

# SYDNEY SOUTH WEST PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SSW031
<b>DA Number</b>	DA-594/2013/B
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	<p>Modification Application lodged pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979. The application seeks to modify development consent no. DA-594/2013 which granted approval for -</p> <p><i>Industrial Development in Two Stages</i>  <i>Stage 1: Concept Masterplan for the industrial estate</i>  <i>Stage 2: Construction industrial warehouse building, car parking, landscaping, driveway and road</i></p> <p>The application seeks the following modifications to Stage 2 of the consent:</p> <ul style="list-style-type: none"> <li>- Modification to the built form and layout of Warehouse 1 in Precinct A, including the construction of an additional basement car park for 44 parking spaces.</li> <li>- Modification to car-parking and landscaping in front of Warehouse 1</li> </ul>
<b>Street Address</b>	<p>Lot 204 Beech Road, Casula</p> <p>LOT 204 DP 1090110</p>
<b>Applicant</b>	AMP Capital Funds Management Ltd
<b>Owner</b>	AMP Capital Funds Management Ltd
<b>Date of DA Lodgement</b>	3 April 2017
<b>Number of Submissions</b>	Nil
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	The proposal seeks to modify a consent previously determined by the Sydney West Joint Regional Planning Panel, which has a capital investment value of over \$20 million
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>• Liverpool Local Environmental Plan 2008.</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> <li>• No draft Environmental Planning Instruments apply to the site.</li> </ul> </li> <li>• <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>• Liverpool Development Control Plan 2008.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development.</li> <li>- Part – Development in Industrial Areas</li> </ul> <ul style="list-style-type: none"> <li>• List any relevant 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: s79C(1)(a)(iv)</li> <li>• No planning agreement relates to the site or proposed development.</li> <li>• List any coastal zone management plan: s79C(1)(a)(v)</li> <li>• The subject site is not within any coastal zone management plan.</li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>• Consideration of the provisions of the Building Code of Australia.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Landscape Plan</li> <li>3. Recommended conditions of consent</li> <li>4. Statement of Environmental Effects</li> <li>5. Acoustic Report</li> <li>6. BCA Compliance Report</li> <li>7. Landscape Concept Design Report</li> <li>8. Traffic Report</li> </ol>
<b>Recommendation</b>	Approval subject to conditions
<b>Report prepared by</b>	Ivan Kokotovic – Senior Development Planner
<b>Report date</b>	31 July 2017

### Summary of s96(2) matters

Have all recommendations in relation to relevant s96(2) and Section 79C matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* **Yes**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

The Sydney South West Planning Panel is the determining body as the original application was approved by the Sydney West Joint Regional Planning Panel as the development had a Capital Investment Value exceeding \$20 million and this proposed modification application is lodged under Section 96 (2) of the Environmental Planning & Assessment Act.

### **1.1 The proposal**

The application proposes modifications to development consent No. DA-594/2013 which granted approval of a Masterplan for the AMP Capital Funds Management Ltd owned Logistics Centre, which is made up of three Precincts (A, B, C) over two allotments, and approved construction of two warehouses in Precinct A for the purpose of general warehousing and distribution centre, and operation of the site for 24 hours a day 7 days a week. The approved development is described as:

*Industrial Development in Two Stages*

*Stage 1: Concept Masterplan for the industrial estate*

*Stage 2: Construction industrial warehouse building, car parking, landscaping, driveway and road*

The application seeks the following changes to Stage 2 of the consent:

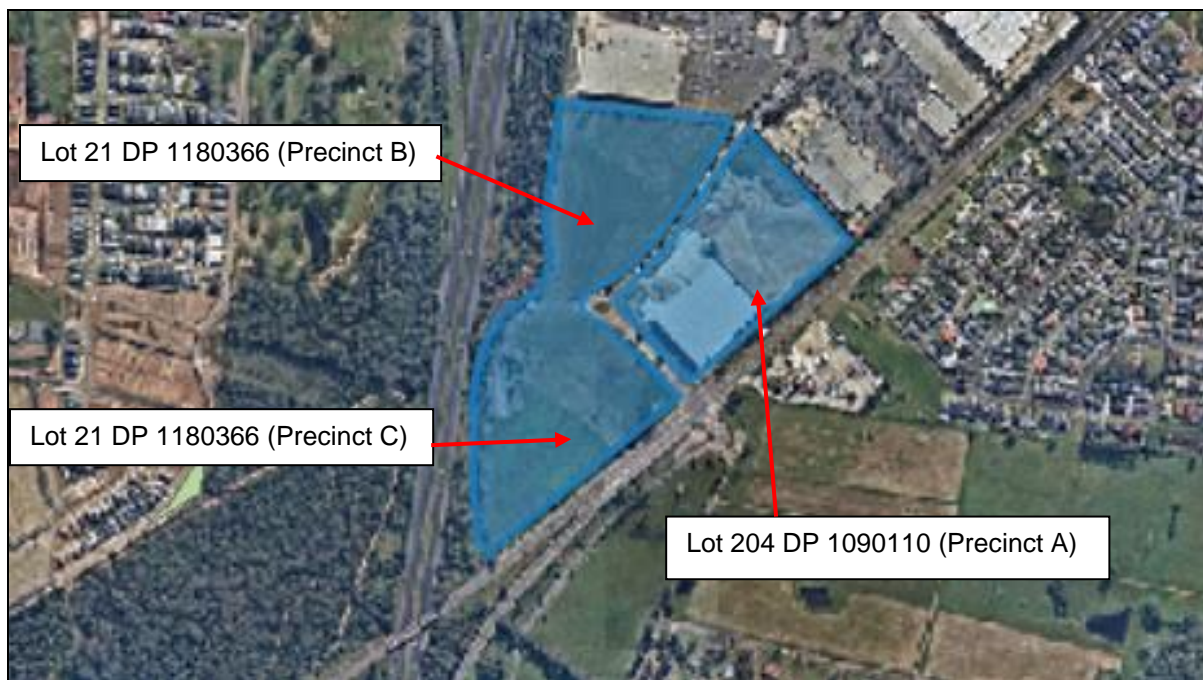
- Modification to the built form and layout of Warehouse 1 in Precinct A, including the construction of an additional basement car park for 44 parking spaces.
- Modification to car-parking and landscaping in front of Warehouse 1.

### **1.2 The site**

The original development consent No. DA-594/2013 included development over two allotments, being:

- Lot 204 DP 1090110, known as Lot 204 Beech Road, Casula, and identified as Precinct A on approved plans.
- Lot 21 DP 1180366, known as Lot 21 Beech Road, Casula, and identified as Precincts B and C on approved plans.

This proposed modification seeks amendments only to Precinct A of the development, which is Lot 204 DP 1090110 (known as Lot 204 Beech Road, Casula).



**Figure 1:** The location of the two allotments subject to DA-594/2013

### **1.3 The issues**

The main issue is identified as follows:

- Non-compliance with Liverpool Development Control Plan 2008 (LDCP 2008) – Landscape buffer controls for industrial development.

### **1.4 Exhibition of the proposal**

The development application was advertised for a period of 14 days between 26 April 2017 and 11 May 2017 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received to the proposed development.

### **1.5 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application, it is recommended that the application be approved subject to conditions of consent.



## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 Site Description

The subject site is identified as Lot 204 DP 1090110, known as Lot 204 Beech Road, Casula, and is identified as Precinct A on the approved plans of DA-594/2013. The site is approximately 6.07ha in size.

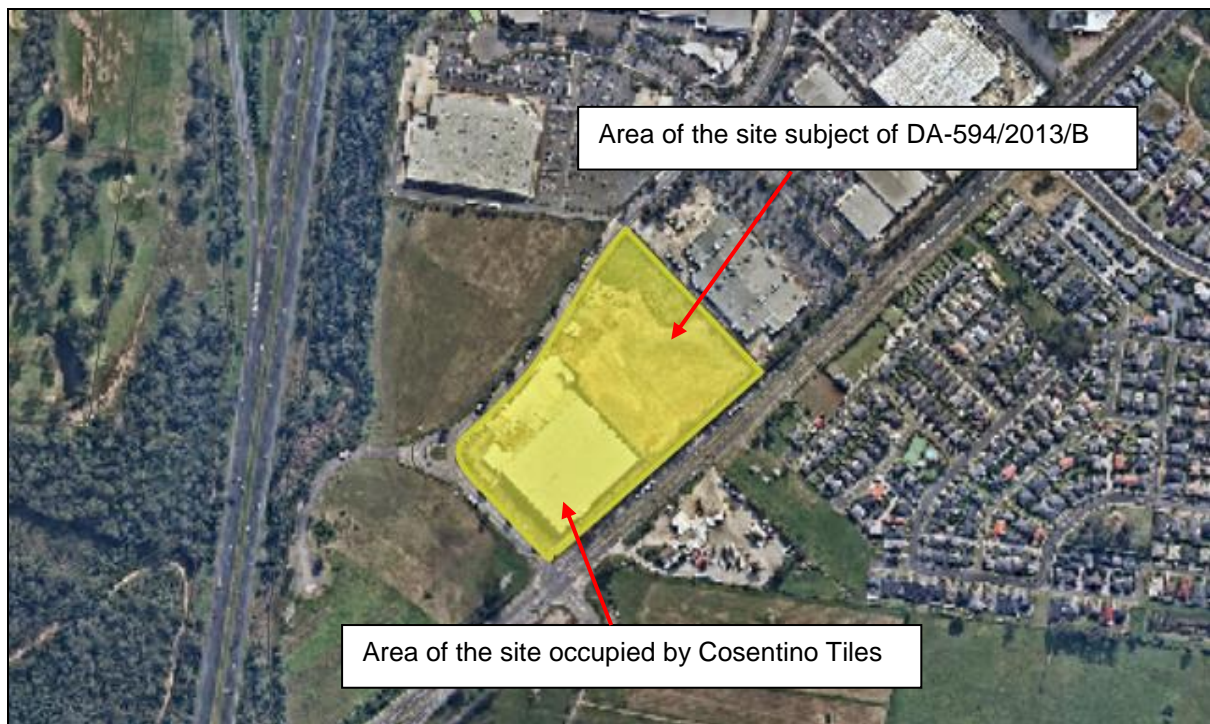
The allotment is bounded by Beech Road to the north-west and south-west, Campbelltown Road to the south-east and the Crossroads Homemaker Centre located immediately along the north-east boundary.

