 of this report for that detailed assessment.
8	The design of the proposed development must incorporate architectural features, particularly along the proposed car park levels in order to provide adequate screening of the car park. Appropriate and suitable façade treatment is required so as to soften the dominance of the above ground multi-storey car park. As proposed, particularly with the above ground car parks, and having regard to the flood affection of the land, the development is unlikely to positively contribute to the public domain.	This is no longer applicable as all car parking is provided at grade. The proposal offers architectural measures that achieve a design that includes a variety of materials and articulation. The length of the proposal is not inconsistent with the length of larger buildings in the surrounding area.

Item	Council Comments	Response and Reference in Report
9	A flood model in 2D shall be prepared in accordance with Chapter 11 – Flood Risk Management of the Fairfield City Wide DCP 2013 by a suitably qualified hydraulic engineer.	Detailed flood impact assessment has been completed by Northrop Consulting Engineers. The flood impact assessment found that the proposal will not have an adverse impact on the site's flooding conditions. Refer to Item No.7 above and Section 5 of this report for further discussion.
10	A Flood Risk Management Report prepared by a suitably qualified consultant experienced in flood plan management to address all the relevant requirements and development controls stipulated within Chapter 11 – Flood Risk Management Controls of the Fairfield City Wide DCP 2013.	As above.
11	A preliminary review of the submitted concept has raised the following concerns: a. The proposal shall not result in any increased in flood levels to the site so as to not cause flood impacts on adjoining sites. b. Vehicular crossings along Victoria Street must not conflict with existing services and/or utilities. A maximum of 2 driveways are permitted along the Victoria Street frontage of the site. The proposal, combined with the service station, exceeds the allowable number of driveways for the site. c. The proposal shall comprise extensive landscaping to improve the visual amenity of the site, particularly within the front setback areas at the intersection of Victoria Street and Newton Road and surrounding the existing drainage channel, which crosses the northeast corner of the site. • A minimum setback of 20 metres to the Victoria Street frontage shall be provided, of which 10 metres is to be used for landscaping only. • A minimum setback of 5 metres shall be provided to the existing concrete channel, of which 2 metres is to be used for landscaping only.	Each point is addressed as follows: a. The proposal has been designed to achieve required flood levels for a 1 in 100 year ARI. The detailed flood impact assessment found that the proposal would not have an adverse impact on the site's flood conditions. In particular, the flood modeling completed by Northrop Consulting Engineers took in to consideration the previous assessment completed by Cardno for the site and greater catchment. Cardno's assessment included the recently approved service station as part of its modeling. b. The proposed location of the driveway is considered more than suitable for the site. Importantly, the single driveway crossing approved for the site has been split into separate entry and exit crossings. This allows for safer entry and exit traffic movements, and safer internal traffic circulation. It is consistent with intent of single driveway crossing, which is to ensure safe vehicular movements in and out of the site.

Item	Council Comments	Response and Reference in Report
	d. Any proposal for the site must also have regard to the implications on the development potential of the southern adjoining site at 96 Newton Road in terms of its ability to re-develop in accordance with SSDCP. e. Given that the proposed is adjacent to a proposed service station that proposes to operate on a 24 hour basis, an Acoustic Report prepared by a suitably qualified acoustic consultant shall accompany the application. f. Traffic and parking assessment report prepared by a suitably qualified traffic consultant shall accompany the application. g. The proposal exceeds the parameter of the SSDCP.	c. The site frontage includes a large central landscaped area enhancing the aesthetic quality of the site to the streetscape. The site achieves the required minimum setbacks, including setback from the channel. d. The proposal does not hinder the ability for the land at 96 Newton Road to be development and does not hinder its ability to achieve an orderly and economic development on the site, as required under the <i>Section 5 of the Environmental Planning and Assessment Act 1979</i>. e. An acoustic report is enclosed with this report. Refer to Section 5 of this report for a discussion on the acoustic assessment. f. A traffic and parking report is enclosed with this report. Refer to Section 5 of this report for a discussion on the traffic and parking assessment. g. The proposal is generally consistent with the intent of the SSDCP. Combined with the approved service station, the proposal is generally consistent with the building plan identified in the SSDCP.
12	Under the provisions of Division 2 Part 4 of the <i>Environmental Planning and Assessment Act (EP&A) 1979</i>, the proposed development is defined as an Integrated Development. In this regard, the proposed development will be referred to the NSW Department of Primary Industries - Office of Water.	It is understood that this is the case as the site is subject to a drainage channel along its southern boundary. Refer to Section 4 for a discussion related the <i>Water Management Act 1979</i>.
13	The proposed development shall be designed to achieve full compliance with Chapter 9 – Industrial Development of the Fairfield City-Wide DCP 2013. The site is subject to the Site Specific Development Control as detailed in Clause 9.8 of the DCP 2013. The layout for buildings on the site referred to in the Site Specific controls (Figure 2) is based on the extensive flood risk assessment and flood modelling of the site. The proposed	The proposal generally complies with Chapter 9 of the DCP. The proposal is generally consistent with the intent of the SSDCP. Combined with the approved service station, the proposal is generally consistent with the building plan identified in the SSDCP.

