

SCCPP

**TO:** Sydney Central City Planning Panel

**PANEL REFERENCE:** 2017SWC071

**REPORT:** Council Assessment Report

**SUBJECT:** LOT 50 DP 816718, 62 Ferndell Street, SOUTH GRANVILLE NSW 2142

**FILE No:** DA-230/2017

<b>Application lodged</b>	20 May 2017
<b>Applicant</b>	FDC Construction & Fitout
<b>Owner</b>	Grand Sasanqua Pty Limited
<b>Application No.</b>	DA-230/2017
<b>Description of Land</b>	LOT 50 DP 816718, 62 Ferndell Street, SOUTH GRANVILLE NSW 2142
<b>Proposed Development</b>	Construction of 3 x new industrial buildings for use as warehouse and distribution centres, internal fitout of the existing office building, tree removal and associated landscaping and stormwater works
<b>Site Area</b>	102,740sqm
<b>Zoning</b>	IN1 General Industrial PLEP 2011
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	No
<b>Issues</b>	Height – 4.6 variation

## SUMMARY

1. *Development Application No. DA-230/2017 was received on 30 May 2017 for the Construction of 3 x new industrial buildings for use as warehouse and distribution centres, internal fitout of the existing office building, tree removal and associated landscaping and stormwater works.*
2. *The application was publicly notified to owners and occupiers of the adjoining properties for a period of 21 days between 13 June 2017 and 4 July 2017. No submissions were received.*
3. *A variation of 1.7m (14.2%) to the maximum 12m height of buildings limit under Parramatta Local Environmental Plan 2011 is proposed in accordance with clause 4.6 of the LEP.*
4. *A Stage 2 Detailed Contamination Assessment was requested on 29 July 2017 and was submitted on 4 August 2017. Between 6 September 2017 and 19 February 2018*

*information was requested to satisfactorily address various flooding and stormwater matters. The final information was submitted on 6 April 2018.*

5. *The application is recommended for conditional approval. The application is referred to the Panel due to the CIV exceeding \$20million (NB: the relevant threshold at the time the application was lodged).*

## REPORT

### SUBJECT SITE AND SURROUNDING AREA

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The subject site is identified as Lot 50 in DP 816718 and is known as 62 Ferndell Street (or the street address of 54-68 Ferndell Street), South Granville. The site is located on the western side of Ferndell Street between Straits Avenue to the north and Ferngrove Place to the south. The entrance to the site is opposite Everley Road. The site has approximate dimensions of 297m (frontage), 338m (depth), 288m (rear boundary), and a site area of 102,740sqm.

Located on the site were a number of buildings and at-grade parking areas used by the former tenant which was a research-intensive pharmaceutical company. The only building which is to remain under the current proposal is the two storey, U-shaped administration building in the north-eastern part of the site. All other buildings were approved for demolition under a Complying Development Certificate. An area of bushland, identified as a Biodiversity area under Parramatta Local Environmental Plan 2011 is located in the south-western corner of the site. An open, unlined drainage channel runs in a north-easterly directly along the western edge of this area. The landscaped frontage of the site, and that around the administration building, is to be maintained however, all other trees (with the exception of the biodiversity area) are proposed to be removed.

Development surrounding the site comprises industrial development to the north, south and east (north of Everley Road), residential dwellings of various ages also to the east (south of Everley Road), and an Environmental Protection zone of bushland in Campbell Hill Pioneer Reserve to the west.

