

## COUNCIL ASSESSMENT REPORT

### SYDNEY WESTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSWC-442 – DA 205.1/2024
<b>PROPOSAL</b>	Demolition of existing structures and the construction and use of two (2) attached warehouse and distribution centres, including ancillary site works, an internal access road, landscaping, tree removal, double-storey offices and car parks, and associated structures.
<b>ADDRESS</b>	Lot 1 DP 1017259, No. 94 Newton Road, Wetherill Park
<b>APPLICANT</b>	Michael Beale on behalf of The Trustee for AIR Wetherill Park Trust
<b>OWNER</b>	The Trust Company (Australia) Ltd
<b>DA LODGEMENT DATE</b>	12 August 2024
<b>APPLICATION TYPE</b>	<ul style="list-style-type: none"> <li>• Development Application</li> <li>• Integrated Development</li> </ul>
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General development over \$30 million
<b>CIV</b>	\$49,559,350 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Not applicable
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Fairfield Local Environmental Plan 2013</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS</b>	No submissions received.

<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Attachment A – Draft Conditions of Consent</li> <li>• Attachment B – Architectural Plans</li> <li>• Attachment C - Letter of Response to Stakeholder Comments</li> <li>• Attachment D - Acoustic review of Updated Architectural Set for Revised DA</li> <li>• Attachment E - Addendum Transport Assessment</li> <li>• Attachment F - Civil Engineering Assessment</li> <li>• Attachment G - Civil Engineering Drawings</li> <li>• Attachment H - Response to Stormwater Comments</li> <li>• Attachment I - Fire Engineering Review</li> <li>• Attachment J - Air Quality Report</li> <li>• Attachment K - Transport Assessment</li> <li>• Attachment L - Statement of Environmental Effects</li> <li>• Attachment M - State Environmental Planning Policy (Resilience and Hazards) Report</li> <li>• Attachment N - Operational Waste Management Plan</li> <li>• Attachment O - Noise and Vibration Impact Assessment</li> <li>• Attachment P - Net Zero Statement</li> <li>• Attachment Q - Heritage Impact Statement</li> <li>• Attachment R - Surface Water and Groundwater Impact Assessment</li> <li>• Attachment S - Detailed Site Investigation</li> <li>• Attachment T - Biodiversity Assessment Report</li> <li>• Attachment U - BCA and Access Assessment Report</li> <li>• Attachment V - Arboricultural Impact Assessment Report</li> <li>• Attachment W - Air Quality Impact Assessment</li> <li>• Attachment X - Access Review</li> <li>• Attachment Y – Survey Plan</li> <li>• Attachment Z – Transport for New South Wales Letter</li> <li>• Attachment AA – Endeavour Energy Letter</li> <li>• Attachment BB – WaterNSW General Terms of Approval</li> <li>• Attachment CC – Landscape Plans</li> </ul>
<b>HOUSING AND PRODUCTIVITY CONTRIBUTIONS (\$7.24)</b>	Yes - \$429,517.04
<b>RECOMMENDATION</b>	Approval, subject to conditions of consent.
<b>DRAFT CONDITIONS TO APPLICANT</b>	YES
<b>SCHEDULED MEETING DATE</b>	To be confirmed
<b>PREPARED BY</b>	Mr M Shute
<b>DATE OF REPORT</b>	22 May 2025

## EXECUTIVE SUMMARY

The development application (DA 205.1/2024) seeks consent for the demolition of existing structures and the construction and use of two (2) attached warehouse and distribution buildings, including ancillary site works, an internal access road, landscaping, tree removal, double-storey offices and car parks, and associated structures.

The subject site is known as No. 94 Newton Road, Wetherill Park ('the site') and comprises a large and irregularly shaped allotment approximately 5.1 hectares in area, with a 426.93m frontage to Newton Road. A stormwater channel runs along the northern boundary of the site.

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 proposal is development with an estimated development cost of more than \$30 million.

The existing development on the site consists of a number of buildings, with the main building comprising a large industrial building with a smaller building used for administrative purposes. A significant portion of the site remains landscaped, with a number of trees varying in size and species dispersed throughout the site.

The site is located within the Wetherill Park Industrial Estate, with surrounding development mostly consisting of mixed industrial warehouses and multi-tenanted industrial buildings. The site is well setback from any sensitive land uses including residential accommodation. The site provides connections to significant road corridors, including Victoria Street, Cowpasture Road and The Horsley Drive.

The site is located in the E4 – General Industrial Zone pursuant to Clause 2.2 of the *Fairfield Local Environmental Plan 2013* ('LEP 2013'). The proposed construction of purpose-built warehouse and distribution centre is permitted with consent in the zone.

The subject Development Application has been assessed in accordance with the applicable controls within the State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Fairfield City Wide Development Control Plan 2024. The application is considered satisfactory against the relevant controls.

The application is Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to WaterNSW pursuant to the Water Management Act 2000 confirms that no concerns are raised to the application and have provided General Terms of Approval.

The following jurisdictional prerequisites imposed by the following controls have been satisfied and it is considered that consent can be granted on this basis:

- Clause 2.10 of SEPP (Biodiversity and Conservation) with respect to the removal of trees.
- Clause 2.122 of SEPP (Transport & Infrastructure) with respect to the potential traffic safety, road congestion and parking implications.

- Clause 2.48 of SEPP (Transport & Infrastructure) where the work is in the vicinity of electrical infrastructure.
- Clause 4.6 of SEPP (Resilience & Hazards) for consideration of whether the land is contaminated.
- Clause 3.6 of SEPP (Industry & Employment) for consideration of signage.

The application was placed on public exhibition from 22 August 2024 to 18 September 2024. No submissions were received.

A briefing was held with the Sydney Western City Planning Panel (SWCPP) on 19 November 2024 where key issues were discussed, including landscaping and loss of tree canopy cover, building setback and bulk and scale.

The key issues associated with the proposal include:

1. *Bulk and Scale* - The bulk and scale of the proposal was considered excessive, with minimal articulation along Newton Road. Amended architectural plans and design changes have been incorporated into the development in order to reduce the overall bulk and scale of the development from the public domain. It is considered that this issue has been resolved.
2. *Landscaping and Loss of Tree Canopy Cover* – The application proposes the removal of one-hundred and seventy-nine (179) trees to facilitate the development. Amended landscape plans have been submitted to improve the overall tree canopy cover onsite. Although the application proposes compensatory planting of ninety-nine (99) trees, it is considered that the development is capable of providing additional trees within the site. In this regard, it is recommended that a condition of consent be imposed, requiring the submission of an amended landscape plan with additional paintings to address this matter.
3. *Landscape Setback* – The application initially proposed a landscape setback of less than 10 metres, with a pedestrian pathway located around the perimeter of the building. Amended architectural plans have been submitted, which now removes the pedestrian pathway and proposes a landscape setback of 10 metres, which is now compliant with Council’s Landscape setback controls. It is considered that this issue has been resolved.

Other issues included insufficient information submitted and signage details. These issues have since been resolved through the submission of amended architectural plans and documentation.

Following consideration of the matters under Section 4.15(1) of the EP&A Act 1979, the provisions of the relevant State Environmental Planning Policies, the Fairfield Local Environmental Plan 2013 and the Fairfield City Wide Development Control Plan 2024, the application is considered satisfactory, subject to conditions of consent.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *EP&A Act 1979*, DA No. 205.1/2024 is recommended for approval subject to the conditions contained at **Attachment A** of this report.

## 1. THE SITE AND LOCALITY

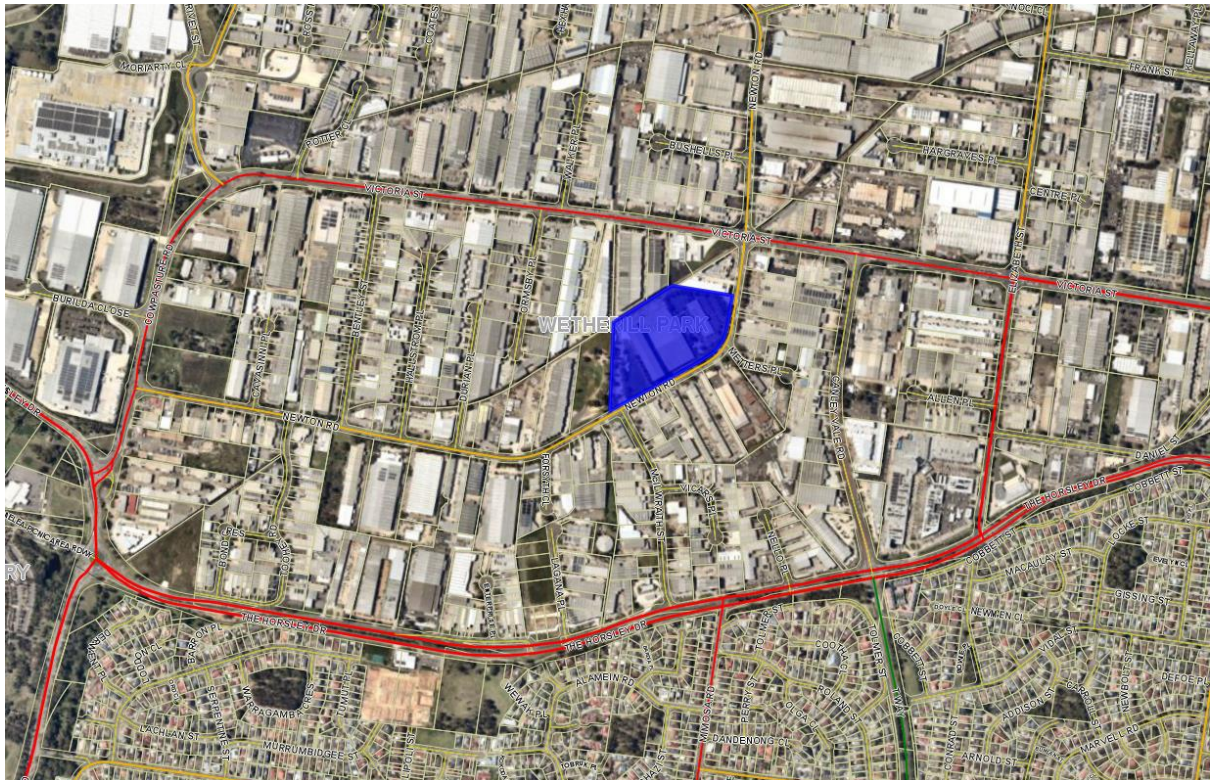
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### 1.1 The Site

