

COUNCIL ASSESSMENT REPORT

SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC-280 DA-872/2022
PROPOSAL	Demolition of the existing structures, hardstand areas, and removal of 9 trees, site remediation and earthworks, construction of two warehouses, hardstand area, 164 on-site car parking spaces, landscaping including the planting of 28 new trees, stormwater management and signage, use of the site for warehouse and distribution centres and light industries, with 24-hour operation
ADDRESS	Lot A DP 386119 Lot B DP 386119 Lot 65 DP 17254 Lot 67 DP 17254 24-30 Alfred Road, Chipping Norton
APPLICANT	The Trustee for AGIVF Chipping Norton Trust
OWNER	Perpetual Corporate Trust Ltd
DA LODGEMENT DATE	5 August 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Development that has a capital investment value of more than \$30 million.
CIV	\$ 45,512,616.35 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	Biodiversity and Conservation SEPP, Industry and Employment SEPP, Resilience and Hazards SEPP, Transport and Infrastructure SEPP, Liverpool LEP
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ol style="list-style-type: none"> 1. Architectural Plans 2. Landscape Plans 3. Civil Engineering Plans 4. Contamination/Remediation Action Plan 5. Arborists Report 6. Geotechnical Report 7. Acid Sulfate Soils Report

	8. Flood Risk Management Report 9. Acoustic Report 10. Traffic Report 11. Civil Infrastructure Report 12. Statement of Environmental Effects 13. Recommended Conditions of Consent
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	9 October 2023
PLAN VERSION	6 June 2023
PREPARED BY	Nabil Alaeddine
DATE OF REPORT	25 September 2023

1. EXECUTIVESUMMARY

The development application (DA-872/2022) seeks consent for the demolition of the existing structures, hardstand areas, and removal of 9 trees, site remediation and earthworks, construction of two warehouses, hardstand area, 164 on-site car parking spaces, landscaping including the planting of 28 new trees, stormwater management and signage, use of the site for warehouse and distribution centres and light industries, with 24-hour operation ('the proposal').

The subject site is known as 24-30 Alfred Road, Chipping Norton ('the site') is an irregularly shaped allotment with an approximately 184m frontage to Alfred Road to the north. The site has an area of 49,093m² and currently contains 9 warehouses as well as a diesel fuel station and truck wash. The site currently has 4 driveways from Alfred Road at the site's northern boundary, with landscaping running along the frontage to Alfred Road. The site features a stormwater easement in the south-west corner along the boundary. The site is relatively flat with a gentle slope downwards from the Alfred Road frontage to the southern end.

The site is located within an established industrial area and is surrounded by residential development to the north and west, with bushland and the Georges River to the east, Newbridge Road is approximately 500m to the south of the site, with the M5 South West Motorway approximately 2.5km to the south of the subject site.

The site is zoned E4 – General Industrial pursuant to Clause 2.2 of the *Liverpool Local Environmental Plan 2002* ('LEP 2008'). The proposed development is permissible with consent.

The assessment of the application was deferred due to the flooding assessment which indicated an increase in flood level (afflux) at the western side of the development by 200mm which resulted in an increase in flood level to adjoining properties by 10mm which was considered as a significant impact. The applicant was required to investigate mitigation

measures to limit afflux at the adjoining properties.

In this regard, the applicant amended the development to address the flooding matters as follows:

- Separated the rear warehouse away from the open drainage channel.
- Retained the open drainage channel. The initial proposal was to enclose the drainage channel and propose a new road access to Alfred Road.
- Provided an amended flood report which is considered acceptable.

The application was initially placed on public exhibition from 12 October 2022 to 31 October 2022 and no submissions were received. After receiving amended plans in response to Council's request for additional information the amended application was placed on public exhibition between 3 July 2023 and 17 July 2023. No further submissions were received.

The application is referred to the Sydney Western City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposed development has a CIV over \$30 million.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Industry and Employment) 2021*, the *Liverpool Local Environmental Plan 2008* and the *Liverpool Development Control Plan 2008* ('DCP').

The application required concurrence from Transport for NSW ('TfNSW') as the development is traffic-generating development under the *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('Transport and Infrastructure SEPP'). TfNSW provided a response requesting SIDRA modelling, however additional information provided to TfNSW from the applicant's Traffic Engineer stated that SIDRA modelling is not required due to the traffic generation being reduced for the proposed development when compared to the existing use, which generates significantly greater traffic than the proposed development will. TfNSW noted the information and provided no further comments in a re-referral.

A briefing was held with the Panel on 6 March 2023 where key issues were discussed, including tree planting shortfall, traffic impacts and parking shortfall, the need to address environmentally sustainable design principles and flood management of stormwater passing through the site.

The key issues associated with the proposal include:

1. *Flooding* – Initial plans indicated an increase in flood level (afflux) at the western side of the development by 200mm. The issue has been resolved through the submission of amended plans and an updated Flood Impact Assessment demonstrating that during the 1% AEP storm event, the proposed development does not result in adverse flood impacts external to the site. The changes were reviewed by Council's flood engineers and considered to be satisfactory, subject to conditions of consent.
2. *Traffic* - The parking on site is deficient by 12 parking spaces from the numerical standard in the Liverpool Development Control Plan 2008 (LDCP). The issue has been resolved through the submission of amended plans which includes a total of 164 car parking spaces. This results in an additional three (3) parking spaces above the requirement (161) set by the Liverpool Development Control Plan 2008.
3. *Stormwater* - There is an existing drainage easement to the south - western corner of the site. The development was required to be designed so that no building and any other permanent structure encroaches the easement. The issue has been resolved through the submission of amended plans and documentation identifying that the existing easement will not be obstructed.

The site contains 9 warehouses, a diesel fuel station and a truck wash. The site currently has 4 driveways from Alfred Road at the site's northern boundary, with landscaping running along the frontage to Alfred Road. The site features a stormwater easement in the south-west corner along the boundary. The site is relatively flat with a gentle slope downwards from the Alfred Road frontage to the southern end.

Adjoining development is summarised as follows:

- North: An industrial estate with several tenancies and a drainage manufacturer
- East: An old industrial estate, crane storage yard and shipping container storage yard with warehouses
- South: Small warehouses and shipping container storage yards
- West: A truck parts store with storage of used truck parts, an industrial estate and a truck holding yard



Figure 2: Subject site as viewed from east.



Figure 3: Subject site as viewed from west.

