

## SYDNEY WEST CENTRAL PLANNING PANEL

<b>Panel Reference Number</b>	2017SWC052
<b>DA Number</b>	DA 2016/501
<b>Local Government Area</b>	Cumberland
<b>Proposed Development</b>	Construction of a new warehouse and ancillary offices and use as a warehouse and distributions facility to operate 24 hours a day, 7 days a week.
<b>Street Address</b>	Lot 3, DP 231327 and Lot 12, DP 1048988, No. 7 Dursley Road and No. 63 Pine Road, Yennora
<b>Applicant/Owner</b>	Tap II Yennora B Pty Limited
<b>Number of Submissions</b>	NIL
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Capital Investment Value \$26,276,005 (>\$20 million)
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• Water Management Act 2000</li> <li>• Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment</li> <li>• Holroyd Local Environmental Plan 2013 (HLEP 2013)</li> <li>• Holroyd Development Control Plan 2013 (HDCP 2013)</li> <li>• Section 92 of the EP&amp;A Regulation</li> </ul>
<b>Recommendation</b>	Approval
<b>Report by</b>	Mark Stephenson, Consultant Senior Planner, Cumberland Council
<b>Meeting date</b>	Electronic Determination



Figure 1 – Perspective from Dursley and Pine Road intersection (Source: Reid Campbell, 2016)

# ASSESSMENT REPORT

## Contents

1	Executive Summary.....	3
2	Site and Context .....	4
3	The Proposal .....	6
4	Planning Controls .....	7
5	Key Issues .....	9
6	External Referrals .....	12
7	Internal Referrals .....	12
8	Section 79C Consideration .....	13
9	Conclusion .....	14
10	Recommendation.....	14

## ATTACHMENTS

Attachment 1 – Architectural plans

Attachment 2 – Draft conditions of consent

Attachment 3 – Assessment of compliance with Holroyd LEP 2013

Attachment 4 – Assessment of compliance with Holroyd DCP 2013

## 1 Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Tap II Yennora B Pty Limited for the construction of a new warehouse and ancillary offices and use as a warehouse and distributions facility to operate 24 hours a day, 7 days a week at No. 7 Dursley Road and No. 63 Pine Road, Yennora. A copy of the proposed plans is provided at **Attachment 1**.
- 1.2 The proposed development constitutes 'Regional Development' requiring referral to the Sydney West Central Planning Panel (the Panel) for determination, as it has a capital investment value of \$26,276,005. Whilst Council is responsible for the assessment of the DA, the Panel is the determining authority.
- 1.3 The site is zoned IN1 General Industrial pursuant to Holroyd Local Environmental Plan (HLEP) 2013. The proposed development is characterised as a 'warehouse or distribution centre', which means *a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made*.
- 1.4 The proposed development is permitted within the IN1 General Industrial zone with consent and is considered to meet the objectives of the zone.
- 1.5 The development complies with the development standards contained within HLEP 2013. The Height of Buildings Map does not specify a maximum height for the site, and the Floor Space Ratio Map does not specify a maximum FSR for the site.
- 1.6 The development is generally consistent with the requirements of the DCP, with the exception of the site landscaping control. The proposed variation is considered acceptable as discussed in further detail in **Section 5** of this Report.
- 1.7 The application was externally referred to the NSW Roads and Maritime Services (RMS) and Endeavour Energy, both of which raised no objection to the proposed development, subject to conditions.
- 1.8 The application was referred internally to Council's Development Engineering Section, Landscaping and Tree Management Section, Traffic Section, Environmental Health Unit and Waste Management Section. All issues raised have been satisfactorily resolved and there are no further objections, subject to conditions.
- 1.9 In accordance with Part E, Section 1.7 of Holroyd Development Control Plan the application did not require notification.
- 1.10 Amended plans were submitted on 3 April 2017. Amendments include increasing the front setback to Dursley Road from 6m to 10m, increasing the number of parking spaces from 127 to 129 and increasing the setback of the car parking area to Pine Road to include additional landscaping.
- 1.11 The amended development is considered to be satisfactory with regard to key issues such as siting and design, contamination, bulk and scale, access, traffic, parking, stormwater drainage, social and economic impacts. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, and is considered satisfactory subject to the imposition of suitable conditions.

