

ITEM 2 and 60 Christina Road, VILLAWOOD NSW
2163

Demolition of existing structures and partial site clearing; remediation works, contamination management and earthworks; and construction of an industrial warehouse and distribution estate comprising 12 warehouses and associated works including 3 vehicular access points from Christina Road, intended for 24-hour operation.

FILE DA-1066/2021 - Bass Hill Ward

ZONING IN1 General Industrial

DATE OF LODGEMENT 27 January 2022

APPLICANT Villawood Devco Pty Ltd

OWNERS MIOF Land No.3 Pty Ltd

ESTIMATED VALUE \$121,484,000

AUTHOR Casandra Gibbons

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of State Environmental Planning Policy (Planning Systems) 2021. The development has an estimated capital investment value of \$121,484,000 which exceeds the capital investment threshold for 'General development over \$30 million'.

Development Application No. DA-1066/2021 proposes the demolition of existing structures, partial site clearing, remediation works, contamination management and earthworks, and the construction of an industrial warehouse and distribution estate comprising 12 warehouses and associated site works, parking, including 3 vehicular access points from Christina Road, intended for 24-hour operation.

DA-1066/2021 has been assessed against the matters for consideration contained in section 4.15 of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against the *Biodiversity Conservation Act 2016*, *State Environmental Planning Policy (Planning Systems) 2021*, *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *Bankstown Local Environmental Plan 2015*, *Bankstown Development Control Plan 2015* and the Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020.

The application was notified and advertised for a period of 28 days. One objection was received during this period, which raised concerns relating to stormwater and run off impacts from the existing site. These matters are discussed in detail in the attached assessment report.

The attached assessment report provides for a detailed assessment of the site and its surrounds and the manner in which this development application addresses the relevant planning legislation.

The proposed development successfully protects the environmental amenity of the area in addition to preserving the desired future character of the locality. As such, it is concluded that the development has merit and is therefore worthy of being supported.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

DA-1066/2021 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The site is legally described as Lots 1 and 2 in Deposited Plan No 1258519 and is more commonly known as No. 2 and 60 Christina Road, Villawood.

The site is located on the northern side of Christina Road, midway between the road's intersection with Birmingham Avenue to the west and Miller Road to the east. The site is irregular in shape with a frontage of 539.71 metres to Christina Road and a total site area of 12.6 hectares. The site is largely vacant other than the following structures;

- Stormwater lines/pits and aboveground storage tanks
- Brick/ concrete retaining walls
- Disconnected substation
- Herbicide effluent pit (aboveground and underground)
- Three buildings: a pharmaceutical and a paint factory; and
- Concrete slabs, walkways and roadways.

Exotic grass species, shrubs and trees of varying contribution occupy the vast majority of the site. The most notable vegetation located within the site is a stand of existing remnant vegetation along the western edge and in the north western corner of the site that is representative of an endangered ecological community (Cooks River Castlereagh Ironbark Forrest). The applicant seeks to retain this vegetation. The land falls 7.5 metres from a high point in the north eastern corner to the south western corner.

Historically the site has been used for the manufacturing, handling and storage of a wide range of chemicals since the mid 20th century with operations on the site largely ceasing in 2001. There is evidence that a considerable amount of fill and remediation works have occurred on site over the years.

The site is situated on land zoned IN1 General Industrial under the Bankstown Local Environmental Plan 2015. An extract of the zoning map is provided below illustrating that the land adjoining to the east, west, south and north is similarly zoned IN1 General Industrial. The size of these adjoining allotments vary as does the age and condition of the industrial developments that occupy these sites. The site to the immediate east has an area of 2.42 hectares and not only fronts Miller Road but obtains all its vehicular access off this road meaning that it has little relationship or presence to the Christina Road streetscape. The site to the immediate west (along the Christina Road streetscape) has an area of approx. 11,500sqm and is situated on the corner of Birmingham Road and Christina Road. The industrial allotments on the southern side of Christina Road (on the opposite side of the road) are considerably smaller in size. The closest residential zoned land is to the north east, further along Miller Road.