To the south-west is a warehouse building (known as warehouse 2) approved under DA-594/2013, of which Cosentino Tiles is the tenant. The proposed modification is located on the north-eastern half of the site.

The site on the opposite side of Beech Road is known as Precinct B and Precinct C of the AMP owned Logistics Centre. This is currently vacant land, however, Precinct B has approval for two warehouses under DA-1237/2015, and DA-83/2017 is currently under assessment by Council for Precinct C, for the construction of an industrial building and occupation by Westrac (excavation equipment dealer). Campbelltown Road forms part of the boundary with the Campbelltown Local Government Area.

The site is zoned IN3 – Heavy Industrial and is adjoined by B5 – Business Development zoned land to the north-east. There is no significant vegetation on-site to be removed and the site is not identified as bushfire or flood prone.

A site inspection was carried out on 24 April 2017. No works as described in this application had commenced, and only site preparation works consistent with the original consent has taken place.



**Figure 2:** The location of the allotment subject to DA-594/2013/B.



## Site Inspection Photos



1. Beech Road frontage



2. On-site preparation works



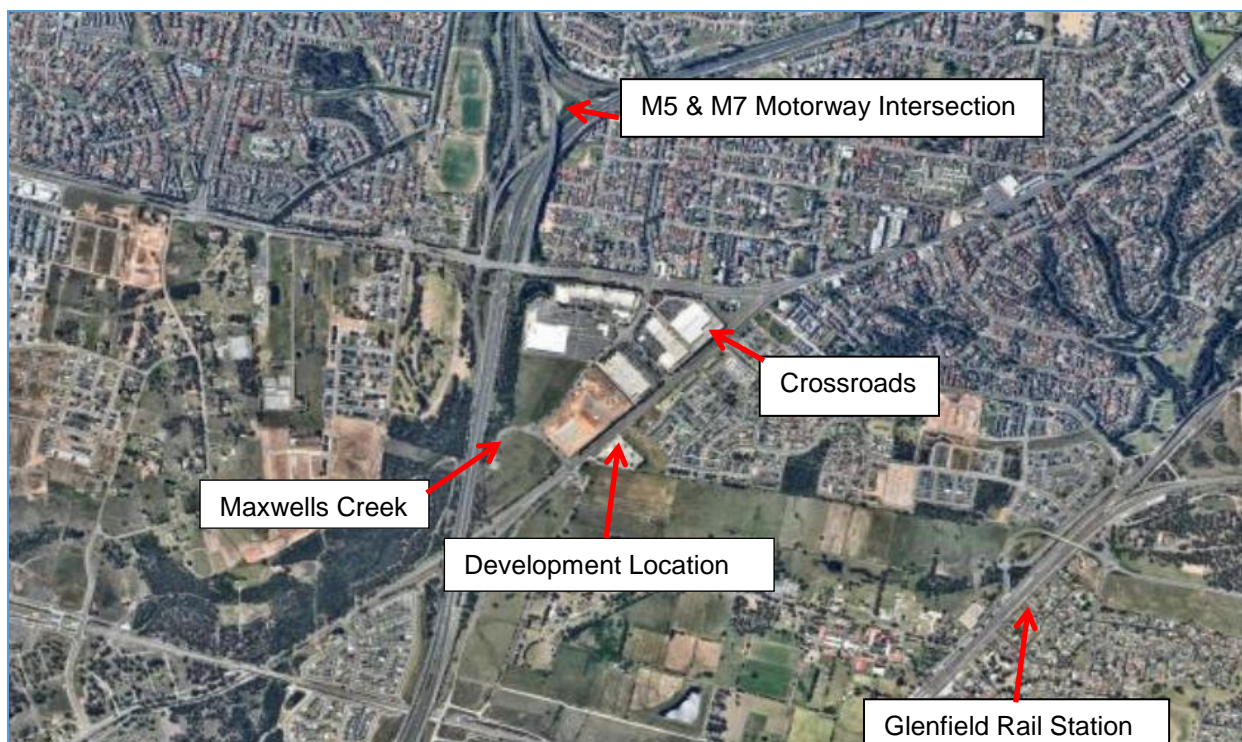
3. Adjoining warehouse development



4. Campbelltown Road setback

## **2.2 Locality Description**

The subject site is located within the Crossroads district at Casula, which is a business and industrial district located at the intersection of the old Hume Highway, Camden Valley Way and Campbelltown Road, which forms part of the boundary with the Campbelltown Local Government Area. The proposed development is located 1km south of the M5 and M7 Motorway intersection and 1.8km west of Glenfield Station which is in the Campbelltown Local Government Area. The site drains naturally to Maxwells Creek to the west, which is a tributary of the Georges River.



**Figure 3:** Locality surrounding the proposed development

## 2.3 Site affectations

<b>Are there any constraints or affectation on the site:</b> <ul style="list-style-type: none"><li>- Bushfire / Flooding</li><li>- Heritage / Aboriginal heritage</li><li>- Environmentally Significant Land</li><li>- Threatened Species/ Flora/ Habitat/ Critical Communities</li><li>- Acid Sulphate Soils</li><li>- Aircraft Noise / Flight Paths/ Railway Noise / Road Noise/ Classified Road</li><li>- Significant Vegetation</li><li>- Contamination</li></ul>	<ul style="list-style-type: none"><li>- The site is not bushfire or flood prone.</li><li>- As the site is not within 40m of a waterway, it has not been referred to the DPI Water for concurrence.</li><li>- 50% of the site has a classified road noise affectation</li><li>- The site does not contain heritage items, aboriginal heritage significance, significant vegetation, threatened species / flora / habitat / critical communities, or acid sulphate soils.</li><li>- The site is not affected by aircraft noise / flight paths or railway noise.</li><li>- The site is not contaminated.</li></ul>
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## 3. BACKGROUND

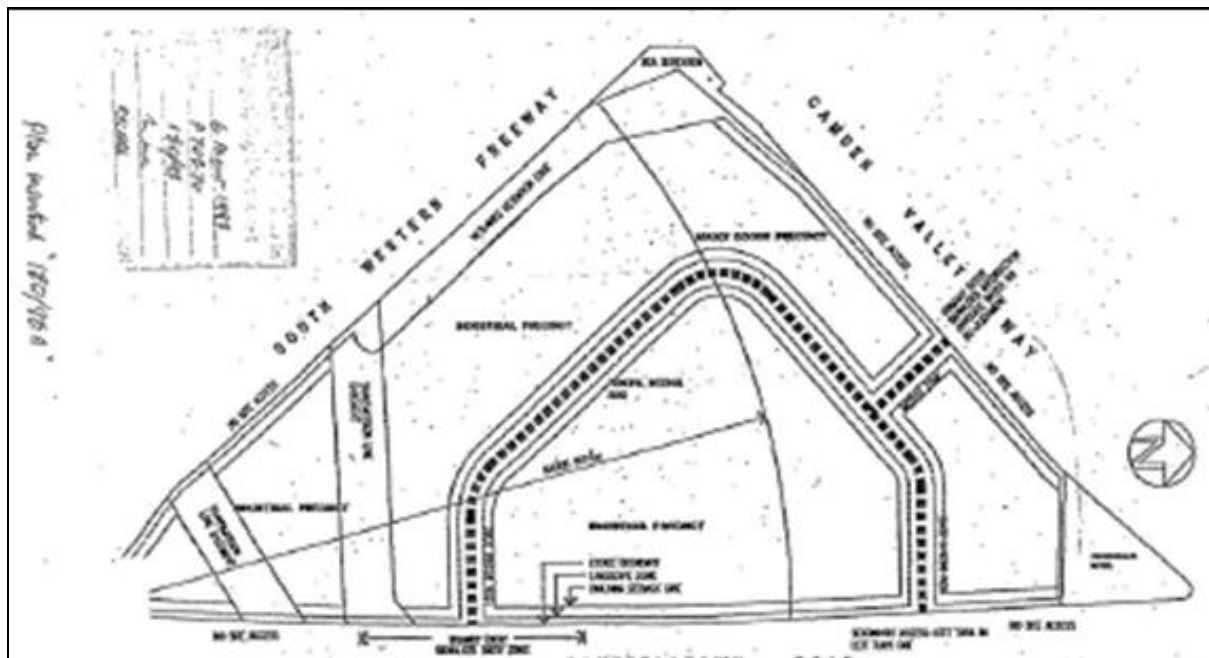
### 3.1 Issues Identified in Initial Assessment

The preliminary assessment noted only a variation to the landscape buffer along the Beech Road frontage which can be improved by a condition of consent and which is considered acceptable on merit and complies with the intention of the objectives of the control.