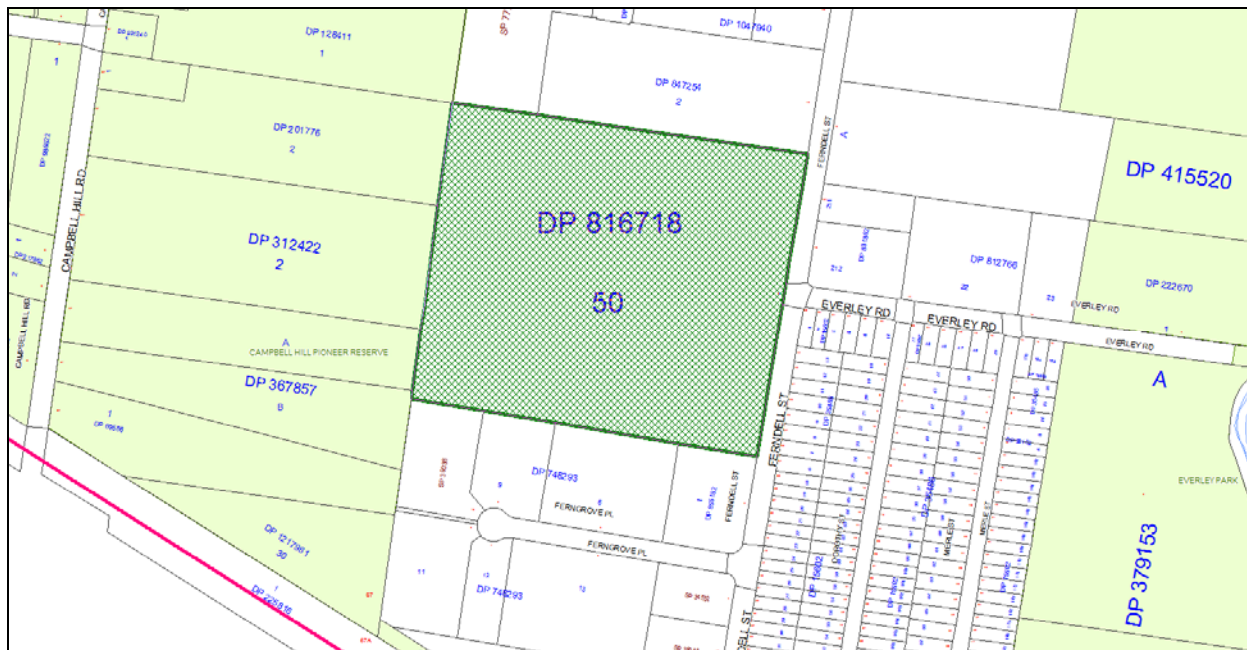


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



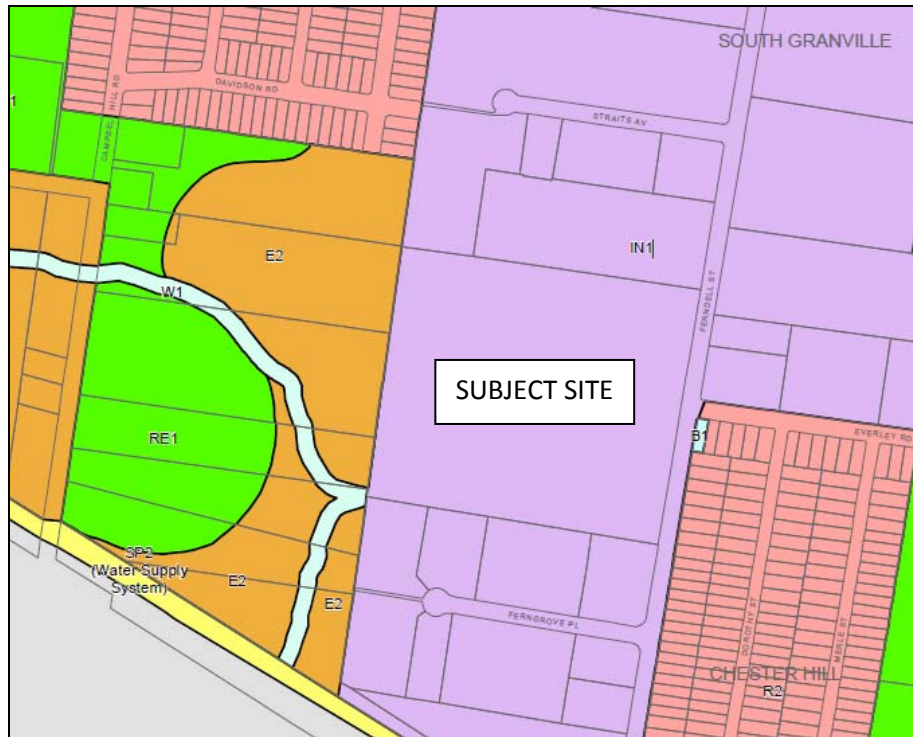


Figure 3 – Extract from Land Zoning map of Parramatta Local Environmental Plan 2011

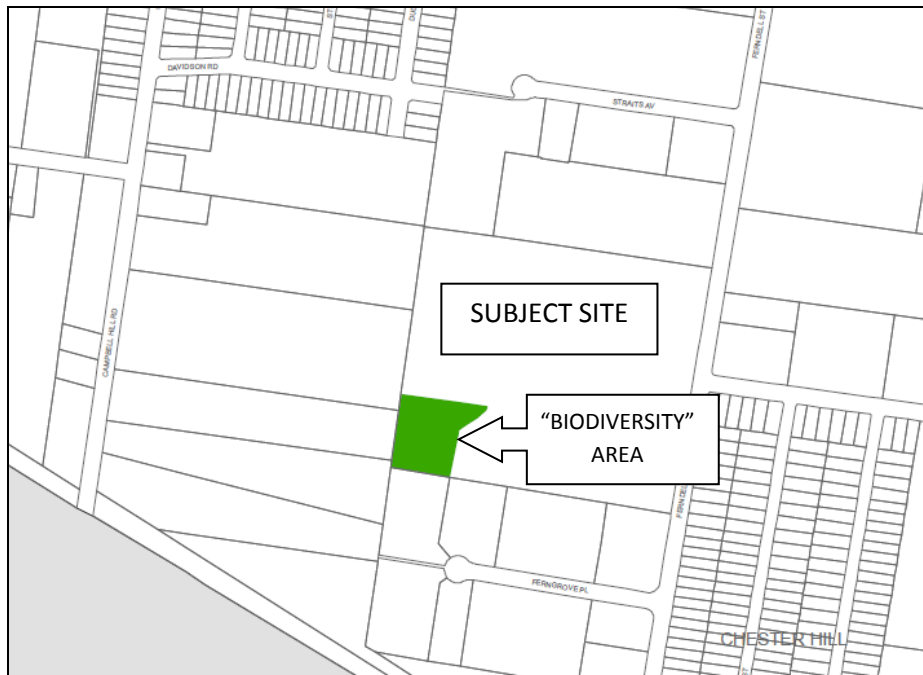


Figure 4 – Extract from Natural Resources - Biodiversity Map of Parramatta Local Environmental Plan 2011

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## DESCRIPTION OF THE PROPOSED DEVELOPMENT

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Council has received a development application for the following:

### Construction of three (3) warehouses

- Warehouse 1 is to be located on the south-eastern portion of the site and will have a total GFA of 30,250sqm (30,000sqm – warehouse, 250sqm – ancillary office). It will also have provision for 8 at-grade loading bays, 7 recessed loading bays and a basement car park with 101 car spaces and 84 bicycle spaces (NB: The basement plan was modified from that originally submitted and contains an additional car space bringing the total car parking provision from 444 to 445 spaces). This warehouse is to be occupied by Jaycar Electronics Group as its primary warehouse and distribution centre within NSW.
- Warehouse 2 is to be located in the north-western part of the site and has been designed to accommodate up to 4 separate warehouse tenancies with ancillary offices and will have a total GFA of 11,800sqm (10,800sqm – warehouse, 1,000sqm – offices). It will have provision for 3 loading bays per unit (12 bays in total), and 16 at-grade car parking spaces.
- Warehouse 3 is to be centrally located on the northern part of the site between the existing administration building and proposed Warehouse 2. It will provide warehouse facilities with amenities (such that it can be divided into two tenancies) and will have a total GFA of 4,800sqm and 3 loading bays per tenancy. An undercroft and at-grade parking area will provide 114 spaces.

While it is proposed for various tenants to occupy Warehouse 1 and 2 in the short to medium term, Jaycar may expand into the warehouses in the future.

### Existing administration building

The existing two storey office building, located in the north-eastern part of the site is to be retained and refurbished. The ground floor is to be occupied by Jaycar in the immediate future and it is proposed that the first floor be divided into four (4) office tenancies, with Jaycar expanding into the first floor in the future if required. The building has a GFA of 5,667sqm.

### Signage

Installation of the following signage on Warehouse 1 in association with the main user of the site, Jaycar:

- Southern elevation – “Jaycar” lettering measuring 2.654m in height and 10.739m in length; and
- Eastern (Ferndell Street) elevation – “Jaycar” lettering measuring 2.659m in height and 10.86m in length.

Warehouses 2 and 3 also show indicative signage zone locations and the site plan indicates 2 x 9m high pylon signs (one at the northern boundary and the other adjacent to the main site entrance). Plans of these signs have not been submitted.