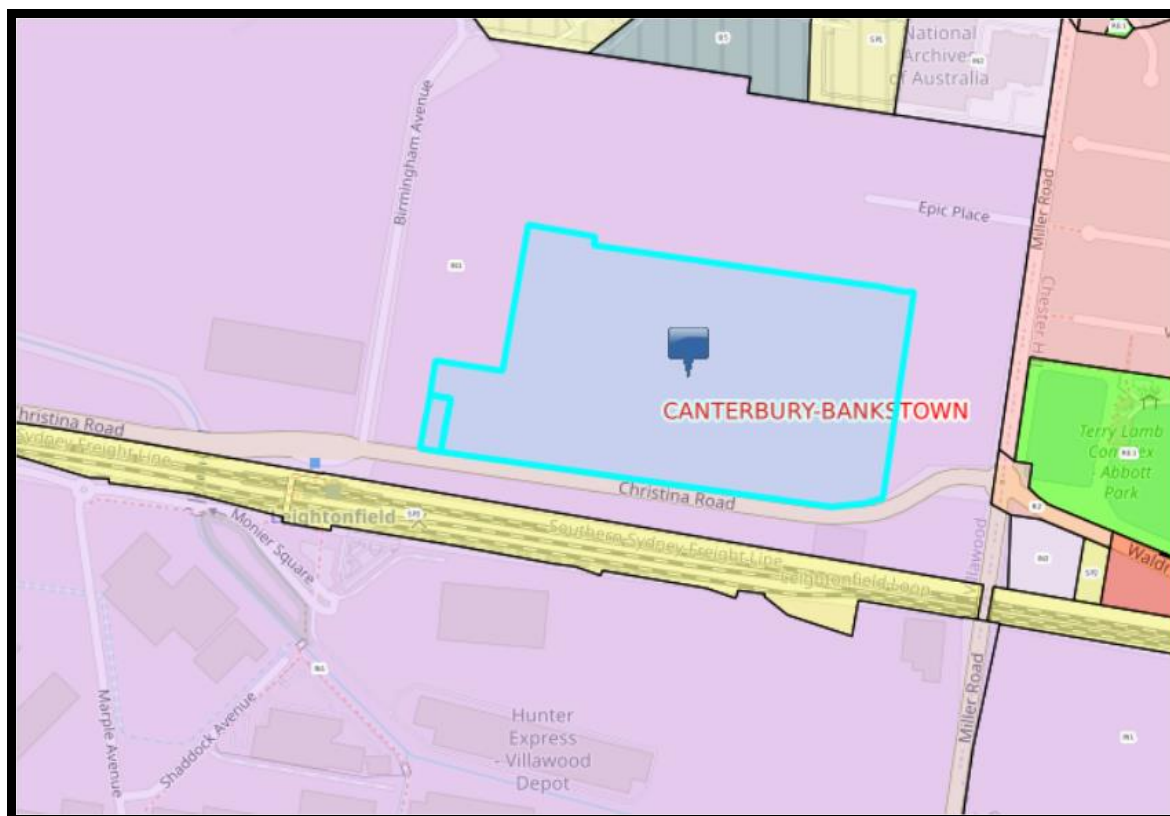


Figure 1: Aerial of subject site in blue. **Source:** ePlanning spatial viewer 2022



Figure 2: NearMap 2022

PROPOSED DEVELOPMENT

Development Application No DA-1066/2021 seeks development consent to undertake the following works;

- Demolition of existing structures and site clearing (existing vegetation along the western edge and in the north-west portion of the site to be retained);
- Site remediation, contamination management, and earthworks;
- Construction of twelve (12) warehouse buildings for storage, handling and distribution comprising;
 - Primary warehouse floor areas
 - Ancillary office areas
 - Cantilevered awnings
 - Combination of on-grade and recessed docks
- Construction of internal access roads;
- Three vehicle crossings to Christina Road;
- Landscaping, including retention of existing native vegetation along the western edge and in the north-west portion of the site and landscaping along the site's frontage to Christina Road;
- Several hardstand car parking areas providing for a total of 233 car parking spaces;
- Provision of 2 electrical substations; and
- Associated stormwater infrastructure and utilities

The table below provides a breakdown of the data relating to the proposed warehouses;

	Warehouse GFA	Warehouse office GFA	Total GFA	Car parking spaces (in the immediate vicinity of, or allocated to, a particular warehouse)
Warehouse 1	6,460m ²	300m ²	6,760m ²	15 spaces (1 of which is suitable for people with a disability)
Warehouse 2	3,600m ²	200m ²	3,800m ²	10 spaces (1 of which is suitable for people with a disability)
Warehouse 3	2,485m ²	180m ²	2,665m ²	15 spaces shared between each of these warehouses (1 of which is suitable for people with a disability)
Warehouse 4	1,860m ²	180m ²	2,040m ²	
Warehouse 5	2,485m ²	180m ²	2,665m ²	15 spaces shared between each of these warehouses (1 of which is suitable for people with a disability)
Warehouse 6	3,110m ²	180m ²	3,290m ²	

Warehouse 7	2,980m ²	200m ²	3,180m ²	10 spaces (1 of which is suitable for people with a disability)
Warehouse 8	3,560m ²	300m ²	3,860m ²	12 spaces (1 of which is suitable for people with a disability)
Warehouse 9	8,920m ²	400m ²	9,360m ²	30 spaces (1 of which is suitable for people with a disability)
Warehouse 10	9,160m ²	400m ²	9,560m ²	36 spaces (1 of which is suitable for people with a disability)
Warehouse 11	7,990m ²	400m ²	8,390m ²	43 spaces (1 of which is suitable for people with a disability)
Warehouse 12	12,440m ²	500m ²	12,940m ²	47 spaces (1 of which is suitable for people with a disability)
			Total = 68,510m ²	Total = 233 car parking spaces (10 of which are suitable for people with a disability)

As the table above indicates, the size (gross floor area) of the warehouses range from a minimum of 2,040m² (Warehouse 4) to a maximum of 12,940m² (Warehouse 12) with the applicant seeking approval for the industrial estate to operate on a 24-hour basis.

Note - The applicant is not seeking approval to subdivide the land nor does the application seek approval for the erection of any signage.

STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Bankstown Local Environmental Plan 2015 (BLEP 2015)
- Draft Canterbury Bankstown Local Environmental Plan 2020
- Bankstown Development Control Plan 2015 (BDGP 2015)

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) sets out, amongst other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use changes.

The subject site is mapped as containing an area of high biodiversity value (see Figure 3 below). The area mapped relates to native vegetation along the western boundary. The assessment has shown that a patch of PCT 725: Broad-leaved Ironbark – *Melaleuca decora* shrubby open forest occurs along the western edge of the site. This is commensurate of the Cooks River Castlereagh Ironbark Forest of the Sydney Bioregion, which is listed in Schedule 2 of the BC Act as an endangered ecological community.

The application seeks to remove 2.08 hectares of native vegetation, some of the area is mapped to contain high biodiversity value and therefore the project has required consideration of the Biodiversity Offset Scheme thresholds outlined in the Regulations. The exceedance of the thresholds required the completion of a Biodiversity Development Assessment Report (BDAR) for the development of the site.