The site is zoned E4 General Residential under the Liverpool Local Environmental Plan 2008. Refer to the zoning map below.



Figure 4: Land Zoning Map (site highlighted)

The site is identified as being flood prone land per Figure 6 below.

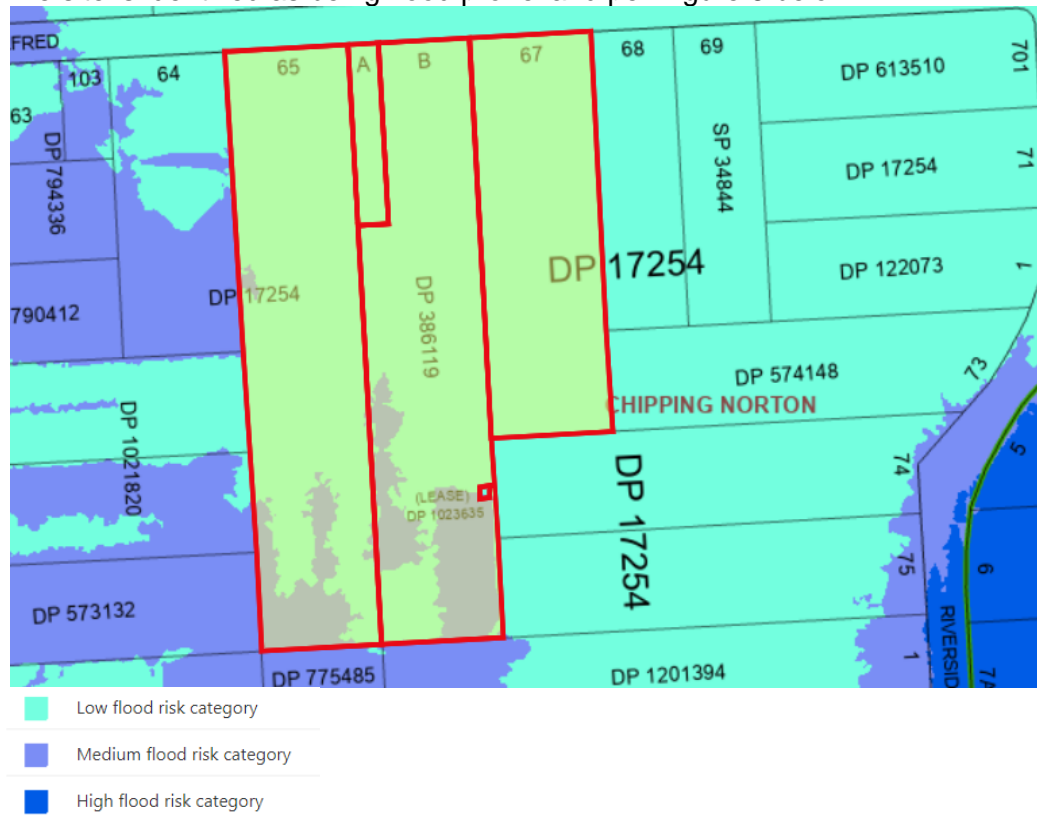


Figure 5: Flood Prone Land Map (Source: Geocortex)

2.2. The Locality

The site falls within the established Chipping Norton industrial area. The development bounding the site to the north, east and west is reflective of the existing character, consisting of industrial units and warehousing. The locality is primarily zoned E4 General Industrial per the zoning map in Figure 4.

The industrial area is surrounded by residential development and Moorebank High School to the west, with open space and the Georges River to the east, Newbridge Road is approximately 500m to the south of the site (Figure 6).

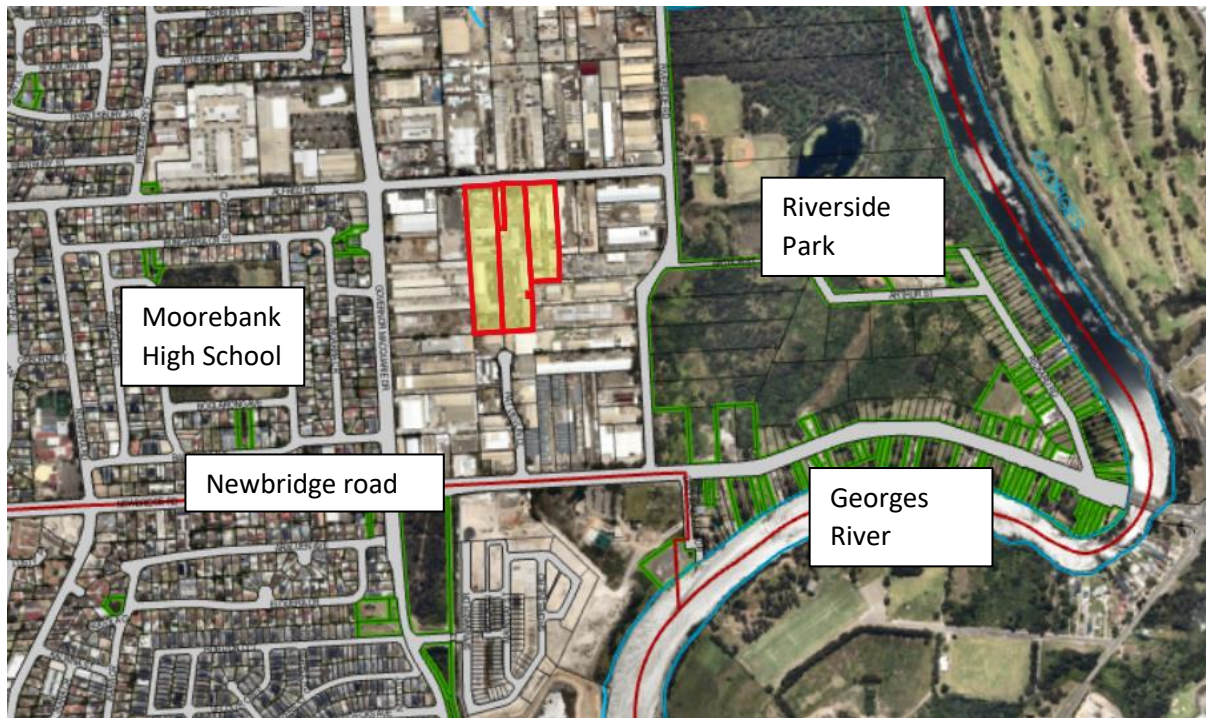


Figure 6: Locality map (24-30 Alfred Road, Chipping Norton identified in red and yellow).

