

## COUNCIL ASSESSMENT REPORT

Panel Reference	2017SYW006
DA Number	DA 802.1/2016
LGA	Fairfield City Council
Proposed Development	Construction of a Six Storey Hotel Accommodation Building containing a total of one hundred and forty one (141) rooms and Neighbourhood Shop including associated car parking and landscaping
Street Address	Lot: 304 DP: 1098762, No. 449 Victoria Street Wetherill Park
Applicant/Owner	<b>Applicant:</b> JS Architects Pty Ltd <b>Owner:</b> APN Funds Management Ltd
Date of DA lodgement	6 December 2016
Number of Submissions	<b>First notification period:</b> 2 submissions by way of objection <b>Second notification period:</b> No objections <b>Third notification period:</b> 1 submission by way of objection
Recommendation	Development Application No. 802.1/2016 is recommended for approval, subject to conditions of consent.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the application is referred to the Sydney Western City Planning Panel (SWCPP) for determination as the proposed development has a capital investment value (CIV) of over \$20 million (\$22,770,984.00) at time of lodgement.
List of all relevant s4.15(1)(a) matters	In accordance with Section 4.15 Evaluation of the EPA Act 1979, the matters of relevance to the development the subject of the development application include the following:  s4.15(1)(a) (i) <ul style="list-style-type: none"><li>• Fairfield Local Environmental Plan 2013</li><li>• State Environmental Planning Policy No 33—Hazardous and Offensive Development</li><li>• State Environmental Planning Policy No 55—Remediation of Land</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• State Environmental Planning Policy No 64—Advertising and Signage</li></ul> s4.15(1)(a) (iii) <ul style="list-style-type: none"><li>• Fairfield Citywide Development Control Plan 2013</li><li>• Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment</li></ul>
List all documents submitted with this report for the Panel's consideration	<b>Documents submitted with this report for the Panel's consideration include:</b> <ul style="list-style-type: none"><li>• Attachment A - Site Locality Plan</li><li>• Attachment B - Architectural, Overshadowing and Landscape Plans</li><li>• Attachment C - Survey Plan</li><li>• Attachment D - Stormwater Plans</li><li>• Attachment E - Statement of Environmental Effects</li><li>• Attachment F - Acoustic Report</li><li>• Attachment G - Contamination Report</li><li>• Attachment H - Flood Impact Assessment Report</li><li>• Attachment I - Flood Risk Management Report</li><li>• Attachment J - Traffic and Car Parking Assessment Report</li><li>• Attachment K - Swept Path Diagrams</li><li>• Attachment L - Quantity Surveyor's Report</li><li>• Attachment M – Letter Addressing SEPP 33</li><li>• Attachment N - Submission Letters received by Council (redacted version)</li><li>• Attachment O – Draft Conditions of Consent</li></ul>
Report prepared by	Liam Hawke – Co-ordinator Development Planning

<b>Report date</b>	15 May 2018
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**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?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

**No**

*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?

**No**

*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*

## SWCPP No. 2017SSW006

**Proposal:** Construction of a Six Storey Hotel Accommodation Building comprising 141 rooms and Neighbourhood Shop including associated car parking and landscaping.

**Location:** Lot 1 DP 1224336 No. 449A Victoria Street, Wetherill Park

**Applicant:** JS Architects Pty Ltd

**Cost of Works:** \$20,700,894.00

**File No:** DA 802.1/2016

**Author:** Liam Hawke, Coordinator Development Planning  
Fairfield City Council

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## RECOMMENDATION

That the construction of a Six Storey Hotel Accommodation Building comprising 141 rooms and Neighbourhood Shop including associated car parking and landscaping be approved, subject to conditions as outlined in Attachment O of this report.

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## SUPPORTING DOCUMENTS

<b>AT-A</b>	Site Locality Plan	1 Page
<b>AT-B</b>	Architectural, Overshadowing and Landscape Plans	16 Pages
<b>AT-C</b>	Survey Plan	1 Page
<b>AT-D</b>	Stormwater Plans	6 Pages
<b>AT-E</b>	Statement of Environmental Effects	36 Pages
<b>AT-F</b>	Acoustic Report	28 Pages
<b>AT-G</b>	Contamination Report	151 Pages
<b>AT-H</b>	Flood Impact Assessment Report	17 Pages
<b>AT-I</b>	Flood Risk Management Report	6 Pages
<b>AT-J</b>	Traffic and Car Parking Assessment Report	26 Pages
<b>AT-K</b>	Swept Path Diagrams	2 Pages
<b>AT-L</b>	Quantity Surveyor's Report	9 Pages
<b>AT-M</b>	Letter Addressing SEPP 33	3 Pages
<b>AT-N</b>	Submissions	10 Pages
<b>AT-O</b>	Draft Conditions of Consent	16 Pages

## EXECUTIVE SUMMARY

Council is in receipt of Development Application No. 802.1/2016 which seeks approval for the construction of a Six Storey Hotel Accommodation Building comprising 141 rooms and Neighbourhood Shop including associated car parking and landscaping.

