

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-87
<b>DA Number</b>	DA-904/2019
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	Staged development – demolition of existing structures and construction of a multi-storey warehouse complex over two stages containing eight (8) warehouse units.
<b>Street Address</b>	28 Yarrunga Street, Prestons NSW 2170 (Lot 2 DP 536915)
<b>Applicant/Owner</b>	Muhbbah Construction Pty Ltd/ Favelle Favco Berhad
<b>Date of DA Lodgement</b>	13 December 2019
<b>Number of Submissions</b>	None
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	<p>Clause 2 of Schedule 7 - Development with a Capital Investment Value (CIV) of over \$30 million.</p> <p>The CIV of this application as outlined in a detailed cost report by a registered Quantity Surveyor is \$104,980,700.00 (including GST).</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</i> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007;</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP); and</li> <li>○ Liverpool Local Environmental Plan (LLEP) 2008.</li> </ul> </li> <li>• <i>List any 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)</i> <ul style="list-style-type: none"> <li>○ No draft Environmental Planning Instruments apply to the site.</li> </ul> </li> <li>• <i>List any relevant development control plan: s4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>○ Liverpool Development Control Plan 2008 (LDCP 2008) <ul style="list-style-type: none"> <li>▪ Part 1 – General Controls for All Development</li> <li>▪ Part 7 – Industrial Development</li> </ul> </li> </ul> </li> <li>• <i>List any 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)(iiia)</i></li> </ul>

	<ul style="list-style-type: none"> <li>○ No offer or draft offer to enter into a voluntary planning agreement has been made</li> <li>• List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>○ Consideration of the provisions of the National Construction Code (NCC).</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Architectural plans</li> <li>2. Statement of Environmental Effects</li> <li>3. Recommended conditions of consent</li> <li>4. DCP Variation Written Justification to Primary Setback and Landscaping</li> <li>5. Landscape plans</li> <li>6. Waste Management Report and Demolition Statement</li> <li>7. Traffic Report</li> <li>8. Preliminary Site Investigation</li> <li>9. Detailed Site Investigation</li> <li>10. Remediation Action Plan</li> <li>11. Civil Report</li> <li>12. Civil Drawings</li> <li>13. ESD Strategy Report</li> <li>14. BCA and Building Services Report</li> <li>15. Acoustic Report</li> <li>16. Quantitative Surveyor Report</li> <li>17. Preliminary Geotechnical Assessment Report</li> <li>18. SWCPP – Record of Briefing</li> </ol>
<b>Clause 4.6 requests</b>	None
<b>Summary of key submissions</b>	No submissions received
<b>Report prepared by</b>	Kevin Kim – Senior Development Planner
<b>Report date</b>	2 November 2020

### Summary of s4.15 matters

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

**Yes**

### Legislative clauses requiring consent authority satisfaction

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

**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?

**N/A**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.11EF)?

**N/A**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

### Conditions

Have draft conditions been provided to the applicant for comment?

**Yes**

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

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

The Capital Investment Value (CIV) of this application as outlined in a detailed cost report by a registered Quantity Surveyor is \$104,980,700.00 (including GST).

The Sydney Western City Planning Panel is the determining body as the CIV of the development is over \$30 million, pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)*.

The subject application is not categorised as a 'State Significant Development' under Schedule 1 of the State Environmental Planning Policy (Warehouse or distribution centres with a CIV of more than \$50 million) as it does not propose one (1) warehouse at one location relating to the same operation. Clause 12 of the SEPP provides:

#### *12 Warehouses or distribution centres*

*(1) Development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*

*(2) This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies.*

The proposed development consists of eight (8) individual industrial units that are physically separated and designed to operate as separate tenancies for different individual operators.

### **1.2 The proposal**

The application proposes the demolition of existing structures and construction of a multi-storey warehouse complex containing eight (8) warehouse units, over two (2) stages. All industrial units are intended to be occupied by multiple uses given the physical delineation and demarcation of the separate facilities proposed with the development.

### **1.3 The site**

The site is identified as Lot 2 DP 536915, No. 28 Yarrunga Street, Prestons. The site is rectangular in shape with a total area of approximately 46,839.7m<sup>2</sup> (approximately 4.68ha).

The subject site has a primary frontage of approximately 232.92m to Yarrunga Street (to the south) and shares a common boundary with the northern adjoining property at 40 Yarrawa Street, Prestons. The site is relatively flat with grades of less than 5%, which eventually drains to the creek north-west. Currently the site is being used to construct cranes and contains a large warehouse in the centre with workshop and storage sheds. There is also a single storey brick administration building within the southwestern portion of the site.

### **1.4 The issues**

The design and planning issues are identified as follows:

#### i) Reduced front setback at ground floor level (Stage 1)

Part 7.4 of LDCP 2008 requires a 10m setback from Yarrunga Street to the ground floor of the development. The proposed stage 1 building has a 7.5m setback for the ground floor level when measured from the Yarrunga Street frontage.

The applicant has submitted a written request for this DCP variation that includes a detailed visual analysis of the subject and adjacent development setbacks and site context study.

Council has reviewed the request and concludes that the applicant has shown that the objective of the control has still been met notwithstanding the DCP variation as the proposal is in harmony with the desired future character of Yarrunga Street.

#### ii) Reduced Landscaping at the site

Part 7.5 of LDCP 2008 requires a 10m landscaped setback from the street and requires that 10% of the site area is landscaped. The proposal seeks a variation to the minimum landscaped area of 10% and minimum 10m landscaped setback from the street with a shortfall of 2.4% and 2.5m, respectively.

The applicant has submitted a written request for this DCP variation that includes a detailed analysis of the subject and similar industrial development in the area and improved landscaping schedule.

Council considers that notwithstanding the setback non-compliance, adequate landscaping is provided to accommodate the planting of a mixture of good quality tree species that will improve the streetscape environment.

#### iii) Local Traffic Improvement Works - Yarrunga Street Intersection with Bernera Road

A need has been identified to upgrade the signalised Bernera Road/Yarrunga Street/Yato Road intersection to ensure that this intersection is physically capable of accommodating the types of trucks expected to access the site. This issue emerged from Council's Traffic Planning Branch review of the application and has been discussed in Section 6.8 of this report. This matter has been adequately dealt with via recommended conditions of consent for any development at the site.

### **1.5 Exhibition of the proposal**

The development application was notified for a period of 21 days between 6 February 2020 and 27 February 2020 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received in relation to the proposed development.

### **1.6 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the natural and built environments will be mitigated through design measures and the imposition of specific conditions of consent.

The site's location, zoning and existing land use make it suitable for the proposed development, and the proposal is in the broad interests of the general public. Based on the assessment of the application and the additional information and amendments made by the applicant, it is recommended that the DA be approved, subject to the recommended conditions of consent.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lot 2 in DP 536915, being 28 Yarrunga Street, Prestons. The site is located within the Prestons Industrial Area and is zoned as IN3 Heavy Industry, being located between IN1 General Industrial to the south, M7 to the east and bounded by E2 Environmental Conservation and RE1 Public Recreation (Cabramatta Creek Riparian zone) along the north western edge of the Prestons Industrial Area.

The site is rectangular in shape with a total area of approximately 46,839.7m<sup>2</sup> (approximately 4.68ha). The subject site has a primary frontage of approximately 232.92m to Yarrunga Street (to the south) and shares a common boundary with the northern adjoining property at 40 Yarrowa Street, Prestons. There is an existing 3m wide drainage easement through the north western rear property at 90 Yarrowa Street benefiting the subject site.

Currently the site is being used to construct cranes and contains a large warehouse in the centre with workshops and storage sheds. There is also a single storey brick administration building within the southwestern portion of the site. The site is bounded by a mix of industrial and warehouse buildings to its western, northern and eastern boundaries.

The site benefits from vehicular access for heavy vehicles through the existing signalised Bernera Road/ Yarrunga Street/ Yato Road intersection. The subject site is accessible by existing road infrastructure, including surrounding local, regional roads and roads linking to the M7. The site is located within the catchment of Cabramatta Creek. The site is relatively flat with grades of less than 5%, which eventually drains to the creek north-west. An aerial photograph of the subject site is provided in **Figure 1** below.



**Figure 1:** Aerial photograph of the Site



## 2.2 The locality

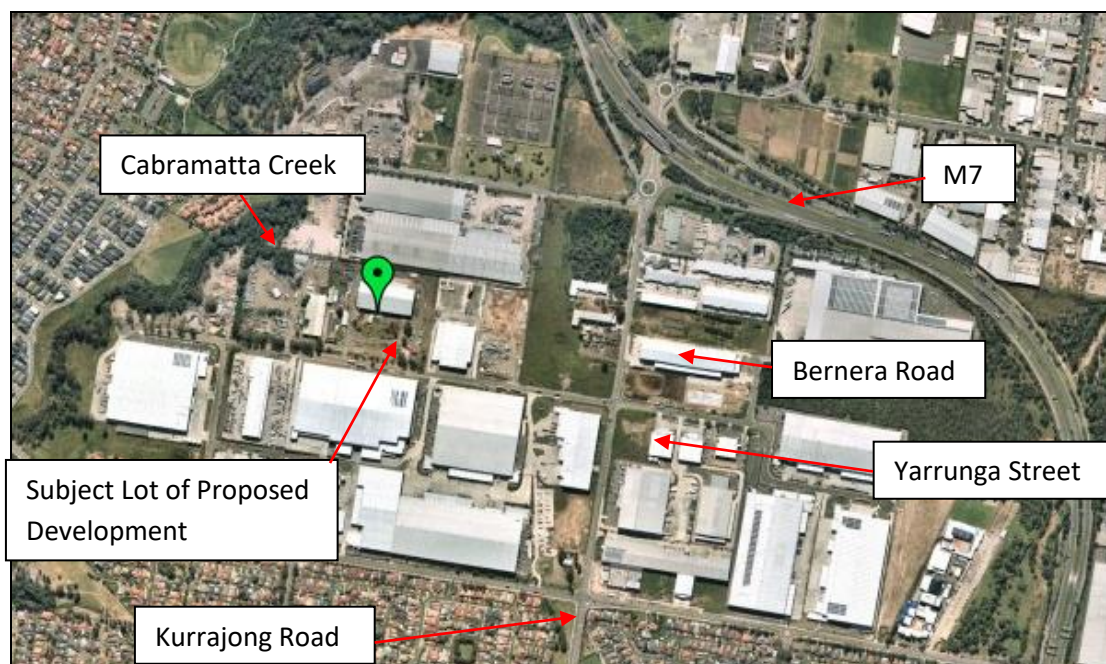
The subject site is located within the western side of the Industrial Area of the established suburb of Prestons. The western boundary of the Industrial Area borders the Cabramatta Creek riparian zone, which provides a vegetated buffer to the residential area of Carnes Hill.

The Prestons Industrial Area is located 6km south west of Liverpool Town Centre and 11km south east of the Western Sydney Airport – Badgerys Creek Aerotropolis. The road network surrounding the site includes:

- Bernera Road, a four-lane collector road that runs north-south connecting to the M7 motorway 1km to the north east of the site;
- Kurrajong Road, a four-lane collector road 500m south of the site that runs in an east-west direction connecting to Cowpasture Road to the west;
- Intersection of M5 and M7 is located approximately 2.5km to the south east of the site; and
- Yarrunga Street, a local road without kerb and guttering.

The neighbouring sites to the east (20 Yarrunga Street) and south (5-35 Yarrunga Street) have been the subject of DAs and Pre-DAs as follows:

- DA-1607/2012 (20 Yarrunga Street) for the *'Erection of an industrial warehouse with associated office and car parking and use as a freight transport facility'*.
- PL-82/2014 (5-35 Yarrunga Street) for a *'Proposed warehouse industrial estate with ancillary uses'*.
- PL-145/2017 (5-35 Yarrunga Street) for the *'Establishment of a recreation facility (indoor) use at Warehouse 4 in the Prestons Industrial Estate'*. The building works were determined under SSD 7155.
- DA-235/2018 (5-35 Yarrunga Street) for a *'Change of use from warehouse to indoor recreation facility'*.



**Figure 2:** Aerial photograph of the locality

## 2.3 Site affectations

The Preliminary Site Investigation (PSI) report submitted with the application recommended a detailed site investigation (DSI) to be conducted having identified traces of commination in their investigations. A DSI was undertaken and the consultant concluded that site can be remediated in order to make the site suitable for the proposed industrial development.

As a result of DSI, a Remediation Action Plan (RAP) was submitted with this application which is considered to satisfy SEPP 55 provided the applicant obtains a validation report prior to the issue of an Occupation Certificate to certify the site has been successfully remediated in accordance with the RAP.

## 3. BACKGROUND

### 3.1 Timeline of the Assessment

i) 3 July 2019

A pre-DA meeting (PL-45/2019) was conducted between Council and the current applicant together with their project team.

ii) 13 December 2019

The subject application (DA-904/2019) was lodged.

iii) 6 February 2020 and 27 February 2020

DA-904/2019 was notified. No submissions were received in response.

iv) 21 February 2020

The subject DA was referred to relevant internal and external consultants and agencies for review and comments.

v) 23 April 2020

As a result of the DA referrals, a Stop-the-Clock (STC) letter was issued to the applicant requesting for the following additional information to be provided:

- Acoustic assessment – revised acoustic report;
- Traffic – car parking and upgrade of the intersection of Bernera Road/Yarrunga Road/Yato Road; and
- Economic development – contribution to the intersection of Bernera Road/Yarrunga Road/Yato Road.

vi) 19 June 2020

In response to the STC letter, Council received additional information and amended architectural plans including the provision of car parking spaces that complies with Council's controls (**Figures 3 & 4**).

vii) 13 July 2020

A Sydney Western City Planning Panel (SWCPP) briefing meeting was held presenting the DA proposal as amended on 19 June 2020.

viii) 24 July 2019

Correspondence was sent to the applicant that summarised the issues raised by the SWCPP in relation to the following:

- Reduced front setback at ground floor for the Stage 1 building pursuant to *Part 7.4 - Setbacks for development in industrial areas* of Liverpool DCP 2008;
- Reduced landscaped area for the site pursuant to *Part 7.5 - Landscaping for development in industrial areas* of Liverpool DCP 2008; and
- Demolition of the existing warehouse and potential contamination issues.

ix) 31 July 2020

Applicant provided a response to the above correspondence in the form of a detailed landscaped area calculation diagrams, detailed response to contamination concerns and comparison of the landscaped areas of other various developments in the immediate locality (**Figure 5**).

x) 11 September 2020

A written agreement from the applicant in the form of a letter of offer (intersection upgrade of Bernera Road/Yarrunga Street/Yato Road) was received by Council.

