

TO: Sydney Central City Planning Panel

SUBJECT: 7 Dursley Road & 63 Pine Road Yennora

FILE No: DA 2016/501/3

Application lodged	14 September 2018
Applicant	Tubb & Associates Pty Ltd
Owner	Tapp II Yennora B Pty Ltd
Application No.	2016/501/3
Description of Land	7 Dursley Road & 63 Pine Road Yennora, lot 12 in DP 1048988 & lot 3 in DP 231327
Proposed Development	Section 4.55 (2) Application to modify floor area and tenancy configuration of warehouse 1 to create 2 separate tenancies, changes to the parking and loading arrangements, additional driveways for truck access, and business identification signage
Site Area	125, 600 m ² (lease area = 4,2107 m ²)
Zoning	IN1 – General Industrial and E2 – Environmental Conservation
Disclosure of political donations and gifts	Nil disclosure
Heritage	No heritage items in the vicinity
Principal Development Standards	N/A
Issues	<ul style="list-style-type: none"> • Landscape area non-compliance • Vehicular access arrangements

SUMMARY

1. Approval was granted by the Sydney Central City Planning Panel on 25 September 2017 for *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* on the subject site pursuant to DA 2016/501.
2. Approval was granted by the Sydney Central City Planning Panel on 17 July 2018 for *alterations and additions to the approved industrial warehouse including an additional GFA of 1000 m², an additional office area of 359 m², additional 16 parking spaces and alterations to setbacks* pursuant to DA 2016/501/2.
3. The subject modification DA 2016/501/3 was received by Council on 14 September 2018 seeking consent for *modifications to the floor area and tenancy configuration of the approved warehouse, parking and loading bay location, and additional driveways for truck access.*
4. The application was deferred on 7 January 2019 and amended plans/additional information was received 29 January 2019.
5. The application was not required to be publicly notified.
6. The proposal involves the following variations which are considered supportable as detailed elsewhere in the report:

Control	Required	Provided	% variation
Landscape area	15 % of site area (6,316.05 m ²)	11% (4659.6 m ²)	26%
Wall signs	Maximum 1 wall sign per frontage	2 wall signs on northern elevation	100%

7. The application is recommended for approval subject to the conditions provided in the draft determination.
8. The application is referred to the Panel as the proposal is a modification 4.55(2) application to a regionally significant development.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site is located on the corner of Dursley Road and Pine Road within an established industrial area. On the opposite side of Dursley Road is the Yennora Distribution Park.

The total site area is 12.56 ha. However, the subject development occupies only the northern portion of the site, with a lease area of 42,107 m² (proposed).

The south western portion of the site contains some remnant vegetation forming part of the Alluvial Woodland endangered ecological community, which extends along the Prospect Creek riparian corridor.

The surrounding sites to the north, east and west accommodate existing industrial operations. Properties on the opposite side of Prospect Creek to the south west are zoned residential. All existing dwellings are located more than 250 m from the subject development.

The majority of the subject site is zoned IN1 – General Industrial as shown in figure 1 below. The riparian corridor along the south western boundary is zoned E2 – Environmental Conservation. The proposed works are contained wholly within the IN1 portion of the site.



Figure 1 – Zoning map of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site from Dursley Road

Adjoining the rear of the site is Prospect Creek and associated riparian corridor.

The site is identified as a flood control lot in Council's mapping system. The site contains public stormwater drainage infrastructure and associated drainage easements along the western boundary, conveying stormwater into the Prospect Creek.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application involves the following modifications as detailed in the applicant's statement of environmental effects:

- *Reduction of Warehouse 1 lease site area from 50,844 m² down to 42,107 m²*
- *Creation of Warehouse 1A (8,000 m² GFA) and Warehouse 1B (16,850 m² GFA) tenancies;*
- *Reduction in overall GFA from 32,359 m² down to 26,250 m²*
- *Increase of Warehouse 1A office from 199 m² to 400 m²*
- *Relocation of the Warehouse 1 & Warehouse 2 tenancy boundary approximately 24 m north;*
- *Construction of truck driveway crossover (fire truck access) at southern tenancy boundary off Pine Road;*
- *Redistribution of parking spaces from Pine Road frontage to Dursley Road frontage to cater to Warehouse 1B office staffing numbers;*
- *Redistribution of loading docks between Warehouse 1A and 1B;*
- *Relocation of sprinkler tank and pump room fronting Pine Road; and*
- *Creation of two (2) additional driveway crossovers to service both Warehouses 1A and 1B.*

The proposal also seeks consent to provide signage for both warehouse tenancies.