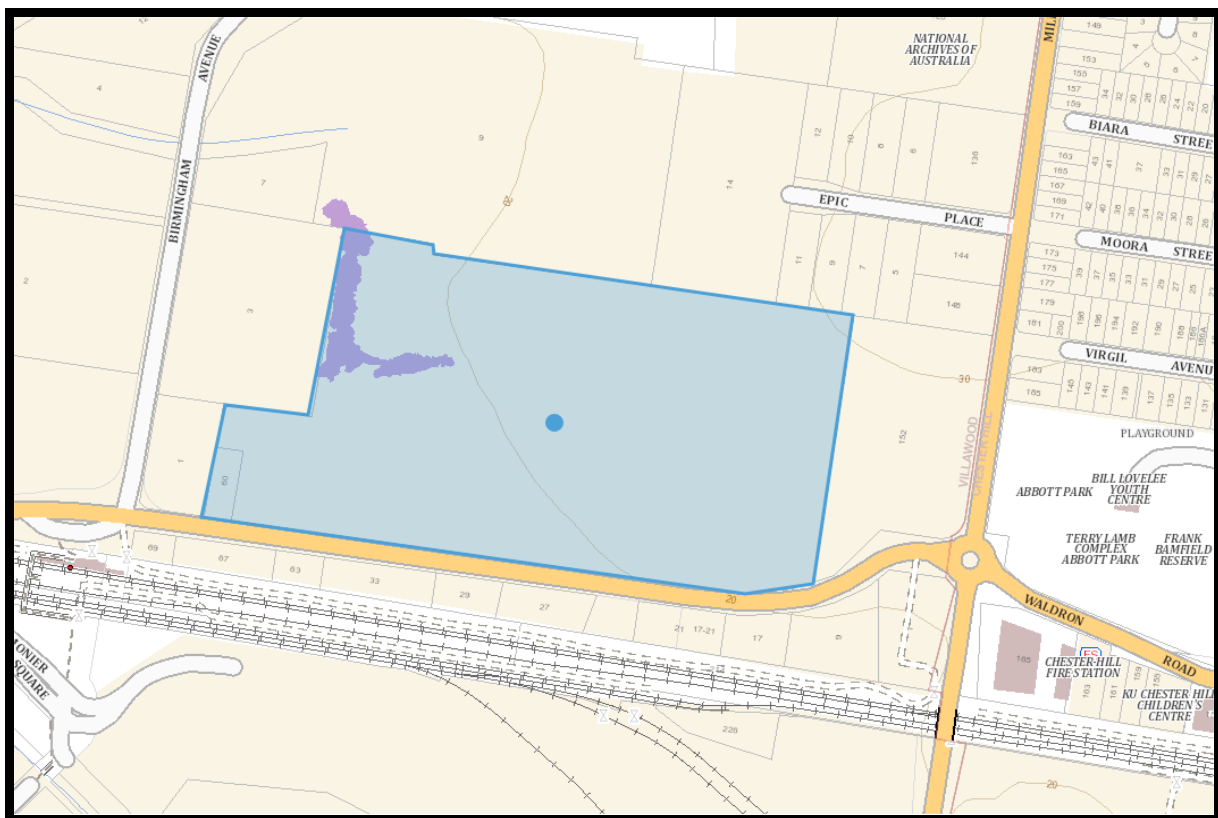


Figure 3: Source Biodiversity Values Map and Threshold Tool

The BDAR concludes that the area of land mapped as high biodiversity value that runs as a 'spur' to the east is distinct from the remaining mapped area (running north/south) and does not contain threatened species characterised by PCT 725. The community identified as PCT 725 is contained within the mapped area shown in Figure 4 below. This area is proposed to be retained and the development has been designed to avoid direct impacts and minimise indirect impacts on this endangered ecological community.

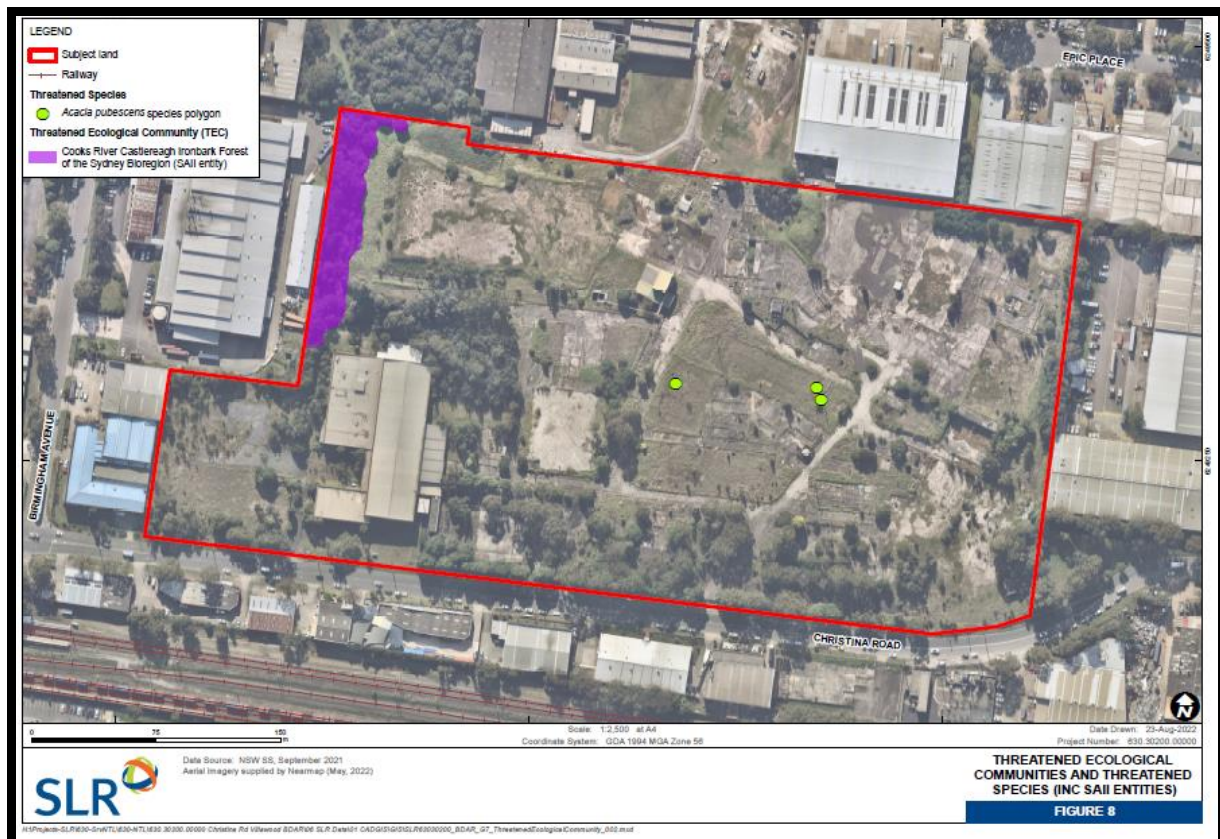


Figure 4: Extract from SLR Biodiversity Assessment Report August 2022, V2.2

Field surveys undertaken at the site identified that in addition to the PCT 725 community, the site contains three remnants of the Downy Wattle (*Acacia pubescens*) within the non-native vegetation located on site (refer to Figure 4 above). The avoidance of impact on these specimens was not possible for the redevelopment of the site, given the centralised location on the development site. On that basis, consideration of the removal of this vegetation was evaluated and justified accordingly. The removal of these specimens from the site is considered a direct impact on the threatened species and requires to be offset in accordance with the Biodiversity Assessment Method (BAM). The BDAR recommends the translocation of the *Acacia Pubescens* within the site, in addition to the retirement of one species credit and one ecosystem credit for PCT 725 for the removal of the *Acacia pubescens* ramets.