- The application is located at No. 94 Newton Road, Wetherill Park, and is formally identified as Lot 1, DP 1017259.
- The site is irregularly shaped with a southern street frontage to Newton Road of 426.93m, length of 209m to the west, length of 162.66m to the rear and length of 145.41m to the east. The total site area is 51,913sqm.
- The site is affected by overland flooding; that being land within the low – high risk precinct. A majority of the proposed building is affected by low and medium risk flooding. The site slopes towards the rear of the site towards the channel.
- A small portion of the premises within the north-western corner of the premises is identified as containing a bushfire buffer.



Figure 1: Site Aerial Image.



**Figure 2: Site Context Image.**

## 1.2 The Locality

- The site is located within the Wetherill Park Industrial Estate and is surrounded by a variety of mixed industrial uses.
- The site is located approximately 540m north from the closest residential receivers.
- The built form predominantly consists of large, single-storey multi-tenanted warehouse and industrial factories, at-grade car parking, landscaping, and access driveways.

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

- Demolition of existing structures and the construction of two (2) attached warehouse and distribution buildings, including ancillary site works, an internal access road, landscaping, tree removal, double-storey offices and car parks, and associated structures.
- The maximum height of the warehouse is 17.6m, which is inclusive of plant equipment.
- Removal of one-hundred and seventy-nine (179) trees to facilitate the development. A total of ninety-nine (99) compensatory plantings are proposed.
- Bulk earthworks, including filling works of approximately 25,700 cubic metres of material. The majority of the fill will include a height of up to 0.5 metres with the largest amount being up to 2m at the rear of the site towards the channel. 16,200 cubic metres of excavation (cut) will be located towards the street frontage. Three (3) retaining walls will be constructed, having a maximum height of 2.5 metres.
- Minimal dewatering works are proposed as a result of the excavation works.

- Construction of underground infrastructure and services, including a proposed stormwater drainage system and two (2) rainwater tanks.
- The warehouse will be constructed using metal wall cladding, pre-cast concrete, glazing and translucent roof sheeting. The ancillary structures will be constructed using similar materials and colours to integrate into the site.
- A one-way access road is proposed for vehicles servicing the site. A combined vehicular access and egress is provided for passenger vehicles; one for Warehouse A and one for Warehouse B. This is to serve staff and customers accessing the offices.
- A total of two-hundred and thirteen (213) car parking spaces are proposed via two (2) double-storey car parks, inclusive of four (4) accessible spaces.
- The applicant has designed the site to accommodate a 36m long A-Double truck. Although vehicles of this size are not permitted to access Sydney Roads, the application has demonstrated that the site can accommodate this vehicle should this restriction be removed in the future. The current largest vehicle to service the premises will be a 26m long B-Double Vehicle.
- A total of nineteen (19) loading spaces are proposed at the rear of the premises.
- Construction of an associated pump room, measuring 6m x 7m and a sprinkler tank.
- Two (2) communal outdoor seating areas are proposed for the amenity of staff onsite.
- The proposed hours of operation of the warehouses are twenty-four (24) hours per day, seven (7) days a week.
- Proposed signage works:
  - Sign 1 – 2x Building Identification Pylon Signs – 5m H x 1.510m W
  - Sign 2 – 1x Building Identification Pylon Sign – 3m H x 1.510m W
  - Sign 3 – 1x Building Identification Pylon Sign – 3m H x 1.510m W
  - Sign 4 – 2x Flush Wall Business Identification Signs – 1.240m H x 6.870m W
  - Sign 5 – 2x Flush Wall Business Identification Signs – 1m H
  - Sign 6 – 2x Roof Branding Signs – 20m H x 110.8m W
- 175 full time employees will be onsite at any given time.
- A number of ecologically sustainable measures will be employed, including the installation of solar panels and a rainwater harvesting system.

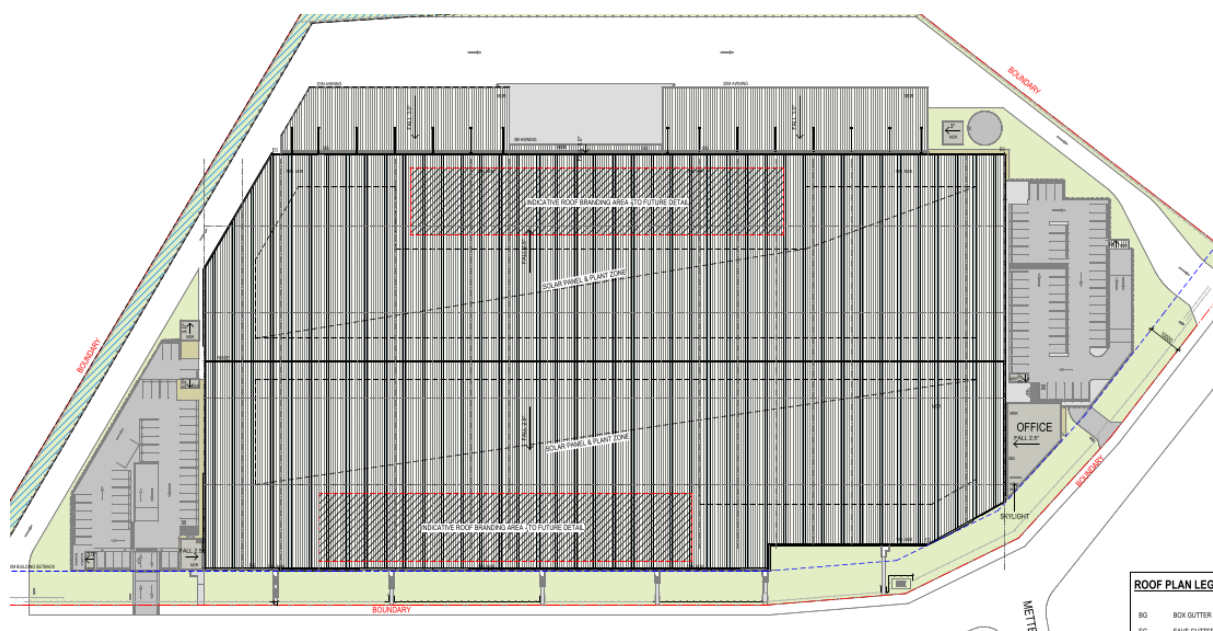
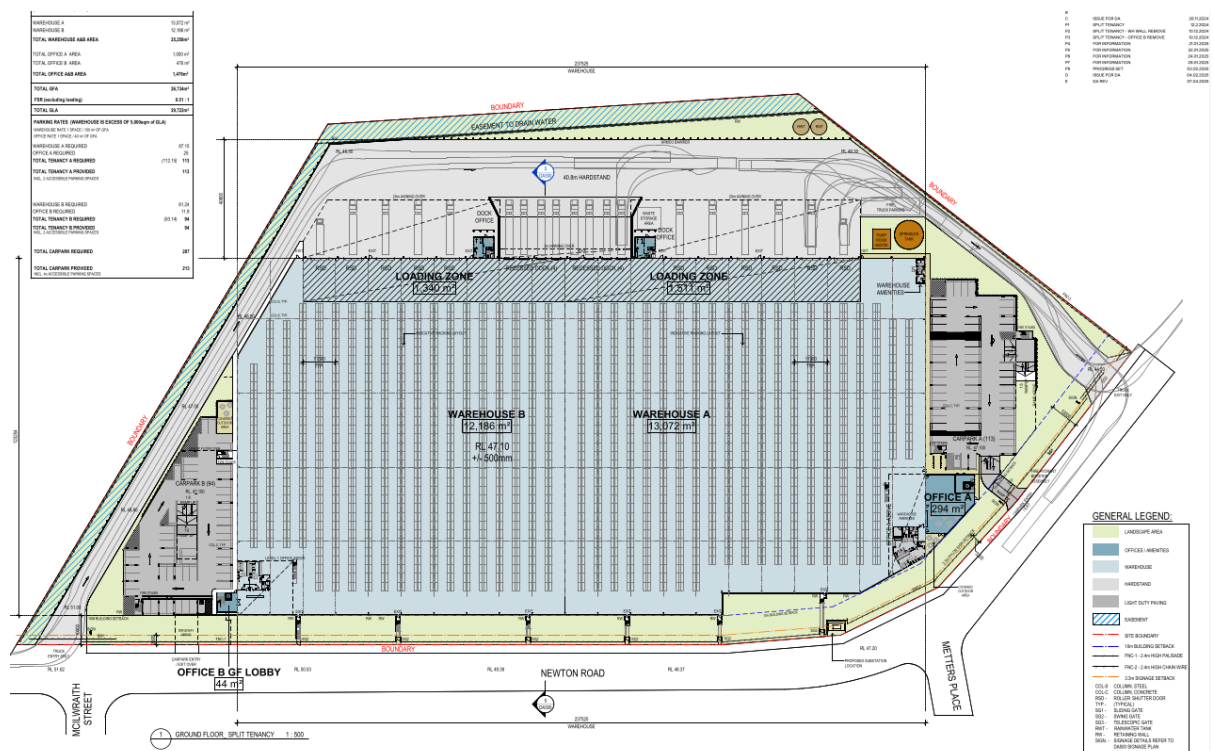




Figure 5: Proposed Photomontage Plan.

