

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSSH-7
<b>DA Number</b>	DA-632/2019
<b>LGA</b>	Canterbury Bankstown Council
<b>Proposed Development</b>	<i>Detailed development approval on part of proposed lot 2: Demolition of existing structures, remediation of the site, removal of trees, construction of two (2) industrial buildings with five (5) warehouses and distribution centres (with ancillary office space, loading docks, car parking) and new access road 24 hour operation 7 days a week and associated pylon sign. The remainder of proposed lot 2 is a concept only and is subject to a future development consent. Consolidation of 6 existing lots and re-subdivision into 2 lots.</i>
<b>Street Address</b>	1 Monier Square & 220, 236 & 246 Miller Road, Villawood
<b>Applicant/Owner</b>	Applicant: Logos Property  Owners: Perpetual Trustee Company Limited (1 Monier Square & 220 & 246 Miller Road, Villawood) and Toll Properties Pty Ltd (236 Miller Road, Villawood)
<b>Date of DA lodgement</b>	22 August 2019
<b>Number of Submissions</b>	One (1) submission was received following the cessation of the advertising period
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	The proposed development has an estimated capital investment value that exceeds the threshold of \$30 million under Schedule 7(2) <i>SEPP (State and Regional Development) 2011</i> .
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</li> <li>• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ('Deemed SEPP')</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Bankstown Local Environmental Plan 2015 (BLEP 2015)</li> <li>• Draft Canterbury Bankstown Consolidated Local Environmental Plan 2020</li> </ul>

	<ul style="list-style-type: none"> <li>• Bankstown Development Control Plan 2015 (BDCP 2015)</li> <li>• Bankstown Section 94A Development Contributions Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Architectural plans</li> <li>• Landscape plans</li> <li>• Stormwater plans</li> <li>• Subdivision plans</li> <li>• Riparian management advice</li> <li>• Signage plan</li> </ul>
<b>Report prepared by</b>	Kristy Bova
<b>Report date</b>	5 November 2020

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

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

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

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

<b>ITEM</b>	<b>1 Monier Square &amp; 220, 236 &amp; 246 Miller Road, Villawood</b>
	<b>Detailed development approval on part of proposed lot 2: Demolition of existing structures, remediation of the site, removal of trees, construction of two (2) industrial buildings with five (5) warehouses and distribution centres (with ancillary office space, loading docks, car parking) and new access road 24 hour operation 7 days a week and associated pylon sign. The remainder of proposed lot 2 is a concept only and is subject to a future development consent. Consolidation of 6 existing lots and re-subdivision into 2 lots.</b>
<b>FILE</b>	<b>DA-632/2019 - Bass Hill Ward</b>
<b>ZONING</b>	<b>IN1 General Industrial</b>
<b>DATE OF LODGEMENT</b>	<b>22 August 2019</b>
<b>APPLICANT</b>	<b>Logos Property</b>
<b>OWNERS</b>	<b>Perpetual Trustee Company Limited and Toll Properties Pty Ltd</b>
<b>ESTIMATED VALUE</b>	<b>\$59,029,276.00</b>
<b>AUTHOR</b>	<b>Kristy Bova</b>

### **SUMMARY REPORT**

The proposal has a capital investment value of more than \$30 million (at the time of lodgment), therefore, the proposal is Regionally Significant Development pursuant to Schedule 7(2) of *State Environmental Planning Policy (State and Regional Development) 2011* and the Sydney South Planning Panel is the consent authority pursuant to section 4.5(b) of the Environmental Planning and Assessment Act, 1979.

Development Application DA-632/2019 seeks a detailed development approval on part of proposed lot 2: Demolition of existing structures, remediation of the site, removal of trees, construction of two (2) industrial buildings with five (5) warehouses and distribution centres (with ancillary office space, loading docks, car parking) and new access road 24 hour operation 7 days a week and associated pylon sign. The remainder of proposed lot 2 is a concept only and is subject to a future development consent. Consolidation of 6 existing lots and re-subdivision into 2 lots.

The Development Application has been assessed against the matters for consideration contained within Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*, requiring an assessment against, amongst other things, the provisions contained within *State Environmental Planning Policy No 55 – Remediation of Land*, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*, *State Environmental Planning Policy No. 64 – Advertising and Signage*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, *Bankstown Local Environmental Plan 2015 (BLEP 2015)*, *Draft Canterbury Bankstown Consolidated Local Environmental Plan 2020* and *Bankstown Development Control Plan 2015 (BDCP 2015)*.

In this regard, the proposal is generally consistent with the various layers of legislation that applies to the development and any non-compliances have been appropriately justified within this report. The proposed development is appropriately located within the IN1 General Industrial zone under the relevant provisions of the BLEP 2015 and is considered satisfactory in terms of its relationship to the surrounding built and natural environment.

The application was notified/advertised for twenty-one (21) days. Following the cessation of the advertising period one submission was received. The submission raised concerns regarding the construction of the development over parts of the site that are burdened by easements and restrictions that benefit other adjoining properties. The objection states that the development application should be refused, or amendments made, or conditions imposed to accommodate such easements. In response, the application has been amended to remove building Nos. 3, 4 and 5 from this development application to be a concept only and subject to a future application. This portion of the site contains the private easements that are the subject of the objection.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development is recommended for approval on a deferred commencement basis.

### **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 on a deferred commencement basis.

## **ATTACHMENTS**

- A - Section 4.15 Assessment Report
- B - Conditions of Consent

## **DA-632/2019 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as No. 1 Monier Square and 220, 236 & 246 Miller Road, Villawood and consists of six (6) allotments identified as Lot 1 DP 835143, Lot 201 DP 714834, Lot 21 DP 1130928, Lot 1 DP 631396, Lot 35 DP 25402 and Lot 162 DP 529288. The site has a combined area of 15.018 hectares (150,018m<sup>2</sup>) and frontage of 326.305m to Miller Road and approximately 87.5m to Monier Square.