3. THE PROPOSAL AND BACKGROUND

3.1. The Proposal

The development application (DA-872/2022) as amended seeks consent for the demolition of the existing structures, hardstand areas, and removal of 9 trees, site remediation and earthworks, construction of two warehouses, hardstand area, 164 on-site car parking spaces, landscaping including the planting of 28 new trees, stormwater management and signage, use of the site for warehouse and distribution centres and light industries, with 24 hour operation.

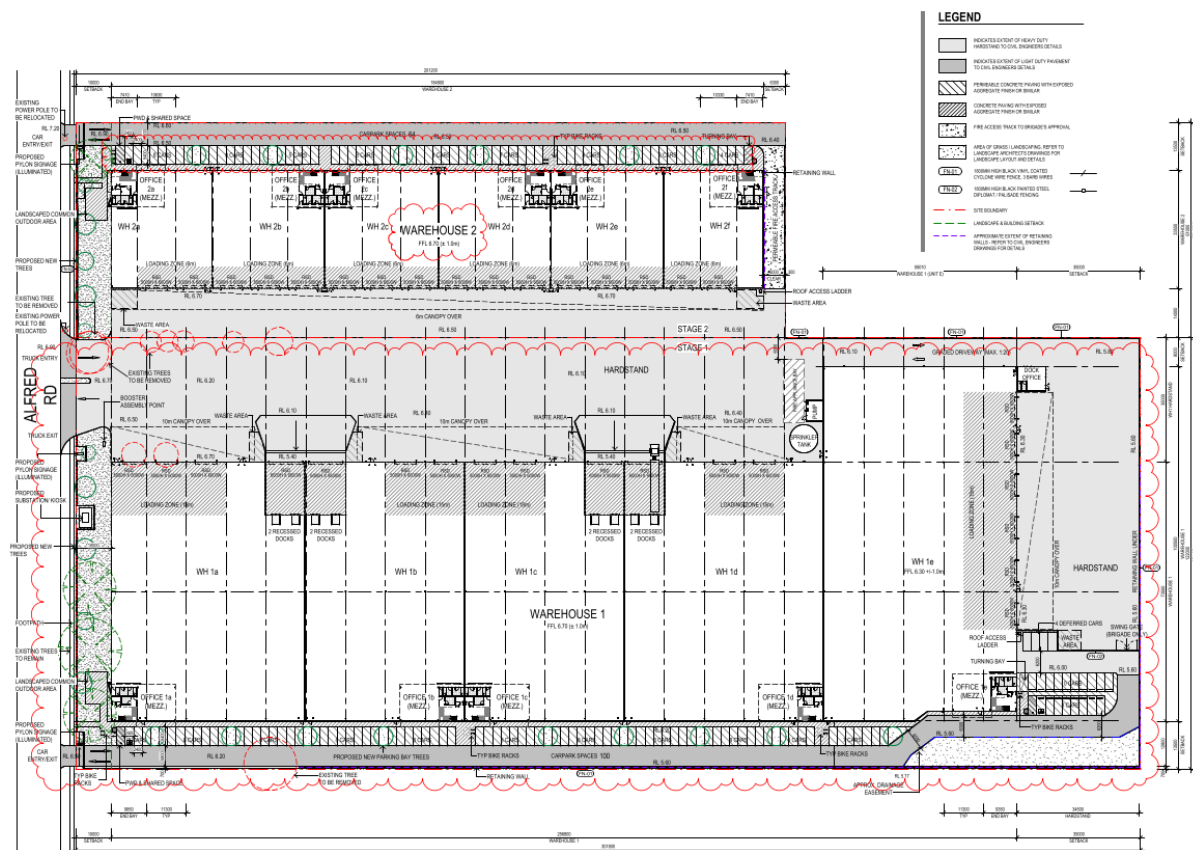


Figure 7: Site Plan (Source: Watson Young Architects)

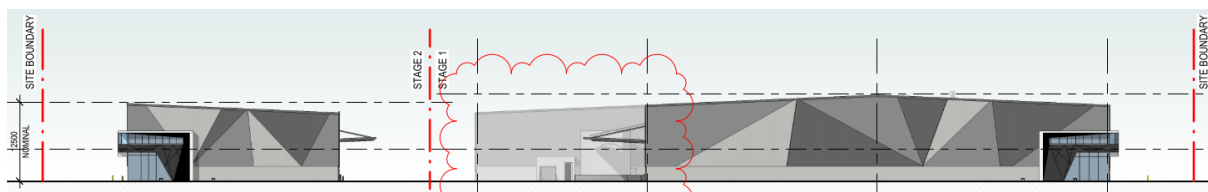


Figure 8: North Elevation – Alfred Road frontage (Source: Watson Young Architects)

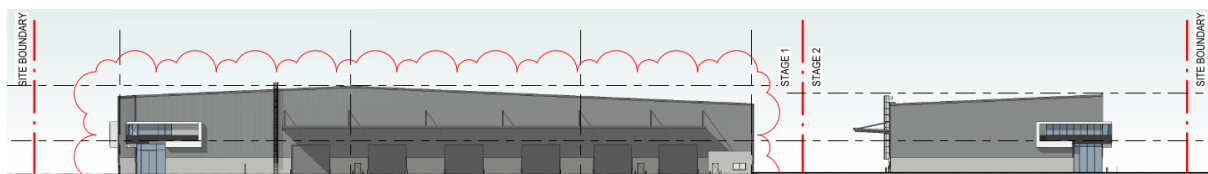


Figure 9: South Elevation – Rear of Site (Source: Watson Young Architects)

The development proposes the following works:

- Demolition of all existing buildings and structures on site, including the removal of fuel station infrastructure and handstand areas, removal of parking, driveways and 9 trees;
- Site remediation and earthworks;
- Construction of the following elements:
 - Two (2) warehouse buildings (Warehouse 1 and Warehouse 2), each comprising of 6 units respectively (12 total);
 - Driveways, hardstand area, 164 on-site car parking spaces and 16 bicycle spaces;
 - Landscaping, and the planting of 28 new trees;
 - Stormwater Management; and
 - Signage.

- Use of the site for warehouse and distribution centres and light industries, with 24 hour operation.

