

**ITEM****20 Dasea Street, CHULLORA NSW 2190**

**Demolition of existing sheds/structures, the decommissioning of the old (original) provisioning point, a relocation of existing infrastructure (waste water treatment, oil tank, coolant tank containers), the construction of a Locomotive Provisions Centre, alterations to the railway track and extension into the proposed Locomotive Provisions Centre and the relocation of two diesel fuel tanks to a create fuel truck unloading area**

**FILE****DA-478/2020****ZONING****IN1 General Industrial****DATE OF LODGEMENT****16 June 2020****APPLICANT****Barr Property and Planning****OWNERS****Asciano Services Pty Ltd****CAPITAL ESTIMATED  
VALUE****\$5,504,000****AUTHOR****Cassandra Gibbons****SUMMARY REPORT**

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated capital investment value of \$5,504,000 which exceeds the capital investment threshold of \$5 million for '*private infrastructure and community facilities*'.

Development Application No. DA-478/2020 proposes the demolition of existing sheds/structures, the decommissioning of the old (original) provisioning point, a relocation of existing infrastructure (waste water treatment, oil tank, coolant tank containers), the construction of a Locomotive Provisions Centre, alterations to the railway track and extension into the proposed Locomotive Provisions Centre and the relocation of two diesel fuel tanks to create a fuel truck unloading area.

The application is nominated integrated development in accordance with the *Water Management Act 2000*.

Development Application No DA-478/2020 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 *Water Management Act 2000*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*, *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, *Bankstown Local Environmental Plan 2015*, *Bankstown Development Control Plan 2015* and the *Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020*.

The application was advertised for a period of 28 days. One objection was received during this period with concerns being raised in relation to the acoustic impacts of the development.

### **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.

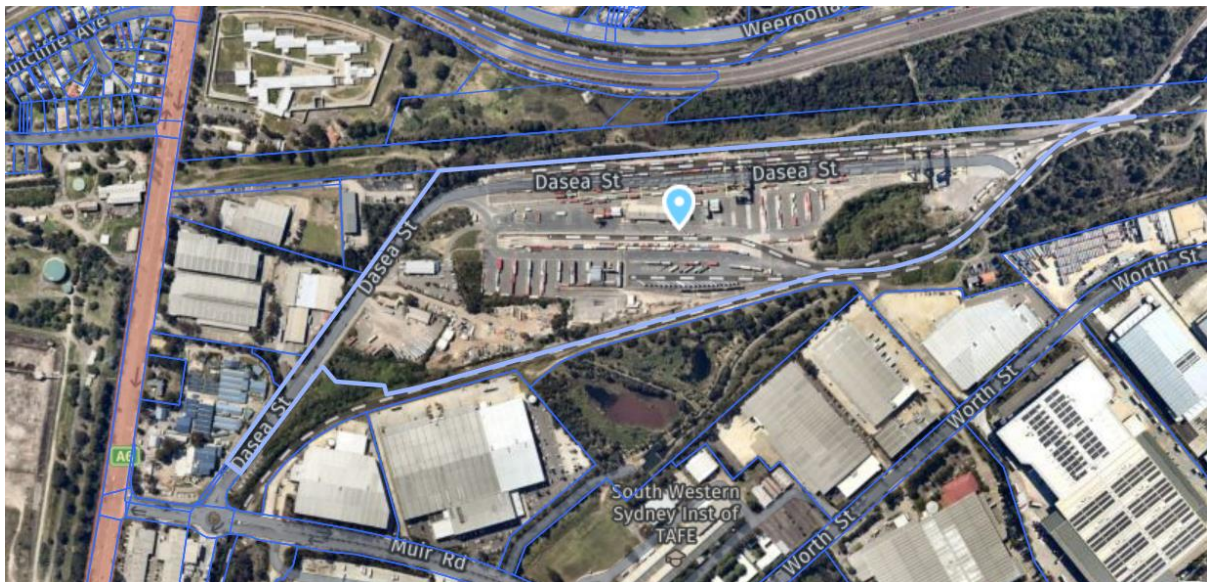
## **DA-478/2020 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