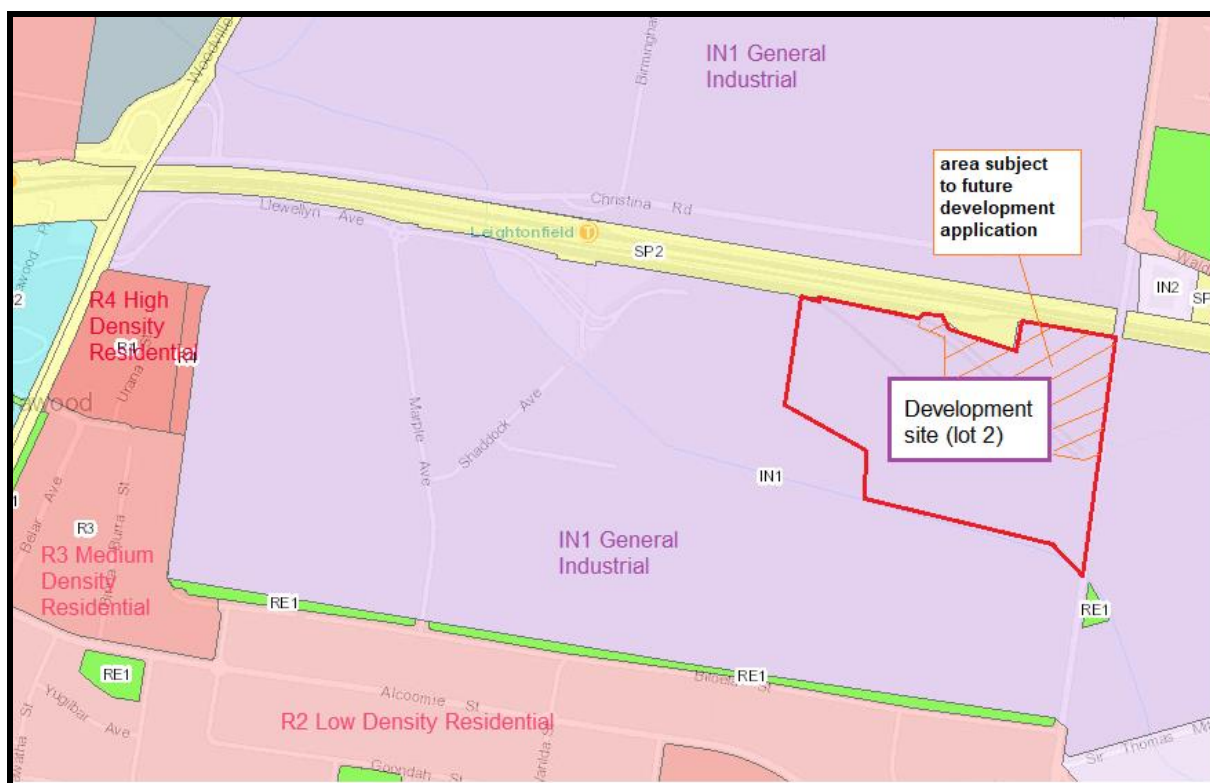
The site is zoned IN1 General Industrial under the provisions of Bankstown Local Environmental Plan 2015 and is bounded by a railway line to the north, drainage channel to the south and Miller Road to the east. The nearest residential properties are located approximately 700m to the north, 270m to the south, 800m to the west and 400m to the east of the development site.

The existing development on the site includes numerous industrial warehouses and ancillary structures. It is noted that the proposed warehouse and distribution buildings are confined to proposed lot 2 with proposed access off Miller Road. The existing buildings within proposed lot 1 (residue lot) are to be retained and are currently in use as a warehouse by the Toll Group with access to remain off Monier Square.

The context of the subject site is illustrated in the aerial photos below:



**Source:** NearMaps 2020



Source: [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au) (note: labelling has been added for illustration purposes in this report)

## **PROPOSED DEVELOPMENT**

The Development Application has been amended to remove building Nos. 3, 4 and 5 from this development application to be a concept only and subject to a future application. This portion of the site contains the private easements that are the subject of the objection. The emended development is for a detailed development approval on part of proposed lot 2: Demolition of existing structures, remediation of the site, removal of trees, construction of two (2) industrial buildings with five (5) warehouses and distribution centres (with ancillary office space, loading docks, car parking) and new access road 24 hour operation 7 days a week and associated pylon sign. The remainder of proposed lot 2 is a concept only and is subject to a future development consent. Consolidation of 6 existing lots and re-subdivision into 2 lots.

Proposed Lot 1 has an area 4.028 hectares (40,280m<sup>2</sup>) and proposed Lot 2 (the development site) has an area 10.99 hectares (109,900m<sup>2</sup>). The proposed site plan of the development on proposed lot 2 is provided below:







## **SECTION 4.15 ASSESSMENT**

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

### **Statutory Considerations**

When determining a development application, the consent authority is to take into consideration the matters for consideration contained in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*. In this regard, the following environmental planning instruments, draft environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ('Deemed SEPP')
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Bankstown Local Environmental Plan 2015 (BLEP 2015)
- Draft Canterbury Bankstown Consolidated Local Environmental Plan 2020
- Bankstown Development Control Plan 2015 (BDCP 2015)
- Bankstown Section 94A Development Contributions Plan

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

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

The provisions of Clause 7(1) of *State Environmental Planning Policy No. 55 - Remediation of Land* specifies that 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 development site has a history of industrial uses and the development application seeks to use the site for industrial purposes. The Detailed Site Investigation Report noted that asbestos containing materials were found onsite, subsequently a Remediation Action Plan (RAP) was required to be prepared and submitted to Council.

Council's Environmental Health Officer reviewed the applicants RAP and considers it to be satisfactory. A condition of consent will require a validation report to be prepared by an appropriately qualified environmental consultant. The validation report must verify that the land is suitable for the proposed use, and that the remediation and validation of the site has been undertaken in accordance with the Remedial Action Plan, Stage 2 – Villawood, 1 Monier Square, 220-246 Miller Road, Villawood NSW, dated 25 October 2019, by JBS&G Australia Pty Ltd (ref:56062/124158 (Rev 0). Additionally, an interim validation report should be prepared following the successful removal of friable impacts at BH02 (as per the RAP dated 25 October 2019).

With the proposed remediation works, the subject site is considered suitable for the proposed development and therefore the development application satisfies the provisions of SEPP 55.

***Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment (deemed SEPP)***

The site is located within land identified as being affected by Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (being a deemed SEPP from 1 July 2009). The GMREP No 2 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 general aims and objectives of the plan and there is no inconsistency with the planning principles as set out in Clause 8 of the GMREP No 2.