### 3.2 Sydney Western City Planning Panel (SWCPP) Briefing

A SWCPP briefing was conducted on 13 July 2020. Key issues discussed at the meeting include the following:

Sydney Western City Planning Panel (SWCPP) Briefing	
Comments	Response
<ul style="list-style-type: none"> <li>• <i>The reduced front setback for the ground floor level of the proposed stage 1 building, as well as variation to the minimum landscaped area and deep soil area of 10%.</i></li> </ul> <p><i>The Panel indicated that these departures would need adequate design justification in relation to impacts on the surrounding streetscape.</i></p> <p><i>The Panel noted that the site generally is unencumbered, such that achieving the standard would not normally seem overly onerous.</i></p>	<p><b>Applicant's response:</b>  <i>Liverpool City Council Development Control Plan 2008 Part 7 – Setbacks sets out the following objectives:</i></p> <ul style="list-style-type: none"> <li>- <i>To ensure buildings do not adversely dominate the streetscape environment of industrial areas.</i></li> </ul> <p><i>The below responses demonstrate how the proposal complies with the DCP objectives:</i></p> <p><i>a) The non- compliance of the ground floor setback results in a superior architectural and landscaped presentation to Yarrunga St as the 10m setback provision at ground floor is intended to facilitate on-grade parking.</i></p> <p><i>The proposal accommodates all required parking within a basement and therefore leaves the entire front setback zone to be landscaped uninterrupted, including the sophisticated integration of advanced and significant planting, raingardens and bio-swales contributing to a highly considered water sensitive design.</i></p> <p><i>b) The additional 2.5m setback at ground floor intended in the DCP to facilitate at-grade parking also includes use of hardstand as loading bays generally with an operational</i></p>



	<p>height of 4.5m.</p> <p><i>The under-croft design at the front of industrial proposals becomes redundant in the subject proposal as all loading and warehouse access is located centrally within the development.</i></p> <p><i>The proposed traffic and circulation strategies eliminate the need for any hardstand area to be located forward of the building line therefore affording maximum landscaped and deep soil coverage along the site frontage.</i></p> <p><i>c) The building line forward of the 10m control at ground floor has been architecturally designed to facilitate street activation through a highly considered façade design.</i></p> <p><i>The façade of the ground floor is 50% transparent and recessive in nature to solid cladding above. The proposed glazing creates a sense of depth and removes the presence of a solid street wall. In comparison to adjacent warehouse development with monolithic street facades, the proposed breach of front setback at the ground floor does not adversely dominate the streetscape of Yarrunga St.</i></p> <p><i>Rather it introduces a contemporary architectural response to a prime-grade industrial development.</i></p> <p><i>Below is a visual analysis of the proposed development and adjacent development setbacks demonstrating how the subject proposal's design response to setbacks results in a superior streetscape environment through transparency and visual interest.</i></p> <p><b>Council's Response:</b></p> <p>In this regard, it is considered that the applicant has adequately demonstrated that the reduced front setback of the ground floor level of the stage 1 building is unlikely to have negative impacts on the streetscape environment of the locality.</p> <p>The landscaping scheme for the development provides a better connection between public and private domain and semi-transparent façade of the ground floor that acts as an 'articulation zone' that enables a better integration of built and landscape elements to create a landscaped setting on the streetscape that can be enjoyed from both public and private domain. Also, the landscaping schedule for the development allows for efficient water conservation and management.</p> <p>Therefore, these non-compliances to the LDGP 2008 are considered acceptable on planning grounds and have been discussed in the body of the report.</p>
<ul style="list-style-type: none"> <li>• Demolition of the existing warehouse and the need to specifically consider and</li> </ul>	<p><b>Applicant's response:</b></p> <p><i>Liverpool City Council Development Control Plan 2008 Part 7 – Amenity and Environmental Impact sets out the</i></p>

<p>address potential contamination issues.</p>	<p>following controls:</p> <ul style="list-style-type: none"> <li>- Contamination: Any DA for land identified as potentially contaminated by prior land use activities...must be supported by a phase 1 contamination report.</li> </ul> <p>The below response demonstrates how the proposal complies with the DCP contamination control:</p> <p>a) The following site investigations and reports were commissioned by Martens and Associates Pty. Ltd. and submitted as part of DA documentation:</p> <ul style="list-style-type: none"> <li>- Preliminary Site Investigation</li> <li>- Detailed Site Investigation</li> <li>- Remedial Action Plan.</li> </ul> <p>Attention is drawn to Section 4 of the Remedial Action Plan ref. P1907209JR04V01 and dated December 2019. Martens and Associates identify the warehouse at the central north portion of the site (understood as the existing warehouse in the SDWCPP Record of Briefing) as Data Gap Area C.</p> <p>Due to the nature of the existing structure being slab on ground, the remedial action plan requires additional investigation and testing to be completed after demolition of the existing warehouse. Martens and Associates detail the proposed methodology for data gap closure and is noted verbatim below (pp. 13-14 Remedial Action Plan):</p> <p>4.2 Data Gap Closure</p> <p>Following demolition of structures and removal of hardstands and UPSS infrastructure, the following works are required to address data gaps as noted above:</p> <ol style="list-style-type: none"> <li>1. Visual inspection of data gap areas for evidence of contamination (i.e. soil staining, odours and / or fibrous cement sheeting).</li> <li>2. Investigate depth of fill with selected sampling of fill material. Where natural soils are encountered, samples are to be collected. For Data Gap Areas A, B and C, investigate and sampling to be completed at rate of 1 per 100 m<sup>2</sup>.</li> <li>3. Samples from Data Gap Area A are to be laboratory analysed for heavy metals, OCP / OPP and asbestos.</li> <li>4. Samples from Data Gap Area B and C are to be laboratory analysed for heavy metals, TRH, BTEXN, PAH, OCP / OPP and asbestos.</li> <li>5. Samples to be collected for UPSS infrastructure remediation excavation.</li> </ol>
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	<p>6. Samples from Data Gap Area D are to be collected of excavation floor at 1 per 10 linear metre of excavation face (minimum one per face) and laboratory analysed for TRH and PAH.</p> <p>7. Preparation of a supplementary DSI for Stage 1 and 2 works, to address data gap investigation results and provide assessment of laboratory results against the SAC to determine if additional contamination is present.</p> <p>8. Preparation of an addendum to this RAP if any contamination requiring remediation and / or management is identified. If any PACM is identified by the environmental consultant during visual inspection, collected samples are to also be tested for asbestos in soil as per the WA Dept. Health (2009) Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in WA.</p> <p>As testing and reporting extends beyond the required preliminary site investigation stipulated in the DCP, the procedures for site remediation are highly reasonable at this stage of development. We understand that the RAP identifies data gaps that require further investigation and assessment when construction allows and that this testing should form standard conditions of consent. The issues raised by the SWCPP should therefore be considered justified.</p> <p><b>Council's response:</b>  The RAP identifies the remediation actions for identified areas of concern. Subject to remediation actions in the RAP, it is considered that the site can be made suitable for the proposed development.</p> <p>Having regard to the data gaps in the DSI, the RAP specifies actions to ensure that these gaps are closed, and in the event that contamination is uncovered, that an addendum to the RAP is prepared that specifies additional contamination actions.</p> <p>Assessment of the application was undertaken by Council's technical departments who has not identified any fundamental issues of concern with the submitted RAP and proposed method of site remediation at the site.</p> <p>In this regard, conditions are to be imposed on any consent granted that requires remediation to be undertaken at the site in accordance with the RAP and the site validated prior to the issue of any OC.</p>
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#### 4. DETAILS OF THE PROPOSAL

The application proposes the demolition of existing structures and construction of a multi-storey warehouse complex over two (2) stages containing eight (8) warehouse units with basement car parking for four hundred and thirty eight (438) spaces. The proposed development is to be carried out as follows:

##### Stage 1 (southern portion of the site)

- Demolition of the single storey brick administration building and associated structures within the southern portion of the site. The existing warehouse within the northern portion of the site is to remain operational at Stage 1 of the development with temporary car parking spaces.
- Construction of 4 large warehouse over two levels with 26,587m<sup>2</sup> of warehouse floor area and 4,061m<sup>2</sup> of office floor area, with the majority of the office area within the mezzanine. The internal layout of the stage 1 warehouses has been summarised in the table below:

Warehouse No.	Internal rooms	Floor area
Warehouse 1 (ground floor)	4 dock levellers, dock office with WC, waste storage room, lobby and stairwells and mezzanine office suite.	Warehouse: 6,469m <sup>2</sup> Office: 646m <sup>2</sup>
Warehouse 2 (ground floor)	4 dock levellers, dock office with WC, waste storage room, lobby and stairwells.	Warehouse: 6,624m <sup>2</sup>
Warehouse 3 (level 1)	4 dock levellers, dock office with WC, waste storage room, smoke lobby and stairwells, and mezzanine office suite.	Warehouse: 6,725m <sup>2</sup> Office: 728m <sup>2</sup> Mezzanine office: 741m <sup>2</sup>
Warehouse 4 (level 1)	4 dock levellers, dock office with WC, waste storage room, smoke lobby and stairwells, and mezzanine office suites.	Warehouse: 6,769m <sup>2</sup> Office: 328m <sup>2</sup> Mezzanine office (1): 809m <sup>2</sup> Mezzanine office (2): 809m <sup>2</sup>

- Construction of related services (2 x padmount substations, pressured boosting pumps, switch room, comms room and fire protection measures) and upgrade works to Yarrunga Street.
- Construction of temporary offices and a total of 159 temporary car parking spaces, 32 bicycle spaces and 9 motorcycle parking spaces.
- Landscaping embellishment works.

##### Stage 2 (northern portion of the site)

- Demolition of the existing warehouse and associated structures within the northern portion of the site.

- Construction of a basement level with a total of 438 vehicular parking spaces including 4 accessible car parking spaces, 20 motorbike parking spaces and 36 bicycle parking spaces. The basement level also includes storerooms, carpark exhaust risers, 2 x lobby area with a lift core and stairwells.
- Construction of 4 large warehouse over two levels with 30,887m<sup>2</sup> of warehouse floor area and 3,234m<sup>2</sup> of office floor area, with the majority of the floor area within the mezzanine. The internal layout of the stage 2 warehouses has been summarised in the table below:

Warehouse No.	Internal rooms	Floor area
Warehouse 5 (ground floor)	4 dock levellers, dock office with WC, waste storage room, lobby and stairwells and mezzanine office suite.	Warehouse: 7,677m <sup>2</sup> Office: 537m <sup>2</sup>
Warehouse 6 (ground floor)	4 dock levellers, dock office with WC, waste storage room, lobby and stairwells and mezzanine office suite.	Warehouse: 7,747m <sup>2</sup> Office: 541m <sup>2</sup>
Warehouse 7 (level 1)	4 dock levellers, dock office with WC, waste storage room, smoke lobby and stairwells, and mezzanine office suite.	Warehouse: 7,698m <sup>2</sup> Office: 537m <sup>2</sup> Mezzanine office: 537m <sup>2</sup>
Warehouse 8 (level 1)	4 dock levellers, dock office with WC, waste storage room, smoke lobby and stairwells, and mezzanine office suite.	Warehouse: 7,765m <sup>2</sup> Office: 541m <sup>2</sup> Mezzanine office (1): 541m <sup>2</sup>

- Construction of related services (switch room and fire protection measures).

A summary table of the proposed development (Stages 1-2) is provided below:

Element	Proposed	Notes
Car Parking <ul style="list-style-type: none"> <li>• Industrial (warehouse)</li> <li>• Accessible</li> <li>• Bicycle &amp; motorcycle</li> </ul>	Stages 1-2  Consist of: Stage 1: 159 temporary parking, and Stage 2: 438 parking spaces (incl. 4 accessible), 20 (motorcycle) and 36 (bicycle)	1 level basement over Stage 2  438 (incl. 4 accessible), 20 (motorcycle) and 36 (bicycle)
Gross Floor Area	Stage 1 = 26,587m <sup>2</sup> (warehouse) + 4,061m <sup>2</sup> (office) = 30,648m <sup>2</sup>  Stage 2 = 30,887m <sup>2</sup> (warehouse) + 3,324m <sup>2</sup> (office) = 34,121m <sup>2</sup>	Stages 1-2:  57,474m <sup>2</sup> (warehouse) + 7,295m <sup>2</sup> (office) = 64,769m <sup>2</sup>  A total gross floor area

