

<b>ITEM</b>	<b>2 Hume Highway, Chullora</b>
	<b>Construction of a warehouse and distribution facility with associated earthworks, car parking and landscaping</b>
<b>JRPP REF.</b>	<b>2017SSH021</b>
<b>FILE</b>	<b>DA-295/2017</b>
<b>ZONING</b>	<b>IN1 – General Industrial</b>
<b>DATE OF LODGEMENT</b>	<b>13 April 2017</b>
<b>APPLICANT</b>	<b>Taylor Construction Group</b>
<b>SITE AREA</b>	<b>78,552m<sup>2</sup></b>
<b>OWNERS</b>	<b>The Trust Company (Australia) Limited</b>
<b>ESTIMATED VALUE</b>	<b>\$28,819,131</b>
<b>AUTHOR</b>	<b>Development Services</b>

### **SUMMARY REPORT**

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated value of \$28.8 million and exceeds the capital investment threshold for '*general development*'.

Development Application No. DA-295/2017 proposes bulk earthworks and the construction of a new warehouse and distribution centre, to be occupied by Fastway Couriers for the operation of a 24 hour parcel distribution facility. Associated car parking, landscaping and signage is also proposed. There are two small portions of the site that fall within the Strathfield Local Government Area, within which landscaping and earthworks are proposed to be undertaken. These works are covered by a separate development application that was consented to by Strathfield Council on 5 July 2017.

The proposal has been assessed against the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 (Remediation of Land)*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*. The application fails to comply with the DCP provisions relating to building setbacks and landscape widths. However the proposed non-compliances are minor and are considered to be appropriate in the context of the site.

The application was advertised and notified for a period of 21 days. No objections were received with respect to the proposed development.

**POLICY IMPACT**

This matter has no direct policy implications.

**FINANCIAL IMPACT**

This matter has no direct financial implications.

**RECOMMENDATION**

It is recommended that the application be approved subject to the conditions included at Attachment 'B'.

## **DA-295/2017 ASSESSMENT REPORT**

### **SITE & LOCALITY DESCRIPTION**

The subject site is known as 2 Hume Highway, Chullora. It is zoned IN1 – General Industrial and has an area of 78,552m<sup>2</sup>. There are two small parts of the site, at its north-western edge, that fall within the Strathfield Local Government Area.

The site has 'primary' (i.e. shortest) frontage of approximately 160 metres to Hume Highway. It also enjoys a sweeping, arc frontage to Worth Street of approximately 490 metres, and a frontage of approximately 162 metres to Beaufort Place, which terminates at a cul-de-sac.

The site was formerly occupied by the Fairfax printing press, however this facility was decommissioned and the building demolished. Works associated with a subsequent development consent for a warehouse and distribution facility at the northern end of the site are currently being undertaken.

Existing industrial developments are located to the north, east and south of the site. A new self-storage facility is under construction to the south-east, across Beaufort Place. Residential development is located to the south of the site, across Hume Highway. The context of the site is illustrated in the aerial photo shown below.



