

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference Number	2018SWC040
DA Number	S4.55(2) Application 2016/501/2
Local Government Area	Cumberland
Proposed Development	S4.55(2) modification seeking alterations and additions to an approved industrial warehouse including an additional GFA of 1000m ² , an additional office area of 359m ² , additional 16 parking spaces and alterations to setbacks.
Street Address	Lot 3, DP 231327 and Lot 12, DP 1048988, No. 7 Dursley Road and No. 63 Pine Road, Yennora
Applicant	Nick Greenwell (Fife Capital)
Owner	Tap II Yennora B Pty Limited
Number of Submissions	NIL
Regional Development Criteria (Schedule 4A of the Act)	Section 4.55(2) Application to Regional Development Application 2016/501/1 as listed on the JRPP website
List of All Relevant s79C(1)(a) Matters	• State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy No. 55 – Remediation of Land. • State Environmental Planning Policy No. 64 – Advertising and Signage. • Water Management Act, 2000. • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment. • Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013). • Holroyd Development Control Plan 2013 (Holroyd DCP 2013).
Recommendation	Approval
Report by	William Attard, Senior Development Planner, Cumberland Council
Meeting date	Electronic Determination

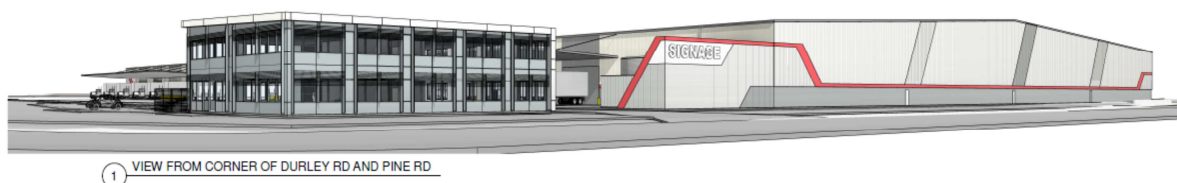


Figure 1 – Perspective from Dursley and Pine Road intersection (Source: Reid Campbell, 2018)

ASSESSMENT REPORT

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ATTACHMENTS

Attachment 1 – Architectural plans

Attachment 2 – Draft conditions of consent

Attachment 3 – Assessment against SEPP 64 – Advertising and Signage

Attachment 4 – Assessment of compliance with Holroyd LEP 2013

Attachment 5 – Assessment of compliance with Holroyd DCP 2013

1 Executive Summary

- 1.1 Council is in receipt of a Section 4.55(2) Application (formerly Section 96 Application) from Nick Greenwell (Fife Capital) which seeks alterations and additions to an approved industrial warehouse including an additional GFA of 1000m², an additional office area of 359m², additional 16 parking spaces and alterations to setbacks at No. 7 Dursley Road and No. 63 Pine Road, Yennora. A copy of the proposed plans is provided at **Attachment 1**.
- 1.2 Development Application 2016/501/1 was approved by the Sydney West Central Planning Panel at its meeting of 25 September 2017, for construction of a new warehouse and ancillary offices and use as a warehouse and distribution facility operating 24 hours, 7 days a week.
- 1.3 The changes sought via the subject Section 4.55 Application, as reflected within the Applicant Statement of Environmental Effects, are as follows:-
- *Reconfiguration and rotation of warehouse with an increase in warehouse GFA to [31,000m² (additional 1,000m²)], and the provision of additional ancillary mezzanine warehouse offices: Office 1B: (160m²) fronting Pine Road; and Office 1C (199m²) fronting Dursley Road along the western boundary;*
 - *Increased building setback to Dursley Road (10m to 41m);*
 - *Reduced building setback to Pine Road (58m to 20m);*
 - *Reduced landscape setback to Dursley Road (10m to 6m);*
 - *Removal of truck driveway crossover and access from Pine Road within Lot 12;*
 - *Relocation of truck driveway crossover and access, loading area and docks to the Dursley Road frontage, with retention of approved setback and landscaping treatment;*
 - *Relocation of car driveway crossover and access from Pine Road approximately 30m north;*
 - *Addition of sixteen (16) car parking spaces fronting Dursley Road along the western boundary;*
 - *Amendments to the northern car parking area, reconfigurations to the approved vehicles egress points, and relocation of sprinkler & tank room to this area with retention of approved setbacks to Pine Road;*
 - *Creation of new drainage easement along western boundary (12.9m wide); and*
 - *Removal of approved fire truck emergency access with sliding gate along southern boundary.*
 - Indicative location of five (5) walls signs and two (2) pylon signs.