1.12 In light of the above, it is recommended that the Panel approve the application subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 2** to this Report.

## 2 Site and Context

2.1 The subject site is located on the corner of Dursley Road and Pine Road, within an established industrial area.

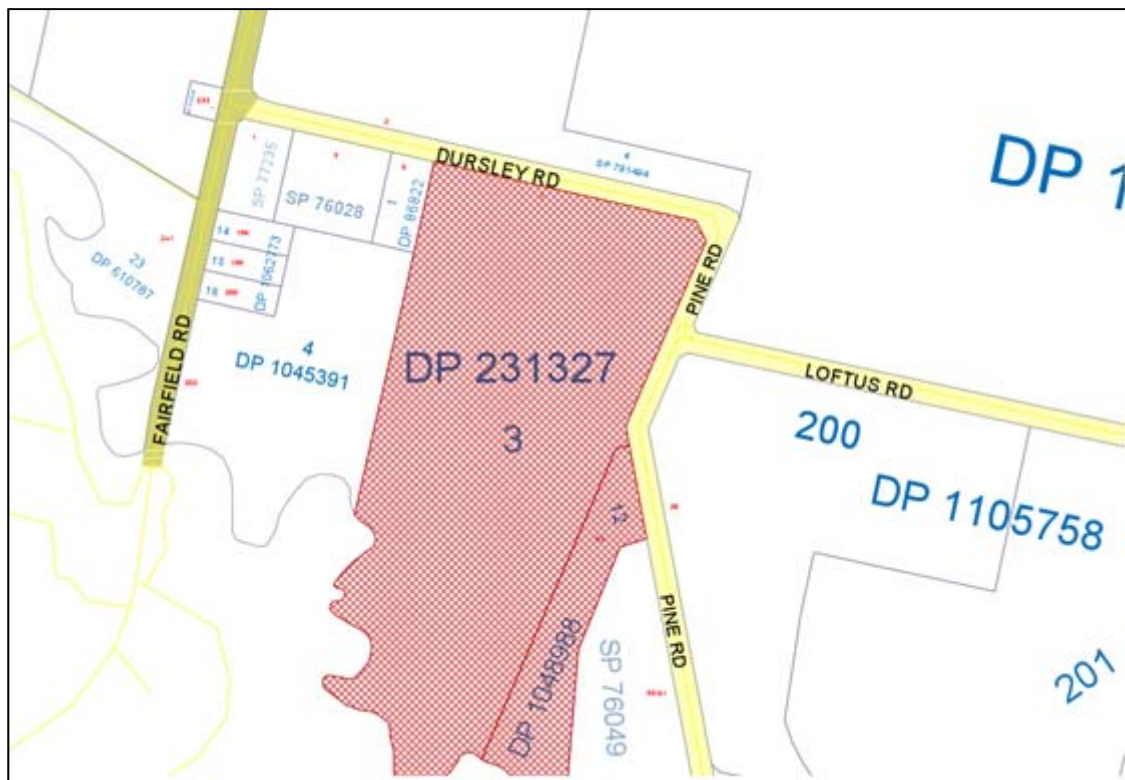


Figure 2: Locality Map (Source: Cumberland Council, 2017)

2.2 The subject site is legally described as Lot 3, DP 231327 and Lot 12, DP 1078988, and is known as No. 7 Dursley Road and No. 63 Pine Road, Smithfield. The land is an irregular corner lot and has a frontage of 264.105m to Dursley Road and a frontage of 191.12m to Pine Road. The total site has an area of 12.56ha, however, the proposed development occupies only the northern portion, which has an indicative area of 51,720sqm.

2.3 The subject site has largely been cleared of industrial buildings, however, a number of buildings still remain fronting Dursley Road. Demolition of these buildings is the subject of a concurrent application (DA No. 2016/327), which also proposes bulk earthworks and tree removal to facilitate future industrial development. In this regard, it is considered appropriate to include a condition stating that prior development consent is required for such works.