### 3.2 Related applications

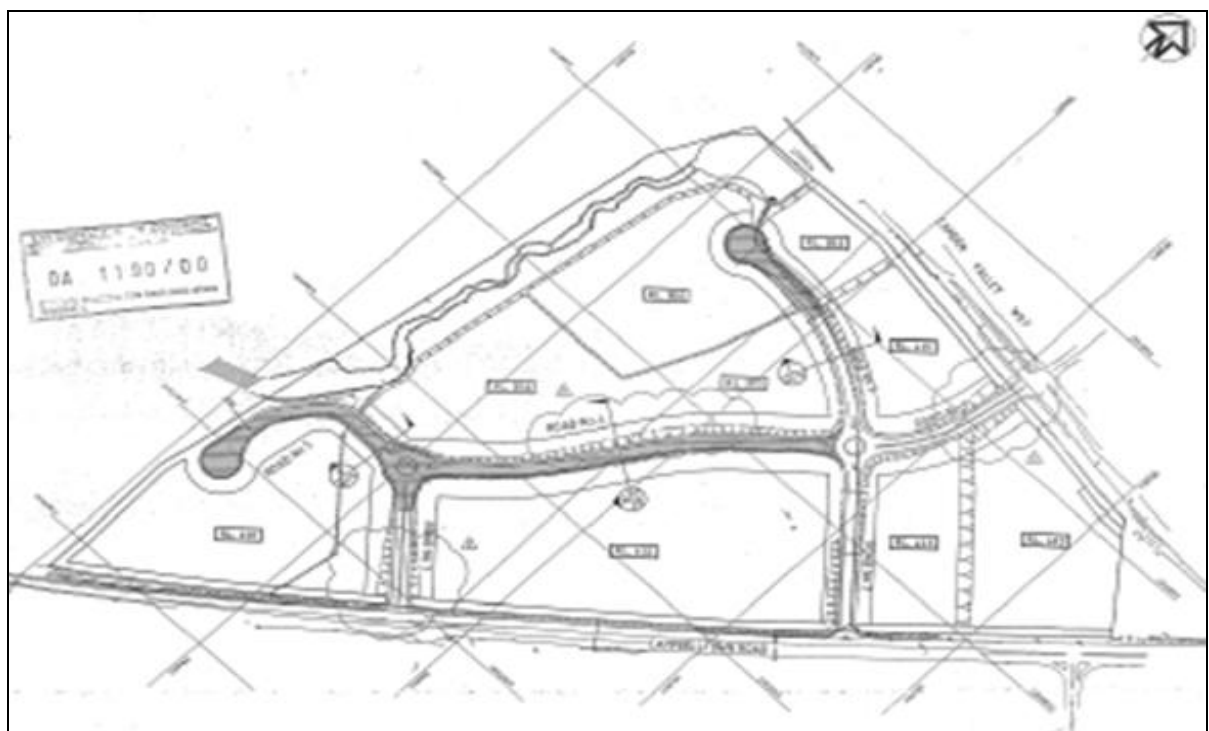
Three DAs have been submitted for the site, and two modification applications including the current proposal:

- DA-180/98: The subject site was part of a Masterplan DA for all of the Crossroads precinct for which consent was issued on 24 June 1998 for warehousing/industrial development, bulky goods and associated uses including a service station, food outlets, 100 room hotel, recreation facilities and other amenities.



**Figure 4:** Approved Masterplan DA-180/98

- DA-1190/00: The subject site was part of a DA for which consent was issued on 21 December 1999 for construction of roads and associated services and cut and fill to final levels.



**Figure 5:** Approved Roads plan DA-1190/00

- DA-594/2013: The subject site was part of a DA which was determined by the JRPP on 13 February 2014 for an Industrial Development in Two Stages with Stage 1: Concept Masterplan for the industrial estate and Stage 2: Construction industrial warehouse building, car parking, landscaping, driveway and road.

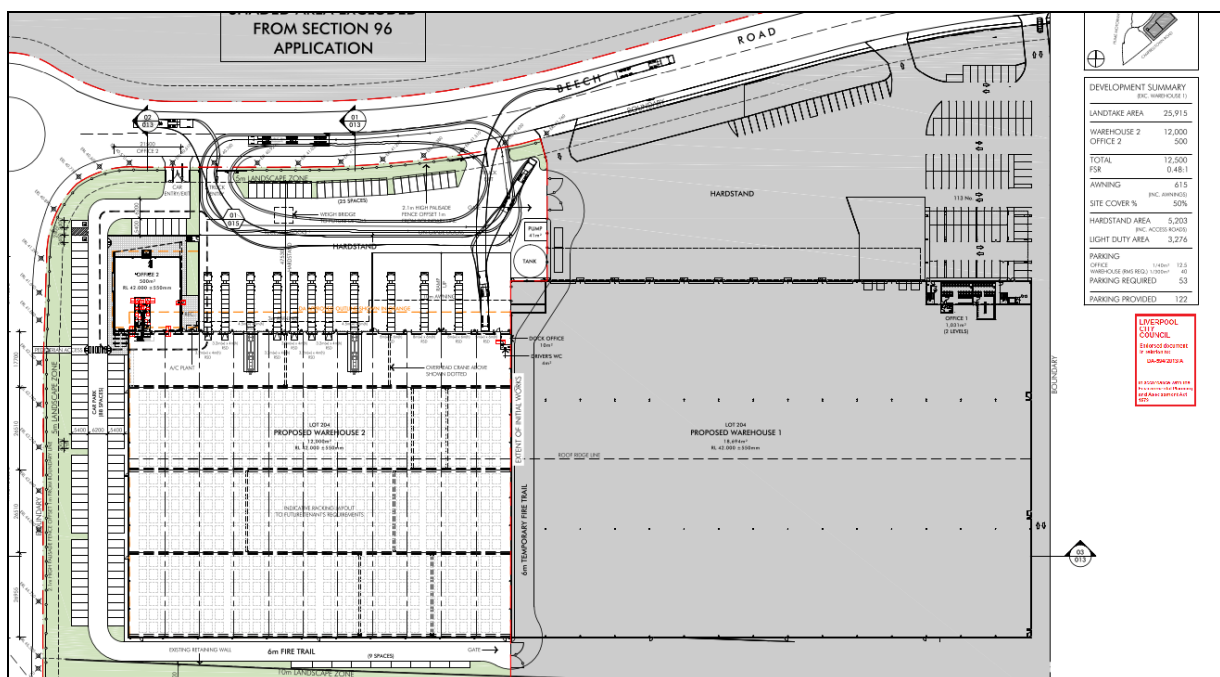
*Note: Physical commencement of works as described in Development Consent DA-594/2013 has occurred in conjunction with the construction of Warehouse 2 on Precinct A.*





**Figure 6:** Extract of the approved Masterplan under DA-594/2013

- DA-594/2013/A: A modification pursuant to S96(1A) of the EP&A Act 1979 was issued consent on 18 October 2016, for a reduction in floor area for Warehouse 2, in response to the needs of the tenant, Cosentino Tiles.



**Figure 7:** Extract of the approved Floor Plan under DA-594/2013/A

### 3.3 Planning Panel Briefing

The planning panel has not been briefed with respect to this proposal.

#### 4. DETAILS OF THE PROPOSAL

The approved development for the site is described as:

*Industrial Development in Two Stages*

*Stage 1: Concept Masterplan for the industrial estate*

*Stage 2: Construction industrial warehouse building, car parking, landscaping, driveway and road*

The application seeks the following changes to Stage 2 of the consent:

- Modification to the built form and layout of Warehouse 1 in Precinct A, including the construction of an additional basement car park for 44 parking spaces.
- Modification to car-parking and landscaping in front of Warehouse 1.

These modifications to the building, car parking and landscaping are sought in response to the securing of the tenant Electrolux for Warehouse 1. The operational aspects of the site as originally approved remain unchanged, as does the 13.7m building ridge height.

##### Modifications to Warehouse 1 Floor Area

The originally approved warehouse had 18,694sqm allocated for warehousing and 1,031sqm for offices over two floors.

Warehouse 1 building amendments result in an overall floor area increase of 3,185sqm, excluding the basement car-parking. The floor area modifications are as follows;

*Basement:* The basement of 1,495sqm is a new element of the proposal and provides for 44 car-spaces including 2 accessible spaces accessed by an elevator from the upper levels. The basement is designed to be entirely under ground level and is added in response to the additional warehouse, office and workshop floor space provided for in the amended building design.

*Ground Floor:* The Ground Floor area is proposed to be increased from 19,638sqm to 20,420sqm. This modified area includes a warehouse area of 19,125sqm, an ancillary dock office of 250sqm, 1000sqm of workshop and a 45sqm lobby.