### Car parking

A masterplan for the site has been submitted showing the provision of car parking in the following locations:

- 141 at-grade car parking spaces on between the front boundary and the existing office building (i.e. in the location of existing at-grade parking);
- 65 at grade car parking spaces on the southern side of the existing office building;
- 114 car parking spaces within an at-grade and undercroft parking area beneath warehouse 3;
- 16 at-grade car parking spaces and 100 basement car parking spaces beneath Warehouse 2; and
- 8 at-grade car parking spaces adjacent to Warehouse 1

This plan also shows "Possible entry/exit" at the northern and southern ends of the site.

An additional plan titled "Master Plan – Future Carpark" has also been submitted and proposes "possible future" car parking spaces in the following locations:

- 100 spaces within an undercroft area beneath Warehouse 1 and 18 spaces adjacent to the northern elevation;
- 70 at-grade car parking spaces on the northern side of the main truck entry to the site;
- 18 at-grade spaces on the western side of Warehouse 3; and
- 35 at-grade spaces on the northern side of the existing office building

### Hours of Operation and Employees

Jaycar Electronics Group currently employs 230 people in two shifts (Shift One: 6am to 4.00pm, Shift Two – 12pm to 10pm) and operate from 6am to 10pm Mondays to Saturdays and 6am to 7pm on Sundays.

### Vehicle movements

Heavy vehicle/courier movements typically occur during the abovementioned operating hours on Monday to Saturday with Sunday operations primarily involving internal movements associated with deliveries and restocking for the following week. The applicant has provided the following table of anticipated vehicle movements generated by the development at full capacity.

Vehicle Type	Receiving/day	Despatch/day	Total/day
Semi-Trailers / B Doubles	25	3	27
Large / Medium Rigid	35	40	75
Couriers – (Trucks/ Vans / Utes)	20	30	50

### Landscaping and Tree Removal

The existing vegetation and trees within the landscaped frontage of Ferndell Street will be largely retained and enhanced, as will the landscaping around the existing two storey office building where changes to car parking and grades permit. All other trees (outside of the Biodiversity area) are proposed to be removed, the majority of which appear to have been planted within building setback areas and around car parks. The Biodiversity area in the south-western corner of the site will be largely untouched however, to ensure all stormwater generated within the site does not flow onto adjoining properties it is proposed to excavate part of the bank adjacent to the open channel which will require removal of approximately 1,300sqm of trees and vegetation, the majority of which is outside of the Biodiversity area.

## **APPLICANTS SUPPORTING STATEMENT**

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The applicant has provided a Statement of Environmental Effects prepared by FDC Construction and Fitout Pty Ltd dated 4 May 2017 which received by Council at the time of lodgement in support of the application.

## **CONTACT WITH RELEVANT PARTIES**

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The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

## **INTERNAL REFERRALS**

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### Development and Flooding Engineers

The development application was referred to Council's Development and Flooding Engineers for comment who have advised that the development proposal is satisfactory as there will be no impacts on adjoining properties with regards to overland flow, the stormwater, parking and access comply with the relevant requirements and, therefore, can be supported subject to recommended conditions of consent.

### Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory having regard to site contamination and potential acoustic impacts having been addressed and, therefore, can be supported subject to recommended conditions of consent.

### Landscape Architect and Tree Management Officer

The development application was referred to Council's Landscape Architect and Tree Management Officer for comment who have advised that the development proposal is satisfactory having regard to the requirement to prevent overland flow from impacting on

surrounding properties and that the associated works are largely outside of the Biodiversity area and, therefore, can be supported subject to recommended conditions of consent.

## EXTERNAL REFERRALS

- *Roads and Maritime Services (RMS)*

The application was required to be referred to the RMS for concurrence in accordance with Clause 104 Traffic-Generating development of State Environmental Planning Policy (Infrastructure) 2007. In correspondence dated 18 September 2017 the RMS advised that no objections were raised to the proposed development and provided the following advisory comments for Council's consideration in determination of the application:

1. *As the proposed development will be used for warehousing purposes, proposing 444 parking spaces for a maximum of 230 employees/visitors is excessive. Roads and Maritime believe that the proponent should provide parking spaces in accordance with the rate specified in the RTA Guide to Traffic Generating Developments.*
2. *Sight distances from the proposed vehicular crossings to vehicles on Ferndell Street are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 — Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.*
3. *All vehicles are to enter and exit the site in a forward direction.*
4. *All vehicles are to wholly contained on site before being required to stop.*
5. *Bicycle parking associated with the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities). Consideration should also be given to providing end-of-trip facilities within the commercial development to support and encourage active transport to the subject development.*
6. *A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.*

Comment: Appropriate conditions of consent will be imposed to ensure compliance with RMS requirements. Council's Development Engineer has found that the design of the car parking and access ways is acceptable. The matter of car parking provision is discussed in further detail in the Parramatta DCP 2011 compliance table.

- *Water NSW*

As the proposed development involves works within and adjacent to the open, unlined drainage channel approval from Water NSW will be required in accordance with the *Water Management Act 2000* prior to issue of any Construction Certificate. The applicant did not nominate integrated approval under the Water Management Act and the Court holds that approval can be sought separate to the development application. A condition of consent is therefore, recommended to be imposed with regards to obtaining this approval.



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## PLANNING COMMENTS

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### The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(i))

#### State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

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

Development of a type that is listed in Schedule 7 of SEPP (State and Regional Development) 2011 is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$25,045,453.00 which exceeds the \$20 million threshold applicable at the time of lodgement. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application. Details of contamination investigations carried out at the site are as follows:

- A *Preliminary Site Investigation* prepared by KPMG SGA Property Consultancy Pty Ltd and dated 30 May 2017 concluded that the site could be made suitable for the proposed commercial/industrial development under the provision that a Targeted Environmental Investigation (TEI) is completed and no issues identified which would affect the proposed development.

On this basis, Council requested a Stage 2 Detailed Contamination Assessment, and RAP if recommended, be submitted for Council's review. The details of the further contamination assessment are outlined below:

- A *Targeted Environmental Investigation* prepared by KPMG SGA Property Consultancy Pty Ltd and dated 4 August 2017 concluded that the site is suitable for the proposed commercial/industrial development provided that a number of recommendations made in the report are followed with regards to the concentrations of certain chemicals found in groundwater above the adopted criteria, including; construction design that will not cause a preferential vapour pathway to the newly constructed building, ambient air testing prior to occupation and annual ground water monitoring. It was also recommended that a Construction Environmental Plan be produced to include an unexpected findings protocol specifying how to manage identification of potential contamination during the development works and soil and groundwater management.