The subject site is within the IN1 General Industrial zone as stipulated within the Fairfield City Council Local Environmental Plan 2013. Ordinarily 'hotel or motel accommodation' is prohibited within the zone, however, pursuant to Clause 2.5 of the LEP, the proposal is permissible, subject to consent.

The subject site is an irregular shaped allotment with an area of 5,230m<sup>2</sup> and a northern frontage to Victoria Street. The subject site is located within the Wetherill Park Industrial Precinct. The proposed development is a 6-storey development that will be used as a hotel.

The application as originally submitted was for the construction of a 6-storey building comprising of a Hotel (with 155 rooms) including meeting rooms, shop and medical centre and associated car parking (62 spaces), civil engineering and landscape works. Council raised concerns with the original proposal regarding permissibility and the potential lack of car parking in order to cater for the development. In response to this matter, the applicant has significantly amended the proposal which has reduced the number of hotel rooms, removed retail and medical centre uses and increased the amount of car parking provided. It is considered that the amended proposal has addressed the concerns raised by Council officers.

With regard to the amount of car parking provided onsite, it is noted that the proposal as originally submitted was at a ratio of 1 car space per 3 hotel rooms, which is the rate required under the Fairfield City Wide DCP 2013. Notwithstanding this, the DCP rate was adopted from the RMS Guide to Traffic Generating Developments. The surveys undertaken in relation to the appropriate parking rate was based on centrally located facilities. Given this, the rate identified within the DCP may not be appropriate given the context of the site within an industrial area that is not as well serviced by public transport when compared to a town centre. The amended application seeks a ratio of 1 space per 1.5 rooms. In order to determine if this rate is suitable, Council engaged an independent traffic engineer to peer review the application and determine if the car parking provided will be able to accommodate the proposal. The independent traffic engineer concluded that the amended proposal will provide sufficient car parking spaces onsite in order to cater for the facility and not result in the demand for on street car parking spaces.

Having regard to the above, it is considered that the subject development is consistent with the objectives of Chapter 12 of the DCP 2013 given that the number of car spaces provided on site will meet the parking demand of the proposed development. The proposed number of car parking spaces is therefore considered acceptable in these circumstances.

The application was notified on 3 occasions in accordance with Council's Notifications Policy. During the notification periods a total of 3 submissions were received. The issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Catchment Section and Tree Preservation Officer and Development Engineering Branch for comments and/or conditions. No concerns are raised to the proposal subject to conditions of consent.

This report summarises the key issues associated with the development application and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, the Fairfield Local Environmental Plan 2013 and the Fairfield City-Wide Development Control Plan 2013.

The proposed development is considered to be suitable for the subject site, and will have minimal impact on the surrounding environment. The objector's concerns are acknowledged however it is considered that there are no issues that would warrant refusal of the application. Where appropriate, the objector's concerns can be addressed through conditions of consent. Based on an assessment of the application, it is recommended that the application be approved, subject to conditions as outlined in Attachment O of this report.

## DEVELOPMENT HISTORY

On 21 March 2014, Amendment No. 6 of Fairfield LEP 2013 came into force that allowed additional landuses at the subject site and the adjoining site (No. 96 Newton Rd, Wetherill Park). At the same time a Site Specific DCP for the two (2) sites came into force.

The purpose of the planning proposal and the site specific DCP was to provide a further Central Services Facility (CSF) in Wetherill Park in order to meet the personal and business needs of the industrial workforce. A CSF is a multi-functional centre that serves the needs of the local industrial work force and generally contains a range of retail/commercial uses. The purpose of the Site specific DCP was to provide site specific provisions to guide and assist development on the land referred to above; in a manner that encourages business development and investment; and promotes local employment opportunities whilst servicing the daily needs of the workforce.

On 2 June 2016, Council granted Development Consent No. 469.1/2015 for 'Construction of a Service Station including convenience store, car parking and canopy structure' on 449 Victoria Street, which was previously located on the site. The service station is now constructed and operating.

On 19 August 2016, Council granted Development Consent No. 371.1/2016 for 'Subdivision of an Existing Industrial Lot to Create Two (2) Industrial Allotments'. The subdivision has been finalized. The purpose of the subdivision has created an allotment for the service station and an allotment of where the proposed hotel building will be located.

## SITE DESCRIPTION AND LOCALITY

The subject site is located on the southern side of Victoria Street, within the northern portion of the Wetherill Park Industrial Precinct. The subject site is an irregular shaped allotment, with a lot frontage of 38.86 metres, depth of 102.79 and 133.035 metres, rear boundary of 69.98 metres and a total site area of approximately 5,230 square metres. The site has a slight fall towards the southern (rear) property boundary.