*First Floor:* The First Floor area is proposed to be increased from 87sqm to 2490sqm and includes staff amenities and recreation area. This part of the building is located over ground level parking and the lobby, and extends closer to Beech Road than the warehouse part of the building, however, will not substantially alter the approved built form.

##### Modifications to Car-parking and Truck access

Car-parking for Warehouse 1 is increased from 113 to 180 spaces in response to the increased floor area of the building, with 44 spaces in the proposed basement and 136 spaces on the amended ground floor level, primarily in front of the building along Beech Road.

Access to Warehouse 1 remains via Beech Road to the north via three approved driveways. One driveway located adjacent to the adjoining site to the north-east is for smaller staff and visitor vehicles and provides for two way access. Two other driveways provide an entry and exit for trucks accessing the site. The location of the entry driveway is modified to be 35m further to the west.

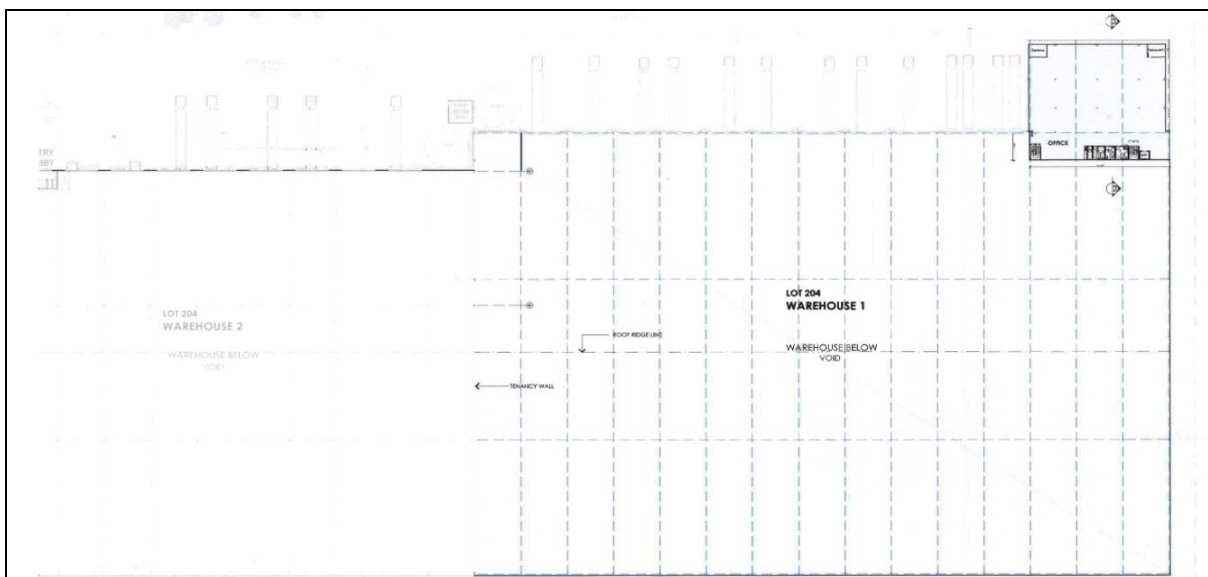
Warehouse 1 is proposed to be modified to increase the number of loading docks from 13 to 17 along its northern façade, which enable a variety of vehicles, including B-doubles, semi-trailers and rigid trucks to access each of the loading docks.

## Landscaping

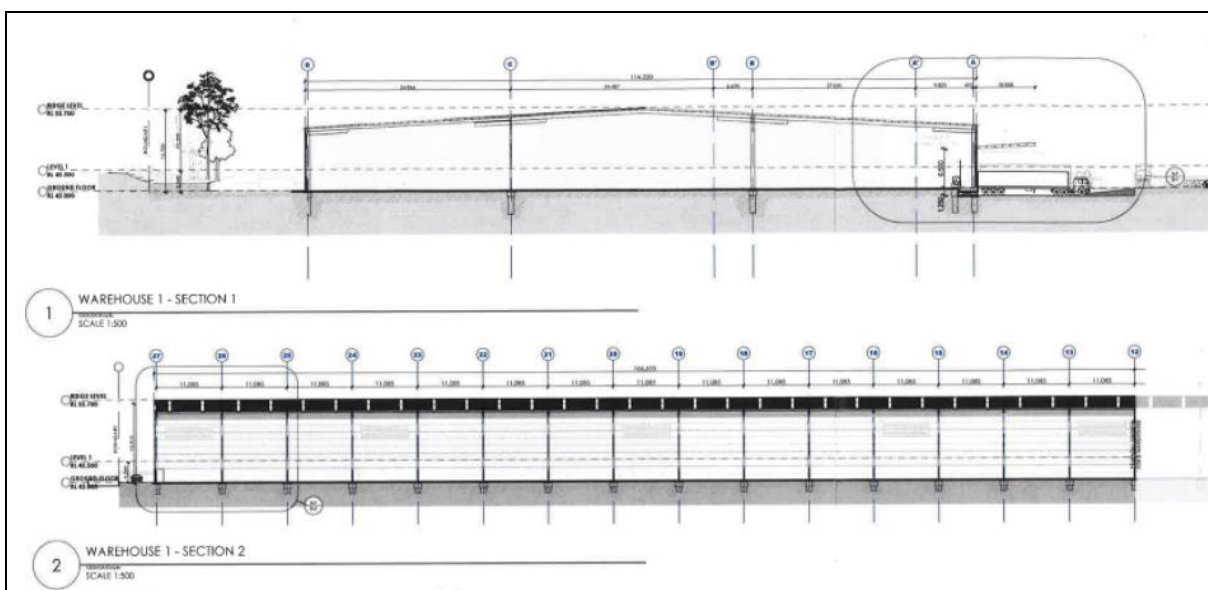
Although the 10m landscaped buffer and 6m wide fire trail along the Campbelltown Road frontage is retained as approved, modification is sought to reduce the landscaping along Beech Road from 10m to 5m, primarily to ensure adequate truck circulation and turning circles. A Landscape Plan and Landscape Concept Design Report have been lodged showing the proposed modifications and planting outcomes along the Beech Road frontage, in the context of the existing Eucalypt street trees.

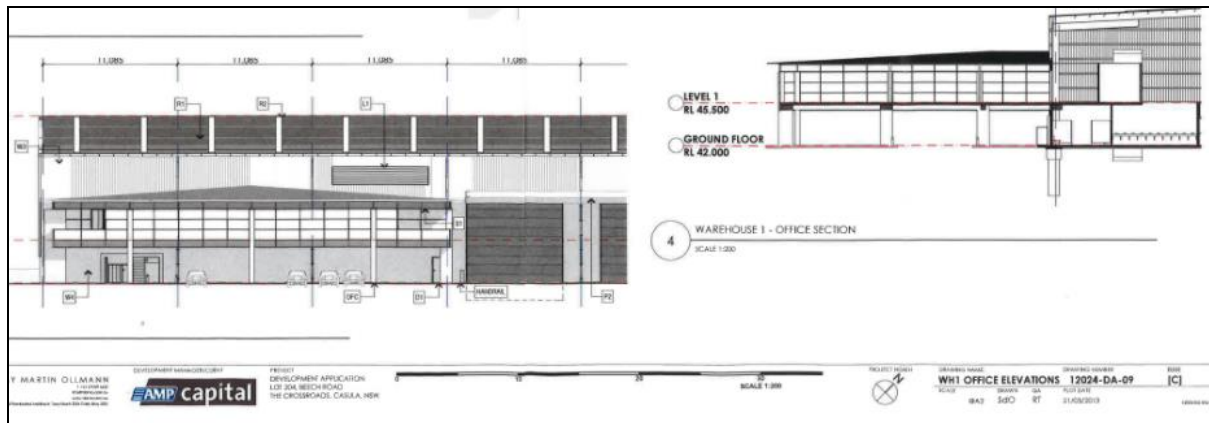
## Signage

Signage is shown on the proposed elevations, however, approval for the signage has not been sought in the Statement of Environmental Effects, nor the description of the proposal. Further, no specific signage dimensions have been provided to assess. As such, a condition of consent will ensure that no approval is expressed or implied and that a subsequent DA be lodged for any signage.