2.4 The site contains scattered vegetation throughout, with the southern portion of the site containing planted and remnant woodland which forms part of an Alluvial Woodland community that extends along the Prospect Creek riparian corridor.

- 2.5 The area surrounding the site is made up of industrial activities. However, approximately 30 metres to the south of the site, on the other side of Prospect Creek, is residential development within the City of Fairfield. It is noted that the proposed industrial development is located more than 250m from residential dwellings.



Figure 3: Aerial Photo of Site and Surrounds (Source: Cumberland Council, 2017)

- 2.6 Adjoining the rear of the site is Prospect Creek and its associated riparian corridor. The proposed development located approximately 80m from this corridor.
- 2.7 The site is identified as a flood control lot on Council's mapping system. Council's records indicate that the site contains public stormwater drainage infrastructure and associated drainage easements conveying stormwater into the creek.
- 2.8 The subject site is zoned IN1 General Industrial pursuant to Holroyd Local Environmental Plan (HLEP) 2013, as shown in Figure 4 below.



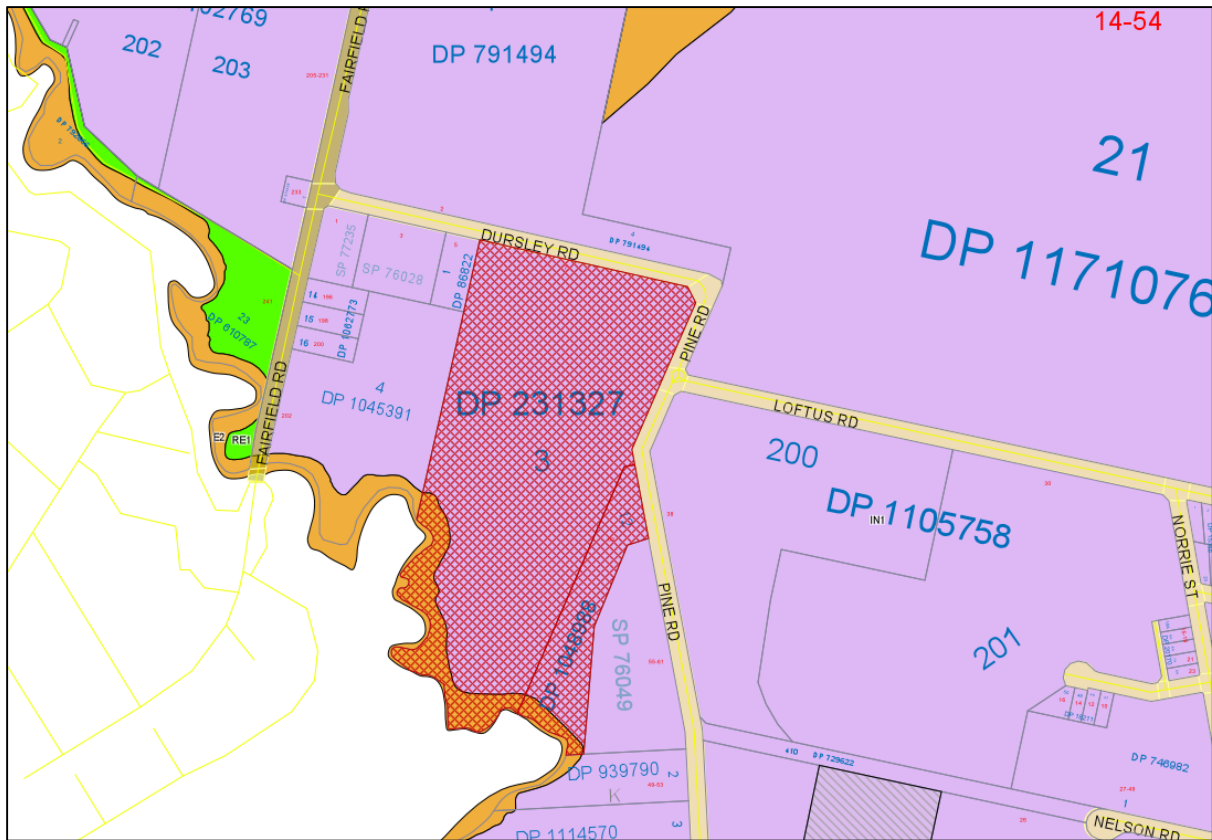


Figure 4: Zoning Plan (Source: Cumberland Council, 2017)

