

<b>ITEM</b>	<b>62 Hume Highway, CHULLORA NSW 2190</b>
	<b>Torrens title subdivision of the site into two (2) lots, demolition of existing structures on proposed Lot 21 and the construction of a two (2) level bulky goods facility with associated car parking and landscaping</b>
<b>FILE</b>	<b>DA-150/2014 [JRPP Ref: 2014SYW046]</b>
<b>ZONING</b>	<b>4(a) - General Industrial</b>
<b>DATE OF LODGEMENT</b>	<b>25 February 2014</b>
<b>APPLICANT</b>	<b>Goodman Property Services (Aust) Pty Ltd</b>
<b>OWNERS</b>	<b>The Trust Company Limited</b>
<b>ESTIMATED VALUE</b>	<b>\$49,977,273.00</b>
<b>SITE AREA</b>	<b>10.667 hectares</b>
<b>AUTHOR</b>	<b>Development Services</b>

### **SUMMARY REPORT**

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions contained within *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has a Capital Investment Value (CIV) of \$49.97 million hence exceeds the capital investment threshold for '*general development*'.

Development Application No. DA-150/2014 proposes a torrens title subdivision of the site into two (2) lots, the demolition of existing structures occupying proposed Lot 21 and the construction of a two (2) level bulky goods facility (which is to contain four (4) tenancies) with associated car parking and landscaping.

Development Application No. DA-150/2014 has been assessed against:

- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 (SEPP 55)*;
- *State Environmental Planning Policy No. 64 (SEPP 64)*;
- *Bankstown Local Environmental Plan 2001 (BLEP)*;
- *Draft Bankstown Local Environmental Plan 2014 (Draft BLEP)* and;
- *Bankstown Development Control Plan 2005 (BDCP)*.

The development was found to have satisfactorily addressed the provisions contained within each of the above regulatory controls.

The application was advertised for a period of twenty-one (21) days from 12 March 2014 to 1 April 2014. One (1) submission was received during this period. Comments provided within the submission related to the proposed means of access and on-street parking.

It is worth noting that the applicant's traffic consultant identifies, within their report, the need to provide for the following road improvements:

- *The construction of a new roundabout at the intersection of Muir Road, the western site access and the News Limited driveway.*
- *Increased No Parking restrictions on Muir Road, on approach to its intersection with Hume Highway and the new roundabout.*

Within the submission that was received, support was in fact given to the provision of this new roundabout at the News Limited driveway / western site access / Muir Road intersection and to an increase in parking restrictions in Muir Road between the Hume Highway and the new roundabout.

Within the submission it is stated "... we advise that we wholeheartedly and strongly support the conclusions of the Traffic Report."

The only additional comment that was raised in the submission was a suggestion to provide additional access (for the new bulky goods site) from the Hume Highway.

Consistent with the provisions contained within Clause 36C(1)(a) of the *Bankstown Local Environmental Plan 2001*, vehicular access has been achieved off Muir Road with the means of access providing for acceptable impacts on the functioning of Muir Road and the level of service of the nearby intersections. Access to the site directly off the Hume Highway would also not be consistent with the objectives of the Roads and Maritime Services to limit access and crossings off the Highway itself.

### **POLICY IMPACT**

This matter has no direct policy implications.

### **FINANCIAL IMPACT**

This matter has no financial implications.

### **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions.

### **ATTACHMENTS**

- A - Section 79C Assessment Report
- B - Conditions of Consent
- C - Locality Plan

D - Site Plan  
E - Elevations

## **DA-150/2014 ASSESSMENT REPORT**

### **THE SITE**

The subject site is legally described as Lot 2 in Deposited Plan 1009196 and is known as 62 Hume Highway, Chullora. The site is located in the Chullora Technology Park, occupying the north western corner of the intersection of Muir Road and the Hume Highway. The site has an area of 10.667 hectares with frontages of 303.985 metres and 307.84 metres to the Hume Highway and Muir Road respectively.

In the most part, the portion of the site in which the bulky good facility is to occupy is generally flat with a gentle or moderate fall or slope to the north or north eastern corner of the site. The most dominant natural element within the site is the raised or elevated embankment that extends along the sites frontage to the Hume Highway.

Currently occupying the site is a recently constructed Masters Home Improvement Centre and Fantastic Furniture outlet (with associated at-grade car parking, signage and landscaping) while to the rear of the site there are a number of warehouse buildings occupied by New Wave Logistics, Allied and Fleet Serve similarly serviced by extensive at grade car parking areas.

It is worth noting that the warehouse buildings currently occupied by New Wave Logistics, Allied and Fleet Serve are to be demolished to make way for the bulky goods facility.

Details of the existing premises to be retained are provided below:

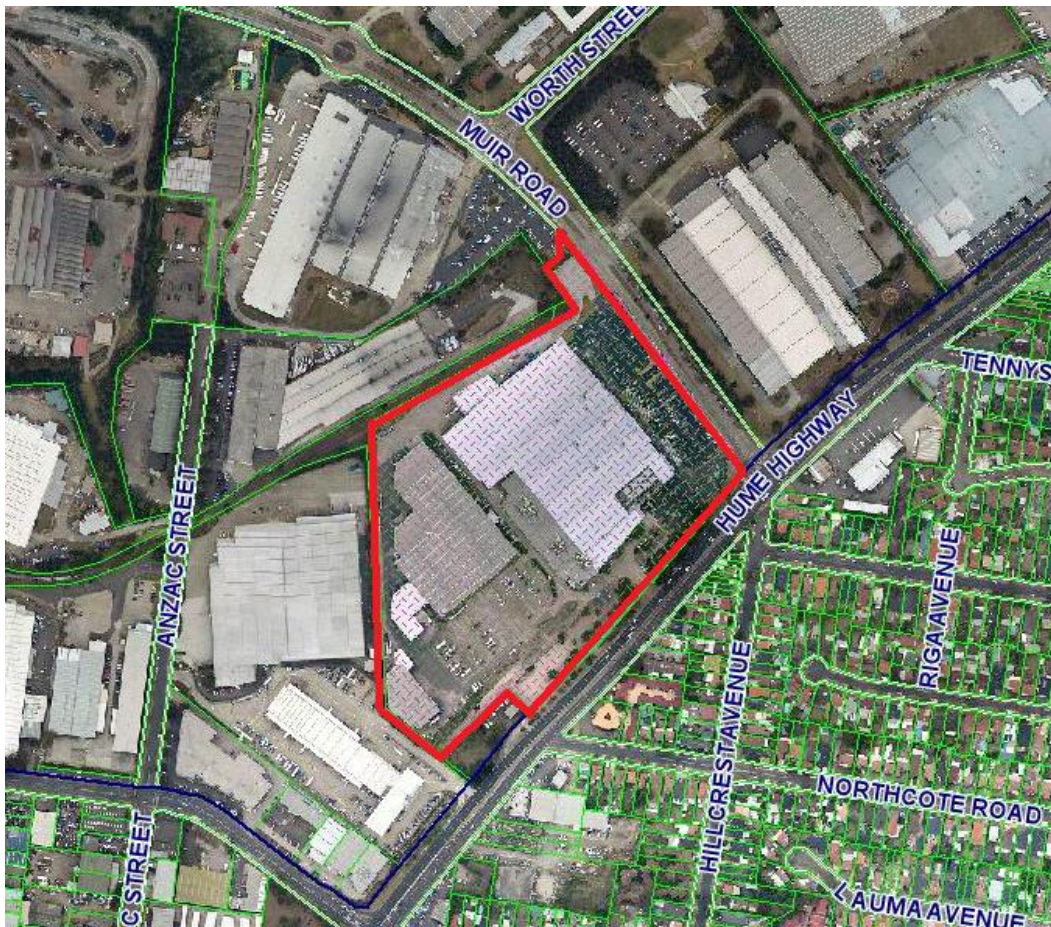
- *Masters Home Improvement*: is 12,404m<sup>2</sup> in size which includes the main floor area, garden area, trade sales area, receiving area and amenities. The site provides for 394 on-site car parking spaces.
- *Fantastic Furniture*: is 11,800m<sup>2</sup> in size which includes the showroom, warehouse, offices and pick up area. The site provides for 215 on-site car parking spaces.

Vehicular access to the subject site is as follows:

- Left in / left out to Muir Road (closest to Hume Highway)
- Left and right in / left and right out to Muir Road (furthest from the Hume Highway) for all vehicles including service vehicles and heavy vehicles
- Left in / left out to Hume Highway for emergency vehicles only

Vegetation on the site is, in the most part, confined to along the south eastern boundary (that boundary it shares with the Hume Highway). The majority of the trees growing within the embankment are in poor condition, either being in decline or with structural defects (as will be detailed later in the report).

An aerial of the site is provided below.

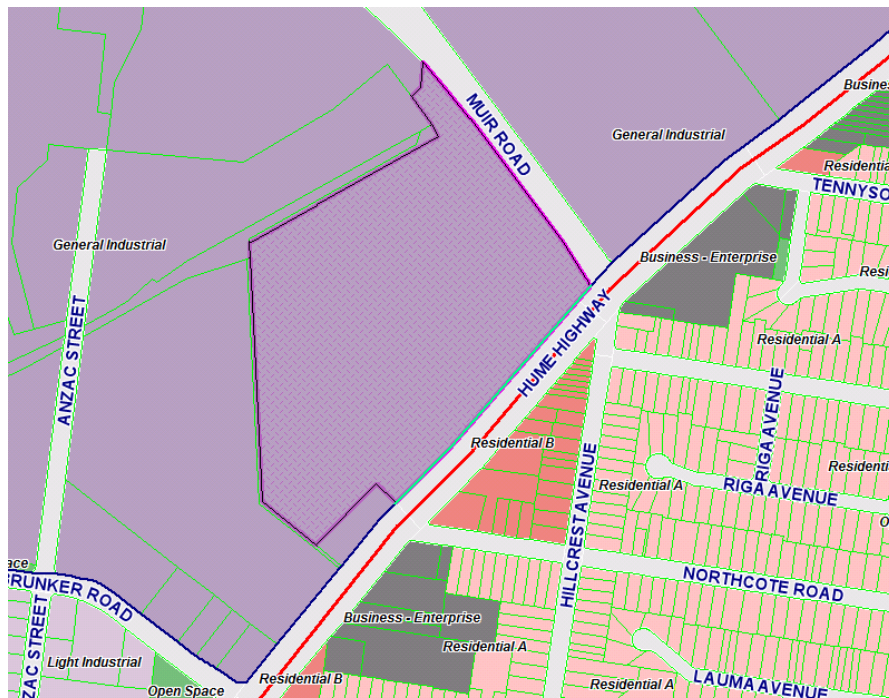


## **THE LOCALITY**

The site is located within Chullora Technology Park. The Chullora Technology Park is an industrial estate developed by Landcom in the 1990s on surplus former State Rail Authority land. The development of the area included initial remediation works to address contaminated and degraded land. There are a range of larger industrial developments in the area including Tip Top / George Weston bakery, News Limited, SITA Waste Collection, Fairfax Printers, Primo small goods and Volkswagen.

The site is bounded by Muir Road to the northeast (with News Limited on the other side of Muir Road) and the Hume Highway to the south and south east. An industrial rail corridor is immediately adjacent to the site (north) with the transmission tower (and associated substation) to the south of the site. Sites located to the north are predominantly zoned General Industrial, with low/medium density residential and a Business Enterprise zones occupying sites to the south on the southern side of the Hume Highway.

The zoning map provided below identifies the land use zones of the adjoining sites.



## **PROPOSED DEVELOPMENT**

### **Subdivision**

The application proposes a Torrens title subdivision of the site into two allotments, namely Lots 21 and 22 (as nominated on the subdivision plan).