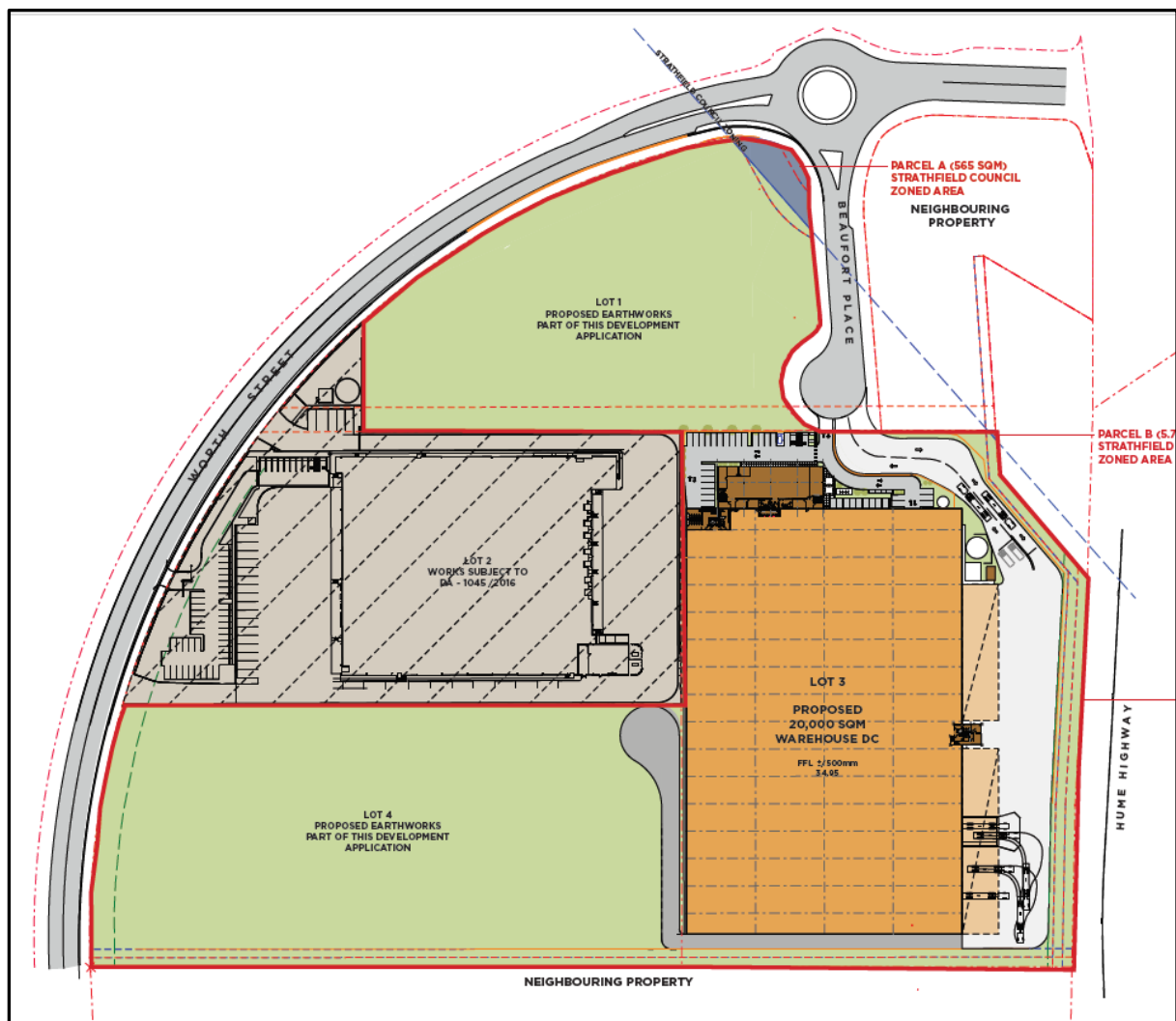
## **PROPOSED DEVELOPMENT**

DA-295/2017 proposes the following works:

- Bulk earthworks (cut and fill) across the site to provide for future building pads.
- Removal of existing trees and vegetation.
- Construction of a new warehouse building, including ancillary office space and amenities.
- Use of the building as a distribution facility (Fastway Couriers) 24 hours a day, 7 days per week.
- Signage to the north-eastern building elevation fronting Beaufort Place.
- Landscaping and minor site works.

It is noted that the proposed works only cover a portion of the subject site, as illustrated in the plan below. The balance of the site (referred to as 'Lot 2' and cross-hatched) is the subject of a separate development consent for a warehouse and distribution facility, granted by Canterbury-Bankstown Council in April 2017.

The site has not been subdivided, nor is subdivision proposed.



## **SECTION 79C ASSESSMENT**

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

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

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

According to SEPP (State and Regional Development), a regional panel may exercise the consent authority functions of the council for the determination of applications for development of a class or description included in Schedule 4A of the EP&A Act.

Schedule 4A of the Act includes '*general development over \$20 million*'. The proposed development falls within this category and has a value of \$28.8 million. Accordingly the application is reported to the Sydney South Planning Panel for determination.

A Panel Briefing was held on 6 June 2017, at which the Panel members requested that certain matters be included in Council's assessment of the proposed development. These matters are listed and discussed below.

