

SYDNEY CENTRAL CITY PLANNING PANEL

TO: Sydney Central City Planning Panel

SUBJECT: 62 Ferndell Street, SOUTH GRANVILLE

FILE No: DA-384/2018

| | |
|--|---|
| Application lodged | 19-Dec-2018 |
| Applicant | Dexus Property Services Pty Ltd |
| Owner | Dexus Wholesale Management Limited |
| Application No. | DA-384/2018 |
| Description of Land | 62 Ferndell Street, SOUTH GRANVILLE, Lot 50 DP 816718 |
| Proposed Development | Construction of four industrial buildings with 24 hour operations 7 days a week, including signage, parking and associated landscaping and stormwater works |
| Site Area | 102,740sqm |
| Zoning | IN1 General Industrial PLEP 2011 |
| Disclosure of political donations and gifts | Nil disclosure |
| Heritage | No |
| Issues | Height – 4.6 variation, hours of operation |

SUMMARY

1. Development Application No.DA-384/2018 was received on 19-Dec-2018 for construction of four industrial buildings with 24 hour operations 7 days a week, including signage, parking and associated landscaping and stormwater works
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 22 January 2019 and 12 February 2019. In response, one (1) submission was received.
3. Application was deferred 30 April 2019 raising key issues including parking, mix of industrial uses, clause 4.6 justification, survey and landscape plan details, arborist report, signage details, utilities, and stormwater drainage. Amended plans were received by Council in mid June 2019 and are the subject of this assessment.
4. The variations are as follows:

| Control | Required | Provided | % variation |
|-----------------|----------|----------|----------------------------------|
| LEP Height | 12m | 16.7m | 39.16% (4.7m – building 3 and 4) |
| Bicycle Parking | 228 | 58 | 74.6% (170 short) |
| Car Parking | 658 | 657 | 1.5% (1 short) |

5. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.
6. The application is referred to the Panel as the proposal has a capital investment value of more than \$30 million.

SUBJECT SITE AND SURROUNDING AREA

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. All buildings except for the U-shaped administration building in the north-eastern part of the site have been approved for demolition under a Complying Development Certificate. It is noted that this subject application (DA-384/2018) is for construction only and conditions will be imposed on any approval requiring separate approval for demolition of remaining structures onsite.

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 is located to the west.

[illegible]

Figure 2 – Aerial view of subject site

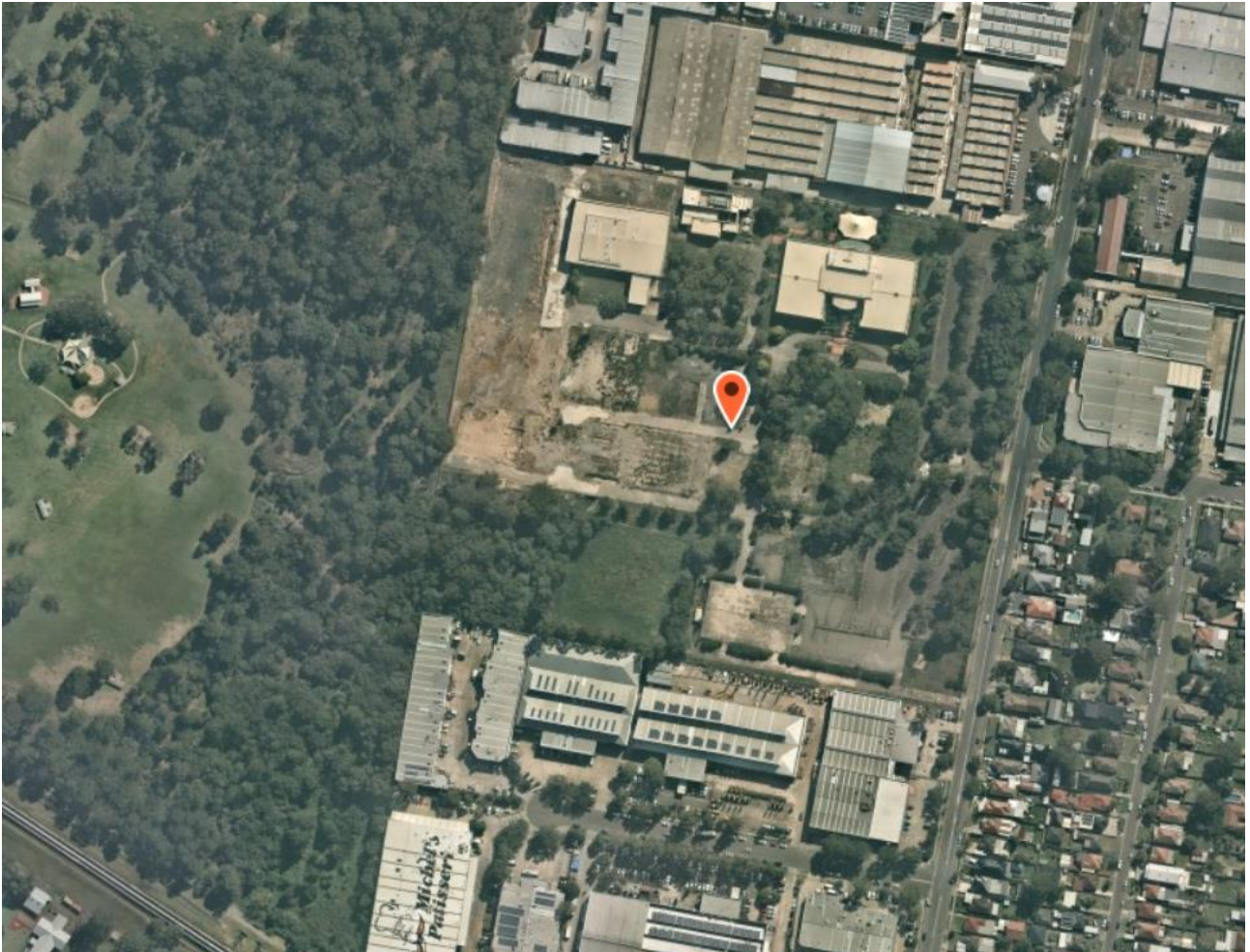
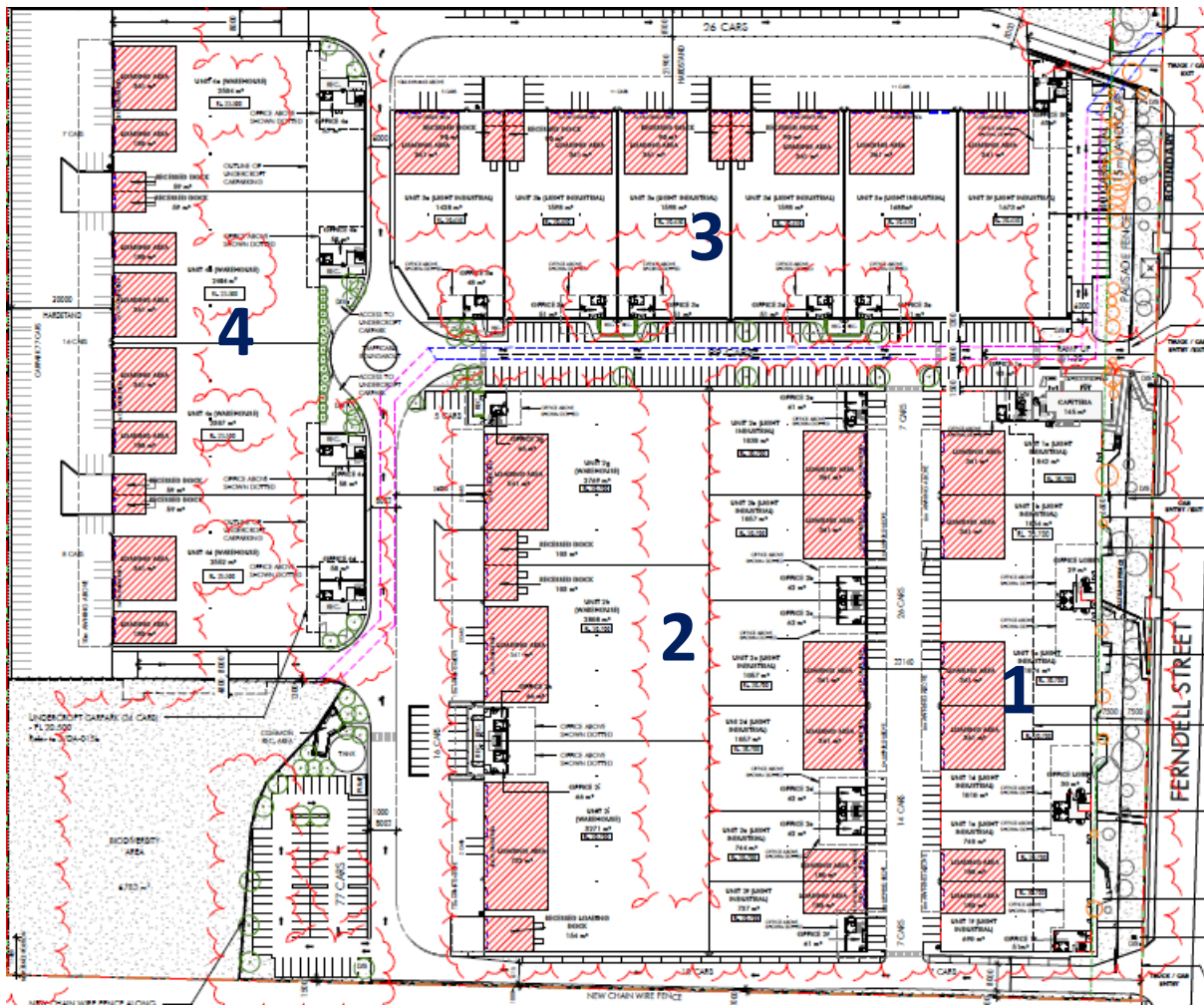


