

SYDNEY WESTERN CITY PLANNING PANEL

24 February 2025

SWCPP No.	PPSSWC-411
DA Number	DA0386/23
Local Government Area	Hawkesbury City Council
Proposed Development	Demolition of existing structures, site consolidation, and construction of four (4) warehouses consisting of 36 units
Street Address	7 Curtis Road and 6 Hannabus Place MULGRAVE Lot 172 DP 752061 and Lot 5 DP 717896
Applicant	Nathan Smith
Owner	Gaea Mulgrave PTY Limited
Number of Submissions	One unique submission received
Regionally Significant Development Criteria (Schedule 6 Regionally Significant Development of Planning Systems SEPP)	2 General development over \$30 million Development that has an estimated development cost of more than \$30 million.
Cost of Works	Capital Investment Value of \$36,702,345.00.
List of All Relevant S4.15(1)(a) Matters	<p>Relevant environmental planning instruments: S4.15(1)(a)(i)</p> <ul style="list-style-type: none"> - Environmental Planning and Assessment Act 1979; - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - Hawkesbury Local Environmental Plan 2012. <p>Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</p> <p>Not applicable.</p> <p>Relevant development control plan: s4.15(1)(a)(iii)</p> <p>Hawkesbury Development Control Plan (DCP) 2002.</p> <p>Relevant 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: s4.15(1)(a)(iia)</p>

	<p>Not applicable.</p> <p>Relevant regulations: s4.15(1)(a)(iv)</p> <p>Environmental Planning and Assessment Regulation 2021 (EP&A).</p>
Does the DA require Housing and Productivity Contributions conditions (s7.24)?	<p>7.24 Provision of regional infrastructure</p> <p>(1) The object of this subdivision is to facilitate the provision of regional infrastructure that supports and promotes housing and economic activity in a region by enabling a contribution (a housing and productivity contribution) to be required.</p> <p>The subject site is located within the Greater Sydney Region and the development is subject to Housing and Productivity Contributions.</p>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Preliminary Acid Sulfate Soils Desktop Assessment, prepared by WSP and dated 25 July 2023. • Statement of Environmental Effects, prepared by Willowtree Planning and dated 25 September 2023. • Regulatory Compliance Report, prepared by Mckenzie Group and dated 12 September 2023. • Architectural Plans inclusive of Site Analysis Plan, Site & Ground Floor Plan, Demolition Plan, Roof Plan, Typical Office Plans, Elevations, Typical Office Elevations, Sections, Perspective, Streetscape Views and Signage Plan, prepared by Nettleton Tribe and dated 5 September 2023. • Landscape Concept Plan, prepared by Habit8 Landscape Architecture & Urbanism and dated 6 September 2023. • Geotechnical Desk Study Report, prepared by WSP and dated 25 May 2022. • Survey Plan, prepared by Sydney Surveyors and dated 4 March 2023. • Civil Engineering Report, prepared by Costin Roe Consulting and dated 8 September 2023. • Acoustic Assessment Report, prepared by Acoustic Logic and dated 1 September 2023. • Traffic Impact Assessment, prepared by PDC Consultants and dated 8 September 2023. • Civil Engineering Plans inclusive of Erosion & Sediment Control Plan, Erosion & Sediment Control Details, Bulk Earthworks Plan, Bulk Earthworks Sections, Stormwater Drainage Plan, Stormwater Pre & Post Development Catchment Plan, Pre & Post Development Flood Storage, Stormwater Drainage Details, Finished Levels Plan and Typical Sections, prepared by Costin Roe Consulting and dated 31 August 2023. • Waste Management Plan, prepared by Damon Hanlin and dated 31 August 2023. • Preliminary Site Investigation, prepared by WSP and dated 11 September 2023. • Cost Estimate Report, prepared by Mitchell Brandtman and dated 13 September 2023. <p><u>Additional documents submitted in response to an RFI Letter on 20/12/2023 (DA0386/23)</u></p> <ul style="list-style-type: none"> • Preliminary Environmental Site Assessment (PESA), prepared by WSP and dated 23 November 2023.

	<ul style="list-style-type: none"> RFI Response to Civil Engineering and Stormwater Management Items, prepared by Costin Roe Consulting and dated 14 December 2023. Arboricultural Impact Assessment, prepared by TALC and dated 14 December 2023. Sewer Pipeline Location Information – 6 Hannabus Place, issued by Hawkesbury City Council and dated 14 March 2023. Sewer Pipeline Location Information – 7 Curtis Road, issued by Hawkesbury City Council and dated 14 March 2023. Traffic Response Letter, prepared by PDC Consultants and dated 30 January 2024. <p><u>Additional documents submitted in response to the briefing with the Sydney City Western Planning Panel on 14 October 2024 (DA0386/23)</u></p> <ul style="list-style-type: none"> Sewer Plan, prepared by Costin Roe Consulting and dated 20 December 2024. Site Plan, prepared by Nettleton Tribe and dated 13 December 2024. Legal Correspondence regarding Tree Removal, prepared by Titan Cranes and dated 18 December 2024.
Clause 4.6 requests	N/A
Recommendation	Refusal
Report By	Adiba Kashfi – Executive Assessment Planner
Report Date	3 February 2025

Summary of Section 4.15(1) matters

Have all recommendations in relation to relevant Section 4.15 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 summarised, in the Executive Summary of the assessment report? **Yes**

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**

Conditions

Have draft conditions been provided to the applicant for comment? **Not Applicable**
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

1. Executive Summary

The subject Development Application before the Sydney Western City Planning Panel proposes the demolition of existing structures, site consolidation, and construction of four (4) warehouses consisting of 36 units at No.7 Curtis Road and No.6 Hannabus Place, Mulgrave.