Previously the subject site was known as No. 449 Victoria Street and had an site area of 12,254 square metres. Under Development Consent No. 371.1/2016 No. 449 Victoria Street was subdivided into two (2) lots, which now are known as 449 and 449A Victoria Street. The subdivision has affectively created an allotment of the adjoining service station and an allotment for the proposed development.

A plan which includes the adjoining service station is provided below:



Vehicular access is proposed to be provided two (2) vehicle crossings to Victoria Street.

A stormwater channel runs through the rear of the subject site. The channel is a fully lined concrete channel and accordingly, an activity approval would not be required from the Office of Water in regards to the proposed works.

Victoria Street in front of the subject site is a 4 lane Collector Road. This section of Victoria Street is not a classified road and therefore the proposal is not required to be referred to Roads and Maritime for comment.

The subject site is currently vacant and devoid of vegetation.

The site is located within a part high, medium and low risk flood precinct due to Overland Flooding. The High risk flood is contained within the stormwater channel at the rear. The applicant has submitted a Flood Impact Assessment Report and Flood Risk Management Report in support of the application which has been reviewed and accepted by Council's Catchment and Development Engineering Sections.

The surrounding development predominantly consists of single and two (2) storey industrial developments. The properties immediately adjoining the site to the south east is currently vacant and is included within the Site Specific DCP. Further East of the site

is No. 447 Victoria Street which contains several commercial facilities and is identified as a CSF within Wetherill Park.

The nearest residential areas are located approximately 900 metres from the subject site to the south. A site plan is provided below:



## PROPOSAL

The development application is seeking approval for Construction of a Six Storey Hotel Accommodation Building comprising 141 rooms and Neighbourhood Shop including associated car parking and landscaping.

Specific details of the proposed development are as follows:

### Proposed building works:

- The development application proposes the construction of a six storey purpose-built building with a gross floor area of approximately 5177.89 square metres and maximum building height of 21.6m. This includes a Neighbourhood shop with a GLA of 50m<sup>2</sup>.
- The ground floor comprises a terrace, meeting room, kitchen, storage and linen, luggage room, neighbourhood shop, reception and office, core with serviced by 2 lifts, sanitary facilities and waste storage room.

- Levels 1 – 4 contain 31 hotel rooms per level. Each room is 26m<sup>2</sup> and comprises sleeping area, storage and bathroom.
- Level 5 contains 17 rooms which are between 26 and 54m<sup>2</sup> in size. The larger rooms contain sleeping area, living space, small kitchen, storage and bathroom.
- The proposed building will comprise a total of 141 rooms.
- An associated car parking area comprising 94 car spaces and landscaping is proposed along the site boundaries.

**Operation:**

- The proposed hotel seeks to operate 24 hours a day 7 days per week.
- No operating hours have been provided regarding the neighbourhood shop and therefore these have been restricted to the following:

Monday – Friday: 6:00am – 6:00pm

Saturday: 6:00am – 12 noon

Sunday: No operations permitted.

- The design of the proposal allows a 14m rigid vehicle (bus/coach) access the Porte Cochere at the front of the building and a medium rigid vehicle (8.8m) to access the waste and loading facilities.
- A maximum of twenty (21) employees are proposed to be on site for the Hotel. A maximum of one (1) employee is proposed to operate the Neighbourhood Shop.

**STATUTORY REQUIREMENTS APPLICABLE TO THE SITE**

**1. Fairfield Local Environmental Plan (LEP) 2013**

The subject site is zoned IN1 General Industrial under Fairfield LEP 2013 and the subject development would be characterised as a 'hotel or motel accommodation' and 'neighbourhood shop', which are defined by Fairfield LEP 2013 as follows:

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may

*include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.*

A ‘neighbourhood shop’ is permissible within the zone subject to consent, however ordinarily ‘hotel or motel accommodation’ is prohibited within the zone. Notwithstanding this, pursuant to Clause 2.5, the subject site benefits from additional permitted uses, which are as follows:

*“Development for the purposes of hotel or motel accommodation and medical centres at 449 Victoria Street, Wetherill Park, being Lot 304, DP 1098762, and 96 Newton Road, Wetherill Park, being Lot 4, DP 851250, is permitted with development consent.”*

Accordingly, the proposal is permitted subject to consent. Furthermore, in regards to the proposed meeting room on the ground floor, given that it is to be used by the patrons staying within the hotel only, it is considered an ancillary component. It is recommended that a condition be imposed that restricts the use of the premises to only be used by patrons of the hotel only and not to be used for functions and the like.

The objectives of the zone are as follows:

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

It is considered that the proposed development, would be consistent with the above objectives of the IN1 General Industrial zone.

Clause 4.3 and 4.4 of Fairfield LEP 2013 regulate building height and floor space ratio, respectively. There are no development standards in the LEP restricting the development in terms of building height and floor space ratio.

Pursuant to Clause 5.4(7), the retail area for a neighbourhood shop shall not exceed 80m<sup>2</sup>. The proposed gross floor area of the neighbourhood shop is 50m<sup>2</sup> and therefore complies with this standard.