HISTORY

Date	Action
14 September 2018	Application lodged with Council
25 September 2018	Application referred to internal and external agencies for comment
7 January 2019	Application deferred seeking additional information
29 January 2019	Additional information received by Council
7 February 2019	Application reported to Sydney Central City Planning Panel for determination

APPLICANT'S SUPPORTING STATEMENT

A Statement of Environmental Effects prepared by Willow Tree Planning, dated 13 September 2018 was submitted in support of the application.

CONTACT WITH RELEVANT PARTIES

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

INTERNAL REFERRALS

Development Engineering

The development application was referred to Council's Development Engineer for comment. The response received on 24 January 2019 indicates that the proposal is satisfactory as the amended

stormwater design complies with Council's OSD policy and the relevant DCP requirements. Conditions as recommended by the Engineer have been incorporated in the draft determination.

Traffic Engineering

The development application was referred to Council's Traffic Engineer. The response received indicated that the proposed security gates were unacceptable, as no queueing area was provided within the site for heavy vehicles. Accordingly, condition 32 is recommended to be maintained in its current form. Concern was also raised regarding B-Double access from the east. A new condition is included in the draft determination to require swept path analysis to be provided showing that a B-Double can turn left into the driveway off Dursley Road for both warehouses.

Environmental Health

The development application was referred to Council's Environmental Health Officer for comment. The response received on 3 October 2018 indicates that the proposed modifications are satisfactory from an environmental health perspective and that no other conditions are required.

Landscape & Tree Management

The development application was referred to Council's Landscape & Tree Management Officer for comment. The response received on 17 January 2019 indicates that the proposed modifications are satisfactory, subject to amendments to the landscape plan and additional street tree planting within the Pine Road setback.

Waste Management

The development application was referred to Council's Waste Management Officer for comment. The response received on 3 October 2018 indicates that the development as proposed to be modified complies with the relevant DCP provisions regarding waste management and is considered satisfactory.

EXTERNAL REFERRALS

NSW Roads and Maritime Services

The development application was referred to NSW RMS for comment. The response received on 17 October 2018 indicates that the proposed modifications are satisfactory subject to conditions. The correspondence from RMS is included as an endorsed document at condition 2, as recommended to be modified under this application.

Endeavour Energy

The development application was referred to Endeavour Energy for comment. The response received on 5 October 2018 indicates that Endeavour Energy has general concerns regarding vegetation management within the proximity of the existing overhead power lines. The Endeavour Energy correspondence was forwarded to the applicant for their information and is included as an endorsed document at condition 2, as recommended to be modified under this application.

PLANNING ASSESSMENT

Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 (EP&A Act)

Pursuant to section 4.55(2), a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Requirement	Comment
It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The original application consented to the construction of a new warehouse and distribution facility, to operate 24 hours a day.</p> <p>The modification application proposes changes to the configuration of the warehouse space, vehicular access and parking arrangements.</p> <p>The proposed modifications do not seek to increase the height or GFA of the development and will not result in any additional environmental impact in the locality. The relationship of the development to the site, its street presentation and balance of built form to open space remain largely unchanged.</p> <p>Accordingly, the proposed modification is considered to be substantially the same as the development for which consent was originally granted.</p>
it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	No Minister, public authority or approval body was required to be consulted.
It has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The application was not required to be notified in accordance with the Environmental Planning & Assessment Regulation, or Part E of Holroyd Development Control Plan 2013.
It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	N/A
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to	<p>The provisions of the applicable EPIs are discussed elsewhere in this report.</p> <p>The provisions of the applicable DCP are discussed elsewhere in this report.</p>

