

DATE OF DETERMINATION	Tuesday, 23 July 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald and Julie Walsh
APOLOGIES	Paul Stein and Paul Moulds
DECLARATIONS OF INTEREST	Nil

Public meeting held at Cumberland Council on 23 July 2019, opened at 2.00pm and closed at 3.30pm.

MATTER DETERMINED

2019CCI012 - Cumberland – DA384/2018 AT 62 Ferndell Street, South Granville (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel upholds the applicant's request to vary the height of buildings standard in the PLEP, finding that the applicant's written request is satisfactory because it properly addresses the provisions of Clause 4.6 (3)(a) and (b) of the LEP. Further, the Panel believes approval of the proposed development will be in the public interest meaning Clause 4.6 (4)(a)(ii) of the LEP is also satisfied.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR THE DECISION

The Panel approved the application for the following reasons:

1. The proposed development is consistent with applicable objectives for the IN1 General Industrial zone.
2. The site of the proposed development is level land that is largely free of environmental constraints, has all necessary infrastructure and is well separated from incompatible non-industrial land uses. While the site is largely unconstrained land contamination, flooding and biodiversity matters are all relevant to the application and the Panel notes that each of these potential constraints has been appropriately addressed. Overall, the site is considered to be suitable for the proposed development.
3. The proposed development will stimulate local economic activity and provide employment without causing adverse environmental effects. Thus, it will serve the public interest.

4. The Panel has carefully considered the 11 issues raised by the objectors. The Panel believes the issues are either not well-founded or have been addressed by the amended design and/or conditions of consent and are not sufficient to warrant refusal of the application.

The decision was unanimous.

CONDITIONS

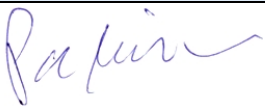



The development application was approved subject to the conditions in the Council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Congestion on regional roads;
- Lack of available on-street parking;
- Noise from 24 hour operations'
- Height non-compliance;
- Lack of details on specific uses;
- Impact on residential amenity in relation to dust, traffic and noise;
- Increase in paved areas will increase runoff and impact Duck River and increase in vehicles and cause contaminants entering into run-off;
- Removal of native trees and vegetation corridor;
- Lack of frequent public transport;
- Peak hours quoted in reports are incorrect;
- Existing local traffic congestion.

The Panel considers that concerns raised by the public have been adequately addressed in the original assessment report and that no new issues requiring further assessment were raised during the public determination meeting. The Panel is satisfied that the issues raised are suitably addressed via the design of the proposal and/or conditions which are imposed on the consent.

PANEL MEMBERS	
 Paul Mitchell OAM (Acting Chair)	 Stuart McDonald
 Julie Walsh	 Mary-Lynne Taylor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019CCIO12 - Cumberland – DA384/2018
2	PROPOSED DEVELOPMENT	Construction of four (4) industrial buildings with 24 hour operations 7 days a week, including signage, parking and associated landscaping and stormwater works.
3	STREET ADDRESS	62 Ferndell Street, South Granville
4	APPLICANT OWNER	Dexus Property Services Pty Ltd / Dexus Wholesale Management Limited
5	TYPE OF REGIONAL DEVELOPMENT	CIV above \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 19 – Bushland in Urban Areas ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No. 64 – Advertising and Signage ○ Parramatta Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parramatta Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report – 2 July 2019 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Andrew Cowan and Stewart Johnson ○ On behalf of Council – Bianca Chiu and Karl Okorn
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site inspection – 23 July 2019 ● Final briefing meeting to discuss council’s recommendation, 23 July 2019, 1.00pm. <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Stuart McDonald and Julie Walsh ○ <u>Council assessment staff</u>: Bianca Chiu and Karl Okorn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report