The site is located within a partly high, partly medium and partly low flood risk precinct as a result of overland flooding as identified in the Wetherill Park Overland Flood Study. In this regard, the provisions of Clauses 6.3 Flood planning and 6.4 Floodplain risk management are applicable. The applicant has submitted a Flood Impact Assessment Report and Flood Risk Management Report in support of the application which has been reviewed and accepted by Council’s Catchment and Development Engineering Sections.

Council’s Riparian and Watercourse map indicates that a significant portion of the subject site is located within 40m of the stormwater channel that runs through the north of the property. Clause 6.6 Riparian land and watercourses of the LEP is therefore applicable. The stormwater channel that runs through the site is a concrete channel devoid of any flora and fauna. The proposal seeks to discharge stormwater into a pipe

that connects into the channel. Given the above, it is considered that the proposal would unlikely result in any adverse impact to the watercourse. A condition shall be imposed that the channel shall not bear any structural load from the proposal.

There are no other relevant clauses to the Application in Fairfield LEP 2013.

## **2. State Environmental Planning Policy No. 33 Hazardous and Offensive Development**

State Environmental Planning Policy (SEPP) No 33: Hazardous and Offensive Development links the permissibility of a development proposal to its safety and environmental performance.

It is noted that the proposal is not a potential hazardous or offensive development, however, the proposal is located within close vicinity of a nearby service station which may result in that development becoming hazardous or offensive.

The applicant has submitted a letter prepared by Meinhardt Infrastructure and Environment Pty Ltd dated 29 May 2017, which concludes that the proposed development is located a sufficient distance away from the fill points and petrol dispensers where a Preliminary Hazard Analysis is not required in this instance.

Further, Council's Environmental Management Section has undertaken an assessment pursuant to the criteria under SEPP No. 33 and concludes that the adjoining service station could not be defined as 'potentially hazardous or offensive industry'.

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

SEPP 55 requires Council to consider whether land is contaminated and if it requires remediation prior to granting consent to any development. The consent authority must be satisfied that any necessary remediation has occurred before the use of the land is permitted.

A Preliminary Site Investigation was undertaken by Aargus Pty Ltd who completed a review of site history and conducted a site inspection on 1st September 2016. The report indicated that a potential for manufacturing and storage of metal and concrete may have occurred in the past. There are also concerns attributed to former stockpiles of soils from unknown sources and surface oil staining in the vicinity of the former shed. The report concludes that a Detailed Site Investigation (Phase 2) report is required to confirm the presence and extent of contamination in order to determine the suitability of the site.

Given the above, A detailed contamination site investigation (Stage 2) of the property 449 Victoria Street Wetherill Park NSW, was undertaken by Geotesta in order to investigate the presence of contamination on the site. Based on the laboratory test results, the site was found to have concentrations of contaminants of concern to be within the adopted Site Criteria and therefore the risk of gross ground contamination is considered low. Based on the assessment undertaken, the following conclusions and recommendations can be made:

- Based on the scope of works undertaken in this investigation, the site is considered suitable for the proposed land use for the proposed development.

- No further environmental contamination investigation works are required.

Accordingly, the requirements of SEPP 55 have been satisfactorily addressed for the purposes of this application.

#### **4. Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment**

The subject development is considered to be consistent with the objectives and the requirements outlined in the above REP. In addition, the specific matters of consideration as outlined in the REP are as follows:

***“Specific matters for consideration”***

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council’s requirements for stormwater management.*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing.*
- *Likely impact on groundwater and remnant vegetation.*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options.*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.*
- *The adequacy of planned waste water disposal options.”*

The applicant has submitted documentation demonstrating that the proposal will not create an unreasonable environmental impact to the surrounding locality. The application is therefore considered to be satisfactory with respect to addressing the objectives and requirements of REP No. 2.

#### **5. State Environmental Planning Policy No. 64 Advertising and Signage**

The proposal includes the following signage:

- Business identification Flush Wall Sign 9000mm in length and 3850mm in height; and
- canopy fascia signage.

State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64) applies to the site due to the visibility of the proposed signage from a public place. Assessment has revealed that the proposal is considered to satisfy the objectives of Clause 3 (1) (a) of SEPP 64 and the assessment criteria specified in Schedule 1.

#### **6. Fairfield City-Wide Development Control Plan 2013**

The proposal has been assessed against the controls stipulated within the Fairfield City Wide DCP, 2013: Chapter 9 – Industrial Development, and Chapter 12 Car Parking, Vehicle and Access Management. The table below provides a brief assessment summary against the relevant controls within the DCP.