the development the subject of the application.	<p>There are no planning agreements or draft planning agreements related to this application.</p> <p>The regulations do not prescribe any relevant matters for consideration.</p> <p>The likely impacts of the proposal are considered satisfactory.</p> <p>The site is considered to be suitable for the development as proposed to be modified.</p> <p>The application was not required to be notified and no submissions were received.</p> <p>Approval of the subject application would not be contrary to the public interest.</p>
The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	<p>The reasons given by the consent authority for the grant of the consent that is sought to be modified are as follows:</p> <p>(a) <i>The proposed development is consistent with the objectives of the zone and the site is suitable for the intended use.</i></p> <p>(b) <i>The proposed development, subject to conditions, will not have any unacceptable adverse impacts on the natural or built environment, and will not pose any impacts on the amenity of adjoining properties or the locality.</i></p> <p>(c) <i>The proposed development is in the public interest.</i></p> <p>The proposed modifications do not affect the suitability of the site for the proposed use, and will not result in any adverse impacts on the natural or built environment, or affect the amenity of any neighbouring properties.</p>

PLANNING COMMENTS

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 'regionally significant development'. Such applications require a referral to a Sydney Planning Panel for determination. The proposed development

constitutes 'Regionally Significant Development' as it is a modification application, other than an application under section 4.55(1A), to a consent that was originally approved by the Sydney West Central Planning Panel (due to its exceedance of the \$20 million CIV threshold).

(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 provisions of SEPP 55 were considered in the assessment of the original application and the proposed modifications do not alter previous conclusions regarding the suitability of the site for the proposed development.

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

The relevant provisions of the ISEPP 2007 have been considered in the assessment of the development application as follows:

Subdivision 2 - Development likely to affect an electricity transmission or distribution network
Clause 45

The application is subject to Clause 45 of the SEPP as the site contains electrical infrastructure and associated easements benefitting Endeavour Energy, and a pole mounted substation.

The application was referred to Endeavour Energy for comment. See details of their response under 'external referrals' above.

Clause 104 – Traffic generating developments

The original application was referred to RMS for comment as the development is a warehouse or distribution centre with a floor area greater than 8,000 m². The proposed modification does not require referral to RMS under this section as the modification does not result in an enlargement or extension of the approved development. The proposal was, however referred to RMS for comment. See details of their response under 'external referrals' above.

(d) State Environmental Planning Policy No 64 – Advertising and Signage

The original consent included conditions stating that no approval was granted for any signage.

The applicant has requested that the signage form part of the approval under this application and this has been assessed as satisfactory.

The signage is consistent with the aims and objectives of SEPP 64, and the objectives of Part F of HDCP 2013. The proposal satisfies the relevant criteria at Schedule 1 of the SEPP and a detailed compliance table is provided at **attachment 1**.

Further comments are provided below regarding compliance with the advertising and signage controls under Part F of HDCP 2013.

(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

The subject site is located within the Georges River Catchment as defined in the GMREP. The proposed modification does not include any works that are listed in the planning control table under Part 3, and was not required to be advertised.

The development as proposed to be modified is consistent with the relevant aims objectives and planning principles in the GMREP. A detailed assessment against the provisions of the GMREP is provided at **attachment 2**.

Local Environmental Plans

The proposed development is affected by the following Local Environmental Plans.

(a) Holroyd Local Environmental Plan 2013

The proposed development is classified a “warehouse or distribution centre” which is defined in the LEP 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.*”

A warehouse or distribution centre is permissible with consent in the IN1 zone.

The proposed modification does not result in any variations to the development standards under HLEP 2013. A comprehensive LEP compliance table is provided at **attachment 3**.

The provisions of any proposed instrument that is or has been the subject of public consultation (EP&A Act s4.15 (1)(a)(ii))

There are no draft State Environmental Planning Policies applying to the subject development.

