

COUNCIL SUPPLEMENTARY REPORT

SYDNEY SOUTH PLANNING PANEL

1. INTRODUCTION

On 25 September 2023, the Sydney South Planning Panel held a Determination Briefing in relation to PPSSSH-122.

PPSSSH-122, otherwise referred to DA-741/2022, seeks approval to undertake the following works at No 149 Orchard Road in Chester Hill:

Demolition of existing structures, removal of site vegetation and retention of 6 trees, construction of 4 warehouses and distribution buildings for 24 hours, 7 days a week operation, ancillary office spaces, awnings, associated site preparation works, vehicular and pedestrian access, car parking and landscaping, 2 pylon signs and associated business identification signage.

The resolution of the Determination Briefing was recorded as follows;

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings and briefings listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until 9 October 2023 as the information provided did not satisfy the panel that the potential for stormwater blockage should rely on a maintenance schedule and that other viable design options should be considered.

The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the development application to determination, the Panel directed that:

1. *The applicant and Council further investigate opportunities to reduce risk of stormwater drainage blockages resulting from the proposed U-turn at pit 4 and CO4. The options to be considered include:*
 - a. *a connection from pit 3 to pit C05, and*
 - b. *a connection to pit C04 to C06*

This may require minor design amendments, including to the building and pump house. The information shall include any constraints to the different options.

2. *The applicant is to submit the above information to Council by Tuesday 3 October.*

3. Council shall submit a supplementary report and a full revised set of conditions (marked Issue E) to the panel by Friday 6 October.
4. The Panel will hold a final determination meeting briefing on Monday 9 October.

If the information requested is not provided by 3 October 2023, the Panel may move to determine the DA based on the information currently on hand.

2. THE COUNCIL'S AND THE APPLICANT'S RESPONSE

In response to the above resolution, meetings were held between Council and the Applicant on Tuesday 26 September 2023 and Thursday 28 September 2023.

At these meetings the following options were discussed;

2.1. Option A – Direct Connection from Pit 3 to Pit CO5

At the meeting of 26 September, Council and the Applicant discussed the benefits and limitations of a direct connection from Pit 3 to Pit CO5, as recommended by Council's Engineers and marked up on Civil Drawings Revision D dated 01.09.23. It was agreed that the recommended design would eliminate the U-turn at pit 4 and pit CO4. However, the design would impact the existing services that run along the boundary of 149 Orchard Road and 161 Orchard Road and would require the removal of Tree 46 and Tree 47, as identified in the submitted Arboricultural Impact Assessment, dated 21/04/2022, by Canopy Consulting.

In addition, concerns were raised regarding works on 161 Orchard Road. Council's Development Engineer advised that Council employees and Council authorised agents, including developers, can undertake works within Council easements.

No agreement between Council and the Applicant was made on this design.

2.2. Option B – Connection from Pit CO4 to Pit CO6

The option to create a direct connection from Pit CO4 to Pit CO6 was generally supported by Council's Engineers, however the Applicant advised that the design would involve significant constraints, including the following:

- The proposed fire sprinkler tank, pump house, and fire brigade staging area would need to be relocated within the front setback of the development. The protection of the existing mature fig tree in the front setback has significant implication for access and car parking arrangements and severely limits the locations available for this infrastructure.
- The easement requirement by Council would require building redesign which could result in unknown consequences.
- A full assessment against the requirements of Fire and Rescue NSW has not been carried out and hence the required approval by Fire and Rescue NSW may not be possible. Any relocation of the infrastructure may result in the following:
 - Potential removal of the mature fig tree to enable the relocation of the fire brigade infrastructure.
 - Potential loss of car parking to enable compliant swept paths.
 - Reduction in landscaping and undesirable streetscape impacts previously raised by Council as a result of relocating the tank to within 10m of the front boundary.

In short, the main reasons this option was not favoured (over Option E) include the following;

- While the 'sharpness' of the turn is reduced, it still constitutes a U-turn.
- It would require the sprinkler tank and the pump house to be relocated so as to sit within the front landscaped area – a position that Council originally requested the Applicant to avoid occurring.

2.3. Option C – Modified Connection from Pit CO4 to Pit CO5

The Applicant proposed a modified connection from Pit CO4 to Pit CO5 that would reduce the 'sharpness' of the U-turn at Pit 4 and Pit CO4, however this design would introduce another 90 degree bend at Pit CO5. Council advised that this was not desirable outcome. No agreement was made on this design.