## Chapter 9 – Industrial Development

Criteria	Standard Required	Proposed	Complies
<b>9.1. Lot Frontage</b>	<p>a) The minimum frontage to, The Horsley Drive, Victoria Street, Canley Vale Road extension, Walters Road and Bonnyrigg Avenue, Woodville Rd, Victoria Street, Hume Highway and Cumberland Highway is 60 metres.</p> <p>b) The minimum frontage to all other roads is to be 30 metres.</p>	<p>The lot frontage is lot frontage of 38.86m.</p> <p>The lot is existing and approved under Development Consent No. 371.1/2016.</p>	Considered Satisfactory
<b>9.1. Lotsize</b>	The Torrens Title subdivision of any allotment within the Wetherill Park or Bonnyrigg precincts must be no less than 930m <sup>2</sup> .	No subdivision is proposed	N/A
<b>9.1.2 Setbacks</b>	Victoria Street - 20 metres of which 10 metres is to be used for landscaping only. The remainder of the setback may be used for car parking purposes.	The building is setback 20m from Victoria Street. Landscaping setback of 10m is provided to this frontage.	Yes
<b>9.2.3 Loading facilities</b>	<p>To ensure new development does not adversely intrude on pedestrian and vehicle amenity, applicants will need to demonstrate that loading for their activity can either be carried out:</p> <p>a. on-site without interfering with the efficient operation of the premises (including its car park); or</p> <p>b. gain access to an on-street loading zone at the front or side of their premises.</p>	<p>The proposal has a loading bay that can accommodate a MRV. The applicant has provided documentation that demonstrates that the proposed development is only required to be serviced by this size vehicle.</p>	Yes
<b>9.2.4 On-site manoeuvring</b>	Adequate on-site manoeuvring is to be provided to enable a large rigid truck to enter and leave the site in a forward direction.	<p>The proposal has been designed so that all vehicle movements will enter and exit the site in a forward direction.</p> <p>Council's Traffic Engineer has assessed the application and has confirmed that sufficient manoeuvring area is</p>	Yes

		<p>provided on site for trucks to enter and exit in a forward direction.</p> <p>All vehicles shall enter via the entry access handle manoeuvre through the subject building and then exit via the exit access handle in a forward direction.</p>	
<b>9.2.6 Pedestrian Movement</b>	Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.	Can be covered as a condition of development consent.	Yes
<b>9.3 Advertising Signs</b>	<p>Approval is required for advertising signs.</p> <p>Clause 9.3.1(a) and 9.3.1(b) are relevant:</p> <p>a) Total advertising area of up to 0.5 square metres for every metre of lineal street frontage is permitted. On corner allotments, the largest street frontage only can be used to calculate the advertising area allowed. This means that for a property with a frontage of 30 metres the total maximum advertising area for signs of any permitted kind will be 15 square metres of total advertising area.</p> <p>b) No single sign may be permitted to exceed an area of 30 square metres.</p>	<p>Frontage = 38.86  <math>0.5 \times 38.86 = 19.43m^2</math>  max advertising area.</p> <p>The proposal includes a Business identification Flush Wall Sign 8700mm in length and 3500mm in height, however the area is only has an area of 28.9m<sup>2</sup>.</p> <p>The proposed signage flush wall sign is considered portioned to the built form proposed. It is noted that the rear boundary was used to calculate the maximum allowed signage the proposal would be compliant. Accordingly, given the nature of the lot and the built form proposed the proposed sign is considered acceptable in the circumstance.</p>	Considered Satisfactory
<b>9.4.2 Fencing</b>	<p>a) For fencing along the front boundary or a boundary facing a classified (arterial) road, the requirements are:</p> <p>i) a maximum height of 2.4 metres on the boundary line</p> <p>ii) solid construction up to 600 mm above natural ground level</p> <p>iii) be constructed in an open style, such as powder-coated wrought iron pickets and be of</p>	The proposal does not seek the erection of fences	N/A