***State Environmental Planning Policy (State and Regional Development) 2011***

The proposal has a capital investment value of more than \$30 million, therefore, the proposal is Regionally Significant Development pursuant to Schedule 7(2) of *State Environmental Planning Policy (State and Regional Development) 2011* and the Sydney South Planning Panel is the consent authority pursuant to section 4.5(b) of the *Environmental Planning and Assessment Act, 1979*.

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

*State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)* aims to facilitate effective delivery of infrastructure by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure and by providing for consultation with relevant public authorities during the assessment process. In accordance with the SEPP, the development application was referred to Ausgrid, Sydney Trains and Transport NSW.

***Clause 45(2) – Ausgrid***

The development application was referred to Ausgrid under Clause 45(2) of the SEPP. Ausgrid has no objection to the proposed development, subject to the imposition of Ausgrid's conditions of consent.

*Clause 85 – Development adjacent to rail corridors*

The application was referred to Sydney Trains under Clause 85 of the SEPP. Sydney Trains raise no objection to the proposed development, subject to the imposition of Sydney Trains conditions of consent.

*Clause 104 - Traffic-generating development*

The application was referred to Transport NSW under Clause 104 of the SEPP. Transport NSW raise no objection to the proposed development, subject to the imposition of Transport NSW conditions of consent.

***State Environmental Planning Policy No. 64 – Advertising and Signage***

The development proposes a sign at the entry of the site that is 9m in height and 2m in width, which is consistent with Schedule assessment criteria. The proposed signage is also consistent with the Aims of SEPP 64, which provides as follows:

*(1) This Policy aims:*

- (a) to ensure that signage (including advertising):*
  - (i) is compatible with the desired amenity and visual character of an area,*  
*and*
  - (ii) provides effective communication in suitable locations, and*
  - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements,*  
*and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

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

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies to non-rural areas of the State, including Canterbury-Bankstown LGA. While the proposal involves the removal of approximately 30 existing trees, this will be offset by comprehensive replacement tree planting (including at least 90 new single trunk native trees within the carpark area and landscape strip forward of the front building line and an additional 20 single trunk trees within the road reserve along the Miller Road frontage).

The application was referred to Council's Tree Management Officer for comment, who raise no objection to the proposal subject to the imposition of conditions of consent for replacement plantings.

Further, the proposal involves the proposed extension, revegetation and maintenance of the adjoining riparian corridor along the existing concrete lined channel. In this regard, the applicant submitted Riparian Management Advice prepared by SLR June 2020 which details the proposed extension, revegetation and maintenance of the riparian corridor, including the following:

- *Improved habitat value with the replacement of weeds and poor condition vegetation with local indigenous plants that will, over time, grow to provide foraging (flower and nectar) resources for local birds and other fauna;*
- *Improved condition of ground layer, with the removal of weeds, rubbish and unconsolidated fill and replaced with clean soil, mulch and increased shade from plantings, which will improve micro-habitats for ground dwelling reptiles; and*
- *Increased native plant diversity, with revegetation of the strip with a selection of plant species that are native to western Sydney. Plant species are to be drawn from Cooks River Castlereagh Ironbark Forest threatened ecological community.*

Council's biodiversity officer accepts the recommendations of the Riparian Management Advice prepared by SLR June 2020 and considers the proposed extension, revegetation and maintenance of the riparian corridor to be a good outcome.

The proposed development is consistent with the SEPP.

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

The following clauses of the Bankstown Local Environmental Plan 2015 were taken into consideration:

Clause 1.2 – Aims of Plan

Clause 2.1 – Land use zones

Clause 2.2 – Zoning of land to which Plan applies

Clause 2.3 – Zone objectives and Land Use Table

Clause 2.7 – Demolition requires development consent

Clause 4.4 – Floor Space Ratio

Clause 6.2 – Earthworks

Clause 6.3 – Flood planning

Clause 6.4A – Riparian land and watercourses

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. A more detailed assessment against the zoning, environmental and numerical development standards contained in the abovementioned clauses is provided below.

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

The proposed development is consistent with the relevant aims of the BLEP 2015, which provides as follows:

**1.2 Aims of Plan**

- (a) *to manage growth in a way that contributes to the sustainability of Bankstown, and minimizes 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 minimize 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.*

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

The site is located in the IN1 General Industrial zone, in which development for the purposes of a 'warehouse or distribution centre' is permitted. Moreover, the proposal is consistent with the objectives of the IN1 zone, being:

- *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.*

**Clause 4.4 Floor space ratio**

In accordance with BLEP 2015 Floor Space Ratio Map, the maximum permitted floor space ratio for the subject site is 1:1. The proposed FSR for the development is 0.53:1 and is therefore compliant with the maximum floor space ratio for this development.

**Clause 6.2 – Earthworks**



In accordance with clause 6.2, in deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), Council must consider the following matters:

- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- b) the effect of the development on the likely future use or redevelopment of the land,*
- c) the quality of the fill or the soil to be excavated, or both,*
- d) the effect of the development on the existing and likely amenity of adjoining properties,*
- e) the source of any fill material and the destination of any excavated material,*
- f) the likelihood of disturbing relics,*
- g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- h) any appropriate measures proposed to avoid, minimize or mitigate the impacts of the development.*

The development is not considered to be inconsistent with this clause.

#### Clause 6.3 – Flood planning

The development site is affected by medium risk stormwater flooding. The application was referred to Council's stormwater engineer and to Council Drainage Infrastructure Department for comment. The applicant provided sufficient drainage and flooding information to Council to satisfy both departments subject to conditions of consent.

The proposed development is considered to be consistent with the requirements of Clause 6.3 of BLEP 2015.