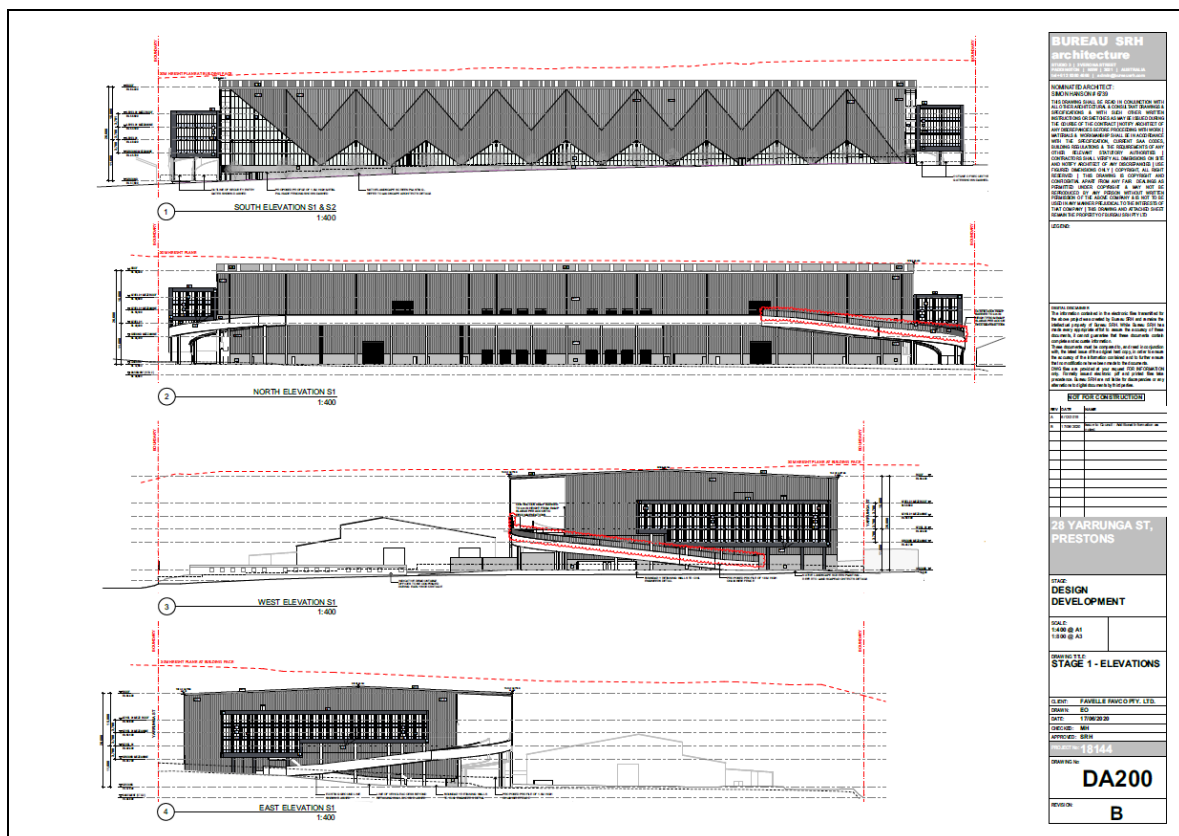
Element	Proposed	Notes
		of <b>64,769m<sup>2</sup></b> is proposed.
Height of Buildings	<p>Stage 1: Ridge level (RL66.394 AHD) – NGL (RL37.8 AHD) = approx. 28.59m above NGL.</p> <p>Stage 2: Ridge level (RL66.394 AHD) – NGL (RL37.6 AHD) = approx. 28.79m above NGL.</p>	Below the maximum building height of 30m under the LLEP 2008.
Number of Industrial Units:	<p>Stage 1:</p> <p>Unit 1 (Ground Floor) – warehouse and mezzanine office</p> <p>Unit 2 (Ground Floor) – warehouse and mezzanine office</p> <p>Unit 3 (First Floor) – warehouse and mezzanine office</p> <p>Unit 4 (First Floor) – warehouse and mezzanine office</p> <p>Stage 2:</p> <p>Unit 5 (Ground Floor) – warehouse and mezzanine office</p> <p>Unit 6 (Ground Floor) – warehouse and mezzanine office</p> <p>Unit 7 (First Floor) – warehouse and mezzanine office</p> <p>Unit 8 (First Floor) – warehouse and mezzanine office</p>	A total of <b>8</b> industrial units (incl. office and amenity facilities) are proposed over 2 stages of the development.
Deep Soil Area	7.6% (min. 10m width) excludes landscaped areas above the basements and less than 10m width	<b>Less than 10%</b> of the site (as required under the Liverpool DCP 2008).
Setbacks	7.5m for both ground and first floor levels, when measured to Yarrunga Street	<b>Less than 10m</b> ground floor setback to Yarrunga Street frontage (as required under the Liverpool DCP 2008).
Vehicular Access	<p>Entry: western driveway for ground floor units and western up-ramp for first floor units, and</p> <p>Exit: eastern driveway for ground floor units and eastern down-ramp for first floor units.</p>	The following descriptions are extracted from the Statement of Environmental Effects (SEE) and describe the intended vehicular movement and management within the



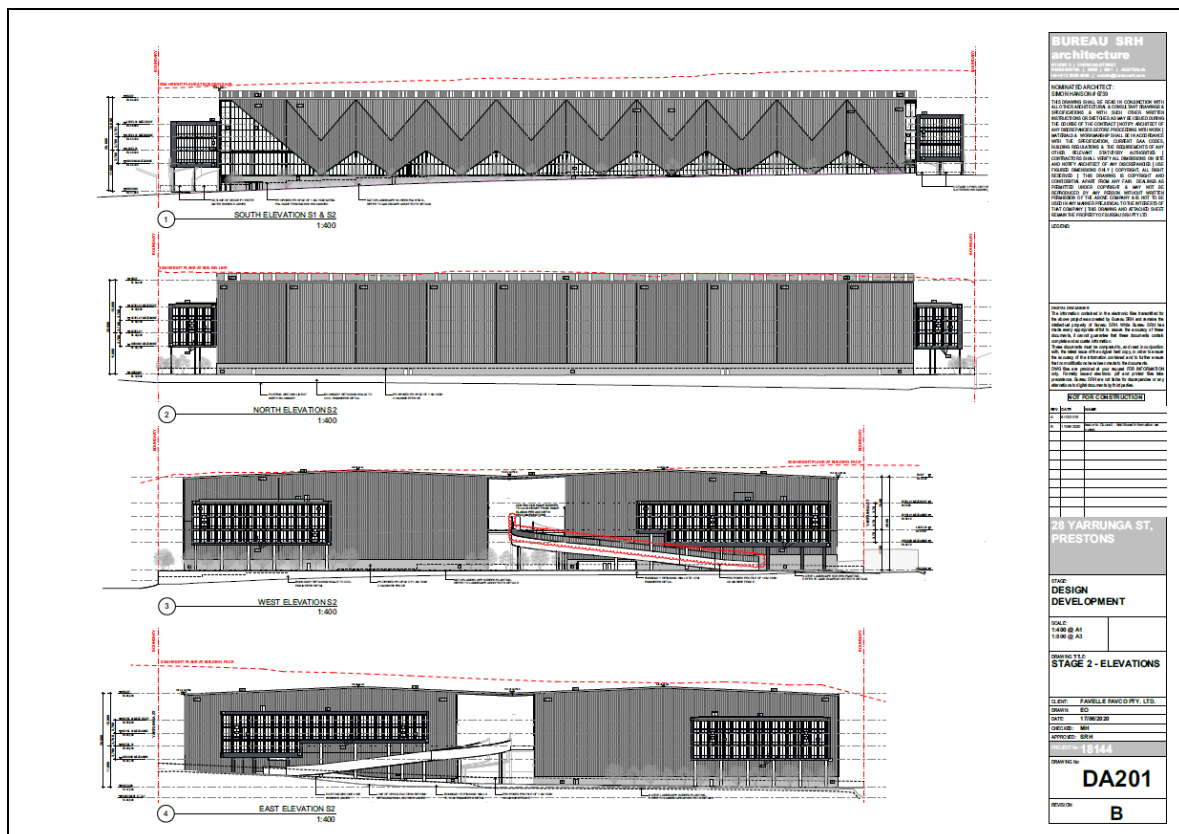
Element	Proposed	Notes
		<p>development:</p> <p><i>'Delivery vehicles generally comprise of semi-trailer delivery and distribution vehicles.</i></p> <p><i>For both stages, access to the development will be via Yarrunga Street from the south-western corner on the ground level.</i></p> <p><i>Trucks will either gain access from the ground level industrial unit or the Level 1 industrial unit via the western up-ramp.</i></p> <p><i>From Level 1, the trucks will be able to access the first level industrial units before returning to ground level via the eastern down-ramp.</i></p> <p><i>Once unloaded, or loaded, the trucks will leave the proposed development from the south-eastern corner onto Yarrunga Street'.</i></p>
Operational and Signage Details	No operational and signage details are proposed at this stage and are subject to future DAs	--
Stormwater Management	All stormwater from the development is proposed to connect into the existing stormwater infrastructure (675 diameter drainage pipe within the site is to remain) located within the 3m wide easement at the north western corner of the site draining through 90 Yarrowa Street.	Water management and conservation through the means of retention of stormwater has been assessed as compliant by Council's Senior Land Engineer and further, compliance with the



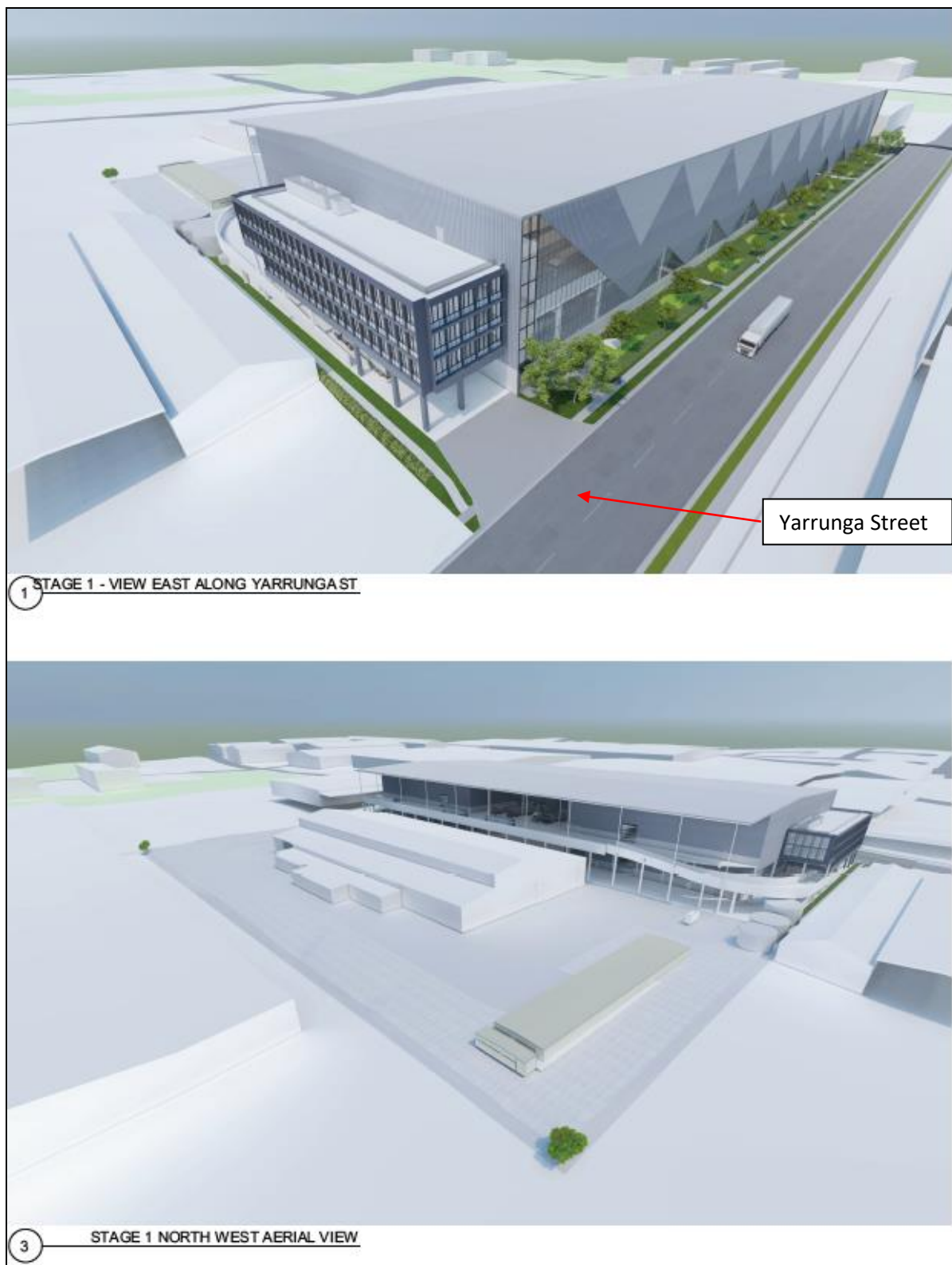




**Figure 6:** Elevations (Stage 1). Source: Plan DA200 Rev B prepared by Bureau SRH Architecture.

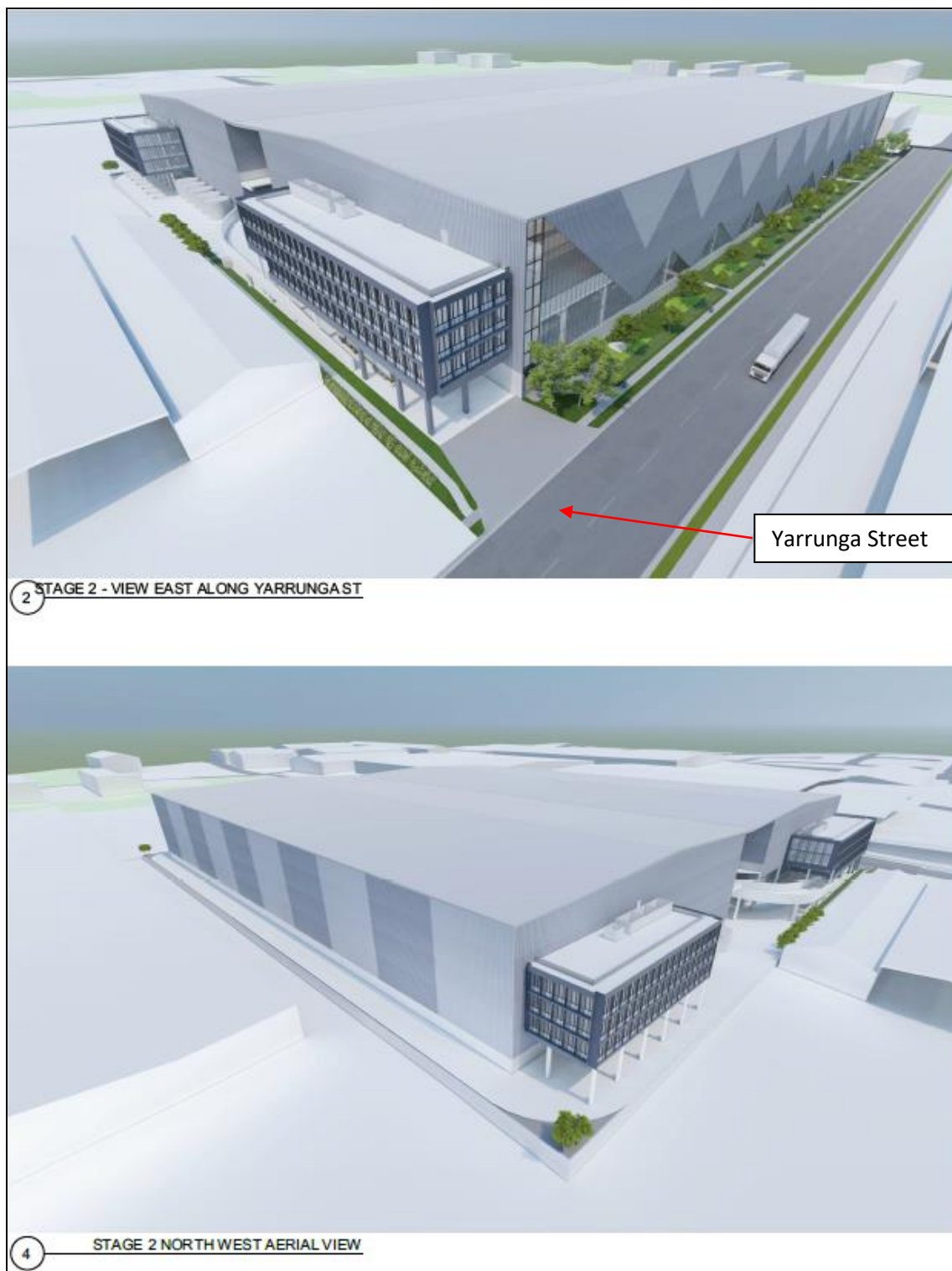


**Figure 7:** Elevations (Stage 2). Source: Plan DA200 Rev B prepared by Bureau SRH Architecture.



**Figure 8:** Perspective views from front and rear of the site (Stage 1). Source: Plan DA600 Rev A prepared by Bureau SRH Architecture