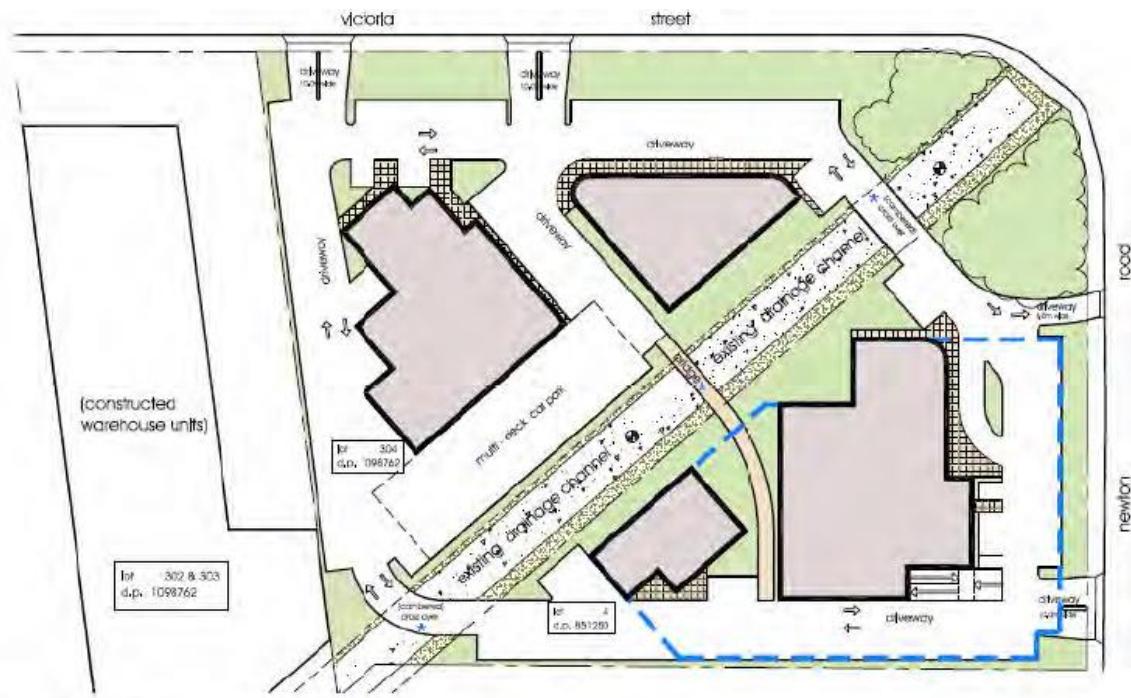
	<p>dark colour</p> <p>iv) for security fencing, only palisade fencing made from metal is permitted.</p> <p>b) Fencing requirements along the side or rear boundaries are:</p> <p>i) maximum height is 2.4 metres on the boundary line</p> <p>ii). constructed in an open style such as powder-coated wrought iron pickets or chain wire.</p>		
<b>9.4.3 Building materials</b>	<p>All development applications for new buildings or extensions or renovations involving the external cladding of existing buildings must be accompanied by details of the building construction and the materials to be used on external facades. This is necessary to ensure that the new buildings are harmonious in form and style with existing and intended development. To minimize discomfort from glare and reflected heat, external glass is not to exceed 20% reflectivity.</p>	<p>Building materials and schedule of colours has been detailed on the submitted building elevations and is considered acceptable.</p>	Yes
<b>9.4.4 Hours of operation</b>	<p>Where industrial properties are within 500 metres of residential properties, industrial operating hours will generally be restricted within the range of 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00 noon on Saturdays with no operations on Sunday.</p>	<p>The closest residential property is located approximately 900 metres south from the subject land. The proposed operating hours are 24 hours per day seven days a week.</p> <p>The submitted Acoustic Report concludes that the proposed development complies with the noise levels of the Industrial Noise Policy. Council's Environmental Management Officer has assessed the application and has raised no concern in relation to noise impacts of the development.</p>	Yes

		Given that the site is located within the existing Wetherill Park Industrial Precinct and is not in close proximity to residential development the proposed operating hours are considered acceptable in these circumstances.	
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The above compliance table demonstrates that the application is considered satisfactory with the controls stipulated within Fairfield City Wide DCP, 2013: Chapter 9 – Industrial Development. An assessment of the application is provided below.

*Clause 9.8 Development Guidelines for 449 Victoria Street and 96 Newton Road Wetherill Park*

Clause 9.8 provides specific provisions to the subject site and the adjoining site. These site specific provisions have been prepared to guide and assist development given that the concurrent planning proposal allowed landuses not typical within the zone and therefore not covered by Chapter 9 Industrial Development of the DCP. Clause 9.8.1 Layout stipulates that the buildings shall be generally in accordance with Figure 2 and is provided below.



This layout was determined by extensive flood modelling analysis conducted at the site as part of the Planning Proposal. The DCP however states that an alternative layout will be considered subject to flooding issues being satisfactorily addressed.

The proposal is not strictly in accordance with the building typologies/layout identified in the SSDCP. Notwithstanding this, it is noted that, given the recent approvals onsite for the subdivision and service station, strict compliance cannot be achieved. The

application is for a hotel accommodation which is permitted within the zone, does not prejudice the development potential for the adjoining site and a flood impact assessment concludes that the proposal will not result in an adverse impact to floodwaters.

It is considered that the built form, setbacks and landscaping is in keeping with the character of the area and is therefore considered appropriate. Accordingly, it is considered that the proposal satisfactorily addresses Clause 9.8 of DCP 2013.

### **Chapter 12 - Car Parking, Vehicle and Access Management**

The below table provides a brief assessment summary against the relevant controls stipulated within Chapter 12 of DCP 2013:

<b>Criteria</b>	<b>Development Control</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Chapter 12 Car parking, Vehicle and Access Management</b>	1 space per 5m <sup>2</sup> gross leasable area bar/lounge/dining area/restaurant/function room plus 1 space per 40m <sup>2</sup> gross leasable area office/administration area plus 1 space per 3 bedrooms accommodation (if applicable).	Please see assessment below	Considered Satisfactory (see below)
<b>Hotel</b>			

A car parking assessment against the requirements stipulated within the DCP is as follows:

1 space per 5m<sup>2</sup> gross leasable area bar/lounge/dining area/restaurant/function room =

The proposal does not provide any of these services.