#### **Building presentation to Hume Highway**

The proposed development would present a 175 metre building façade to Hume Highway. However the building is proposed to be set back some 45 metres from the property boundary, which includes a 10 metre wide landscape buffer. The applicant seeks to retain and embellish landscaping within this buffer, to combine with existing trees that stand in the Hume Highway road reserve and partially screen the development.

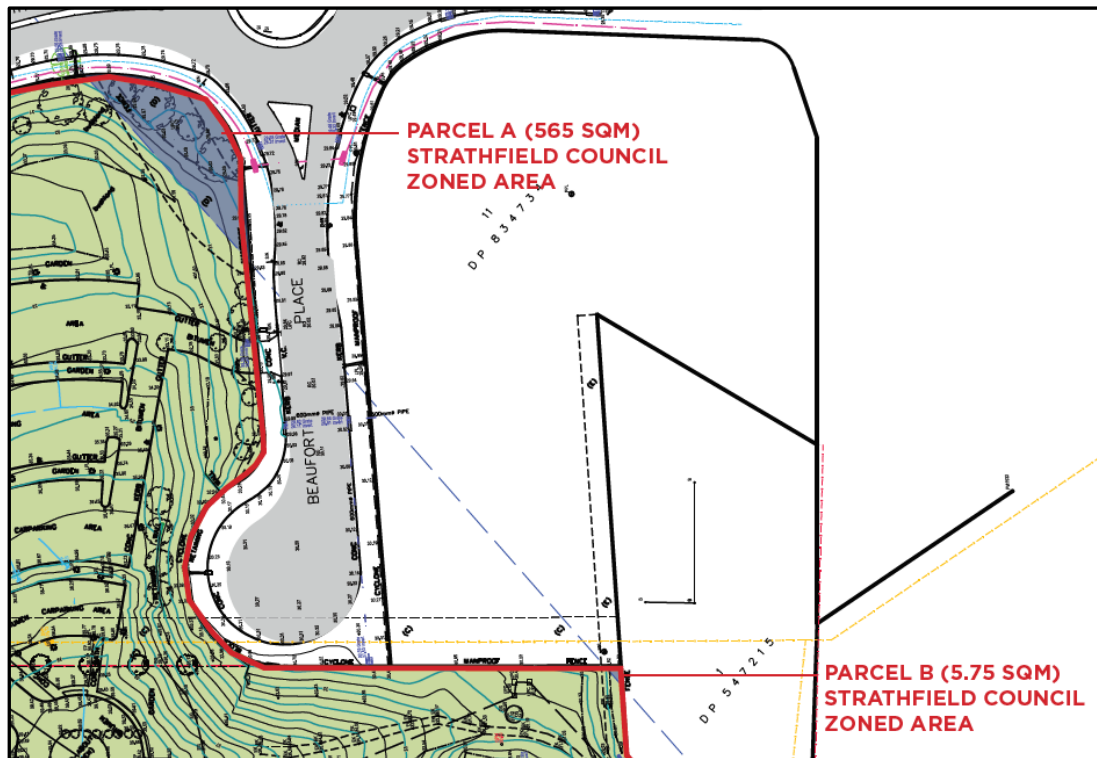
The building itself has been revised to incorporate an updated finishes schedule, which seeks to ensure that the proposal is of a high standard and would compliment that of neighbouring developments. The applicant makes particular reference to the proposed use of Polycarbonate translucent sheeting on the Hume Highway elevation, and submits that this "*provides significant visual interest and contributes to the architectural merit*".

It is noted that the proposed development presents loading facilities with substantial awning canopies to the Hume Highway frontage. It is considered that these facilities would promote an articulated, 'active' building façade that speaks to the industrial character of the Chullora Technology Park. No signage is proposed on the Hume Highway elevation, and the overall external presentation of the development is considered to be appropriate in the context of the site.



### Coordination with Strathfield Council

As noted earlier in this report, there are two small portions of the site that fall within the Strathfield Local Government Area. The affected land has a combined area of 571m<sup>2</sup> and is located at the north-eastern parts of the site, adjacent the Beaufort Place cul-de-sac and at the intersection of Beaufort Place and Worth Street.