Table 1: Development Data

Control	Proposal
Site area	49,093m ²
GFA	24,136m ²
Clause 4.6 Requests	Nil
Max Height	Warehouse 1: 13.7m Warehouse 2: 12.3m
Landscaped area	3,579m ² – 7.3% site coverage
Car Parking spaces	164 spaces (100 for Warehouse 1 and 64 for Warehouse 2)
Setbacks	North: 10m South: 6m East: 13.5m West: 13.5m
Site Coverage	54.23%

• Warehouse 1

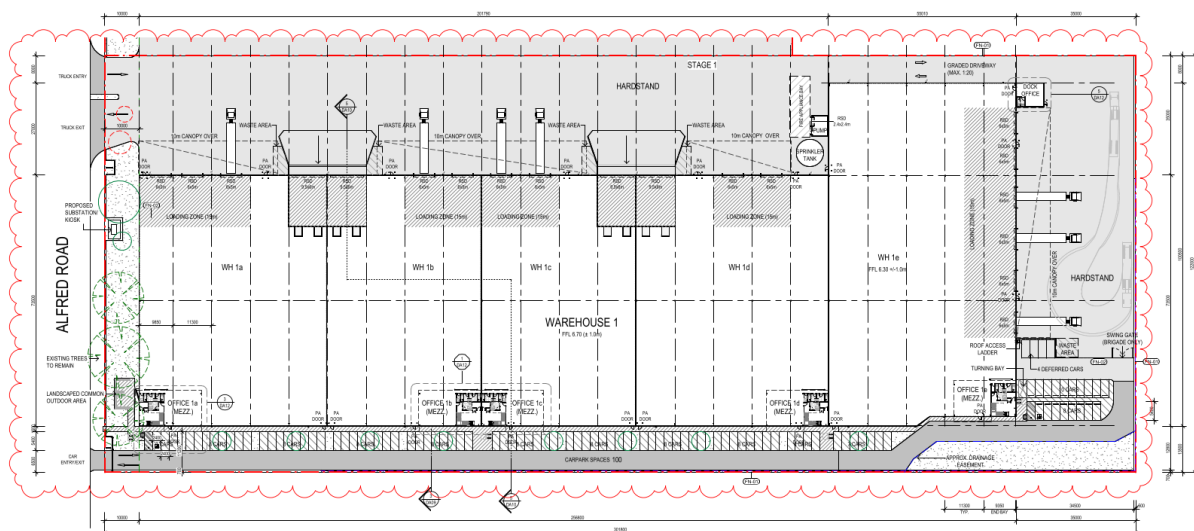
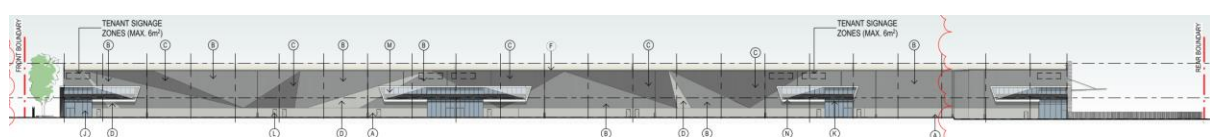


Figure 10: Warehouse 1 Floor Plan (Source: Watson Young Architects)



West Elevation

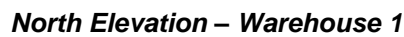
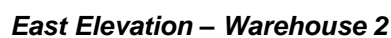
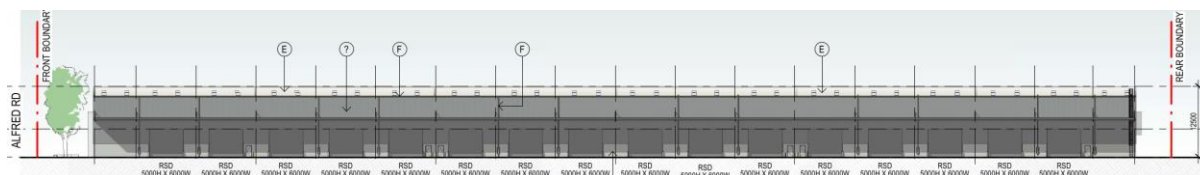


Figure 11: Elevations Warehouse 1 - (Source: Watson Young Architects)

The floor plan for Warehouse 2 is a long, rectangular building with a central area labeled "WAREHOUSE 2" with a height of "FFL 6.7 to 1.0m". The building is divided into several sections. On the left side, there are two office areas labeled "OFFICE 2a (MEZZ.)" and "OFFICE 2c (MEZZ.)". In the center, there are two more office areas labeled "OFFICE 2b (MEZZ.)" and "OFFICE 2e (MEZZ.)". On the right side, there is an "OFFICE 2f (MEZZ.)". The building has a "6m CARPARK SPACES" area at the top and a "6m CANOPY OVER" area at the bottom. The plan also shows "LOADING ZONE (10m)" areas along the bottom edge, "PA DOOR" and "PA DOOR DOOR" openings, and "ROOF ACCESS LADDER" and "WASTE AREA (VIBED)" on the right side. The plan includes various structural elements like columns, beams, and stairs, as well as landscaping features like trees and shrubs. The overall dimensions are 10000 units by 10000 units.

Figure 12: Warehouse 2 Floor Plan (Source: Watson Young Architects)





West Elevation - Warehouse 2

Figure 13: Elevations Warehouse 2 - (Source: Watson Young Architects)

• Signage Details

The development proposes Business Identification Signage. A total of 3 Pylon signage is proposed within the front setback of the development as follows:

1. Main identification Pylon Sign (illuminated) – Located at the North Truck Entry/Exit – *Figure 14 below.*
2. Warehouse 1 Identification Pylon Sign (illuminated) – Located on the North-West Car Entry/Exit - *Figure 15 below.*
3. Warehouse 2 Identification Pylon Sign (illuminated) – Located on the North-East Car Entry/Exit - *Figure 16 below.*