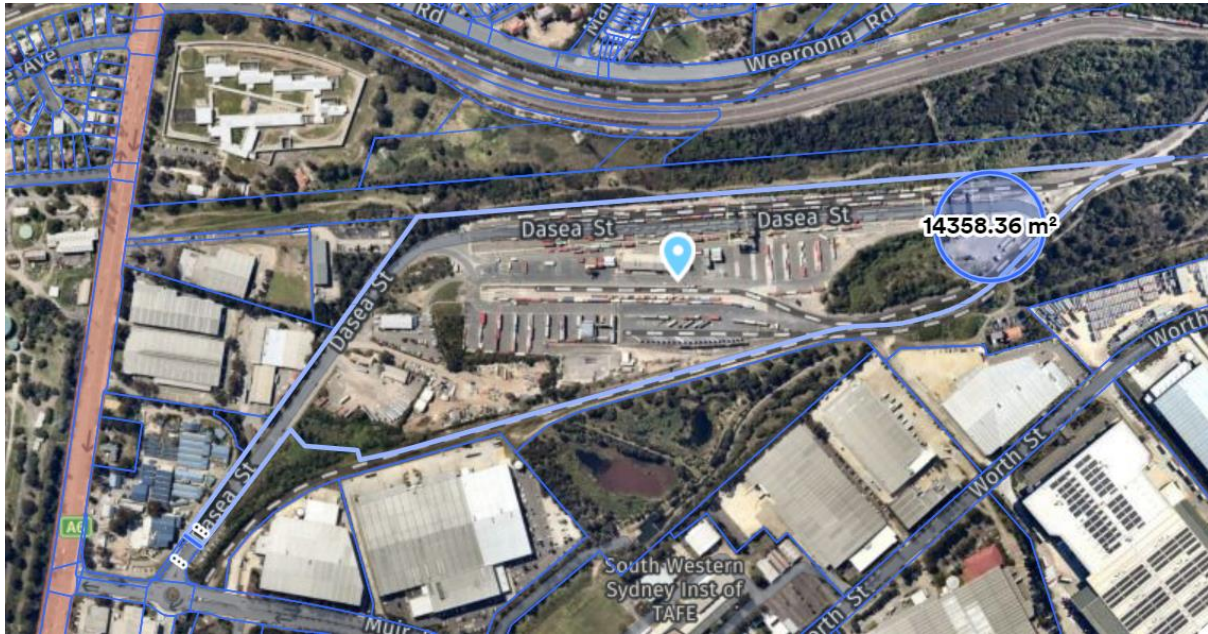
The subject site is known as 20 Dasea Street, Chullora. The site is an irregular shaped allotment that is currently zoned IN1 General Industrial under the *Bankstown Local Environmental Plan 2015*. The site abuts the northern boundary of Council's local government area. Industrial zoned land adjoins the sites southern, western and eastern boundaries while the site is bound to the north by railway lines and vacant land/reserve within the Cumberland City Council local government area.

The site has an overall area of 19.95 hectares and enjoys vehicular access off Dasea Street. The site contains an internal private road that serves as a formalised means of access into and around the allotment. The site contains a watercourse, traversing through the vegetation immediately to the west of the portion of the site being the subject of this application. Remnant vegetation is present within the wider allotment.

Sydney Freight Terminal currently operate on site, with the associated loading and unloading of freight, storage of containers and the provisioning and refuelling of locomotives with ancillary offices and amenities required for the freight operations.



**Figure 1:** Aerial of subject site in blue. **Source:** NearMaps 2020



**Figure 2:** Aerial of subject site in blue with the portion of the site to be developed confined to the area within the blue circle. **Source:** NearMaps 2020

## **PROPOSED DEVELOPMENT**

The development application proposes alterations and additions to an existing Freight Terminal Facility.

The subject development application specifically seeks approval for the following works on site:

- The construction of an additional rail track that connects to the existing track within the site and terminates in the proposed Locomotive Provisions Centre;
- The construction of a Locomotive Provisions Centre that includes a single storey building with a floor area of 427m<sup>2</sup>;
- The relocation of two diesel fuel tanks to create a fuel truck unloading area;
- The relocation of the existing wastewater facility; and
- The demolition of an oil tank shed and hardstand areas.