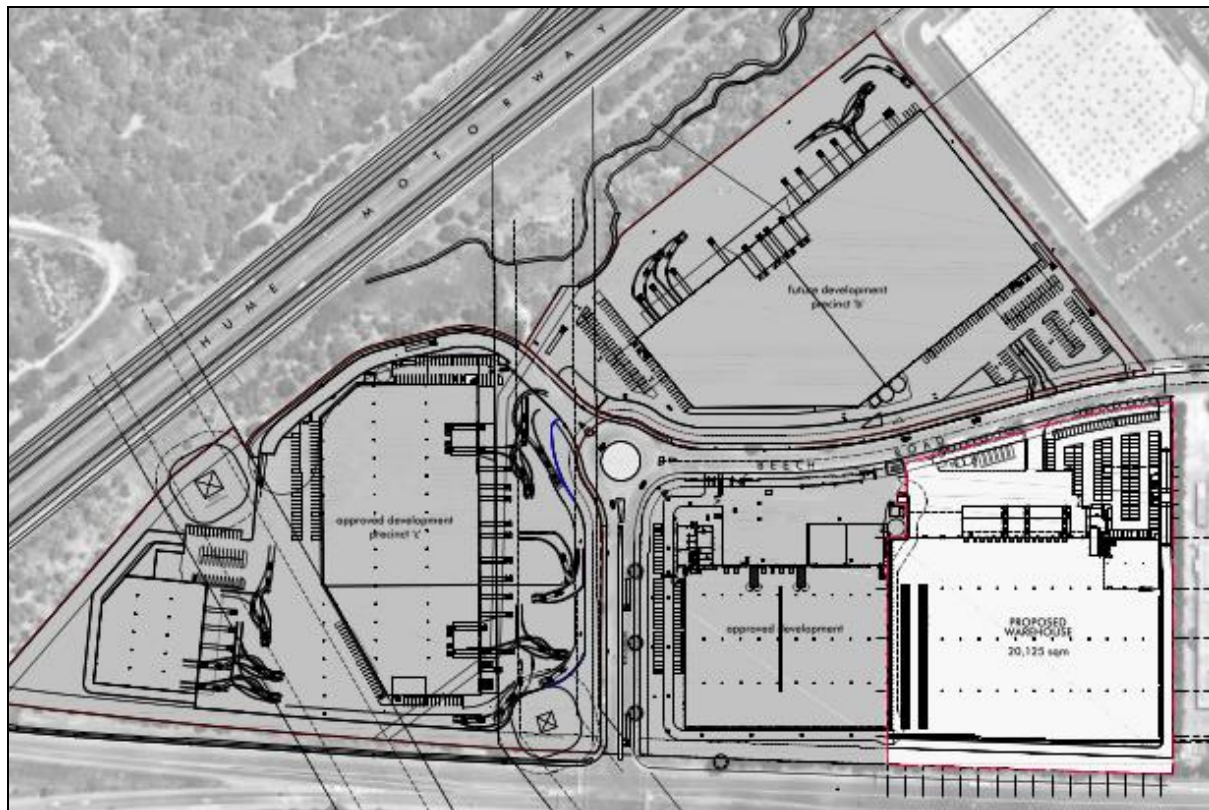


**Figure 8:** Extract of the approved Floor Plan of Warehouse 1 under DA-594/2013





**Figure 10:** Extract of the approved Office Elevations of Warehouse 1 under DA-594/2013

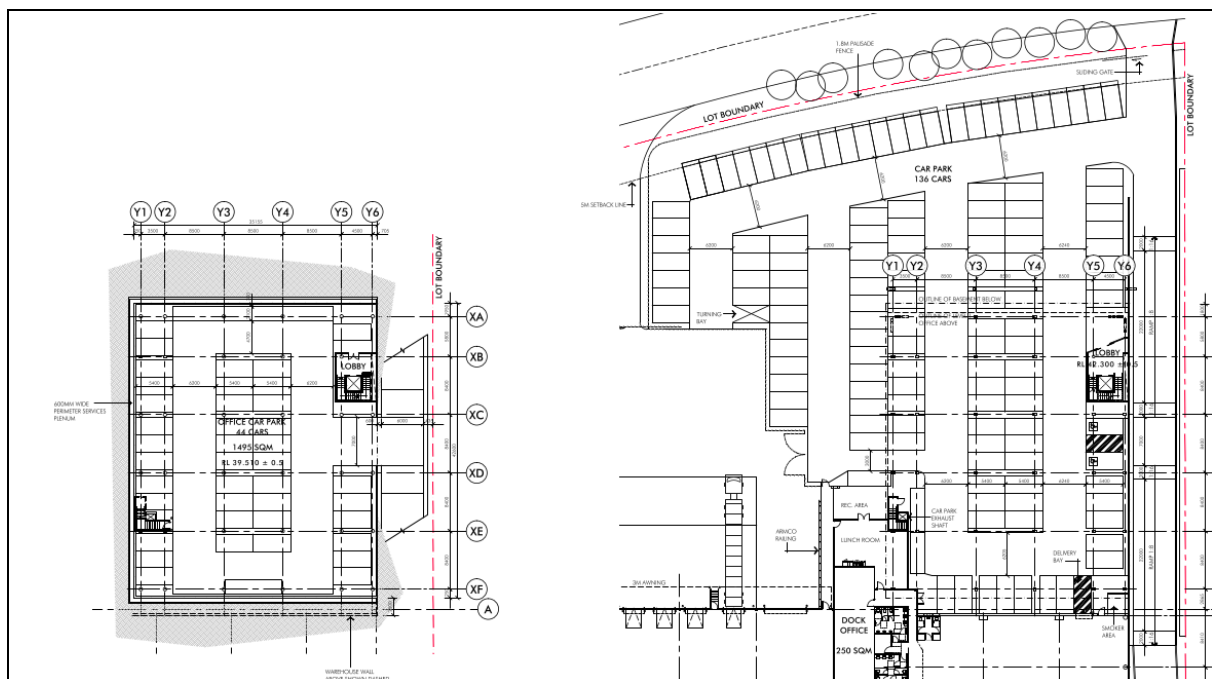


**Figure 11:** Extract of Locality Masterplan and location of proposed warehouse modifications

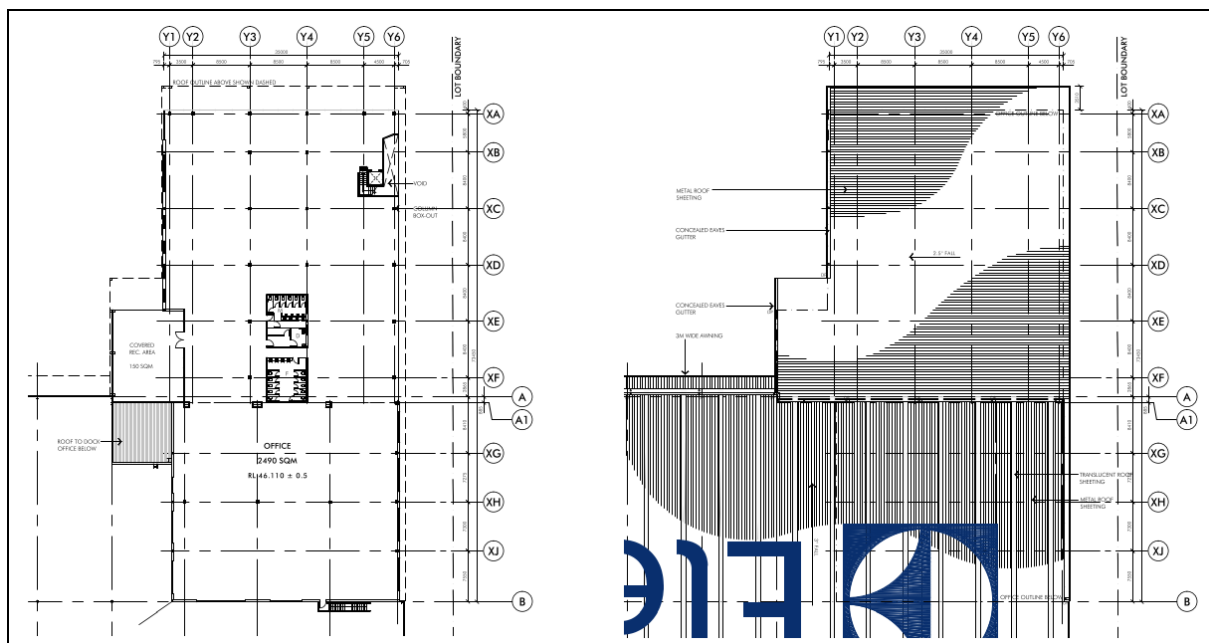
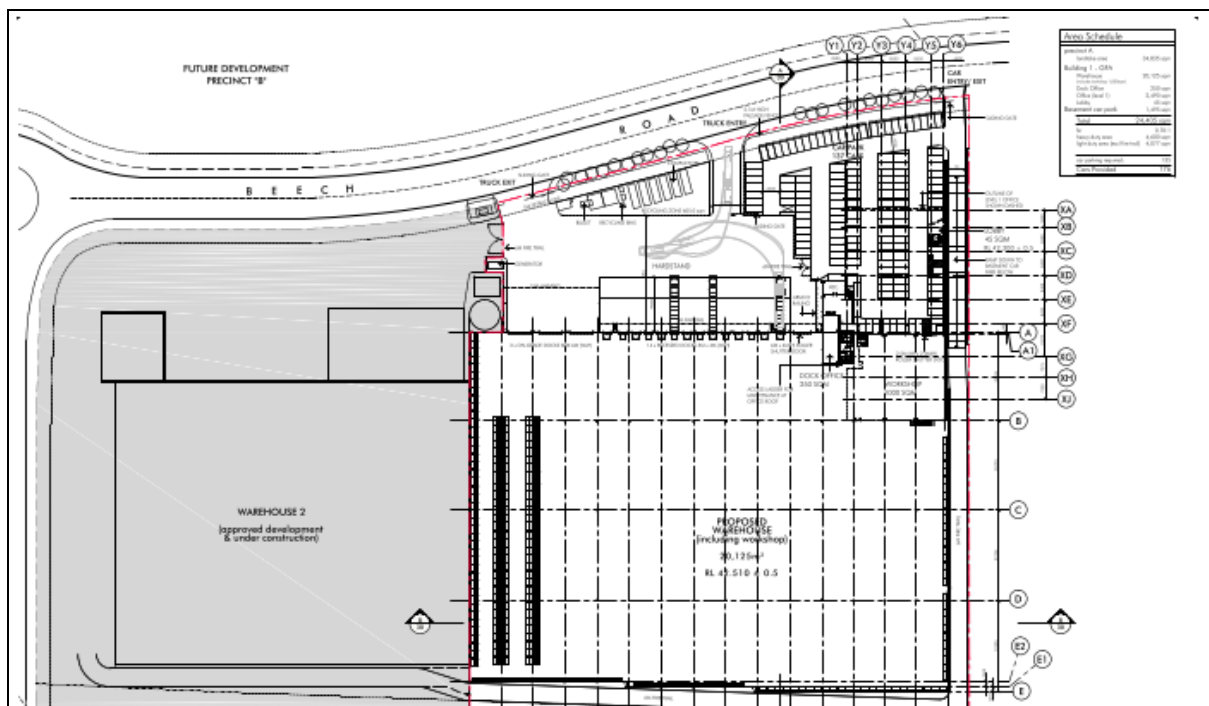