The works proposed in the affected parts of the site comprise landscaping and earthworks. The applicant sought separate consent for these works via lodgement of a development application with Strathfield Council (DA No. 2017/058). This application was considered at the Strathfield Internal Development Assessment Panel Meeting held on 5 July 2017, and was granted consent with a 'special condition' that reads as follows:

*"The approved development under this consent shall be read in conjunction with the conditions contained in DA-295/2017. A Construction Certificate shall not be issued until a Construction Certificate has been issued for the proposed works under DA-295/2017."*

It is recommended that the requirements of this condition be reciprocated in any consent granted under DA-295/2017. However to ensure there is no conflict between the consents, DA-295/2017 should require evidence of a Construction Certificate for the 'Strathfield works' prior to commencement of construction (if both consents required evidence of the issue of a Construction Certificate then neither consent could be acted on). This requirement has been included in the recommended conditions of consent at Attachment 'B' to this report.

### Loss of vegetation and proposed landscaping

The application seeks the removal of a large stand of existing vegetation adjacent the Hume Highway frontage. The removal of vegetation from the site was the subject of a detailed assessment under the previous consent granted in April 2017 for works at the north-western end of the site. This assessment involved the preparation of a 'pro-rata'/staged vegetation management plan (VMP), which incorporates offsetting through street tree plantings on Worth Street and Muir Road, and the off-site regeneration of public bushland in Lansdowne Reserve and Walshaw Reserve. Council officers involved in the preparation of the VMP have reviewed the development proposed under this current DA-295/2017 and advise that the proposal may proceed as previously agreed. Recommended conditions of consent addressing the requirements and timing of the VMP are included at Attachment 'B' to this report.

In addition to the 'off-site' provisions of the VMP, it is proposed to undertake on-site landscaping works as part of the proposed development. The landscape plans submitted in support of the proposal illustrate a 10 metre wide landscaped buffer to Hume Highway, as well as landscape treatment around the perimeter of the site and to the Beaufort Place frontage. The proposed scheme makes provision for 134 tree plantings, which include *Acacia decurrens* (Black Wattle) and *Angophora costata* (Honey Gum). The applicant also notes that the Hume Highway treatment includes 'green creeper screening' to the proposed retaining walls and fire water tanks, to soften this edge of the development.

### Permissibility of proposed office space

'Warehouse and distribution centres' are permitted with consent in the IN1 – General Industrial zone, however 'office premises' are prohibited. The proposed development includes the provision of a 1,500m<sup>2</sup> 'main office' area which is shown to contain open plan work stations and individual office spaces. This office area can only be permitted if it is deemed to be ancillary to the proposed warehouse and distribution facility.

The applicant submits that the proposed main office area would be wholly utilised by the intended operator of the facility (Fastways). It would form an essential part of the day to day operations, and would be used to accommodate:

- Fleet controllers and associated driver support.
- Breakout/lunch/tea areas for drivers.
- Call centre for drivers.
- Shower and change rooms for drivers.
- Tagging/coding functions for parcels.
- Driver interface and briefing.

It is accepted that the above activities provide necessary support for the proposed warehouse use, and could not be accommodated on the main warehouse floor. On this basis, the proposed office area is considered to be ancillary and incidental to the primary use of the site as a 'warehouse and distribution centre' which is permitted with consent at the subject site.

### Capacity of on-site car parking

As noted under the 'Development Control Plans' section of this report, the proposed development provides a total of 79 car parking spaces, which complies with the minimum 72 spaces required by the parking rates set out in Council's Parking DCP. In addition, the intended operator of the proposed facility (Fastways Couriers) has provided supporting documentation which states that *"most courier franchisees use their van as their primary mode of transport and do not leave their vehicle on site during the day or overnight"*. On this basis and given that the proposal has demonstrated compliance with Council's minimum car parking provisions, it is not expected that the development would push any overflow parking to the surrounding road network.