1 space per 40m<sup>2</sup> gross leasable area office/administration =

$26/40 = 0.65 (1)$

1 space per 3 bedrooms accommodation

$141/3 = 47$

1 space per 40m<sup>2</sup> gross leasable area for the neighbourhood shop) =

$56/40 = 1.4 (1)$

Accordingly, a total of 49 car parking spaces are required.

The proposal provides a 89 hotel spaces, 1 space for the neighbourhood shop, 2 Accessible Spaces and 2 small car parking spaces, therefore a total of 94 car spaces.

Notwithstanding the above, the DCP rate has been adopted from the RMS Guide to Traffic Generating Developments. The surveys undertaken in relation to the appropriate parking rate was based on centrally located facilities. Given this, the rate identified within the DCP may not be appropriate given the context of the site within an industrial area that is not as well service by public transport when compared to a town centre.

It is noted that the applicant has submitted an application that seeks 141 rooms and provides 94 car parking spaces onsite. The ratio provided is therefore 1.5 rooms per car parking space. In order to determine if this rate is suitable, Council has engaged an independent traffic engineer to peer review the application and determine if the car parking provided will be able to accommodate the proposal.

The independent traffic engineer has reviewed the application and considers that the proposal will provide sufficient car parking spaces onsite in order to cater for the facility and not result in the demand for on street car parking spaces.

Having regard to the above, it is considered that the subject development is consistent with the objectives of Chapter 12 of the DCP 2013 given that the number of car spaces provided on site will meet the parking demand of the proposed development. The proposed number of car parking spaces is therefore considered acceptable in these circumstances.

#### **INTERNAL REFERRALS**

During the assessment process, comments were sought from a number of sections within Council, as detailed below:

<b>Building Control Branch</b>	No concern has been raised and conditions have been provided to comply with the BCA.
<b>Development Engineering</b>	No concern has been raised, subject to conditions.
<b>Environmental Management Branch (EMB)</b>	EMB is satisfied with the information submitted and raises no concern to the proposal, subject to conditions of Consent.
<b>Traffic Section</b>	Traffic Section has reviewed the parking assessment and turning circles and raise no concern to the proposal, subject to conditions.
<b>Catchment Section</b>	No concern has been raised
<b>Tree Preservation Officers</b>	No concern has been raised

#### **EXTERNAL REFERRALS**

The following is noted:

- The stormwater channel that is located on and adjoining the site is a fully concrete lined channel. No approval is activity approval is required from the Office of Water; and

- Victoria Street directly in front of the site is not a classified road and the proposal does not trigger the provisions of Traffic Generating Development. Accordingly, the proposal is not required to be referred to RMS for comments.

## PUBLIC NOTIFICATION

The Development Application was notified to neighbouring property owners and advertised in the local paper, from the 22 December 2016 for twenty – one (21) days, as required by Appendix B of the Fairfield Citywide DCP 2013 (being Council's Notification Policy). During this notification period two (2) submissions were received. The application was again notified on 2 February 2017 for 14 days and no objections were received. When Council received the amended proposal it was notified to neighbouring property owners, from the 10 October 2016 for 14 days. During this notification period one (1) submission was received, which maintained their objection to the application.

It is understood that the objections raised in the submissions is relating to the following:

- The proposal is inconsistent with the SSDCP for the site and the adjoining neighbour;
- The 6 storey building does not conform with the existing character and amenity of the development in the area;
- The proposal will prejudice the development potential for the adjoining owner;
- The proposed uses are undersized
- The proposal will result in an unsatisfactory outcome in terms of providing a hub area in the centre of the Wetherill Park Area.
- The proposal seeks a retail use which is prohibited within the zone;

In response to the objections, the following is noted:

- The proposed built form and layout is inconsistent with Figure 2 within the SSDCP. Notwithstanding this, Clause 9.8.1 also indicates that '*an alternative layout will be considered subject to flooding issues being addressed*'. As previously advised, the application is supported by Flood Impact and Risk Reports which demonstrate that the flood constraints on the site have been addressed.
- The local area is characterised by large allotments with large format warehouse type buildings. Notwithstanding, approximately 160m east of the site is a 4 storey commercial building. No Maximum building Height or FSR controls are applicable to the site or the immediate area. It is therefore considered that the proposed built form can sit harmoniously with the character of the area.
- The proposal is a permitted form of development and market forces would not warrant the refusal of the application.
- The gross floor area of the hotel is less than the maximum floor area allowed under the DCP.
- The proposed height will provide a focal point for Wetherill Park Industrial Precinct and will enhance the streetscape of the area.
- The application has been amended and removed the retail use form the proposal and now incorporates a neighbourhood shop which is a permitted form of development within the IN1 General Industrial zone.