The plan of subdivision identifies proposed Lot 22 as having a site area of 6.126 hectares with frontages of 215.82 metres and 307.84 metres to the Hume Highway and Muir Road respectively. Proposed Lot 22 is to contain the existing Masters Home Improvement Centre and Fantastic Furniture outlet.

Proposed Lot 21 (the lot which is to contain the bulky goods facility) is to have a site area of 4.541 hectares with an 88.165 metre frontage to the Hume Highway. A Right-of-Way (of variable width) over proposed Lot 22 provides vehicular and pedestrian access to Muir Road.

### **Demolition Works**

The application seeks approval to demolish the existing buildings and ancillary structures on proposed Lot 21 which in the most part consists of warehouse buildings, loading areas, parking areas and associated outbuildings and fencing. A portion of the existing on-site landscaping strip provided along the Hume Highway is also proposed to be removed to accommodate the fire truck access.

### **Building Works**



The application seeks the construction of a two (2) level bulky goods facility with ground level car parking, loading areas and associated signage and landscaping works.

Specifically the development comprises:

*Ground Level:* 766 car parking spaces (including 16 accessible spaces), receiving area with lift access, plant room, store, a centrally located pedestrian access to the levels above via traveller and four centrally located ancillary tenancies to be utilised for the administrative functions of the bulky good tenancies.

*Level One:* Two tenancies of 9,996m<sup>2</sup> and 10,024m<sup>2</sup>, a shared amenities area, receiving area with lift access, an ancillary area and centrally located circulation space.

*Level Two:* Two tenancies of 9,970m<sup>2</sup> and 10,000m<sup>2</sup>, a shared amenities area, receiving area with lift access, an ancillary area and centrally located circulation space.

The proposed building is to be functional and utilitarian in form and is to be constructed of polycarbonate wall cladding in neutral colours with translucent roofing and aluminum fittings as illustrated below:



### Access and Parking

The proposed development will utilise the existing vehicle access arrangements provided from Muir Road as follows:

- *Customers:* Separate entry and exit crossovers are located closest to the Hume Highway intersection. The main access for customers to the at-grade parking area is provided via the proposed right-of-way.
- *Goods and services vehicles:* The entry and exit located off Muir Road (the ROW) will be used for goods and service vehicles. This will be appropriately managed to avoid vehicle conflict.
- Provision of a new fire brigade access around the perimeter of the site will also be provided.

The proposed car park contains 766 car parking spaces, including 16 accessible spaces. All spaces are located at grade, with the majority provided under cover.

This proposal also includes the construction of a new roundabout controlled intersection at the north western intersection of the site with Muir Road and the News Limited driveway.

All loading is proposed to be undertaken within the nine (9) loading docks provided at the rear of the building. The loading docks are located directly adjacent to the goods receiving area which is fitted with lift access to the tenancies above.

### Landscaping

A minimum 10 metre wide landscape strip is proposed along the sites frontage to the Hume Highway. The 10 metre setback is achieved to the fire truck access. A number of trees are proposed to be removed which will be substituted with new plantings on site.

### Signage

The proposal includes two (2) free standing double sided pylon signs each 12 metres high x 4.5 metres wide, one adjacent the Hume Highway frontage with the other to be situated at the north eastern corner of the site, at the car park main entry. The signs will display details of the future tenants and the operator's name (Goodman).

Standard directional and way finding signage will also be provided throughout the site to direct customers and goods vehicles where necessary to ensure safe and efficient pedestrian and vehicle movements through the site.

### Proposed Use

The proposed use of the building will be for four (4) bulky good tenancies with ancillary administrative and amenity facilities. The car parking area will be shared by all tenancies within the building. Loading spaces will be assigned to each tenancy with a shared receiving area for each floor.

The applicant has yet to secure tenants, however has identified the need to obtain separate approval for the use and fitout of each bulky goods tenancy.

### **MATTERS RAISED AT THE JRPP BRIEFING**

The following matters were raised by the JRPP at the briefing of the development:

- *How do you manoeuvre around the site having regard to the adjoining established road pattern (the access and egress arrangements and the existing intersection treatments) and having regard to the internal road pattern?*



Currently there are two (2) existing access and egress arrangements provided to Muir Road with an emergency access arrangement provided to the Hume Highway. A roundabout in Muir Road is proposed to facilitate access to the proposed on-site car parking spaces and the loading docks servicing the bulky goods tenancies. Visitors to the site will access the new bulky goods facility via a right-of-way that is to extend along the north western boundary of proposed Lot 22. All other access / egress arrangements are to remain unaltered.

Further details relating to the impact of the development on the adjoining road pattern is provided later in this report.

- *Has the issue of owners consent issue been resolved?*

Correct owners consent has been provided by the applicant.

- *Where will access to the site be from?*

The main access point will be from the proposed roundabout at Muir Road via the right-of-way. There will be an alternative access point from the Muir Road entry/exit closest to the Hume Highway intersection.

- *Have you received a response from the RMS?*

A response from the RMS has been received. Details relating to the content of this response is provided later in this report.

- *What are the views of Council's Traffic Engineers?*

Council's Traffic Engineers have provided conditions of consent. The proposed roundabout and parking restrictions in Muir Road have been supported by Council's Traffic Engineers.

- *What is on the site now? Trucks in and out already / at present?*

The portion of the site in which the bulky good facility is to occupy is currently used by Allied, Fleet Serve and New Wave Logistics. These businesses are currently utilising both entry/exit points on Muir Road.

- *It was recognised that the portion of the site to be developed lacked exposure (both the building to be built and the associated advertising).*

The applicant has proposed a free standing pylon sign on top of the embankment adjacent the sites boundary to the Hume Highway.

- *Documentation accompanying the development application makes reference to the absence of any 'economic impact' to the surrounding commercial land uses and the surrounding commercial districts. Furthermore their statement makes reference to the fact that there is no available commercial land around the site (or in the vicinity of the site) to accommodate such a use. Are they justified in stating that?*

This issue has been discussed in detail later in this report.