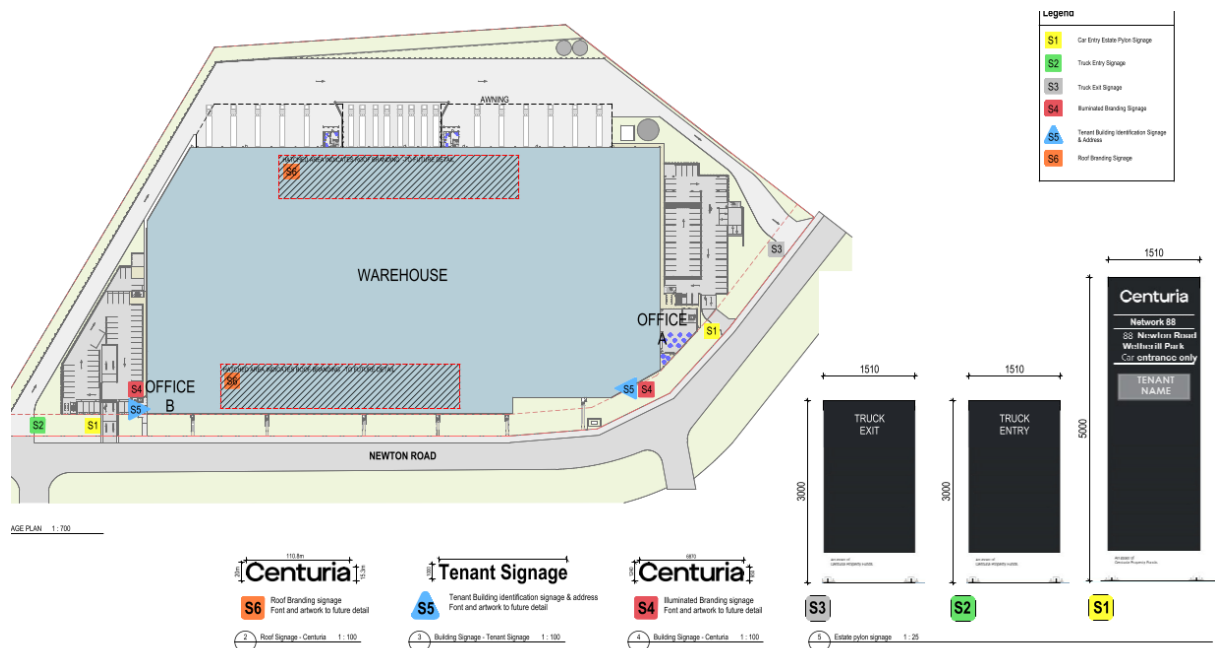


Figure 6: Proposed Signage Plan.

Table 1: Development Data

Control	Proposal
Site area	51,913sqm
GLA	26,883.3sqm
GFA	26,734sqm
FSR	0.51:1
Clause 4.6 Requests	No
Max Height	14.6m (excluding plant equipment) 17.6m (including plant equipment)

Landscaped area	7,296.05sqm
Car Parking spaces	213, inclusive of 4 accessible spaces.
Setbacks	10m to Newton Road

## 2.2 Background

The development application was lodged on 12 August 2024. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 2: Chronology of the DA**

Date	Event
<b>12 August 2024</b>	DA lodged
<b>22 August 2024</b>	Exhibition of the application
<b>22 August 2024</b>	DA referred to external agencies
<b>15 November 2024</b>	Request for Information from Council to applicant
<b>19 November 2024</b>	Panel briefing
<b>14 February 2025</b>	Amended plans lodged. The application, as amended, proposed to reduce the warehouse footprint, provide a new office, create two (2) separate tenancies, construct a new car park, relocate utilities, provide an additional loading dock, and conduct minor adjustments to the design of the building.
<b>21 March 2025</b>	Council advised the applicant that amended information was required in relation to the acoustic report, swept path diagrams and traffic report.
<b>2 April 2025</b>	Council advised the applicant that the front setback of the development was required to be fully landscaped, and lack of trees proposed.
<b>4 April 2025</b>	The applicant submitted amended information, clarifying the outstanding traffic comments and acoustic comments.
<b>8 April 2025</b>	Amended architectural plans were submitted, removing the pedestrian pathway within the front setback, and splitting the warehouses into two (2).

## 2.3 Site History

- On 4 December 2024, the Department of Planning, Housing and Infrastructure approved SSD-61383966 for the Newton Road Multi-level Warehouse, Wetherill Park.

## 3. STATUTORY CONSIDERATIONS

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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),*
- (b) *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 considered to be:

- Integrated Development (s4.46)*

The application is Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to WaterNSW pursuant to the Water Management Act 2000 was sent with no objections, and General Terms of Approval have been issued.

### 3.1 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.

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Fairfield Local Environmental Plan 2013*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: 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"> <li>• Section 3.6 – granting consent to signage</li> <li>• Section 3.11(1) – matters for consideration</li> </ul>	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises development that has an estimated development cost of more than \$30 million.</li> </ul>	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>• Section 3.11 – Preparation of preliminary hazard analysis</li> <li>• Section 4.6 - Contamination and remediation have been considered in the Contamination Report and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>• Section 2.48(2) (Determination of development applications—other development) – electricity</li> </ul>	Y

	transmission - the proposal is satisfactory subject to conditions. • Section 2.122(4) - Traffic-generating development	
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development • Section 3.2 Development consent for non-residential development	Y
Proposed Instruments	No compliance issues identified.	Y
LEP	• Clause 2.3 – Permissibility and zone objectives	Y
DCP	• Chapter 9 – Industrial Development • Chapter 12 – Car Parking, Vehicle and Access Management • Appendix C – Advice for Designing Advertising Signs	Y

Consideration of the relevant SEPPs is outlined below:

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

The subject Development Application proposes to remove one-hundred and seventy-nine (179) trees onsite and has been assessed against Chapter 2 – Vegetation in non-rural areas. The application was referred to Council's Tree Preservation Officer and Natural Resources Branches. No concerns were raised to the proposal, subject to conditions of consent. This is discussed in further detail later in this report.

The application is located within the Georges River catchment and has been assessed against Chapter 6 – Water catchments of the policy. The application was referred to Council's Engineering Assessment Branch and WaterNSW. No concerns were raised in relation to the flooding and water impacts of the development, subject to conditions of consent.

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

## Schedule 5 – Assessment Criteria

The subject Development Application was assessed against Schedule 5 – Assessment Criteria of the State Environmental Planning Policy (Industry and Employment) with respect to signage proposed as part of the application. The subject Development Application is considered satisfactory against the applicable signage controls within the State Environmental Planning Policy (Industry and Employment) 2021.

Control	Prescribed	Comment	Compliance
<b>1. Character of the Area</b>	Is the proposed compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing character of the area/locality.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with a particular theme for outdoor advertising in the area/locality.	Yes

<b>2. Special Areas</b>	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 proposal does not 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 special areas.	Not applicable
<b>3. Views and Vistas</b>	Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not dominate the skyline or reduce the quality of vistas.	Yes
	Does the proposal respect the viewing rights of other advertisers?	The proposal respects the viewing rights of other advertisers.	Yes
<b>4. Streetscape, setting or landscape</b>	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage are appropriate for the streetscape, setting and landscape.	Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the streetscape, setting or landscape.	Yes
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal does not reduce existing signage, however, it is considered that the signage does not promote clutter.	Considered acceptable
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	Yes
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings, structures, or tree canopies in the area/locality.	Yes
	Does the proposal require ongoing vegetation management?	The proposal does not require ongoing vegetation management.	Yes
<b>5. Site and Building</b>	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?	The proposal is compatible with the scale, proportion, and other characteristics of the building, on which the proposed signage is to be located.	Yes
	Does the proposal respect important features of the site or building, or both?	The proposal respects important features of the building.	Yes
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal does show innovation and imagination in its relationship to the building.	Yes
<b>6. Associated devices and logos with</b>	Have any safety devices, platforms, lighting devices or logos have been designed as an integral part of the signage	No safety devices, platforms, lighting devices or logos have been designed as an integral	Not applicable

<b>advertising structures</b>	or structure on which it is to be displayed?	part of the signage on which it is to be displayed.	
<b>7. Illumination</b>	Would illumination result in unacceptable glare?	The proposed illumination will not result in unacceptable glare.	Yes
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed illuminated signs will not affect safety for pedestrians, vehicles, or aircrafts.	Yes
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination will not detract from the amenity of any residence.	Yes
	Can the intensity of the illumination be adjusted, if necessary?	To be conditioned.	TBC
	Is the illumination subject to a curfew?	The proposed signage is not subject to a curfew.	Yes
<b>8. Safety</b>	Would the proposal reduce the safety for any public road?	The proposed signage is unlikely to reduce safety with respect to any public road.	Yes
	Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage is considered unlikely to reduce the safety for pedestrians or bicyclists.	Yes
	Would the proposal reduce the safety for pedestrians, particularly children, by ostracising sightlines from public areas?	The proposed signage is considered unlikely to reduce the safety for pedestrians, particularly children, by ostracising sightlines from public areas.	Yes

#### *State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')*

##### 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 an estimated development cost of more than \$30 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

#### *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. To consider this, a Detailed Site Investigation ('DSI') has been prepared for the site.