The subject site is currently occupied by *Titan Cranes and Rigging* at No.7 Curtis Road and *Academy (Motor Body Works)* at No.6 Hannabus Place. The site is predominantly utilised as crane storage. There is associated hardstand as well as large amount of industrial plant, equipment and machinery.

The submitted proposal specifically involves the following:

- Consolidation of land known as at 7 Curtis Road and 6 Hannabus Place, Mulgrave;
- Demolition of existing buildings;
- Site preparation / Civil works;
- Construction of three (4) warehouse buildings, with a total of thirty-six (36) tenancies and ancillary office areas:
 - Warehouse 1 contains 14 units (7 larger units and 7 smaller units), including warehouse area and office area;
 - Warehouse 2 contains 14 larger units, including warehouse area and office area;
 - Warehouse 3 contains 6 smaller units, including warehouse area and office area; and
 - Warehouse 4 contains 2 units, including warehouse area and office area.
- Use of each tenancy has not been sought;
- Two (2) entries to the amalgamated site for access via Curtis Road and Hannabus Place;
- Provision of 144 car parking spaces;
- Associated landscaping, including removal of 19 trees and provision of 40 trees, various shrubs and ground cover; and
- Provision of business identification signage.

The application is referred to the Sydney Western City Planning Panel pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, as the proposed development has an estimated development cost of more than \$30 million.

The application was referred internally to Council's Building Surveyor, Environmental Health Officer, SMF Officer, Engineer, and Infrastructure Services teams for comments. Council Officers also engaged the services of an independent Arborist. Council's Environmental Health Officers, Engineer and Council's independent Arborist have raised objections to the proposed development.

Pursuant to Section 2.122 of SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment. Advice was received from TfNSW advising that the development's proposed traffic generation would not have a detrimental impact on the surrounding classified road network (Windsor Road).

The application was further referred to Sydney Water under Section 78 of the Sydney Water Act 1994 in which no objections were raised, subject to recommended conditions of consent.

The application was notified in accordance with the Hawkesbury Community Participation Plan of which one (1) submission was received objecting to the proposal. The issues raised in the submission have been considered within this report and on balance, it is considered that the matters can be resolved through conditions of consent.

The proposed development has not adequately demonstrated that the car parking shortfall can be absorbed by the area's on-street parking network. Moreover, it is considered that the local public transport network cannot be relied upon for travel to and from the site, depending on the future uses of the warehouse units and consequently, the assessment has concluded that the subject application be recommended for refusal.

The following documents and plans have been submitted with the subject application DA0386/23:

Supporting documents submitted at lodgement (DA0386/23)

- Preliminary Acid Sulfate Soils Desktop Assessment, prepared by WSP and dated 25 July 2023.
- Statement of Environmental Effects, prepared by Willowtree Planning and dated 25 September 2023.
- Regulatory Compliance Report, prepared by McKenzie Group and dated 12 September 2023.



- Architectural Plans inclusive of Site Analysis Plan, Site & Ground Floor Plan, Demolition Plan, Roof Plan, Typical Office Plans, Elevations, Typical Office Elevations, Sections, Perspective, Streetscape Views and Signage Plan, prepared by Nettleton Tribe and dated 5 September 2023.
- Landscape Concept Plan, prepared by Habit8 Landscape Architecture & Urbanism and dated 6 September 2023.
- Geotechnical Desk Study Report, prepared by WSP and dated 25 May 2022.
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- Site Plan, prepared by Nettleton Tribe and dated 13 December 2024.
- Legal Correspondence regarding Tree Removal, prepared by Titan Cranes and dated 18 December 2024.

Documents from Consultants engaged by Hawkesbury City Council

The following external consultants were engaged by Hawkesbury City Council to assist with the assessment of the application:

- Arboricultural Impact Assessment Review, prepared by Creative Planning Solutions and dated 11 October 2024.

1.1 Key Issues

- Car Parking Shortfall
- Tree Removal
- Site Contamination Assessment

Description of Proposal

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979, the subject Development Application proposes the demolition of existing structures, site consolidation, and construction of three (3) warehouses at 7 Curtis Road and 6 Hannabus Place, Mulgrave.

The subject site is currently occupied by *Titan Cranes and Rigging* on 7 Curtis Road and *Academy (Motor Body Works)* on 6 Hannabus Place. The site is predominantly utilised as crane storage, with The submitted proposal specifically involves the following:

- Consolidation of lands at 7 Curtis Road and 6 Hannabus Place, Mulgrave;
- Demolition of existing buildings;
- Site preparation / Civil works;
- Construction of three (4) warehouse buildings, with a total of thirty-six (36) tenancies and ancillary office areas:
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- Provision of 144 car parking spaces;
- Associated landscaping, including removal of 19 trees and provision of 40 trees, various shrubs and ground cover; and
- Provision of business identification signage.