The BDAR provides an overview of the mitigation measures required to manage potential risks to the biodiversity value of the vegetation on site. The key measures during construction and operation of the proposed development include a Vegetation Management Plan, Translocation Plan, inclusion of water sensitive urban design measures into the stormwater concept plans, and a landscape design to incorporate locally indigenous plant species.

Council's Environmental Planner has reviewed the submitted BDAR, as well as the overall proposal, and has determined that the methodology of the report and the recommendations contained within to be sound and worthy of support, citing the relevant sections of the *BC Act 2016* and the *Environmental Protection and Biodiversity Conservation Act, 1999 (EPBC)*. The proposed impact is therefore able to be supported based on the information contained within the submitted BDAR and subject to recommended conditions of consent.

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy (Planning Systems) 2021

Clause 2.19(1) of Part 2.4 of SEPP (Planning Systems) 2021 reads as follows;

Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.

Schedule 6 of SEPP (Planning Systems) 2021, in part, reads;

2 General development over \$30 million

Development that has a capital investment value of more than \$30 million.

The CIV of the proposed development exceeds \$30 million (\$121,484,000). The development therefore qualifies as being a 'regionally significant development' and the Sydney South Planning Panel are the determining authority.

The following communication / consultation has occurred with the Panel in relation to this development;

1 March 2022

The applicant (and their consultants) and Council's assessment staff attended the Kick Off Briefing.

3 May 2022

Council's assessment staff attended the Council Briefing with the Panel. The minutes of the Council Briefing were recorded as follows;

In addition to the comments raised in the Panel's initial kick-off record of briefing the following issues are noted for further attention:

- *Biodiversity retention and loss*

Methodology for management notably retention, offset requirements and species augmentation needs to be addressed

- *Revised Remediation Action Plan*

Additional information required

Traffic generation

Impacts of traffic generating developments to be considered in the traffic impact assessment

Over supply of carparking (120 car spaces) has impacts on landscaped front setback zone (see below)

- *Building design and envelope*

The warehouse is equivalent to a 5-storey building with a long uninterrupted 330m façade. The building is a major intervention in a varied low scale neighbourhood as such the form needs modelling, architectural and landscape relief to moderate the scale and bulk.

Roof form to consider skyline articulation

- *Primary frontage landscape setback*

A 15m setback including a 10m landscape zone is required however only a 4.8 – 5m landscaping provided. The DCP front setback including the 10m landscape requirement should be complied with. Deletion of excess carparking spaces and an increase in screen and shade planting appropriate scaled to this large development and the adjoining context is recommended.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The provisions contained within State Environmental Planning Policy (Biodiversity and Conservation) 2021 requires consideration of Chapter 11 Georges River Catchment. Chapter 11 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Chapter 11.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

Clause 4.6(1) of Chapter 4 of SEPP (Resilience and Hazards) 2021 reads as follows;

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has a history of industrial use involving the manufacturing and storage of chemicals. The operations on site ceased in approximately 2001 and a number of structures were removed. A remediation order was issued by the NSW EPA in 2005 and subsequently the site has been subject to several assessments and undertaken remediation actions between 2005 and 2019.

In 2019 a Site Audit Statement (SAS) and Site Audit Report (SAR) were prepared for the site, concluding that the site could be made suitable for commercial/industrial use through implementation of an appropriate long-term environmental management plan (LTEMP) and a groundwater management plan (GMP). The LTEMP was revised to incorporate the need for the preparation of a construction environmental management plan (CEMP) for the site to be redeveloped.

The LTEMP required that any intrusive works on site are to be further reviewed. DA-1066/2021 is accompanied by a Remediation Action Plan (RAP), Construction Environmental Management Plan (CEMP), and an Asbestos Management Plan (AMP). The proposed remediation works associated with the removal of the infrastructure on site, as well as management of the contaminated soils, are consistent with the requirements of the current LTEMP and would ensure the suitability of the site for industrial use.

The RAP recommends the removal of some soil/contaminants off-site to an appropriate facility, and seeks to retain the remaining impacted soils on site in-situ beneath a geotextile layer 'cap' and the covered with clean fill generally at a depth of 1m.. The remediation method proposed is considered suitable to manage the contamination, subject to the ongoing management plans recommended and the review and involvement of a site auditor throughout the process.

The RAP appropriately establishes the framework for the suitability of the site for the proposed redevelopment. The implementation of the CEMP, AMP, the LTEMP and the GMP both during works and post consent, ensures that the site would be managed both during the redevelopment and post the works (use of the site) in a suitable manner. Conditions of consent are recommended to ensure the appropriate documentation informs the works undertaken and the registration of the required LTEMP on the title to inform any future works.

Having regard to the assessment set out above, the Panel can be satisfied that the development site is suitable for the proposed development, in accordance with clause 4.6(1) of SEPP (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Ausgrid

Clause 2.48(1)(b) of Division 5 of SEPP (Transport and Infrastructure) 2021 requires proposed developments that include works within or immediately adjacent to an easement for electricity purposes or substation be referred to the relevant electricity supply authority.

Ausgrid have reviewed the proposal and raise no objection, subject to conditions being imposed in regard to proximity to overhead powerlines, underground cables, and substations. Conditions of consent have been recommended to satisfy the Ausgrid requirements.

Transport For NSW

Schedule 3 of SEPP (Transport and Infrastructure) 2021 identifies developments for 'warehouse or distribution centres' that are proposed on sites with a site area of 8,000m² (or greater) as traffic generating developments. Given that the subject site exceeds 8000m² in area, clause 2.122(3) of Division 17 of SEPP (Transport and Infrastructure) 2021 applies and requires Council to give notice of the proposed development to Transport for NSW (TfNSW).

Transport for NSW responded and provided an advisory comment ensuring the parking, layout and access comply with the relevant Australian Standards. The proposal has been reviewed and meets the requirements set out by TfNSW, subject to conditions that are recommended to ensure compliance is retained within the design.