- 1.4 The subject site is zoned part IN1 General Industrial, and part E2 – Environmental Conservation pursuant to Holroyd Local Environmental Plan (LEP) 2013. The proposed works are confined to the IN1 General Industrial zoned portion of the site. The proposed development continues to be 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.*
- 1.5 The proposed development continues to be permitted within the IN1 General Industrial zone with consent and is considered to meet the objectives of the zone.
- 1.6 The development complies with the development standards contained within Holroyd LEP 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.
- 1.7 The development is generally consistent with the requirements of the Holroyd DCP 2013, with the exception of the number of signs proposed onsite. The proposed variation is considered acceptable as discussed in further detail in **Section 5** of this Report.
- 1.8 The application was externally referred to the NSW Roads and Maritime Services (RMS), Endeavour Energy and TransGrid, all of which raised no objection to the proposed development.
- 1.9 The application was referred internally to Council’s Development Engineer, Landscaping and Tree Management Officer, Environmental Health Officer and Resource Recovery Officer, all of which raised no objection, some subject to conditions.
- 1.10 In accordance with Part E, Section 1.7 of Holroyd Development Control Plan 2013, the application did not require notification.
- 1.11 The modified 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 4.15 (formerly 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.

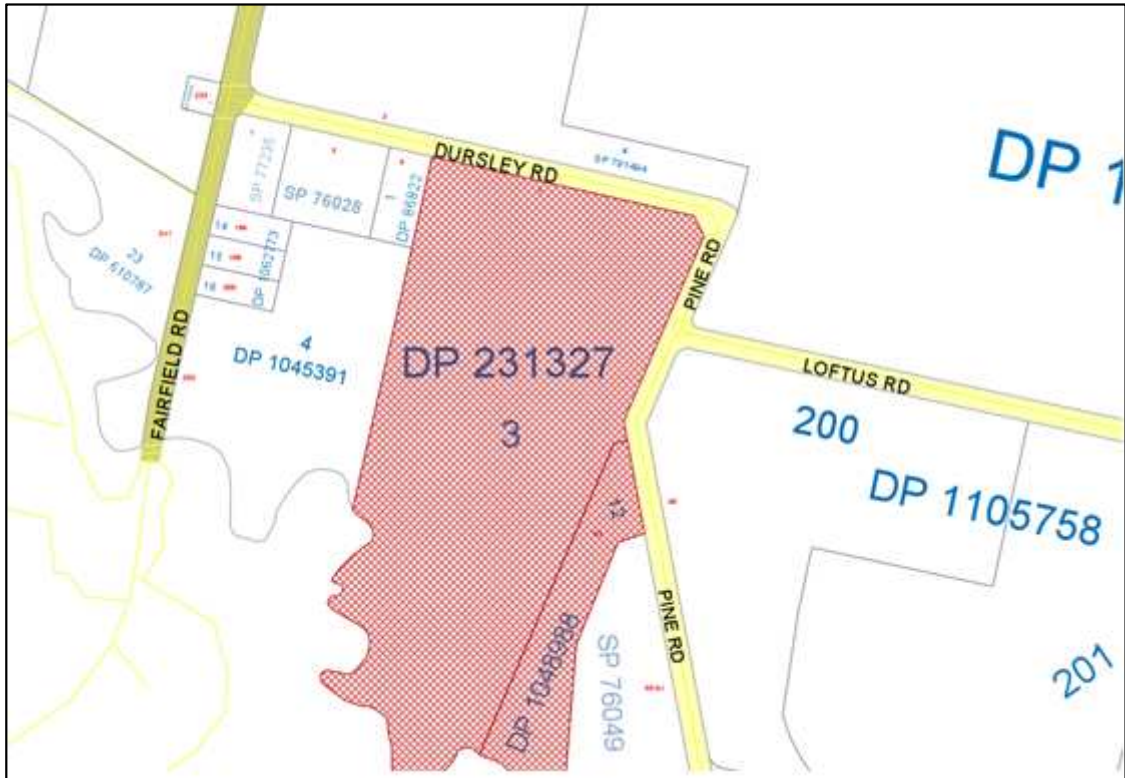


Figure 2: Locality Map (Source: Cumberland Council, 2017)

- 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 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.
- 2.4 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)

- 2.5 Adjoining the rear of the site is Prospect Creek and its associated riparian corridor. The proposed development located approximately 80m from this corridor.
- 2.6 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.
- 2.7 The subject site is zoned part IN1 General Industrial, and part E2 – Environmental Conservation pursuant to Holroyd Local Environmental Plan (LEP) 2013, as shown in Figure 4 below. The proposed works are confined to the IN1 General Industrial zoned portion of the site.