#### Clause 6.4A Riparian land and watercourses

The site is located adjacent to a concrete lined drainage channel (which is defined as a watercourse). The proposal is considered consistent with the objectives of Clause 6.4A of BLEP 2015 which provide as follows:

- (1) The objective of this clause is to protect and maintain the following—*
  - (a) water quality within watercourses,*
  - (b) the stability of the bed and banks of watercourses,*
  - (c) aquatic and riparian habitats,*
  - (d) ecological processes within watercourses and riparian areas.*

In this regard, the applicant submitted Riparian Management Advice prepared by SLR June 2020 which details the proposed extension, revegetation and maintenance of the riparian corridor, including the following:

- *Improved habitat value with the replacement of weeds and poor condition vegetation with local indigenous plants that will, over time, grow to provide foraging (flower and nectar) resources for local birds and other fauna;*
- *Improved condition of ground layer, with the removal of weeds, rubbish and unconsolidated fill and replaced with clean soil, mulch and increased shade from plantings, which will improve micro-habitats for ground dwelling reptiles; and*
- *Increased native plant diversity, with revegetation of the strip with a selection of plant species that are native to western Sydney. Plant species are to be drawn from Cooks River Castlereagh Ironbark Forest threatened ecological community.*

Council's biodiversity officer accepts the recommendations of the Riparian Management Advice prepared by SLR June 2020 and considers the proposed extension, revegetation and maintenance of the riparian corridor to be a good outcome and consistent with Clause 6.4A of BLEP 2015.

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

The following draft environmental planning instrument applies to this development.

#### ***Draft Canterbury Bankstown Consolidated Local Environmental Plan 2020***

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. The proposed development is not inconsistent with the draft provisions.

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

The following section provides an assessment of the development application against the applicable controls contained within Bankstown Development Control Plan 2015 – B3 Industrial Precincts.

### **PART B3 – INDUSTRIAL PRECINCTS**

The below table provides a summary of the development controls contained within BDCP 2015 – Part B3 Industrial Precincts and Part B5 Parking:

<b>BANKSTOWN DEVELOPMENT CONTROL PLAN</b>
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PART B3 – INDUSTRIAL PRECINCTS	
CONTROL	COMPLIES?/COMMENT
<b>SECTION 1–INTRODUCTION</b>	
<b>Desired character objectives</b>  (a) 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.  (b) To have light industrial precincts in the City of Bankstown that accommodates a range of contemporary light industries and warehouses within a landscaped setting, and will not cause nuisance or adversely affect the surrounding amenity for example by way of noise or emissions.	Yes. The development is consistent with the desired character objectives provided in Section 1 of BDCP 2015 – Part B3.
<b>SECTION 2–BUILDING ENVELOPES</b>	
The objectives are:  (a) To have development that is compatible with the desired character and role of the particular industrial precinct.  (b) To have transitional areas that are compatible with the prevailing suburban character and amenity of neighbouring residential environments.	Yes. The design is considered compatible with the desired character of the area.
<b>Setbacks to the primary and secondary road frontages of allotments</b>  <b>2.1</b> 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.  <b>2.2</b> 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.	Yes, complies. Site cover = 56,641m <sup>2</sup> Site area = 109,900m <sup>2</sup> 51.5% site cover  Yes, complies. The front setback ranges from 15.4m to 24m.
<b>Setbacks to the side and rear boundaries of allotments</b>  <b>2.5</b> 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	Yes, complies. There are no adjoining residential properties.

for an appropriate setback or buffer zone between the development and any adjoining or neighbouring land within a residential zone.	
<b>Setbacks to riparian corridors</b>  <b>2.7</b> 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. A 8.6m-11.5m setback is proposed to the riparian corridor/drainage channel that runs along the southern boundary. See comment below.
<b>SECTION 3–BUILDING DESIGN</b>	
<b>Objectives</b>  The objective is:  (a) To have development that achieves good urban design in terms of building form, bulk, architectural treatment and visual amenity.	Yes, the development is consistent with this objective.
<b>Facade design</b>  <b>3.1</b> Development must articulate the facades to achieve a unique and contemporary architectural appearance that:  (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.  <b>3.2</b> Development may have predominantly glazed facades provided it does not cause significant glare nuisance.  <b>3.4</b> 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.	Yes. The development is consistent with the façade design requirements stated in clause 3.1, 3.2 & 3.4 of BDCP 2015 – Part B3.
<b>Facade design (materials)</b>  <b>3.6</b> 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	Yes, the buildings are proposed to be constructed with a mix of steel cladding, concrete and glass (to office areas).

<p>(b) masonry materials to construct a factory unit within a building, and all internal dividing walls separating the factory units.</p> <p>Despite this clause, Council may consider a small portion of the street facade to comprise metal sheet or other low maintenance material provided it complies with the Building Code of Australia.</p>	<p>Yes, masonry internal walls are proposed.</p>
<p><b>Roof design</b></p> <p><b>3.10</b> Development must incorporate an innovative roof design that:</p> <p>(a) achieves a unique and contemporary architectural appearance; and</p> <p>(b) combines high quality materials and finishes.</p>	<p>Yes, the main roof design is broken up by the office component and cantilevered awnings that protrude from the main building which are separate and lower/different rooflines. The office areas are also constructed of different materials (concrete and glass) which helps to create a unique and contemporary architectural appearance.</p>
<p><b>Safety and security</b></p> <p><b>3.11</b> The front door to buildings should face the street.</p> <p><b>3.12</b> The administration offices or industrial retail outlets must locate at the front of buildings.</p> <p><b>3.13</b> Windows on the upper floors of a building must, where possible, overlook the street.</p> <p><b>3.14</b> 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.</p> <p><b>3.15</b> Unless impractical, access to outdoor car parks must be closed to the public outside of business hours via a lockable gate.</p> <p><b>3.16</b> Development must provide lighting to the external entry paths, common lobbies, driveways and car parks using vandal resistant, high mounted light fixtures.</p> <p><b>3.17</b> 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 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>Yes, the proposed development complies with BDCP 2015 – Part B3 in terms of safety and security, as follows:</p> <ul style="list-style-type: none"> <li>• The front doors and offices are located towards the front of the buildings and face the street (new access road).</li> <li>• Access to the loading docks will be restricted (a condition of consent will be imposed to this effect) and access to the car parks are restricted via a lockable gate.</li> <li>• A condition of consent will ensure that lighting is provided to the external entry paths, common lobbies, driveway and car parking using vandal resistant, high mounted light fixtures.</li> <li>• There is an existing 2m high chain wire fence along the southern boundary that is shared with the open stormwater</li> </ul>