Bankstown Local Environmental Plan 2015

The following table provides an assessment of the proposed development against the relevant clauses of the Bankstown Local Environmental Plan 2015.

	Requirement	Proposal	Complies
<i>Clause 1.2</i> Aims of Plan	That the development is consistent with the aims of the Plan.	The proposal complies with the relevant aims of the LEP as demonstrated by its consistency with the provisions contained within. Further, as later demonstrated, it generally conforms to the requirements of the Bankstown DCP 2015.	Complies
<i>Clause 2.3</i>	The 'Land Zoning Map'	Significant employment	Complies

Zone objectives and Land Use Table	<p>identifies the site as being zoned 'IN1 General Industrial'.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>The objectives of the 'IN1 General Industrial zone' are;</p> <ul style="list-style-type: none"> ▪ <i>To provide a wide range of industrial and warehouse land uses.</i> ▪ <i>To encourage employment opportunities.</i> ▪ <i>To minimise any adverse effect of industry on other land uses.</i> ▪ <i>To support and protect industrial land for industrial uses.</i> 	<p>opportunities would be generated both at the construction and operational stages of the proposed development.</p> <p>An assessment of the proposed development has not identified any adverse impacts on the adjoining industrial lands, rather the development of this site would further support and protect the adjoining industrial land uses.</p>	
Clause 4.4(2) Floor space ratio	<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p> <p>The 'Floor Space Ratio Map' identifies the site has having a maximum permissible floor space ratio of 1:1.</p>	<p>Total gross floor area = 68,510m² Total site area = 126,000m² Proposed floor space ratio = 0.535:1</p>	Complies
Clause 5.21(2) and 5.21(3) Flood planning	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless	The proposed development has been designed to respond to the flood affectation, topography, and the natural environment. The development proposes	Complies

	<p>the consent authority is satisfied the development</p> <ul style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. <p>In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters –</p> <ul style="list-style-type: none"> (a) the impact of the development on projected changes to 	<p>floor levels appropriate for the level of flood inundation occurring on the site.</p> <p>The application has been reviewed by Council's Engineers and they advise that the proposed development would not adversely impact the surrounding landform or flood behaviours as a result of the built form and works proposed.</p> <p>The proposal is considered to be compatible with the constraints of the site, and it is not considered to adversely impact the flood movement or increase the potential for damage to life, property or adjoining developments.</p> <p>It is considered that the development incorporates the necessary measures to minimise risk and limit potential impacts to the surrounding area.</p>	
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	<p>flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
<p><i>Clause 6.2(3)</i> Earthworks</p>	<p>In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining</p>	<p>The proposal includes earthworks to facilitate the remediation of the site and to prepare the site for construction.</p> <p>It is not considered likely that the earthworks proposed would cause any detrimental impacts on the drainage patterns, soil stability, amenity of adjoining properties, or future redevelopment of land.</p>	

	<p>properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
<p>Clause 6.4(3) and 6.4(4) Biodiversity</p> <p><i>(the land is identified as 'Biodiversity' on the 'Terrestrial Biodiversity Map')</i></p>	<p>In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider -</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p>	<p>The site is mapped as Biodiversity on the Terrestrial Biodiversity Map.</p> <p>The development application is accompanied by a Biodiversity Assessment Report (BDAR) to evaluate the impacts of the development on the protect ecological community within the site. A detailed assessment of the BDAR and associated biodiversity impacts of the proposal is provided earlier in this report.</p> <p>The works proposed would not produce any significant adverse impacts on the biodiversity value of the locality.</p> <p>The application was reviewed by Council's Environmental Planner, and they advised that, subject to recommended conditions of</p>	

	<p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that -</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact.</p>	<p>consent, the proposal and the recommendations of the report provided are satisfactory.</p>	
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An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2015*.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

The draft Canterbury Bankstown Local Environmental Plan 2020 applies to the subject site. The Draft CBLEP 2020 has been publicly exhibited and adopted by the Canterbury Bankstown Local Planning panel on 30 June 2020 and is now in the process of being finalised by the Department of Planning. While the draft instrument proposes the introduction of some additional provisions, in the most part, the Draft CBLEP 2020 provides for an administrative conversion of both the Bankstown Local Environmental Plan 2015 and the Canterbury Local Environmental Plan 2012 into a combined document under the Standard Instrument LEP template.

As this report has indicated, the development fully complies with the provisions contained within the current LEP. The development was also found to satisfy the provisions contained within the draft consolidated instrument.

Development control plans [section 4.15(1)(a)(iii)]

An assessment against the relevant provisions contained within 'Part B3 – Industrial Precincts', 'Part B5 – Parking' and 'Part B13 - Waste Management and Minimisation' of the Bankstown Development Control Plan 2015 is provided in the table below:

	Requirement	Proposal	Complies?
Part B3 – Industrial Precincts			
<i>Clause 2.1</i> Site Coverage	The sum of the site coverage on an allotment must not exceed 60% of the site area if two or more businesses are to occupy the allotment	The application proposes a site coverage of 60%	Complies
<i>Clause 2.2</i> Setbacks to the primary and secondary road frontages of allotments	Where allotments adjoin a state or regional road (refer to Appendix 1), the minimum setback for development to the primary and secondary road frontages is 15 metres. <i>(Christina Road between River Avenue and Waldron Road is listed in Appendix 1 of the BDCP 2015 as a regional road)</i>	Warehouses 1 to 8 front Christina Road. The following building setbacks (min.) to Christina Road are proposed; Warehouse 1 – 10 metres (max. setback of 18.054 metres) Warehouse 2 – 16.310 metres Warehouse 3 – 16.512 metres Warehouse 4 – 16.512 metres Warehouse 5 – 16.700 metres Warehouse 6 – 16.700 metres Warehouse 7 – 16.972 metres Warehouse 8 – 18.067 metres	The warehouses comply with the exception of Warehouse 1 where, in part, a minimum 10 metre setback is proposed. See below.
<i>Clause 3.1</i> Façade design	Development must articulate the facades to achieve a unique and contemporary architectural appearance	The overall façade presented to Christina Road provides a unified	Complies