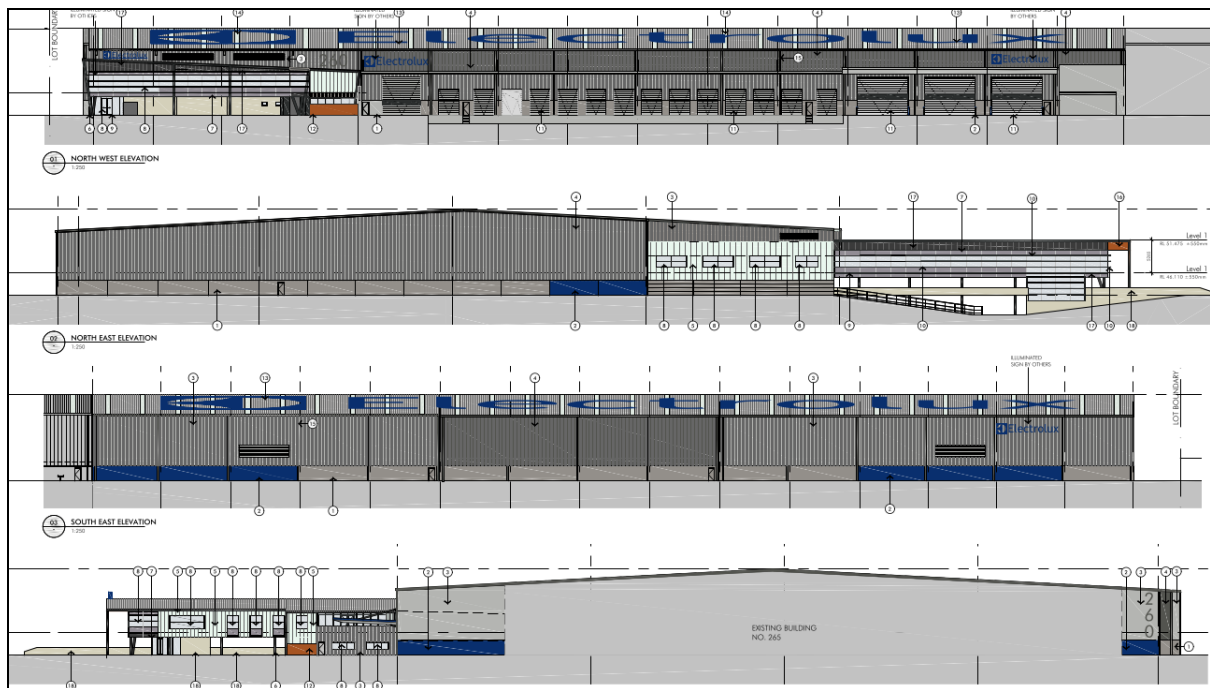


**Figure 12:** Extract of Landscape Plan

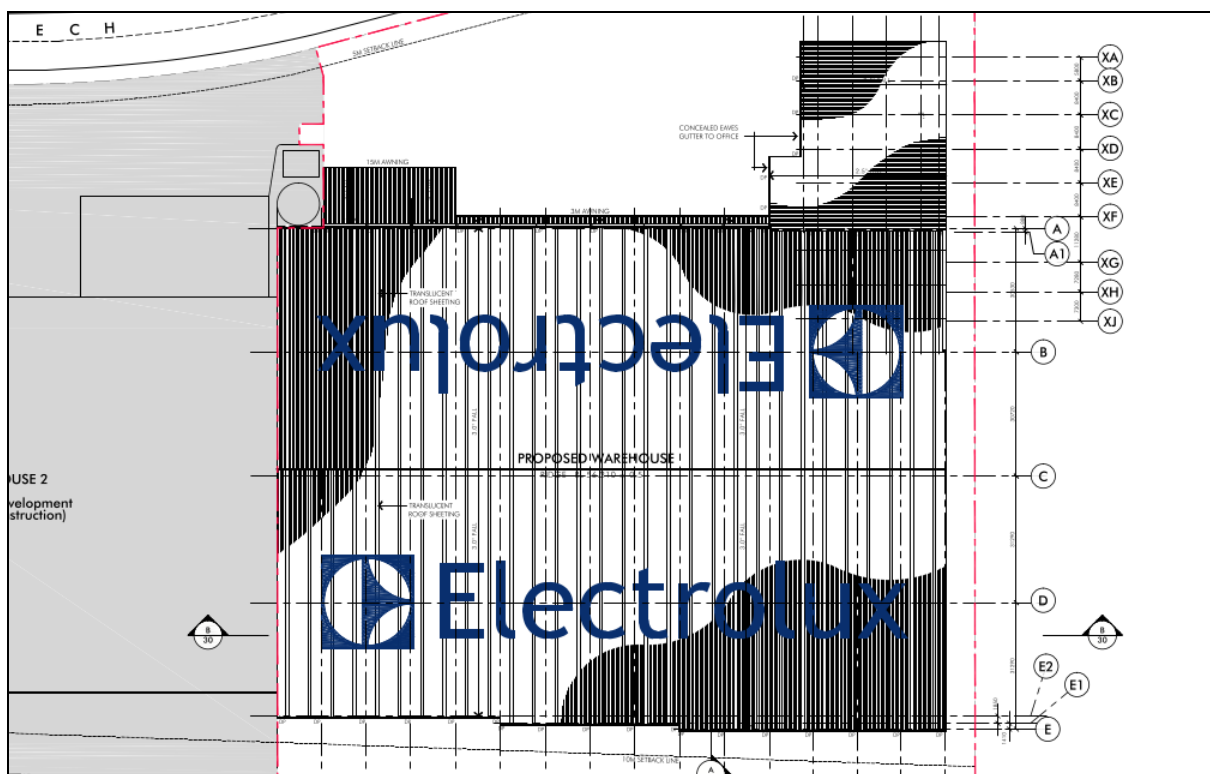


**Figure 13:** Extract of Basement Plan and Ground Level Car-parking





**Figure 16:** Extract of Elevations



**Figure 17:** Extract of Roof Plan of proposed modifications



**Figure 18:** Perspectives of the Level 1 Office Area of proposed modifications

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP); and
- Liverpool Local Environmental Plan (LLEP) 2008;

#### Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

#### Development Control Plans

- *Liverpool Development Control Plan 2008*
  - Part 1 – General Controls for All Development
  - Part 7 – Development in Industrial Areas

#### Contributions Plans

- Nil. S94 contributions are not applicable to industrial development in Casula.



## 5.2 Zoning

The subject site is zoned IN3 Heavy Industrial pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 12 below.

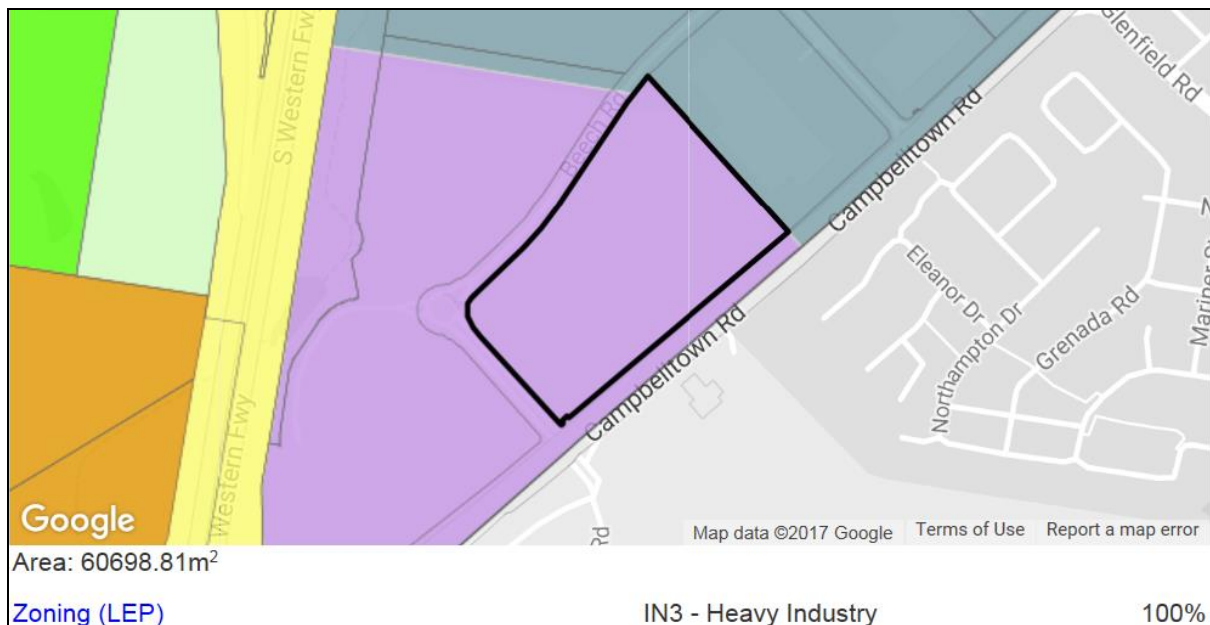


Figure 19: Extract of zoning map

## 6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 96(2) of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, as follows:

### 6.1 Section 96(2) of the Environmental Planning and Assessment Act 1979

*(2) Other modifications to which subsections (1) and (1A) do not apply*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

**Comment:** The proposed modifications result in a development which is considered to be substantially the same development for which consent was originally granted. The proposed changes will not substantially alter the approved built form. Despite changes to the warehouse building envelope and internal amendments, the overall form and height of the building are similar to that previously approved. The proposed modifications do not result in any additional impacts when compared to the approved design. Additionally, despite the reduction in width of the landscape buffer along the Beech Road frontage, it is considered that the proposed landscape plan and design report demonstrate that the visual impact of

the building can be suitably screened, consistent with the original design, and that a condition of consent can improve the landscape outcomes for the site.

Further, the proposal is still proposed as a warehouse building for the purpose of a warehouse and distribution centre with office, and additional ancillary workshop, and no operational conditions of consent are to be modified. Therefore the proposal is considered to be substantially the same development as the development for which consent was originally granted. Despite the modifications, the building complies with the required height control and is consistent with the overall approved building form.

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

**Comment:** Concurrence from the RMS was received and no other consultation with public authorities was required.

*(c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Comment:** The modification application was advertised in accordance with Council's Notification policy for a period of 14 days between 26 April 2017 and 11 May 2017.

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be*

**Comment:** During the advertising period no submissions were received.

## **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 contains state wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Site contamination for the whole industrial estate was assessed and addressed as part of the original site master plan in DA-180/98. Notwithstanding, during assessment of DA-594/2013, a Phase 1 Environmental Site Assessment and subsequent Phase 2 Environmental Site Assessment recommended that an Unexpected Finds Protocol be included in the site management plan for construction works at the site. The purpose of the Unexpected Finds Protocol was to set out a clear procedure for managing any unexpected finds, such as fibre cement, which may be encountered during site preparation.

Conditions of consent for DA-594/2013 addressed this requirement and are not subject to change as part of this modification. Council's Environmental Health Officers reviewed the

proposal and concluded the modification does not warrant any further matters for consideration pursuant to SEPP 55. As such, the site remains suitable for the proposal development and existing conditions of consent apply.

## **State Environmental Planning Policy (Infrastructure) 2007**

### Classified Road

The development constitutes a proposal specified within **Column 2** of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP) as the site is located in close proximity to a classified road, being Campbelltown Road. In accordance with Clause 104 of the SEPP, the application was referred to the Roads and Maritime Services for comment/concurrence.

RMS advised by letter dated 16 May 2017 that the proposed development does not impact upon Campbelltown Road, and that the RMS has previously resumed and dedicated a strip of land along the Campbelltown Road frontage of the property, to enable the extension of Cambridge Avenue to Campbelltown Road, which is provided for in the Campbelltown Council LEP.

Clause 101 of the SEPP requires that the consent authority not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Despite the development being in the area of investigation for the link road (Moorebank Avenue to Campbelltown Road) and Campbelltown Road, the proposed development is considered to satisfy the above criteria, as approved by the RMS. Vehicular access to the development site in Precinct A is not from a classified road, rather it is from Beech Road, which is an internal road of the Logistics Centre. As such, the development does not affect the RMS dedicated land along the Campbelltown Road frontage, and is unlikely to affect its operation. Further, Council's Traffic Engineers support the proposed modifications.

### Noise and vibration

Clause 102 of the SEPP addresses noise and vibration. The applicant submitted an acoustic report and Council's Environmental Health Officer is satisfied that the proposed development meets the requirements of the SEPP with respect to Clause 102.

## Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	
(a) the aims, objectives and planning principles of this plan	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	Stormwater concept plan reviewed by Council's Engineers. Minimal effects.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	A Stormwater concept plan submitted and reviewed by Council's Development Engineers. Minimal impact.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments)	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	Not required to be referred.
(g) whether there are any feasible alternatives to the development or other proposal concerned	No. The site is located in an area nominated for industrial development.
Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	The land is not identified as containing Acid Sulfate Soils
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The land is not flood prone. The plans have been viewed by Council's floodplain engineers who require only water quality management conditions of development consent.
(4) Industrial discharges	Not applicable. The site is to be operated as a warehouse and distribution centre.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required



		prior to CC.
(6)	On-site sewage management	Not applicable.
(7)	River-related uses	Not applicable.
(8)	Sewer overflows	Not applicable.
(9)	Urban/stormwater runoff	Stormwater Concept Plan submitted.
(10)	Urban development areas	Not in an urban development area.
(11)	Vegetated buffer areas	Not applicable.
(12)	Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13)	Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment.

### **Liverpool Local Environmental Plan 2008**

The subject land is zoned IN3 Heavy Industrial under the provisions of the Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development can be defined as a “warehouse or distribution centre”. Under this zoning the use is permissible subject to consent.

*“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.”*

### **Zone Objectives**

The objectives of the IN3 Heavy Industrial zone are:

- *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 preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.*

The proposed use is considered consistent with the objectives of the IN3 zone.

The site is a suitable distance from more sensitive land uses, and is separated from these uses by major roads. The proposed development and ongoing use will generate an increased number of employment opportunities in the area.

## Principal Development Standards

The following principal development standards are applicable to the proposal:

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
4.1 Minimum subdivision lot size	2000sqm	No subdivision proposed	N/A
4.3 Height of Buildings (as per HOB Map)	18m	13.7m	Complies
4.4 Floor Space Ratio (as per FSR Map)	None	Not Assessable	N/A
5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value	Not identified as a heritage listed site and not in the immediate vicinity of a heritage listed item	N/A
7.31 Earthworks		No earthworks proposed other than those required for the development being excavation for the proposed basement	Complies

### 6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

There is no planning agreement or draft planning agreement applying to the site.

### 6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Part 1 - General Controls for all Development and Part 7 - Development in Industrial Areas of the Liverpool Development Control Plan 2008 apply to the proposed development and prescribe standards and criteria relevant to the proposal. The following compliances tables outline compliance with these controls.

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
CONTROLS	PROPOSED	COMPLIES
2. Tree Preservation	No trees on-site to be removed.	N/A
3. Landscaping	The DA is accompanied by a landscape plan and design report. Further discussion provided in DCP Part 7 – Development in Industrial Areas	Complies
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	N/A
5. Bush Fire Risk	The site is not identified as bush fire prone	N/A
6. Water Cycle Management	Plans showing roof runoff directed to discharge to Georges River catchment via Council	Complies by condition

PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT		
	stormwater system.	
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse	N/A
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed	Complies by condition
9. Flooding Risk	The site is not identified as flood prone	N/A
10. Contamination Land Risk	The site is unlikely to be contaminated and no remediation is required for the proposed works, as originally assessed in DA-594/2013.	Complies
11. Salinity Risk	Site is identified as affected by moderate to high saline soils and a Salinity Management Response Plan is required to be provided before the issue of a Construction Certificate.	Complies
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils	Complies
13. Weeds	Site is not affected by Weeds	N/A
14. Demolition Of Existing Development	None Proposed	N/A
15. On-Site Sewerage Disposal	No additional services required	N/A
16. Aboriginal Archaeological Sites	The proposal does not impact on any aboriginal heritage	N/A
17. Heritage And Archaeological Sites	Not identified as a heritage listed site and not in the vicinity of a heritage item.	N/A
18. Notification Of Applications	Advertised as per DCP requirements and no submissions were received	Complies
20. Car-parking And Access	<p>DCP Requirements  Warehouse rate = 1/250  Total Warehouse Area = 19,125  Required = 77 car spaces</p> <p>Work shop rate = 1/75  Total Workshop Area = 1000sqm  Required = 14</p> <p>Office rate = 1/35  Total Office Area = 2785  Required = 80</p> <p><u>Total Required = 171</u></p> <p><b><u>Proposed is 180</u></b></p> <p>The car-parking on-site complies with the rate applied by LDCP 2008 for industrial buildings. 180 car-spaces are proposed which is a surplus 9 car-spaces. In light of the variation to the</p>	Complies

**PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT**

	<p>required 10m landscape buffer to Beech Road, it is considered appropriate to improve the landscape concept plan where possible to reduce the visual impact of the carpark on the street.</p> <p>As such it is considered that 9 car spaces shall be removed (as indicated in red in the figure below this table) to accommodate a widening of the landscape buffer from 5m to 7.5m.</p> <p>This additional 2.5m area is to be landscaped in accordance with the approved Landscape Design Report. This will form part of conditions of consent.</p> <p>The proposed 180 car spaces shall therefore be reduced to 171 by a condition of consent.</p> <p><b><u>Approved number of car-spaces = 171</u></b></p>	
21.Subdivision Of Land And Buildings	None Proposed	N/A
22. Water Conservation	As originally approved	Covered through conditions on original consent
23.Energy Conservation	As originally approved	Complies by condition
24.Landfill	As originally approved	Covered through conditions on original consent
25.Waste Disposal And Re-Use	As originally approved	Covered through conditions on original consent
26.Outdoor Advertising	None Proposed	N/A
27. Social Impact Assessment	Not required for this type of development	N/A





	<p><i>Landscaping at Frontage With Beech Road = 10m</i></p> <p><i>Landscaping at Frontage With Campbelltown Road = 10m</i></p>	<p><i>Proposed 5m</i></p> <p>As originally approved</p>	discussion below
6 BUILDING DESIGN, STREETSCAPE AND LAYOUT	<p>The warehouse design and appearance is similar to that approved in the original consent. It remains consistent with the controls as:</p> <ul style="list-style-type: none"> <li>- Glazing does not exceed 20% of building facade and is associated primarily with the office space</li> <li>- Materials such as aluminium framed windows and sunshades, colorbond and steel cladding and pre-cast concrete add to the quality of the design</li> <li>- The offices face the street and are located at the front of the site</li> </ul>	Complies	
7 LANDSCAPING AND FENCING	A landscape plan with specific details is proposed, showing the location and species of trees. This has been approved by Council's Landscape Officer. A 2.1 m high metal palisade fence has been proposed consistent with the controls.	Complies	
8 CAR PARKING AND ACCESS	Vehicular access to the site for heavy vehicles complies as assessed by Council's Traffic Engineers. A condition of consent ensures the provision of 171 car-spaces in total. The car-park areas adjacent to the street frontage are not provided with landscape bays, however this is consistent with the originally approved plans.	Complies	
9 AMENITY AND ENVIRONMENTAL IMPACT	<p>Hours of Operation of 24 hours and seven days a week have been approved in the Masterplan for the site in DA-594/2013.</p> <p>The site has previously been assessed by Council's Environmental Health Officers and the site remains suitable for the development.</p> <p>No hazardous operations are proposed</p> <p>A noise assessment has been submitted and Council's Environmental Health officer concurs with the recommendations</p>	Complies	
10 SITE SERVICES	Site services remain as originally approved	Complies	
11 CHANGE OF USE OF EXISTING BUILDINGS	New buildings proposed.	N/A	
12 NON INDUSTRIAL DEVELOPMENT	The proposed use is identified as an industrial development within a Heavy Industry zone	N/A	

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008, except in respect to landscaped buffer area. This non-compliance is addressed as follows.

## **Landscaped Area variations**

The Landscaped Area control objectives are primarily concerned with the provision of landscaping in a location and of a quality on an industrial site for the purpose of minimising the visual impact of an industrial area on the streetscape, providing opportunities for staff recreation areas where suitable, and allowing for absorption of stormwater from the development. Landscaped areas are considered an important feature of an industrial site and are expected to contain deep soil and be sustainable in terms of length of plant life and maintenance.

Pursuant to Liverpool Development Control Plan 2008 - Part 7 Development in Industrial Areas, Clause 5 – Landscaped Areas:

- i) A minimum of 10% of the site is to be landscaped at ground level.
- ii) The minimum landscape width at the front setback must not be smaller than 10m

In this case the landscaped area complies by providing 10.76% of the site area, although the landscape width along the Beech Road frontage is proposed to be reduced from the approved 10m to 5m. As expressed within the car-parking assessment in this report, there is a surplus of car-parking located within the 10m landscaped front setback. It is recommended that this excess car parking be removed and replaced with additional landscaped area to widen the area adjacent to the car-park from the proposed 5m to 7.5m. This variation is supported and recommended for approval for the following reasons;

- The justification provided by the applicant for the alterations and additions which cause the variation is satisfactory, which is;
  - *The 5m landscape zone is consistent with the width of landscaping as prescribed in the DCP secondary frontages. A landscape plan is submitted with the DA submission and provides an integrated and coordinated landscape approach.*
  - *There is a reduction in the depth of the landscape zone on the Beech Road frontage (from 10m to 5m) primarily to allow for ample truck circulation and turning circles.*

In assessing the above statements, it is considered that the site is unique in benefitting from two primary frontages being Beech Road and Campbelltown Road. The proposal provides a compliant arrangement from the Campbelltown Road frontage and provides additional landscaping to the site than required. Further, the proposal complies with the objectives of the landscape area control, in that sufficient deep soil areas are provided along the site boundaries for landscaping, all proposed landscaping will improve the streetscape of industrial areas through an integrated and consistent approach, and that selected landscape type is sustainable in terms of plant life and maintenance, as expressed in the Landscape Design Report.

Council's Landscape Officer has provided support with respect to the submitted Landscape Plan and Landscape Design Report. The proposed landscaped areas contribute to minimising stormwater runoff from the site, and the on-site stormwater detention designs are supported by Council's Engineers.

Given that the proposal provides for 9 additional car-spaces than required, and in light of the variation, it is considered appropriate that car-spaces 9 car-spaces be deleted from the plans, and an additional 2.5m strip of landscaping be provided between the frontage and the car-park. It is recommended this be imposed as a design change condition of consent.

Having regard to the above, the variation to the landscape buffer zone is considered worthy of support.

#### **6.4 Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement**

There is no planning agreement or draft planning agreement applying to the site.

#### **6.5 Section 79C(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA. Accordingly, appropriate conditions of consent will be imposed.

#### **6.6 Section 79C(1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates**

There are no Coastal Zones applicable to the subject site.

#### **6.7 Section 79C(1)(b) – The Likely Impacts of the Development**

##### **(a) Natural and Built Environment**

##### ***Built Environment***

The proposed development has been assessed against the requirements of the relevant planning instruments and Development Control Plans. Pursuant to Section 79C of the EPAA it is considered that although the proposal does not fully comply with standards of the LDCP 2008 in relation to the landscaping control, the proposal is supported on merit. The proposed development has demonstrated it will not cause any adverse impact to the built environment including the adjacent business zone. The proposal complies with the objectives of the LLEP 2008, and is consistent with the relevant principles for development in industrial zones. Overall, the proposal remains of an appropriate bulk and scale, and the use and hours of operation are consistent with the expected industrial operations of the zone

##### ***Natural Environment***

The proposed modification does not require the removal of any additional trees or any remnant bushland community, and will not cause a detrimental impact to any endangered species of flora and fauna. The landscaping is appropriate for the site as discussed earlier in the report.

##### **(b) Social Impacts and Economic Impacts**

The proposed development of the site would facilitate a positive economic impact in the

locality and the region through the increase in employment, and is unlikely to generate any identifiable detrimental social impacts.

#### **6.8 Section 79C(1)(c) – The Suitability of the Site for the Development**

The site is suitable for the proposed development.

#### **6.9 Section 79C(1)(d) – Any submissions made in relation to the Development**

##### **(a) Internal Referrals**

The following comments have been received from Council's Internal Departments:

<b>External Department</b>	<b>Status and Comments</b>
Environmental Health	No objection, subject to conditions
Floodplain Engineer	No objection, subject to conditions
Landscaping Officer	No objection to the development
Land Development Engineering	No objection, subject to conditions
Traffic Engineering	No objection, subject to conditions

##### **(b) External Referrals**

The following comments have been received from External agencies:

<b>External Department</b>	<b>Status and Comments</b>
Roads and Maritime Service	No objection, subject to conditions
Sydney Water	No objection, subject to conditions
Transgrid	No objection to the development

##### **(c) Community Consultation**

The proposal was required to be advertised from 26 April 2017 and 11 May 2017 in accordance with the provisions of Part 1 of the LDCP 2008. No submissions were received.

#### **6.10 Section 79C(1)(e) – The Public Interest**

The proposal is considered to be in the public interest.

#### **7. Liverpool Contributions Plan**

Nil. S94 contributions are not applicable to industrial development in Casula.

#### **8. CONCLUSION**

In conclusion, the following is noted:

- The modification application has been assessed having regard to the matters of consideration pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

- The proposal generally complies with the relevant development standards, and the variation to the landscape provisions of the LDCP 2008 are considered acceptable.
- The scale and built form is consistent with that previously approved and aligns with the desired future character of the area envisaged under the LLEP 2008 and LDCP 2008.
- The application was externally referred to the RMS with no objections raised.

It is for these reasons that the proposed development is considered to be satisfactory and the subject application is recommended for approval.

## **9. ATTACHMENTS**

1. Recommended conditions of consent
2. Architectural Plans
3. Landscape Plan
4. Statement of Environmental Effects
5. Acoustic Report
6. BCA Compliance Report
7. Landscape Concept Design Report
8. Traffic Report