Item	Council Comments	Response and Reference in Report
	building footprints shall be generally in accordance with this design. However, if an alternate design is proposed, a new flood analysis and modelling shall be carried out for the site in order to determine the suitability of the built form.	The proposal does not adversely impact the flood conditions on the site. Refer to Section 5 of this report for more discussion on the flood impact assessment.
14	Assessment of the concept plans has revealed that the proposed built form is inconsistent with the layout of buildings outlined within Site Specific DCP controls – Clause 9.8. Given the extent of the proposed built form, it shall be demonstrated to Council that the development will not have any impact to adjoining sites particularly in relation to flooding. In this regard, it is advised that the building footprint of the proposed development be reduced.	Refer to above. Expand to explain that the size and scale has been significantly reduced, and flooding is shown to be compliant and consistent with SSDCP.
15	A GIPA request under the <i>Government Information (Public Access) Act 2009</i> is recommended to obtain flooding information in regards to the Wetherill Park Flood study conducted by Council.	A flood impact assessment has been undertaken on the basis of detailed modeling completed by Cardno. Refer to Flood Impact Assessment Report enclosed with this report.
16	The car parking layout shall be in accordance with Australian Standard AS 2890.1. The required number of car parking spaces and services for the development shall be in accordance with Chapter 12 of the Fairfield City Wide DCP 2013.	The proposed car parking design complies with all relevant Australian Standards. Refer to Section 5 of this report for an assessment on the traffic design.
17	A stormwater drainage concept plan in accordance with Council's Stormwater Drainage Policy September 2002 and Urban Area On-Site Detention Handbook, February 1997 shall be provided.	The proposed car parking design complies with all relevant Policies and Australian Standards. Refer to Section 5 of this report for an assessment on the traffic design.
18	A Statement of Environmental Effects (SOEE) is required to be submitted providing full details of the proposal and addressing all matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and demonstrating full compliance with the Fairfield City-Wide DCP 2013 and Fairfield LEP 2013.	This SEE complies with this comment and addresses the heads of consideration under Section 79C of the <i>Environmental Planning and Assessment Act 1979</i> .

Item	Council Comments	Response and Reference in Report
19	The proposed development shall be designed and prepared to address the requirements of State Environmental Planning Policy 33 – Hazardous and Offensive Development.	Not applicable refer to comment No.5 in this table.
20	Full compliance with the BCA is required, with regard to disabled access, fire separation and energy efficiency of Section J.	A Section J report supports this application and proposed development.
Conclusion		
21	Any proposal for the site shall generally be in accordance with the Figure 2 and the specific provisions of the SSDCP as contained within Chapter 9 of the Fairfield City Wide DCP 2013. The proposed alternative building layout will only be considered by Council subject to flooding issues being satisfactorily addressed. In the absence of an extensive flood risk assessment and flood modelling being conducted for the site in support of the proposed development, the proposal, in its present form, cannot be supported. Notwithstanding this, there is a Development Application before Council for a proposed service station on the adjoining allotment and concerns are raised that the proposed motel/hotel accommodation would result in direct land-use conflict with the proposed service station. On this basis, the proposed is considered to be an unsuitable development for the site, and is significantly more intense than anticipated by the Fairfield LEP 2013 and Fairfield City Wide DCP 2013. Accordingly the proposal is considered to be an over-development of the site and is unlikely to be supported.	The proposal generally complies with Chapter 9 of the DCP. The proposal is generally consistent with the intent of the SSDCP. Combined with the approved service station, the proposal is generally consistent with the building plan identified in the SSDCP. The proposal does not adversely impact the flood conditions on the site. Refer to Section 5 of this report for more discussion on the flood impact assessment. The proposal is permissible under the Fairfield LEP 2013 and does not generate any adverse impacts. Specifically, the proposal would encourage employment on the land, and potentially more employment than what would be achieved through a standard industrial development. Further, the proposed development would support surrounding businesses by providing accommodation, a medical centre and a small retail use. The proposal is considered to be more than suitable for the site and fully meets the objects of the <i>Environmental Planning and Assessment Act 1979</i>, providing and economic and orderly development of the site.

Item	Council Comments	Response and Reference in Report
		Moreover, the proposal is a better outcome for the site from the proposed development reviewed by Council in the pre-DA meeting due to the proposal's reduced size and scale, compliant flooding design and more than appropriate traffic access design.
Information to be Submitted		
	The following details should be submitted with your application: • Development Application (DA) form. • A Statement of Environmental Effects, which provides full details of your application. • Development Planning Checklist / Building Control Checklist • A full set of architectural plans, landscape plans and drainage plans, including site plan, elevations and sections, drawn at an appropriate scale. • Acoustic Report • Traffic Report • Flooding model report • The relevant DA fee • Electronic copy of all documentation.	The application is supported by the documents listed by Council.

2 The Site

This section of the report provides a detailed review of the subject site.

2.1 Site Location

The site is located at 449 Victoria Road, Wetherill Park (site). The site is irregular in shape and is located within an industrial area south of the Prospect Reservoir.

The site is within a direct distance of the following features, including:

- Stockland Wetherill Park Shopping Centre - within 1.5 kms
- Prairiewood T-Way Station (connection to Liverpool) - within 1.5 kms
- Fairfield Hospital - within 2 kms
- TAFE NSW Wetherill College - approx. 2 kms
- Fairfield Town Centre - within 7 kms
- Blacktown Town Centre - within 9 kms
- Parramatta Town Centre - within 10 kms
- Proposed Western Sydney Airport at Badgerys Creek - approx. 13 kms

Refer to Figure 1 for the site's local context and Figure 2 for the site in its regional context.