## **Statutory Considerations**

When determining this application, the relevant matters listed in Section 4.15 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:

- Water Management Act 2000
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 33 - Hazardous and Offensive



- Development
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Bankstown Local Environmental Plan 2015
- Bankstown Development Control Plan 2015
- Bankstown Section 94A Development Contributions Plan
- Draft consolidated Canterbury Bankstown Local Environmental Plan 2020

## **Water Management Act 2000**

The development proposes works in proximity to a watercourse that currently runs through the site. The application was referred to NSW Natural Resources Access Regulator (NRAR) pursuant to Clause 91 of the *Water Management Act 2000*.

General terms of approval were issued by Water NSW. As such, it is considered that the development satisfies the requirements of the *Water Management Act 2000*.

## **SECTION 4.15 ASSESSMENT**

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

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

#### **State Environmental Planning Policy No 55 – Remediation of Land**

*State Environmental Planning Policy No 55* (SEPP 55) 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.

The site has a history of rail infrastructure/industrial land uses, with recent operations approved in 1997 for a Freight Terminal Facility. To address the issue of potential contamination, a Detailed Site Investigation (DSI) was undertaken. The DSI was subsequently reviewed by a Site Auditor who has completed a Site Audit Report providing an overview of the methodology undertaken in the DSI.

Council officers have reviewed the DSI and Site Audit Report submitted and are satisfied that the site will be suitable for the proposed use subject to conditions of consent imposed to comply with the documents submitted and the establishment of an unexpected finds protocol for the works on site.

It is therefore considered that the consent authority can be satisfied that the development site can be made suitable for the proposed development, in accordance with Clause 7 of SEPP 55.

#### **State Environmental Planning Policy 33 - Hazardous and Offensive Development**

The application has been assessed against the provisions contained within *State Environmental Planning Policy No 33* (SEPP 33) as the proposal includes the storage of Class 3 flammable liquids on site. The proposal includes the relocation and installation of two diesel fuel tanks holding a combined volume of 198,500L and minor quantities of lubricants and coolants associated with the Locomotive Provisions Centre. The substances required for the operations of the Provisions Centre and for refueling are considered potentially hazardous and require an assessment against the SEPP and relevant guidelines.

Pursuant to Clause 12 of SEPP 33, the applicant is required to prepare a preliminary hazard analysis (PHA) in accordance with the current circulars and guidelines as published by the Department of Planning.

The applicant has prepared and submitted a response to the requirements of SEPP 33. The response has concluded that given the quantities proposed to be stored on site and the distance to the closest boundary, a preliminary hazardous assessment is not required. This is consistent with Council's review of the 'Hazardous and Offensive Development Application Guidelines: Applying SEPP 33'. Subject to conditions limiting the quantity as proposed in accordance with the application, it is considered that the proposed development is not potentially hazardous.

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

#### *Sydney Trains*

The application was referred to Sydney Trains, pursuant to Clauses 45 and 85 of *State Environmental Planning Policy (Infrastructure) 2007*. The application has been reviewed by Sydney Trains who have provided concurrence subject to the imposition of conditions to be satisfied prior to works commencing and during construction.

#### *Roads and Maritime Services*

The application was referred to Transport for NSW (TfNSW) as requiring concurrence pursuant to Clause 104 and Schedule 3 of the SEPP. TfNSW have reviewed the proposal and raised no objection, subject to the imposition of conditions outlined in a concurrence letter provided dated 18 August 2020. The conditions have been imposed within the consent.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

No vegetation is proposed to be removed in association with this development. The proposed development has been reviewed by Council's Tree Management Officer who considers the works involved will not impact the vegetation to the west of the area subject to this application. As such, it is considered that the proposal satisfies the provisions of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

### **Bankstown Local Environmental Plan 2015**

This site is zoned IN1 General Industrial under *the Bankstown Local Environmental Plan 2015* (BLEP 2015). The controls applicable to this application are discussed below.