### 3 The Proposal

3.1 The proposal is for the construction of a new warehouse and ancillary offices and use as a warehouse and distributions facility to operate 24 hours a day, 7 days a week.

3.2 Specific details of the proposed development are as follows:

- Construction of a warehouse facility;
- Construction of an ancillary office (2 levels);
- Provision of ten (10) loading bays;
- Provision of eight (8) recessed loading bays;
- Construction of a new private vehicle driveway access from Pine Road and internal road for access to parking and office;
- Construction of a new truck driveway from Dursley Road;
- Construction of a new truck driveway from Pine Road;
- Construction of a fire truck emergency road from Pine Road; and
- Provision of ancillary car parking and landscaping.

## 4 Planning Controls

4.1 The planning controls that relate to the proposed development are as follows:

**a. State Environmental Planning Policy (State and Regional Development) 2011**

Development of a type that is listed in Schedule 4A of the Environmental Planning and Assessment Act, 1979 is defined as 'Regional Development' within the meaning of SEPP (State and Regional Development) 2011. Such applications require referral to a Sydney Planning Panel for determination. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$26,276,005 which exceeds the \$20 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West Central Planning Panel.

**b. State Environmental Planning Policy (Infrastructure) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the Development Application.

Division 5, Subdivision 2 – Development likely to affect an electricity transmission or distribution network

The application is subject to Clause 45 of the SEPP as the site contains the following:

- Easements benefitting Endeavour Energy for 11,000 volt / 11 KV overhead power lines and underground cables.
- Low voltage, 11 kV and 33,000 volt / 33kV overhead power lines and a pole mounted substation.

The application was referred to Endeavour Energy for comment who raised no objection to the proposal subject to recommendations and comments which will form part of the consent.

Division 17, Subdivision 2 – Development in or adjacent to road corridors and road reservations

Clause 104 of the SEPP applies as the proposed development involves an industry with an area of greater 20,000sqm, and is therefore defined as 'traffic generating development'. The application was referred to the RMS for comment in accordance with the requirements of the SEPP. No objection was raised.

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

SEPP 55 aims to provide a state wide planning approach to the remediation of contaminated land. Where contamination is, or may be present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

A Site Audit Statement (SAS) prepared by Australian Environmental Auditors Pty Ltd accompanied the application. The SAS certifies that the site is suitable for commercial/Industrial use, subject to the implementation of the Environmental

Management Plan covering the site. This requirement is included within the draft conditions of consent.

The SAS is supported by a Site Audit Report (SAR) also prepared by Australian Environmental Auditors Pty Ltd. Both the SAS and SAR conclude that the site is suitable for commercial/industrial use.

Council's Waste Section has assessed the development having regard to the abovementioned reports and raises no objection to the proposal. Council is therefore satisfied that the site is suitable for its intended use, in accordance with the requirements of Clause 7 of SEPP 55.

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

The site is located within the Georges River Catchment. The SEPP aims to maintain and improve water quality of Georges River and protect and enhance the environmental quality of the Catchment.

A review of the plans and associated documentation indicates that the proposal is satisfactory with regard to the aims, objectives and planning principles of the deemed SEPP. The proposed development is not listed within the Planning Control Table within Part 3 – Planning Requirements of the SEPP. Further to this, Council's Development Engineer has assessed the proposal and raises no objection to the proposed stormwater drainage system.