The DSI consists of a search of historical records and a site walkover. This research found that the site was historically used as farmland for grazing prior to 1970. The site was then

developed for the purposes of a storage yard during the 1980s. The current development onsite was built in 2000, consisting of an industrial warehouse building.

The potential sources of contamination are considered to be weathering of hazardous building materials such as asbestos.

The report concluded that the site can be made suitable for the proposed warehouse and distribution centre subject to conditions of consent. This will effectively mitigate the potential health and ecological risks associated with these materials for future use of the site. The proposal is considered to be consistent with the *State Environmental Planning Policy (Resilience and Hazards) 2021*, subject to imposition of relevant conditions of consent in relation to remediation works during construction on any consent granted.

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

The subject Development Application was assessed against the relevant provisions within the State Environmental Planning Policy (Transport and Infrastructure) 2021. The application is considered satisfactory against the relevant provisions.

Clause	Prescribed	Assessment	Compliance						
<b>Subdivision 2 Development likely to affect an electricity transmission or distribution network</b>  <b>2.48 Determination of development applications—other development</b>	(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line,	The application was referred to Endeavour Energy who raised no concerns with the proposal, subject to conditions of consent.	Yes						
<b>Subdivision 2 Development in or adjacent to road corridors and road reservations</b>  <b>2.122 Traffic-generating development</b>	(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves— (a) new premises of the relevant size or capacity, or (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity. <table><tr><th>Column 1</th><th>Column 2</th><th>Column 3</th></tr><tr><td>Purpose of development</td><td>Size or capacity—site with access to a road (generally)</td><td>Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</td></tr></table>	Column 1	Column 2	Column 3	Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)	The subject Development Application was referred to Transport for New South Wales (TfNSW), as the proposal involves the construction of a new warehouse and distribution centre. TfNSW raised no concerns to the proposal.	Yes
Column 1	Column 2	Column 3							
Purpose of development	Size or capacity—site with access to a road (generally)	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)							

	Warehouse or distribution centres	8,000m2 in site area or (if the site area is less than the gross floor area) gross floor area	8,000m2 in site area or (if the site area is less than the gross floor area) gross floor area		
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#### *State Environmental Planning Policy (Sustainable Buildings) 2022*

The subject Development Application has been assessed against the applicable provisions within Section 3.2 of the State Environmental Planning Policy (Sustainable Buildings) 2022. The building will incorporate a range of measures to minimise its impact on, and increase its resilience to, climate change, including the construction of solar panels and rainwater tanks. The embodied emissions of the proposal have been quantified in accordance with the requirements of clause 3.2(2). The application is considered to satisfy the provisions contained within the policy.

#### *Fairfield Local Environmental Plan 2013*

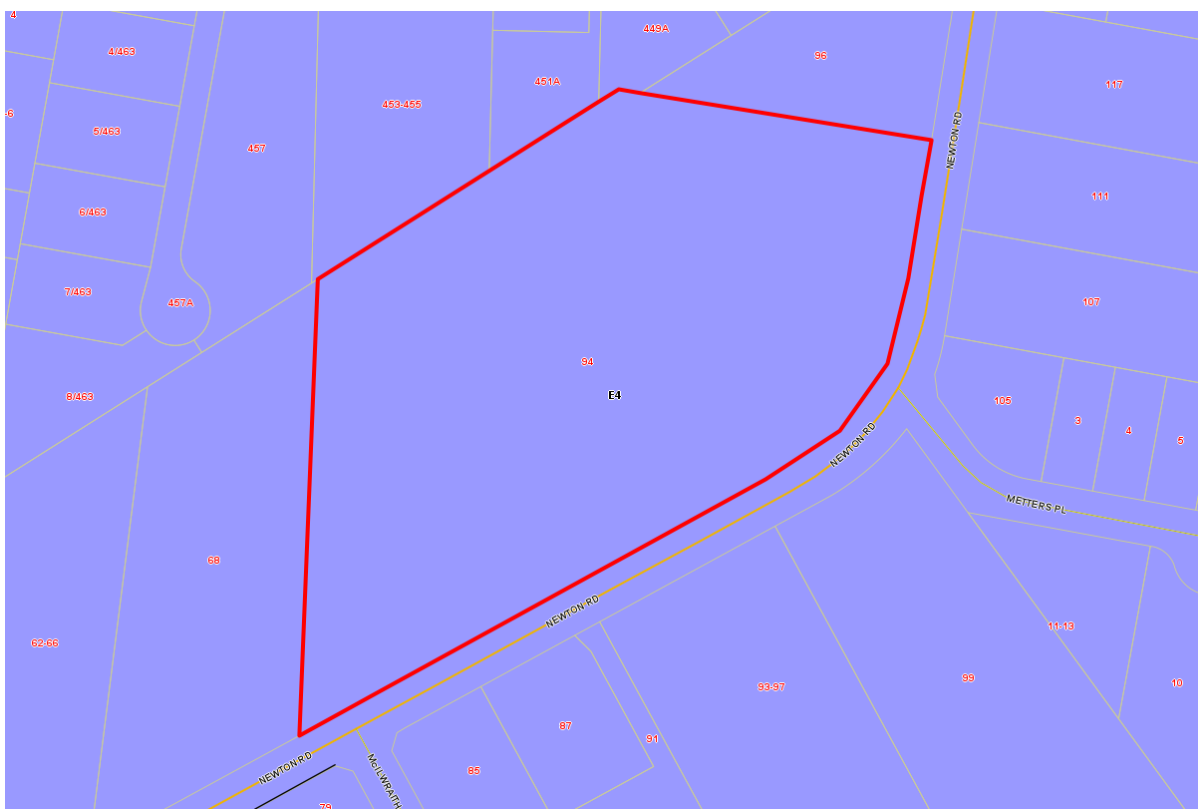
The relevant Local Environmental Plan applying to the site is the *Fairfield Local Environmental Plan 2013* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to ensure that appropriate housing opportunities are provided for all existing and future residents and that those housing opportunities accommodate different lifestyles, incomes and cultures,*
- (b) to ensure that the economic, employment and educational needs of the existing and future community are appropriately planned for,*
- (c) to ensure that the recreational and social needs of the existing and future community are appropriately planned for,*
- (d) to ensure that development is properly integrated with, or assists in improving, Fairfield's public services, infrastructure and amenities,*
- (e) to ensure the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,*
- (f) to conserve the environmental heritage of Fairfield,*
- (g) to protect and manage areas of remnant bushland, natural watercourses and threatened species.*

The proposal is consistent with these aims as the proposal promotes the economic and employment needs of the existing and future community.

#### *Zoning and Permissibility (Part 2)*

The site is located within the E4 – General Industrial Zone pursuant to Clause 2.2 of Fairfield LEP 2013.



**Figure 7:** Land Zoning Map.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of “warehouse or distribution centre” which is a permissible use with consent in the Land Use Table in Clause 2.3.

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

- *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 ensure development is not likely to detrimentally affect the viability of nearby business centres.*

The proposal is considered to have regard to the zone objectives for the following reasons:

- The proposal is for an industrial/warehouse land use.
- 175 staff will be employed during the operation of the premises, whilst 97 staff will be employed during the construction of the site.
- The applicant has demonstrated that the proposed use is unlikely to cause any unreasonable environmental impacts on the surrounding industrial locality.