**Figure 9:** Perspective views from front and rear of the site (Stage 1 and 2). Source: Plan DA600 Rev A prepared by Bureau SRH Architecture





**Figure 10:** Various perspective views of the development. Source: Plan DA601 Rev A prepared by Bureau SRH Architecture

The use of each proposed warehouse is not considered as part of this application. Use of warehouses will be subject to further approval by either Council (DA) or a private certifier (CDC).

## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP); and
- Liverpool Local Environmental Plan (LLEP) 2008.

#### Draft Environmental Planning Instruments (EPI's)

- No draft Environmental Planning Instruments apply to the site.

#### Development Control Plans

- Liverpool Development Control Plan 2008 (LDCP 2008)
  - Part 1: General Controls for All Development
  - Part 7: Industrial Development

### Contribution Plans

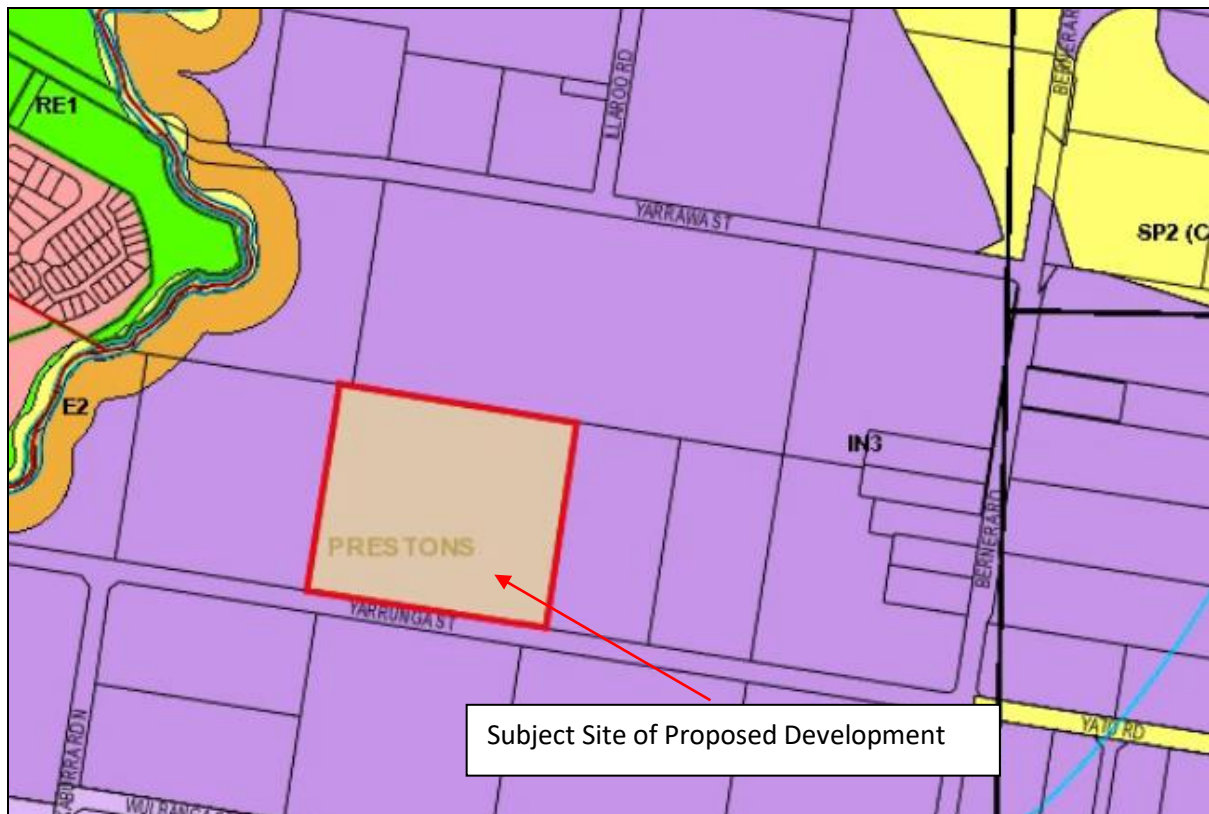
- Liverpool Contributions Plan 2009 applies to the development.

### Other Plans and Policies

- Crime Prevention through Environmental Design (CPTED) principles

## **5.2 Zoning**

The site is zoned IN3 Heavy Industry pursuant to Liverpool Local Environmental Plan (LLEP) 2008 as depicted in **Figure 11** below.



**Figure 11.** Extract of Liverpool LEP zoning map

## **5.3 Permissibility**

The proposed development would be defined as “Warehouse or Distribution Centre” which is a permissible land use within the IN3 Heavy Industry zone.

## **6. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of consideration as prescribed by Section 4.15 of the EP&A Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

## 6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

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

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. While the SEPP predominantly applies to infrastructure projects, such as roads, rail, water and sewer, it also applies to certain traffic generating developments which may potentially impact on the State's road networks.

#### (i) Clause 104 – Traffic generating development

The State Environmental Planning Policy (SEPP) Infrastructure 2007 aims to facilitate the effective delivery of infrastructure across the State. In this regard, development that is proposed to generate a threshold amount of traffic must, in accordance with Clause 104 of this policy, be referred to the Roads and Maritime Services (RMS) for review.

For the purpose of industrial development, the relevant thresholds are:

- *20,000sqm or more on a site with access to any road, or*
- *5,000sqm or more on a site with access to a classified road or to a road that connects to a classified road (if access is within 90m of connection, measured along alignment of connection road).*

The subject site is 4.68ha in area and as such Clause 104 of this SEPP applies. Pursuant to Clause 104(3)(a) and (b)(i) of the Infrastructure SEPP, before determining such a development application, Council must give written notice to the Transport for NSW (TfNSW) and take into consideration any submission provided in response. The TfNSW has written to Council and raised no objection in that correspondence as detailed in **Section 6.8(b)(ii)** of this report.

Section 104(3)(b) also requires Council to consider the following matters before determining the application, including:

- (ii) the accessibility of the site concerned, including -*
  - (a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - (b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) any potential traffic safety, road congestion or parking implications of the development*

These matters have been considered in the regard to the proposed development. With regard to (ii)(a) and (b), the site is located close to the M7 Motorway which provides a direct connection to the subject site with the minimal distance on regional and local roads. Most of the distance travelled by the delivery trucks will be on the national road network. With regard to item (iii), these matters are considered in **Section 6.8** of this report relating to the need to upgrade the intersection of Bernera Road / Yarrunga Street / Yato Road to accommodate future demands from this site and other development sites in Prestons Industrial Area.

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

Under Schedule 12 of this SEPP, warehouses or distribution centres at one location and related to the same operation with a Capital Investment Value (CIV) greater than \$50 million are deemed to be State Significant Development (SSD).

The Capital Investment Value (CIV) of this application as outlined in a detailed cost report by a registered Quantity Surveyor is \$104,980,700.00 (including GST). However, the proposed development consists of eight (8) individual industrial units that are physically separated and designed to operate as separate tenancies for different individual operators.

Therefore, the proposed development is best defined as a 'Warehouse and Distribution Centre' within the definitions of the Liverpool Local Environmental Plan 2008 and as a 'General Development over \$30 million' under Schedule 7 of the SEPP.

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

Part 3 (Council permits for clearing of vegetation in non-rural areas) - applies to any trees to be retained or removed as part of a Development Application.

The development seeks consent for the removal of identified vegetation on-site in order to facilitate the development.

Council's natural environment landscape officer concurs with the submitted landscape plans and scheme and raised no objections, subject to conditions of consent.

Furthermore, the proposed landscaping has been designed to ensure on-going management and efficient water conservation to achieve compliance with the recommendations outlined in the ESD Strategy Report prepared by ADP Consulting Engineering.

The replacement trees as shown on the landscape plan would compensate for the loss of non-significant and non-endemic trees existing on site in terms of amenity and natural habitat as depicted in the landscape plan (prepared by Carmichaelstudios) submitted with this application

## **(d) State Environmental Planning Policy No. 55 – Remediation of Land**

The proposal has been assessed under the relevant provisions of SEPP 55 as the proposal is identified as having the potential under the SEPP 55 guidelines to be a site that could be contaminated (heavy industrial activities, including Underground Petroleum Storage System (UPSS) from previous use of the subject site and existing industrial developments on neighbouring properties).

Therefore, under the SEPP 55 guidelines the subject site is identified as a site that could be contaminated.

The objectives of SEPP 55 are:

- *To provide for a state wide planning approach to the remediation of contaminated land.*
- *To promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether it is satisfied that the land is suitable in its contaminated state for the purposes for which the development is proposed to be carried out or if remediation is required to make it suitable.

The applicant has provided a Preliminary Site Investigation (PSI - phase 1) and subsequent Detailed Site Investigation (DSI - phase 2) of the site for potential areas of contamination which was undertaken by Martens Consulting Engineers.

The investigation at phase 1 (PSI) identified potential contamination sources that have potential to introduce contaminant to the site. Further investigation of the site was carried out at Phase 2 (DSI) which identified contaminants at the site. The DSI also identifies areas of concern that require further investigation and are regarded as data gaps. The recommendations of the submitted DSI include:

- *It is required that, following demolition of existing structure, this fill material be classified in accordance with NSW EPA (2014) Waste Classification Guidelines and disposed offsite and the extent of asbestos contamination be confirmed and its removal be validated prior to site redevelopment.*
- *It is recommended that, following demolition, further investigations are undertaken in conjunction with data gap closure assessment to delineate the depth and lateral extent of TRH impact in these locations.*
- *A Remediation Action Plan (RAP) is required to guide remediation of the site.*
- *It is recommended that an additional site walkover and sampling event is undertaken post demolition of structures to address data gaps. Should contamination be identified, the project RAP shall be amended to address required additional remediation.*
- *If any unexpected finds (such as fibro material, odours or soil staining) are encountered during site works, the unexpected find will require assessment by MA to determine requirements for additional investigation and / or remedial action.*
- *Where any soil material is to be removed from site, a formal waste classification assessment shall be required in accordance with the NSW EPA Waste Classification Guidelines (2014).*

Given the above, a Remedial Works Action plan (RAP) was prepared by Martens Consulting Engineers in accordance with NSW DECCW (OEH) 2011 together with a search of NSW Office of Environment contaminated land records. The submitted RAP details remedial actions and a validation methodology to treat identified contaminants at the site. In relation to the identified data gaps, the RAP specifies actions to ensure that these gaps are investigated, and in the event that contamination is uncovered, that an addendum to the RAP is prepared that specifies additional contamination actions.

These documents have been reviewed by Council's Environmental Health officer, who is satisfied that subject to remediation being carried out in accordance with the submitted RAP and validation of the remediation work prior to Occupation Certificate, that the site can be made suitable for the proposal. Notably, the submitted RAP concludes that the proposed remedial works are likely to be classified as 'Category 2: work not needing consent' under SEPP 55 and that the site is able to be suitably remediated for the proposed development.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55. Therefore, it is considered that the subject site is suitable for the proposed development.

**(e) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)**

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application.

The REP aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. The nearest downstream watercourse is Maxwell's Creek approximately 700 metres from the eastern boundary of the site. Maxwell's Creek is a tributary of Cabramatta Creek which drains to Georges River approximately 9 km further downstream.

When a consent authority assesses a development application, planning principles are to be applied under Clause 7(b) of the REP. A full assessment of the matters for consideration in determining development applications under the REP (Clause 8 and Clause 9) is provided in the below table.

<b>Clause 8 General Principles</b>	<b>Comment</b>
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers and are considered to be satisfactory.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's development engineers. Minimal impact.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the NSW Planning Department...,	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> ...,	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	No. State Government does not require notification of this proposal.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area that has been established and zoned for heavy industrial uses. The site has good proximity to the M7 Motorway and classified roads which are important for its efficient operation. Safeguards are proposed to ensure that stormwater is properly treated before leaving the site.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.



Clause 9 Specific Principles	Comment
(1) Acid Sulphate soils	The land is not identified as containing Acid Sulphate Soils
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The land is not identified as being flood-prone land.
(4) Industrial discharges	<p>The proposed development is for industrial development, specifically warehouse uses.</p> <p>The proposed warehouse uses are not considered to generate any detrimental impact with regards to industrial discharge to the Georges River, subject to incorporation of appropriate stormwater controls at the site.</p> <p>The application was referred to Sydney Water who raised no objection to the proposal subject to conditions (Section 73 certificate and wastewater conditions).</p>
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	The proposal does not prevent access to the foreshore area by the public.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan has been submitted. The Stormwater Concept Plan is considered to be acceptable.
(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LLEP 2008.</p> <p>The site is in an established industrial area.</p>
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services with water quality measures to ensure discharge achieves the relevant targets.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction and proper management of stormwater in the operation of the use. Conditions of consent covering these matters will be imposed any consent.