## **SECTION 79C(1) ASSESSMENT**

The proposed development has been assessed pursuant to section 79C(1) of the *Environmental Planning and Assessment Act, 1979*. In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

### **Environmental planning instruments [section 79C(1)(a)(i)]**

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

In accordance with Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 development with a capital investment value in excess of \$20 million is classified as regional development under *State Environmental Planning Policy (State and Regional Development) 2011*. In accordance with Clause 21(1)(a) of the SEPP, the consent authority function is to be exercised by the Joint Regional Planning Panel. The subject application has a capital investment value (CIV) of \$49,977,273 and, as such, the subject application is to be determined by the Sydney West Joint Regional Planning Panel.

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

Pursuant to Schedule 3 of the SEPP the development is identified as a 'traffic generating development'. In accordance with the SEPP, the application was referred to the Roads and Maritime Services (RMS). While the RMS raised no objection to the proposal, the following comments were provided for Council's consideration in its assessment of the application:

- *Roads and Maritime has previously dedicated a strip of land as road along part of the Hume Highway frontage of the subject property, as shown by grey colour on the attached aerial.*

*There are no objections to the development proposal of property grounds provided all buildings or structures are clear of the Highway, road reserve (unlimited in height or depth)*

Comment – All buildings and structures are 'clear of the Hume Highway road reserve' being confined to within the property boundaries.

- *The proposed new roundabout at the intersection of Muir Road, the western site access and the News Limited driveway shall be designed and constructed to Council's satisfaction.*

Comment – Conditions of consent suitably address design and construction requirements associated with the new roundabout.

- *The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.*

Comment – An assessment of on-site parking, on-site manoeuvrability, driveway grades, etc confirms compliance with AS 2890.1-2004 and AS 2890.2-2002.

- *The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*

Comment – Proposed access and egress arrangements can accommodate the swept paths of the longest vehicle. On-site manoeuvring of vehicles is also deemed to be both efficient and effective.

- *Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council, for approval, prior to the issue of a Construction Certificate.*

Comment – A condition of consent requires the preparation of a Site, Pedestrian and Traffic Management Plan which is to contain measures that will be implemented for the protection of adjoining properties, pedestrian safety and traffic management during the construction phase of the development. The Site, Pedestrian and Traffic Management Plan is to be furnished to Council for approval prior to the issue of a Construction Certificate.

### **State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)**

Under the provisions of Clause 7 of SEPP 55, a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Accompanying the development application was a 'Contamination Statement' prepared by GHD dated 10 October 2013. The Statement was prepared in order to provide a summary of the potential contamination status of the site.

Within the Statement, GHD referred to a previously prepared environmental report on the Chullora Technology Park (which they undertook in August 2009) entitled 'Contamination Assessment Report'. The 2009 contamination assessment report included a combined desk study and investigation of the technology park. The site investigation works comprised twelve (12) soil boreholes, three (3) groundwater monitoring boreholes and eleven (11) window sample boreholes. The desk study and site investigation data around Warehouse 2 and 3 relate to the site.

Chemical testing of representative soil samples collected indicated that concentrations of most contaminants in the soil were below the adopted site assessment criteria. The exception of this is reported concentrations of Total Petroleum Hydrocarbons (TPH) and possibly Polycyclic Aromatic Hydrocarbons (PAHs) in the vicinity of Warehouse 3 and the fuel storage facilities in this area. The elevated concentrations of TPH were generally associated with heavier fractions and likely to be attributed to diesel, lube oil or motor oil. The groundwater results indicated elevated concentrations of TPH in the vicinity of Warehouse 3, in the borehole location with associated soil contamination. This indicates that the site is not likely impacted with gross, widespread contamination, however the area to the south east of Warehouse 3 has been contaminated with hydrocarbons. Further delineation of this targeted contamination has not been conducted.

The recommendation of the 'Contamination Statement' is that the site can be made suitable for ongoing commercial / industrial land uses subject to the following:

- *Identification of presence and condition of the Above Ground Storage Tank (AST) and Underground Storage Tanks (USTs) at the site through visual inspection, use of ground penetrating radar, and updated Workcover search.*
- *Further delineation of soil and groundwater hydrocarbon contamination identified in the southeast corner of Warehouse 3*
- *Further waste classification sampling should be undertaken if offsite disposal of soil is required during the proposed works, especially given the presence of fill and soil contamination.*

Conditions of consent are recommended to be imposed requiring the above works to be carried out by an appropriately qualified and experienced environmental consultant prior to the commencement of construction and prior to the issue of a construction certificate.

Having regard to the above, and pursuant to Clause 7 of SEPP 55, Council is satisfied that the site can be made suitable for a commercial/industrial land use.

#### **State Environmental Planning Policy No 64 – Advertising & Signage (SEPP 64)**

Pursuant to Clause 8 of SEPP 64, a consent authority must not grant consent to an application to display signage unless it is satisfied:

- *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposal includes two (2) free standing double sided pylon signs each 12 metres high x 4.5 metres wide, one adjacent the Hume Highway frontage with the other to be situated in the north eastern corner of the site, at the car park main entry. The signs will identify details of the future tenants and the operator's name (Goodman).

A number of recently constructed pylon signs occupying immediately adjoining sites both in Muir Road and along the Hume Highway are of similar size, are of similar appearance and are of similar scale to those proposed through this application. The height and proportion of these signs is deemed to be in keeping with the existing signage adopted on nearby industrial sites and is compatible with the building forms that currently, and are proposed to, occupy the subject site.

To reduce the proliferation of signage along the Hume Highway and Muir Road, Council's DCP in fact restricts the number of pylon signs along arterial roads to just one (for each site) and encourages signage to be predominately rectangular in shape with a vertical proportion. The proposed signage strategy as proposed through this application is consistent with these provisions.

Standard directional and way finding signage will also be provided throughout the site to direct customers and goods vehicles where necessary to ensure safe and efficient pedestrian and vehicle movements through the site. Such signage will contribute to improved permeability through the site.

Having regard to the above, signage to be provided in association with the development is considered to satisfy the objectives of the plan and the assessment criteria specified in Schedule 1 of the SEPP.