Council's Environmental Health Officer reviewed the contamination reports and advised that the report satisfactorily addressed the relevant EPA Guidelines for reporting on contaminated sites and made recommendations with regards to the imposition of conditions of consent.

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

The provisions of the Infrastructure SEPP (ISEPP) 2007 have been considered in the assessment of the development application.

- *Clause 45 - Development likely to affect an electricity transmission or distribution network*

The subject development does not incorporate basement excavation in proximity (within 2 metres) to an electricity distribution pole nor does the development occur within 5 metres of an overhead electricity power line. As such, the Consent Authority is not required to give written notice to an electricity supply authority.

The proposed development does not include the design of a substation. As such, a condition of consent has been imposed within the draft conditions of consent, noting no approval is granted or implied for the erection of a substation, and that separate approval from Council is required.

- *Clause 101 – Frontage to classified road*

The application is not subject to clause 101 of the ISEPP as the site does not have frontage to a classified road.

- *Clause 102 – Impact of road noise or vibration on non-road development*

The application is not subject to clause 102 of the ISEPP as the average daily traffic volume is less than 40,000 vehicles.

- *Clause 104 – Traffic generating development*

In accordance with clause 104 the proposed development is traffic-generating development for the purposes of the SEPP as it involves additional floor area in excess of 15,00sqm. The application was referred to Roads and Maritime Services in accordance with clause 104(3) and, as discussed previously, no objections were raised to the proposed development subject to consideration of advisory comments to Council. The application is considered satisfactory having regard to the matters required to be considered in accordance with clause 104(3)(b) in terms of site accessibility, traffic safety, road congestion and parking implications.

(d) **Statement Environmental Planning Policy No 19 - Bushland in Urban Areas**

The subject site does not adjoin land zoned or reserved for public open space. The adjoining bushland is zoned E2 Environmental Conservation under PLEP 2011 which then adjoins land zoned for public open space. As detailed at clause 6.4 of the PLEP 2011 compliance table below, the proposal involves the excavation of an open, unlined drainage

channel and the area adjacent to it, to increase the stormwater storage capacity of the site as there will be no impacts from overland flow to adjoining properties. The area to be excavated involves the removal of approximately 1,300sqm of trees of native and exotic species.

Council is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible. A condition of consent is recommended to be imposed requiring the submission of a Vegetation Management Plan in this regard.

**(e) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal does not exceed the biodiversity offsets scheme threshold nor is the site identified as having “Biodiversity Values” on the Biodiversity Offset Scheme (BOS) Entry Threshold Map. Therefore, the proposed vegetation removal is considered acceptable. Please refer to the PLEP 2011 compliance table for further discussion.

**(e) State Environmental Planning Policy (Coastal Management) 2018**

The subject site is not identified as a coastal wetland or land identified as “proximity area for coastal wetlands” or land identified as such by the Coastal Vulnerability Area Map.

**(f) State Environmental Planning Policy No 64—Advertising and Signage**

The proposal involves the installation of the following signage on Warehouse 1 in association with the main user of the site, Jaycar:

- Southern elevation – “Jaycar” lettering measuring 2.654m in height and 10.739m in length
- Eastern (Ferndell Street) elevation – “Jaycar” lettering measuring 2.659m in height and 10.86m in length.

The accompanying Statement of Environmental Effects (p. 16), and Site Plan (10248\_DA002 Issue 7 dated 27.04.17), states that two 9m high pylon signs are also proposed adjacent to the northern boundary and at the main entrance to the site. Plans of the signage have not been included therefore, a separate application is required.

The proposed signage, each defined as a *business identification sign*, is considered to be consistent with the objectives at clause 3(a) and the assessment criteria at Schedule 1 of the SEPP, insofar as they have been integrated into the building design; are of an appropriate scale and size compatible with the building and site; are appropriately located so as to effectively identify the building occupant; will be constructed of quality materials and finishes; and will not adversely impact on residential amenity given they will be internally illuminated and are setback 15m from the street with landscaping in the front setback area.

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Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

**(a) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'Land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence, the majority of the SREP is not directly relevant to the proposed development).

Local Environmental Plans

**(a) Parramatta Local Environmental Plan 2011**

The provision of the Parramatta Local Environmental Plan (PLEP) 2011 is applicable to the development proposal. It is noted that the development is consistent with the objectives of the IN1 General Industrial zone.

- Permissibility:-

The proposed development is defined as a "warehouse or distribution centre" and is permissible in the IN1 General Industrial zone with consent.

*A **warehouse or distribution centre** 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.*

The use of the ground floor of the existing office building will be in association with Warehouse 1 which will be occupied by Jaycar. The use of the first floor of the building is proposed to be divided into four (4) separate office tenancies. It should be noted that "office premises" are a type of "commercial premises" which are prohibited in the IN1 General Industrial zone. A condition of consent is therefore, recommended to be imposed requiring that the offices are only to be used in association with the warehouses on the subject site.

The relevant matters to be considered under PLEP 2011 and the applicable clauses for the proposed development are summarised below.

Figure 5 –Parramatta LEP 2011 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
<b>4.3 Height of Buildings</b>  Max. 12m	N	<b>The proposed height of the warehouses from natural ground level will generally be 13.7m to the ridgeline, representing a variation to the maximum height of buildings standard of 14.2% (1.7m). The applicant has provided a request to vary the development standard in accordance with clause 4.6 as detailed below.</b>
<b>4.4 Floor Space Ratio</b>  Max. 1:1	Y	The total GFA of the development including the existing administration building is 51,557sqm. Based on a site area of 98,440sqm (excluding 9,300sqm attributed to the biodiversity area) the proposed FSR is 0.52:1.
<b>4.6 Exceptions to development standards</b>	Y	<b>A variation to the maximum height of buildings is proposed. This matter is discussed in further detail below.</b>
<b>5.10 Heritage Conservation</b>	Y	The subject site is not listed as a heritage item, archaeological site, or Aboriginal place of heritage significance nor is it located in a heritage conservation area. The site is however, within 230m of the "Acrow Building" (industrial building) to the north-east and 275m of Everley Park to the east which are both listed as heritage items. Given the distance between the subject site and the aforementioned heritage items, and buildings being located between the site and the heritage items, it is considered that the proposed development will not have any adverse impacts on the significance of these items.
<b>6.1 Acid Sulfate Soils</b>  Class 5	Y	The subject site has a Class 5 Acid Sulfate Soil rating. No works are proposed, as detailed in the Table at clause 6.1(2), that would require the preparation of an acid sulfate soils management plan.
<b>6.2 Earthworks</b>	Y	It is considered that the proposed earthworks will not have a detrimental effect on existing drainage patterns and soil stability, the likely future use or redevelopment of the land, or the existing and likely future amenity of adjoining properties. Whilst it is proposed to carry out earthworks within and adjacent to the open drainage channel so as to ensure that all stormwater from the site is retained on the site and does not flow onto adjoining properties, a condition of consent is recommended to be imposed requiring a