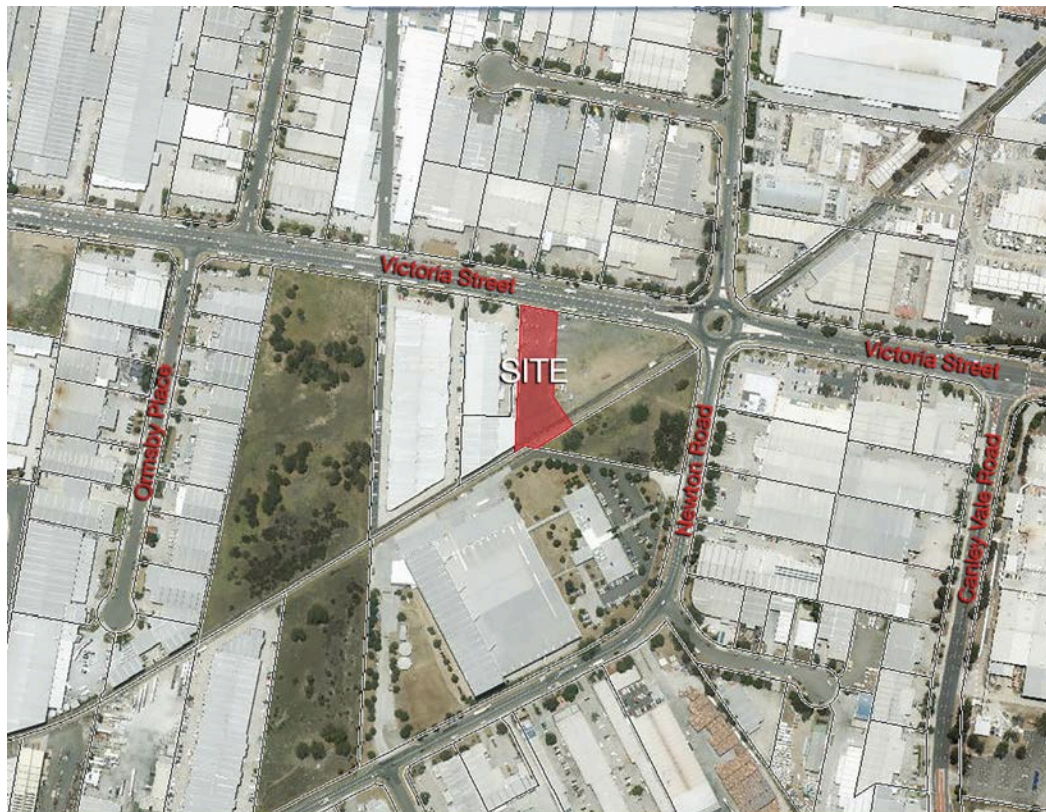


Figure 1. Subject site

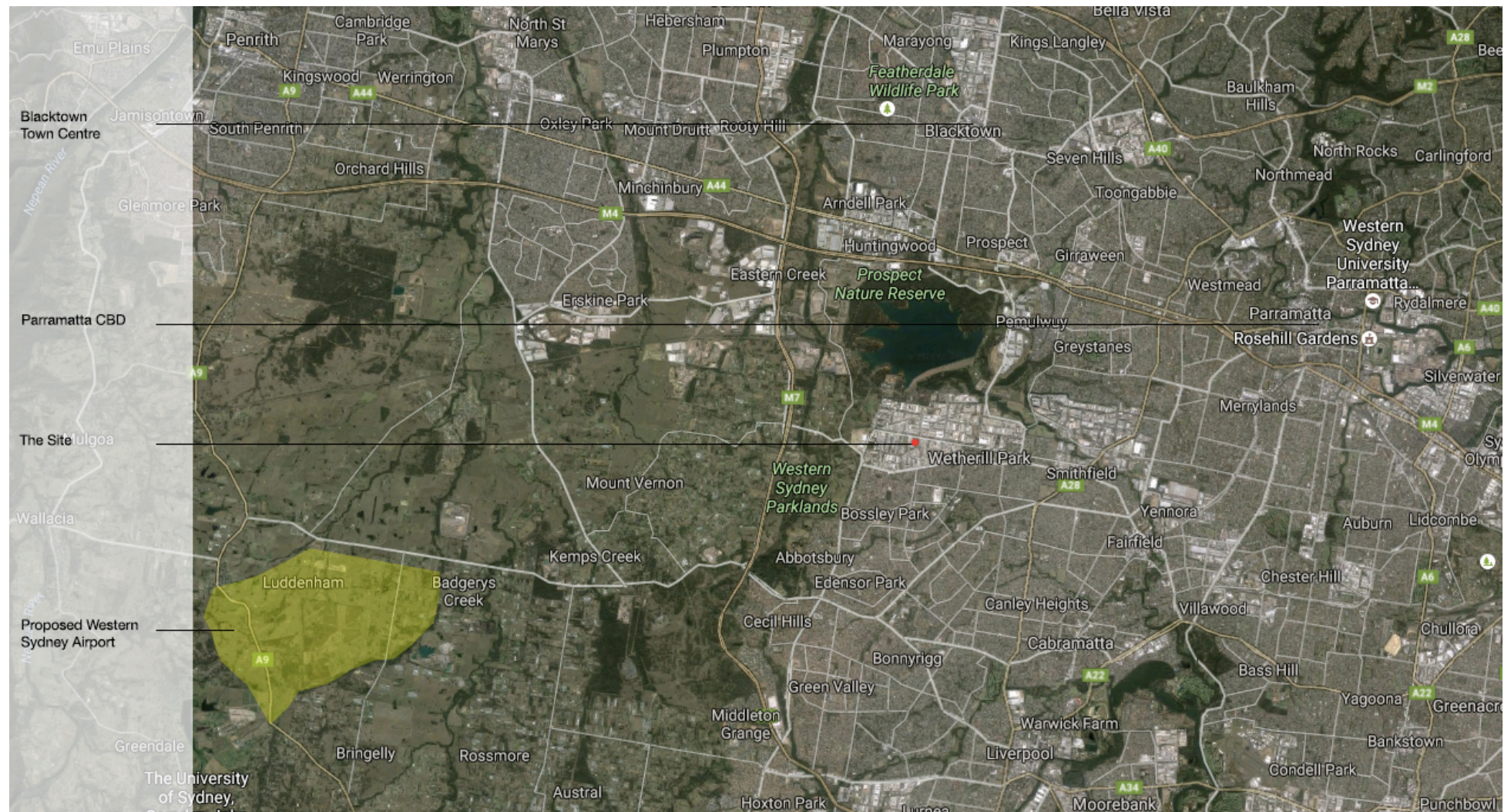


Figure 2. Site in its Regional Context

2.2 Site Description

The site comprises of one allotment. The site is vacant and adjoins a property on the western boundary that includes a large warehouse building. Located to the rear of the property along the southern boundary, is a drainage channel. Table 1 provides additional details of the site.

Table 2. Site Description

Property	Details
Legal Description	Lot 304 in DP1098762
Site Area	5,620 sqm
Northern Boundary Length (on Victoria Street)	38.86 metres
Western Boundary	133.04 metres
Southern Boundary Length	69.99 metres
Eastern Boundary	102.79 metres
Existing Development	The site is currently vacant.

Refer to Figures 3 to 7 that show the existing character of the site and area.



Figure 3. Site on left of image along Victoria Street looking west



Figure 4. View to site from Victoria Street looking south



Figure 5. Site on right along Victoria Street looking south-east



Figure 6. View east to site from corner of Newton Road and Victoria Street



Figure 7. View east to site on right side of image along Victoria Street

3 The Proposal

3.1 Overview

The proposal was designed by JS Architects Pty Ltd. This section describes the proposed development. Refer to detailed architectural plans enclosed with this report.

The proposed development is for a hotel/motel with supporting conference and retail uses and a medical centre. Generally, the following works are proposed:

- Demolition and site preparation;
- Construction of a six storey building including the uses identified above;
- Associated car parking;
- Associated civil engineering works; and
- Associated landscaping works.

A summary of the proposed building works is identified in the table below.

Table 3. Proposed Development Summary

Property	Details
Site Area	5,620 sqm
Hotel	
Number of rooms	155 rooms
Area of conference room	161sqm
Retail area	50sqm
Medical centre	133sqm