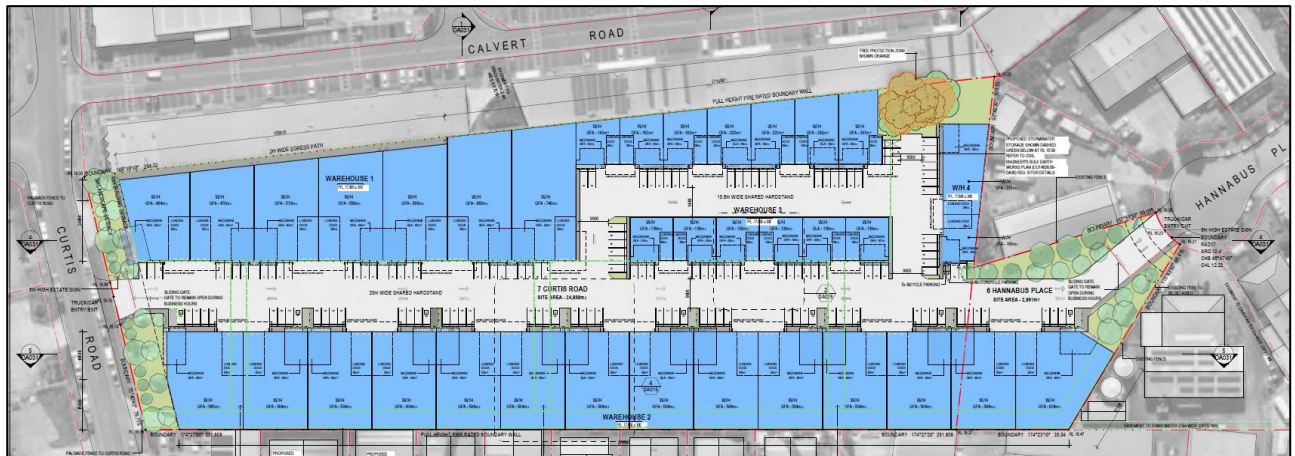


Figure 1: Proposed Site Plan and Ground Floor Plan (Issue P1 dated 13 December 2024)



Figure 2: Streetscape perspective (Issue P2 dated 5 September 2023)

The total gross floor area of the proposed units is outlined in the table below:



Warehouse	Units	Proposed GFA	Proposed Office GFA	Proposed Loading Dock	Total GFA (excluding Loading Dock)
Warehouse 1	14	5,364m ²	910m ²	847m ²	6,274m ²
Warehouse 2	14	7,257m ²	1,120m ²	1,190m ²	8,377m ²
Warehouse 3	6	834m ²	300m ²	216m ²	1,134m ²
Warehouse 4	2	419m ²	100m ²	72m ²	519m ²
Total	36	13,874m²	2,430m²	2,325m²	16,304m²

The Statement of Environmental Effects indicates that the industrial warehouse facility would operate 24 hours per day, seven days a week. The application is further supported by an Acoustic Report which concludes that the noise emitting from traffic movements associated with the development will be compliant with the noise emission criteria established in 5.2.3 of the NSW EPA Noise Policy for Industry. Notwithstanding, it was recommended that operational hours be applied at DA stage for first use of each tenancy. Applicant has agreed to the recommendation provided by Council.

The number of proposed staff is undetermined at this stage and is subject to approval of the use of each tenancy.

2. Background

The development site covers a total area of 27,729m² and consists of two sites one being 7 (Lot 172) Curtis Road and 6 (Lot 7) Hannabus Place, Mulgrave. Lot 172 is rectangular in shape and directly accessible from Curtis Road. The site includes a warehouse, several sheds, containers, cranes, and seventeen trees, both significant and non-significant vegetation. Lot 6 is irregularly shaped and accessible from the cul-de-sac on Hannabus Place. It contains a single-storey warehouse, several trucks, and three non-significant trees. The site was subject to the following applications,

DA Reference	Summary	Approval Date
DA0446/13	General Industry – Construction of an industrial building and the operation of a general industry	12/12/2013
DA0446/13A	Section 96 Amendments – Modifications to the consent for the construction of an industrial building and the operation of a general industry	13/08/2014
S960029/15	Modification of Development Consent DA0446/13 – Additional machinery storage shed, front pylon sign and exit driveway/crossing	23/04/2015
DA0490/18	General Industry – Alterations and additions to the industrial building	15/01/2019

3. Site Description & Conditions

2.1 Site and Locality Description

The town of Mulgrave is located approximately 54km northwest of Sydney's Central Business District and 2km southeast of Windsor. The subject site is located within the industrial centre of Mulgrave and is surrounded by similar developments inclusive of warehouses, manufacturing facilities and factories (see Figure 1 below).