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		Vegetation Management Plan to address such matters as bank stabilisation and regeneration works to the adjoining biodiversity area. The site is not identified as a place of Aboriginal significance so the likelihood of disturbing relics is low. A condition of consent is recommended to be imposed with regard to the classification of soil prior to disposal.
6.3 Flood planning	Y	The applicant has satisfactorily addressed the issues of flooding and overland flow to ensure that the proposed development will not adversely affect the subject site and surrounding properties in this regard.
6.4 Biodiversity protection	Y	See discussion below.
6.5 Water protection	N/A	The subject site is not identified as "Riparian Land and Waterways" on the Natural Resources – Riparian Land and Waterways Map.
6.6 Development on landslide risk land	N/A	The subject site is not identified as "Landslide Risk land" on the Natural Resources – Landslide Risk Map.

- Clause 4.6 Exception to development standards – Height of buildings**

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.

The applicant has submitted a written request to vary the development standard pertaining to maximum building height. Based on various case laws established by the Land and Environment Court of NSW such as *Four2five P/L v Ashfield Council [2015] NSWLEC 9*, *Randwick City Council v Micaul Holdings P/L [2016] NSW LEC7* and *Zhang and Anor v Council of the City of Ryde [2016] NSWLEC 1179*, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variances following the 3 part test is discussed in detail below.

The preconditions which must be satisfied before the application can proceed are as follows:

- Is the proposed development consistent with the objectives of the zone?***

Applicant's justification:

<b>IN1 General Industrial – Zone objectives</b>	
<i>To provide a wide range of industrial and warehouse land uses.</i>	<i>The proposal involves the construction of a new warehouse for Jaycar Electronics Group to undertake storage and distribution of their products throughout Australia and new Zealand.</i>

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To encourage employment opportunities.	JEG will directly employ 230 staff to operate the facility. The majority of these staff will relocate from the existing Rydalmere facility. Overtime, as the company expands, further employment opportunities will exist to the benefit of the local and regional community.
To minimise any adverse effect of industry on other land uses.	<p>This report has assessed potential impacts of the proposal on existing land uses and has provided that any impacts are minimal or can be appropriately mitigated. Such impacts should be considered in the context that the broader locality is zoned for the purposes of industrial development, despite there being potential conflict with nearby residential properties.</p> <p>The proposed building height does not result in overshadowing impacts that would affect current of future adjoining land uses. While it will result in visual impacts for the site and locality, such impacts are mitigated through the retention of existing (and established) landscape setback to Ferndell Street. The positive visual benefits of constructing a new architecturally designed building will favourably contribute to the streetscape along Ferndell Street.</p>
To support and protect industrial land for industrial uses.	The proposal involves industrial development on industrially zoned land.
To facilitate a range of non-industrial land uses that serve the needs of workers and visitors.	Not applicable with reference to the height of the proposal.

**Planner's comment:** The proposed development is consistent with the objectives of the zone and the variation to the maximum building height is not detrimental to the zone objectives being achieved.

**2. Is the proposed development consistent with the objectives of the development standard which is not met?**

Applicant's justification:

Clause 4.3 Height of Buildings (Objectives)	
(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan	The maximum height established by the LEP is appropriate in the context of the older style industrial development seen throughout the locality. The size and scale of the proposed development (and site) is unique in the context of this location but extremely commonplace in more recently developed industrial areas such as eastern Creek and Erskine Park. Warehouses of this nature (at a height of 13.7m) are commonplace in such locations.
(b) to minimise visual impact, disruption of views, loss of privacy,	While the proposed development will result in visual impacts for the site and locality such

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<i>and loss of solar access to existing development,</i>	<i>impacts are mitigated through the retention of existing (and established) landscape setback to Ferndell Street. The positive visual benefits of constructing a new architecturally designed building will favourably contribute to the streetscape along Ferndell Street. The development will not result in the loss of views, privacy or solar access associated with any nearby residential development. It is considered appropriate in the context of this primarily industrial locality.</i>
<i>(c) to require the height of future buildings to have regard to heritage sites and their settings,</i>	<i>No heritage sites or buildings are loca[ted] within close proximity of the site. Therefore, the proposed building heights should be considered appropriate in this regard.</i>
<i>(d) to ensure the preservation of historic views,</i>	<i>The proposed development will not affect any historic views.</i>
<i>(e) to reinforce and respect the existing character and scale of low density residential areas,</i>	<i>The proposed development will take place on an industrial zone site and will generate significant employment opportunities and economic benefits for the locality. Whilst there are residential properties in close proximity, impacts associated with the new development can be mitigated through good architectural design and the retention of existing vegetation along Ferndell Street.</i>
<i>(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.</i>	<i>Despite not being within a commercial centre, the proposed height exceedance will not affect sky/daylight exposure.</i>

Planner's comment:

The proposed development is consistent with the objectives for the Height of Buildings at clause 4.3 of the LEP. The buildings are of a scale and character that is consistent with the existing industrial area and the height breach will not result in any adverse impacts to residential properties on the western side of Ferndell Street in terms of solar access given the 15m setback of Warehouse 1 from the street and extensive existing mature vegetation within the setback area. Furthermore, the 1.7m breach of the height limit is not for the full extent of the buildings given the eaves have a height of 11.6m and there is variation in the existing ground level.

The variation to the height limit is greatest however, at Warehouse 3 (proposed to be centrally located on the northern part of the site) where the building has been raised to provide for partial undercroft car parking at a similar level to the existing ground level around the adjacent administration building. The variation is approximately 4.3m. The building will however, not be any greater in height than the other proposed warehouses as all buildings will have the same ridge height. Warehouse 3 will not be readily visible from the street, all overshadowing impacts will be contained

within the site, and there will be no visual impacts in terms of incompatible scale with the residential properties on the western side of Ferndell Street.