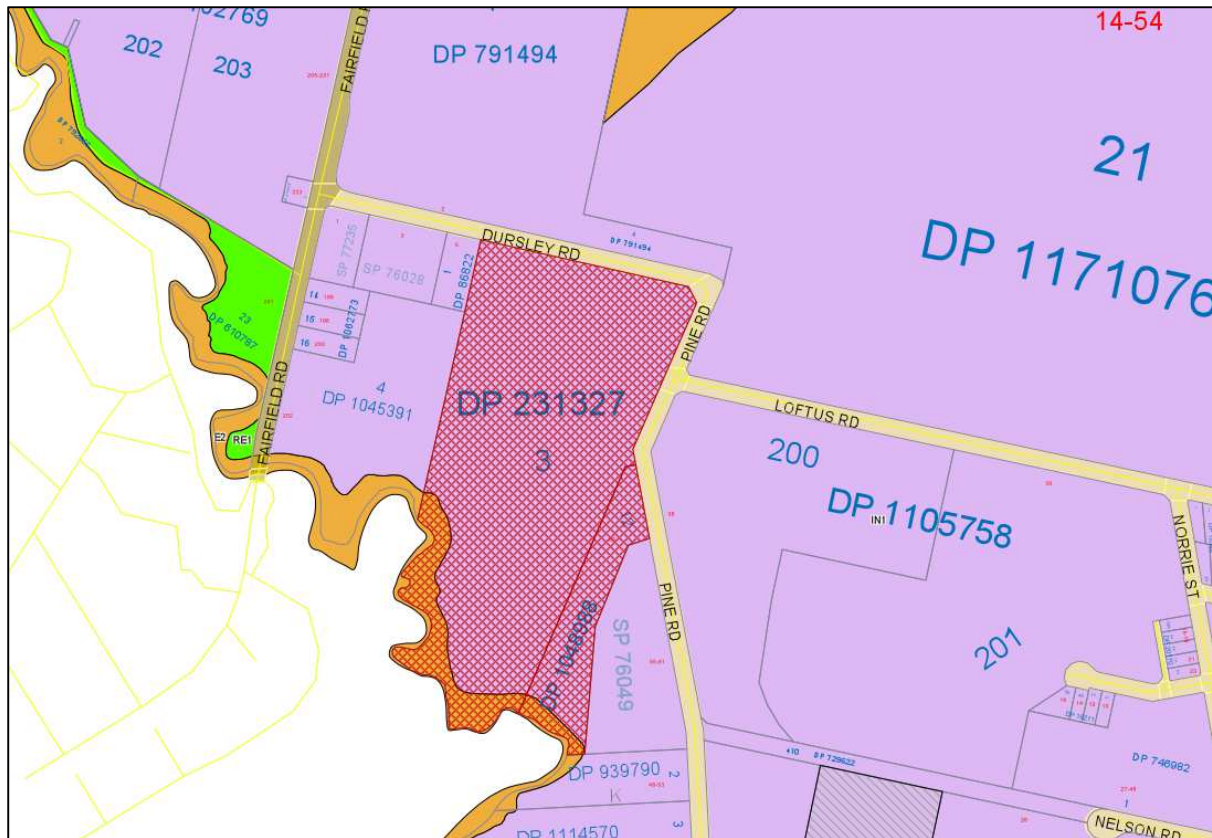


Figure 4: Zoning Plan (Source: Cumberland Council, 2017)

3 The Proposal

- 3.1 Development Application 2016/501/1 was approved by the Sydney West Central Planning Panel at its meeting of 25 September 2017, for construction of a new warehouse and ancillary offices and use as a warehouse and distribution facility operating 24 hours, 7 days a week.
- 3.2 The changes sought via the subject Section 4.55 Application, as reflected within the Applicant Statement of Environmental Effects, are as follows:-
 - *Reconfiguration and rotation of warehouse with an increase in warehouse GFA to [31,000m² (additional 1,000m²)], and the provision of additional ancillary mezzanine warehouse offices: Office 1B: (160m²) fronting Pine Road; and Office 1C (199m²) fronting Dursley Road along the western boundary;*
 - *Increased building setback to Dursley Road (10m to 41m);*
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- *Creation of new drainage easement along western boundary (12.9m wide); and*
- *Removal of approved fire truck emergency access with sliding gate along southern boundary.*
- Indicative location of five (5) walls signs and two (2) pylon signs.

4 Planning Controls and Comments

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

- a. Section 4.55 of the Environmental Planning and Assessment Act 1979 (EP & A Act)

Pursuant to Section 4.55(2) (formerly known as Section 96(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
(a) 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	The development as proposed to be modified is substantially the same as the original consent.
(b) It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) 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,	No Minister or public authority is required to be consulted.
(c) It has notified the application in accordance with:	The application was not required to be notified as per the Holroyd DCP 2013.

(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	
(d) 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.	Not Applicable. Proposed modification did not require notification.