2.4. Option D – New Connection from Pit 2 to Pit CO8

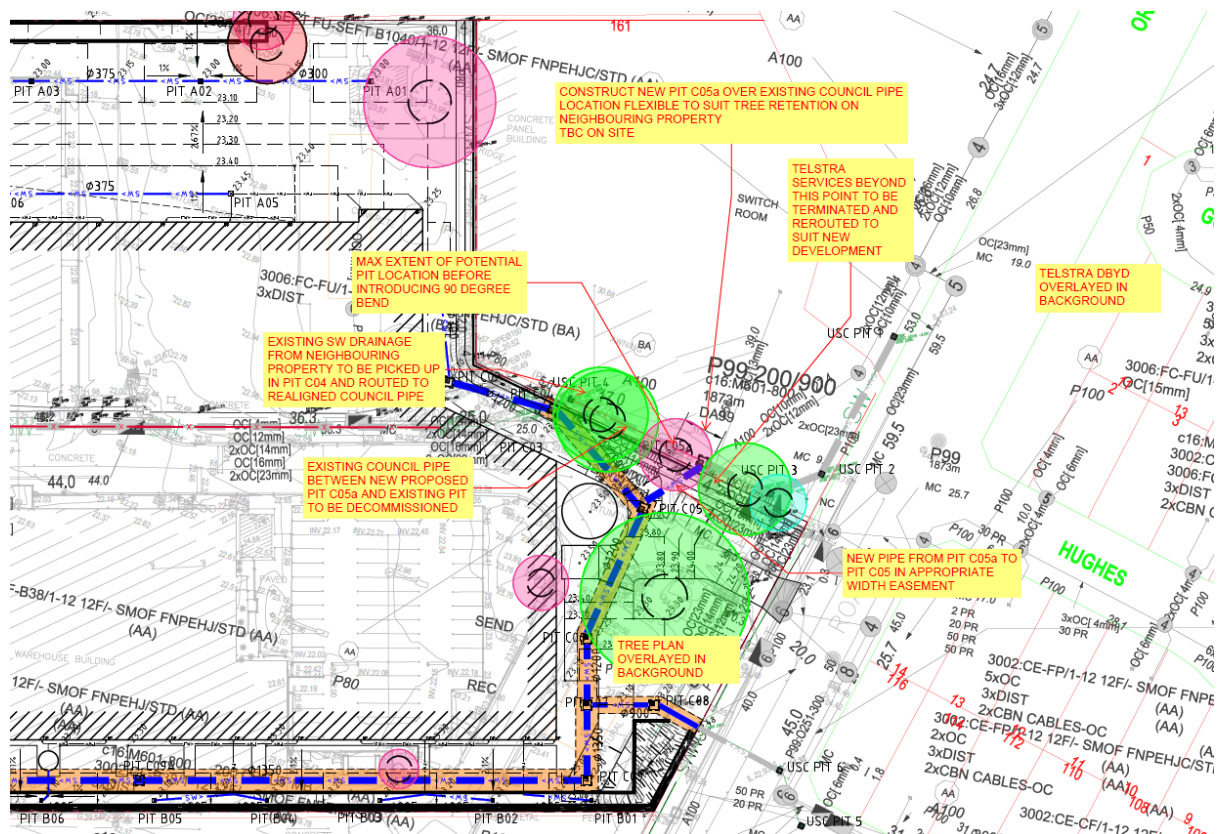
At the meeting of 28 September 2023, Council recommended an alternative design solution where a direct connection would be created between Pit 2 to Pit CO8. The pipe would run along the Orchard Road road reserve and avoid the Telstra pit. In principal, this design would eliminate the U-turn bend at Pit 4 and Pit CO4.

However, concerns were raised by the Applicant regarding extensive works on public land and the unknown hydrological capacity at Pit 4.

It was agreed that there were insufficient information and time to explore this option.

2.5. Option E – Modified Connection from Pit 3 to Pit CO5 with New Pit CO5a

At the meeting of 28 September 2023, Council and the Applicant reached an in principle agreement for a connection between Pit 3 to Pit CO5 in an amended stormwater pipe alignment. As seen in the figure below, a new Pit CO5a will create a direct connection to Pit CO5.



As seen above, the modified alignment will require works within the 6.5m TPZ of Tree 45 - Spotted Gum. The proposed design was referred and found to be supportable by Council's Tree Management Officer who has provided additional conditions of consent. Specifically, the condition requires installation of the stormwater pipe by careful digging using hand tools or horizontal boring within.

The benefits of this option includes the following:

- It removes the U-turn required from existing 'USC PIT 3' to 'PIT C05' (i.e. via 'USC PIT 4 and 'PIT C04'). As sought by 'Action 1' above (of the resolution) it ideally reduces the '*... risk of stormwater drainage blockages resulting from the proposed U-turn at pit 4 and CO4.*
- It enables the front landscaped area to be free of the sprinkler tank and pump house in that they can be retained adjacent Warehouse 1. That is, should Option B be pursued (the option suggested by Action 1 above) these structures would need to be re-located so as to sit within the front setback.
- This option would remove the need to impose a condition of consent such that a 'maintenance schedule' is required.
- Council's stormwater and asset engineers are not of the view that a revised TUOFLOW module / DRAINS model would be required given the similar capacity (above that originally proposed) with the design.
- The design does not require the removal of any trees on the neighbouring property and would avoid services located around Pit 3.

3. CONCLUSION

At the meeting of 28 September 2023, Council and the Applicant reached an in-principle agreement for Option E. In essence, the design avoids the U-turn bend, avoids the need for a maintenance schedule, achieves similar hydrological capacity, does not require the removal of any trees, achieves Council's requirements and considers the Applicant's concerns.