Number of car parking spaces	62 spaces, including: - 52 car spaces for hotel use - 1 car space retail use - 9 car spaces for medical centre uses - 2 disabled access spaces are included in the above calculation
Building height	Six storey building including ground level. Overall building height is approximately 21.6 metres.
Landscaped Area	1,303.43 sqm (23.2% of total site area)
Deep Soil Planting	1,292.60 sqm (23% of total site area)

3.2 Proposed Development Operation

The development is proposed to operation as follows:

- Hotel operations will be by APX Hotels Apartments;
 - The hotel will operation 24 hours a day 7 seven days a week and 365 days a year as per standard hotel service industry operation hours;
 - Key front of house staff includes, operations manager, assistant manager, team leader, between 4 to 6 reception staff. These is the total number of key staff, however they will be operating on a rotating roster and all will not be on at the same time;
 - Key housekeeping staff includes, housekeeping manager, housekeeping assistant manager, between 8 to 12 contract cleaning staff; and
 - Corporate support includes, offsite head office including but not limited to sales department, finance department, yield department, marketing department, guest relations department and general administration department.
- The site will monitored 24 hours a day, 7 days a week by onsite security camera system; and
- The Medical Centre will include pathology services. The centre is expected to operate between 8am to 6pm, Monday to Friday.

4 Planning Framework

An assessment of the proposal against the relevant planning and environmental legislation and guidelines has been undertaken to determine the proposal's compliance with the relevant development controls.

4.1 Planning Assessment

The SEE has been prepared in consideration of the matters listed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act) and should be read in conjunction with information supporting this report and the application.

4.1.1 Key Acts and State Environmental Planning Policies (SEPPs)

Table 4 below provides an overview of the key State Environmental Planning Policies (SEPPs) that apply to the site.