### **Bankstown Local Environmental Plan 2001**

The following clauses of the *Bankstown Local Environmental Plan 2001* are relevant to the proposed development:

- Clause 2 - Objectives of this Plan
- Clause 11 - Development which is allowed or prohibited within a zone
- Clause 16 - General Objectives of these Special Provisions
- Clause 19 - Ecologically Sustainable Development
- Clause 20 - Trees
- Clause 23 - Development Adjacent to Residential Zones
- Clause 24 - Airports
- Clause 25 - Outdoor Advertising
- Clause 26 - Flood Liable Land
- Clause 30 - Floor Space Ratios
- Clause 32 - Access for People with Disabilities
- Clause 36C - Development Along Arterial Roads
- Clause 51 - Objectives of the Industrial zones
- Clause 52 - Development in the Industrial Zones
- Clause 53 - Bulky Goods Salesrooms or Showrooms

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of *Bankstown Local Environmental Plan 2001* as demonstrated below.

#### Clause 2 – Objectives of the Plan

Clause 2 reads as follows:

*The objectives of this plan are:*

- (a) to regulate development in accordance with the following principles:*
  - (i) new buildings should be designed to achieve:*
    - (A) good urban design, and*
    - (B) public and private safety, and*
    - (C) energy and resource efficiency, and*
  - (ii) remnant bush land, natural watercourses and threatened species should be protected, and*
  - (iii) intensive trip generating activities should be concentrated in locations most accessible to rail transport, and*
  - (iv) new development should not diminish the role of the Bankstown central business district (CBD) as a sub-regional centre, and*
  - (v) new development in or affecting residential areas should be compatible with the prevailing suburban character and amenity of the locality of the development site, and*
- (b) to provide a framework within which the Council may prepare development control plans to make more detailed provisions.*

The proposed development is consistent with the objectives of the Bankstown LEP 2001. It is designed to achieve good urban design providing for further business investment opportunities for this site. The development is of a nature that is consistent with the immediately adjoining land uses (of the Masters Home Improvement Centre and Fantastic Furniture outlet) thereby maximising trip generating opportunities for this site.

The development will not diminish the role of Bankstown CBD as a sub regional centre. The size of the development stipulates the location to some extent as there exists no area that could reasonably accommodate the development within the business centre.

#### Clause 11 - Development which is allowed or prohibited within a zone

The table to Clause 11, amongst other things, identifies those forms of development that are permissible with consent on land zoned 4(a) - General Industrial.

The table identifies 'bulky goods salesrooms or showrooms' as being permissible with consent in the 4(a) – General Industrial zone:

Schedule 1 of the BLEP defines '*bulky goods salesroom or showroom*' as follows:

*bulky goods salesroom or showroom means a building or place used for the sale by retail or auction, or the hire or display, of any of the following:*



- (a) furniture, or
- (b) electrical appliances, or
- (c) office furniture, or
- (d) hardware, or
- (e) outdoor products, or
- (f) floor coverings, or
- (g) automotive parts and accessories, or
- (h) lighting, or
- (i) kitchen or bathroom showrooms, or
- (j) tiles (floor, ceiling or wall), or
- (k) plant and equipment for hire.

The applicant has indicated that tenants have yet to be secured. Accordingly a condition is recommended to be imposed requiring that future occupants of the building to be of a nature or use that is consistent with the above definition.

#### Clause 16 – General objectives of these special provisions

The proposed development appropriately addresses likely impacts relating to existing vegetation and stormwater management.

#### Clause 19 – Ecologically sustainable development

Ecological sustainable principles have been satisfactorily incorporated into the design of the development consistent with the provisions contained within clause 19 of the BLEP.

#### Clause 20 – Trees

In order to accommodate the development, the applicant is seeking approval to remove a number of trees currently on site. As a result, comments were sought from Council's Tree Management Planner. Of relevance are the following comments:

*Overall, none of the trees listed for removal constitute a material constraint to the proposed development. The majority of trees on site are either in poor condition – in decline or with structural defects. There is only one tree in this area that is in good condition and would ordinarily be worthy of retention (T5: Eucalyptus saligna – Sydney Blue Gum). However in the context of the proposed development this tree may be removed, subject to appropriate replacement tree planting.*

*The embankment appears to consist of compacted fill, and provides less than ideal conditions for plant growth. This would account for the generally poor condition of most of the trees located in this area. The applicant will need to undertake soil amelioration measures to ensure successful replacement tree establishment.*

*The proposed excavation works will encroach within the root zone area of a number of trees listed for retention. This could impact on the stability and the on-going viability of these trees. It is recommended that the applicant engage the services of a suitably qualified arborist to prepare tree protection measures and to oversee works in this area.*

*The other main group of trees are a row of recently planted Cupaniopsis anacardioides (Tuckeroo) and Magnolia grandiflora "Little Gem" in the garden beds along the northern edge of existing building and the lower car park. These trees are all approximately 5 metres or less than 5 metres in height.*

*In addition, to improve long term tree viability and provide for shade coverage in the car park area to reduce the heat island effect, the landscape plan is to be amended to incorporate the use of structural soil cells – or similar – and porous paving to facilitate tree root growth and harvest rainwater for ongoing passive irrigation.*

The report recommends that conditions of consent be imposed consistent with the recommendations and observations of Council's Tree Management Planner.

#### Clause 23 – Development adjacent to residential zones

Sites occupying the south eastern side of the Hume Highway (on the opposite side of the Hume Highway) are zoned 2(b) Residential and are occupied by a number of dwelling houses. As a result, the provisions contained within clause 23 of the BLEP apply.

The built form is to be largely provided behind the embankment to the Hume Highway significantly minimising the visual impact of the development on the amenity of these closest residences. Their visual amenity is further protected as a consequence of the existence of significant vegetation in the road reserve along the northern side of the Hume Highway.

In light of the fact that the main access and egress arrangements are proposed along the sites northern boundary, issues relating to plant and equipment, headlight glare, security lighting, noise associated with vehicles accessing the site, etc will similarly be negligible.