<ul style="list-style-type: none"> <li>(c) the planter bed area must incorporate a commercial grade, sub-surface, automatic, self-timed irrigation system; and</li> <li>(d) the allotment must be fenced along the boundary using a minimum 2 metre high chain-wire fence; and</li> <li>(e) the fence provides an appropriate access point to maintain the landscaping within the setback area; and</li> <li>(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.</li> </ul> <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>channel. This fence will be retained and the landscaping within this area will be upgraded in accordance with the applicants Riparian Management Advice prepared by SLR dated June 2020.</p>
<p><b>General</b></p> <p><b>3.18</b> Council must take into consideration the following matters for development in the industrial zones:</p> <ul style="list-style-type: none"> <li>(a) whether the proposed development will provide adequate off-street parking, relative to the demand for parking likely to be generated;</li> <li>(b) whether the site of the proposed development will be suitably landscaped, particularly between any buildings and the street alignment;</li> <li>(c) whether the proposed development will contribute to the maintenance or improvement of the character and appearance of the locality;</li> </ul>	<p>Yes, complies.</p> <p>For warehouses, BDCP 2015-Part B5 requires 1 car space per 300m<sup>2</sup> gross floor area.</p> <p>Total floor space = 38,814m<sup>2</sup>  Total spaces required = 130  Total spaces provided = 195  The development proposes a 10m landscape zone along the entire length of the front boundary together with the carpark area will have more than 90 single trunk native trees with an additional 20 single trunk trees within the road reserve along the Miller Road frontage.</p> <p>Council's tree management officers have reviewed the proposed landscape plan, and although the application involves the removal of approximately 30 trees, significant replanting is proposed.</p> <p>The proposed landscaping is considered to be a significant upgrade to the existing landscaping onsite. In terms of landscaping, the proposed</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) 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) whether the proposed development adopts energy efficiency and resource conservation measures related to its design, construction and operation.</p>	<p>development will upgrade and improve the existing streetscape and enhance the character of the locality.</p> <p>Miller Road is a Regional Road between Waldron Road and the Hume Highway and is generally industrial land in the vicinity of the entry of the site (at least 400m to the north and south). Access from the development site to Miller Road is considered appropriate and is unlikely to result in any unreasonable impacts on residential properties.</p> <p>The proposal does not include the storage of goods, plant, equipment or materials within the front setback. A condition of consent will ensure that this is maintained for the life of the development.</p> <p>N/A (no residential development within the vicinity of the site)</p> <p>With regard to energy efficiency, the development will comply with Section J of the BCA.</p>
<b>SECTION 4–ENVIRONMENTAL MANAGEMENT</b>	
<p><b>Objectives</b></p> <p>The objectives are:</p> <p>(a) To have development that minimises pollution and environmental risk, and enhance ecological values.</p> <p>(b) To have development that provides adequate amenity to people who work in and visit the local area.</p>	<p>The proposed development is consistent with these objectives. The proposal involves the upgrade of the riparian zone that runs along the open stormwater channel on the southern boundary and staff amenity areas are provided both internally (within the buildings) and</p>

		externally (within the landscaped areas).	
<b>Acoustic privacy</b>			
<b>4.1</b> Development must:			
<div>(a) consider the Industrial Noise Policy and the acoustic amenity of adjoining residential zoned land; and</div> <div>(b) may require adequate soundproofing to any machinery or activity that is considered to create a noise nuisance.</div>		Yes. The nearest residential properties are located approximately 700m to the north, 270m to the south, 800m to the west and 400m to the east of the development site. The development is considered to be acceptable with the imposition of standard conditions of consent.	
<b>Pollution control</b>			
<b>4.2</b> Development must adequately control any fumes, odour emissions, and potential water pollutants in accordance with the requirements of the relevant public authority.		Yes. Council's Environmental Health Officer has reviewed the proposal and considers it to be acceptable with the imposition of standard conditions of consent.	
<b>Open space</b>			
<b>4.3</b> Development must provide a landscaped area along the primary and secondary road frontages of an allotment in accordance with the following minimum widths:		Yes, as the site is greater than 4,000m <sup>2</sup> , a 10m landscape buffer is required along the Miller Road frontage. A 10m landscape area has been provided.	
<b>Area of allotment</b>	<b>Allotments adjoining a state or regional road</b>  <b>Minimum width for landscaped area</b>	<b>Allotments not adjoining a state or regional road</b>  <b>Minimum width for landscaped area to the primary road frontage</b>	<b>Allotments not adjoining a state or regional road</b>  <b>Minimum width for landscaped area to secondary road frontage</b>
Less than 600m <sup>2</sup>	2.5 metres	2.5 metres	2.5 metres
600m <sup>2</sup> –999m <sup>2</sup>	3.5 metres	3.5 metres	3 metres
1,000m <sup>2</sup> –1,999m <sup>2</sup>	4.5 metres	4.5 metres	3 metres
2,000m <sup>2</sup> –3,999m <sup>2</sup>	6 metres	6 metres	3 metres
Greater than 4,000m <sup>2</sup>	10 metres	10 metres	3 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.			
<b>4.4</b> 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.		Yes. A condition of consent has been imposed to require the provision of employee amenities within the landscaped area in accordance with Clause 4.4 of BDCP 2015 – Part B3.	

<p><b>4.5</b> Development must:</p> <ul style="list-style-type: none"> <li>(a) retain and protect any existing trees identified by Council on an allotment and adjoining allotments; and</li> <li>(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.</li> </ul> <p><b>4.6</b> 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><b>4.7</b> Development must plant trees in the landscaped area at a minimum rate of 1 canopy tree per 30m<sup>2</sup> of the landscaped area. The canopy tree must be capable of achieving a mature height greater than 5 metres.</p> <p><b>4.8</b> 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> <ul style="list-style-type: none"> <li>(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</li> <li>(b) a tree must be planted in an island bed that is a minimum 2 metres in width and 4 metres in length.</li> </ul>	<p>Yes. The development proposes a 10m landscape zone along the entire length of the front boundary together with the carpark area will have more than 90 single trunk native trees with an additional 20 single trunk trees within the road reserve along the Miller Road frontage.</p> <p>Council's tree management officers have reviewed the proposed landscape plan, and although the application involves the removal of approximately 30 trees, significant replanting is proposed. The proposed landscaping is considered to be a significant upgrade to the existing landscaping onsite. In terms of landscaping, the proposed development will upgrade and improve the existing streetscape and enhance the character of the locality.</p>
<p><b>SECTION 5–ANCILLARY DEVELOPMENT</b></p>	
<p><b>Objectives</b></p> <p>The objective is:</p> <ul style="list-style-type: none"> <li>(a) To have ancillary development that unifies the development appearance, and achieves good urban design in terms of architectural treatment and visual amenity.</li> </ul>	<p>Complies.</p>
<p><b>Front fences</b></p> <p><b>5.1</b> The maximum fence height for front fences is 1.8 metres.</p> <p><b>5.2</b> The external appearance of front fences along the front boundary of allotments must ensure:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul>	<p>Yes, a 1.8m open style palisade fence is proposed.</p>