**e. Holroyd Local Environmental Plan (HLEP) 2013**

The site is zoned IN1 General Industrial pursuant to Holroyd Local Environmental Plan (HLEP) 2013. The proposed development is characterised as a 'warehouse and distribution centre', which is defined under HLEP 2013 as *"a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made"*.

The proposed development is permissible within the IN1 General Industrial zone and is considered to meet the objectives of the zone as it will provide a warehousing activity that will facilitate employment.

The development complies with the development standards contained within the HLEP 2013. A detailed assessment against the provisions of the HLEP is provided at **Attachment 3** to this Report.

**f. Holroyd Development Control Plan (HDCP) 2013**

The Holroyd DCP 2013 applies to the site. The development is generally consistent with the provisions of the DCP with the exception of the site landscaping requirement. A detailed assessment against the provisions of the DCP is provided at **Attachment 4** to this Report. The proposed variation to the landscaping control is minor and the variation is considered to be satisfactory. The variation is discussed in further detail below.



## 5 Key Issues

### 5.1 Variations to HDCP 2013 development controls

As noted above, **Attachment 4** provides a table that outlines the proposal's compliance with the Holroyd DCP. The development is generally consistent with the requirements of the DCP with the exception of the site landscaping control.

Section 3, Part D of the DCP requires that industrial sites over 2,000sqm in area provide 15% of the site area as landscaped area. The proposed development provides 6,370sqm of landscaped area, which equates to 12.32% of the indicative leaseable area of the future allotment upon which this warehouse development will be situated (indicative future lot size of 51,720sqm).

This represents a shortfall of 2.68% or 1,388sqm. The applicant has argued that the remainder of the site will comprise a large riparian corridor along the southern boundary, which will far exceed the required 15%.

It is considered that the proposed 6,370sqm of landscaped area meets the intent of the DCP by softening hardstand associated with industrial development; by screening the car park and loading areas; by providing shade trees within the carpark; and by providing a visual screen to the office and warehouse building, and to both street frontages. The proposed variation is considered acceptable and is supported.

### 5.2 Environmental Management

#### a. Noise

An acoustic report was submitted in support of the application, which assessed the acoustic impact of the facility operating 24/7.

The author of the report has identified the following noise sources:

- Noise from the loading zone to be located on the eastern façade of the proposed warehouse.
- Noise from diesel forklifts operating in the external loading dock area located on the eastern façade of the warehouse.
- Noise from internal operations within the warehouse.
- Noise from the operation of the new car park to be located on the north-eastern boundary of the site;
- Noise from mechanical plant servicing the development.

The author notes that the nearest residential receiver is located approximately 250m to the south-west of the site.

Unattended noise monitoring was undertaken between the 2/3-9/3 2016 in accordance with the NSW EPA *Industrial Noise Policy*. Table 1 of the report refers to the measured background noise levels from that sampling series.

Section 4.2.6 of the report summarises the intrusive, amenity and sleep arousal criteria as identified by the author of the report. Table 8 of the report assesses the predicted noise levels at the nearest receivers and all of those receivers comply within the time period of 6am to 6pm. From 6pm to 6am, Table 9 of the report indicates compliance with the noise goals identified.

The author notes that the mechanical plant wasn't determined at DA stage, rather will be determined at CC stage. Therefore a separate report is required to be submitted prior to determination of the CC. A condition to this effect is provided within the draft conditions of consent.

Council's Environmental Health Unit has assessed the proposed development having regard to the submitted acoustic report and raises no objection subject to the implementation of acoustic measures recommended within the report.

**b. Threatened Species**

This application does not involve the removal of any vegetation. Such works are the subject of a concurrent application (DA No. 2016/327) which also proposes demolition of buildings and bulk earthworks over the entire site.

The site contains River Flat Eucalypt Forest (RFEF) which is an endangered ecological community. However, this community is contained to the riparian corridor, which is located at least 80 metres to the south of the proposed industrial development (refer to **Figure 5** below). The northern part of the site, where the proposed development is to occur, is devoid of any significant vegetation.

A test of significance (or '7-part test') was undertaken by the proponent, which found that the development is unlikely to result in a significant impact to the community.