The subject development site encompasses a total area of 27,729m² and comprises of two (2) Torrens title lots; 7 (Lot 172) Curtis Road and 6 (Lot 7) Hannabus Place, Mulgrave. Lot 172 is rectangular in shape and directly accessible from Curtis Road. The site currently contains a warehouse, several sheds, containers, cranes, and seventeen (17) trees inclusive of significant and non-significant vegetation. Lot 6 is irregular in shape and directly accessible from the cul-de-sac in Hannabus Place. The site currently contains a single-storey warehouse, several trucks and three (3) non-significant trees.

The subject site is zoned E4 General Industrial under the Hawkesbury Local Environmental Plan 2012.

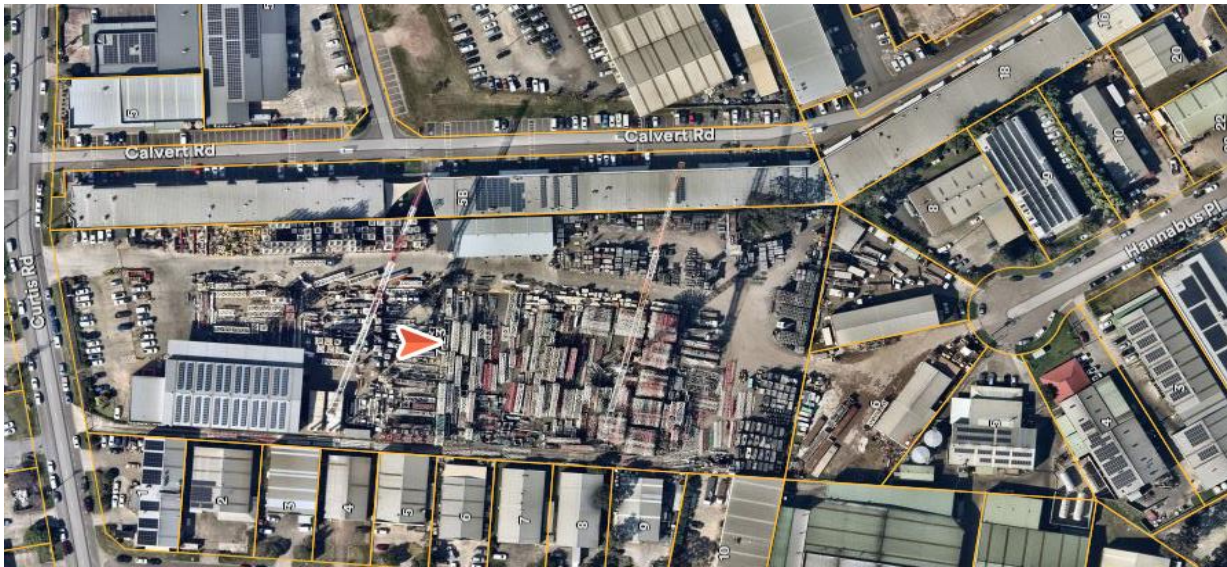


Figure 3: Council aerial mapping showing the subject site and surrounding locality for context.



Figure 4: Existing site access at 6 Hannabus Place, Mulgrave.



Figure 5: Existing site access at 7 Curtis Road, Mulgrave.

Internal Referrals

Building	No objections were raised, if the application were to be supported adequate conditions of consent to be imposed.
Engineering	Council's development engineers provided draft conditions if the application were to be supported. However, they do not support the car parking shortfall.
Regulatory	<p>The Council's Environmental Health Officer requested a targeted site investigation report based on the identified contamination risk. However, the existing sampling plan is insufficient, as it overlooks critical areas where contamination is likely or known to exist (e.g., around the spray booth, near the unsealed surface by the mechanics building entrance, and near the tanks at 7 Hannabus Place).</p> <p>Given these concerns, a revised Preliminary Site Assessment (PESA) was requested, including a more thorough site walkover and specific recommendations for targeted assessment. Additionally, the PESA should incorporate further testing where necessary and future recommendations.</p> <p>However, the applicant has not submitted any report to date to address these concerns.</p>
Infrastructure	No objections were raised, if the application were to be supported adequate conditions of consent to be imposed.