<p>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><b>5.3</b> Council does not allow the following types of front fences:</p> <ul style="list-style-type: none"> <li>(a) chain wire, metal sheeting, brushwood, and electric fences; and</li> <li>(b) noise attenuation walls.</li> </ul>	
<p><b>Business and building identification signs</b></p> <p><b>5.4</b> Development is limited to one pylon sign for each allotment boundary that adjoins a classified road, and must ensure:</p> <ul style="list-style-type: none"> <li>(a) the sign is predominantly rectangular in shape with a vertical proportion;</li> <li>(b) the envelope of the sign is 4 metres or 9 metres in height (to encourage two consistent heights rather than a variety of heights) and a maximum 2 metres in width; and</li> <li>(c) the sign only identifies the businesses on the allotment and the street number to assist customers and visitors.</li> </ul> <p><b>5.5</b> In addition to clause 5.4, Council may allow development to have other business or building identification signs provided:</p> <ul style="list-style-type: none"> <li>(a) the total permissible area of all signs must not exceed 1.1 square metres per 3 metres of street frontage; and</li> <li>(b) signs will not be permitted nearer to the street alignment than one third of the prescribed building line, and where permitted between the building line and the street must not exceed two thirds of what is normally permitted on or behind the building line; and</li> <li>(c) signs are suitably integrated with the architectural style of the building.</li> </ul> <p><b>5.6</b> Council does not allow the following signs:</p> <ul style="list-style-type: none"> <li>(a) flashing signs, flashing lights, signs which incorporate devices which change colour, a sign where movement can be recognised by a passing motorist;</li> <li>(b) signs extending over street boundaries, other than those permitted in conjunction with shops, or the like, where such buildings are erected on the street alignment;</li> <li>(c) any sign that would adversely affect existing traffic lights;</li> <li>(d) any sign that is not permanently fixed to the site;</li> </ul>	<p>Yes, complies.</p> <p>The proposed sign is 9m x 2m at the front entry which is rectangular in shape. The sign is not flashing and would not adversely affect traffic.</p>



<p>(e) any sign made of canvas, calico or the like. Council may grant a limited approval for a maximum period of 1 month, provided the sign complies with relevant legislation;</p> <p>(f) any under awning sign in excess of 2.5 metres x 0.4 metre; and</p> <p>(g) signs at a lower level than 2.6 metres over the footway.</p> <p><b>5.7</b> Business or building identification signs that are painted or attached to a building must not screen windows and other significant architectural features of the building.</p>	
<p><b>Infrastructure</b></p> <p><b>5.11</b> The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must:</p> <p>(a) integrate with the architectural features of the building to which it is attached; or</p> <p>(b) be sufficiently screened when viewed from the street and neighbouring residential zoned land.</p>	<p>Service connections including electricity, telecommunications, gas, water and sewerage infrastructure are currently available to the site. Existing services and infrastructure will be extended, expanded and augmented as required in order to meet the demands and requirements of the proposed development.</p> <p>A condition of consent will be imposed to ensure that services are integrated in with the architectural features of the building, located behind the front building line and screened from the street.</p>
<b>PART B5 – PARKING</b>	
<b>CONTROL</b>	<b>COMPLIES?/COMMENT</b>
Warehouse or distribution centres: 1 car space per 300m <sup>2</sup> gross floor area.	<p>Yes, complies.</p> <p>Total floor space = 38,814m<sup>2</sup></p> <p>Total spaces required = 130</p> <p>Total spaces provided = 195</p>

As the above table demonstrates, the proposal is seeking a variation to the riparian setback specified in clause 2.7 of BDCP 2015 – Part B3.

### Riparian setback

Clause 2.7 of BDCP 2015 – Part B3 provides as follows:

**2.7** 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

The development proposes a building setback of between 8.6m and 11.5m to the bank of the drainage channel with an increase in width and area of native vegetation from around 3m to 6.15m. The application has been reviewed by Council's Biodiversity Officer and has been found to be satisfactory with a condition of consent to ensure that the recommendations of Riparian Management Advice prepared by SLR June 2020 are incorporated into the development.

The following extracts have been taken from the Riparian Management Advice prepared by SLR June 2020 on behalf of the applicant:

The southern boundary of the site lies adjacent to a concrete lined stormwater channel. Approvals under the *NSW Water Management Act 2000* for works within 40 m of a watercourse do not apply to channels that are "fully concrete lined" (see NSW Department of Industry 2018) and accordingly an associated Controlled Activity Application to the NSW Natural Resources Access Regular (NRAR) is not required. Despite not having an approval role for the works, NRAR suggests that creation of a vegetated riparian zone is desirable and the riparian buffer width should be 10 m (according to NRAR guidelines), as the channel is a first order stream (under the Strahler system). Additionally, Council note that Clause 2.7 of the *Bankstown Development Control Plan (DCP)* requires a 15 m setback along watercourses and the channel qualifies as a watercourse.

The southern parts of the site contain mainly hardstand, being bitumen or concrete sealed roads and car parking areas, with limited pockets of landscaping, including a very narrow belt of trees between an internal road and the southern fence line. More substantial plantings of Spotted Gum *Corymbia maculata* are located on the eastern boundary of the site along the Miller Road frontage. The arboricultural statement (Tree & Landscape Consultants 2019) and the landscape plan (Habit8 2020) both identify planted vegetation along the southern boundary of the site, adjacent to the stormwater channel, as follows:

- A narrow belt of planted Black Tea-tree *Melaleuca bracteata*, which stretches along most of the southern boundary and occupies a width of approximately 0.5 m to 1 m (see **Photo 1**). These trees are identified for removal in the landscape plan (see **Figure 1**);
- a stand of planted Swamp Oak *Casuarina glauca* in the south eastern corner of the site, near the Miller Road entrance (see **Photo 2**). Most of these trees are identified for removal on the landscape plan (see **Figure 1**), with a small number of trees (including Spotted Gums) to be retained adjacent to Miller Road.