#### *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 **Table 4** below.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Flood planning (CI 5.21)	<p><i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i></p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p>	<p>The site is affected by low-high risk overland flooding. A civil engineering assessment was submitted as part of the application. The application was referred to Council's Engineering Assessment Branch who raised no concerns with the proposal, subject to conditions of consent.</p>	Yes
Earthworks (CI 6.2)	<p><i>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</i></p> <p><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</i></p> <p><i>(b) the effect of the development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	<p>A Civil Engineering report has been submitted, which demonstrates that the proposed earthworks will not adversely impact drainage; the amenity of adjoining properties; or any waterway. A range of mitigation measures will be implemented during construction works</p>	Yes

		including sediment basins and sediment fences and diversion drains.	
Essential Services (Cl 6.9)	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p>(a) the supply of water,  (b) the supply of electricity,  (c) the disposal and management of sewage,  (d) stormwater drainage or on-site conservation,  (e) suitable vehicular access.</p>	To be conditioned as part of the consent.	Yes

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

**(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Fairfield City Wide Development Control Plan 2024* ('the DCP')

**Fairfield City Wide Development Control Plan 2024: Chapter 9 – Industrial Development**

The subject Development Application was assessed against the relevant provisions within Chapter 9 – Industrial Development of the Fairfield City Wide Development Control Plan 2024. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed	Comment	Compliance
<b>Clause 9.1.1.2 – Lot Frontage</b>	b) The minimum frontage to all other roads is to be 30 metres.	Newton Road frontage: = 426.93m	Yes
<b>Clause 9.1.2 – Building Setbacks</b>	<p>a) The minimum setback for all industrial development is to be 10m of which 5m is to be used for landscaping only, unless described otherwise by the following table:</p> <p><b>Yennora Precinct:</b> Larra St, Whitaker St, Railway Pde, Antill St, The Prom and Junction St:</p>	<p>Required setback: = 10m with landscaping</p> <p>Proposed setback: = 10m with landscaping</p>	Yes

	<p>5m of which 1.5m is to be used for landscaping only. The remainder of the setback may be used for car parking purposes.</p> <p><b>Yennora Precinct:</b> Northern side of Orchardleigh St:</p> <p>5m of which 1.5m is to be used for landscaping only.</p> <p><b>East Fairfield Precinct:</b> Lisbon St, Fairfield St, Seville St, Malta St, Mandarin St and Donald St:</p> <p>5m, all of which is to be used for landscaping.</p> <p><b>Wetherill Park Precinct:</b> The Horsley Dr, Walter St, Victoria St between Cowpasture Rd and Hassall St, excluding Canley Vale Rd:</p> <p>20m of which 10m is to be used for landscaping only. The remainder of the setback may be used for car parking purposes.</p> <p><b>Wetherill Park Precinct</b></p> <p>The minimum setback for all land within Wetherill Park, other than those roads described immediately above is to be 10m, all of which is to be landscaped.</p>		
<b>Clause 9.2.2.1 – Car Parks (General)</b>	a) Chapter 12 of this DCP outlines general advice and guidelines for the management of car parking, vehicle and access management. This appendix should be read in conjunction with this sub clause to assist in the overall development proposal.	Refer to assessment against Chapter 12.	Refer to assessment
<b>Clause 9.2.2.2 – Car Parking Requirements</b>	a) For general design information on car parking requirements, access and vehicle arrangements, refer to Chapter 12 of this DCP.		
<b>Clause 9.2.3 – Loading Facilities</b>	<p>a) To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out:</p> <p>a. on-site without interfering with the efficient operation of the premises (including its carpark); or</p>	As amended, the application proposes nineteen (19) loading spaces at the rear of the site. Nine (9) and ten (10) loading bays will be allocated to Warehouse B and A respectively. Separate vehicular access from the car park is provided to access the loading bays. It is considered that the loading bays can operate without interfering with the efficient operation of the premises.	Yes

	b. gain access to an on-street loading zone at the front or side of their premises.		
	<p>b) Loading requirements for selected activities are detailed below:</p> <p><b>Large warehouse developments (greater than 3000m<sup>2</sup>)</b></p> <p>No. of loading facilities required: Loading facilities for large warehouse developments will be assessed on merit and are to be justified on the basis of size, number and frequency of goods vehicles likely to visit the premises.</p> <p>Size of loading bays: 3.5m x 19m (semi trailer) (Where B-Doubles are proposed, additional clearance may be required).</p>	<p>Size of premises: = 26,883.3sqm GLA</p> <p>Number of loading bays provided: = 19</p> <p>The submitted documentation demonstrates that eighteen (18) of the loading docks can service 20m articulated vehicles at any one time with one (1) only servicing 12.5m heavy rigid vehicles.</p>	Yes
<b>Clause 9.2.4 – Onsite Manoeuvring</b>	a) Adequate onsite manoeuvring is to be provided to enable a large rigid truck to enter and leave the site in a forward direction. Where this is not possible because of insufficient lot width then Council will restrict future use of buildings to those uses which do not require servicing by large rigid or articulated vehicles.	The subject Development Application was referred to Council's Engineering Assessment Branch who raised no concerns with the manoeuvrability onsite, subject to conditions of consent.	Yes
<b>Clause 9.2.6 – Pedestrian Movements</b>	<p>a) Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.</p> <p>b) As far as possible, pedestrian access through car parks should be kept separate from vehicle access ways.</p>	The application proposes separate pedestrian pathways throughout the site. There is separate access for car parking and loading areas.	Yes
<b>Clause 9.3.1 – Assessment Criteria</b>	<p>a) Total advertising area of up to 0.5sqm for every metre of lineal street frontage is permitted. On corner allotments, the largest street frontage only can be used to calculate the advertising area allowed. This means that for a property with a frontage of 30 metres the total maximum advertising area for signs of any permitted kind will be 15sqm of total advertising area.</p> <p>b) Despite a) above, no single sign may be permitted to exceed an area of 30sqm.</p>	<p>Newton Road frontage: = 426.93m</p> <p>Permissible advertising area: = 213.465sqm</p> <p>The application proposes less advertising area than the maximum permitted.</p>	Yes
		The application proposes the installation of two (2) flat logos printed on the roof of the building. Each sign will measure 100.8m in length and 20m in height,	Considered acceptable

		displaying the wording 'Centuria'. The proposed signage will not be visible from the public domain and will only be visible from the sky. It is considered that these logos are not traditional signage structures and are therefore acceptable.	
	c) Only one free standing commercial sign that identifies the name of the occupants and/or products manufactured on the site will be allowed. These signs must be contained wholly within the site.	The application proposes two (2) free standing commercial signs which identify the occupants on the site. Both signs are contained wholly within the site. The application proposes two (2) signs as the site has a large frontage of 426.93m to Newton Road, consisting of two (2) separate car parks and vehicular ingress points. Accordingly, it is considered acceptable that two (2) signs are located onsite for directional and identification purposes.	Considered acceptable
	d) For factory units or other multiple occupancy buildings one free standing sign will be permitted and the owners of the building need to make sure that there is adequate provision for identifying all occupiers. For larger complexes more than one free standing commercial sign will be considered.		
	e) Freestanding commercial signs in Wetherill Park must be setback a minimum distance of one third of the building line setback. For example, if the building line is 20 metres from the road, then the sign must be setback at least 6.6 metres.	<p>Building setback: = 10m</p> <p>Required distance: = 3.3m</p> <p>Proposed setback: = 3m</p> <p>One of the proposed pylon signs is setback less 300mm less than the minimum requirement. The proposed setback is considered consistent with surrounding developments and is unlikely to cause any safety or visual impacts. The proposed sign will provide directional advice for people entering the site. The small variation is considered acceptable in this circumstance.</p>	Considered acceptable
	f) For information about the type of signs permitted within the Fairfield City and the design specifications for those refer to Appendix "C" of this DCP.	Refer to assessment.	Refer to assessment
<b>Clause 9.4.1 – Landscaping</b>	g) Referral to the TfNSW may be required under SEPP (Industry and Employment) 2021. In addition, an assessment under Schedule 5 of the SEPP may also be required to be submitted with the Development Application.	Refer to assessment.	Refer to assessment
	a) The use of decorative paving treatments such as paving bricks	The application only proposes large expanses of concrete at the rear of the site where	Considered acceptable

	adds interest to large areas of hard paving.	loading/unloading activities are to occur. This space is not visible from the public domain. Accordingly, it is not considered necessary to utilise decorative paving.	
	b) Open car parking areas should be landscaped to reduce the impact of hard paving. Established tall trees with wise spreading foliage provide desirable shade reducing the effects of heat.	The application proposes landscaping, consisting of tall trees located adjacent to the car parks onsite.	Yes
<b>Clause 9.4.2 – Fencing</b>	a) For fencing along the front boundary or a boundary facing a classified (arterial) road, the requirements are: i. a maximum height of 2.4 metres on the boundary line. ii. solid construction up to 600 mm above natural ground level. iii. be constructed in an open style, such as powder-coated wrought iron pickets and be of dark colour. iv. for security fencing, only palisade fencing made from metal is permitted.	The application proposes a 2.4m tall palisade fence along the front boundary.	Yes
	b) Fencing requirements along the side or rear boundaries are: i. maximum height is 2.4 metres on the boundary line. ii. constructed in an open style such as powder-coated wrought iron pickets or chain wire.	The application proposes 2.4m tall chain wire fencing along the side and rear boundaries.	Yes
	c) General requirements applying to all fencing are: i. access gates should swing inward. ii. any fencing which in the opinion of Council is in a dilapidated condition should be replaced. iii. integrating landscaping around the fencing that is easy to maintain and will not act as a security risk when trees are fully mature. iv. solid fencing appropriately screened with landscaping is only permitted where required by Council or other legislation as an acoustic treatment.	To be conditioned.	To be conditioned
<b>Clause 9.4.3 – Building Materials</b>	All development applications for new buildings or extensions or renovations involving the external cladding of existing buildings must be accompanied by details of the building construction and the materials to be used on external facades. This is necessary to ensure that the new buildings are harmonious in form and style with existing and intended	The application is accompanied by a schedule of materials and finishes. The majority of the building will be constructed using a grey metal wall cladding material. The proposed buildings are considered to visually integrate into the surrounding streetscape.	Yes