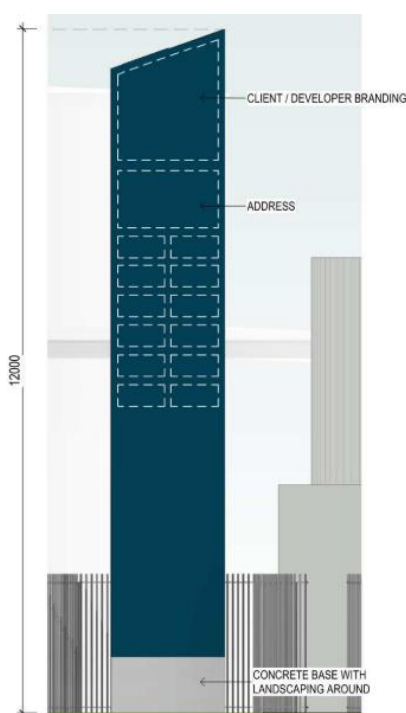


Figure 14: Main Pylon Sign

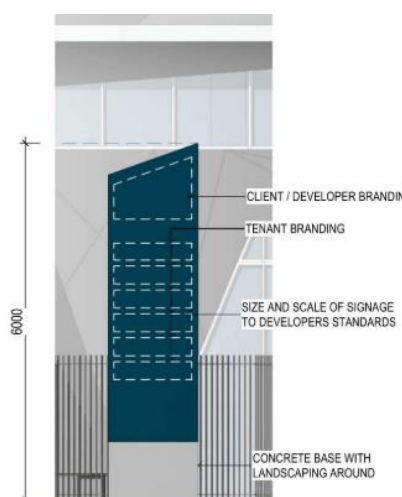


Figure 15: Warehouse 1 Sign

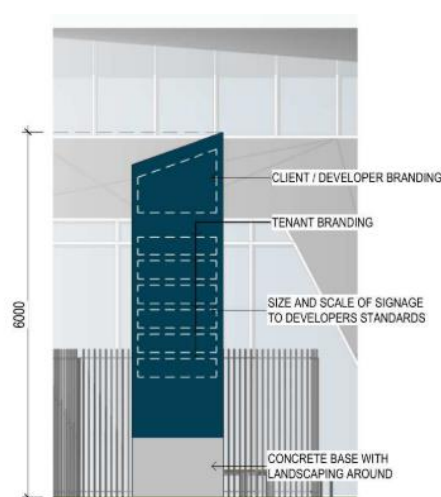


Figure 16: Warehouse 2 Sign

3.2. Background

A pre-lodgement meeting was held prior to the lodgement of the subject application on 25 November 2021 for *Development of a warehouse/distribution centre including six (6) tenancies, one hundred twenty-six (126) car parking spaces, hardstand truck loading/parking*

areas and associated landscaping works, where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

Table 2: Pre DA

Issue	Resolution
The development is to comply with the requirements for industrial development in Part 1 and Part 7 of the LDCP 2008 with respect to setbacks, car parking spaces, design of car-park, and landscaping.	Table in Attachment A demonstrates satisfactory compliance with relevant DCP controls.
The carpark as indicated in the “Concept Masterplan” of the proposed development has encroached the existing drainage easement and the open channel, which is not acceptable. The existing easement and the open channel shall be preserved. All development footprints including the carparks shall be located outside the drainage easement and the proposal shall be amended accordingly.	Submitted plans indicate that development will not encroach upon easement.
It may be necessary to prepare a Stage 2 – Detailed Site Investigation. Where the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared.	RAP submitted; however, it has been superseded by a Validation Report which was prepared in December 2022 upon remediation of subject site. Accordingly, all contamination issues have been resolved.
During the Pre DA meeting discussions were raised regarding the pollution incident that had occurred at the site. The applicant advised that they had tried to obtain the Validation Report that was submitted in relation to this incident however, Councils Information Access Officer denied the request.	Validation Report which was prepared in December 2022 upon remediation of subject site. Accordingly, all contamination issues have been resolved.
<p>The schematic Concept Masterplan is unsatisfactory for the following reasons:</p> <ul style="list-style-type: none"> • It does not provide sufficient or well-designed landscaping for the visual enhancement of the site; 	Submitted architectural plans have been refined and demonstrate that a modern industrial development with ESD is proposed to be built. Compliance with relevant SEPP, LEP and DCP provision shows that flooding, landscaping and amenity impacts have been considered appropriately.

<ul style="list-style-type: none"> • It does not provide landscaping that can be used by employees and other people attending the site; • It does not satisfactorily deal with the hydrology of the site and easements that are in place to deal with the identified flooding impact • Overall, the presented proposal does not take the opportunity to renew and redevelop the site to provide attractive, innovative, and sustainable industrial premises. Instead, an approach is taken which seeks to match the existing flaws of old and established premises nearby rather than to aiming to create a modern precedent that encapsulates modern design and technology. 	
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The development application was lodged on 5 August 2022. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 3: Chronology of the DA

Date	Event
5 August 2022	DA lodged
12 October 2022	Exhibition of the application (until 31 October 2022)
2 February 2023	Request for Information from Council to applicant
6 March 2023	Panel kick-off briefing
12 April 2023	Applicant requested additional time to submit additional information due to complications with the flood management matters. Additional time was granted.
20 June 2023	Amended plans/documents lodged to reflect the following changes: <ul style="list-style-type: none"> 1. Warehouse 1E and 1F have been amalgamated and rotated to provide additional hardstand at the south of the site, allowing an improved passage for the overland flow path.

	<ol style="list-style-type: none"> 2. The RL of Warehouse 1E lowered by approximately 0.6m to assist with accommodating the overland flow path from the west to the south of the site, with the external levels slightly lowered as well. 3. The drainage easement in the south-west corner of the site is now proposed to be open to the sky, with driveway and car parking reorganised to accommodate the required spaces. 4. A previous error in the calculation of GFA for Warehouse 2 has been corrected, previously 5,290m², now 6,009m². Note that the design of Warehouse 2 is unchanged. 5. Warehouse 2's parking spaces have been modified and increased from 59 to 64 spaces.
3 July 2023	The amended design was exhibited (until 17 July 2023)
2 August 2022	Further additional information was submitted in relation to the information submitted on 20 June 2023.
19 September 2023	<p>DA referred to external agencies. The proposal as amended was referred to external bodies as follows:</p> <ul style="list-style-type: none"> • Transport for NSW – Roads and Maritime • Endeavour Energy • Sydney Water <p>TfNSW requested additional traffic modelling but noted that the proposed development will generate less traffic than the current use on site. No further issues were raised. All other agencies provided concurrence in support of the development as amended.</p>

3.3. Site History

The site has been used for industrial purposes since the 1980s. A chronology of the site history is outlined below:

Table 4: Site History

Application No.	Description
24 Alfred Road	
DA-159/1986	Factory to be used for Engine Reconditioning
DA-453/1987	Erection Of an Industrial Building to Be Used for The Purposes of Engine Reconditioning and Warehousing
DA-823/2006	Change of use - for the production of plastic pipes and the installation of machinery and equipment,

	widening of roller shutter door to dock and wall mounted advertising sign
30 Alfred Road	
B-1855/1971	Transport Terminal Detached Office/Warehouse Buildings
B-245/1978	Additions & Alterations to Truck Service & Amenities Building
DA-543/1987	Erection Of a Warehouse Addition to The Existing Transport Terminal
DA-236/1996	Subdivision into two lots.
DA-310/2010	Use and conversion of rooms to be used as offices
DA-587/2014	Demolish existing telecommunications monopole and equipment shelter and fence
DA-1361/2021	Replacement Signage at the Existing Caltex Service Station.

4. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided.

4.1. Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations.

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

4.2. Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- (i) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- (ii) *State Environmental Planning Policy (Industry and Employment) 2021*
- (iii) *State Environmental Planning Policy (Planning Systems) 2021*
- (iv) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*
- (v) *State Environmental Planning Policy (Resilience and Hazards) 2021*
- (vi) *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- (vii) *Liverpool Local Environmental Plan 2008.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 5** and considered in more detail below.

Table 5: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 6: Water Catchments	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage. • Section 3.11(1) – matters for consideration 	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises development with a capital investment value of more than \$30 million 	Y

SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation have been considered in the Phase 2 Detailed Site Investigation report (DSI) and Remediation Action Plan (RAP) provided with the application. Furthermore, a Site Validation Report has been conditioned to be provided to ensure that contamination matters are addressed in accordance with the SEPP. The proposal is satisfactory subject to conditions. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> Section 2.122 and Schedule 3 declares the proposal Traffic-generating development as it provides for warehouse or distribution centres on land with an area of at least 8.000m². 	Y
Proposed Instruments	No compliance issues identified.	N/A
LEP	<ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives Clause 4.3 – Height of buildings Clause 5.21 – Flood Planning Clause – 7.7 Acid Sulfate Soils Clause 7.17A - Hospital helicopter airspace 	Y
Liverpool DCP 2008	<ul style="list-style-type: none"> Part 1 – General Controls for all Developments Part 7 – Development in Industrial Areas 	Y

Consideration of the relevant SEPPs is outlined below.

(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies to the proposal. The objectives of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the state and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The submitted arborist report identifies the removal of 9 trees from the site with 4 trees to be retained. The submitted documentation also indicates that at least 28 new trees will be planted on site.

On the basis that the number of new trees exceeds the number of trees to be removed, the proposal satisfies the considerations under Chapter 2. In this regard, an Arborist report was provided, and the tree removal was reviewed by Council's Landscape Officer who supported the proposal and provide conditions for tree protection during the development to be in accordance with the arborist report.

Chapter 6 Water Catchments

The subject land is located within the Georges River Catchment and therefore Chapter 8 of the SEPP applies to the application. Chapter 8 of the SEPP generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The development proposal has submitted stormwater and erosion and sediment control plans for assessment. Additionally, plans indicate that the impervious areas on site will be reduced as a result of the proposal.

The application was reviewed by Council's Land Development Engineer who raised no objections to the proposed stormwater plan. Accordingly, the proposal is considered to satisfy the relevant provisions of the Biodiversity and Conservation SEPP.

(b) State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

State Environmental Planning Policy (Industry and Employment) – Chapter 3 Advertising and Signage applies to all signage that, under an environmental planning instrument, can be displayed with or without development consent and is visible from any public place or public reserve. The Industry and Employment SEPP defines signage as:

All signs, notices, device, representations, and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- a) Building identification signs, and
 - b) Business identification signs, and
 - c) Advertisements to which Part 3 applies,
- But does not include traffic signs or traffic control facilities.

Pursuant to the definition, the proposed developments signs are considered 'building identification signs' and 'business identification signs', and therefore the controls under Part 3.3 of Industry and Employment SEPP do not apply. Accordingly, the policy's objectives and the criteria listed under Schedule 5 are subsequently required for primary consideration. Clause 3.1 of the Industry and Employment SEPP 2021 states that:

This policy aims:

- a) *To ensure that signage (including advertising):*
 - i. *Is compatible with the desired amenity and visual character of the area;*
 - ii. *Provides effective communication in suitable locations; and*
 - iii. *Is of high quality urban 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 travel corridors; and*
- e) *To endure that public benefits may be derived from advertising in and adjacent to transport corridors*

The proposed signage is consistent with the character of the surrounding industrial area, is complementary to the character of the proposed warehouses and seeks to effectively communicate the operating businesses on the site. The position, design and location of the proposed signs have been considered and managed in a way that resembles a high-quality design and finish.

Requirement	Yes	No	N/A	Comments
Schedule 1 – Assessment Criteria				
1. <u>Character of the area</u>				

<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signage is considered to be compatible with the desired future character of the area. The existing locality of the area consists of a multiples warehouse and a service station use, which include similar forms of signage.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is consistent with other advertising in the area, particularly the existing signage at the site.
2. <u>Special areas</u>				
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal is not considered to detract from the amenity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes. The proposal is consistent with other advertising in the area.
3. <u>Views and vistas</u>				
<i>Does the proposal obscure or compromise important views?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage is not considered adversely affect important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage is not considered to dominate the skyline or reduce the quality of any vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage is not considered to be located in proximity of any other signs so as to obscure views.
4. <u>Streetscape, setting or landscape</u>				
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signage is considered to be designed at a suitable scale that complements the existing streetscape, setting and landscape.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed signage is considered to contribute to the visual interest of the streetscape.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage is not considered to alter existing signage on the subject site.
<i>Does the proposal screen unsightliness?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposal would not be screening unsightliness.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Considered to be no protrusion over buildings, structures or tree canopies in the area or locality.

<i>Does the proposal require ongoing vegetation management?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No vegetation involved.
5. <u>Site and building</u>				
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the proposed building identification signage is consistent and is respectful with the scale of the building.
<i>Does the proposal respect important features of the site or building, or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not considered to contain any important features.
<i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal does not show innovation or imagination in its relationship to the site or building. The proposed signage is standard for the type of development.
6. <u>Associated devices and logos with advertisements and advertising structures</u>				
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some of the proposed signage will be illuminated. However, this will be controlled through conditions of consent.
7. <u>Illumination</u>				
<i>Would illumination result in unacceptable glare?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Some of the proposed signage will be illuminated. However, the level of illumination be controlled through conditions of consent.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes, through conditions of consent.