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

The provisions of Part A – General Controls, Part D – Industrial Controls, and Part F – Advertising and Signage Controls of Holroyd Development Control Plan (HDCP) 2013 apply to the subject modification application.

The following table highlights non-compliances with the DCP, which are considered satisfactory on merit in this instance:

No.	Requirement	Comment	Yes	No	N/A
PART D – INDUSTRIAL CONTROLS					
2	Design Guidelines				
2.5	Setbacks				
	Front setback areas shall not be used for storage or display of goods or excessive signage, loading/unloading or large areas of car parking.	The majority of the car parking is provided within the front setback. This was approved under the original application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.6	Parking and Vehicular Access				
	For new or major redevelopment, provide all loading and unloading facilities and the majority of car parking required for the development at the rear or at the side of any buildings.	The previous modification application approved the location of loading and unloading within the Dursley Road setback and the original application approved the car parking within the Pine Road setback. The subject application involves only minor adjustments to the loading and parking arrangements and is considered acceptable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.	Landscaping of industrial sites				
	Minimum 15 % of site area to be landscaped (lots >2000 m ²)	<p>The site has an overall area of 12.56 ha. However, the lease site for the subject development has an area of 42,107 m² and the landscape area calculation has been based on this proposed lot area.</p> <p>The proposed modification provides for 4659.6 m² of landscape area which is equivalent to 11% of the lease site area.</p> <p>The original application approved a landscape area equivalent to 12.32% of the lease site and the previous modification application (DA 2016/501/2) approved an increase in the landscape area to 13.58 %.</p> <p>The applicant has provided a master plan for the site which indicates that 26,533.7 m² of landscaped area will be provided across the whole site. This is equal to 21% which exceeds the 15% control.</p> <p>In view of the overall landscaped area of the site, the proposed variation is considered acceptable.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Retail & Commercial Uses in Industrial Zones				
PART F – ADVERTISING AND SIGNAGE					
4.	Signs in industrial zones				
	Wall signs, including painted wall signs, must not exceed one per street frontage.	Two signs proposed on the northern elevation. Considered satisfactory as the total area of the signs does not exceed 10% of the building elevation, and the signs will provide for business identification of two separate tenants.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Business identification signs must not exceed one per site, with maximum dimensions of 0.5m x 1.5m and a maximum height above natural ground level of 1.5 metres.	<p>The site contains 6 business identification signs servicing two separate tenancies.</p> <p>The wall signs have dimensions of 5.6 x 1.5 (approx.) and are located higher than 1.5 m above ground level</p> <p>The signs are considered satisfactory despite the numerical non-compliance as the size and location is appropriate to the scale and character of the building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A comprehensive DCP compliance table is provided at **attachment 4**.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no planning agreement or draft planning agreement associated with the subject application.

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

The Regulation does not prescribe any relevant matters for consideration.

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

The likely impacts of the proposed development have been assessed and are considered satisfactory.

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

The subject site is considered suitable for the development as proposed to be modified.

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

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

The proposal was not required to be publicly notified.

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

In view of the foregoing analysis it is considered that the development, if carried out in accordance with the conditions set out in the draft determination, will not be contrary to the public interest.

SECTION 7.11 (FORMERLY S94) CONTRIBUTION TOWARDS PROVISION OR IMPROVEMENT OF AMENITIES OR SERVICES

The proposed development does not attract development contributions.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, HLEP 2013, and HDCP 2013 and is considered to be satisfactory.

RECOMMENDATION

1. That Development Application No. 2016/501/3, seeking consent for modifications to the floor area and tenancy configuration of warehouse 1 to create 2 separate tenancies, changes to the parking and loading arrangements, additional driveways for truck access, and business identification signage on land at 7 Dursley and 63 Pine Road Yennora, be approved subject to the conditions listed in the draft determination.

ATTACHMENTS

1. SEPP 64 Compliance Table
2. GMREP No 2 Compliance Table
3. HLEP 2013 Compliance Table
4. HDCP 2013 Compliance Table

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5. Draft Notice of Determination
 6. Architectural Plans