(3) 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 as are of relevance to the development the subject of the application.	The provisions of the applicable EPIs are discussed elsewhere in this report The provisions of the applicable DCP are discussed elsewhere in this report. There are no relevant matters referred to in the regulations. There is no coastal zone management plan applying to the land. The likely impacts of the proposal are considered satisfactory. The site is considered to be suitable for the development as proposed to be modified. No submissions were received. Approval of the subject application is not contrary to the public interest.

b. 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 State Environmental Planning Policy (SEPP) (State and Regional Development) 2011. Such applications require a referral to the Sydney West Central Planning Panel for determination.

Development Application 2016/501/1 constituted 'Regional Development' as it had a Capital Investment Value (CIV) of \$26,276,005 which exceeds the \$20 million threshold. As per the JRPP website, modification applications for Regional Development under Section 4.55(2) (formerly known as Section 96(2) of the Environmental Planning and Assessment Act, 1979, are to be considered by the Sydney West Central Planning Panel.

While Council is responsible for the assessment of the Development Application, determination of the Application will be made by the Sydney West Central Planning Panel.

c. 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.

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.

d. 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 Development Application 2016/501/1. The SAS certified that the site is suitable for commercial/Industrial use, subject to the implementation of the Environmental Management Plan covering the site, which was appropriately conditioned.

The SAS was 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 Environmental Health Officer has assessed the development, and raises no objection to the proposal. Council is therefore satisfied that the site continues to be suitable for industrial use, in accordance with the requirements of Clause 7 of SEPP 55.

e. State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The proposed signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, is of high quality design and finish, and is therefore consistent with the aims and objectives of Clause 3 of SEPP 64.