Table 4. Summary of relevant SEPPs

Acts / SEPP	Provision Summary	Assessment
State Environmental Planning Policy No.33 – Hazardous and Offensive Development	The purpose of the SEPP is to ensure that consent authorities take into consideration potential hazardous and offensive development and where possible seek to impose conditions that reduce or minimise the likely risks of those developments.	Council in the Pre-DA meeting minutes from 16 February 2016 identified that the proposal needs to demonstrate through SEP33 that it responds to the approved service station on the adjoining property. Clause 13(e) of the SEPP under <i>'Matters for consideration by consent authorities'</i>, gives power to Council to consider development on adjoining land to potentially hazardous or offensive development. However, this only relates to a proposed hazardous and offensive development and its response to the likely future surrounding development, not vice-versa. We are strongly of the opinion that the SEPP does not apply in the circumstances of the case and that it is up to the approved service station to demonstrate that it won't have a detrimental impact to surrounding development.
State Environmental Planning Policy No.55 – Remediation of Land	SEPP 55 requires the consent authority to take into consideration contamination and remediation of land in determining development applications. The authority must be satisfied that land that is	A Preliminary Site Investigation supports the proposed development. The report found that, <i>'Based on the information collected during this investigation and in reference to Clause 7 (DA</i>

Acts / SEPP	Provision Summary	Assessment
	contaminated is suitable for the proposed use or will be suitable following remediation of the land.	<i>development of SEPP 55), the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed commercial / industrial development.'</i>

4.1.2 Fairfield Local Environmental Plan 2013

The *Fairfield Local Environmental Plan 2013* (FLEP) is the primary local environmental planning instrument that applies to the site. The table below provides a summary of the key development standards that apply to the site under the FLEP.

Table 5. FLEP Assessment

Control	FLEP Clause	Provision	Assessment
Land Use Zone	Cl.2.1	IN1 General Industrial	The zone does not permit hotel/motel accommodation on the site. The use is permissible via Cl.2.5 of the FLEP and under Schedule 1 of the FLEP. Notwithstanding this, the proposal meets the objectives of the zone, specifically encouraging employment opportunities on the site.
Land Use Zone	Cl.2.5	Additional permitted uses – Schedule 1 Identified as Key Site '19'	Complies. The proposed uses being motel accommodation and supporting conference centre are permissible on the site. Refer to Section 4.1.3 for a discussion on the permissibility.
Min. Lot Size	Cl.4.1	The site is subject to a minimum lot size development standard of (U) 1,500sqm.	Complies. The site has an area of 5,620sqm.
Building Height	Cl.4.3	Does not apply to the site.	N/A
Floor Space Ratio (FSR)	Cl.4.4	Does not apply to the site.	N/A
Preservation of Trees or Vegetation	Cl.5.9	This clause requires any proposed development on a site to preserve the amenity of the area, including trees and vegetation.	There are no trees on the site. N/A

Control	FLEP Clause	Provision	Assessment
Heritage	Cl.5.10	There are no heritage items identified on the site.	NA
Flood Planning	Cl.6.3	The clause requires any proposal to be designed to not adversely affect flood behaviour on a site.	Site complies with objectives of the clause. Refer to assessment in Section 5.4 of this report.
Flood Risk Management	Cl.6.4	The clause requires any proposal to be designed to manage the potential for any flooding to become hazardous on the site.	Site complies with objectives of the clause. Refer to assessment in Section 5.4 of this report.
Biodiversity	Cl.6.5	The site is not identified as being subject to any biodiversity protection or having items of significant biodiversity quality.	NA
Riparian Land and Watercourse	Cl.6.6	The site is subject to the provisions under this clause as a result of the drainage channel on the southern boundary of the site.	Complies. The proposal will maintain the flows in the drainage channel. There are no proposed works to the drainage channel/watercourse.

4.1.3 Permissibility

Assessment

The site is zoned as IN1 General Industrial under the FLEP. The FLEP identifies that the following uses are permissible on the site:

'3 Permitted with consent

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Roads; Rural supplies; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4'

The proposal includes a small retail use, which could be defined under neighbourhood shops. The retail use is permissible on the site under the IN1 General Industrial land use zone.

The proposal seeks approval for hotel/motel uses on the site with ancillary conference uses. The land use zone table in the FLEP states that 'tourist and visitor accommodation' is prohibited within the zone. The FLEP defines 'tourist and visitor accommodation' as:

'tourist and visitor accommodation' means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,

- (c) *farm stay accommodation,*
- (d) *hotel or motel accommodation,*
- (e) *serviced apartments,*
- but does not include:*
- (f) *camping grounds, or*
- (g) *caravan parks, or*
- (h) *eco-tourist facilities.'*

As shown above, 'hotel or motel accommodation is included in this definition.

Additionally, the proposal seeks approval for a 'medical centre', which is also prohibited under Clause 2.1 of the FLEP and the IN1 General Industrial zone in the land use zone table.

Notwithstanding the above, the legal mechanism that gives permissibility for the proposed uses on the site for 'hotel or motel accommodation' and a 'medical centre' is found under Clause 2.5 and Schedule 1 of the FLEP. Clause 2.5 of the FLEP states:

2.5 Additional permitted uses for particular land

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
 - (a) *with development consent, or*
 - (b) *if the Schedule so provides—without development consent,**in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.'*

Schedule 1 of the FLEP lists that site as site number '19', which is also identified on the relevant FLEP key sites map. Specifically, Schedule 1 states:

19 Use of certain land at 449 Victoria Street and 96 Newton Road, Wetherill Park

- (1) *This clause applies to land identified as "19" and "20" on the Key Sites Map.*
- (2) *Development for the purposes of hotel or motel accommodation and medical centres at 449 Victoria Street, Wetherill Park, being Lot 304, DP 1098762, and 96 Newton Road, Wetherill Park, being Lot 4, DP 851250, is permitted with development consent.*

Therefore, as a result of the above the proposed uses on the site are permissible

Assessment of Land Zone Objectives

Regardless that the permissibility is given through Schedule of the FLEP, an assessment of the land use zone objectives has been undertaken to ensure that the proposal is consistent with Council's future desired outcome for the site. The objectives of the IN1 General Industrial land use zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development is not likely to detrimentally affect the viability of any nearby business centre.*

Given the proposed use on the site, the only objectives that apply to the proposal are:

- *To encourage employment opportunities; and*

- To ensure development is not likely to detrimentally affect the viability of any nearby business centre.