	development. To minimize discomfort from glare and reflected heat, external glass is not to exceed 20% reflectivity.		
<b>Clause 9.4.4 – Hours of Operation</b>	<p>a) Where industrial properties are within 500m of residential properties, industrial operating hours will generally be restricted within the range of:</p> <p>a. Monday to Friday: 7:00 AM – 6:00 PM</p> <p>b. Saturday: 7:00 AM – 12:00 PM noon</p> <p>c. Sunday: no operations.</p> <p>d) Proposals to operate outside of either of these hours will be considered upon their merits and may be required to be supported by an Acoustic Engineer's Report.</p>	The site is located more than 500m from the closest residential receivers.	Not applicable
<b>Clause 9.5.1 – Stormwater Disposal</b>	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 3 of the Stormwater Management Policy – September 2017.	The subject Development Application was referred to Council's Engineering Assessment Branch, who raised no concerns to the proposed stormwater arrangements onsite, subject to conditions of consent.	Yes
<b>Clause 9.5.2 – On Site Detention</b>	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 4 of the Stormwater Management Policy – September 2017.		
<b>Clause 9.5.3 – Water Conservation</b>	a) Relevant controls, performance criteria and where the policy applies can be found in Chapter 5 of the Stormwater Management Policy – September 2017.		
<b>Clause 9.5.4 – Water Quality Improvement</b>	a) These objectives are only applicable to the Wetherill Park Industrial Area Stormwater Management Zone. Relevant controls and performance criteria can be found in Chapter 6 of the Stormwater Management Policy – September 2017.		
<b>Clause 9.6.6.2 – Site Servicing</b>	<p>a) Utility availability – Appropriate conditions will be inserted in any development consents granted requiring certification on the availability of suitable telecommunications, electricity, water and sewer services for development.</p> <p>b) Pre DA consultation with Endeavour Energy is helpful in identifying any existing network assets impacted by the proposed development. Applicants are advised to submit load applications to Endeavour Energy as early as possible in the design phase. Upon receiving loading</p>	To be conditioned.	To be conditioned

	applications, Endeavour Energy can work with applicants and their Accredited Services Provider L3 (network designer) with the preferred method of supply to their developments: for example, the installation of an indoor or pad mounted substation. Space required to be allocated for any proposed indoor and pad mounted substations can be incorporated within final architectural plans submitted to Council as part of the DA approval process.		
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### Fairfield City Wide Development Control Plan 2024: Chapter 12 – Car Parking, Vehicle and Access Management

The subject Development Application has been assessed against the relevant provisions within Chapter 12 – Car Parking, Vehicle and Access Management of the Fairfield City Wide Development Control Plan 2024. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed		Comment	Compliance
Clause 12.1.1 – Car Parking Rates	Use Activity /	Minimum Number of Car Spaces Required	Proposed GLA: = 26,883.3sqm	Yes
	Warehouse or Distribution Centre	1 space per 80sqm gross leasable area  If a warehouse is in excess of 5000sqm of GLA, Council will consider a parking rate of 1 space per 150sqm of GFA.	Required number of car parking spaces: = 26,883.3 ÷ 150 = 179.222 = 179  Proposed number of car parking spaces:  Warehouse A = 113 (including 2 accessible spaces)  Warehouse B = 94 (including 2 accessible spaces)  Total number of car parking spaces: = 207	

## Fairfield City Wide Development Control Plan 2024: Appendix C – Advice for Designing Advertising Signs

The subject Development Application was assessed against the relevant provisions within Appendix C – Advice for Designing Advertising Signs of the Fairfield City Wide Development Control Plan 2024. The subject Development Application was found to be satisfactory against the relevant provisions.

Control	Prescribed	Comment	Compliance
<b>Flush Wall Sign</b>	Flush wall signs will: (a) not project more than 300mm from the wall to which they are attached	To be conditioned.	To be conditioned
	(b) not cover more than 20% of the area of the wall and only one per building facade for each company of the premises	The proposed signage will cover less than 20% of the façade.	Yes
	(c) not project above or beyond the wall to which they are attached.	The proposed signage will not project above or beyond the wall to which it is attached.	Yes
<b>Pylon Sign</b>	These must comply with the following: (a) maximum height of 8000mm	Maximum height: = 5000mm	Yes
	(b) maximum width of 2500mm	Maximum width: = 1510mm	Yes
	(c) pylon signs along the same street should have the same setback and spacing where possible	The proposed pylon signs are considered to have a similar setback.	Yes
	(d) pylon signs should not obscure traffic signals or distract drivers in an unsafe way.	The proposed pylon signs are considered to not obscure traffic signals or distance drivers in an unsafe way.	Yes
<b>Roof Sign</b>	These signs are not permitted in Fairfield City.	The application proposes 2x flat logos to be printed on the roof of the building. The logos will not be visible from the public domain and will only be visible from the sky, identifying the tenants at the premises. It is considered that the logos are not sign structures as such and are considered acceptable in this circumstance.	Considered acceptable

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

- *Local Infrastructure Contribution Plan 2023 (Section 7.11 & 7.12) (2023-2041)*

This Contributions Plan has been considered and included in the recommended draft consent conditions.

### 3.2 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.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The proposal is generally consistent with the context of the site, in that the proposed warehouse and distribution centre will look similar in appearance to surrounding industrial warehouse developments. Although the proposal is significant in size and scale, it is considered that the setback of the development, use of building articulation and landscaping satisfactory softens the development.
- **Access and traffic** – A Traffic and Parking Assessment was submitted as part of the application, demonstrating the proposed vehicular crossings, car parking spaces and loading docks can satisfactorily accommodate the proposed use.
- **Public Domain** – The proposal is unlikely to result in any unreasonable impacts on the existing public domain as the locality is predominately industrial.
- **Utilities** – The application was referred to Endeavour Energy and WaterNSW who raised no concerns with the existing and proposed utilities onsite, subject to conditions of consent.
- **Heritage** – The site is not known to contain any heritage items.
- **Water/air/soils impacts** – A detailed site investigation report, air quality report and surface water and groundwater impact assessment were submitted as part of the application. It has been demonstrated that the proposal is unlikely to generate any unreasonable environmental impacts.
- **Flora and fauna impacts** – The application proposes the removal of one-hundred and seventy-nine (179) trees. The application also proposes compensatory tree plantings. A condition of consent will be imposed, requiring the planting of additional trees.
- **Natural environment** – The application proposes bulk earthworks to facilitate the development onsite. It is considered that the cut and fill will unlikely result in any unreasonable environmental impacts.
- **Noise and vibration** – An acoustic report was submitted as part of the application, demonstrating that the proposal is unlikely to cause any unreasonable noise impacts during the construction and operation of the premises.
- **Natural hazards** – The site is affected by low-high risk overland flooding and is mapped as being bushfire prone land towards the north-western corner of the premises. A fire engineering statement and civil engineering report was submitted as part of the application, demonstrating that the site can manage these impacts.
- **Safety, security and crime prevention** – The application addresses the CPTD principles through the employment of windows facing the street, CCTV, access requirements and fencing.

- **Social impact** – The application is considered unlikely to cause any unreasonable social impacts on the surrounding locality.
- **Economic impact** – The application proposes the creation of two (2) new warehouse and distribution centres which will contribute to the local job market, by supporting local employment.
- **Site design and internal design** – The premises has been designed to help mitigate potential environmental impacts.
- **Construction** – A number of conditions have been included to address the construction impacts of the development.
- **Cumulative impacts** – The application is considered to satisfactorily address the relevant planning legislation.

Accordingly, it is considered that the proposal is unlikely to result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

It is considered that the proposed development is suitable for the site, given the site is large, located within the Wetherill Park Industrial Estate and is not located close to any sensitive land-uses.

### **3.4 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

The application is considered within the public interest, considering no objections were received during public notification, and the proposal will generate employment opportunities.

## **4. REFERRALS AND SUBMISSIONS**

### **4.1 Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act 1979 and outlined below in Table 5. There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Referral/Consultation Agencies</b>			
Endeavour Energy	Section 2.48 – State Environmental Planning Policy (Transport and Infrastructure) 2021	No concerns, subject to conditions of consent.	Y
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.	No concerns	Y
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
WaterNSW	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No concerns, General Terms of Approval have been issued.	Y

## 4.2 Council Officer Referrals

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

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering Assessment	No concerns, subject to conditions of consent.	Y
Traffic Section	No concerns, subject to conditions of consent.	Y
Building Control	No concerns, subject to conditions of consent.	Y
Public Health and Environment	No concerns, subject to conditions of consent.	Y
Tree Preservation	No concerns, subject to conditions of consent.	Y
Natural Resources	No concerns, subject to conditions of consent.	Y
Heritage	No concerns, subject to conditions of consent.	Y

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

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 22 August 2024 until 18 September 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties; and
- Notification on Council's website.