Adjoining the landscaped strip of *Melaleuca bracteata* is a chain mesh fence and between the fence and the channel is a narrow (~1 m wide) strip of disturbed land with a mix of common weed species (herbs and grasses) and self-recruited native species (e.g. juvenile Swamp Oaks).

Figure 1 Excerpt of Landscape Plan (showing tree removals on southern boundary)

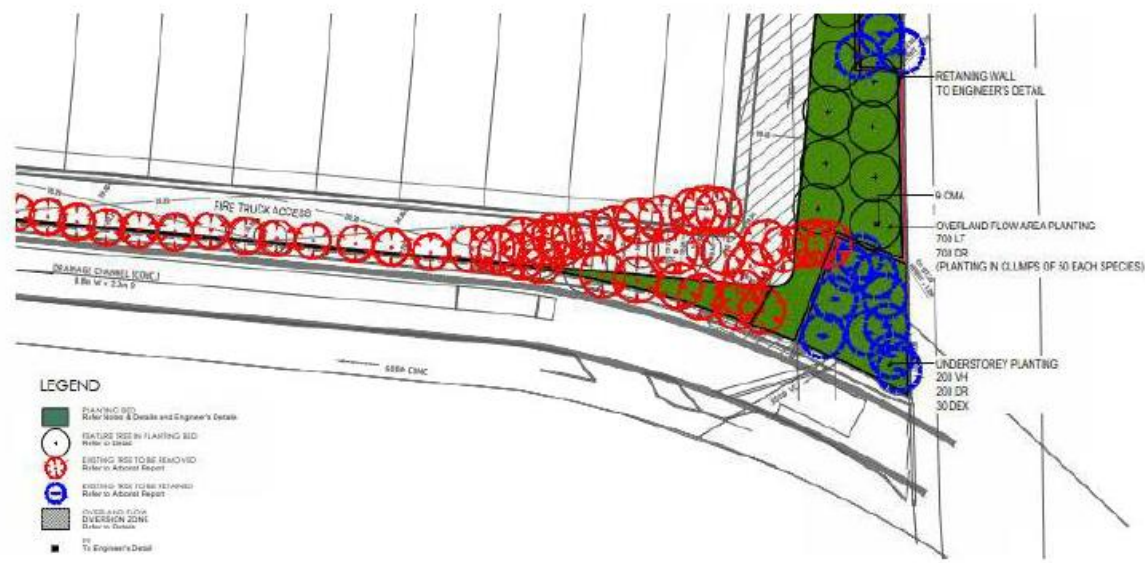
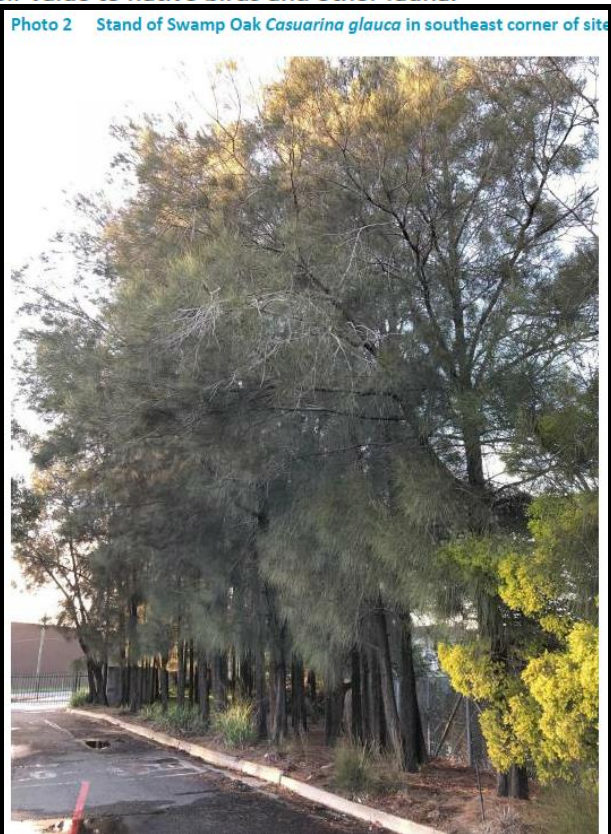


Photo 1 Tree plantings (*Melaleuca bracteata*) on southern boundary



*Melaleuca bracteata* is a non-indigenous native that is distributed north of the Macleay River, but is a common landscaping plant around Sydney. This species would not occur naturally along watercourses in western Sydney. The small size of the trees and lack of hollows would limit their habitat value for native fauna, although they would provide refuge for small birds.

*Casuarina glauca* is a small to medium sized tree that occurs along estuaries and freshwater and brackish watercourses along the NSW coast, as well as in western Sydney. The trees on site are likely to have been planted, given their location on site, and similar age and height. Most of the stand will be removed for the proposed DA works. The trees appear to lack hollows, so would not provide roosting resources for hollow obligate species, but larger parrots, such as the Yellow-tailed Black Cockatoo, are known to feed on the cones of trees in Casuarinaceae family. Nonetheless, the small extent of the stand and the industrial land use surround the trees would limit their value to native birds and other fauna.





The amended proposal for the southern boundary of the site, as depicted on the amended cross-sections in **Appendix A**, comprises the following key features:

- Fire truck access road, which is a mandatory requirement to allow access for fire fighting vehicles. The amended proposal provides for a 5.675 m wide paved road, constructed of a permeable material (TurfPave XO).
- Vegetated Riparian Zone – between the fire access road, the southern site boundary and from the site boundary to the edge of the channel. This strip of land will be recontoured, with clean soil placed and planted with a selection of locally indigenous flowering plants (small trees, shrubs and groundcovers).

The total width of the proposed riparian zone extends from the top-of-bank of the channel to the edge of the proposed warehouse building with a total width of 8.6 m to 11.5 m (see **Appendix A**).