### **Clause 1.2 Aims of Plan**

Clause 1.2 of BLEP 2015 reads as follows:

*(2) The particular aims of this Plan are as follows—*

- (a) to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,*
- (b) to protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,*
- (c) to protect the natural, cultural and built heritage of Bankstown,*
- (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,*
- (e) to minimise risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,*
- (f) to provide a range of housing opportunities to cater for changing demographics and population needs,*
- (g) to provide a range of business and industrial opportunities to encourage local employment and economic growth,*
- (h) to provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,*
- (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
- (j) to concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network,*
- (k) to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network,*
- (l) to enhance the quality of life and the social well-being and amenity of the community.*

Comment: The proposal complies with the relevant aims of this Plan.

### **Clause 2.3 Zone objectives and Land Use Table**

Clause 2.3(2) of BLEP 2015 states that 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.

The objectives of the IN1 General Industrial Zone are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*

- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The proposed development meets the objectives of the IN1 General Industrial zone as it provides for a Locomotive Provisions Centre to an existing Freight Transport Facility. The proposal will assist in achieving the objectives of the zone by formalising the existing operations on site whilst ensuring that the continued use of the site will have minimal impact to properties within the immediate vicinity.

Provision/ Standard	Requirement	Proposal	Complie s
<b>Part 2 Permitted or Prohibited Development</b>			
2.1-2.3 Zoning	IN1 General Industrial	Freight Transport Facility	Yes
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Minor demolition required to the existing building to facilitate the extensions.	Yes
<b>Part 4 Principal Development Standards</b>			
4.3 Height of Buildings	No Height of Building control	9.5m above existing natural ground.	N/A
4.4 Floor Space Ratio	1:1 maximum  The site area is 19.95 hectares.	Development on the site does not exceed an FSR of 1:1.	Yes
4.6 Exceptions to Standards	To provide an appropriate degree of flexibility in applying certain development standards to particular development	No variations are sought to any development standards	N/A
<b>Part 5 Miscellaneous Provisions</b>			
5.10 Heritage	The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The site is located adjacent to a State Heritage Item, listing number 01630 known as the 'pressure tunnel, shaft No 1 and associated infrastructure'. The Office of Heritage were contacted and have advised that no approval under the Heritage Act is required.  Further given the location of the works proposed, it is not considered that the works will result in any impacts to the heritage significance of the listing. As such, a heritage management document is not required.	Yes
<b>Part 6 Local Provisions</b>			



Provision/ Standard	Requirement	Proposal	Complie s
6.2 Earthworks	<p>Before granting consent to development including earthworks, the following must be considered:</p> <ul style="list-style-type: none"> <li>(a) drainage patterns and soil stability</li> <li>(b) the likely future use or redevelopment of the land,</li> <li>(c) quality of the fill or the soil to be excavated, or both,</li> <li>(d) effect of development on existing and likely amenity of adjoining properties,</li> <li>(e) the source of any fill material and the destination of any excavated material,</li> <li>(f) the likelihood of disturbing relics,</li> <li>(g) the potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</li> <li>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul>	<p>The proposal includes minor earthworks to facilitate construction and is not considered to cause any detrimental impacts on the drainage patterns, soil stability, amenity of adjoining properties or future redevelopment of land.</p>	Yes
6.3 Flood Planning	<p>This clause applies to land at or below the flood planning level.</p> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> <li>(a) is compatible with the flood hazard of the land, and</li> <li>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) incorporates appropriate measures to manage risk to life from flood, and</li> <li>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</li> <li>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul>	<p>The site is affected by medium flood risk. The proposal is considered 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 development as a result of the construction of the Locomotive Provisions Centre.</p>	Yes

Provision/ Standard	Requirement	Proposal	Complies
6.4 Biodiversity	<p>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> <li>(a) whether the development is likely to have— <ul style="list-style-type: none"> <li>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</li> <li>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</li> <li>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</li> <li>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</li> </ul> </li> <li>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul> <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</li> <li>(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.</li> </ul>	<p>The site is mapped as ‘Biodiversity’ on the Terrestrial Biodiversity Map.</p> <p>The development will not have an impact on the ecological significance or value of the vegetation on site.</p> <p>The applicant does not seek to remove any vegetation. The Locomotive Provisions Centre is situated on a portion of the site which is existing hardstand area.</p>	Yes

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

The Draft Canterbury Bankstown Local Environmental Plan 2020 (CBLEP 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 to be reviewed 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 BLEP 2015 and CLEP 2012 into a combined document under the Standard Instrument LEP template.