	<p>that:</p> <ul style="list-style-type: none"> (a) unites the facades with the whole building form; (b) composes the facades with an appropriate scale and proportion that responds to the use of the building and the desired contextual character; (c) combines high quality materials and finishes; (d) considers the architectural elements shown in the illustration to this clause; and (e) considers any other architectural elements to council's satisfaction. 	<p>colour palate with repetition in the scheme selected that ensures a rhythm and flow in choice of texture, materials and colours that compliments the locality and provides legibility across the estate.</p> <p>The design presented, and elements selected, provide for a visually interesting façade with a simplified aesthetic, that ensures the scale of the proposal is not visually abrasive or intrusive.</p> <p>The design has incorporated contemporary elements that provide articulation, depth and identity to the office areas of each warehouse.</p> <p>The office elements read in scale with the proposal and provide a legible identity to each warehouse unit within the overall streetscape.</p> <p>The design of the façade as presented provides a contemporary streetscape that is an appropriate scale with materials and finishes that serve to unify the</p>	
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		built form across the site.	
<i>Clause 3.6</i> Façade design (materials)	<p>Development must use:</p> <ul style="list-style-type: none"> (a) quality materials such as brick, glass, and steel to construct the facades to a development (Council does not permit the use of standard concrete block); and (b) masonry materials to construct a factory unit within a building, and all internal dividing walls separating the factory units <p>Despite this clause, Council may consider a small portion of the street façade to comprise metal sheet or other low maintenance material provided it complies with the Building Code of Australia.</p>	<p>The façade incorporates a mix of materials and finishes including concrete panels, cladding and glazed elements.</p> <p>The design of the façade with elements of repetition across the estate integrates the built form cohesively, whilst allows for purpose built and functional industrial units to present positively within the setting.</p>	Complies
<i>Clause 3.10</i> Roof design	<p>Development must incorporate an innovative roof design that:</p> <ul style="list-style-type: none"> (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes 	The design of the development presents well within the streetscape. The roof form is contemporary in presentation and responds to the site and topography, whilst providing large scale functioning spaces that will not dominate the skyline or streetscape.	Complies
<i>Clause 4.3</i> Open space	<p>For sites greater than 4,000m², the minimum width of the 'landscaped area' to Christina Road is 10 metres</p> <p><i>(Christina Road between</i></p>	<p>Warehouses 1 to 8 front Christina Road.</p> <p>A minimum width of 10 metres is achieved in front of all of these</p>	See below

	<p><i>River Avenue and Waldron Road is listed in Appendix 1 of the BDCP 2015 as a regional road)</i></p>	<p>warehouses however the 10 metre width is not maintained along the entire Christina Road frontage.</p> <p>A reduced width is provided in instances where the applicant introduces a number of car parking spaces, pedestrian paths and, in the case of Warehouse 1, a 6-metre-wide emergency vehicle access track.</p>	
<p><i>Clauses 4.6 and 4.8</i></p> <p>Open space</p>	<p>Development with a primary road frontage of 5 metres or more must provide at least 1 street tree per 5 metres of primary road frontage. Council may vary this requirement if a street tree already exists in good condition or site constraints limit their inclusion.</p> <p>Where development proposes an outdoor car park with 20 or more car parking spaces, the car park design must include at least 1 tree per 5 car parking spaces to the following specifications:</p> <p>(a) a tree must be a single trunk species to allow a minimum visibility clearance of 1.5 metres measured above natural ground level; and</p> <p>(b) a tree must be planted in an island bed that is a minimum 2 metres in width</p>	<p>Recommended conditions of consent require street tree plantings along the Christina Road frontage consistent with the requirements of Clause 4.6 of the DCP.</p> <p>The landscape plan provides for extensive tree plantings in and around the proposed car parking areas aided by the introduction of numerous blister islands. The plan provides for a total of 353 trees to be planted on site.</p>	<p>Complies</p> <p>Complies</p>

	and 4 metres in length.		
<i>Clause 4.5 Existing Trees</i>	<p>Development must:</p> <p>(a) retain and protect any existing trees identified by Council on an allotment and adjoining allotments; and</p> <p>(b) must not change the natural ground level within 3 metres of the base of the trunk or within the dripline, whichever is the greatest.</p>	The impacts on the trees and biodiversity value on site have been assessed earlier in this report.	Complies
<i>Clause 5.1, 5.2 and 5.3 Front Fence</i>	<p>The maximum fence height for front fences is 1.8 metres</p> <p>The external appearance of front fences along the front boundary of allotments must ensure: (a) the section of the front fence that comprises solid construction (not including pillars) does not exceed a fence height of 1 metre above ground level (existing); and (b) the remaining height of the front fence comprises open style construction such as spaced timber pickets or wrought iron that enhance and unify the building design. Despite this clause, the solid construction of a fence behind the front building line of dwelling houses and dual occupancies on corner allotments may achieve a fence height up to 1.8 metres</p> <p>Council does not allow the following types of front fences: (a) chain wire, metal sheeting, brushwood, and electric fences; and (b) noise attenuation walls.</p>	The front fence proposed is 1.8m high and comprises a black steel picket design.	Complies

Part B5 - Parking			
<i>Clause 2.1</i> Off-street parking spaces	<p>For 'warehouse or distribution centres' the on-site car parking rate is 1 car space per 300m² of gross floor area.</p> <p>As per the car parking rate of 1 car space per 300m², a minimum of 229 car parking spaces are required to be provided on site.</p>	<p>The development provides for a total of 233 on-site car parking spaces</p> <p>The development provides for 'pockets' of car parking around the development site such that employees and visitors to all of the warehouse units have both effective and practical access to on-site car parking</p>	Complies
<i>Clauses 6.2 and 6.3</i> Trees	<p>Provision is to be made within the car park for planting of trees and shrubs to shade cars and soften the visual impact of the car park. All landscaping is to be adequately protected from potential damage caused by car movements.</p> <p>Trees are to be planted at the ratio of 1 tree per 5 car park places allocated. Species shall be selected for their ability to thrive where compaction and de-oxygenation are characteristic of the soils.</p>	<p>A number of car parking areas are provided throughout the site as opposed to providing a centralised car park.</p> <p>The Landscape Plan provides for landscape beds throughout the dedicated car parking areas.</p> <p>The Landscape Plan provides for plantings throughout the car parking areas with a total 353 trees proposed to be planted.</p> <p>A condition of consent requiring the installation of wheel stops to all car parking spaces is recommended and would aid in preventing damage to the landscaping</p>	Complies