Figure 3 – Street view of subject site



DESCRIPTION OF THE PROPOSED DEVELOPMENT

Council has received a development application for construction of four industrial buildings with 24 hour operations 7 days a week, including signage, parking and associated landscaping and stormwater works works and includes:



Construction of four (4) warehouses

Warehouse 1

Building 1

| | |
|------------------|----------------------|
| Light Industrial | 5,410 m ² |
| Office | 1,522 m ² |
| Cafeteria | 145 m ² |
| Common lobby | 27 m ² |
| Loading Area | 1,804 m ² |

- Total GFA (Exc. Loading Area) 7,104 m²
- Located on the south-eastern portion of the site fronting Ferndell Street
- Undercroft parking for 101 cars including 5 disabled spaces, bin store room and stairs and lift/future lift access to tenancies and levels above
- Cafeteria with internal amenities and outdoor seating is located to the north of the building
- Divided into six (6) tenancies anticipated for light industrial uses
- Ground floor:
 - All tenancies are provided with amenities on the ground and first floor
 - Unit 1a and 1f have ancillary office space on the ground floor whilst shared office lobbies are provided to units 1b and 1c; and 1d and 1e on the ground floor.
 - Units 1a to 1d have 2 loading bays each, whilst 1e and 1f have only 1 loading bay each.
 - Awnings are provided over loading access.
- First floor: each tenancy is provided with ancillary office space and amenities.

- At grade parking is provided around the building to the north, south and west
- Outdoor sunshade structure and benches are provided to the east of the building.

Warehouse 2

Building 2

| | |
|------------------|----------------------|
| Unit | 8,848 m ² |
| Light Industrial | 5,682 m ² |
| Office | 2,205 m ² |
| Loading Area | 3,968 m ² |

- Total GFA (Exc.Loading Area) 16,735 m²
- Located to the centre south of the site
- Divided into nine (9) tenancies: Units 2a to 2f on the eastern side of the building are allocated for light industrial uses; and units 2g to 2i on the western side of the building are allocated to warehousing.
- All tenancies are provided with amenities and ancillary office area on the ground and mezzanine floor
- Units 2a to 2d each have 2 loading spaces, units 2e and 2f have 1 loading space each, units 2g and 2h have 3 loading spaces and a recessed loading dock each and 2i has 4 loading spaces and a recessed loading dock.
- Awnings are provided over loading access.
- At grade parking is provided around the building and also to the rear to the west of the building with at grade parking for 77 vehicles.
- At grade outdoor recreation areas are provided to the western tenancies

Warehouse 3

Building 3

| | |
|------------------|----------------------|
| Light Industrial | 9,583 m ² |
| Office | 1,482 m ² |
| Loading Area | 2,526 m ² |

- Total GFA (Exc.Loading Area) 11,065 m²
- Located to the north-east of the site
- Divided into six (6) tenancies anticipated for light industrial uses
- All tenancies are provided with amenities and ancillary office area on the ground and mezzanine floor.
- At-grade outdoor recreation area is provided to units 3a to 3e whilst unit 3f has first floor recreation space accessed from the mezzanine office.
- Each unit has two loading spaces and units 3a to 3d also have a recessed loading dock each.
- An awning is proposed along the northern façade
- At grade parking is provided around the building
- Semi undercroft parking is provided to the eastern side of the building featuring 40 parking spaces, including 1 disabled space) with the site office located on the south-eastern corner of the building at the undercroft level.