With respect to the proposed development the proposal remains consistent with the aims and objectives of the draft instrument.

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

The following table provides a summary of the development application against the controls contained in Part B3 of Bankstown Development Control Plan 2015.

<b>BANKSTOWN DEVELOPMENT CONTROL PLAN</b>				
<b>PART B3 - INDUSTRIAL PRECINCTS</b>				
<b>Control</b>	<b>Comment</b>	<b>Y</b>	<b>N</b>	<b>N/A</b>
<b>Introduction</b>				
To have general industrial precincts in the City of Bankstown that accommodates a wide range of contemporary industries, warehouses and other compatible land uses within a generous landscape setting and protects the industrial land for industrial uses.	The application seeks consent to formalise the existing provisioning and refueling operations on site. The development will allow for the continued industrial use of the site and will remain compatible with the surrounding industrial properties.	Y		
<b>Building Envelopes</b>				
To have development that is compatible with the desired character and role of the particular industrial precinct.	The development is compatible with the desired character of the industrial zone. The proposal will see the formalisation of the existing operations on site. The development will not detract from the industrial character, rather provide a built form responsive to the character of the existing operations that are undertaken on site.	Y		
To have transitional areas that are compatible with the prevailing suburban character and amenity of neighbouring residential environments	The site is located within an IN1 General Industrial zone. The portion of the development site that is being developed is located over 400m away from the closest residential receivers. The proposal will not have any impact on the residential properties to the north as a result of the formalisation of the provisions area. Council's review of the applicant's acoustic report confirms as such.	Y		
The sum of the site coverage on an allotment must not exceed: (a) 70% of the site area if a single business is to occupy the allotment; or (b) 60% of the site area if two or more businesses are to occupy the allotment.	The site is occupied by one operator. The site structures do not exceed 70% site coverage.	Y		
2.3 Where allotments do not adjoin a	The works proposed are located in the	Y		

state or regional road, the minimum setback for development: (a) to the primary road frontage is 10 metres; and (b) to the secondary road frontage is 3 metres.	south eastern portion of the site in excess of 900m away from Dasea Street.			
Council may require minimum setbacks to the side and rear boundaries of an allotment: (a) to maintain reasonable solar access or visual privacy to neighbouring dwellings; or (b) to avoid an easement or the dripline of a tree on an allotment or adjoining allotment; or (b) to comply with any multi-level risk assessment undertaken for a development that ascertains the need for an appropriate setback or buffer zone between the development and any adjoining or neighbouring land within a residential zone.	The Locomotive Provisions Centre is proposed to be sited over 15 metres from the site's southern boundary.  The proposed works are situated in excess of 400m away from the residential properties to the north.	Y		
(a) At least one living area of a dwelling on an adjoining allotment must receive a minimum 3 hours of sunlight between 8.00am and 4.00pm at the mid-winter solstice. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected living areas of the dwelling. (b) A minimum 50% of the required private open space for a dwelling that adjoins a development receives at least 3 hours of sunlight between 9.00am and 5.00pm at the equinox. Where this requirement cannot be met, the development must not result with additional overshadowing on the affected private open space.	No overshadowing of any residential properties will occur.	Y		
Development must achieve a minimum setback of 15 metres from a riparian corridor (measured from the top of the watercourse banks), and must revegetate the riparian corridor to Council's satisfaction.	No works are proposed within 15m of the watercourse and the site's existing vegetation. No vegetation will be removed as part of this application.	Y		
In determining a development application that relates to land adjoining land in Zone R2, R3 or R4, Council must take into consideration the following matters: (a) whether any proposed building is compatible with the height, scale, siting and character of existing residential development within the adjoining residential zone; (b) whether any goods, plant,	The site does not directly adjoin residentially zoned land.  The industrial site is separated from the nearest residential properties (in Lidcombe) by allotments occupied by rail infrastructure, vegetated land and Weeroona Road.  The development, including activities generating by the development, will not	Y		