		areas caused by vehicle movements	
<i>Clause 6.5</i> Perimeter planting	For proposed car parks of capacity 40 cars or more, raised landscape island beds of minimum dimensions 2 metres x 4 metres shall be provided to break up row of cars, spaced at every 10 car places for placement of a canopy tree.	<p>The car parking areas between the remnant vegetation and Warehouse 9, between Warehouses 9 and 10, and between Warehouses 11 and 12 are 'broken up' with landscape blisters.</p> <p>Car parking spaces in front of Warehouses 2 to 7 are limited to a 'stretch' of only 5 car parking spaces while the size of the car parking areas provided for Warehouses 1, 8 and forward of 11 and 12 are not extensive.</p>	Complies
Part B13 – Waste Management and Minimisation			
<i>Clause 4.3</i> Individual storage	Where development involves multiple tenancies, individual bin storage for each tenancy is to be provided.	The plans identify dedicated Waste Management Areas (WMA) for each of the warehouses. Each of the WMAs vary in size with Warehouses 1, 8 and 9 being 4m x 4m, Warehouses 2, 3, 4, 5, 6, 7, 10 and 11 being 3m x 5.5m and Warehouse 12 being 5m x 7m.	Complies
<i>Clause 4.6</i> Waste Design	Bin storage areas are to be integrated with the overall design and functionality of the development and are to locate within the building envelope to enable these areas to be screened from view from the public domain.	The units as designed are of a size and scale sufficient to hold the required bin storage areas. The site has been designed with servicing elements internalised. The collection of waste	Complies

		from each unit is capable of being accommodated within the site.	
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The following comments are provided in light of the content of the above table and the remaining provisions contained in Part B3 of the BDCP 2015;

Clause 2.2 - Setbacks to the primary and secondary road frontages of allotments

Clause 2.2 of Part B3 of the BDCP 2015 reads as follows;

Where allotments adjoin a state or regional road (refer to Appendix 1), the minimum setback for development to the primary and secondary road frontages is 15 metres.

Christina Road, between River Avenue and Waldron Road, is listed in Appendix 1 of the BDCP 2015 as a regional road.

As the above assessment table indicates, all of the proposed warehouses comply with clause 2.2 with the exception of Warehouse 1 where, in part, a minimum 10 metre setback is proposed.

Clause 2.4 of Part B3 of the BDCP states;

Despite clauses 2.2 and 2.3, Council may vary the minimum setback provided the development:

- (a) complies with any statutory alignment that applies to an allotment; or*
- (b) provides adequate space to meet the vehicle access, car parking, loading and landscaping controls; or*
- (c) is compatible with the building alignment of neighbouring development or the desired character of the area; or*
- (d) achieves an appropriate bulk and scale.*

While the wording of clause 2.4 requires only one of the above being satisfied (given the use of the words 'or'), the development satisfies all of the above provisions in so far as the development achieves an appropriate bulk and scale and provides adequate space within the site to accommodate vehicular access, on-site manoeuvring, landscaping etc. With respect to the compatibility with the '*building alignment of neighbouring development*', there is little established 'building alignment' along the northern side of Christina Road. Additionally, the vast majority of the industrial developments that occupy sites on the opposite, southern side of Christina Road, while containing significant older building stock do not provide for a 15 metre front setback. Given that the depths of these sites vary from anywhere between 30 to 40 metres, it would reasonable to expect that with a redevelopment of any of these sites supporting a reduced setback would be necessary.

Further to the above, it is noted that the development satisfies the front setback requirement for in excess of 90% of the sites 539 metre frontage to Christina Road, with only a portion of Warehouse 1 (near the sites eastern boundary) failing to observe a minimum 15 metre setback. The adjoining site to the east (No. 150 Miller Road) is a corner site with an unusual 'tail' of the site provided to the Christina Road frontage. This 'tail' is currently vegetated and given the extensive available building footprint and presence to Miller Road, it is highly unlikely that this small portion of the site would be developed. In short, the existing landscaping provided on No. 150 Miller Road, immediately adjacent proposed Warehouse 1, is highly likely to be retained.

Having regard to the comments provided above, there is merit in supporting the proposed minor non-compliance with the minimum front building setback to Christina Road.

Clause 4.3 – Open space

While the Table to Clause 4.3 requires the width of the landscape area to be a minimum 10 metres wide, a number of encroachments or departures occur primarily as a result of the allocation of car parking spaces within this setback, the provision of pedestrian paths providing access to the warehouses from Christina Road and, in the case of Warehouse 1, a 6 metre wide emergency vehicle access track.

Below the table to Clause 4.3, it reads;

“Despite this clause, Council may vary the minimum setback provided the development complements a high-quality landscaped image of neighbouring development or the desired future character of the area.”

The following comments are offered in light of the above;

- It is preferable that some on-site car parking be provided in the immediate proximity to each of these warehouses. The removal of these car parking spaces would mean that employees and visitors to each of the warehouses would have to park a considerable distance away from the warehouses. Over time, if these spaces are not provided, then motorists would likely either park in the accessway (potentially obstructing access) or alternatively park over the kerb and into the nominated landscape area.
- A number of these spaces are disabled car parking spaces, the absence of which (in proximity to the warehouses) would be undesirable.
- The pedestrian paths provide access directly from Christina Road making it practical and safe to access these warehouses as opposed to accessing the site via the driveway crossings and walking along the dedicated vehicular accessway.
- The number of car parking spaces provided within this setback area has been significantly reduced from that which was originally proposed. The compromise or response is commensurate with providing a functional and effective front landscaped strip and the interests of the tenants and visitors to the warehouses.

- Ideally all the on-site manoeuvring areas have been provided to the rear of the warehouses hence hiding extensive hardstand areas from the public view.
- As indicated above, existing vegetation immediately adjoins the site's eastern boundary (in the vicinity of Warehouse 1) aiding in minimising any impacts associated with the reduced landscaped area in front of this warehouse.
- Having regard to the clause quoted above, the proposed landscape treatment along the sites frontage would not only exceed that currently provided to the 'neighbouring developments', but it would also favourably contribute to the character of the industrial area as envisaged by Council's controls.