Warehouse 4

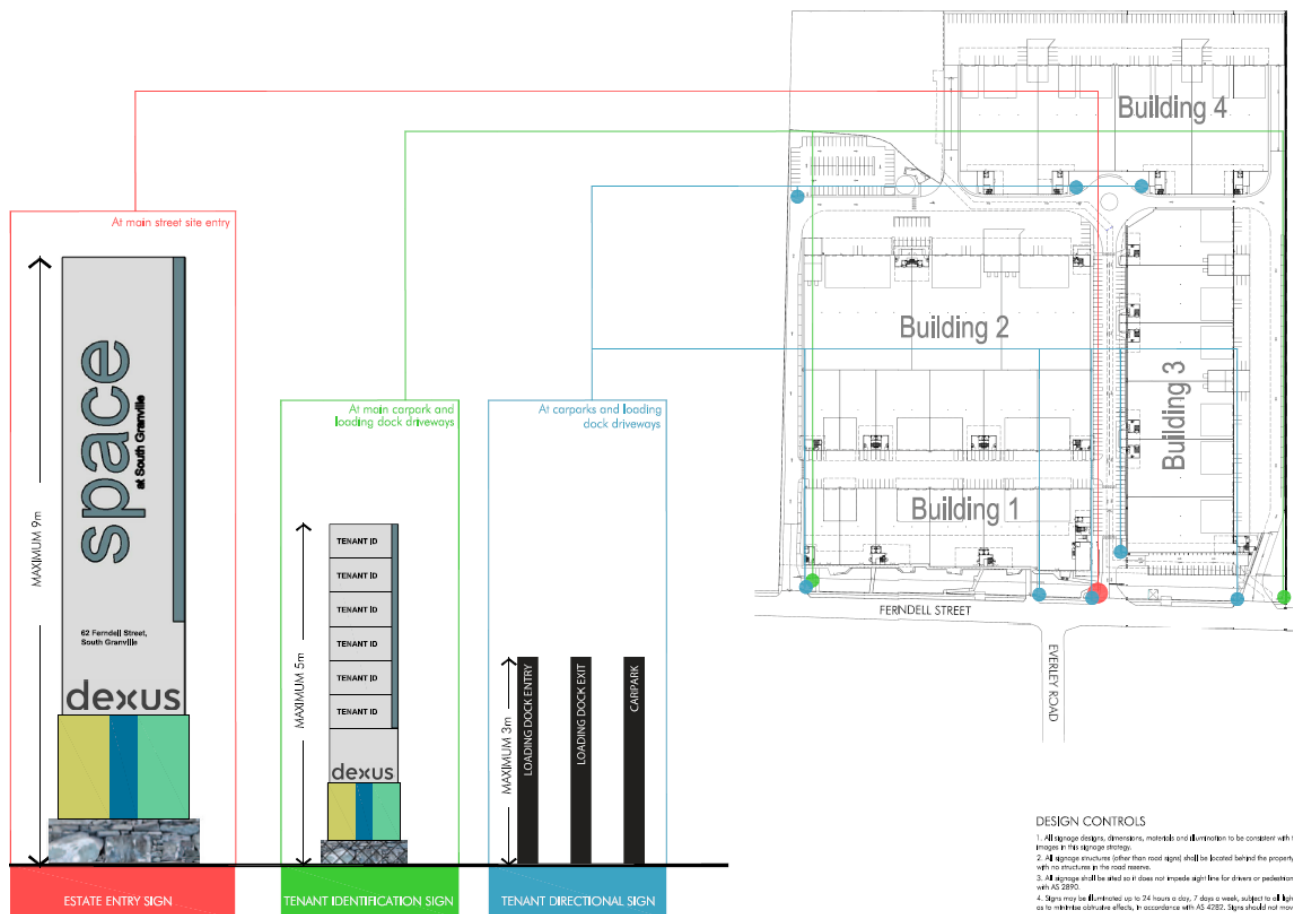
Building 4

| | |
|--------------|----------------------|
| Unit | 9,767 m ² |
| Office | 1,049 m ² |
| Loading Area | 2,400 m ² |

- Total GFA (Exc.Loading Area) 10,816 m²
- Located to the west of the site along the rear

- Undercroft parking is provided to the north and south of the roundabout for a total of 73 parking spaces including 4 disabled spaces with stairs and lift/future lift access to tenancies and levels above
- Divided into four (4) tenancies for anticipated for warehouse use, each with two loading spaces and a recessed dock, at-grade outdoor recreation area, amenities and ancillary office both at ground and mezzanine levels
- At grade parking is provided along the rear setback for 108 cars.

Signage



- Estate directional signage is proposed along the Ferndell Street frontage at key access points as per the above extract.
 - Main estate identification sign will have a maximum height of 9m and be located at the main access points to the north of the Everley Road T-junction;
 - Two tenant identification signs with a maximum height of 5m will be located at the northern and southern ends of the site.
 - Tenant directional signage such as carpark and loading dock entry/exit signs will be a maximum of 3m in height and be located at each vehicle access point.
- Building 1, 3 and 4 include indicative signage zone locations on selected elevations with approximate dimensions of W5m x H2.5m. Details of these signs have not been submitted.
- A large site identification sign, W18.5m x H5m is located adjacent to the roundabout on the eastern façade of building 4 with the name of the site “SPACE by dexus”.