**3. *Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?***

Applicant's justification:

*If compliance with the maximum height provisions contained in Clause 4.3 were to be enforced, the proposal would not proceed. Having undertaken an extensive search for suitable sites, alternatives would need to be reconsidered including sites in other localities (potentially outside of NSW).*

*Given the importance of the proposed variation to the viability of the overall project it therefore seems unreasonable or unnecessary to enforce the maximum height limit, given that few environmental impacts are anticipated.*

*The proposed variation will facilitate the operation of an industrial warehouse facility that will employ 230 people. It is therefore reasonable and necessary to support the proposed variation in order to achieve the objectives nominated for the IN1 General Industrial Zone.*

Planner's comment:

It is considered that strict compliance with the maximum height of buildings development standard is unreasonable and unnecessary in this instance as the reduction in height would result in warehouses that do not meet current operational requirements for the warehouse and distribution centres and there would be no discernible improvement to the streetscape or amenity of the locality.

**4. *Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?***

Applicant's justification:

*The following points summarise the planning merits associated with the proposed contravention of the nominated height requirement:*

- The proposed variation does not result in any overshadowing impacts that would affect the amenity or operation of current or future development on adjoining properties;*
- The proposed structure has been designed to a high architectural standard ensuring that the development will result in positive impacts on the streetscape. Existing landscaping (including many advanced trees) will be retained within the Ferndell Street setback to mitigate the impacts of new development on site.*
- The proposed warehouse has been designed and positioned to ensure that it is integrated with the overall development.*
- The overall development has been designed to ensure that a high standard of built form and urban design is achieved. As the locality evolves over coming years, the proposal will be well suited in the context of surrounding development.*

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- *Efficiencies generated by increasing the height of the proposed facility also benefit the environment by reducing the potential footprint of the building.*
- *JEG will directly employ 230 staff to operate the facility.*

### Planner's comment:

As discussed, the proposed variation to the maximum height of buildings development standard will not result in adverse environmental impacts.

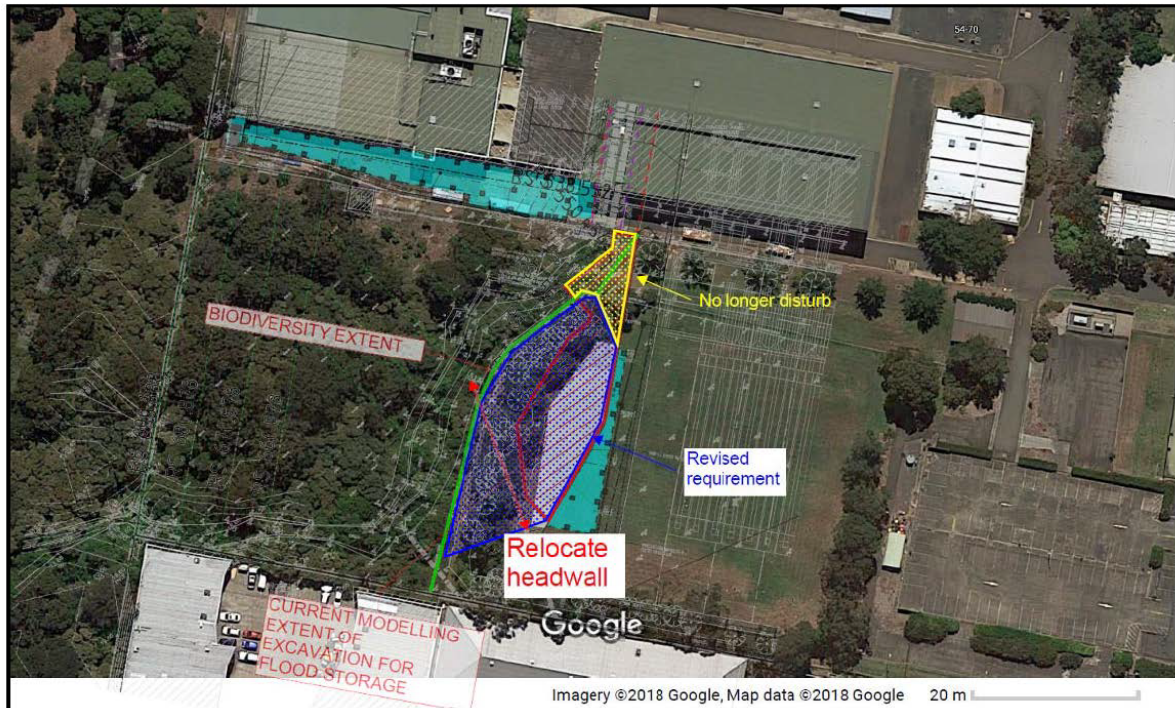
### Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3) and that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and objectives for the development within the zone in which the development is proposed to be carried out.

- **Clause 6.4 Biodiversity Protection**

The south-western corner of the site is identified as "Biodiversity" on the Natural Resources - Biodiversity Map and is zoned IN1 General Industrial under the LEP. The area is 9,300sqm and adjoins an area of bushland within the Campbell Hill Pioneer Reserve to the west which is zoned E2 Environmental Conservation. An open, unlined drainage channel runs along the western edge of the Biodiversity area. The proposed cut and fill works, to create additional stormwater storage volume on the site, are to take place adjacent to the Biodiversity area, however, the works will impact on the eastern edge of the bank. A letter prepared by Lesryk Environmental Pty Ltd dated 29 March 2018 shows the extent of the proposed works in the context of the Biodiversity area. An extract is provided below (NB: the border of the biodiversity area is shown by a green line).





Source: Letter prepared by Lesryk Environmental Pty Ltd dated 29 March 2018

The works are required so as to ensure that all stormwater from the site is captured and does not result in increased overland flow to adjoining properties, including the Environmental Conservation area with the adjoining Reserve. The excavation to create increased stormwater storage capacity will also reduce overland flow within the Biodiversity area on the site.

The letter prepared by Lesryk Environmental Pty Ltd identified that the works will require removal of approximately 1,300sqm of degraded woodland which includes Cooks River/Castlereagh Ironbark Forest (listed as critically endangered under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered under the *NSW Biodiversity Conservation Act 2016* (BC Act), and River-flat Eucalyptus Forest (listed as endangered under the BC Act). After undertaking assessment in accordance with the aforementioned Acts, it was concluded that the proposed excavation works would not have a significant impact on either community. It was also found that no flora or fauna species listed under either of the Acts were recorded within, or in close proximity to, the subject site, nor would any be reliant upon the subject site for any of the necessary lifecycle requirements. It was further concluded that the proposed works would not remove or have a significant impact on any ecological communities, plants or animals of national, state or regional significance.