<p>equipment and other material used in carrying out the proposed development will be stored or suitably screened from residential development;</p> <p>(c) whether the proposed development will maintain reasonable solar access to residential development between the hours of 8.00am and 4.00pm at the mid–winter solstice;</p> <p>(d) whether noise generation from fixed sources or motor vehicles associated with the proposed development will be effectively insulated or otherwise minimised;</p> <p>(e) whether the proposed development will otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting, fumes, gases, smoke, dust or odours, or the like; and</p> <p>(f) whether any windows or balconies facing residential areas will be treated to avoid overlooking of private yard space or windows in residences.</p>	<p>have any acoustic or visual privacy impacts on these residents.</p>			
<b>Building Design</b>				
<p>To have development that achieves good urban design in terms of building form, bulk, architectural treatment and visual amenity.</p>	<p>The development proposed is considered a simplified built form that is responsive to, and reflective of, the overall development and operations on site. The modest built form presented is considered a good urban design outcome on the site, given the sites location, function and operation.</p>	Y		
<p>Development must articulate the facades to achieve a unique and contemporary architectural appearance that:</p> <p>(a) unites the facades with the whole building form;</p> <p>(b) composes the facades with an appropriate scale and proportion that responds to the use of the building and the desired contextual character;</p> <p>(c) combines high quality materials and finishes;</p> <p>(d) considers the architectural elements shown in the illustration to this clause; and</p> <p>(e) considers any other architectural elements to Council's satisfaction.</p>	<p>The development is located on a site of 19.95 hectares. The proposal, in part, is for the construction of a 427sqm Locomotive Provisions Centre.</p> <p>The location of the Provisions Centre is over 900m away from the site's front boundary and is in excess of 15m away from the rear boundary.</p> <p>The design is simple in presentation and fits within the wider aesthetic of the site, given the freight facility that is operating and the storage of containers on site.</p>	Y		
<p>Development may have predominantly glazed facades provided it does not cause significant glare nuisance.</p>	<p>The development incorporates some translucent panels within the overall structure to provide relief to the colourbond sheeting proposed. The</p>	Y		

	design is considered acceptable in the context of the site.			
Where development proposes a portal frame or similar construction, Council does not allow the “stepping” of the parapet to follow the line of the portal frame.	Not proposed	Y		
Development must use: (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.  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.	The development is for a Locomotive Provisions Centre that does not have street presentation. The structure has been purposely designed to allow for the provisions and refueling of locomotives to occur within. The design of the structure is in keeping with the use of the site as a freight terminal facility. The design is satisfactory in the context of the site and the surroundings.	Y		
Development must incorporate an innovative roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes.	The development incorporates a simplified roof design that sits within the overall design of the structure. The structure proposed is considered fit for purpose and suitable in the context of the site.	Y		
The front door to buildings should face the street.	NA			NA
The administration offices or industrial retail outlets must locate at the front of buildings.	Unchanged in this application.	Y		
Windows on the upper floors of a building must, where possible, overlook the street.	The development is located towards the rear boundary. The design is satisfactory.	Y		
Access to loading docks or other restricted areas in buildings must only be available to tenants via a large security door with an intercom, code, or lock system.	Unchanged in this application. The site is secured with gated access only.	Y		
Unless impractical, access to outdoor car parks must be closed to the public outside of business hours via a lockable gate.	Unchanged in this application.			NA
Development must provide lighting to the external entry paths, common lobbies, driveways and car parks using vandal resistant, high mounted light fixtures.	Conditions have been imposed to ensure lighting on site is satisfactory.	Y		
Where an allotment shares a boundary with a railway corridor or an open stormwater drain, any building, solid fence, or car park on the allotment should, wherever practical, be setback	The development has been referred to Sydney Trains. The new structure proposed has existing track work between the Locomotive Provisions Centre and the boundary.	Y		