General Site Arrangement, Operations and Works

- Vehicle access points: There are four access points along the Ferndell Street frontage in the following order from south to north:
 - Truck/car entry
 - Car entry/exit
 - Truck/car entry/exit
 - Truck/car exit
- Circulation around the site is provided along the northern, southern and western setbacks and between buildings.
- A roundabout is proposed to the central east of building 4.
- Parking: A total of 657 car parking spaces are proposed with 193 within undercroft areas and 464 at-grade parking spaces.
- Bulk earthworks are proposed to establish the building pads on site as well as to balance out any cut and fill
- Landscaping:
 - Ferndell Street frontage: existing vegetation and trees within the landscaped frontage outside building footprints and access driveways will be largely retained and enhanced
 - Biodiversity area: 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 undertake earthworks along the eastern boundary of the biodiversity area which will result in removal of some trees. New plantings are proposed to be planted to replenish the area.
 - Landscaping on other parts of the site will be removed accommodate the proposed building and hardstand areas.
 - New landscaping is proposed around the site within at-grade parking areas and around buildings.
- Hours of operation: a blanket 24 hour, 7 days a week is sought as part of this application.
- Use: No specific use is proposed and conditions will be included in any consent to require further approval to be sought prior to first use of the building.

HISTORY

A review of Council's records indicates the most recent applications on the site are:

- CDSPPC/344/2016, CDC:16144. Demolition of multiple industrial buildings, including buildings 1 to 19 & 21, demolition to part of outdoor area located on the northern side of the site and to remove boom gates to the main entry *excluding* Building 20 – approved 07-Dec-2016
- DA-230/2017, 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 – approved by Sydney Central City Planning Panels 09-Aug-2018
- PL-31/2018, Construction of warehouses including ancillary office, landscaping (biodiversity area) and car parking – advice issued 13-Nov-2018

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects (SEE) prepared by Willow Tree Planning, version 3, dated 17/12/2018 which was received by Council on 19 December 2018 in

support of the application. The SEE was updated on 7 June 2019 (version 4) with the amended documentation.

CONTACT WITH RELEVANT PARTIES

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

Development Engineer

The development application was referred to Council's Development and Flooding Engineers for comment who has 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 which will comply with the relevant requirements and can be supported subject to recommended conditions of consent.

Environmental Health

The development application was referred to Council's Environmental 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 including compliance with noise and contamination report recommendations, submission of a construction management plan and other conditions relating to vapour controls and annual groundwater monitoring.

Landscape Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory having regard to the proposed landscaping work around the site including the works around the biodiversity area and within the front landscape buffer. The application can therefore be supported subject to recommended conditions of consent for compliance with arborist report recommendations and associated updated landscape plans.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS)

The development is considered to be traffic generating development in accordance with Clause 104 and Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 as the development has 200 or more car parking spaces and the site and GFA exceeds 20,000sqm for industrial development. Thus, in accordance with Clause 104(3) of the SEPP, the application was referred to RMS for comment. The amended plans were also re-referred to the RMS for comment.

Council received a response from RMS on 13 February 2019 in relation to the original scheme and on 18 June 2019 in relation to amended plans and on both occasions it was advised that "Roads and Maritime has reviewed the submitted application and raises no objection to the proposed development as it is unlikely to have a significant impact on the classified road network." No additional conditions were provided.

Endeavour Energy

In accordance with Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007, the development is considered to impact on existing electrical infrastructure and was thus referred to Endeavour Energy for comment. It is noted from their response that no objections were raised subject to satisfactory arrangements being made with Endeavour Energy for the connection of electricity and the design requirements for the substation which can be dealt with prior to the issue of a Construction Certificate. This will be included in the conditions of consent.

NSW Police

The application was referred to the NSW Police for comments as the application proposes 24 hour use. The Police have undertaken a general assessment against the Safer by Design / Crime Prevention Guidelines and Crime Prevention Through Environmental Design (CPTED) and have recommended conditions to be imposed in their letter dated 7 February 2019, which will be included in conditions of consent where relevant.

PLANNING COMMENTS

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

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.

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 \$71.643 million which exceeds the \$30 million threshold. 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 was submitted with DA-230/2017 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.

The applicant for this application has thus submitted an updated Targeted Environmental Investigation prepared by KPMG SGA Property Consultancy Pty Ltd and dated 30 July 2018 which states the following:

- A *Targeted Environmental Investigation* prepared by KPMG SGA Property Consultancy Pty Ltd and dated 30 July 2018 concluded that the site is suitable for the proposed commercial/industrial development provided that a number of recommendations made in the report are followed.
- groundwater management in the event that groundwater is encountered during the development (i.e. during the installation of new stormwater pipes in the vicinity of BRW2). The CEMP should specifically address appropriate PPE to be worn by site workers and the correct disposal of impacted groundwater.

The proposed developed includes the installation of a new stormwater pipe in the vicinity of the impacted groundwater identified at BRW2. The stormwater pipe is proposed to be installed beneath external areas of the site (i.e. roadways) and not beneath buildings, reducing the risk of vapour intrusion into an occupied building. However, the design of the stormwater pipe will need to be considered to avoid creating a preferential pathway allowing vertical or lateral migration of impacted groundwater and/or vapour.

KPMG SGA recommends the following:

- a construction design that would not cause a preferential vapour pathway to the newly constructed building. If this is not possible a more detailed risk assessment will be required to assess the appropriate vapour controls for the building / warehouse
- ambient air testing prior to occupation of Warehouse 2 to validate that the COC vapour intrusion is not entering the building
- annual groundwater monitoring of wells BRW2, BRW3, BRW4 and BRW5 to assess the trends of the chlorinated benzene plume
- development of an Environmental Management Plan (EMP) for the site for ongoing management following construction.

A Construction Environmental Management Plan is also recommended to be produced by an adequately qualified environmental consultant to include:

- an unexpected findings protocol specifying how to manage identification of potential contamination (such as asbestos) during the development works
- soil management including separation, stockpiling, testing, classification, and offsite disposal in accordance with NSW Waste Classification guidelines

- groundwater management in the event that groundwater is encountered during the development (i.e. during the installation of new stormwater pipes in the vicinity of BRW2). The CEMP should specifically address appropriate PPE to be worn by site workers and the correct disposal of impacted groundwater.

Council's Environmental Health Officer reviewed the environmental investigation and has raised no objection to the conclusions and recommendations of the report subject to the imposition of recommended conditions of consent. In this regard, Council officers can therefore be satisfied that the provisions of Clause 7 of the SEPP have been satisfactorily addressed and consent can be granted.