**(f) Liverpool Local Environmental Plan 2008**

**(i) Permissibility**

The definition in the land use table for IN3 Heavy Industrial zone in LLEP 2008 that best fits the proposal is a “Warehouse or Distribution Centre” which is defined as *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, and includes local distribution premises*. The development is therefore permissible with consent in the IN3 Heavy Industrial zone.

**(ii) Objectives of Zone**

Objectives of the IN3 Heavy Industrial zone are;

- *To provide suitable areas for those industries that need to be separated from other land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of heavy industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.*

The proposal generally satisfies the above objectives of the IN3 Heavy Industrial zone as follows:

- The proposed use is permitted with consent and is the type of use suited to the zone as it involves activities that are preferably separated from residential and other more sensitive uses.
- It will provide new employment opportunities on site (construction and operation) and support employment elsewhere in the Liverpool LGA. Council’s Economic Development officer supports the proposal and commented that *‘this development proposes to construct over 57,000 square metres of warehousing, which, in conjunction with the office component (over 7000 square metres) could create over 400 jobs or more, hence is supported by City Economy’*.
- With appropriate safeguards in place, it should not impact on the operations of other approved industrial and warehousing uses in the locality.
- It is an appropriate and permissible use of industrial land for industrial purposes.
- With appropriate safeguards in place, it will not hinder the establishment of other industries suited to location in the IN3 – Heavy Industrial zone

It is considered that the use of the land for a multi-level warehouse complex is in keeping with the above zone objectives.

**(iii) Principal Development Standards and Provisions**

The application has been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below. The proposal demonstrates compliance with applicable controls of the LEP.

Clause	Development Standards	Comment
<b>Part 4 Principal Development Standards</b>		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	<p><b>Complies</b></p> <p>Development consent is sought for the demolition of the existing buildings on the development site and forms part of the development description for this application.</p> <p>A Demolition Work Statement and Waste Management Plan (WMP) have been submitted with the proposal <b>(Attachment 7)</b>.</p> <p>Demolition will be carried out in accordance with Australian Standard AS-2601 and WorkCover requirements.</p> <p>The types and volumes of waste expected to be generated are provided in the WMP which also includes processes to minimise the volume of waste going to landfill and to promote re-use and recycling of materials in accordance with the objectives of the Liverpool DCP 2008 for the demolition of existing structures.</p>
4.3 Height of Buildings (as per HOB Map)	Maximum height 30m	<p><b>Complies</b></p> <p>Stage 1: Ridge level (RL66.394 AHD) – NGL (RL37.8 AHD) = approx. 28.59m above NGL.</p> <p>Stage 2: Ridge level (RL66.394 AHD) – NGL (RL37.6 AHD) = approx. 28.79m above NGL.</p>
4.4 Floor Space Ratio (as per FSR Map)	The site and surrounding area are not subject to Floor Space Ratio (FSR) control.	<b>Not Applicable</b>
5.10 Heritage Conservation	Development consent is required for erecting a building on land on which a heritage item is located or that is within a heritage conservation area.	<p><b>Not Applicable</b></p> <p>The following extracts are summaries from the SEE submitted with this application <b>(Attachment 2)</b>:</p> <p><i>'The site does not contain any heritage-listed items and an approval has been granted to</i></p>

		<p><i>remove any physical remains and undertake interpretation on the site as part of a larger industrial development.</i></p> <p><i>However, a local heritage item (59 – Remnants of former sandstone cottage) is located within close proximity to the development site as illustrated by the heritage (LEP) map.</i></p> <p><i>Yarrunga Street provides sufficient separation between the development site and the local heritage item, noting the broader locality is currently undergoing a transformation towards industrial land uses.</i></p> <p><i>As such no further heritage investigation is warranted’.</i></p> <p><b>Comment:</b> No heritage assessment is required under this clause of LLEP 2008.</p> <p>Nevertheless it is considered that the development on the site will have no adverse impacts on the heritage listed building (No 59 Yarrunga St – remnants of former sandstone cottage), as to its setting and is unlikely to cause physical damage to the heritage item given the separation by Yarrunga Street.</p>
7.31 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and</p>	<p><b>Complies</b></p> <p>The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area.</p> <p>A Preliminary Geotechnical Assessment undertaken by Martens Consulting Engineers has been submitted with the proposal.</p> <p>The application was referred to Council’s Senior Land Engineer and Environmental Health officer</p>

	likely amenity of adjoining properties,  (e) the source of any fill material and the destination of any excavated material,  (f) the likelihood of disturbing relics,  (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	who raised no objection to the proposal, subject to conditions.  The development is considered satisfactory in respect of this clause, subject to conditions of consent to ensure that mitigation measures are in place during demolition and construction management of the site against any likely impacts resulting from the development.
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As detailed in the LEP compliance table above, it is considered that the proposal satisfies the provisions of LLEP 2008.

## 6.2 Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

## 6.3 Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

### (a) Liverpool Development Control Plan (LDCP) 2008

The application has been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development* and *Part 7 Development in Industrial Areas*.

The table below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

Development Control	Proposal	Comment
<b>PART 1 – General Controls for All Development</b>		
2. Tree Preservation	Existing trees on the site include planted trees positioned at the Yarrunga Street frontage. The trees are not significant and are to be removed for construction of hardstand areas.  None of the existing trees provide significant ecological or aesthetic values to the site or the Liverpool LGA. All trees removed would be offset by significant planting of species better suited to the site.  Council's Natural Environment & Landscaping officer has reviewed the proposal and advised that the proposal will be satisfactory subject to conditions.	<b>Complies</b>
3. Landscaping	The Landscape Plans provides a satisfactory design of these areas by a qualified landscape architect ( <b>Attachment 6</b> ).	<b>To be Conditioned</b>

	Council's Natural Environment & Landscaping officer has reviewed the proposal and advised that the proposal will be satisfactory subject to conditions of consent requiring: a detailed street planting scheme to be submitted to Council's City Presentation at construction certificate stage; and landscaped areas as approved to be appropriately constructed and maintained.	
4. Bushland and Fauna Habitat Preservation	The site does not include any significant bushland native vegetation.	<b>Not Applicable</b>
5. Bush Fire Risk	The site is not identified as bush fire prone.	<b>Not Applicable</b>
6. Water Cycle Management	Water management and conservation through the means of retention of stormwater has been assessed as compliant by Council's Senior Land Engineer and further, compliance with the stormwater drainage plans and report supplied have been conditioned.	<b>Complies</b>
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse.	<b>Not Applicable</b>
8. Erosion and Sediment Control	Soil and erosion measures have been reviewed by Council Engineers and conditions of consent will be attached to any consent.	<b>Complies</b>
9. Flooding Risk	The site is not identified as flood prone.	<b>Not Applicable</b>
10. Contamination Land Risk	Council's Environmental Health Department have reviewed the application and have raised no objections to the proposed development based on contamination grounds. It is considered that the proposed documentation provided by the applicant adequately addresses Clause 7 of SEPP 55. It is considered that the site can be made suitable for the intended industrial use, subject to conditions.	<b>To be Conditioned</b>
11. Salinity Risk	<p>The site is identified as containing moderate salinity potential.</p> <p>Appropriate conditions relating to salinity risk mitigation measures (waterproofing membranes, drainage and landscaping works) and general advice have been included in <b>Attachment 3</b>.</p> <p>Also, conditions relating to erosion and sediment control measures will be implemented to prevent further spread of potentially saline soils.</p>	<b>To be Conditioned</b>
12. Acid Sulphate Soils	Site is not identified as affected by Acid Sulphate Soils.	<b>Not Applicable</b>
13. Weeds	Site is not affected by Noxious Weeds.	<b>Not Applicable</b>
14. Demolition of Existing Development	Demolition of existing buildings is to comply with the relevant standards.	<b>To be Conditioned</b>



	Appropriate conditions of consent have been imposed to achieve compliance with this requirement.	
15. On-Site Sewerage Disposal	Not proposed.	<b>Not Applicable</b>
16. Aboriginal Archaeological Sites	The proposal does not impact on any aboriginal heritage. Condition to be attached for unexpected finds.	<b>Complies</b>
17. Heritage and Archaeological Sites	Discussed in the LEP compliance table in section 6.1f(iii) of this report.	<b>Not Applicable</b>
18. Notification of Applications	The application was notified in accordance with the EP&A Regulation and Council's policy. No submissions received in response.	<b>Complies</b>
20. Car-parking and Access	<p><b><u>Industrial Development</u></b></p> <p>Car Parking Requirements:</p> <ul style="list-style-type: none"> <li>- 1 space per 250m<sup>2</sup> Warehouse GFA (warehouse developments of GFA &gt;1,000m<sup>2</sup>):</li> </ul> <p>Proposed warehouse GFA is 57,474m<sup>2</sup> /250m<sup>2</sup> = 230 car spaces required.</p> <ul style="list-style-type: none"> <li>- 1 space per 35m<sup>2</sup> Office LFA (Leasable Floor Area):</li> </ul> <p>Proposed office LFA 7,295m<sup>2</sup> /35m<sup>2</sup> = 208 car spaces required</p> <ul style="list-style-type: none"> <li>- Visitor/ customer parking spaces: not required.</li> </ul> <p>Total: 438 car spaces required for the warehouses with office suites.</p> <ul style="list-style-type: none"> <li>- 1 space per 100 car spaces (accessible car spaces) = 4 accessible car spaces required.</li> <li>- 1 bicycle space per 10 staff or 10 car spaces (if staff numbers are undetermined) = 44 bicycle spaces required.</li> </ul> <p><b><u>Proposed development</u></b></p> <p>Employee parking spaces (warehouse and office): 438 car spaces provided within the basement of stage 2 building.</p> <p>Accessible parking spaces: 4 accessible car spaces provided within the basement of stage 2 building.</p> <p>Bicycle spaces: 20 motorcycle and 36 bicycle</p>	<b>Complies</b>

	<p>spaces provided within the basement of stage 2 building.</p> <p><b>Note:</b> Stage 1 temporary parking spaces: 159 car spaces to be provided for 26,587m<sup>2</sup> Warehouse GFA and 3,733m<sup>2</sup> Office LFA (stage 1 only), which results in a shortfall of 57 car spaces as a minimum of 216 car spaces are required for stage 1 building. However, the overall car parking for both stages 1 and 2 of the development complies with LDCP 2008.</p> <p>The application was referred to Council's Traffic Engineer for review who has raised no objection subject to conditions of consent.</p>	
21.Subdivision of Land and Buildings	Not proposed or required.	<b>Not Applicable</b>
22. Water Conservation	<p>Reuse and recycling of stormwater proposed. Includes a strategy to optimise use of water for site activities.</p> <p>Council's Senior Land Engineer has reviewed the proposal and advised that the proposal will be satisfactory subject to conditions of consent.</p>	<b>Complies</b>
23.Energy Conservation	To comply with the relevant provision of the National Construction Code (NCC/BCA).	<b>To be Conditioned</b>
24.Landfill	None proposed	<b>Not Applicable</b>
25.Waste Disposal and Re-Use	<p>During Construction:</p> <p>A waste management plan has been submitted (<b>Attachment 7</b>). Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p>	<b>Complies</b>
26.Outdoor Advertising	Business identification signs and direction signs proposed only.	<b>Not Applicable</b>
27. Social Impact Assessment	A Social Impact Assessment was not required.	<b>Not Applicable</b>

Part 7 Development in Industrial Areas			
Control	Requirement	Proposed	Comment
Site Area	Minimum site area of an allotment: 2,000m <sup>2</sup> .	Total site is 4.68ha.	<b>Complies</b>
Site Planning	Allow for the retention of significant trees and vegetation, particularly near the street frontage.	No significant trees on site.	<b>Complies</b>
	Development must be designed around the site	Site attributes and constraints have been	<b>Satisfactory</b>

	attributes such as slope, existing vegetation and land capability.	considered in the design.	
Setbacks	Minimum setback to ground floor is 10m Minimum setback to first floor is. 7.5m	<u>Stage 1 building</u> Ground floor: 7.5m First floor: 7.5m	<b>No - Variation (1)</b> Acceptable as discussed below.
Landscaping	Minimum 10% of the site area is to be landscaped.  Sites greater than 4000sqm in area requires a 10m wide landscaping area along the primary and secondary frontage.	A minimum of 4,683.9m <sup>2</sup> (10%) is required to be landscaped. However, the development provides 3,560m <sup>2</sup> (7.6%) as landscaping and does not comply with this control.  Furthermore, the proposal provides only a 7.5m landscaping area along the primary frontage rather than 10m as the building is setback 7.5m from the street.	<b>No - Variation (2)</b> Acceptable as discussed below.
Building Design, Streetscape and Layout	<u>Façade Treatment</u>  1. The facades to a development must adopt a contemporary architectural appearance.  2. A development must use architectural elements to articulate facades, and minimise large expanses of blank walls. Architectural elements may include but not be limited to:  - Defining the base, middle, or top of a building using different materials and colours.  - Incorporating horizontal or vertical elements such as recessed walls or banding.  - Defining the window openings, fenestration,	The proposed buildings are purpose built industrial structures and is of contemporary architectural appearance with the building elements, materials and free form shapes used on the façade for visual interest.  Horizontal (defining floor levels by exposed floor slab through glazed façade), diagonal, vertical design elements with a mix of building materials are used on the façade of the building for visual interest as well as various landscaping species have been implemented to further activate the existing street frontage.  The semi-transparent façade of the stage 1	<b>Complies</b>