External Referrals

Sydney Water	No objections were raised, if the application were to be supported adequate conditions of consent to be imposed.
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TfNSW	<p>No objections were raised. The following comments were provided by TfNSW,</p> <p><i>The site has access to Curtis Road and Hannabus Place which are local roads under the care and control of Council as the relevant Road Authority.</i></p> <p><i>As such, TfNSW has reviewed the DA and advises that the development's proposed traffic generation will not have a detrimental impact on the surrounding classified road network. Therefore, TfNSW advises that it has no further comment on the DA.</i></p>
External Arborist	<p>The Arborist has objected to the removal of Trees 8-22, noting that these are mature, established, locally native trees. The Arborist provided the following comments:</p> <ul style="list-style-type: none"> <i>The trees are assessed to be in good vigour and fair condition, with medium to long-term retention potential, and are considered a priority for retention. It is recommended that the warehouse design be revised to minimize impact on these trees to a sustainable level.</i> <i>Design changes should be made in consultation with an AQF 5 Level Arborist to ensure that impacts on the trees remain sustainable.</i> <i>As a result, a new Arboricultural Impact Assessment (AIA) must be prepared that addresses the above concerns and complies with the reporting requirements of the Hawkesbury Development Control Plan 2002 and AS4970-2009 (Protection of Trees on Development Sites).</i> <i>Following the removal of three trees (Trees 4, 5, and 6) on-site, the applicant is required to provide documented evidence that the tree removal was approved through the relevant planning pathway. Alternatively, the applicant must submit written justification, including photographs, from an Arborist or other suitably qualified individual, to meet the requirements of Part C, Chapter 9.3.2 of the Hawkesbury DCP 2002.</i> <p>The applicant has submitted amended plans on 20 December 2024 in which they have redesigned the layout of the warehouses, and have retained Trees 8-22. Legal correspondence has been received from the landowner advising that Trees 4-6 had not cut down at 7 Curtis Road</p> <p>However, the applicant has still not submitted an amended Arboricultural Impact Assessment (AIA) report that was request by Council's Arboricultural Consulting.. This report is crucial to demonstrating compliance with the Hawkesbury Development Control Plan 2002 and AS4970-2009 (Protection of Trees on Development Sites). The AIA must comprehensively address the Arborist's concerns and definitively demonstrating that the revised design ensures sustainable outcomes for the retained trees. The absence of this report prevents a thorough assessment of the proposal's impact on protected trees.</p> <p>Additionally, the applicant has not provided documentary evidence that the tree removal of three trees (Trees 4, 5, and 6) on-site was approved through the relevant planning pathway. Alternatively, the applicant must submit written justification, including photographs, from an Arborist or other suitably qualified individual, to meet the requirements of Part C, Chapter 9.3.2 of the Hawkesbury DCP 2002. Council is obligated to further investigate the matter and consider enforcement options regarding the unauthorised removal of Trees 4-6. This outstanding issue impacts the overall assessment of the applicant's commitment to adhering to planning regulations and environmental protection measures.</p>

Assessment

4.0 Legislation, Council Policies, Procedures and Codes to Which the Matter Relates



- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (Resilience and Hazards) 2021
 - Chapter 4 Remediation of Land
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
 - Chapter 6 'Water Catchments'
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- Hawkesbury Local Environmental Plan (LEP) 2012
- Hawkesbury Development Control Plan (DCP) 2002

5.0 Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979

The following is an assessment of the application regarding the heads of consideration under the provisions of Section 4.15 of the EP&A Act 1979.

5.1 Environmental Planning Instruments

5.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

Clause 4.6 of the SEPP (Resilience and Hazards) stipulates 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,*
- (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 of the proposed development, and*
- (c) if the land requires remediation to be made suitable for the proposed development, it is satisfied that the land will be remediated before being used for that purpose."*

Council records indicate that the site has historically been used for industrial purposes. Due to the largely unsealed nature of the land, there is potential for contamination arising from the storage and use of paints, solvents, and lubricants. The application is supported by a Preliminary Site Investigation (PSI) prepared by WSP, dated 11 September 2023, and supplemented by a Preliminary Environmental Site Assessment (PESA) prepared by WSP, dated 23 November 2023. The PESA concludes that further testing is required due to potential risks to human health and ecological receptors.

Based on these findings, the PSI Report recommends soil testing to investigate the shallow soil/fill material beneath the site. Where preliminary sampling demonstrates potential or confirmed contamination, a detailed investigation should follow.

However, no testing has been conducted at the site to date. The applicant's proposed sampling plan, which includes preliminary and post-demolition sites. However, it does not adequately focus on areas known to have had polluting activities, such as chemical storage.

A Targeted Site Investigation should be conducted based on the identified contamination risks. However, the existing sampling plan is insufficient, as it overlooks critical areas where contamination is likely or known to exist (e.g., around the spray booth, near the unsealed surface by the mechanics building entrance, and near the tanks at 7 Hannabus Place).

Given these concerns, a revised Preliminary Site Assessment (PESA) is required, including a more thorough site walkover and specific recommendations for targeted assessment. Additionally, the PESA should incorporate some testing in areas where known contamination risks exist and recommendations for future testing where necessary.

Council's Environmental Health Team maintain that without a targeted soil investigation it is not possible to rule out potential exposure to contaminants for demolition and construction workers. The PESA submitted by the applicant clearly states that testing is required and cannot conclude that the site is suitable for the proposed development. Accordingly, Council insists on a revised PESA with soil testing, or a targeted site

assessment and considers that the likelihood of the land being contaminated has not been carried out to sufficient rigour.

5.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal is consistent with the aims and objectives of Chapter 6 'Water Catchments' of the SEPP (Biodiversity & Conservation) 2021. The proposed demolition of existing structures, site amalgamation, and construction of 4 warehouses would not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context and the proposal is not inconsistent with the general and specific aims, planning considerations, planning policies and recommended strategies.

5.1.3 State Environmental Planning Policy (Transport & Infrastructure) 2021

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development outlined below.