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

The provisions of the 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 occurs within 5 metres of an overhead electricity power line and is considered to impact on existing electrical infrastructure. As such, the Consent Authority is required to give written notice to an electricity supply authority. The application was thus referred to Endeavour Energy for comment as discussed under the External Referral section of this report. Comments and relevant recommended conditions of consent have been included in the draft conditions of consent as discussed previously.

Clause 104 - Traffic generation developments

The application is subject to clause 104 as the proposal triggers the requirements for traffic generating developments listed in Schedule 3 of the ISEPP as the development has 200 or more car parking spaces and the site and GFA exceeds 20,000sqm for industrial development. Thus, in accordance with Clause 104(3) of the SEPP, the application was referred to RMS for comment. As discussed under the external referral section, RMS raised no objection to the proposal and no conditions were provided.

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

The proposal does not propose to disturb bushland zoned or reserved for public open space and 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. Works on the boundary of the on-site biodiversity area are discussed later in this report under the LEP.

(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.

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

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

(g) **State Environmental Planning Policy No 33—Hazardous and Offensive Development**

No uses are proposed with the associated construction of the industrial buildings and where applicable, the provisions of this SEPP will need to be addressed as part of any future applications for use of the tenancies.

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

Proposed signage has been detailed previously under the description of the development. The proposed signage, defined as a business and building identification sign, is considered to be consistent with the objectives at clause 3 and the assessment criteria at Schedule 1 of the SEPP, insofar as they have been integrated into the industrial estate and building design. The building/ site identification signs are suitably located to achieve effective communication and will assist in wayfinding and provide legibility to people / vehicles accessing the site. Business identification signage locations 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. Standard conditions are recommended to be imposed in relation to the appearance and operation of signage on site to ensure that amenity of the locality is protected.

Local Environmental Plans

Parramatta Local Environmental Plan (PLEP) 2011

The provisions of Parramatta LEP 2011 are applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the IN1 General Industrial zone which seek to:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To facilitate a range of non-industrial land uses that serve the needs of workers and visitors.

The proposal is not inconsistent with regards to the zone objectives. The proposal retains the industrial use on the industrial zoned land and provides for a mix of industrial uses on the site including warehousing and light industrial uses. The proposal will increase employment opportunities in redevelopment of the site and also provide of non-industrial land uses such as provision of space for a future café to service workers on the subject and surrounding sites. Additionally, subject to the imposition of recommended conditions of consent, approval of the development is not anticipated to have any adverse effects on industry and other land uses.


Permissibility:-

Whilst no specific uses have been proposed for the industrial tenancies, the applicant has nominated potential uses including light industry and warehouse or distribution centres and also a food and drink premises, which is permitted with consent in the zone. As no specific uses have been identified for the individual tenancies, conditions will be included in any consent to require further approval to be sought prior to first use of the building.

The relevant matters to be considered under Parramatta LEP 2011 for the proposed development are outlined below.

Figure 4 –Parramatta LEP 2011 Compliance Table

| Provision | Compliance | Comment |
|--|----------------|---|
| Part 4 Principal development standards | | |
| 4.3 Height of buildings <ul style="list-style-type: none"> 12m | No | The proposed height of 16.7m is non-compliant and a clause 4.6 Exception to the development standards has been submitted with the application, as discussed in detail below. |
| 4.4 Floor space ratio <ul style="list-style-type: none"> 1:1 | Yes | The proposed FSR is 0.46:1 (45720sqm of GFA). |
| 4.6 Exceptions to development standards | See discussion | The application is accompanied by a written request pursuant to clause 4.6 of the LEP to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table. |
| Part 6 Additional local provisions | | |
| 6.1 Acid sulfate soils <ul style="list-style-type: none"> Class 5 | Yes | The subject site has a Class 5 Acid Sulfate Soil rating. No works are proposed that would require the preparation of an acid sulfate soils management plan as per clause 6.1(2) table. |
| 6.2 Earthworks | Yes | Earthworks are proposed for building foundations, undercroft parking and to the south-eastern drainage channel to accommodate the anticipated increase in stormwater runoff from the site. The excavation is located within the boundaries of the site and is not considered to have a detrimental impact on the subject and adjoining properties in terms of environmental functions and processes, neighbouring uses, cultural or heritage items or features subject to the imposition of recommended conditions of consent in relation to earthworks in the vicinity of the biodiversity area which is discussed below under clause 6.4. Other standard conditions of consent are recommended to be imposed regarding the excavation management. |
| 6.3 Flood planning | Yes | 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 | Yes – | The south western corner of the site is identified |

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|  | conditioned | as “biodiversity” on the LEP Natural Resources—Biodiversity Map. As such, a discussion in relation to this clause is provided below. |
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The following is a detailed discussion of the issues identified in the compliance table above in relation to the Parramatta LEP 2011.

- **Clause 4.6 Exceptions to Development Standards**

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.

Clause 4.3 Height of buildings

A written request pursuant to clause 4.6(4)(a)(i) of Parramatta LEP 2011 has been made, seeking to vary the height development standard. The proposal has an overall building height of 16.7m, which exceeds the height of buildings development standard of 12m prescribed under clause 4.3 of Parramatta LEP 2011 by 4.7m or 39.17%. Height plane diagrams have been submitted and show that the industrial buildings are of varying heights with the main height breach occurring at buildings 3 and 4.

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:

1. *Is the proposed development consistent with the objectives of the zone?*

The development is considered to be consistent with the zone objectives as discussed previously in the LEP assessment. The applicant’s justification is also included below:

| <i>IN1 General Industrial – Zone objectives</i> | |
|---|---|
| <i>To provide a wide range of industrial and warehouse land uses.</i> | <p>The proposed development includes the versatile array of industrial and warehouse land uses which includes:</p> <ul style="list-style-type: none"> ▪ Warehouse = 18,615 m2 GFA; ▪ Industrial = 20,675 m2 GFA; ▪ Ancillary Office = 6,258 m2; and ▪ Café (retail premise) = 145 m2. |