	<p>building entrances, and doors.</p> <ul style="list-style-type: none"> <li>- Using roof forms and parapets to create an interesting skyline.</li> <li>- Using sun shading devices.</li> <li>- Incorporating public artwork.</li> <li>- Using a variation of unit designs in a building complex.</li> <li>- Any other architectural feature to the satisfaction of Council.</li> <li>- Blank walls in general that address street frontages or public open space are discouraged.</li> </ul> <p>Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases, an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p>	<p>building creates a sense of light weight structure at street level and sense of depth of the building given the glazed areas at street level that can be seen as a void on the solid façade of a typical industrial building found in the area.</p>	
	<p><u>Building Design</u></p> <p>Entrance visible from street</p>	<p>All entrances are visible from the street and common areas (driveway/car park) on site.</p>	<b>Complies</b>
	<p>Glazing shall not exceed reflectivity of 20%.</p>	<p>Glazing does not exceed reflectivity of 20% as noted from the applicant's SEE.</p>	<b>To be Conditioned</b>
	<p>The administration office or showroom must be located at the front of the building.</p>	<p>Administration office is located within the side setback areas and are easily identified through the common driveway.</p> <p>Also, a dock office is proposed adjacent the main docking area of each warehouse.</p> <p>This is essential as it is the best location to monitor all activities taking place on the site.</p>	<b>Complies</b>
	<p>Driveways must provide adequate sight distance</p>	<p>Council's Traffic Engineer has reviewed the proposal</p>	<b>Complies</b>

	for the safety of pedestrians using the footpath area.	and have not raised any objections to the proposal in this regard.	
	<u>Lighting</u> 1. Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures. 2. The lighting in a car park must conform to AS 1158.1, 1680, and 2890.1. 3. External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.	Appropriate conditions of consent to be imposed to achieve compliance with this requirement.	<b>To be Conditioned</b>
	<u>Facilities</u> The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land..	Purpose built industrial structures incorporate facilities that satisfies this requirement in design.	<b>Complies</b>
	<u>Service Areas</u> Services must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.	A schedule of services (mechanical, electrical, fire, hydraulic and vertical transportation) prepared by ADP Consulting Engineering was submitted with this application. Purpose built industrial structures incorporate required service in design.	<b>Complies</b>
Landscaping	Trees of at least 8m in height must be planted in the landscape area at a minimum rate of 1 tree per 30m <sup>2</sup> of the	Landscaping Plan submitted with this application. Council's natural environment landscape	<b>Complies</b>

	landscape area.	officer concurs with the submitted landscape plans and raised no objections subject to conditions of consent.	
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 -1.8m) especially along paths and close to windows and doors	Landscaping Plan includes appropriate planting <b>(Attachment 6)</b> . Council's natural environment landscape officer concurs with the submitted landscape scheme and raised no objections subject to conditions of consent.	<b>Complies</b>
Fencing	Solid front fences must have a maximum height of 1.2m.	No solid fencing proposed at front.	<b>Complies</b>
	Front fences higher than 1.2m shall be consistent with the following: -Maximum height of 2m. -Transparent. -Dark colour.	Fencing at the front of the property will be 2m high black palisade fencing	<b>Complies</b>
	Chain wire, metal sheeting, brushwood and electric fences are not permitted.	Front fence is palisade style (open) style. Side and rear fencing need to provide security.	<b>Complies</b>
	Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage.	No solid fencing proposed at front.	<b>Not Applicable</b>
Change of use of existing buildings	Where a change of use is proposed to an existing development that will result in a significant impact on adjoining or nearby properties or on traffic movements may not be permitted.	No operational details are proposed at this stage and are subject to future DAs.	<b>To be Conditioned</b>
Car parking and access	Driveways and loading bays set out to enable heavy vehicles to enter and exit in a forward direction and park within designated loading bays.	The site will have dedicated entry and exit driveways.  Parking and loading bays will be marked.	<b>Complies</b>

		Swept path diagrams are provided in the applicant's Transport Impact Assessment report prepared by Ason Group.	
	Car parking is designed to reduce visual impacts, with a 2.5 m landscape bay provided between every 6-8 car spaces.	Basement car parking is proposed.	<b>Not Applicable</b>
Amenity & environmental impact	External processes in an industrial area and storage of materials will not be permitted along a Classified Road frontage or a road frontage opposite a residential area.	Not proposed as part of this application and are subject to future DAs.	<b>To be Conditioned</b>
External Industrial Activities	Storage and processing of concrete, soil and other similar components screened by fencing and landscaping. The maximum height of a stockpile for the recycling of concrete, soil and other similar materials shall be 6m.	Not proposed as part of this application and are subject to future DAs.	<b>To be Conditioned</b>
Noise	In order to comply with the Protection of the Environment Operations Act 2008 it may be necessary to construct external works. Mounding, planting and/or noise barriers may be permitted to reduce the impact of noise levels, provided that this does not compromise any other provision in the DCP.	<p>A noise impact assessment has been undertaken to assess any potential impacts of the proposed development on the locality (prepared by ADP Consulting Engineering <b>Attachment 15</b>).</p> <p>This assessment identified that through the implementation of specific environmental management measures predicted emissions would meet relevant government criteria and would not result in unacceptable levels amenity impact on the area.</p> <p>Notably, the report recommends 4m high acoustic barriers along the side of the ramps. The amended architectural plans have incorporated this recommendation of the noise impact assessment</p>	<b>Complies</b>

		<p>report.</p> <p>The Acoustic Report was referred to Council's Environmental Health officer for review who has raised no objection, subject to conditions of consent requiring compliance with the noise impact assessment report.</p>	
Hazardous materials and hazardous operation	<p>Hazardous materials and hazardous operation</p> <p>Certain industrial processes are identified as Designated Development under the Environmental Planning and Assessment Act 1979.</p> <p>It will be necessary to contact the NSW Department of Planning for their requirements for the preparation of an environmental impact statement</p>	No operational details are proposed at this stage and are subject to future DAs.	<b>To be Conditioned</b>
Hours of Operation	<p>Development which would have an adverse impact on adjoining or nearby residential areas will be limited: 7 am to 6 pm Monday to Friday, 7 am to 12 pm on Saturday. No work Sundays.</p>	<p>No operational details are proposed at this stage and are subject to future DAs or CDCs.</p> <p>However, an acoustic report was undertaken which identified the maximum number of trucks and forklifts that can operate at different timeframes to ensure that any future uses of the warehouses do not have adverse impact to surrounds. A condition has been imposed in Attachment 3 to restrict the operational hours and number of truck movements associated with future uses.</p>	<b>To be Conditioned</b>
Contamination	Any DA for land identified as potentially contaminated by prior land use activities and shown in Figure 11, must be supported by a phase 1 contamination	<p>The subject site is identified as Area 6 (crane makers) in Figure 11 of LDCP.</p> <p>Council's Environmental Health Department have reviewed the application and have raised no</p>	<b>To be Conditioned</b>



	assessment.	objections to the proposed development based on contamination grounds. It is considered that the proposed documentation provided by the applicant adequately addresses Clause 7 of SEPP 55. It is considered that the site can be made suitable, subject to conditions of consent.	
Site services	Street number made of reflective material visible from the street.	This will be made as condition of consent.	<b>To be Conditioned</b>
Waste Management	<p>Owners are to provide their own waste management services.</p> <p>These facilities will vary depending on the needs of the site.</p> <p>Any waste management equipment must not be visible from the street.</p> <p>Waste bins must be provided in a designated area that is easily and safely accessible for workers.</p>	<p>A waste management plan prepared by Auswide Consulting has been submitted with this application (<b>Attachment 7</b>).</p> <p>All waste management equipment will be stored in designated waste storage rooms which are accessible and are not visible from the street.</p>	<b>To be Conditioned</b>
Frontage works & damage to Council infrastructure	<p>Footpath, road shoulder or new or enlarged access driveway constructed at no cost to Council. Approval from Council given prior to works involving Council infrastructure.</p> <p>Access driveways will be constructed at no cost to Council. Consultation with Council regarding site access has occurred as part of this application.</p>	The application was referred to Council's Traffic Engineer for review who has raised no objection subject to conditions of consent.	<b>To be Conditioned</b>
Electricity Substation	<p>In some cases it may be necessary to provide an electricity sub station at the front of the development adjacent to the street frontage.</p> <p>This will involve dedication of the area as a public road to allow</p>	The development proposes 2 substations that are to be staged, with Substation 1 to be surrounded by landscaping to minimise its impact to the streetscape.	<b>Complies</b>

	<p>access by the electricity provider.</p> <p>The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area.</p>		
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### **DCP Variation (1) - Minimum primary setback to Yarrunga at ground floor (Stage 1)**

As mentioned earlier in the report, the proposed stage 1 building has a reduced primary setback of 7.5m at ground floor resulting in a non-compliance with the minimum primary setback of 10m required for the ground floor level as per LDCP 2008.

The reduced primary setback for the ground floor level of stage 1 building is proposed primarily due to the traffic and circulation strategies for the development including the provision of central loading bays between 2 staged building and basement car parking in lieu of the under croft at-grade car parking that is intended in LDCP 2008.

The applicant's written request for this DCP variation has been considered and it is concluded that the applicant has shown that the objective of the control has still been met notwithstanding the DCP variation. The following provides an extract of the applicant's written request which explains how the DCP variation meets the objective of the zone:

#### **DCP Objective**

*"Liverpool City Council Development Control Plan 2008 Part 7 – Setbacks sets out the following objectives:*

- *To ensure buildings do not adversely dominate the streetscape environment of industrial areas.*

*The below responses demonstrate how the proposal complies with the DCP objectives:*

*a) The non- compliance of the ground floor setback results in a superior architectural and landscaped presentation to Yarrunga St as the 10m setback provision at ground floor is intended to facilitate on-grade parking. The proposal accommodates all required parking within a basement and therefore leaves the entire front setback zone to be landscaped uninterrupted, including the sophisticated integration of advanced and significant planting, raingardens and bio-swaes contributing to a highly considered water sensitive design.*

*b) The additional 2.5m setback at ground floor intended in the DCP to facilitate at-grade parking also includes use of hardstand as loading bays generally with an operational height of 4.5m. The under croft design at the front of industrial proposals becomes redundant in the subject proposal as all loading and warehouse access is located centrally within the development. The proposed traffic and circulation strategies eliminate the need for any hardstand area to be located forward of the building line therefore affording maximum landscaped and deep soil coverage along the site frontage.*

*c) The building line forward of the 10m control at ground floor has been architecturally designed to facilitate street activation through a highly considered façade design. The façade of the ground floor is 50% transparent and recessive in nature to solid cladding above. The proposed glazing creates a sense of depth and removes the presence of a solid street wall. In comparison to adjacent warehouse development with monolithic street facades, the proposed breach of front setback at the ground floor does not adversely dominate the*

*streetscape of Yarrunga St. Rather it introduces a contemporary architectural response to a prime-grade industrial development.*

*Below is a visual analysis of the proposed development and adjacent development setbacks demonstrating how the subject proposal's design response to setbacks results in a superior streetscape environment through transparency and visual interest.*

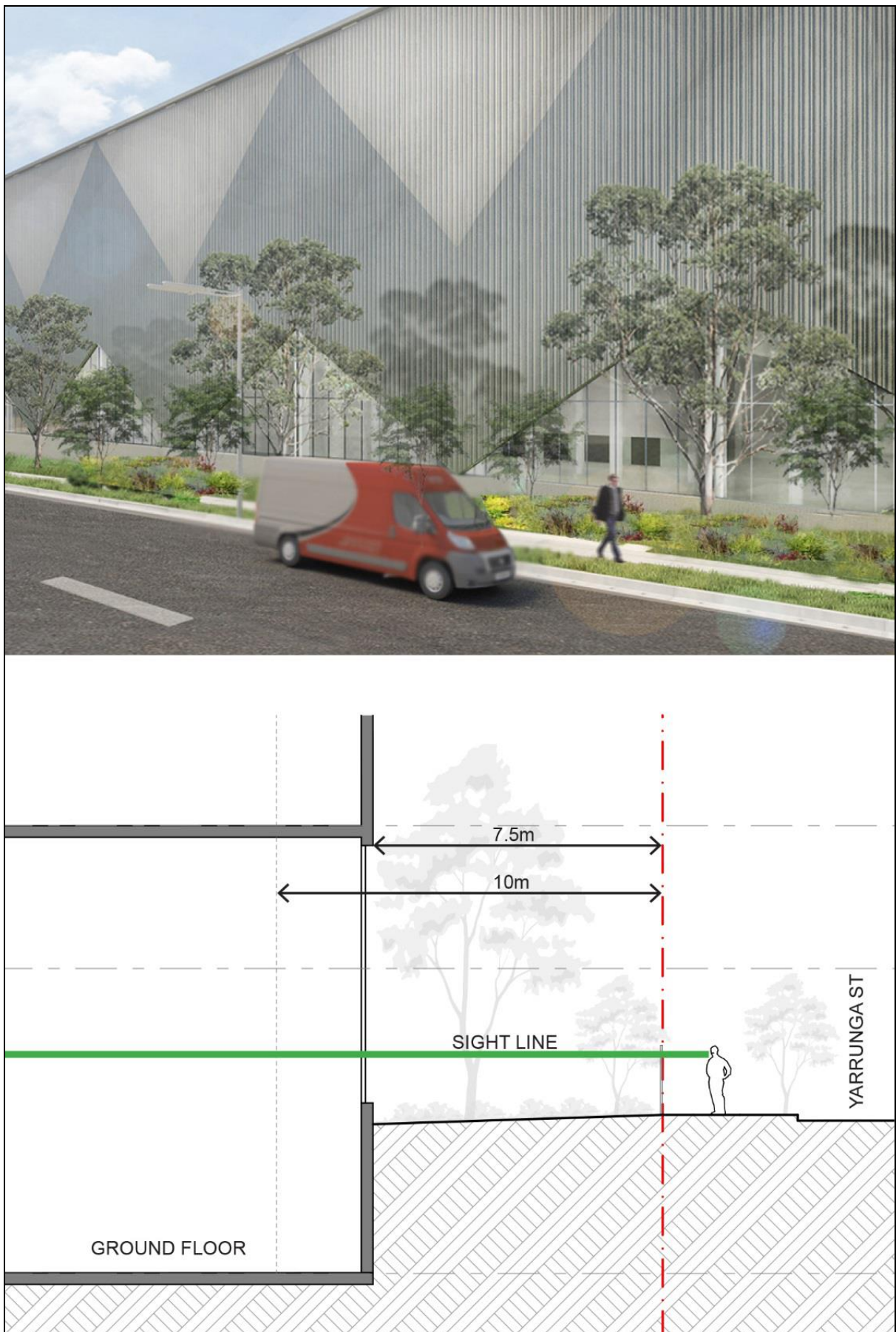


Figure 1 – 28 Yarrunga St façade and sectional street front analysis.