<p>a minimum 1.5 metres from that boundary. The setback distance must be:</p> <p>(a) treated with hedging or climbing vines to screen the building, solid fence, or car park when viewed from the railway corridor or open stormwater drain; and</p> <p>(b) the hedging or climbing vines must be planted prior to the completion of the development using a minimum 300mm pot size; and</p> <p>(c) the planter bed area must incorporate a commercial grade, sub-surface, automatic, self-timed irrigation system; and</p> <p>(d) the allotment must be fenced along the boundary using a minimum 2 metre high chain-wire fence; and</p> <p>(e) the fence provides an appropriate access point to maintain the landscaping within the setback area; and</p> <p>(f) where a car park adjoins the boundary, hedging or climbing vines must also be planted along the sides of any building or solid fence on the allotment that face the railway corridor or open stormwater drain.</p> <p>If a setback for landscaping under this clause is impractical, other means to avoid graffiti must be employed that satisfies Council's graffiti minimisation strategy.</p>	<p>It is not considered suitable for the installation of hedging, planters or screening along the boundary, given the operational track work in place.</p> <p>It is not considered practical to require any further treatment.</p>			
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<p>Council must take into consideration the following matters for development in the industrial zones:</p> <p>(a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated;</p> <p>(b) Suitability of landscaping - whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment;</p> <p>(c) Improved character - whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality;</p> <p>(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:</p> <p>(i) illustrates that no alternative access is available otherwise than by means of a residential street; and</p> <p>(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</p> <p>(iii) identifies appropriate traffic management schemes which would mitigate potential impacts of the traffic generated from the development on any residential environment;</p> <p>(e) Screening of plants and goods whether goods, plant, equipment and other material used in carrying out the proposed development will be suitably stored or screened;</p> <p>(f) whether the proposed development will detract from the amenity of any residential area in the vicinity; and</p> <p>(g) Energy efficiency - whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.</p>	<p>The development does not require any increase in car parking on site. The Provisions Centre will see a formalisation of the existing operations. No increases are sought to the capacity of the facility, staff or proposed hours. It is considered that the car parking arrangements are satisfactory for the continued operations on site.</p> <p>No change is proposed to the existing landscaping on site.</p> <p>The development will unify the existing operations on site and provide for a better operational outcome, whilst providing a built form that is within the character of the development on site.</p> <p>No changes are proposed to the access arrangements.</p> <p>The application includes the construction of a Locomotive Provisions Centre that will assist in containing operations undertaken on site.</p> <p>It is not considered the adjoining residential lots located over 400m to the north west will be impacted by the development as evidenced by the content of the applicant's acoustic report.</p> <p>The development will be conditioned to comply with the Building Code of Australia.</p>	Y		
<b>Environmental Management</b>				
To have development that minimises	The development is not considered to	Y		

pollution and environmental risk and enhance ecological values.	result in any significant environmental risk or reduced ecological value.			
To have development that provides adequate amenity to people who work in and visit the local area.	Unchanged in this application.	Y		
Industrial noise Development must: (a) consider the Industrial Noise Policy and the acoustic amenity of adjoining residential zoned land; and (b) may require adequate soundproofing to any machinery or activity that is considered to create a noise nuisance.	An acoustic report was submitted and reviewed by Council's Environmental Health officer who is satisfied with the recommendations of the report. Conditions have been imposed to ensure compliance with this report.	Y		
Development must adequately control any fumes, odour emissions, and potential water pollutants in accordance with the requirements of the relevant public authority.	It is not considered the development will result in any adverse impacts on the surrounding locality, subject to the conditions imposed.	Y		
Development must provide a landscaped area along the primary and secondary road frontages of an allotment in accordance with the following minimum widths:  Less than 600sqm: 2.5 metres 600sqm–999sqm: 3.5 metres 1,000sqm–1,999sqm: 4.5 metres 2,000sqm–3,999sqm: 6 metres Greater than 4,000sqm: 10 metres  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.	Unchanged in this application.			NA
Where development provides a landscaped area, the development should also provide employee amenities that utilises or has access to the landscaped area. The landscaped area should include a combination of grass, plantings, pavement, shade, and seating to allow employees to engage in a pleasant working environment.	Unchanged in this application.			NA
The development must: (a) retain and protect any existing trees identified by Council on an allotment and adjoining allotments; and (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.	The development does not propose to remove any vegetation on site. Council's Tree Management Officer has raised no objection to the proposed development.	Y		
<b>Ancillary Development</b>				
To have ancillary development that unifies the development appearance and achieves good urban design in	The installation of the Provisions Centre assists in the formalisation of the operations on site and presents a	Y		