| | |
|--|--|
| <i>To encourage employment opportunities.</i> | <p>The proposed development would provide employment-generating opportunities to the immediate community and wider locality within the Cumberland LGA during both the construction and operational phases of development. This would further contribute to the viable economic return on the local and regional economy the proposed development offers. The height is representative of market needs and demands for modernised industrial warehouse and industrial facilities, for which the average industry standard (based on Fire Engineering and BCA requirements) is approximately 13.7 m to the ridge height for internal clearance in accordance with the relevant BCA requirements. The most significant breach in height, is towards the rear and side of the site (northern and western interfaces) pertaining to buildings 3 and 4, which attain a maximum proposed building height of approximately 16.7 m. Pitch of the roof required to facilitate drainage also contribute to the height breach as does the site's topography.</p> <p>Planner's note: Additional height exceedance is also due to provision of undercroft parking.</p> |
| <i>To minimise any adverse effect of industry on other land uses.</i> | <p>The site is located in an area subject to existing industrial-related land uses, for which the proposed development be complementary and compatible. Noise amenity has been addressed in the submitted Noise Impact assessment. Environmental planning impacts are discussed later.</p> |
| <i>To support and protect industrial land for industrial uses.</i> | <p>Development is appropriately located on land designated for industrial purposes and will continue this use. The proposed development would support the productive economic use of the site that is ideally located within an area zoned for such permissible industrial use, as well as being located within close proximity to major commercial centres (Parramatta City Centre) and nearby transport infrastructure, such as rail and bus networks and the wider regional road network.</p> |
| <i>To facilitate a range of non-industrial land uses that serve the needs of workers and visitors.</i> | <p>The site services the proposed workforce and includes a café for workers and visitors as well as the general public.</p> |

Planner's comment: By providing a range of industrial and warehouse land uses, the proposed development would positively contribute to the desired industrial character intended for the site and the surrounding area, whilst creating positive economic and social impacts, through increased employment-generating opportunities, which aligns with the zone objectives. 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?*

The applicant's response (summarised) to the relevant development standards height objectives is included below:

| Clause 4.3 Height of Buildings – Objectives | |
|---|--|
| (a) <i>to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan</i> | The proposed development comprises a legible and efficient floor plan with the façade articulation, as well as material and colour selection to complement an aesthetic, that is not considered to be visually adverse or obtrusive and provides a transitional relationship with the adjoining site. The proposed height would integrate with the local and regional context, specifically the IN1 General Industrial zone that surrounds the site. The relationship of the proposed development, with respect to height, would remain consistent due to the transition offered between the surrounding sites. |
| (b) <i>to minimise visual impact, disruption of views, loss of privacy, and loss of solar access to existing development,</i> | The built-form, particularly the height of the proposed development would respond to and be further complemented by the height of adjoining industrial developments along the northern, southern and north-eastern interfaces; positioned within an area zoned for such permissible industrial-related purposes. Therefore, as a result of the proposed development, there would be no undue impacts, with regard to visual amenity or view loss. Selection of building finishes and colours, combined with proposed landscape planting, particularly along the eastern boundary of the subject site, which adjoins the Ferndell Street frontage, is considered to be appropriately treated from an architectural perspective, as well as being aesthetically pleasing to mitigate any visual impacts. This will assist in screening the built-form of the proposed development within the locality. As a result, this will assist in reducing the potential visual impacts to residential receivers along the south-eastern portion of the site that are in close proximity to the proposed development and are of the highest sensitivity. |
| (c) <i>to require the height of future buildings to have regard to heritage sites and their settings,</i> | No heritage sites or buildings are located within close proximity of the site. Therefore, the proposed building heights should be |

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| | considered appropriate in this regard. |
| (d) <i>to ensure the preservation of historic views,</i> | The proposed development will not affect any historic views. |
| (e) <i>to reinforce and respect the existing character and scale of low density residential areas,</i> | The overall scale of the proposed development seeks to provide a transition from the existing industrial developments along the northern and southern interfaces, comprising developments of similar nature, which are considered compatible in terms of built-form and scale. The overall scale and architectural treatment have been designed accordingly to create an aesthetic that does not compromise the scale of the R2 Low Density Residential zone to the southeast. |
| (f) <i>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> | Despite not being within a commercial centre, the proposed height exceedance will not affect sky / daylight exposure. |

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 surrounding development with the greatest exceedance located away from the boundaries.

3. *Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*

The applicant has cited the above reasons to justify that compliance with the height standard is unreasonable and unnecessary in this instance. Reducing the height of the design to strictly meet the PLEP2011 Development Standard is considered unreasonable, as building height is considered a key attribute in creating an internal building environment that would ensure the delivery of space and amenity that is required to support the operations of the future tenant involved and thereby enabling the productive use of the site.

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 would not meet the needs of potential future occupants and there would be no discernible improvement to the streetscape or amenity of the locality.

4. *Clause 4.6 (3) (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Applicant's justification:

- The proposed development generally maintains the height experienced on surrounding industrial developments in close proximity to the subject site, for which the proposed development would provide a gradual transition.

- Materials and finishes would activate and provide a visual outcome that seamlessly integrates with the surrounding industrial character. Additionally, colour and material direction would be utilised (where possible) to blend with the varied architectural forms. The proposed ancillary office(s) would integrate various volumetric shapes and materials, conducive to transparency of function and respond to sustainable building practices.
- The proposed development would maintain neighbouring amenity as well as the amenity of the public domain. It is important to note, that the proposed development is relatively enclosed and screened by existing industrial developments to the north and south. Additionally, the public domain would be treated with an aesthetically pleasing architectural landscaped design, which softens the industrial treatment of the site and in particular, reducing the potential visual impacts to residential receivers along the south-eastern portion of the site.
- The exceedance would have minimal impact on the streetscape, on visual privacy and solar access of neighbouring development due to a strategically implemented architectural treatment, which positions the building's most significant height non-compliance to the rear of the site, away from view from nearby residential receivers, whilst integrating an aesthetically pleasing architectural landscape design, which offers suitable vibrant screening through a dichotomous selection of endemic and exotic tree and plant species to be dispersed across the site.
- To facilitate an appropriate stormwater management outcome across the site, with respect to drainage, an increase in height is required due to large flat portions of the site, which has resulted in there being peaks on the site brought about by the site's topography.

Planner's comment:

Compliance with the development standard would unnecessarily hinder the orderly and economic use of land and unreasonably restrict development of the site. There is sufficient setback and landscaping retained onsite to mitigate visual impacts on the streetscape. The largest exceedance is located towards the centre of the site, together with the proposed setbacks and the buffer of Ferndell Street, it is unlikely that there will be adverse shadow impacts to the residential development to the south-east of the site. The additional visual and solar impacts from the height breach will be to the south of the site which given the similar industrial use is not considered to be an adverse impact. As discussed, the proposed variation to the maximum height of buildings development standard will not result in unacceptable environmental impacts. Accordingly, it is considered there are sufficient planning grounds to justify contravening the standard in this instance.