As a result, the development is considered to have satisfied the provisions contained within clause 23 of the LEP.

#### Clause 24 – Airport

The development is subject to Bankstown Airport Limited's (BAL) obstacle limitation surface plan, which prescribes a maximum building height of 45.72 metres. The proposed development does not exceed this height.

#### Clause 25 – Outdoor Advertising

As identified, by way of an assessment against the provisions contained within SEPP 64, the height, form and proportion of the proposed pylon signs are deemed to be in keeping with the nature of the existing signage adopted on nearby industrial sites in addition to being compatible with the adjoining built form.

#### Clause 26 – Flood liable land

The site is affected by medium risk storm water flooding from the Rookwood Road Catchment. This affectation essentially extends across the entire site. The development has been assessed by Council's Development Engineer and considered acceptable subject to conditions.

#### Clause 30 – Floor Space Ratio

The Floor Space Ratio map prescribes a maximum floor space ratio of 1:1 for this site. The proposed development of Lot 21, being the construction of the bulky goods facility, will have a floor space ratio of 0.99:1 thereby complying with clause 30.

The lot, which is contain the Masters Home Improvement Centre and Fantastic Furniture outlet (as referred to as Lot 22), will similarly satisfy the floor space ratio standard as prescribed in Clause 30 of the BLEP with an FSR of 0.4:1.

#### Clause 32 - Access for People with Disabilities

Accompanying the development application was a report entitled 'BCA Assessment Report' as prepared by Blackett Maguire and Goldsmith. A review of the report confirms that the development can readily achieve compliance with the relevant provisions of the BCA including those provisions relating to access for people with a disability.

#### Clause 36C – Development along arterial roads

Accompanying the development application was a report entitled 'Traffic Impact Assessment' as prepared by Traffix. The report examined the impact the development would have on the level of performance of the nearby intersections, the adequacy of proposed on-site car parking, the ability of the existing access and egress arrangements to accommodate increased vehicle movements generated by the development and whether sufficient areas had been provided on site to accommodate the necessary vehicle movements / turning arcs etc.

The report concluded the following:

- *Subdivision of the site will require the establishment of a Right of Carriageway (ROW) over the north-eastern lot to ensure continued access to the proposed bulky goods development from Muir Road can be maintained in perpetuity.*
- *The proposed development is nominally required to provide a total of 732 parking spaces under Council's DCP.*
- *A total of 766 spaces are proposed which is superior to Council's minimum requirements. This additional car parking of itself does not generate traffic and therefore the only consequence of this additional parking is that customers will more readily find available parking and therefore reduce the need for re-circulation of traffic within the car park.*

- *The proposal will generate 1,071 veh/hr during the critical weekday period PM period. An increased traffic generation of 1,646 veh/hr would occur on weekends, however this will generally occur when the background on-street traffic volumes are reduced.*
- *Notwithstanding the above, the proposed road improvements required to accommodate the peak weekday traffic volumes will provide sufficient spare capacity to accommodate any minor increase in total traffic volumes that might be expected on weekends. These improvements include:*
  1. *Construction of a new roundabout at the westernmost site access to Muir Road*
  2. *Increased length of No Parking restrictions along Muir Road between the Hume Highway and the roundabout.*
- *The proposed access and internal design is generally in accordance with AS2890 and will operate safely and efficiently. Detailed design of car park and loading areas will be undertaken prior to issue of a Construction Certificate.*

An analysis of the level of performance at the Muir Road / western site access / News Limited intersection (post development) identified a shift or move from a Level of Service of C to a Level of Service of F. As a result (as identified above) Traffix recommends the provision of a roundabout at this intersection with the roundabout improving the Level of Service to B.

Council's Traffic Engineers have reviewed the findings of the report and are supportive of the provision of a roundabout at the north western most access to the site / Muir Road and the intersection to the News Limited site. Design details relating to the construction of the roundabout are required at the Construction Certificate stage.

Council's Traffic Engineers had no objection to the findings relating to on-site manoeuvring, on-site car parking nor the need to increase the length of the 'No Parking' restrictions along Muir Road. Conditions of consent are recommended to be imposed reflecting the above findings.

#### Clause 51 – Objectives of the Industrial zones

The proposal is considered to satisfy the relevant objectives of the subject 4(a) General Industrial zone in so far as the development provides for a high standard of building design, will promote and support the existing bulky goods facilities that currently occupy the site in addition to providing for increased employment opportunities both during the construction and operational phases of the development.

#### Clause 52 – Development in the Industrial zones

The report has already addressed in considerable detail a large number of the provisions contained within Clause 52 namely the impact of the development on traffic flows, the adequacy of on-site parking, suitability of the proposed access and egress arrangements, the impact on the amenity of the nearby residents, etc. As such the development is considered to satisfy the provisions contained within Clause 52 of the BLEP.

#### Clause 53 – Bulky goods salesrooms or showrooms

As per the provisions contained within clause 53 of the LEP the following matters are required to be satisfied:

*The consent authority must not grant consent to development for the purposes of bulky goods salesrooms or showrooms on land within Zone 4(a) or 4(b) unless it is satisfied that:*

- (a) suitable land for the development is not available in any nearby business centre, and*
- (b) to grant consent would not, by reason of the number of retail outlets which exist or are proposed on land to which this clause applies, defeat the predominantly industrial nature of the zone concerned, and*
- (c) the proposed development will not detrimentally affect the viability of any business centre.*

The following comments are offered in response.