We are of the opinion that the proposal meets these objectives, and in particular, with respect to the first objective the proposal clearly encourages employment on the site. In relation to the second objective, given the size of the site, access to nearby major roads, the context of surrounding development within the precinct, which in many ways acts as a large business park, the combination of these elements renders the proposal highly suitable on the site. Further, due to the distance of the site from the nearest town centres, it is considered that the proposal will not detrimentally affect the role of those centres and their viability. The proposal is well situated because it provides accommodation, retail and a medical centre in the middle of a major employment area, hence supporting the local businesses.

4.1.4 Fairfield City Wide Development Control Plan 2013

The *Fairfield City Wide Development Control Plan 2013* (FDCP) is the primary Development Control Plan that applies to the site and sets out the core controls for the site.

The key relevant DCP controls that apply to the site have been addressed in the table below.

Table 6. FDCP Assessment

FDCP Section	Development Control	Assessment
Chapter 3 Environmental Management and Constraints		
S.3.2	Preservation of Trees or Vegetation Cl.5.9 of the FLEP facilitates the provision of the FDCP. The proposed development is required to maintain and preserve trees and vegetation on the site.	N/A. The site does not include any trees.
S.3.4	Riparian Land and Waterways Properties affected by the Riparian Land and Waterways clause are generally located within 10 to 40 metres of the top of bank of a Watercourse.	Complies. The proposal provides at least a 10 metres setback from the watercourse.
S.3.5	Flood Risk Assessment This section states: <i>'Fairfield City Council is located within the upper reaches of two floodplains associated with the Georges River (generally to the east of the Sydney Regional Parklands) and Hawkesbury/Nepean River (generally to the west of the Sydney Regional Parklands) Catchment areas.</i> <i>As such, parts of the City are flood prone and from time to time are subject to the risk of flooding from either mainstream (e.g. associated with discharge from creeks) or overland (e.g. local runoff) flooding.'</i> The section identifies a number of prescriptive controls that relate to ensuring the flooding on the site and on adjoining	Complies. The proposed development does not adversely affect flood conditions on the site.

FDCP Section	Development Control	Assessment
	properties is not exacerbated.	
S.3.6	Land Contamination This section states: <i>'All development applications (except for change of use and occupation DA's) must submit information within the statement of environmental effects (as detailed in Chapter 2) detailing whether there is evidence to suggest that the site of the proposed development may be contaminated. In order to prepare this statement reporting on the sites history including historical records of land use, land title searches, aerial photographs and the results of a site investigation will be necessary.'</i>	Complies. A Preliminary Site Investigation supports the proposed development. The report found that, <i>'Based on the information collected during this investigation and in reference to Clause 7 (DA development of SEPP 55), the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed commercial / industrial development.'</i>
Chapter 9 Industrial Development		
S.9.1.1.2	Lot Frontage Minimum 30 metres	Complies. Site frontage is 38.86 metres.
S.9.1.1.3	Lot Size Minimum 930sqm unless show differently in FELP.	Complies. Site area is 5,620sqm as one lot. Greater then FLEP minimum lot size control of 1,500sqm.
S.9.1.2	Setbacks The minimum setback for all industrial development is to be 10 metres of which 5 metres is to be used for landscaping only.	
S.9.2.2.1	Car Parking As per Section 12 of the FDCP. Refer to relevant Section below.	Complies. See below.
9.4.1	Landscaping a) The use of decorative paving treatments such as paving bricks adds interest to large areas of hard paving. b) Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wise spreading foliage provide desirable shade reducing the effects of heat.	Complies. The proposal includes landscaping to the street frontage that provides an enhanced aesthetic from the existing conditions.
9.8 Development Guidelines for 449 Victoria Street and 96 Newton Road Wetherill Park		
S.9.8.1	Layout The FDCP identifies an arrangement of four buildings across the greater corner property, which the site is a part of.	No. Not applicable as there has been as recent approval on part of the site for a service station. The proposal includes a portion of the land identified in the FDCP, which is residual land following the recent approval for the service station.

FDCP Section	Development Control	Assessment
S.9.2.2	Setbacks a) A minimum setback of 20 metres to the Victoria Street frontage shall be provided, of which 10 metres is to be used for landscaping only. b) A minimum setback of 20 metres to the Newton road frontage shall be provided, of which 5 metres is to be used for landscaping only. c) A minimum setback of 13.5 metres to the southern and western boundaries shall be provided, of which 1.5 metres is to be used for landscaping only. d) A minimum setback of 5 metres to the existing concrete channel shall be provided, of which 2 metres is to be used for landscaping only.	Complies. Proposal provides a 20 metres setback. N/A Complies with southern boundary. Non-compliance with western boundary due to recent approval of petrol station. Achieves more than suitable setback for vehicle access. Complies.
S.9.8.3	Car Parking, Vehicle and Access Management a) A maximum of two separate entry and exit points are permitted each to the Victoria Street and Newton Road Frontages. c) Loading and unloading areas shall be appropriately screened from public view and are not permitted along street frontages.	Complies. The proposal includes two driveways. Refer to enclosed architectural plans.
S.9.8.6	Drainage Channel / Flooding a) Before granting consent to any development the Council shall have regard to the levels of the land as shown in Figure 4, with respect to: a. The risk of entry of flood waters. b. Any implications for flood water storage capacity of any filling or the like. b) The channel shall be left as open form in its current natural state. c) The modelling and recommendations contained in the Supplementary Flood Risk Assessment for 449 Victoria Street Wetherill Park – Dated 5 July 2011 and Addendum to Flood Risk Assessment for 449 Victoria Street, Wetherill Park – Dated 4 August 2011, and will be provided upon request (quote Objective Reference: A1295652).	Complies. The proposed development does not adversely affect the flooding and stormwater conditions of the site. The proposal complies with relevant flood risk management requirements and achieves the required minimum 1:100 flood level.