- *Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

The applicant's written request is considered to have adequately addressed the matters required under subclause 3 and the proposal is considered able to meet the objectives of the standard.

- *Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The proposed development is considered to be in the public interest as it satisfies the objectives of the height standard, as discussed previously, and also the objectives of the zone. The proposal is considered to be in the public interest as the development's building height is considered a key attribute in creating an internal building environment that would ensure the delivery of space and amenity that is required to support the operations of the future tenant involved and thereby enabling the productive use of the site and providing employment generating opportunities.

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6. It is the view of Council Officers that justification provided is satisfactory and having considered the application on its merit, the exception to the maximum building height development standard is considered acceptable in this instance.

- **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 approximately 6783sqm 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 eastern edge of the Biodiversity area. The proposed excavation to the drainage channel within the south-eastern corner of the site is required to accommodate the expected increase in stormwater runoff that would occur due to the proposed development. As part of these works, the proposal also seeks to clear a small portion along the western bank of the drainage line for aesthetical value of the area. It appears that the remainder of the biodiversity area will remain untouched.

Given the proposed works to the eastern edge of the biodiversity area, a Biodiversity Consideration letter/report prepared by Lesryk Environmental Pty Ltd dated 4 December 2018 shows the extent of the proposed works in the context of the Biodiversity area and provides an analysis of the impacts and recommendations.



Figure 5: Biodiversity area as per PLEP2011 maps.

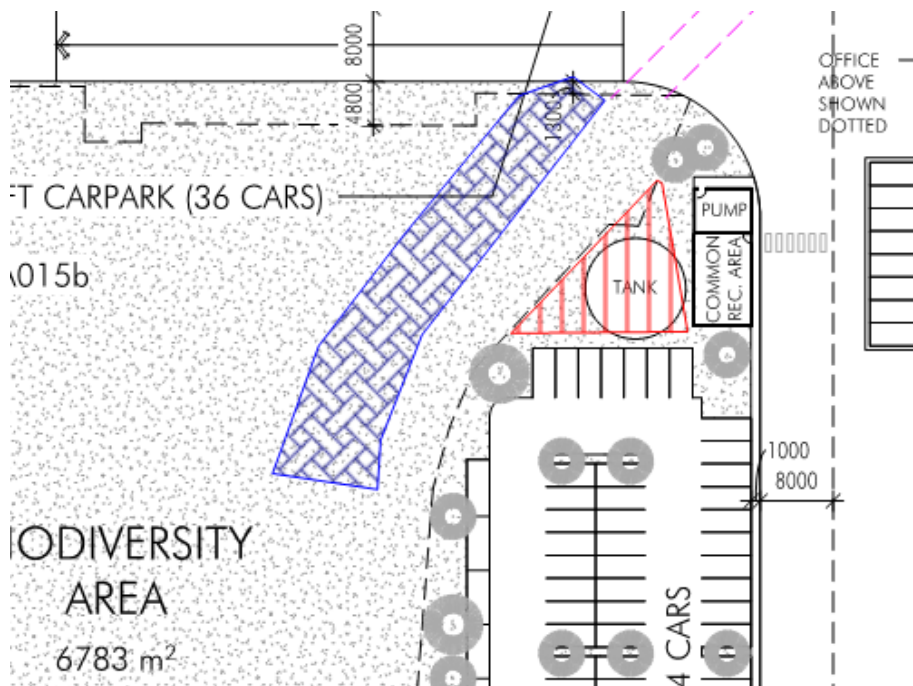


Figure 6: Proposed clearance area on the west bank of the drainage line.

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 to the Environmental Conservation area within the adjoining Reserve. The letter/report 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 the recommendations of this report.

In accordance with clause 6.4(3) due considerations have 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 and thus achieving the biodiversity objectives in clause 6.4(1).

The provisions of any proposed instrument that is or has been the subject (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))

The Parramatta Development Control Plan (DCP) 2011 provides guidance for the design and operation of development to achieve the aims and objectives of the Parramatta LEP 2011. A full assessment of the proposal against the relevant controls in the Parramatta DCP 2011 is provided in Attachment 2:

Figure 7 –Parramatta DCP 2011 issues and non-compliances

| Requirement | Y/N | Comments |
|-------------------------------|--------------------|---|
| 3.3.4 Acoustic Amenity | Y – conditioned | A Noise Emission Assessment prepared by Acoustic Logic and dated 26/11/2018 was submitted with the application which concludes that the proposed development including the 24 hour operations can comply with the relevant EPA guidelines. Whilst it is noted that Council's Environmental Health officer has reviewed the report and are supportive subject to conditions requiring compliance with the recommendations of the report, given the proximity of residential zoned land to the site, it is considered appropriate to impose standard operation hours of 6am to 10pm (delivery hours as per p.5 of report) and grant 24 hour operations on a trial basis for 5 years. Furthermore, the Noise Emission Assessment is based on logistics/ distribution tenancy use only (p.5) and does not account for other industrial uses permitted on the site as has been updated in the amended plans. As no uses have been proposed with this |

| Requirement | Y/N | Comments |
|--|-----------------------|---|
| | | application, a trial period will provide Council with the opportunity to review the impacts of future occupants and operators on site on the surrounding locality, especially the noise sensitive residential receivers. Additionally, standard amenity conditions will be imposed to protect the general amenity of the area. |
| 3.6.2 Parking and Vehicular Access Minimum parking, bicycle and loading rates: Industrial development: 1 space per 70 m2 of gross floor area plus 1 loading bay per 800 m2 of gross floor area and 1 bicycle space per 200 sqm of floor space Office premises: 1 space per 50 m2 of gross floor area plus 1 loading bay per 400 m2 of gross floor area Retail premises: 1 space per 30 m2 of gross floor area | N – acceptable | <u>Parking</u> Industrial GFA (including ancillary office and lobbies) = 45524sqm Office GFA (site office) = 51sqm Café GFA = 145sqm Required parking (rounded up): Industrial = 651 spaces Office = 2 spaces Café = 5 spaces Total required = 658 Car spaces proposed = 657 spaces The non-compliance of 1 parking space arises from the provision of a site office having a GFA of 51sqm which is just over 50sqm and pushes the parking requirement to 2 spaces. The non-compliance is a technicality and the additional 1sqm is unlikely to generate demand for an additional space and thus the non-compliance of the 1 space is considered negligible in this instance. Given the size of the site and uses proposed, it is considered that there is sufficient parking to cater to the future occupants of the site. Furthermore, as discussed previously, suitable conditions for a traffic and transport management plan will be imposed in relation to sustainable transport strategies should the usage and demand on parking change in the future. <u>Bicycle parking</u> 228 bicycle spaces required, but only 58 have been provided. Whilst there is a significant shortfall, the applicant has argued in their Traffic Impact Assessment that the DCP requirement is onerous and the Austroad's Guide to Traffic Management only requires 1 bicycle space per 1000sqm, which for the proposed GFA of 45720sqm, 46 bicycle |