Clause	Comment
Clause 2.48 – Electricity Infrastructure	The proposed development is not considered to be within the vicinity of any electricity infrastructure under Clause 2.48 (1).
Clause 2.98 – Development Adjacent to rail corridors	The proposed development does not adjoin in, around or on top of any rail corridors.
Clause 2.119 – Frontage to a classified road	The proposed development does not front a classified road.
Clause 2.120 – Impact of road noise or vibration on non-road development	The subject site does not adjoin a classified road.
Clause 2.122 – Traffic generating development	In accordance with Section 2.122 of SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment. TfNSW has advised that the proposed traffic generation from the development will not have a detrimental impact on the surrounding classified road network.

5.1.4 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and signage

Clause 3.1 identifies the aims and objectives of Chapter 3 – Advertising and signage, which are:

- (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.*

Clause 3.6 requires signage to satisfy the assessment criteria in Schedule 5 (See table below). The following signage have been assessed against the Chapter 3 of the *SEPP (industry and Employment) 2021*.

- Site identification sign (pylon) – 3D lettering with internal LED illumination.
- 72 x Building identification sign (unit number for office and roller-shutter door) – painted to units

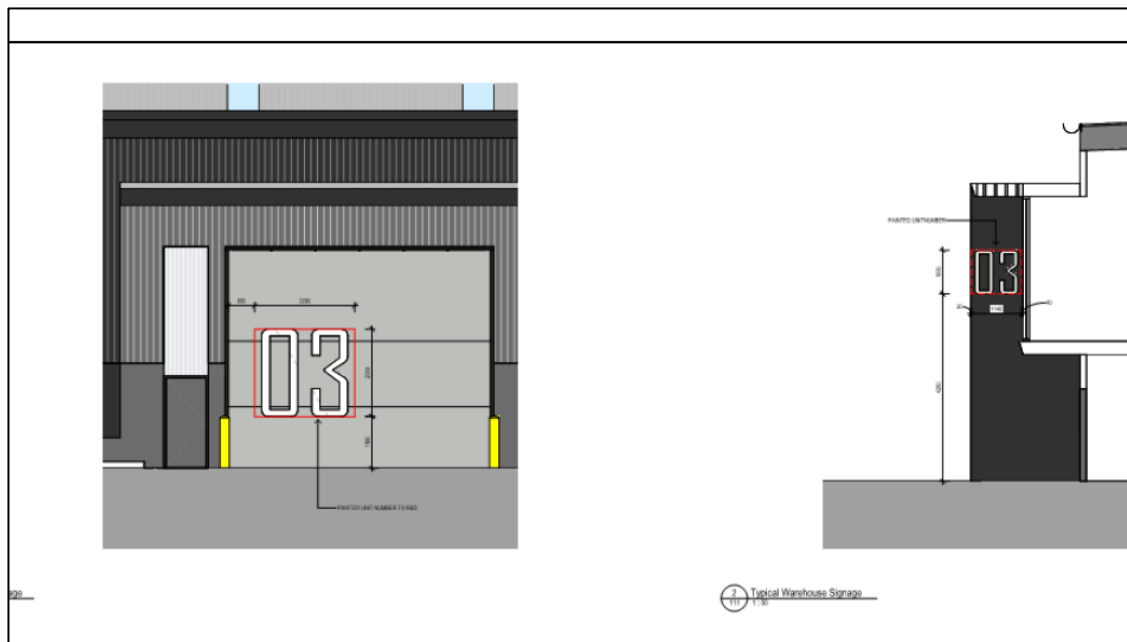


Figure 6: proposed signages

Criterion	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are viewed to be compatible with the streetscape. The proposed signs do not dominate the visual characters of the locality.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A
2 Special areas	
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?	The proposed signs do not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservative areas, open space areas, waterways, rural landscapes or residential areas.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No
Does the proposal dominate the skyline and reduce the quality of vistas?	No
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signs are considered to be appropriate to the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs are considered to be of an appropriate scale and form and unlikely to dominate the existing streetscape character.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed building identification signs are considered to be appropriate for the locality in terms of its scale, location and material.
Does the proposal screen unsightliness?	The proposed signs are identified as business identification signs and are not proposed to screen unsightliness

Criterion	Comment
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, 72 signs are flush mounted to facades and the pylon sign is 6m in height and does not protrude above the buildings, structures or tree canopies in the area or locality.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes – the proposed signs are considered to be appropriately located and do not dominate the streetscape.
Does the proposal respect important features of the site or building, or both?	Yes – the proposed signs are compatible with the characteristic of the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes – the proposed signs are considered to be appropriate for the proposed use that they identify
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No
7 Illumination	
Illumination?	Yes – the signs the proposed to be only internally illuminated.
Would illumination result in unacceptable glare?	No
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	The sign's internal illumination is permitted only during operational hours, in accordance with the hours of operation established for future uses at a later stage
8 Safety	
Would the proposal reduce the safety for any public road?	No, road safety issues are foreseen as a result of the proposed signs.
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

The proposed **signs** are considered to be acceptable with regard to *SEPP (Industry and Employment) 2021*, should the application be considered worthy of approval.

5.1.5 Hawkesbury Local Environmental Plan 2012

The proposed development is considered against the following relevant zone objectives and clauses of the Hawkesbury Local Environmental Plan 2012:

Clause 2.2 and 2.3 Zoning

The subject site is zoned E4 General Industrial under the Hawkesbury Local Environmental Plan 2012.