terms of architectural treatment and visual amenity.	unified design across the site.			
The storage and use of hazardous materials must comply with the requirements of WorkCover NSW and other relevant public authorities.	The development includes the storage of fuel and other small quantities of coolant and oil. Conditions regarding the storage of fuel on site have been proposed to ensure compliance with the requirements of Workcover and the relevant Australian Standards.	Y		
The storage and use of dangerous goods must comply with the Dangerous Goods (Road and Rail Transport) Act 2008 and its regulations, and any other requirements of WorkCover NSW.	The development includes the storage of fuel and other small quantities of coolant and oil. Conditions regarding the storage of fuel on site have been proposed to ensure compliance with the requirements of Workcover and the relevant Australian Standards.	Y		
External lighting to industrial development must give consideration to the impact of glare on the amenity of adjoining residents.	A condition of consent has been imposed to achieve compliance.	Y		
Council may require development to include public domain improvements to an adjacent footpath in accordance with a design approved by Council's Landscape Architect.	Not required.			NA

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

There are no planning agreements applicable to the proposed development.

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

The provisions contained within Clause 28(c) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 have been considered in the event that works are proposed to an existing Railway Freight Terminal.

As prescribed by the Regulations, where works are proposed within 40m of a watercourse it would trigger consideration as 'designated development'. Clause 28 reads as follows:

#### **28 Railway freight terminals**

*Railway freight terminals (including any associated spur lines, freight handling facilities, truck or container loading or unloading facilities, container storage, packaging or repackaging facilities)—*

*(a) that involve more than 250 truck movements per day, or*

*(b) that involve the clearing of more than 20 hectares of native vegetation, or*

*(c) that are located—*

**(i) within 40 metres of a natural water body, wetland or environmentally sensitive area, or**

*(ii) within 500 metres of a residential zone or dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

The proposal seeks consideration pursuant to Clause 35 in Part 2 of Schedule 3 of the Regulations which reads as follows:

*35 Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.*

The operations for the Freight Terminal Facility were approved in 1997. This development application seeks approval for the installation and formalisation of the provisioning and refueling area for the locomotives on site. The land use and operations on site for the freight facility have been previously approved. The formalisation of the operations proposed within this application are not considered to 'significantly increase the environmental impacts of the total development', when compared to the approved operations on site.

It is considered the works proposed can be assessed under Clause 35 and do not constitute a designated development application.

The proposed development is consistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

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

The proposed development is not considered likely to result in any significant detrimental environmental, social or economic impacts on the locality. The development is compliant with the relevant environmental planning policies and other associated planning legislation. As such, it is considered that the impact of the proposed development on the locality is acceptable.

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

The site is considered suitable for the proposed development.

**Submissions [section 4.15(1)(d)]**

The application was advertised for a period of 28 days. One submission was received during this period with concerns being raised in relation to noise pollution during the development and after the completion due to the increase in business activities.

Submission: *Concerns with the growing noise pollution during the developments and after its completion as I would have imagined the business activities will only increase. Noises coming from the site are already at a concerned level especially at night because of it's 24 hours operation.*

*I would like the Council to conduct an acoustic assessment and implement the necessary strategies to reduce the noise pollution for the surrounding residential community which is only 100 metres away.*

Response: The application was accompanied by an acoustic report. The acoustic report was reviewed by Council's Environmental Health Officers who have raised no objection to the proposal subject to conditions of consent.

The application does not seek to increase, intensify or change the operational hours or processes on site. The installation of the Provisions Centre will not result in an increase in the capacity previously approved on the site or the operational hours.

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

Approval of the proposed development is not considered to contravene the public interest.

#### **CONCLUSION**

Development Application No DA-478/2020 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 *Water Management Act 2000*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*, *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, *Bankstown Local Environmental Plan 2015*, *Bankstown Development Control Plan 2015* and the *Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020*.

As outlined in the assessment above, the development was found to be compliant with the relevant planning controls and policies.

#### **RECOMMENDATION**

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