Recommendations were made by Lesryk Environmental Pty Ltd with regards to fencing of retained woodland area prior to and during construction, sediment control measures be in place prior to any clearing of vegetation, weed suppression be undertaken and exposed areas be mulched and revegetated as soon as possible. A condition of consent is recommended to be imposed requiring compliance with these recommendations and

submission of a Vegetation Management Plan to Council for review and approval prior to commencement of works.

In accordance with clause 6.4(3) due consideration has been given to the potential impacts of the proposal on the Biodiversity area and Council is satisfied, subject to appropriate conditions, that the development is designed, sited, and will be managed to minimise potential impacts.

### **The provisions of any Environmental Planning Instruments (EP& A Act s4.15 (1)(a)(ii))**

#### **(a) Draft State Environmental Planning Policy (Environment)**

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

### **The provisions of any Development Control Plans (EP& A Act s4.15 (1)(a)(iii))**

#### **(a) Parramatta Development Control Plan 2011**

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided below:

Figure 7 – Parramatta DCP 2011 Compliance Table

Development Control	Proposal	Complies
2.4 Site considerations		
2.4.1 Views and Vistas	The site is not identified as having significant views or vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	N/A
2.4.2.1 Flooding	Discussed previously in the PLEP2011 compliance table.	Yes
2.4.2.2 Protection of Waterways	No part of the site is identified as "Riparian Land and Waterways" on the Natural Resources – Riparian Land and Waterways map under Clause 6.5 of the PLEP 2011. The proposed works to the open, unlined drainage channel in the south-western corner of the site will require bank stabilisation and revegetation works and, as discussed previously, a condition of consent is recommended to be imposed requiring submission of a Vegetation Management Plan to ensure these works are satisfactory to Council.	Yes
2.4.2.3 Protection of Groundwater	The proposal does not include any works that will impact on groundwater.	N/A
2.4.3.1 Soil Management	An erosion and sediment control plan was submitted with the application at the time of lodgement. Work subsequently proposed to excavate in the area of the open drainage channel in the south-western corner of the site will require amendment to this plan. A condition of consent is recommended to be imposed accordingly.	Yes
2.4.3.3 Salinity	The subject site is identified as having moderate to high salinity potential by the Salinity Study Map for Western Sydney 2002. A condition of consent is recommended to be imposed requiring an investigation to be undertaken in accordance with the Western Sydney Salinity Code of Practice 2003 to determine the extent of salinity, and a plan be prepared accordingly to ensure that construction techniques are employed that prevent structural damage to the development as a result of salinity if identified on the site.	Yes
2.4.5 Air Quality	The proposed warehouse and distribution centre activities are not likely to result in the emission of pollutants or odours. A standard condition of consent is recommended to be imposed with regards to dust suppression during site works.	Yes
2.4.6 Development on sloping land	The development has been appropriately designed having regard to the change in levels on the site.	Yes
2.4.7 Biodiversity	The implications of the proposed development on the area identified as "Biodiversity" under the PLEP 2011 have been discussed in the relevant compliance table above. The subject site adjoins land within the E2 Environmental Protection zone to the west within the Campbell Hill Pioneer Reserve and the proposed works will not impact on the bushland on this site. The excavation of the land adjoining the Biodiversity area on the subject site, so as to increase stormwater storage capacity, will ensure that stormwater is captured on the site and will not impact on the adjoining Environmental Protection area.	Yes

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2.4.8 Public Domain	The existing landscaped setback area along the front boundary is to be retained and the planting enhanced. Warehouse 1, to be constructed immediately behind the landscaped front setback has been designed with office areas oriented towards the street which would permit passive surveillance of the public domain.	Yes
<b>3.1 Preliminary Building Envelope – Table 3.1.1.15 Industrial Zones</b>		
Front setback  Correspond to existing predominant building line in the street where there is a defined built edge – a continuous setback to the street is desirable	Industrial buildings within the street have varying setbacks which comprise a combination of landscaping and at grade car parking. The proposed development will retain the existing landscaped front setback of 15m and the new warehouse on the southern part of the site will be setback behind this landscaped area. The proposal is considered to complement the existing streetscape.	Yes
Rear setback  Dependent on impact on amenity of adjoining development	Warehouse 2, on the western part of the site, is proposed to be setback 11m from the boundary. This is an increased setback from the existing building, and those on adjoining sites, and is considered to be satisfactory as there will be no impacts on adjoining properties.	Yes
Side setbacks  Nil where there will be no impact on streetscape or amenity of adjoining development	A minimum 7m setback is provided between Warehouse 2 and the northern side boundary and Warehouse 1 and the western side boundary. This is considered to be satisfactory given that industrial buildings within street have varying side setbacks.	Yes
Landscaped area  a) 10% b) Landscaping with a minimum width of 2.5m is to be provided surrounding car parking and outdoor storage area c) Where sites have dual street exposure, landscaping is to be provided on both frontages	Approximately 14% of the site comprises landscaped area, including the biodiversity area. Landscaping will be provided around at-grade parking areas to support trees and understorey planting.  The site does not have a dual street frontage.	Yes
<b>3.2 Building Elements</b>		
3.2.1 Building Form and Massing	The height and scale of the proposal are consistent with the proportion and massing of other buildings in the industrial area and will not have any adverse impacts on the amenity of adjacent residential properties, open space and the public domain.	Yes
3.2.2 Building Façade and Articulation	The proposed building design and architectural style provides an appropriate industrial response to the site. The facade of Warehouse 2, visible from Ferndell Street, is articulated and the office component expressed to provide visual interest and reinforce the building entry. All building entries and client service areas throughout the development are easily identifiable and clearly linked to car parking areas and pedestrian paths.	Yes
3.2.3 Roof Design	The proposed roof forms are typical of industrial buildings and consistent with existing development in the vicinity.	Yes