- Approval was previously extended to allow for the establishment of the Masters Home Improvement Centre and the Fantastic Furniture outlet on this site. There exists no discernable additional impacts arising as a result of the introduction of an additional bulky goods facility on the viability of a nearby business centre than that which would have been introduced through the approval of the existing bulky goods outlets that currently occupy the site.
- The site itself is situated on the border of the Chullora Technology Park and a Business Enterprise zone that extends along a significant portion of the Hume Highway. The use of the site as a bulky goods facility will, in essence, provide for an appropriate and suitable 'merging' of land use types.
- The subject site (including the Masters Home Improvement Centre and the Fantastic Furniture outlet) makes up 3% of the total land area of the Chullora, Greenacre and Potts Hill Industrial Area. It is therefore modest in the context of the wider industrial zoning and would not impact upon the prevailing industrial nature of the area.
- Given the size of the development, were it to be located within a small business centre or neighbourhood centre, it would severely impinge on the viability of the centre severely eroding its character, function and purpose. The size of the development limits its opportunity to be successfully introduced within a business zone.
- The site already contains a cluster of bulky goods premises (the Masters Home Improvement Centre and a Fantastic Furniture outlet). Allowing an additional bulky goods facility on the site provides for the orderly and economic use and development of the site.

In *Fabcot Pty Ltd -v- Hawkesbury City Council* (1997) Justice Lloyd found that an “economic impact test” is broad and involves a consideration as to whether facilities currently enjoyed by a community in a particular locality will be at risk by a proposed development and if this is the case whether the proposed development will ‘make good’ any such loss of facilities. In this instance there is no identifiable economic loss as a result of the proposed development (given the site currently accommodates the Masters Home Improvement Centre and a Fantastic Furniture outlet) nor is there a loss experienced by other residents who choose to visit other bulky goods centres (i.e. the Home Maker Centre in Bankstown).

### **The provision of any draft planning instrument - section 79C(1)(a)(ii)**

The draft Bankstown Local Environmental Plan 2014 (draft BLEP 2014) has been publicly exhibited and applies to the subject site, hence the draft instrument is a matter for consideration under Section 79C(1)(a)(ii) of the EP&A Act 1979. While the draft instrument proposes the introduction of some additional provisions, in the most part, the draft BLEP 2014 provides for an administrative conversion of BLEP 2001 to the standard instrument LEP template.

To give determinative weight to the specific provisions contained within the draft instrument would be premature given the stage at which the draft instrument is at. Nevertheless approval of the proposed development would not be inconsistent with the intent and purpose of these provisions.

### **The provision of any development control plan - section 79C(1)(a)(iii)**

The development has been assessed against the following provisions of Bankstown Development Control Plan 2005 (Bankstown DCP 2005):

- Part D6 - Industrial zones
- Part D7 - Sustainable Commercial and Industrial Development
- Part D8 - Parking
- Part E1 - Demolition and construction
- Part E2 - Tree Preservation Order
- Development Engineering Standards

### **Bankstown DCP 2005, Part D6 - Industrial Zones**

The following table and discussion provides a summary of the development application against the controls contained in Parts D6 Industrial Zones and Part D7 'Sustainable Commercial and Industrial' Development of Bankstown Development Control Plan 2005.

<b>STANDARDS Part D6 and D7</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Subdivision</b>	Minimum lot size of 10,000m <sup>2</sup>	Proposed Lot 22, being the site to be occupied by the Masters Home Improvement Centre and	Yes



<b>STANDARDS Part D6 and D7</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
		<p>Fantastic Furniture = 61,260m<sup>2</sup></p> <p>Proposed Lot 21, being the site to be occupied by the bulky goods facility = 45,410m<sup>2</sup></p>	
<b>Floor Space Ratio [LEP]</b>	Maximum 1:1	<p>0.99:1 [GFA = 45,123.64m<sup>2</sup> Site area = 45,410m<sup>2</sup>]</p> <p>0.4:1 [GFA = 24,204m<sup>2</sup> Site area = 61,260m<sup>2</sup>]</p>	Yes, [ Max 1:1 FSR - Clause 30 and floor space ratio maps BLEP 2001]
<b>Site coverage</b>	Maximum 60%	Approx 51%	Yes
<b>Setbacks</b>	15 metres to a State Road	17 metres proposed	Yes
<b>Urban Design</b>	<p>Facade design to be contemporary and to include articulated elements</p> <p>Quality facade materials such as brick, glass and steel. Only small portion of sheet metal to street facade.</p>	<p>Contemporary design is proposed.</p> <p>The building will be constructed of polycarbonate wall cladding in neutral colours with translucent roofing and aluminium fittings.</p>	Yes
<b>Environmental Management</b>	<p>Water efficiency measures and energy performance report to comply with Part D7 of DCP 2005 -'Sustainable Industrial &amp; Commercial Development'.</p> <p>Consider Industrial Noise Policy 1999 and amenity of residential land.</p> <p>Control any fumes, odour emissions and potential water pollutants.</p>	<p>Appropriate water and energy efficiency measures have been included.</p> <p>No industrial noise nuisance likely</p> <p>No fumes, odour emission expected. Stormwater drainage system will include pollutant traps.</p>	Yes
<b>Open Space</b>	<p>Minimum landscaped width of 10m to primary frontage [width may vary if high quality landscaping provided]</p> <p>1 tree (capable of 5m height) per 30sqm of landscaping</p> <p>Outdoor car park to</p>	<p>Minimum 10 metres proposed (variable width)</p> <p>A satisfactory number of trees will be provided throughout the landscaped area and to shade the car</p>	Yes