## SECTION 4.15 CONSIDERATIONS (formerly Section 79C)

The proposed development has been assessed and considered having regard to the matters for consideration under Section 4.15 (formerly Section 79C) of the Environmental Planning and Assessment (EP&A) Act 1979 and no issues have arisen that would warrant the application being refused on planning grounds. The following is a brief assessment of the proposal with regard to Section 4.15(1) (formerly Section 79C).

### (1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

#### *(a) the provisions of:*

##### *(i) Any environmental planning instrument*

As outlined earlier, consideration has been given to the following Environmental Planning Instruments, which were identified as being of relevance to the proposal / application:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 33 Hazardous and Offensive Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Fairfield LEP 2013

The subject site is zoned IN1 General Industrial under Fairfield LEP 2013 and the proposed development is a permissible use pursuant to Clause 2.5 of the LEP, subject to consent by Council.

The proposal is consistent with the objectives of the IN1 General Industrial zone as per Fairfield LEP 2013.

##### *(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There is currently no draft environmental planning instrument of relevance that affects this site.

##### *(iii) any development control plan*

The proposed development is considered satisfactory with the provisions of Fairfield City Wide Development Control Plan 2013 - Chapter 9 – Industrial Development.

It is considered that the proposed car parking facilities are sufficient to accommodate the proposed use and therefore the subject development is consistent with the objectives of the car parking controls stipulated within Chapter 12 –Car parking, Vehicle access and Management.

(iii)a) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

Not applicable.

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

Not applicable.

(v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)*

Not applicable.

(b) *the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

It is considered that the proposal is unlikely to result in an unreasonable environmental impact.

(c) *the suitability of the site for the development*

The site is considered suitable for the proposed development. There are no known constraints which would render the site unsuitable for the proposed development.

(d) *any submissions made*

The application was notified on 3 occasions in accordance with Council's Notifications Policy. 3 submissions were received. The issues raised have been taken into consideration in the assessment of the application and, where required, conditions have been imposed in order to address these concerns.

(e) *the public interest*

Having regard to this assessment the proposed development is considered to be in the public interest and warrants approval.

## **TOWN PLANNING ASSESSMENT**

The proposed development is permissible pursuant to Clause 2.5 of the Fairfield LEP 2013, subject to consent. It is considered that the applicant has addressed all the relevant matters regarding Fairfield City – Wide DCP 2013 and the SSDCP.

Other key planning considerations with the application relates to the provision of impact to amenity, social and economic impacts, overshadowing and waste management.

### **Amenity**

It is considered that the proposal is unlikely to result in any adverse impact upon the amenity of the locality. There are no residential properties in the immediate locality and on this basis the seven day, 24 hour a day, operational characteristics of the proposal are unlikely to affect residential amenity.

### **Social and Economic Impacts**

The proposed development will increase the importance of Wetherill Park as one of the main employment areas in the Greater Sydney Region. The proposal will have a positive economic impact in the locality and the region.

The proposal has negligible social impacts.

### **Overshadowing**

The majority overshadow impact of the building will fall generally on the rear car park and the stormwater channel. The proposal will not impact any existing sensitive landuses. Accordingly, overshadowing impacts are considered not to be unreasonable.

### **Waste Management and Loading**

The proposal has been designed to allow for medium rigid vehicles to enter and exit the site in a forward direction. The waste storage area and loading bay can be access by these vehicles in a safe manner. The applicant has provided documentation that demonstrates that the proposal will only need to be serviced by a MRV.

The proposed development is considered to be suitable for the subject site, and will have minimal impact on the surrounding environment. The objector's concerns are acknowledged however it is considered that there are no issues that would warrant refusal of the application. Where appropriate, the objector's concerns can be addressed through conditions of consent. Based on an assessment of the application, it is recommended that the application be approved, subject to conditions as outlined in Attachment O of this report.

## **SECTION 94A DEVELOPMENT CONTRIBUTIONS**

The proposed development has an estimated construction cost of \$20,700,894.00. In accordance with Fairfield City Councils adopted S94A contribution plan this requires payment of a development contribution of \$207,008.94. A condition of development consent has been imposed which specifies this amount is payable.

## **CONCLUSION**

The subject site is within the IN1 General Industrial zone as stipulated within the Fairfield City Council Local Environmental Plan 2013. The proposal is permissible

pursuant to Clause 2.5 of the LEP that allows hotel or motel accommodation, subject to consent.

This assessment of the application has considered all relevant requirements of s4.15 of the Act and finds that there would be no significant adverse or unreasonable impacts associated with the development on the locality.

The application was referred to Council's Building Control Branch, Traffic Section, Environmental Management Branch, Catchment Section and Tree Preservation Officer and Development Engineering Branch for comments and/or conditions. No concerns are raised to the proposal subject to conditions of consent.

Accordingly, it is recommended that the application be approved, subject to conditions outlined in Attachment O of this report.

#### **RECOMMENDATION**

1. That the construction of a Six Storey Hotel Accommodation Building comprising 141 rooms and Neighbourhood Shop including associated car parking and landscaping be approved in Attachment O of this report.