Figure 1 above demonstrates a premium presentation to Yarrunga St through transparent façade detailing that offers a greater depth of field than would otherwise be provided by the

10m requirement. Not only does the alternating glazed to solid façade ratio create a visually distinctive street presence, it also contributes to a heightened sense of internal amenity with direct connectivity to the street.



Figure 2 – 20 Yarrunga St façade and sectional diagram



Figure 2 above demonstrates lesser street scape and visual amenity to Yarrunga St despite having a 10m setback. Sight lines terminate at the building line with no significant tree planting to soften the sheer wall clad solely in solid metal sheeting. Similar street front conditions as are found directly opposite the subject site at 5-35 Yarrunga St.

d) The proposed development at 28 Yarrunga St carefully considers the natural topography of the existing site to avoid large expanses of solid street wall.

The proposed ground floor level is achieved through balance cut and fill rather than relying on a retaining wall in excess of 4m to the street frontage.

In contrast to this approach, the warehouse directly opposite the subject site relies on a solid retaining wall that reaches a maximum height of 6.4m above existing ground level on Yarrunga St and creates a walled barrier between the building line and street interface.

A comparison of street front conditions is shown below:





Figure 3 & 4 – 5-35 Yarrunga St – solid reinforced elevated retaining wall on boundary.

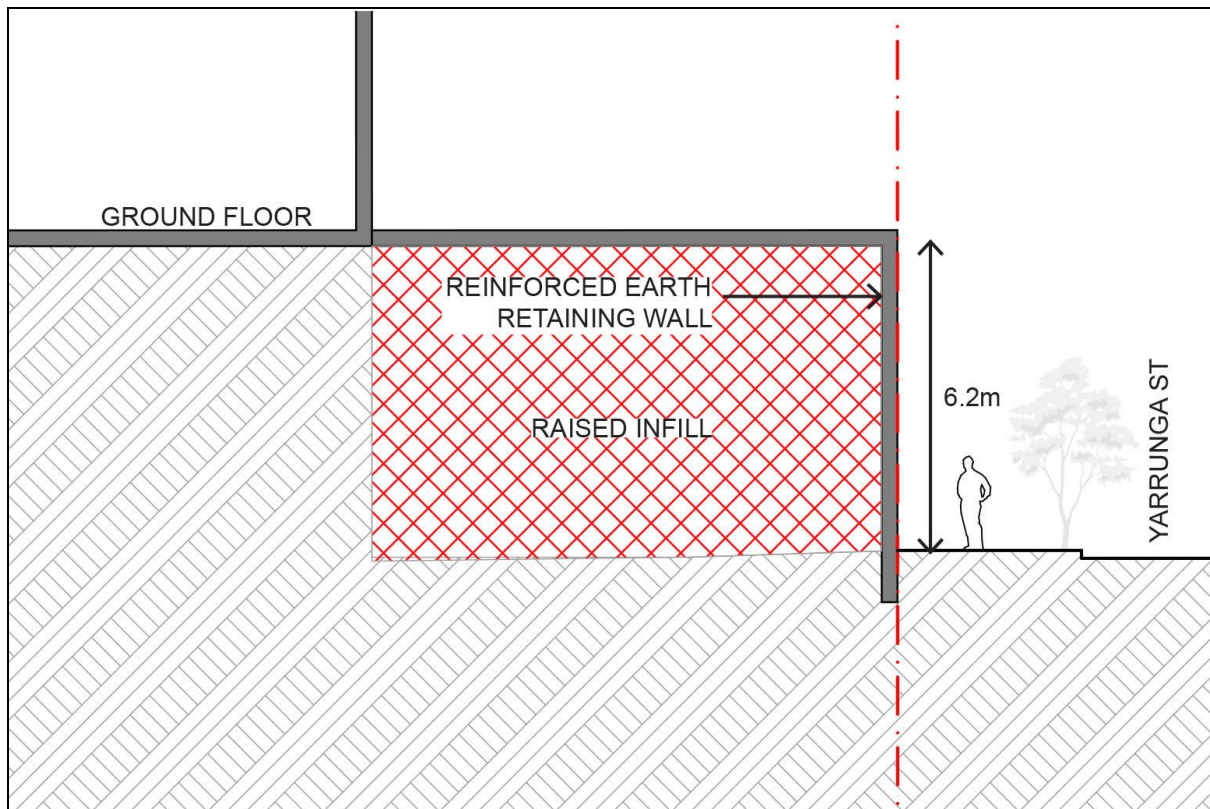


Figure 5 – 5-35 Yarrunga St sectional diagram showing relationship to existing street level.

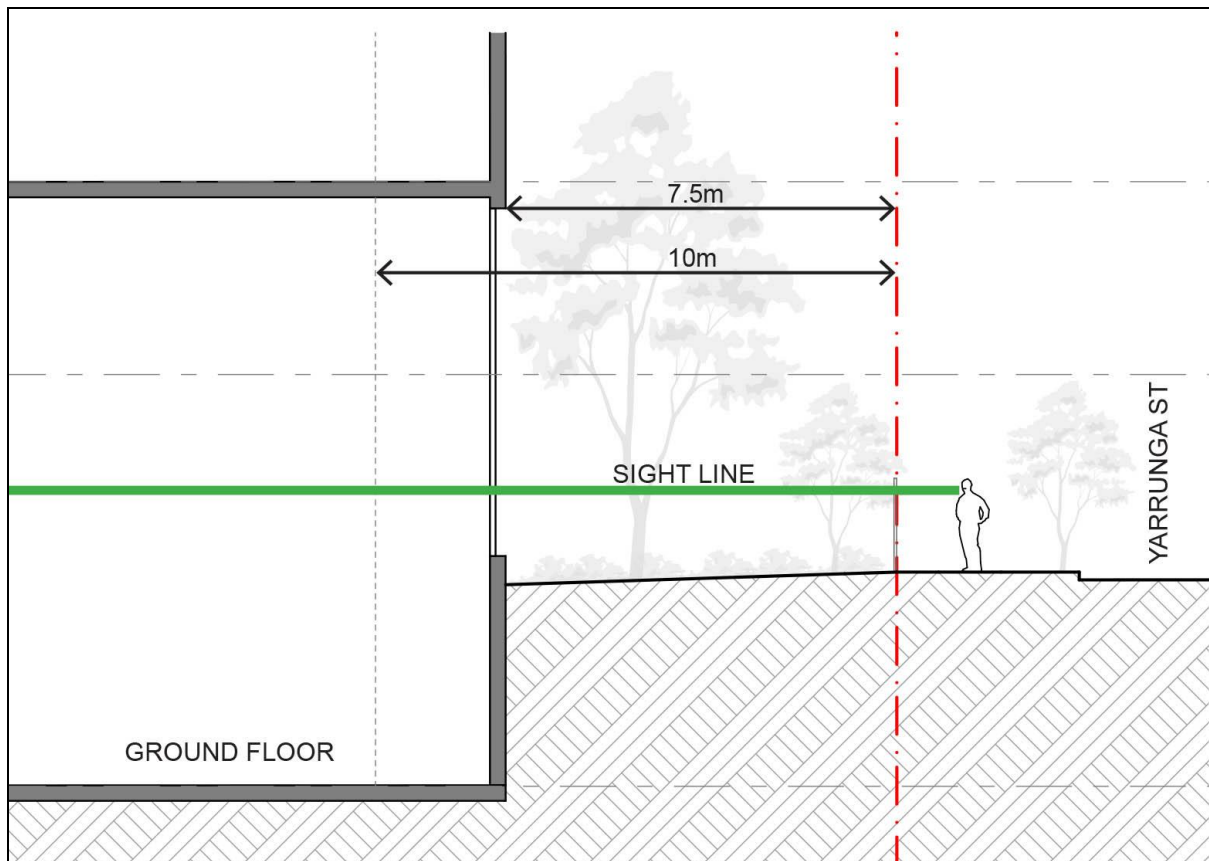


Figure 6 – 28 Yarrunga St sectional diagram showing relationship to existing street level.

*The above diagrams demonstrate that a far superior street front condition is created by the subject proposal by responding to natural site conditions. This allows for natural on-grade landscaping with the ability to drain stormwater via raingardens and bio-swales”.*

**Comment:** In light of the above, the proposal on its merit is considered acceptable and is consistent with the objective of the control, having regard to the following matters:

- The DCP objective must be considered, when considering whether a variation to a DCP requirement should be supported. As noted earlier, the objective of the setback requirements under LDCP 2008 is ‘to ensure buildings do not adversely dominate the streetscape environment of industrial areas’ which implies the underlying intent of the primary setback requirement is the dominance or visual impact of the proposal upon the streetscape among other considerations detailed below.

First, to determine whether or not the visual impact of the non-compliant primary setback for stage 1 building is compatible with the streetscape environment of industrial areas, the following questions as cited from the Surrounding Development – Planning Principle (*Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 at 22-31) by the NSW Land and Environment Court should be considered:

#### **Land and Environment Court Planning Principles (Surrounding Development)**

*First Question - Are the proposal’s physical impacts (such as noise, overlooking, overshadowing and constraining development potential) on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*



Comment: The non-compliant setback to the ground floor of the stage 1 building is unlikely to cause any adverse physical impacts through noise, overlooking, overshadowing and constraining development potential of surrounding properties.

*Second Question - Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

Comment: The development is considered to represent an industrial building within a landscaped setting. The similar horizontal and vertical proportions of the proposal are compatible with other industrial buildings found in the area. Notwithstanding the setback non-compliance, the submitted visual and streetscape analysis shows that the proposal is in harmony with the desired future character of Yarrunga Street by: providing a sense of building depth at the ground floor level with semi-transparent glazing at street level; providing the entire primary setback as landscaped; softens the solid façade of a typical industrial building; semi-transparent façade of the ground floor that acts as an 'articulation zone' that enables a better integration of built form with the streetscape; and landscape elements to create a landscaped setting on the streetscape that can be enjoyed from both public and private domain.

In summary, the proposed development is not considered to adversely dominate the streetscape environment of the surrounding industrial area and thus it is considered to be consistent with the objective of this DCP requirement.

- In spite of the reduced primary setback of the stage 1 building, the street facing façade of the stage 1 building (to Yarrunga Street) complies with the maximum external building height requirement and hence it is not considered to adversely impact on the existing streetscape or to set a precedent in the area.
- Reasonable attempts have been made to improve the development so that it results in a better outcome for the site. For instance, the benefit of providing a basement car park for the site is considered to outweigh the visual dominance of at-grade car park to the front of the building even with a compliant street setback of 10m to the ground floor.
- It would be unreasonable to insist on full compliance with this DCP requirement particularly when the proposal achieves the DCP objective.

#### **DCP Variation (2) - Minimum landscaped area and minimum width required for landscaping within the primary setback area**

As mentioned earlier, the proposal seeks a variation to the minimum landscaped area of 10% and minimum 10m width of landscaping to the primary street with a shortfall of 2.4% and 2.5m width, respectively.

The applicant's written request for this DCP variation has been considered and it is concluded that the applicant has shown that the objective of the controls have been met notwithstanding the DCP variation. The following provides an extract of the applicant's written request which explains how the DCP variation is justified:

*"An analysis of site wide deep soil on similar industrial development demonstrates that the deep soil for the subject proposal is aligned, if not better, than other approvals within the precinct. Refer to below analysis:*

SUMMARY OF LANDSCAPE AREAS - SIMILAR DEVELOPMENTS					
	28 YARRUNGA ST, PRESTONS	20 YARRUNGA ST, PRESTONS	55 YARRUNGA ST, PRESTONS	LOT 11 & 88 KURRAJONG RD PRESTONS DA-593/2019 (Recommended for approval)	38 BERNERA RD, PRESTONS
Site Area (m <sup>2</sup> )	46,838	20,318	58,587	59,307 (industrially zoned)	49,136
Landscape control (% site area)	10	10	10	10	10
Required landscape	4,684	2,032	5,859	5,931	4,914
Proposed landscape	3,560	1,112	3,405	4,522	2,463
% Site area	7.6%	5.5%	5.8%	7.6%	5.0%

*Significant tree planting is proposed at both building entry points creating a buffer between pedestrian and vehicle entry points. Further significant tree planting is proposed along the entire length of the building frontage in addition to the required street tree planting requirements of Liverpool City Council.*

*Landscaped zones throughout the development site are enriched by a series of planting areas that include a mix of significant trees and native plant and shrub groupings. The proposal has been sited in keeping with the prevailing street, side and rear setbacks, leaving a generous, leafy front garden as is common in the area.*

*The significant landscaping schedule also allows for efficient water management throughout the site and is addressed through efficient planting and hydraulic schemes. Heavily planted deep soil zones allow for water filtering and natural absorption. The inclusion of native landscaping ensures low watering requirements.*

*The overall landscaping scheme adds value to the quality of the development and carefully considers conditions between adjoining properties. A strong relationship between architectural design language and landscaping along the street frontage contributes to a highly desirable connection between public and private domain.*

*Reducing the ground floor front setback to 10m would adversely impact the feasibility of the proposed development. The minor variation is highly encouraged to be considered valid in light of economic and logistical benefits it will provide both locally within Liverpool LGA and beyond. The proposal complies with all Liverpool LEP 2008 controls, provides significant construction investment and job creation and has no community objections”.*

**Comment:** In light of the above, the proposal on its merit is considered acceptable and is consistent with the objective of the control, having regard to the following matters:

- The objectives of the landscaping requirements under LDCP 2008 are:
  - a) To ensure that sufficient deep soil areas are provided for landscaping.*
  - b) To ensure that landscaping is provided to improve the streetscape environment of industrial areas.*
  - c) To ensure that landscaping is sustainable in terms of length of plant life and maintenance.*
- The proposed development provides an optimal landscaping solution for the site with a scheme and schedule that allows water conservation and management, that is suitable within its industrial context.
- The proposed basement is located directly under the stage 2 building footprint and hence it does not compromise the overall deep soil landscaped area on site.
- The proposal achieves more landscaped area for the site than existing development in the immediate surroundings and therefore it is unlikely to set an undesirable precedent within the industrial area.