Is the illumination subject to a curfew?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No, however the strength of the illumination is controlled through conditions of consent.
8. Safety				
Would the proposal reduce the safety for any public road?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal would not reduce the safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal would not reduce the safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed signage will not obscure sightlines from public areas.

(c) **State Environmental Planning Policy (Planning Systems) 2021**

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development that has a capital investment value of more than \$30 million. Accordingly, the Sydney Western City Panel is the consent authority for the application. The proposal is consistent with this Policy.

(d) **State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (*the Resilience and Hazards SEPP*) have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and 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. In order to consider this, a Remediation Action Plan (RAP) was prepared for the site.

It is noted that remediation of the site was completed in December 2022, in accordance with the RAP. Accordingly, the remedial works and validation for this area must be detailed in a final validation report which demonstrates that contamination issues have been remediated such that the site can be considered suitable for the proposed commercial/industrial land use.

The Validation report has been included as a condition of consent to be provided to Council prior to the issue of an Occupation Certificate.

(e) **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Chapter 2: Infrastructure

The provisions of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Transport and Infrastructure SEPP) have been considered in the assessment of the development application.

The proposed development is traffic-generating development under Clause 2.122 as the development has a site area of at least 8,000m².

TfNSW requested SIDRA traffic modelling to determine the increased traffic movement. However, the applicants traffic consultant indicated that the proposed development would generate less traffic than the existing use on site. TfNSW was advised of that traffic modelling would not be required due to reduced traffic expected from the development. As a result the application was re-referred to TfNSW who updated their response by noting the reduction in traffic and indicated that there were no further comments to be provided. Council's Traffic engineer reviewed the traffic report and was satisfied with the traffic generation and supported the development.

The proposed warehouse will be tenanted in future and any use proposing increases in the movement of traffic from the traffic report provided, will be required to undertake further traffic assessment and modelling.

In this regard, the development is considered appropriate.

(f) *Liverpool Local Environmental Plan 2008*

a. *Zoning and Permissibility*

The site is located within the E4 General Industrial zone pursuant to Clause 2.2 of the LEP per the extract of the Land Zoning Map in Figure 4.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of *warehouse and distribution centre* and *light industry* which are permissible uses with consent in the Land Use Table in Clause 2.3.

Warehouse and distribution centre is defined under the LEP as:

Means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

Light industry is defined under the LEP as:

A building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

E4 General Industrial

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.

The proposal is considered to be consistent with the zone objectives as it provides for a range of industrial, warehouse, logistics and related land uses while encouraging employment opportunities.

b. General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in following below.

Table 6: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	2000m ²	No subdivision proposed	Yes
Height of buildings (CI 4.3(2))	30 metres	13.7m	Yes
Flood planning (CI 5.21)	Development is compatible with the flood function and behaviour on the land and will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.	The site is identified on the Flood Planning Map as being flood prone land with a small portion of the site within the flood planning area. The amended Flood Impact Assessment was reviewed by Council's Flood Engineers and is considered acceptable, subject to conditions.	Yes
Acid sulphate soils (CI 7.7)	Acid sulfate soils management plan needed if works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height	The site is identified on the Acid Sulfate maps as being affected by Class 2 and 5 acid sulfate soils. No basements or significant excavation is proposed to warrant additional studies to be undertaken.	Yes

	Datum on adjacent Class 1, 2, 3 or 4 land.		
Hospital helicopter airspace (CI 7.17A)	<p>Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—</p> <p>(a) refers the application for development consent to the chief executive of the relevant local health district</p>	<p>The development as amended was referred to the South West Sydney Local Health District (SWSLH). The SWSLHD did not respond with the required 21 days.</p> <p>In addition, the proposed development, whilst located under the Helicopter flight path, does not exceed the height limit specified under the Liverpool Local Environmental Plan.</p> <p>In this regard, the proposal is not anticipated to impact on the flight path and as no response from SWSLHD was received to the referral within 21 days, and no further concerns have been raised.</p>	Yes

The proposal is considered to be generally consistent with the LEP.

4.2. Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*
- *Draft SEPP (Environment)*

The assessment of the proposal is not altered by the draft provisions within the above proposed instruments.

4.3. Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following parts of DCP 2008 are applicable to the proposed development:

- Part 1 – General Controls for all Development
- Part 7 – Development in Industrial Areas

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008 and all relevant compliance tables for the LDCP 2008 can be found in Report Attachment A.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- **Liverpool Contributions Plan 2018 - Established Areas**

In accordance with Liverpool Contributions Plan 2018 – Established Areas, a Section 7.12 contribution of **\$500,639** has been applied and included the recommended consent conditions.

4.4. Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

4.5. Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

- Demolition of a building proposed - provisions of AS 2601

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

4.6. Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. The temporary removal of vegetation will be replaced by trees and shrubs in new landscaping for the site. Council's natural environment landscape officer concurs with the submitted landscape plans and scheme and raised no objections subject to conditions of consent.

The development proposes environmental protection measures that address any potential impacts that are likely to arise from the development. These measures are outlined in submitted documentation for the application such as a site/waste management plan, sediment and erosion control plan, remediation action plan and drainage plans. A condition will be imposed on any consent that requires the development to be carried out in accordance with the submitted documents.

The proposed development has given consideration to the issues that need to be addressed to ensure that facility operates in a way to minimise any impact to the natural environment.

Built Environment

The impacts of the development on the built environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the built environment.

The proposed bulk and scale of the development is consistent with the bulk and scale of established industrial building in the area and the desired future character espoused by the DCP. Non-compliances to landscaping have been reviewed and it is considered that the design has been able to mitigate potential impacts to the streetscape so as to ensure that the buildings do not dominate the streetscape and contribute to the landscaped setting.

The impacts of the development on the built environment have been assessed and are considered to be satisfactory for development located within an E4 General Industrial zone. The proposed development has given consideration to the issues that need to be addressed to ensure that facility operates in a way to minimise any impact to the built environment.

Social Impact

The proposed development will not have a detrimental social impact in the locality considering the location within a precinct that has been established for industrial uses. Standard conditions have been imposed to ensure appropriate noise suppression measures and traffic management are in place to minimise any detrimental social impact on the surrounding development.