The aims and objectives for the E4 zone in Clause 2.3 zone objectives are as follows:

- *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.

The use of the site is most accurately defined as “Warehouse or Distribution Centre”. An excerpt of the definition under the Hawkesbury LEP 2012 is provided as below:

“Warehouse or distribution centre 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.”

It is considered that the proposed development is permitted with consent on the site. However, the proposed development, as presented, fails to adequately align with the objectives of the Zone E4 - General Industrial, specifically:

- **Inefficient and Unviable Use of Land:** The proposal fails to demonstrate how the development promotes the efficient and viable use of land for industrial uses. Insufficient information has been provided regarding site layout optimization, operational efficiency, and overall contribution to the industrial precinct.
- **Potential Adverse Effects on Other Land Uses:** The proposal fails to adequately demonstrate how potential adverse effects on other land uses will be minimised. Specifically, the application lacks a comprehensive assessment of potential impacts related to site contamination, tree removal, car parking shortfall, and other environmental factors that could affect surrounding properties. Mitigation measures are not adequately detailed or justified.

Clause 4.3 Height of buildings

It is noted that the site has no prescribed height limit. The submitted architectural denote that the proposed development has a total building height of 10m.

Clause 5.10 Heritage Conservation

The subject site is not listed as a local heritage item, nor is it located within a heritage conservation area.

Clause 5.21 Flood planning

The flood hazard at the site is between H2 and H4 with flood depths of up to 1.2m experienced on-site in a 1% AEP storm. The Site is not affected by mainstream flooding in the local 1% AEP flood event however, the Site is affected by 1% Flood in the Hawkesbury River.

Council's Development Engineers have reviewed the application and noted that the proposal, if supported, conditions can be imposed.

Clause 6.1 - Acid Sulfate soil controls

Class 5 - Low impact, the proposal would not lower the water table or expose acid sulfate soils.

Clause 6.2 – Earthworks

The proposal involves minor earthworks. If the application were to be approved, appropriate conditions would be imposed. Subject to these conditions, the proposed works would not result in detrimental impacts on soil stability, drainage flows, or surrounding uses, in accordance with clause 6.2 of the Hawkesbury LEP 2012. However, as we are recommending refusal, it is not necessary to proceed with these conditions. Should the application be approved, conditions to ensure appropriate erosion and sediment control measures during and after construction would be recommended.

5.2 Draft Environmental Planning Instruments



Not applicable.

5.3 Development Control Plan

Hawkesbury Development Control Plan 2002

A consideration of Part D Chapter 2 of the Hawkesbury Development Control Plan 2002 is provided below.

Clause	Compliance
Chapter 2 Industrial Development	
Clause 2.2 Building Setbacks Where land has two road frontages (not being collector, regional sub-arterial and state arterial road) the building setback to the shorter frontage will be considered on its merits, dependent upon the development proposed and its location. The area between the street frontage and the minimum required building setback is to be reserved for landscaping and access. The provision of car parking spaces within this setback area will be considered provided the car spaces are not within 5m of the front boundary and are suitably screened by landscaping. Proposed: 10m	Yes The proposal has two road frontages, with a 10m building setback from Curtis Road. From Hannabus Place, which is a cul-de-sac, the buildings are set back 60m from the access boundary.
Clause 2.4 Building Design and Construction	Yes, front elevations provided with varying façade alignment, a colour scheme and design feature have been used to unify all the buildings.
Clause 2.5 Fencing	N/A
Clause 2.6 Open Storage areas	N/A
Clause 2.7 Environmental issues	Yes, an acoustic assessment report prepared by Acoustic Logic dated 1 September 2023 has been submitted with the DA. Our Environmental Health Officer has reviewed the report and found the findings and recommendations satisfactory.

Clause	Compliance
Chapter 5: Traffic, access street design and parking	
Table 1 - General Industry, light industry, factory units, warehouse or distribution centre at a rate of: - 4 spaces per unit/development up to 300m ² of GFA, then 1 space for each 90m ² of GFA or part thereof, in excess of 300m ² ,	No. The justification provided is not considered sufficient. The proposed development requires a minimum of 206 car parking spaces, 4 motorcycle spaces and 8 bicycle spaces. Which would A total of 144 parking spaces are proposed which results in a parking shortfall of 62 spaces, 3 bicycle spaces and 2 motorcycle spaces.