FDCP Section	Development Control	Assessment
S.9.8.7	Specific Land Use Controls This SSDCP accompanied a planning proposal which sought to amend the Fairfield Local Environmental Plan 2013 (FLEP 2013) to permit the above uses on the subject site with the addition of small retail uses to primarily serve the daily needs of the local industrial workforce. The amendment to the FLEP 2013 was gazetted on the 21 March 2014 which permitted the following uses, with associated size restrictions, on the subject site: a) Hotel or Motel Accommodation (with ancillary conference rooms) up to 7,000m² b) Medical Centres up to 300m c) Neighbourhood Shops up to 80m²	Complies
Chapter 12 Car Parking, Vehicle and Access Management		
S.12.1	Rates from Table 1. Hotel/Motel Uses = 1 space per 3 bedrooms Hotel Admin = 1 space per 40sqm Conference Use = 1 space per 5sqm for conference area Retail = 1 space per 50sqm Medical Centre = 3 spaces per consulting room	Complies. Total required equals total provided car spaces, which is 62 car spaces. The proposal also allows provides loading dock, bus parking spaces and two disabled access car parking spaces.

A more detailed assessment with additional requirements found in the FDCP have been assessed and provided in the enclosed FDCP compliance assessment table.

In summary, the proposal generally complies with the requirements set out in the FDCP.

5 Environmental Assessment

This section addresses the key environmental impacts of the proposal.

5.1 Traffic and Parking Impact Assessment

EB Traffic Solutions Pty Ltd (EB Traffic) were engaged to study the existing traffic conditions and assess potential impacts of the proposal on the surrounding road network. Some of the key findings of the study area:

- *During the Thursday daytime survey period, the peak car parking demand occurred at 11 am and corresponded to 67 cars or 45 % of the available parking supply;*
- *During the Thursday evening survey period, the peak car parking demand at 8 pm corresponded to 49 cars or 33 % of the available parking supply;*
- *During the Saturday daytime survey period, the peak car parking demand occurred at 5 pm and corresponded to 42 cars or 28 % of the available parking supply; and*
- *During the Saturday evening survey period, the peak car parking demand at 8 pm corresponded to 46 cars or 31 % of the available parking supply.*

Ultimately, the traffic impacts assessment concluded that the:

- *Proposed car parking supply accommodates the development's car parking requirements stipulated in the Fairfield DCP(2013);*
- *Car park layout has generally been designed in accordance with the requirements of the Australian Standards AS 2890.2 (2002), AS 2890.1 (2004) and AS 2890.6 (2009); and*
- *Traffic generated by the proposal will be minimal and is not expected to adversely*

The traffic is enclosed with this report. The proposal is also supported by a car parking assessment it was found that the proposed car parking and driveways are compliant with the relevant Australian Standards.

5.2 Noise and Vibration Impact Assessment

Rodney Stevens Acoustics (RSA) was engaged by JS Architects to undertake a noise impact assessment. RESA carried out noise measurements on 18 November and 22 November 2016. The assessment found that:

'The predicted internal noise levels indicate that external noise on the proposed motel will potentially exceed the noise criteria with windows opened and closed for the motel rooms facing Victoria Street and nearby industrial complex.'

However, the noise could be attenuated if required to the respective rooms by applying glazing with a higher acoustic rating.

RSA also assessed the likely impact of the future adjoining service station on the proposal. The assessment found that:

'The operation of the proposed service station will not have an adverse impact on the acoustic amenity of the guests staying at the motel. Once the plans for the

proposed service station has been finalised, it is recommended a comprehensive acoustic assessment should be conducted.'

RSA recommends the use of various construction materials to assist in achieving the criteria established by the relevant Australian Standards.

RSA concludes by stating that, *'The assessment has been conducted to satisfy State Environmental Planning Policy (Infrastructure) 2007 Clause 102 and local council regulation.'*

The Noise Impact Assessment report prepared by RSA is enclosed with this report.

5.3 Preliminary Site Investigation

A Preliminary Site Investigation (PSI) report was prepared by Aargus, titled, *'Preliminary Site Investigation – 449 Victoria Street, Wetherill Park NSW'*, dated 30 November 2016.

The report was prepared to determine the potential for onsite contamination.

The report found that there is a potential for some contamination to exist on the site that maybe of an environmental concern. The report identified the contamination could be a cause of, *'potential importation of uncontrolled fill that may contain various contaminants, former site activities, and former shed.'*

Overall the PSI concluded that:

'The contaminants that may be present in some of these areas were considered to be of low significance in terms of risk to the human and environmental receptors identified. Therefore, a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application and to address the data gaps identified.'