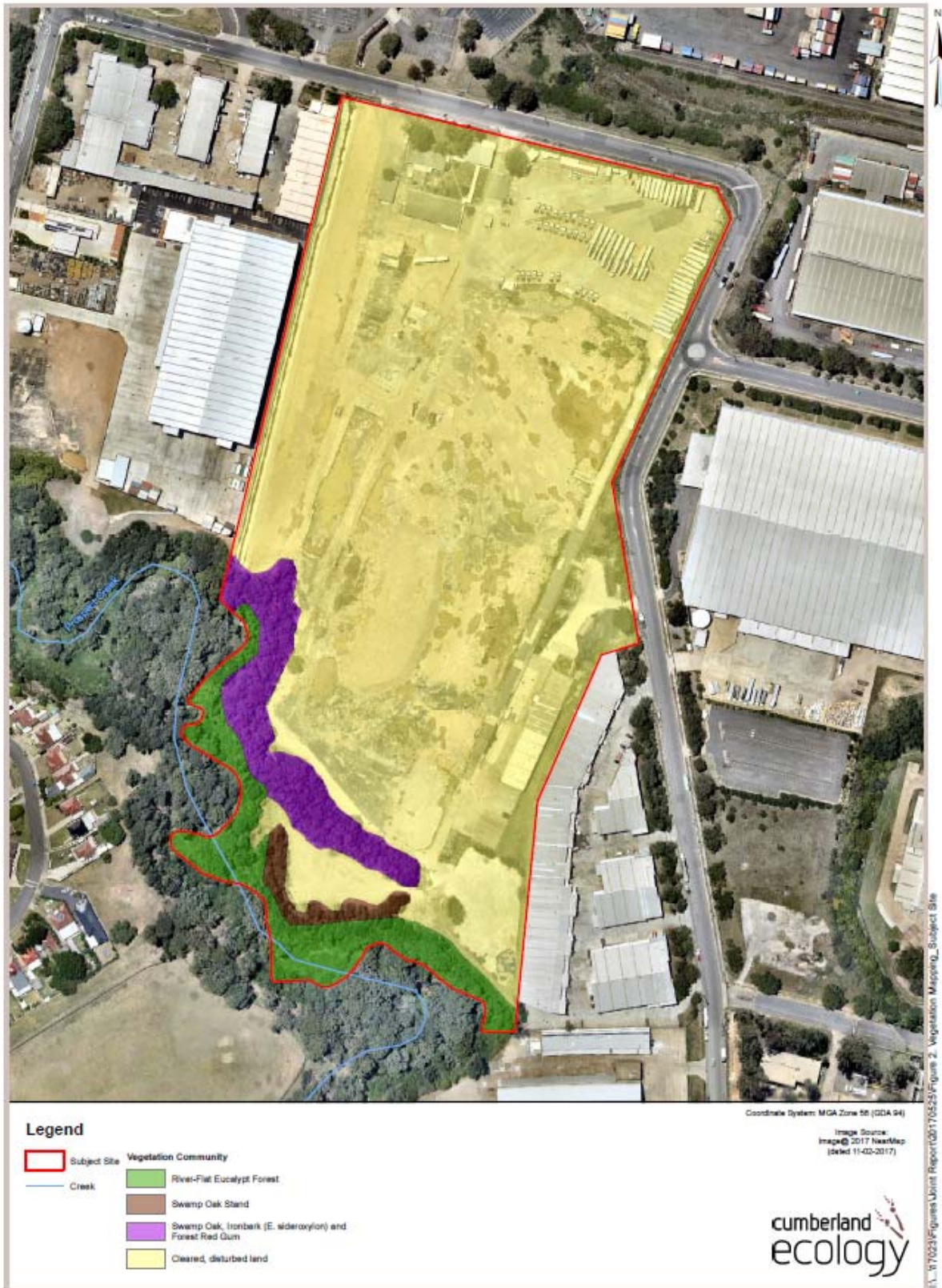


Figure 2. Vegetation mapping of the subject site

Figure 5: Existing Vegetation (Source: Cumberland Ecology, 2017)

**c. Waste**

A Waste Management Plan (WMP) has been prepared and submitted as part of the Application. Waste generated during construction and operation of the proposed development will be satisfactorily managed in accordance with Council's requirements. Council's Waste Management Section has reviewed the proposal and raises no objections to the development. A draft condition is included within the recommended conditions that requires compliance with the submitted WMP.