### Impact of proposed 24 hour vehicle movements

A Noise Impact Assessment has been undertaken which examines the proposed use, with particular regard to the potential impacts of the daily traffic generated by the site as estimated in the submitted traffic report. The noise assessment concludes that the proposed impacts are acceptable, and states that:

*"The traffic potentially generated by the project as reported in the Traffic Impact Statement prepared by TTPA is not expected to generate any measurable increase in road traffic noise levels at the nearest residential locations (i.e. less than 0.5dB increase in average road traffic noise levels). This is well below the allowable increase of 2dB, where existing traffic noise exceeds criteria and after consideration of all feasible and reasonable mitigation measures"*.

### Stormwater management

It is proposed to fill the existing pond located at the eastern corner of the site. The filling of this pond forms part of the overall stormwater strategy for the site, which has been considered and accepted by Council's engineers. Recommended conditions of consent relating to the proposed civil works and stormwater management have been included at Attachment 'B' to this report.

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

Schedule 3 of SEPP (Infrastructure) lists the types of developments that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network (including classified roads). The proposed development exceeds the thresholds listed in Schedule 3 of the SEPP and was referred to RMS for comment.

RMS have reviewed the proposed development and advise that no objection is raised, subject to conditions of consent relating to the containment of all construction vehicles within the site, and the need for a Road Occupancy License for any works that may impact on traffic flows on Hume Highway. The RMS' requirements have been included as recommended conditions of consent at Attachment 'B' to this report.



## **State Environmental Planning Policy No. 55 - Remediation of Land**

Clause 7 of SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

Previous investigations at the subject site informed a Remedial Action Plan for the treatment of an area of localised diesel-impacted fill material that was identified to the north-west of the proposed works area. This material has been remediated as part of the works being undertaken at the site, and it is understood that a validation report is currently being prepared.

These previous investigations concluded that the site is not likely to contain significant widespread contamination, other than asbestos-impacted fill material. An unexpected finds protocol (UFP) and conceptual remedial action plan (RAP) have been prepared to deal with this issue of potential asbestos contamination. The conceptual RAP recommends the 'emu picking' of soil impacted with bonded asbestos, and the excavation and off-site disposal of soil impacted with friable asbestos.

The applicant submits that, subject to the appropriate remediation and validation of asbestos-impacted soils within the site, and subject to the appropriate validation reporting of the remediation of the diesel-impacted soils previously identified to the north-west of the proposed works area, the fill material is unlikely to pose an unacceptable level of risk to human health during, and after, the proposed construction works. Council accepts the applicant's findings, and is of a view that the site will be suitable for the proposed land use following the recommended remediation works. Recommended conditions relating to the UFP, the conceptual RAP, and the need for validation reporting are included at Attachment 'B' to this report.

## **Bankstown Local Environmental Plan 2015**

The proposed development is satisfactory with regard to the relevant provisions of the Bankstown Local Environmental Plan 2015, including the following:

### **Clause 1.2 Aims of Plan**

The proposed development is consistent with the relevant aims of the BLEP 2015:

- (a) *to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,*
- (g) *to provide a range of business and industrial opportunities to encourage local employment and economic growth;*
- (i) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety;*
- (k) *to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network;*
- (l) *to enhance the quality of life and the social well-being and amenity of the community.*

### Clause 2.3 Zone objectives and Land Use Table

The site is located in Zone IN1 – General Industrial, which permits development for the purposes of 'earthworks' and 'warehouse and distribution facilities'. The elements that make up the proposed development fall within these definitions and are therefore permitted with consent at the subject site. Moreover, the proposal is consistent with the objectives of the IN1 zone, being:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*

### Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map, there is no maximum building height for the subject site.

### Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map, the maximum permitted floor space ratio for the subject site is 1:1.

When considered together with the development approved in April 2017 at the northern end of the site, the proposed floor space ratio complies at 0.4:1.

### Clause 5.10 Heritage conservation

The subject site has been identified as containing part of a heritage listed Sydney Water pressure tunnel. Accordingly, the NSW Office of Environment and Heritage were requested to review the proposed development.

The pressure tunnel is located approximately 85 metres below ground level, and the nearest associated tunnel shaft is located approximately 1km away from the site, on the eastern side of Roberts Road. On this basis, the OEH have advised that the proposal does not qualify as 'Integrated Development', and would not require a section 60 approval under the Heritage Act.