The table in **Attachment 3** outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP 64.

f. 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 continues to satisfy 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.

g. Holroyd Local Environmental Plan (HLEP) 2013

The subject site is zoned part IN1 General Industrial, and part E2 – Environmental Conservation pursuant to Holroyd Local Environmental Plan (LEP) 2013. The proposed works are confined to the IN1 General Industrial zoned portion of the site. The proposed development continues to be characterised as a 'warehouse and distribution centre', which is defined under the Holroyd LEP 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 development complies with the development standards contained within the Holroyd LEP 2013. A detailed assessment against the provisions of the Holroyd LEP is provided at **Attachment 4** to this Report.

h. 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 maximum number of signs requirement. A detailed assessment against the provisions of the Holroyd DCP 2013 is provided at **Attachment 5** to this Report. The proposed variation to the maximum number of signs requirement is minor, and the variation is considered to be supportable on its merits. The variation is discussed in further detail below.

Signs in Industrial Zones

- In accordance with Part F, Clause 4 of the Holroyd DCP 2013, wall signs shall not exceed one per street frontage, and business identification signs must not exceed one per site.

In this regard, the proposed development seeks consent for five walls signs and two pylon signs, all business identification signs. In detail, the locations of the proposed signs are as follows:-

Wall Signs – Five Signs

Two (2) signs are designed to the northern elevation of the warehouse, and one (1) is designed to the eastern elevation of the warehouse building. One (1) sign is proposed to the southern elevation of Office 1A, and one (1) sign is proposed to the eastern elevation of the screened sprinkler tank and pump room.

Pylon Signs – Two Signs

Two (2) pylon signs are proposed, one (1) adjacent to the entrance from Pine Road, and one (1) adjacent to the entrance from Dursley Road.

The proposed number of signs is considered supportable in this instance, noting the proposed signage is in context with the character of the surrounding locality, and is in scale and proportion with the proposed buildings. Furthermore, Part F, Clause 4 of the Holroyd DCP 2013 requires that wall signs must not exceed one third of the length of the wall, to which the proposed wall signs do not.

5 External Referrals

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

Referral Agency	Comment
Roads and Maritime Services	No objection.
Endeavour Energy	No objection.
TransGrid	No objection.

7 Internal Referrals

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

Development Engineer	No objection, subject to conditions.
Landscaping Officer	No objection.
Environmental Health Officer	No objection.
Waste Management Section	No objection, subject to conditions.

8 Section 4.15 Consideration

- 8.1 Consideration of the matters prescribed by Section 4.15 (formerly known as 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 and addressed in Section 4 of this Report.	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 impacts relating to the proposed development is provided in Section 4 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 zoned part IN1 General Industrial, and part E2 – Environmental Conservation pursuant to Holroyd Local Environmental Plan (LEP) 2013. The proposed works are confined to the IN1 General Industrial zoned portion of the site. Further, matters relating to site contamination, salinity, stormwater drainage and access have been satisfactorily addressed as a part of this application and the original Development Application, rendering the site suitable for the proposed development.	Yes
d. any submissions made in accordance	In accordance with the requirements of Part E of the Holroyd DCP 2013, the DA was not required	Yes

with this Act or the regulations	to be notified. No submissions were received against the application.	
e. the public interest	The proposed development is for the purpose of a 'warehouse and distribution centre'. The development 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

9 Conclusion

- 9.1 The proposed development has been assessed against the matters for consideration listed in Section 4.15 (formerly known as Section 79c) of the Environmental Planning & Assessment Act, 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 continues to be suitable for the development.
- 9.2 The proposed development is consistent with the objectives of Holroyd LEP 2013, and is permissible in the zone with Development Consent. The proposal also complies with the Holroyd DCP 2013, with the exception of the maximum number of signs 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.