**d. Contamination**

As identified above, both the Site Audit Report and Site Audit Statement conclude that the site is suitable for its industrial/commercial use.

**5.3 Traffic and Transport**

A Traffic and Parking Assessment Report prepared by Varga Traffic Planning was submitted with the application. An addendum report was also prepared by Varga Traffic Planning in response to questions raised by the RMS in relation to information provided by the applicant on the size of vehicles to be used and their proposed access routes. Additional information provided within the addendum report satisfied RMS queries.

Loading / servicing for the proposed development is proposed to be undertaken by heavy vehicles up to and including 26m long B-Double trucks. A total of 18 loading docks are proposed as part of the proposed development, all capable of accommodating semi-trailers and B-Doubles.

Vehicular access to the service area is to be provided via two service entry / exit driveways, one in Pine Road and the other in Dursley Road, which connect through the loading area.

In addition, a 6m wide access road is also proposed to be provided around the perimeter of the warehouse building for emergency service vehicles.

The Application has been reviewed by Roads and Maritime Services and Council's Traffic Engineer and no objection is raised, subject to conditions.

**6. External Referrals**

6.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

<b>Referral Agency</b>	<b>Comment</b>
Roads and Maritime Services	No objection
Endeavour Energy	No objection, subject to conditions.

**7 Internal Referrals**

7.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Development Engineering Section	No objection, subject to conditions
Traffic Section	No objection, subject to conditions
Landscaping Section	No objection, subject to conditions
Landscape Architect	No objection, subject to conditions
Environmental Health Unit	No objection, subject to conditions
Waste Management Section	No objection

## 8 Section 79C Consideration

8.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Complies
a. the provisions of: (i) any environmental planning instrument (EPI)  (ii) any draft environmental planning instrument (EPI)  (iii) any development control plan  (iiia) any planning agreement  (iv) the regulations	The provisions of relevant EPIs and DCPs relating to the proposed development are summarised in <b>Section 4</b> of this Report and have been satisfactorily addressed in <b>Section 5</b> .	Yes
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of the key issues relating to the proposed development is provided in <b>Section 5</b> of this Report and it is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, stormwater quality, waste management and site contamination have been satisfactorily addressed.	Yes
c. the suitability of the site for the development	The subject site is identified as IN1 General Industrial land pursuant to Holroyd LEP 2013. Further, matters relating to site contamination, salinity, stormwater drainage and access have been satisfactorily addressed as a part of the application, rendering the site suitable for the proposed development.	Yes
d. any submissions made in accordance with this Act or the regulations	In accordance with the requirements of Part E of the Holroyd DCP 2013, the DA was not required to be notified.	Yes

e. the public interest	The proposed development is for the purpose of a 'warehouse and distribution centre' on land identified as IN1 General Industrial under the Holroyd LEP that will not pose any impacts on the amenity of adjoining properties and the locality. Accordingly, it is considered that the proposal is in the public interest.	Yes
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## 9 Conclusion

- 9.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. Any likely impacts of the development have been satisfactorily addressed and the proposal is considered to be in the public interest. Further, the subject site is considered suitable for the proposed development.
- 9.2 The proposed development is consistent with the objectives of Holroyd LEP 2013 and the IN1 General Industrial zone and is permissible in the zone with development consent. The proposal also complies with the Holroyd DCP 2013, with the exception of the site landscaping requirement. The variation is supported and the development is considered to be satisfactory.

## 10 Recommendation

- 10.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions held at Attachment 2.
- 10.2 The applicant be advised of the Sydney West Central Planning Panel's decision.