In light of the above, the proposed landscaped area along the site's frontage to Christina Road is supported.

Clause 3.18 - General

Further to the provisions identified in the above table, Clause 3.18 of Part B3 – Industrial Precincts of the BDCP 2015 requires that regard be had to the following matters for development in the industrial zones:

(a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated;

As the above table indicates, a total of 233 off-street car parking spaces have been provided within the development which satisfies the car parking requirements as set out in Clause 2.1 of Part B5 of BDCP 2015.

(b) whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment;

Extensive landscaping is proposed along the Christina Road frontage with more than 50% of the species selected from the locally indigenous Cooks River Castlereagh Ironbark Forest community.

(c) whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality;

The size of the land holding lends itself to accommodating a development of this type and scale. The adjoining and nearby building stock, particularly that which occupies sites to the immediate east, west and north, are of a similar scale. The development is consistent with the character of the locality and that which is envisaged and emerging.

(d) whether access to the proposed development will be available by means other than a residential street but, if no other means of practical access is available, the consent authority must have regard to a written statement that:

(i) illustrates that no alternative access is available otherwise than by means of a residential street; and

- (ii) demonstrates that consideration has been given to the effect of traffic generated from the site and the likely impact on surrounding residential areas; and*
- (iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment;*

Three (3) driveway crossings are proposed off Christina Road. Christina Road extends from Woodville Road (to the west) to Miller Road (to the east). Every property that fronts Christina Road is zoned IN1 General Industrial. Given the site's proximity to Woodville Road, vehicles are able to access and egress the site (and the immediate area) without impacting nearby residential streets to the north-east along Miller Road.

The traffic report submitted reviewed the existing surrounding road network and the additional traffic flows resulting from this development and has found that all intersections reviewed will maintain the existing level of service.

(e) whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened;

All of the proposed warehouses are of sufficient size to accommodate goods, equipment, machinery and plant that are typically used in association with a warehouse use.

(f) whether the proposed development will detract from the amenity of any residential area in the vicinity; and

The operations of the proposed warehouse and distribution facilities would not unreasonably impact the residential properties located to the north-east of the site along Miller Road. The servicing/truck operations for each use are predominantly contained within the industrial estate, essentially providing for 'internalised' operations given the siting of the warehouse buildings. The operations are not considered likely to detract from the residential amenity currently experienced by the residential properties to the north-east of the site, fronting Miller Road.

(g) whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.

The proposed development will be required to comply with the requirements of the Building Code of Australia and conditions are recommended with regard to energy and water efficiency within the development. It is considered that the proposal is satisfactory with conditions recommended.

Planning agreements [section 4.15(1)(a)(iia)]

A planning agreement has not been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*, nor has a draft planning agreement been offered by the applicant.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is consistent with the applicable provisions contained in the Environmental Planning and Assessment Regulation 2021.

The likely impacts of the development [section 4.15(1)(b)]

A summary of the likely impacts of the development and the consideration of each is provided below:

Environmental impacts on the natural environment

- Environmental studies / reports accompanying the application confirm that existing contaminants on the site would be suitably removed or capped and contained.
- The applicant has proposed the retention of a patch of PCT 725: Broad-leaved Ironbark in the site's north-western corner.
- The patch has an area of approx. 0.32 hectares and is contiguous with a similar patch of vegetation on the adjoining site to the immediate north.
- The detailed landscape plan provides for extensive plantings along the Christina Road frontage.
- Within the development itself, numerous plantings are provided in and around the warehouse tenancies and in and around the car parking areas, maximising the provision of pervious areas.
- The approved hydraulic plans would prevent current surface water flows from impacting the adjoining industrial sites.

Environmental impacts on the built environment

- The proposed warehouse development is of a scale that appropriately responds to the size of the site, complying with the applicable floor space ratio and site coverage controls.
- The built form is similarly respectful of the scale of the developments within the Villawood industrial estate.
- The development provides for 'pockets' of car parking as opposed to a less than desirable large expanse of a consolidated hardstand area.

Social impacts on the locality

- The proposed development would have no adverse social impacts on the broader locality.

Economic impacts on the locality

- The proposed development would provide significant employment opportunities during the construction and operational stages of the development.

Suitability of the site [section 4.15(1)(c)]

The subject site is currently vacant. The proposed warehouse buildings sit comfortably on the site and do not impose on its immediate industrial neighbours. The development is largely compliant with the relevant planning legislation. Being a large consolidated holding, the site lends itself to accommodating a development of this scale, density and character.

In light of the content of this report, the site is considered to be suitable for the development as proposed.

Submissions [section 4.15(1)(d)]

Consistent with the provisions contained in Council's Community Participation Plan, the application was both neighbour notified and advertised for a period of 28 days commencing on 16 February 2022 and concluding on 15 March 2022. Council is in receipt of one (1) submission with the following concerns being raised.

Objection: *During rain events surface stormwater currently flow onto our site causing flooding to our premises. "Could you have your planners review this situation with drainage and storm water to make sure this issue doesn't persist as it is a place of business and the area that is constantly being flooded is our stock room."*

Response: As a result of the undulations that exist across the site, currently there exists no formal collection, retention and subsequent disposal of stormwater from the site. Surface stormwater run-off is currently 'unmanaged' hence adjoining sites are likely to experience surface water flows from off the subject site. Accompanying the development application were a detailed set of hydraulic plans which provided for a holistic hydraulic analysis of the site and the development proposed to occupy the site. Council's drainage engineers have reviewed the applicant's hydraulic plans and are of the view that they satisfy Council's Development Engineering Standards. Accordingly, should the development proceed to construction, the incidence of surface stormwater entering adjoining sites will be significantly reduced.

The public interest [section 4.15(1)(e)]

The proposed development would not contravene the public interest. The development responds appropriately to the provisions contained within the Bankstown Local Environmental Plan 2015, various chapters of the Bankstown Development Control Plan 2015, and other relevant planning legislation.

CONCLUSION

This assessment report provides for a detailed assessment of the site and its surrounds and the manner in which this development application addresses the relevant planning legislation.

The proposed development successfully protects the environmental amenity of the area in addition to preserving the desired future character of the locality. As such, it

is concluded that the development has merit and is therefore worthy of being supported.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.