### Clause 6.2 Earthworks

According to clause 6.2, earthworks may be undertaken with consent, however only where certain criteria are met. The proposed development satisfies the relevant criteria, which include:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*

- (d) *the effect of the development on the existing and 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 waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

**Draft environmental planning instruments [section 79C(1)(a)(ii)]**

There are no draft environmental planning instruments applicable to the proposed development.

**Development control plans [section 79C(1)(a)(iii)]**

**Part B3 – Industrial Precincts**

The following table provides a summary of the development application against the key numerical development controls contained in *Part B3* of the *Bankstown Development Control Plan 2015*.

CONTROL	BDGP 2015 PART B3	
	PROPOSED	COMPLIES?
<b>Site coverage</b> Maximum 60% for more than one 'operator' at a site.	39%	Yes
<b>Primary setback</b> Minimum 15m as the site adjoins a state road (Hume Highway).	45m to building and 30m to awnings.	Yes
<b>Secondary setback</b> Minimum 15m as the site adjoins a state road (Hume Highway). May be varied if the development is compatible with the building alignment of neighbouring development.	<b>13.2m to Beaufort Place.</b>	<b>No</b> – However the proposed non-compliance exceeds the 7m setback of the development currently under construction on the southern side of Beaufort Place. Moreover, it is limited to the proposed office component which is of a high quality and only 8.5m in height.
<b>Landscape setback</b> Minimum 10m to all frontages. May be varied if high quality landscaping is proposed.	10m to Hume Highway. <b>5m to Beaufort Place.</b>	Yes  <b>No</b> – However as discussed earlier in this report an appropriate, high quality landscape treatment of the site is proposed.

CONTROL	BDCP 2015 PART B3	
	PROPOSED	COMPLIES?
<b>Signage</b> Maximum 1.1sqm of signage per 3m of frontage. For the subject part of the development site this equates to approximately 68m <sup>2</sup> .	One proposed 73m <sup>2</sup> sign, on the north-east elevation facing Beaufort Place.	Yes (subject to a condition of consent limiting this sign to a maximum 70m <sup>2</sup> )

## Part B5 – Parking

Section 2 of Part B5 of the DCP sets out the minimum car parking rates for a range of land uses, and includes a nominated rate of 1 space per 300m<sup>2</sup> floor area for 'warehouse or distribution centres'. According to this rate, a total of 72 car parking spaces are required. The proposed development makes provision for 79 spaces and complies.

## Part B4 – Sustainable Development

Part B4 of the DCP requires the preparation of a 'site water management plan' and an 'energy performance report' for new developments with a floor area that exceeds 5,000m<sup>2</sup>.

The DA includes a 'Water Management Strategy', and has been designed to facilitate compliance with Section J of the BCA. The proposal is therefore deemed to be capable of satisfying the specific criteria for water conservation and energy minimisation set out in the DCP.

### **Planning agreements [section 79C(1)(a)(iia)]**

There are no planning agreements applicable to the proposed development.

### **The regulations [section 79C(1)(a)(iv)]**

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

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

It has been demonstrated that the proposed development would not have any unreasonable or unacceptable environmental, social, or economic impacts on the surrounding locality.

### **Suitability of the site [section 79C(1)(c)]**

The site is suitable for the proposed development. It is permitted with consent in the IN1 – General Industrial zone and is designed to respond appropriately to its exposed location on a major road. Matters concerning the environmental attributes of the site have been appropriately addressed.

### **Submissions [section 79C(1)(d)]**

The application was advertised and notified for a period of 21 days. No objections were received with respect to the proposed development.

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

Having regard to the matters discussed in this assessment report, it is considered that the proposed development would not contravene the public interest.

### **CONCLUSION**

DA-295/2017 has been assessed according to the relevant provisions of *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 (Remediation of Land)*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*.

The proposed development is within the zoning and land-use framework established for the site. It demonstrates a high quality form that would contribute positively to the Chullora Technology Park. Minor departures are proposed from the relevant DCP controls, however these are accepted in the context of the site. No public submissions have been received with respect to the proposed development, and no adverse impacts on the surrounding locality are expected.