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3.2.4 Energy Efficient Design	All non-residential development is to comply with the relevant provisions of the BCA with regards to energy efficiency. So as to ensure compliance with the requirements of the DCP, a condition of consent is recommended to be imposed requiring submission of an Energy Efficiency Report from a suitably qualified consultant that demonstrates a commitment to achieve no less than 4 stars under the Australian building Greenhouse rating Scheme or equivalent.	Yes
3.2.5 Streetscape	The proposed development will contribute positively to the streetscape.	Yes
<b>3.3 Environmental Amenity</b>		
3.3.1 Landscaping	A satisfactory landscape plan has been submitted. A condition of consent is also recommended to be imposed requiring a landscape plan be submitted for works adjacent to the Biodiversity area, regeneration of the biodiversity area and details of treatment of the setback area between Warehouse 2 and the western boundary adjoining the Environmental protection area.	Yes
3.3.2 Private and Communal Open Space	Open space areas are provided around the existing administration building for use by workers.	Yes
3.3.4 Acoustic Amenity	The applicant has submitted a "Noise Emission Assessment", prepared by Acoustic Logic and dated 27 April 2017, which concludes that the proposed development can comply with the relevant EPA requirements provided that recommendations with regards to the maximum number of truck movements per hour, use of forklifts, review of all external plant items following selection and design, and requirements for no openings and particular materials to be used in the construction of the eastern facade of Warehouse 1 adjacent to Ferndell Street. A condition of consent is recommended to be imposed requiring compliance with the recommendations of the "Noise Emission Assessment".	
3.3.5 Solar Access and Cross Ventilation	The site is located on the western side of Ferndell Street with residential properties located on the eastern side of Ferndell Street, south of Everley Road. Shadows cast by proposed Warehouse 1 would occur in the direction of dwellings in the afternoon during mid-winter. Warehouse 1, at 13.7m in height, will be separated by approximately 45m from the front facades of dwellings on the opposite side of Ferndell Street. It is therefore, unlikely that any overshadowing will occur on the elevations of dwellings as a result of the proposed development. Furthermore, the proposed development will not result in adverse overshadowing of the adjoining open space as Warehouse 2 is proposed in the location of a former building, with an increased setback. Any overshadowing will occur in the mornings and be limited to the bushland area.	Yes
3.3.6 Water Sensitive Urban Design	The proposed stormwater design, including on-site detention and rainwater reuse, is satisfactory. A condition of consent is also recommended to be imposed with regards to the installation of water saving devices and	Yes



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	appliances in accordance with the DCP.	
3.3.7 Waste Management	A satisfactory Waste Management Plan has been submitted.	Yes
<b>3.4 Social Amenity</b>		
3.4.2 Access for People with Disabilities	Conditions of consent are to be imposed requiring the provision of disabled access, parking and facilities to all buildings.	Yes
3.4.4 Safety and Security	The proposed development is satisfactory having regard to the principles of Crime Prevention through Environmental Design.	Yes
<b>3.6 Movement and Circulation</b>		
<b>3.6.2 Parking and Vehicular Access</b>	<b>Refer to discussion below.</b>	<b>No</b>

### • 3.6.2 Parking and Vehicular Access

PDCP 2011 requires a minimum of 1 car parking space per 70sqm of GFA and 1 space per 50sqm of GFA for office premises. Based on this rate the development would generate 792 car parking spaces. The applicant has argued that this rate is excessive and does not take into consideration the differing types of industry as do the RMS Guidelines. A comparison of the parking rates is provided below:

Building type	GFA	PDCP 2011 • 1 space/70sqm – industrial • 1 space/50sqm office	RMS Guidelines • 1 space/300sqm warehouse • 1 space/50sqm office
<b>Warehouse 1 - Jaycar</b>			
Warehouse	30,000sqm	429	100
Office	250sqm	5	5
<b>Warehouse 2</b>			
Warehouse	10,800sqm	155	36
Office	1,000sqm	20	20
<b>Warehouse 3</b>			
Warehouse	4,800sqm	69	16
<b>Existing Office Building</b>			
Ground floor (Jaycar)	5,667qm	114	114
First floor			
	<b>TOTAL</b>	<b>792</b>	<b>291</b>

The Jaycar use on the site will employ 230 people and Warehouses 2 and 3 are subject to future tenancies. The applicant argues that in the event that all staff employed by Jaycar are on site at the same time and drive separate vehicles, and within the other parts of the site at a similar employment intensity as Jaycar, that there would be a parking demand for 341 spaces. Nevertheless the development provides 445 car parking spaces across the site and potential provision for a further 223 spaces should the intensity of development on the site increase in the future.

The proposed car parking provision of 445 car parking spaces is considered to be acceptable and provides a satisfactory compromise between the DCP and RMS rates.

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***4.15(1)(a)(iia) - any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, and***

There is no draft planning agreement associated with the subject Development Application.

**The provisions of the Regulations (EP& A Act s4.15 (1)(a)(iv))**

The proposed development raises no concerns as to the relevant matters arising from the EP&A Regulations 2000.

**The Likely Environmental, Social or Economic Impacts (EP& A Act s4.15 (1)(b))**

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

**The suitability of the site for the development (EP&A Act s4.15 (1)(c))**

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

**Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))**

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Parramatta DCP 2011, the proposal was publicly exhibited for a period of 21 days between 13 June 2017 and 4 July 2017. No submissions were received in respect of the proposed development.

**The public interest (EP& A Act s4.15(1)(e))**

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

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**SECTION 7.12 (FORMERLY S94A) FIXED DEVELOPMENT CONSENT LEVIES**

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:

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- (1) *A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development...*
- (3) *Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.*

### Comments:

The development would require the payment of contributions in accordance with Council's Section 94A Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The calculation is based on a 1% levy of the cost of works. As at 25 July 2018, the fee payable is \$215,827.53. This figure is subject to indexation as per the relevant plan.

## DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

## CONCLUSION

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011 and is considered to be satisfactory for approval subject to conditions attached to this report.

The proposed development is appropriately located within the IN1 General Industrial zone under the provisions of the Parramatta Local Environmental Plan (PLEP) 2011, however variations in relation to the maximum height of buildings under the PLEP 2011 is sought.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the

development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development may be approved subject to conditions.

## **RECOMMENDATION**

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- 1. That Development Application No. DA-230/2017 for Construction of 3 x new industrial buildings for use as warehouse and distribution centres, internal fitout of the existing administration building, tree removal and associated landscaping and stormwater works on land at 62 Ferndell Street, SOUTH GRANVILLE NSW 2142 be approved subject to attached conditions.**

## **ATTACHMENTS**

1. Draft conditions of consent
2. Applicant's clause 4.6 variation
3. Targeted Environmental Investigation
4. Architectural Plans
5. Stormwater Plans