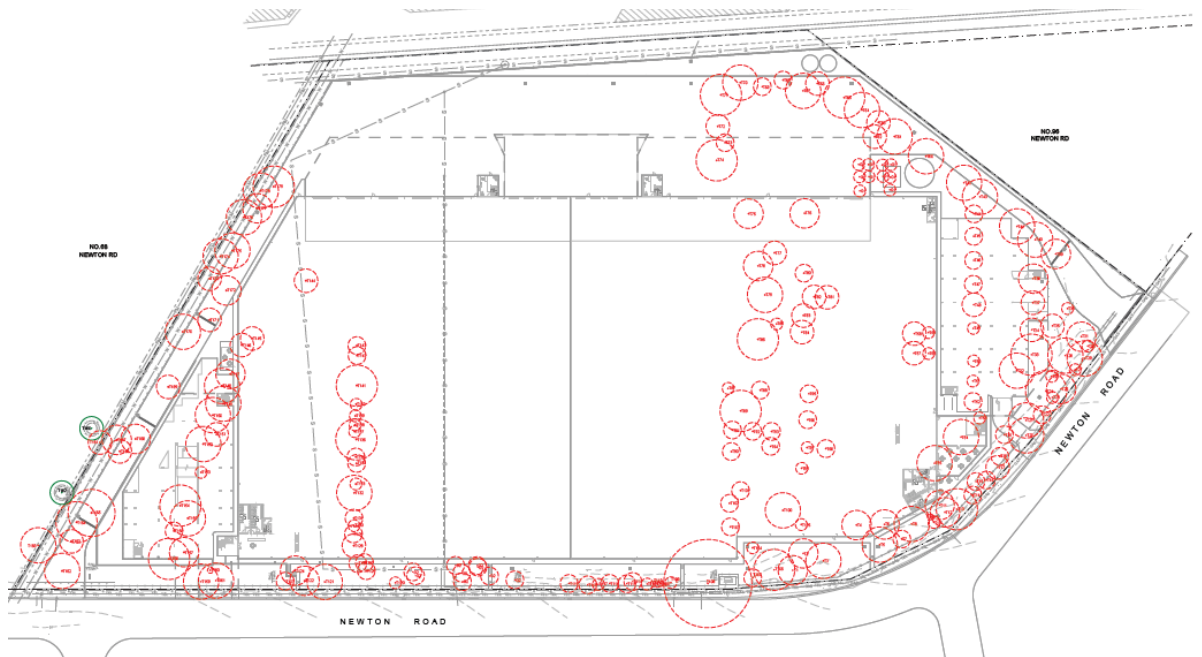
Council did not receive any submissions for the application.

## 5. 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:

### 5.1 Tree Removal

The application proposes the removal of one-hundred and seventy-nine (179) trees to facilitate the proposed development.



**Figure 8:** Proposed Tree Removal.

During the assessment of the application, concern was raised regarding the significant loss of trees and insufficient number of trees to compensate the loss. This was raised with the Applicant, and in response the application was amended to increase the amount of canopy cover from 7.4% to 8.2%. In addition, the application proposes to plant ninety-nine (99) trees onsite, varying in height, size, and species.

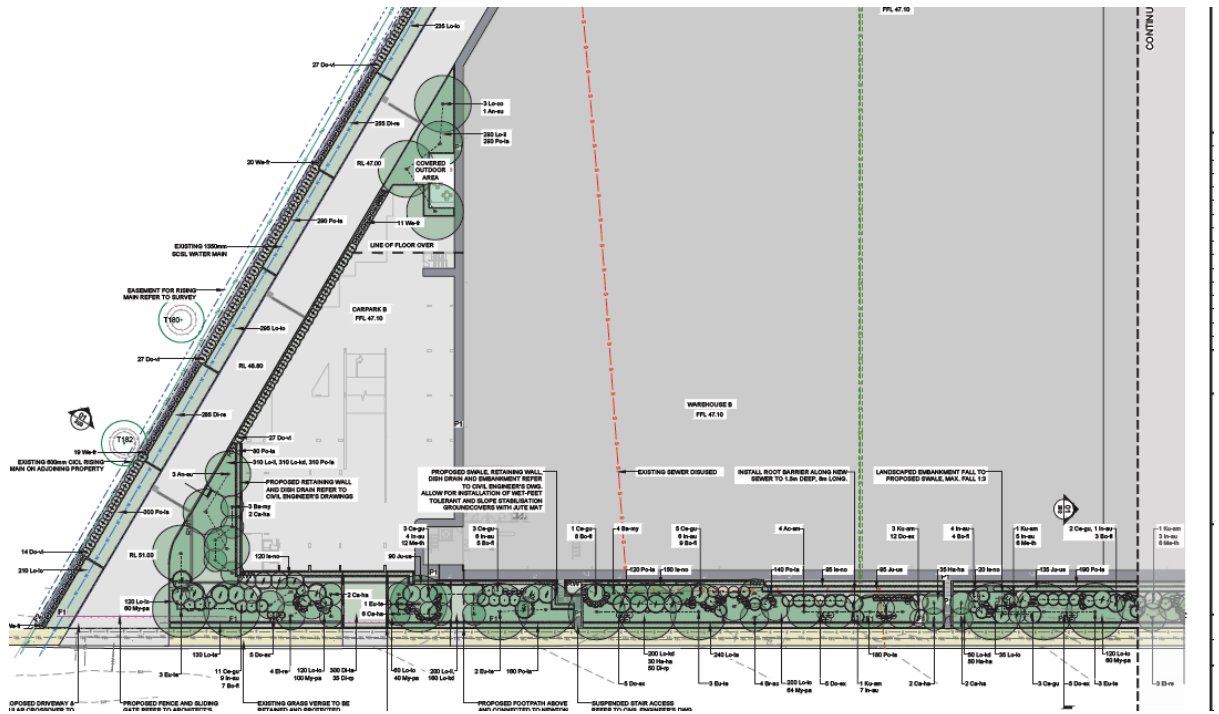


Figure 9: Proposed Landscaping (West).