The amended proposal will provide the following benefits over and above the existing area of land:

- Increased width and area of native vegetation, from around 3 m to 6.15 m;
- Improved habitat value, with the replacement of weeds and poor condition vegetation with local indigenous plants that will, over time, grow to provide foraging (flower and nectar) resources for local birds and other fauna;
- Improved condition of ground layer, with the removal of weeds, rubbish and unconsolidated fill and replaced with clean soil, mulch and increased shade from plantings, which will improve micro-habitats for ground dwelling reptiles; and
- Increased native plant diversity, with revegetation of the strip with a selection of plant species that are native to western Sydney. Plant species are to be drawn from Cooks River Castlereagh Ironbark Forest threatened ecological community, as noted below.

The amended proposal will also address Council's request (as quoted above in **Section 1**), as follows:

- Creates a vegetated riparian zone (or VRZ), consistent with NRAR guidance for waterfront land and with Clause 2.7 of the DCP, although it is acknowledged that the recommended width of the VRZ will not be 15 m as per the DCP or 10 m wide as per NRAR guidelines; the space limitations of the site and the design requirements of the proposed warehouse, as well as the requirements for a fire access road, do not allow a riparian corridor of greater width;
- Introduction of native plants and trees to an area that is largely lacking in native riparian vegetation (i.e. replacement of non-indigenous plantings and weeds with local native plants); the existing vegetation is not 'fully structured native vegetation' as set out in NRAR (2018);
- Improves the riparian corridor condition and function of the stormwater channel and over time, will enhance the corridor links along the channel to other areas of vegetation in the locality; it is noted that the channel connects to Orphan School Creek, Prospect Creek and the Georges River;
- Compensates for the removal of a small number of Swamp Oaks adjacent to the channel;
- Provides for a permeable substrate for the fire access road, as requested. The permeable road surface will replace the existing impermeable bitumen and concrete surfaces in this part of the site.

The riparian management advice makes the following recommendations:



- Amend landscape plan to provide detailed drawing of proposed riparian planting area (i.e. vegetated riparian zone) along southern boundary;
- Create a 'vegetated riparian zone' between fire access road and channel bank, with imported clean substrate (sandy loam VENM soil or crushed sandstone) and plantings of local indigenous species; seek to maintain or rehabilitate the zone with fully structured native vegetation, in accordance with NRAR (2018) guidance;
- Riparian Plantings – revegetate the riparian zone with plant species selected from the Final Determination for Cooks River Castlereagh Ironbark Forest (NSW Scientific Committee 2011). A copy of the profile for Cooks River Castlereagh Ironbark Forest, which notes characteristic species of this community, is provided at **Appendix B**. Plant species and densities will be set out in a vegetation management plan;
- Management plan – prepare a Vegetation Management Plan (VMP) for the riparian zone, in accordance with the *Guidelines for vegetation management plans on waterfront land* (NSW Office of Water 2012). The VMP will set out weeding requirements, planting details, management and maintenance for the zone. A copy of the VMP will be provided to Council.

Council's biodiversity officer accepts the recommendations of the Riparian Management Advice prepared by SLR June 2020 and considers the proposed extension, revegetation and maintenance of the riparian corridor to be a good outcome and consistent with the intentions of Clause 2.7 of BDCP 2015 – Part B3.

As indicated in SLR's report, the development will result in:

- *Improved habitat value with the replacement of weeds and poor condition vegetation with local indigenous plants that will, over time, grow to provide foraging (flower and nectar) resources for local birds and other fauna;*
- *Improved condition of ground layer, with the removal of weeds, rubbish and unconsolidated fill and replaced with clean soil, mulch and increased shade from plantings, which will improve micro-habitats for ground dwelling reptiles; and*
- *Increased native plant diversity, with revegetation of the strip with a selection of plant species that are native to western Sydney. Plant species are to be drawn from Cooks River Castlereagh Ironbark Forest threatened ecological community.*

A variation to Clause 2.7 of BDCP 2015 – Part B3 is therefore considered to be reasonable and justified in this case.

#### **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 proposed development is not inconsistent with the relevant 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. As detailed in this report, where non-compliances with the relevant development controls are proposed, they are considered to be reasonable and justified in this case. 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 to be suitable for the proposed development as recommended for approval on a deferred commencement basis. The subject site is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development (other than the easements/restrictions proposed to be resolved via deferred commencement conditions). Potential impacts on existing surrounding development, have been addressed to ensure traffic and environmental impacts are adequately mitigated. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality

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

The application was advertised for a period of twenty-one (21) days. Following the cessation of the advertising period one submission was received.

The submission raised concerns regarding the construction of the development over parts of the site that are burdened by easements and restrictions that benefit other adjoining properties. The objection states that the development application should be refused, or amendments made, or conditions imposed to accommodate such easements.

In response, the application has been amended to remove building Nos. 3, 4 and 5 from this development application to be a concept only and subject to a future application. This portion of the site contains the private easements that are the subject of the objection.

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

The proposed development as recommended for approval on a deferred commencement basis would not contravene the public interest. The proposed development responds appropriately to *Bankstown Local Environmental Plan 2015* and Bankstown Development Control Plan 2015 and other relevant legislation previously listed in this report.

The public interest is best served by the consistent and correct application of the applicable planning controls, and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised and/or managed appropriately. Whilst there are variations to the planning controls, the departures have been assessed and the proposal is suitable and appropriate for the site and locality. In conclusion, the proposal has been assessed against the provisions of the relevant planning controls and is deemed to be acceptable in terms of its impact on the site,

and the adjoining industrial areas, subject to suitable conditions to manage the construction impacts and ongoing operations of the development.

## **CONCLUSION**

The Development Application has been assessed against the matters for consideration contained within Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*, requiring an assessment against, amongst other things, the provisions contained within *State Environmental Planning Policy No 55 – Remediation of Land*, *Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment*, *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*, *State Environmental Planning Policy No. 64 – Advertising and Signage*, *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, *Bankstown Local Environmental Plan 2015 (BLEP 2015)*, *Draft Canterbury Bankstown Consolidated Local Environmental Plan 2020* and *Bankstown Development Control Plan 2015 (BDCP 2015)*.

In this regard, the proposal is generally consistent with the various layers of legislation that applies to the development and any non-compliances have been appropriately justified. The proposed development is appropriately located within the IN1 General Industrial zone under the relevant provisions of the BLEP 2015 and is considered satisfactory in terms of its relationship to the surrounding built and natural environment.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development is recommended for approval on a deferred commencement basis.

## **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions on a deferred commencement basis.