<b>STANDARDS Part D6 and D7</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	include 1 tree per 5 parking spaces.	parking areas through conditions of consent.	
<b>Safety &amp; Security</b>	<p>Front entry to face the street. Office/showroom located at the front of the building, upper floor windows to overlook the street.</p> <p>Street number to be visible. Install security alarm system.</p> <p>Access to loading dock or other restricted areas only available to tenant. Close outdoor car parks to public outside business hours.</p> <p>Lighting to be provided to external entry areas, driveway and car park. Lighting to car park in accordance with AS 1158.1, 1680, and 2890.1.</p>	<p>The office component of the development will have extensive glazed areas.</p> <p>Appropriate site identification and security measures are expected to be provided.</p> <p>A security service would be expected to be provided outside normal business hours.</p> <p>Any consent conditioned regarding the provision of appropriate lighting to the site and car park areas.</p>	Yes
<b>Access and Parking</b>	A minimum of 732 car parking spaces are required (to comply with Part D8 'Parking' of BDCP)	766 car parking spaces have been provided	Yes
<b>Site Facilities &amp; Services</b>	<p>Storage and use of hazardous materials / dangerous goods to comply with Dangerous Goods Act, requirements of DECCW and Work Cover NSW</p> <p>Waste Storage not visible from street, graded to drain to sewer system, contained to prevent pollutant leakage.</p>	<p>Storage of hazardous or dangerous goods will be in accordance with relevant standards and subject to appropriate conditions of consent</p> <p>Appropriate conditions can require the grading of this area and provision of pollutant prevention devices.</p>	Yes
<b>Bulky Goods Retailing</b>	<p>Suitability of the industrial site to contain the bulky goods outlet</p> <p>Satisfactory access to the site is to be provided</p>	<p>This has been discussed previously in this report under the assessment to Clause 53 of the BLEP</p> <p>This has been discussed previously in this report under the assessment to Clause 36C of the BLEP</p>	Yes

<b>STANDARDS Part D6 and D7</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Chullora Technology Park</b>	<p>Plan of management where areas of vegetation significance affected</p> <p>Provide upgraded storm water system to retard flows and collect gross pollutant detrimental to Cooks River</p>	<p>The area of vegetation significance identified in the DCP will not be impacted by the development.</p> <p>Proposed storm water system will include pollution traps. No expected impacts for Cooks River.</p>	Yes

### **Bankstown DCP 2005, Part D8 – Parking**

The development provides for a total of 766 on-site car parking spaces, including 16 accessible spaces. All spaces are located at grade, with the majority of which provided under the bulky goods facility itself. As per the provisions contained within Part D8 of the BDCP 2005 a minimum of 732 car parking spaces are required. The development therefore provides for a surfeit of on-site car parking.

### **Bankstown DCP 2005, Part E1 - Demolition and Construction**

The proposal involves the demolition of a number of the existing structures on the site. A preliminary demolition plan and a Waste Management Plan has been prepared which is considered to satisfy the requirements of the DCP.

### **Bankstown DCP 2005, Part E2 - Tree Preservation Order**

The proposed tree removal has been assessed by Council's Tree Management Officer and no objection has been raised to the removal subject to compensatory planting. Conditions have been imposed accordingly.

### **Bankstown Development Engineering Standards**

The proposal has been assessed against the relevant provisions of the Council's Development Engineering Standards (DES) and found to be satisfactory. Conditions of consent are recommended to be imposed accordingly.

### **The provision of Planning Agreements - section 79C(1)(a)(iiia)**

There are no planning agreements relevant to this development application.

### **The provisions of the Regulations - section 79C(1)(a)(iv)**

The proposed development is not considered to be inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

### **The likely impacts of the development - section 79C(1)(b)**

As discussed in this report, the proposed development is acceptable with regard to its likely environmental, social and economic impacts on the locality.

**The suitability of the site for the development - section 79C(1)(c)**

The site is located within Chullora Technology Park which was developed by Landcom as an industrial estate in 1990s, from surplus former railway land. The application will provide for a permissible development which is consistent with relevant statutory controls. The site is therefore considered suitable for this development.

**Any submissions made in accordance with the Act or the regulations - section 79C(1)(d)**

The application was advertised and notified for a period of twenty one (21) days from 12 March 2014 to 1 April 2014. One (1) submission was received during this period. The issues raised in the submission are as follows:

- *Support is given to the proposed construction of a new 25m diameter, dual lane roundabout at the intersection of Muir Road, the western site access and the News Limited driveway.*

Comment – Consistent with the recommendations of the applicant's traffic impact assessment Council supports the construction of a roundabout at this intersection.

- *Support is given to the increase in parking restrictions in Muir Road between the Hume Highway and the new round-about.*

Comment – Consistent with the recommendations of the applicant's traffic impact assessment Council supports an increase in parking restrictions between the Hume Highway and the proposed roundabout.

- *Within the submission it is suggested that a left-in / left-out driveway be provided from the Hume Highway directly into Lot 21 as this would provide direct access to Lot 21 (thereby negating the need for a ROW burdening Lot 22), reduce traffic volume in Muir Road and offering better public visibility for tenants in Lot 21.*

Comment: Clause 36C(1) of the BLEP states that “consent must not be granted to development on an allotment of land that has a boundary adjoining an arterial road ... unless the consent authority is satisfied that:

(a) *where practicable, vehicle access to the land is provided by a road other than the arterial road”*

Consistent with the provisions contained within Clause 36C(1)(a) of the BLEP access has been provided off Muir Road. Access to the site directly off the Hume Highway would also not be consistent with the objectives of the Roads and Maritime Services to limit access and crossings off the Highway itself.

It is noted that the submission states that *“we advise that we wholeheartedly and strongly support the conclusions of the Traffic Report.”*

### **The public interest - section 79C(1)(e)**

The public interest is best served by the consistent application of requirements of the relevant environmental planning instruments and by the consent authority ensuring that any adverse impacts on the amenity of the locality are avoided. The proposed development responds appropriately to the controls contained in SEPP (Infrastructure) 2007, SEPP 55, SEPP 64, BLEP 2001, Draft BLEP 2014 and the BDCP 2005. As such approval of the development would be in the wider public interest.

### **CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979*, and in particular, *State Environmental Planning Policy No. 55 (SEPP 55)*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No 64 (SEPP 64)*, *Bankstown Local Environmental Plan 2001 (BLEP)*, *Draft Bankstown Local Environmental Plan 2014 (Draft BLEP)* and *Bankstown Development Control Plan 2005 (BDCP)*.

The proposed development represents an appropriate built form and use for the site. Relevant planning controls have been appropriately responded to and no significant or unresolved matters have been raised in public submissions.

On these grounds it is considered that the site is suitable for the development and that it will be in the public interest. Consequently it is recommended that the development be approved subject to conditions.

### **RECOMMENDATION**

It is recommended that the application be approved subject to the attached conditions.