| Requirement | Y/N | Comments |
|-------------|-----|--|
| | | <p>spaces would be required. Sufficient bicycle parking has been provided when considering Austroad's Guide to Traffic Management. Whilst there is a significant shortfall when assessed against the DCP controls, it can be acceptable and should there be a demand for more bicycle spaces in the future there is sufficient space on site and within the tenancies to cater for additional bicycle spaces in the future which can be captured under the required Traffic and Transport Management Plan.</p> <p><u>Loading</u></p> <p>Given the floor space proposed, only the main industrial development is required to provide loading spaces. For the proposed industrial GFA, 57 loading bays are required and 65 have been provided which complies with the loading requirements.</p> <p>Council's Engineers have also reviewed the proposed parking and loading arrangement and no issues were raised subject to recommended conditions of consent which will be included in any consent.</p> |

As indicated in the compliance table above, the proposed development has a minor departure from the parking provisions of Council's PDCP2011. The variations sought are considered acceptable in this instance for the reasons stated in the above table and the proposed development generally complies with the remainder of the provisions of PDCP2011 and thus is considered suitable from an environmental planning view point.

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)(iiia))

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 *Environmental Planning and Assessment Regulations 2000* (EP&A Reg).

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, 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 notified for a period of 21 days between 22 January 2019 and 12 February 2019. The notification generated one (1) submission in respect of the proposal with no submissions disclosing a political donation or gift. The amended plans are not considered to require re-notification under A5.5.9 of PDGP2011 as the development remained substantially the same. The sole objector was however given a further opportunity to review and comment on the amended scheme and has submitted a response. The issues raised in the public submission are summarised and commented on as follows:

1. Issue: Congestion on regional roads.

Planner's comment: Given the number of parking spaces proposed, the application is considered traffic generating development and was referred to the RMS for comment under SEPP (Infrastructure) 2007. Comments from RMS raised no objection to the proposal as the development was not considered to impact the classified road network.

2. Issue: Lack of available on-street parking.

Planner's comment: The development will not impact on-street parking as there is no stopping across the majority of the frontage. As discussed in the DCP assessment, it is considered that there is sufficient on site parking to service future occupants.

3. Issue: Noise from 24 hour operations.

Planner's comment: A condition has been recommended for a trial period of 5 years for the 24 hour operation as discussed in the DCP assessment.

4. Issue: Height non-compliance.

Planner's comment: Height non-compliance is considered acceptable and has been addressed in the LEP assessment.

5. Issue: Lack of details on specific uses.

Planner's comment: No specific use is proposed and conditions will be included in any consent to require further approval to be sought prior to first use of the building.

6. Issue: Demolition and earthworks will impact residential amenity in relation to dust, traffic and noise.

Planner's comment: Standard conditions relating to construction management will be included in any consent.

7. Issue: Increase in paved areas will increase runoff and impact Duck River and increase in vehicles will cause contaminants entering into run-off.

Planner's comment: Council's Engineers have reviewed the proposed stormwater drainage scheme and appropriate filter mechanisms have been included in the concept to counteract the concerns raised. Recommended conditions requested by Council's Engineering section have also been included in the consent.

8. Issue: Removal of native trees and vegetation corridor will impact birds.

Planner's comment: A biodiversity report, arborist report and associated landscape plans have been submitted with the application. Council's Landscape officer has reviewed the proposed landscape works and has raised no objection to the application subject to recommended conditions which will be imposed on any consent.

9. Issue: Lack of frequent public transport in proximity to the site.

Planner's comment: Provision and frequency of public transport servicing the site is not a matter for consideration as part of this application. It should be noted that there is a bus stop in front of the site towards the northern end of the Ferndell Street frontage which can connect workers to the public transport system.

10. Issue: Peak hours quoted in reports are incorrect.

Planner's comment: Peak hours used in the traffic report have been reviewed by Council's Traffic Engineers and are considered acceptable.

11. Issue: Intersections are not performing within capacity and the new development will add to the existing local traffic congestion.

Planner's comment: The traffic report concludes from SIDRA modelling that with the proposal, all nearby intersections will continue to perform within capacity. The Traffic report has been reviewed by Council's Traffic Engineer who has not raised any issues to the assessment and has also advised that there are planned upgrades to the surrounding intersections.

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 subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

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.

Comments:

The development would require the payment of contributions in accordance with Council's Section 94A Contributions Plans.

The calculation is based on a 1% levy based on cost of works. As at 26 June 2019, the fee payable is \$716,430.00. This figure is subject to indexation as per the relevant plan.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*, relevant SEPPs and SREPs, Parramatta LEP and DCP 2011 and is considered to be *satisfactory for approval subject to conditions*.

The proposed development is appropriately located within the IN1 General Industrial under the relevant provisions of the Parramatta LEP 2011, however variations in relation to the building height development standard under the LEP 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

1. That Development Application No. DA-384/2018 for Construction of four industrial buildings with 24 hour operations 7 days a week, including signage, parking and associated landscaping and stormwater works on land at 62 Ferndell Street, SOUTH GRANVILLE be approved subject to attached conditions.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

1. Draft Notice of Determination
2. PDCP 2011 Assessment
3. Clause 4.6 Variation

4. Architectural Plans
5. Stormwater/Engineering Plans
6. Survey Plan
7. Traffic Impact Report
8. Biodiversity Investigation
9. Targeted Environmental Investigation
10. Arborist Report
11. Landscape Plan
12. Submissions Received