'Based on the information collected during this investigation and in reference to Clause 7 (DA development of SEPP 55), the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed commercial / industrial development.'

The Preliminary Site Investigation report prepared by Aargus is enclosed with this report.

5.4 Section J Assessment

Max Brightwell was engaged by JS Architects to undertake Section J of the Building Code of Australia Assessment. The report titled, *'National Construction Code Building Code of Australia Volume 1 'Deemed-To-Satisfy' Compliance Section J Report'* dated November 2016 is enclosed with this report.

The report assesses all provisions under Section J of the BCA and provides recommendations whether the development complies or could be made to comply with the relevant provisions.

Ultimately, the report concludes that:

'(The) report provides an assessment of the Deemed-To-Satisfy requirements of Section J of the NCC Building Code of Australia. Should the recommendations contained in this report be adopted into the building during construction, the development will comply with the Deemed-To-Satisfy requirements of Section J.'

We note that it is standard practice for the recommendations to be reviewed post DA approval as part of the detailed construction certification process.

5.5 Flood Impact Assessment

Northrop Consulting Engineers were engaged to prepare a Flood Impact Assessment for the proposed development. The flooding modeling undertaken by Northrop took into consideration the detailed greater catchment modeling that was completed by Cardno for Council. Cardno also completed detailed modeling for the site itself.

On the basis of the Cardno modeling, Northrop in its modeling assessed the pre and post flooding conditions on the site in context of the proposed development.

The key findings of the assessment included:

Pre-Development Conditions

- Existing flood conditions on the site are a result of the drainage culvert; and
- The site experiences flooding up to 1.0m in the north-eastern corner, which gradually reduces to 0.0m towards the western half of the site.

Post-Development Conditions

- Portions of the site are proposed to be raised/filled to prevent flood impacts on the proposed development;
- In relation to overland flow paths and flood levels, the proposed 45.65FFL of the proposal complies with the site specific development control plan issued by Council for the site;
- A redistribution of flow in the 1% AEP event results in no significant increase to flooding outside the proposed lot; and
- There are no other significant flood impacts as a result of the proposed development according to Cardno's flood impact modeling assessment. As such, it is deemed that there is no significant impact to neighbouring properties or public roadways.

The report concluded that, *'the proposed development had no significant impacts on flood behaviour in the vicinity of the subject site.'*

Refer to Flood Impact Assessment Report enclosed with this report.

5.6 Stormwater Management

Nastasi & Associates Consulting Engineers have prepared a stormwater design for the proposed development. The plans have been prepared in accordance with Council requirements and guidelines and are enclosed with this report and application. The plans include an erosion and sediment control plan.

Refer to the plan provided by Nastasi & Associates enclosed with this SEE report.

5.7 Waste Management

A waste management plan (WMP) has been prepared by JS Architects Pty Ltd. The WMP provides a waste minimisation strategy as well as addresses the following:

- Waste management during demolition;
- Construction waste management;

- Potential recycling of waste; and
- Ongoing waste management.

The site provides waste management services, which caters for HRV access and waste collection.

5.8 Site Suitability

The proposed development is considered to be suitable for the site as a result of the following:

- The proposal is permissible on the site;
- The proposal meets the relevant development standards;
- The proposal meets the objectives of the zone, in particular encouraging on the site;
- The proposal provides appropriate level of amenity and access within and around the site for future users; and
- Provides landscaping enhancing residential amenity of the development.

5.9 Public Interest

The proposed development is considered to be within the public interest as a result of the following:

- The does not adversely impact the amenity of the public domain;
- Does not generate adverse environmental impacts and
- Provides employment and supports the ongoing role of the area as an employment precinct.

6 Conclusion

This report clearly addresses the heads of consideration in Section 79(c) of the *Environmental Planning and Assessment Act 1917* and demonstrates that the proposal is an orderly and economic development for the site. On the basis of the assessment provided in this report, it is found that the proposal achieve the following:

- A design that ensures a suitable outcome on the site. The proposal includes large setbacks, ample and safe vehicular and pedestrian manoeuvring on the site and a clear and visible entry.
- Does not generate an adverse environmental impact on adjoining properties, in particular in relation to flooding.
- The proposal, through sensitive architectural measures achieves a design that includes a variety of materials and articulation. The length of the proposal is not inconsistent with the length of larger buildings in the surrounding area.
- The proposal includes landscaping as required by Council on the ground level that also clearly defines the private and public domain.
- It is generally consistent with the intent of the SSDCP. Combined with the approved service station, the proposal is generally consistent with the building plan identified in the SSDCP.
- This proposal has been subject to extensive flood modeling. The findings of the flooding modeling are that the proposal achieves the required Australian Standards and 1 in 100 years ARI levels. It does not adversely impact flooding on the site. The findings of flooding modeling are consistent with and respond to the controls in the SSDCP.
- The service station does not pose a significant impact to the hotel and nor does the hotel pose a significant impact to the operation of the station from either an acoustic impact perspective or traffic impact perspective. There are many examples in Sydney where a service station is located near residential or more intensive land uses. This land use relationship between the proposal and adjoining approved service station is considered to be suitable.
- Moreover, the proposal is a better outcome for the site from the proposed development reviewed by Council in the pre-DA meeting, due to the proposal's reduced size and scale, compliant flooding design and more than appropriate traffic access design.

Finally, the proposed development is considered to be a high quality outcome for the site and of a rational and orderly development. Therefore, we request that the proposed development be granted development approval.