<ul style="list-style-type: none"> - 1 bicycle space per 25 car parking spaces in excess of the first 25 car parking spaces; and - 1 motorcycle space per 50 car parking spaces in excess of the first 50 parking spaces. 	<p>The Traffic Impact Assessment dated 8 September 2023 prepared by PDC Consultants concludes that the proposed development requires a minimum of 189 car parking spaces under the HDCP 2023 and 66 spaces under the RMS Guide, while only providing a total of 134 spaces. This results in a surplus of 68 spaces against the RMS Guide but a shortfall of 55 spaces against the HDCP 2023. The car parking shortfall identified in the traffic report is not supported. This was previously highlighted in Council's Request for Information (RFI) and the panel briefing held on 14 October 2024.</p> <p>Following this, the applicant submitted amended plans on 20 December that reduced the warehouse area by 651m² and proposed 10 additional car parking spaces (144 car parking spaces). However, the development still requires a minimum of 206 car parking spaces, alongside 4 motorcycle spaces and 8 bicycle spaces, resulting in a significant shortfall of 62 car parking spaces, 3 bicycle spaces, and 2 motorcycle spaces.</p> <p>It is important to note that the RMS guidelines for parking rates can only be relied upon when the DCP does not have any car parking requirements. In this instance, the Hawkesbury DCP 2023 contains specific car parking requirements that must be adhered to. The impact on street parking is of significant concern, considering that the recently adopted Hawkesbury DCP 2023 establishes appropriate car parking rates that are not considered onerous.</p> <p>Observations indicate that while Hannabus Place, a cul-de-sac, is frequently occupied by parked cars. Despite the site's proximity to Mulgrave Railway Station, it is likely that visitors would primarily arrive by car to collect items from the warehouse and distribution centre. Additionally, the specific use of each tenancy remains unknown, and the E4 zoning permits a variety of developments, including gyms, places of public worship, childcare centres, and food and drink establishments. In the event that the proposed development is supported in its current form, the significant car parking shortfall could lead to increased street parking pressures in the future, particularly as new uses are introduced.</p> <p>Consequently, the proposed development is not supported on car parking grounds.</p>
4.2 Parking design requirements.	<p>Compliant subject to the imposition of conditions.</p> <p>Note: the proposed development is generally compliant with this section of the DCP.</p>
4.3 Road/access design requirements.	<p>Council's Development Engineers have reviewed the proposal and raise no objections to the road/access design requirements subject to the imposition of conditions.</p>

10. Development Contributions

Pursuant to Council's adopted 7.12 contributions plan, a development contribution would be imposed should the application have been recommended for approval.

11. Environmental Planning and Assessment Regulations 2021

Applicable regulation considerations for compliance with the Building Code of Australia, PCA appointment and notice of commencement of works, sign on work sites, critical stage inspections and records of inspection would have been covered under the recommended conditions of consent should the application have been recommended for approval.



15. Public Consultation

In accordance with Council's Community Participation Plan 2019, the Development Application was notified for a period of 14 days from the 22 April till 6 May 2024. In response, one (1) submission was received. The issues raised within this submission are addressed below.

Name	Respondent Address
Greg Hall Town Planning Manager – Urban City Planning on behalf of the owner of 5B Curtis Road, Mulgrave – Strata Body	5B Curtis Road, Mulgrave
Issue	Response
Structural concerns	Such concerns can be addressed by submitting a pre and post construction dilapidation report. If the application were to be supported, condition to be imposed to submit a pre and post construction dilapidation report.

17. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is not suitable for the site and is not in the public interest. Therefore, it is recommended that the application be refused.

19. Recommendation

Pursuant to *Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979*, that Council as the consent authority, **refuse** development consent to DA0386/23 for the demolition of existing structures, site amalgamation, and construction of four (4) warehouses consisting of 36 units at 7 Curtis Road, Mulgrave for the following reasons:

Reasons for Refusal:

1. State Environmental Planning Policy (Resilience and Hazards) 2021

The Development Application does not provide sufficient information to enable an assessment against the State Environmental Planning Policy (Resilience and Hazards) 2021. In particular:

- (a) Chapter 4 and Clause 4.6 of the Resilience and Hazards SEPP
- (b) The DA needs to be supported by a revised Preliminary Site Assessment (PESA) that includes:
 - A more thorough site walkover to identify potential hazards and risks.
 - Targeted assessment of areas with known contamination risks.
 - Recommendations for further testing where necessary.
 - Specific recommendations for future testing.
 - The Development Application is not supported by a revised

(*Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979*).

2. Hawkesbury Local Environmental Plan 2012

The Development Application does not adequately address the requirements of the Hawkesbury Local Environmental Plan 2012 as follows:



- (a) The proposed development to the zone objectives of the E4 General Industrial under the Hawkesbury Local Environmental Plan 2012

(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979).

3. Hawkesbury Development Control Plan 2023

Pursuant to Part A and B Chapter 5: Traffic, Access, Street Design and Parking the proposed development fails to demonstrate compliance with Council's parking requirement. In particular,

- a) The proposed development results in a significant shortfall of 62 car parking spaces, 3 bicycle spaces and 2 motorcycle spaces contrary to HDCP 2023.
- b) The submitted traffic assessment report failed to provide any suitable justification of the significant shortfall of parking provided. This deficiency raises substantial concerns regarding potential on-street parking pressure in the surrounding area, and overall operational efficiency of the development.

4. Insufficient Information

Insufficient information relating to:

- a) Arboricultural Impact Assessment (AIA): Despite plan amendments to retain Trees 8-22, the required amended AIA report is missing. This report is crucial for demonstrating compliance with tree protection regulations and ensuring the sustainable retention of these trees.
- b) Unapproved Tree Removal Investigation: The removal of Trees 4-6 remains unapproved. The applicant must provide proof of approval or justification for the removal as per regulations. Council is obligated to investigate the unauthorized removal of trees.

(Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act)

5. Public Interest

The proposed development is not site responsive and would result in an inappropriate development that is not in the public interest.

(Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).