Economic Impact

The proposal will provide a positive economic impact arising from the construction of the new facilities for future industrial operations. The proposal will improve the employment opportunities within the Chipping Norton Industrial precinct, which will encourage economic growth in the area. It is unlikely to devalue any of the surrounding development as a direct result of this proposal.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

4.7. Section 4.15(1)(c) - Suitability of the site

The site is suitable for this development as it does not have constraints that would prohibit development from occurring. The size and shape of the land is appropriate and contributes to the appropriate siting of access and car parking areas. The location of the site in an accessible location is appropriate given that the proposal is defined as a high traffic generator. Also, the technical assessments accompanying the proposal demonstrate that the environmental impacts of the proposal are reasonable in nature and can be managed and mitigated.

4.8. Section 4.15(1)(d) - Public Submissions

All submissions are considered in Section 5 of this report.

4.9. Section 4.15(1)(e) - Public interest

The proposal is considered to be in the public interest on the basis that it is consistent with the objectives for development described in Council's LLEP and presents a positive development outcome. The positive benefits of the proposal are considered to outweigh any potential negative impacts. Overall, it is unlikely that the development would detrimentally impact the environment, or the amenity of the locality and its impacts are considered to be reasonable and acceptable.

As a result of the additional information and amendments to the application made by the applicant in consultation with Council and the various stakeholders discussed in this report, it is considered that the proposed development is in the public interest.

5. REFERRALS AND SUBMISSIONS

5.1. Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

Table 7: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	Not applicable	N/A
Rail authority for the rail corridor	Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Not applicable	N/A
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	Not applicable	N/A
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	The application as amended was referred to Endeavour Energy who supported the development and provided conditions. The developer will be required to consult with Endeavour Energy during construction.	Y
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	Not applicable	N/A

Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	The application has been referred to TfNSW as the classified road authority. Additional modelling was initially requested, however after receiving updated comments from the applicant's traffic engineer indicating that less traffic is proposed to result from the development when compared to the existing use on site, TfNSW did not raise any issues or request any further information. Furthermore, any new tenants that will require additional traffic movements, will be required to submit a Traffic report to Council for assessment in a new development application (DA) and it will be referred to TfNSW. In this regard, it has been included in the conditions of consent requesting a DA should any new use proposed in the industrial tenancies increase traffic generation greater than the approved traffic report.	Y
Sydney Water	Sydney Water Act 1994 – Section 78	The application as amended was referred to Sydney Water who supported the development and provided conditions. The developer will be required to consult with Sydney Water for water connects.	Y
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	Not applicable	N/A
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Not applicable	N/A
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Not applicable	N/A

5.2. Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 8: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted plans and considered that there were no objections subject to conditions.	Yes
Traffic	Council's Traffic Engineering Officer reviewed the submitted plans and considered that there were no objections subject to conditions.	Yes
Building	Council's Building Officer reviewed the submitted plans and considered that there were no objections subject to conditions.	Yes
Fire Safety	Council's Fire Safety officer revised the submitted plans and requested that the proposed substation be conditions to comply with Endeavour Energy Document No MCI 0006 (Current Version) and the concurrence provide from Endeavour energy which supports the proposal.	Yes
Environmental Health	<p>A DSI and RAP were provided and assessed. The RAP noted works were done and that a detailed Validation report was being prepared.</p> <p>Prior to an occupation certificate the detailed Validation report is to be submitted to Council for review. The Report must be prepared in accordance with:</p> <ol style="list-style-type: none"> 1. NSW Contaminated Land Planning Guidelines (1998); 2. Relevant EPA guidelines. The Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and 3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). <p>The Validation Report must be prepared or reviewed and approved by a suitably qualified and experienced contaminated land consultant.</p> <p>The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.</p> <p>The validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the</p>	Yes

	Remedial Action Plan – 24 and 30-40 Alfred Road, Chipping Norton, NSW prepared for Aliro Management Pty Ltd by JBS&G Australia Pty Ltd Ref 62238/145737 Rev 0 dated 3 June 2022. Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.	
Flooding	Council's Flood Engineering Officer reviewed the amended submitted plans and considered that there were no objections subject to conditions.	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

5.3. Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 12 October 2022 until 31 October 2022 and again from 3 July until 19 July (after submission of additional information). The notifications included the following:

- A sign placed on the site.
- Notification letters sent to adjoining and adjacent.
- Notification on the Council's website.

No submissions were received.

6. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail.

1. *Flooding* – Submitted Flood Impact Assessment report indicates an increase in flood level (afflux) at the western side of the development by 200mm. The permissible increase in flood level due to the development at adjoining properties is 10mm. The flood impact assessment shall investigate mitigation measures to limit the afflux at the adjoining properties to 10mm.

Resolution: The issue has been resolved through the submission of amended plans and an updated Flood Impact Assessment demonstrating that during the 1% AEP storm event, the proposed development does not result in adverse flood impacts external to the site. The changes were reviewed by Council's flood engineers and considered to be satisfactory, subject to conditions of consent.

2. *Traffic* - The parking on site is deficient by 12 parking spaces from the numerical standard in the Liverpool Development Control Plan 2008 (LDCP). Justification provided is not

considered adequate and additional parking should be provided, closer to the minimum parking required.

Resolution: The issue has been resolved through the submission of amended plans which includes a total of 164 car parking spaces. This results in an additional three (3) parking spaces above the requirement (161) set by the Liverpool Development Control Plan 2008.

3. *Stormwater* - Details of the existing drainage easement as identified on the survey plan are to be provided to Council. All proposed works including structures, stormwater drainage etc. are to be kept clear of the existing drainage easement that burdens No 24 Alfred Road.

Provide pre & post development impervious area plans with calculations. If the extent of post-development impervious areas exceeds that of pre-development impervious areas, provision shall be made for OSD. It is also recommended that rainwater tanks be provided to allow for stormwater reuse within the site.

Resolution: The issue has been resolved through the submission of amended plans and documentation identifying that the existing easement will not be obstructed and that the post-development impervious area will be decreased.

7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and in the recommended draft conditions at **Attachment B**.

8. RECOMMENDATION

That the Development Application (DA-872/2022) for demolition of the existing structures, hardstand areas, and removal of 9 trees, site remediation and earthworks, construction of two warehouses, hardstand area, 164 on-site car parking spaces, landscaping including the planting of 28 new trees, stormwater management and signage, use of the site for warehouse and distribution centres and light industries, with 24 hour operation at 24 and 30 Alfred Road, Chipping Norton be **APPROVED** pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent / reasons for refusal attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Development Control Plan Tables of Compliance – TRIM No. 349454.2023
- Attachment B: Draft Conditions of consent – TRIM No. 349452.2023
- Attachment C: Architectural Plans – TRIM No. 244504.2023