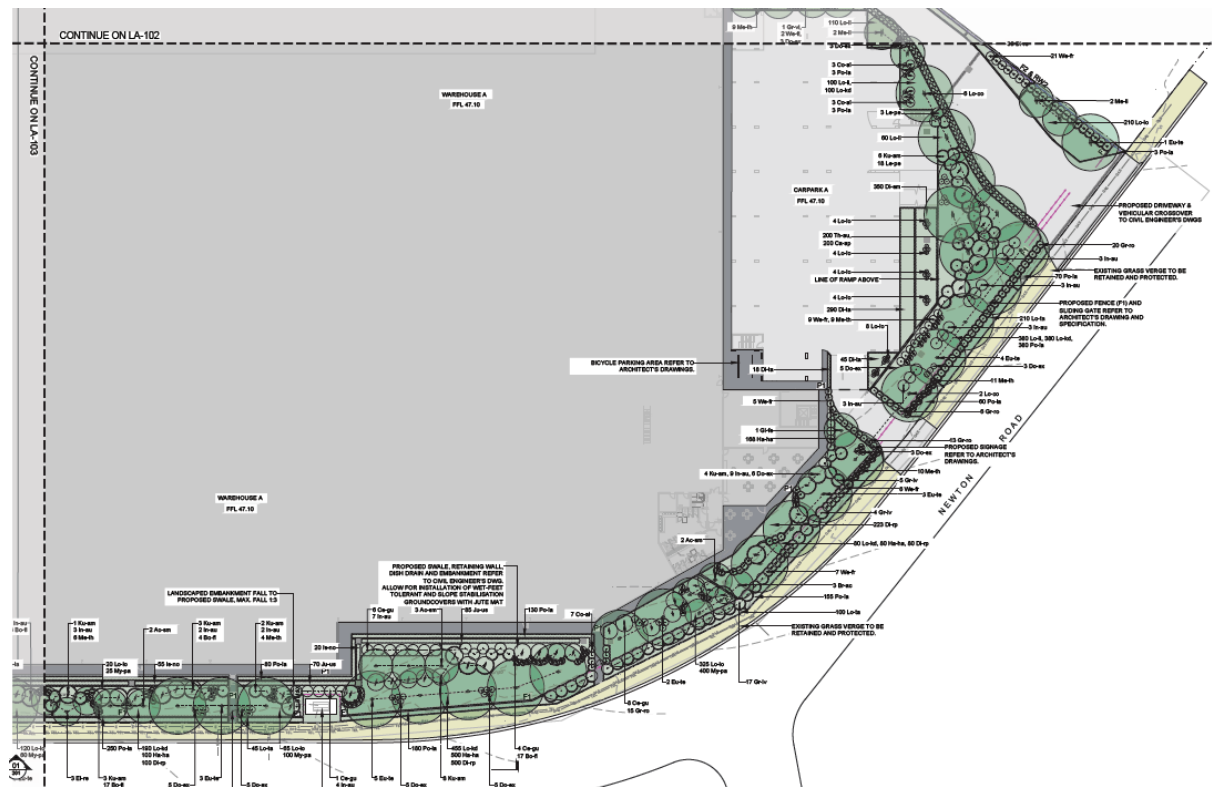


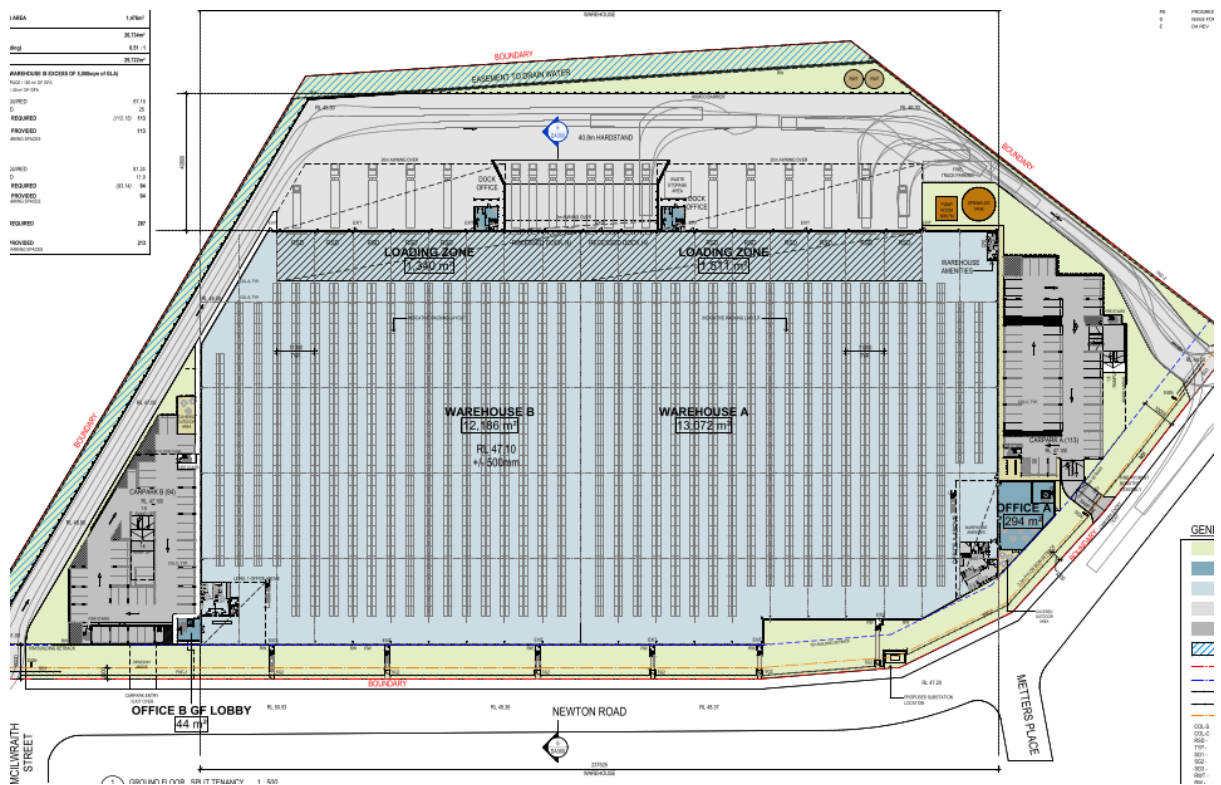
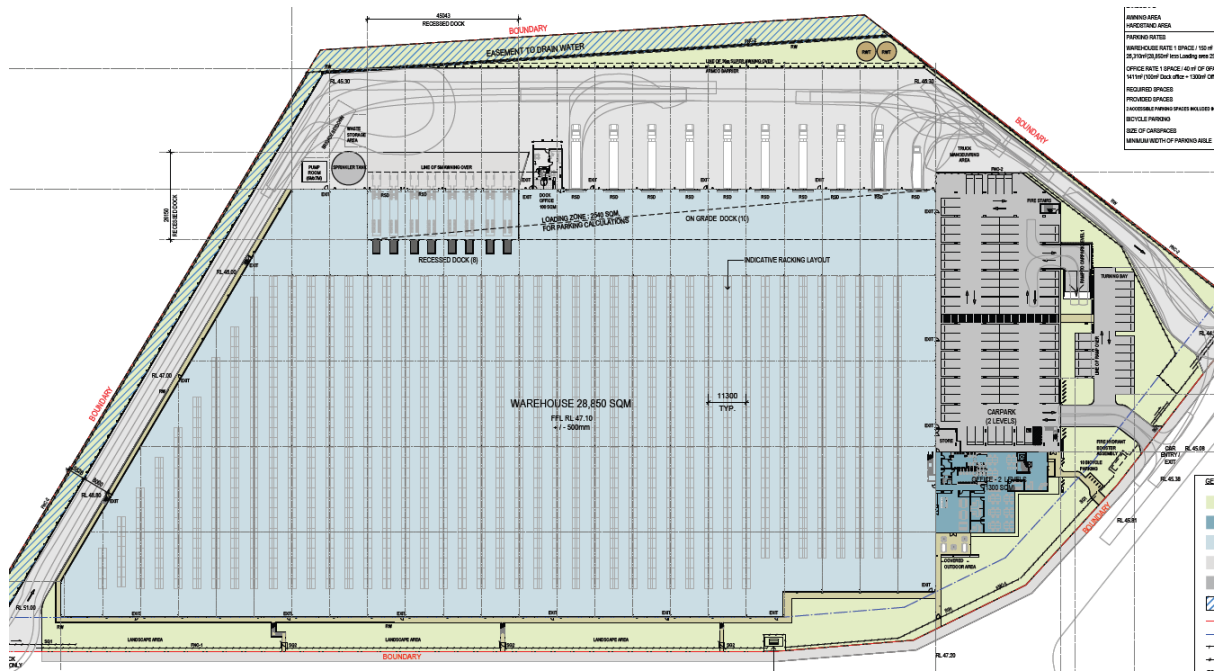
Figure 10: Proposed Landscaping (East).

The application was referred to Council's Tree Preservation Officer and Natural Resources Branches. As amended, no concerns were raised, subject to conditions of consent. Notwithstanding this, it is considered that there is space at the rear of the site to plant additional trees, varying in height and size as illustrated in Figures 11 and 12 below.

**Figure 11: Rear Landscaping.**

**Figure 12: Rear Landscaping.**

## 5.2 Bulk and Scale



The application is considered similar in floor space ratio when compared to other surrounding developments and includes a variety of building materials, colours and articulation to provide visual interest. As amended, it is considered that the proposed development appropriately responds to the surrounding streetscape.

### **5.3 Traffic**

During the assessment of the application, concern was initially raised regarding the potential traffic impacts of the development. The applicant has designed the driveways and internal layout to accommodate a 36m long A-Double Vehicle. Although these vehicles are not permitted to access Sydney Roads, the design and layout of the development is capable of accommodating this vehicle to ensure adequate site capacity should these vehicles be permitted in the future. The initial swept path diagrams did not demonstrate that these vehicles could satisfactorily enter and exit the site without impacting the surrounding traffic network. In addition, insufficient information was submitted in relation to the types and number of vehicles servicing the premises throughout any given day. In response to Council's concerns, an amended traffic impact assessment was submitted to Council, demonstrating that 36m long A-Double vehicles can service the premises. These vehicles will be required to be decoupled onsite or serviced on the side of the site. Although these vehicles are not permitted to access Sydney roads, the applicant has demonstrated that they can access the site, should such restrictions be removed in the future. A condition of consent will be imposed to this effect.

The Applicant has also demonstrated that eighteen (18) of the loading docks can service 20m articulated vehicles at any given time with one (1) only servicing 12.5m heavy rigid vehicles. Furthermore, it is recommended that a condition of consent be imposed, requiring the submission of a loading management plan to the satisfaction of Council's Traffic Section Branch, prior to the issue of an occupation certificate. The application was referred to Council's Engineering Assessment Branch and Traffic Section Branch who raised no concerns to the proposal as amended, subject to conditions of consent.

## **6. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act 1979 and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, and the key issues identified in this report, it is considered that the application can be supported.

During the assessment of the application, a number of key issues were identified, including car park and traffic impacts, bulk and scale and loss of trees. Amended information was submitted to Council to address these issues. Furthermore, the design of the development was changed to address these issues, including the removal of the pedestrian pathway, additional tree plantings and changes to the façade of the building. As amended, it is considered that the development satisfactorily addresses Clause 4.15 of the Environmental Planning and Assessment Act 1979 and is suitable for the site.

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

## **7. RECOMMENDATION**

That Development Application DA No. 205.1/2024 which proposes the demolition of existing structures and the construction and use of two (2) attached warehouse and distribution centres, including ancillary site works, an internal access road, landscaping, tree removal, double-storey offices and car parks, and associated structures at No. 94 Newton Road,

Wetherill Park be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A – Draft Conditions of Consent
- Attachment B – Architectural Plans
- Attachment C - Letter of Response to Stakeholder Comments
- Attachment D - Acoustic review of Updated Architectural Set for Revised DA
- Attachment E - Addendum Transport Assessment
- Attachment F - Civil Engineering Assessment
- Attachment G - Civil Engineering Drawings
- Attachment H - Response to Stormwater Comments
- Attachment I - Fire Engineering Review
- Attachment J - Air Quality Report
- Attachment K - Transport Assessment
- Attachment L - Statement of Environmental Effects
- Attachment M - State Environmental Planning Policy (Resilience and Hazards) Report
- Attachment N - Operational Waste Management Plan
- Attachment O - Noise and Vibration Impact Assessment
- Attachment P - Net Zero Statement
- Attachment Q - Heritage Impact Statement
- Attachment R - Surface Water and Groundwater Impact Assessment
- Attachment S - Detailed Site Investigation
- Attachment T - Biodiversity Assessment Report
- Attachment U - BCA and Access Assessment Report
- Attachment V - Arboricultural Impact Assessment Report
- Attachment W - Air Quality Impact Assessment
- Attachment X - Access Review
- Attachment Y – Survey Plan
- Attachment Z – Transport for New South Wales Letter
- Attachment AA – Endeavour Energy Letter
- Attachment BB – WaterNSW General Terms of Approval
- Attachment CC – Landscape Plans