- The landscape plan provides adequately sized deep soil spaces that accommodate the planting of mature tree species of up to 25 metres in height to the front and up to 10m in height to the side of the site, thereby providing for a well-considered interface with its surrounds.
- The proposal is considered a better outcome in terms of the streetscape environment of the industrial area given the mix of landscape planting and elements of building design such as semi-transparent glazing at street level, which provide a well-considered contribution to the streetscape.
- Council's Natural Environment & Landscaping officer has raised no concerns in relation to the proposed landscaping and Council's Senior Land engineer has raised no concerns regarding the detention of stormwater on site.

**6.4 Section 4.15(1)(a)(iia) - 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**

No offer or draft offer to enter into a voluntary planning agreement has been made.

**6.5 Section 4.15(1)(a)(iv) - the regulations**

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the NCC and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

**6.6 Section 4.15(1)(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**

**(a) Natural Environment**

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

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

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

**(b) Built Environment**

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

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

Construction of the building will include basement excavation but good separation of 7m from adjoining boundaries is proposed which should provide a landscaped buffer to established development.

The impacts of the development on the built environment have been assessed and are considered to be satisfactory for development located within an IN3 Heavy Industrial zone. It is anticipated that the proposal will contribute to growth in traffic in the local road network. Subject to the upgrading to the local road network, it is considered that this growth can be accommodated to ensure that the industrial area can be developed to its full potential.

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

#### **(b) Social Impacts and Economic Impacts**

The proposed development will not have a detrimental social impact in the locality considering the location within a precinct that has been established for heavy industrial uses.

Standard conditions have been imposed to ensure appropriate noise suppression measures and traffic management are in place to minimise any detrimental social impact on the surrounding development.

The proposal will provide a positive economic impact arising from the construction of the new facilities for future industrial operations for at least 400 local jobs as commented by Council's Economic Development officer.

The proposal will improve the employment opportunities within the Prestons Industrial precinct, which will encourage economic growth in the area. It is unlikely to devalue any of the surrounding development as a direct result of this proposal.

#### **6.7 Section 4.15(1)(c) - the suitability of the site for the development**

The proposed development is permitted in the IN3 Heavy Industrial zone and is consistent with the objectives of the zone. Notwithstanding, the site is centrally located within the Prestons Industrial precinct and is well away from residential development so that potential amenity are unlikely conflicts to arise.

The site is in proximity to existing infrastructure that will support the eventual use of the proposed development. For instance, proximity to the M7 Motorway means that truck deliveries to the site can be made without traversing local roads or non-industrial precincts.

It is considered that the subject site is suitable to accommodate the proposed development and provides scope to manage environmental aspects of the future activities to be carried out on site. Given the likely nature of the future industry activities, proper management of operations would be required for any site to successfully accommodate the type and level of activities to be carried out.

The subject site has assets that will enable that to be achieved and is considered suitable for the future heavy industrial activities.

## 6.8 Section 4.15(1)(d) - any submissions made in relation to the development

### (a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Building	Approval subject to conditions of consent.
Land Engineering	Approval subject to conditions of consent.
Natural Environment & Landscaping	Approval (no conditions).
Environment & Health	Approval subject to conditions of consent.
Traffic	Approval subject to standard conditions of consent and specific conditions relating to the upgrade of the intersection of Bernera Road, Yarrunga Street and Yato Road (as detailed below).
Economic Development	Approval (no conditions).

#### Traffic Referral - Local Traffic Improvement Works - Yarrunga Street Intersection with Bernera Road

The existing signalised Bernera Road/Yarrunga Street/Yato Road intersection was constructed as part of the development of the Aldi Distribution Centre in 2009.

At the time, most of the Prestons Industrial Area had rural land uses, and, therefore, the signalised intersection was constructed as a basic four-way interim configuration without dedicated right and left turn lanes along Bernera Road or Yarrunga Street.

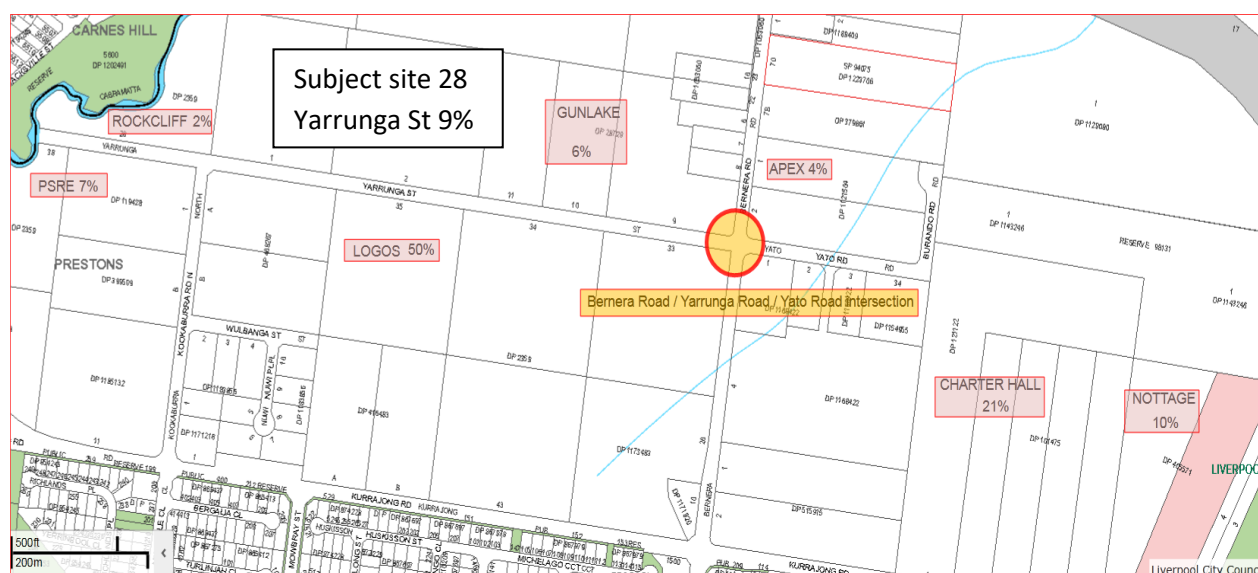
A Traffic Study which was used as the basis of Council's Prestons Industrial Area Developer Contribution Plan, identified the need for a signalised intersection. However, the Contribution Plan only included the basic four-way signalised intersection.

With additional developments in the Industrial Area, including the LOGOS site (~207,210m<sup>2</sup>) and Charter Hall development (~149,900m<sup>2</sup>) generating a total of approximately 842 vehicles per hour, TfNSW and Council have identified the need for an intersection upgrade. The upgrade is required to ensure that the intersection continues to operate with an acceptable level of service and accommodate the turning paths of the expected heavy vehicles (including B-double vehicles). In this regard, traffic impact assessments and development consents for these two developments include conditions for significant portions of the intersection upgrade to be carried out (See **Figure 12** below).

Council had identified works required on behalf of each affected property and included those works as a condition in any consent.

A need has been identified to upgrade the intersection to accommodate future traffic demands from several other proposed developments which will rely on this facility for access. It is proposed to apply that same approach for those sites. At this stage the condition will require works to be carried out that contribute to the upgrade of the intersection based on site area and traffic movements. The apportionment for this site is 9% of the total cost.

If an alternative approach is seen to be more practical or feasible to upgrade the intersection, then the terms of that condition can be revisited for each separate development.



**Figure 12:** Map showing development sites and projected contribution to upgrade of the Bernera Road / Yarrunga Street / Yato Road intersection based on land area and traffic movements. Other works associated with each individual site will be required as conditions of consent.

## (b) External Referrals

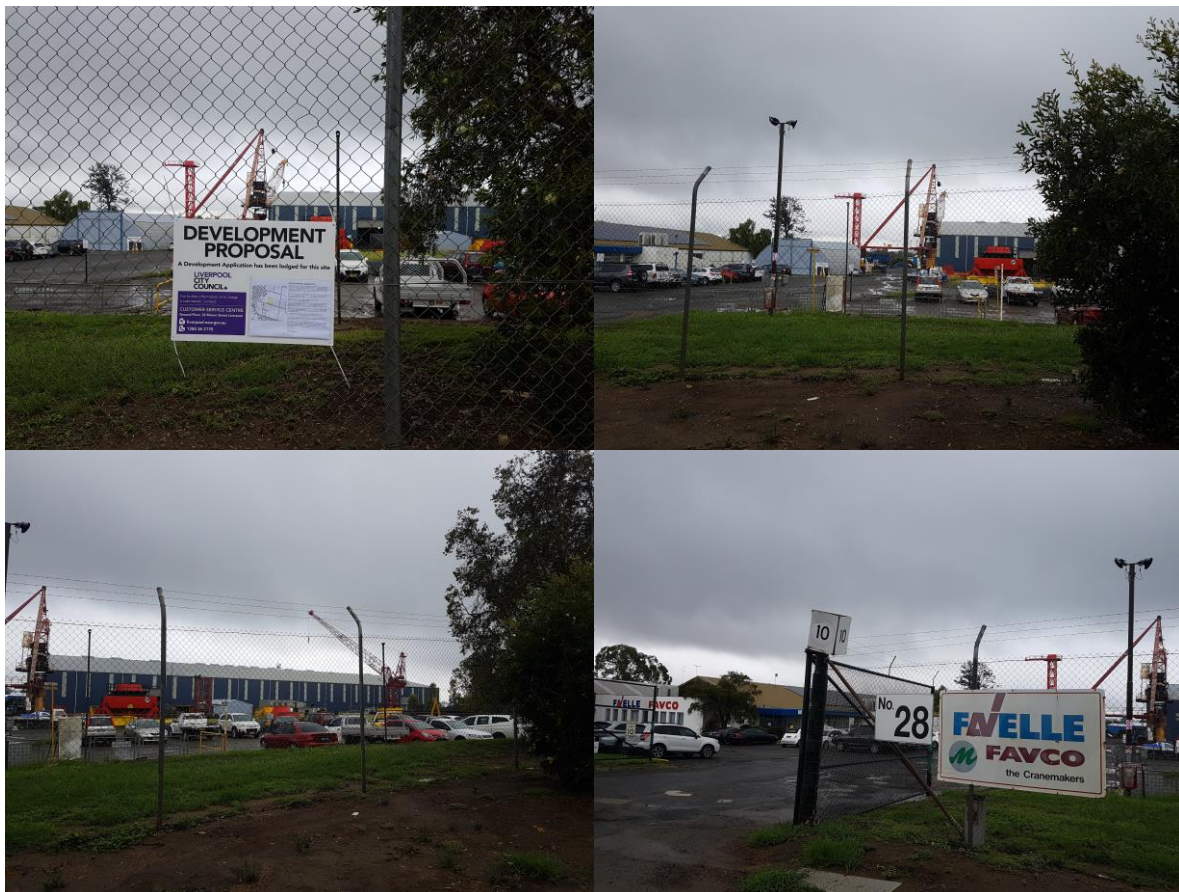
The following comments have been received from External Authorities:

DEPARTMENT / AUTHORITY	COMMENTS
<b>Sydney Water</b>	<p>Council's Environmental Health officer has raised concerns regarding the site having no existing connection to the sewer.</p> <p>Sydney Water have advised that extensions will be required to service the development and that this matter can be dealt at the Section 73 stage. This matter has been imposed as a condition of consent.</p>
<b>Transport for NSW (TfNSW)</b>	No objection to the development.

## (c) Notification and Community Consultation

The Application was notified and advertised in accordance the regulations applying to this type of development. It was advertised from 6 February 2020 to 27 February 2020. Letters were sent to owners of property surrounding the site and a sign was placed on the land (see **Figure 13** below).





**Figure 13:** Notification of the proposal included a notification sign on the land.

In response, no submissions were received during the notification period.

## 6.9 Section 4.15(1)(e) - the public interest

The proposed use is permissible in the IN3 Heavy Industrial zone and has satisfied all the requirements for reporting and assessment required under the EP&A Act. The Development documentation submitted has adequately dealt with all matters that it is required to address.

The proposed development is consistent with the zoning of the land and would represent a quality development for the area by developing an outdated industrial building and it is in the public interest that the application be approved. It is also in the public interest that the proposed development will provide services to other local industries and activities and will provide new local employment.

## 7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contribution applies to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be attached as a condition of consent of any approval for the proposed development. The development generates a total contribution of \$1,759,985.00.

## 8. CONCLUSION

In conclusion, the following is noted:

- The application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

- The proposal provides an appropriate response to the context of the site and satisfies the requirements of the Council's Industrial development controls. The scale and built form are consistent with the desired character of the area envisaged under the LLEP 2008 and LDCP 2008. There are variations proposed to the primary setback at ground floor and landscaping, however these are considered acceptable on merit.
- The development is well located in relation to transport, employment and business, it will deliver an efficient use of the site with well-designed high-quality industrial buildings and facilities.
- The development will generate an economic benefit for the area, given the employment opportunities within the Prestons Industrial precinct, which will encourage economic growth in the area

The proposed development has been the subject of a comprehensive assessment under the EP&A Act 1979. It has demonstrated that it will deliver an efficient use of the site with well-designed high amenity buildings and facilities and is considered to be worthy of support.

## **9. RECOMMENDATION**

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, Development Application DA-904/2019 for the demolition of existing structures and construction of a multi-storey warehouse complex over two (2) stages containing eight (8) warehouse units with basement car parking, be approved subject to conditions of consent.

## **10 ATTACHMENTS**

1. Architectural plans
2. Statement of Environmental Effects
3. Recommended conditions of consent
4. DCP Variation Written Justification to Primary Setback and Landscaping
5. Landscape plans
6. Waste Management Report and Demolition Statement
7. Traffic Report
8. Preliminary (Phase 1) Site Investigation
9. Detailed (Phase 2) Site Investigation
10. Remediation Action Plan
11. Civil Report
12. Civil Drawings
13. ESD Strategy Report
14. BCA and Building Services Report
15. Acoustic Report
16. Quantitative Surveyor Report
17. Preliminary Geotechnical Assessment Report
18. SWCPP – Record of Briefing