

Sydney Central City Planning Panel

SUBJECT: 132 McCredie Road Guildford West.

APPLICATION No: DA2022/0759 PPSSCC - 430.

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| Application accepted | Friday 10 February 2023. |
| Applicant | Goodman Property Services (Aust) Pty Ltd. |
| Owner | The Trust Company Limited. |
| Application No. | DA2022/0759. |
| Description of Land | 132 McCredie Road Guildford West Lot 1 in DP 596315. |
| Proposed Development | Demolition of existing structures and construction of three (3) warehouse buildings comprising of ten (10) warehouse tenancies with ancillary offices to operate 24 hours a day seven (7) days a week with at grade parking and loading areas, site access and associated site works. |
| Site Area | 71,619 square metres. |
| Zoning | E4 General Industrial Zone. |
| Disclosure of political donations and gifts | Nil disclosure. |
| Heritage | The site is not listed as a heritage item. |
| Principal Development Standards | <p><u>Floor Space Ratio</u></p> <p>Permissible: Not applicable. Proposed: 0.517:1.</p> <p>and</p> <p><u>Height of Buildings</u></p> <p>Permissible: Not applicable. Proposed: 18.1 metres.</p> |
| Issues | Front setbacks. |

SUMMARY

1. Development application no 2022/0759 was accepted on Friday 10 February 2023 for the demolition of existing structures and construction of three (3) warehouse buildings comprising of ten (10) warehouse tenancies with ancillary offices to operate 24 hours a day seven (7) days a week with at grade parking and loading areas, site access and associated site works.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen days between Thursday 23 February 2023 and Thursday 9 March 2023. In response, Council received no submissions.

3. The variations are as follows:

| Control | Required | Provided | % variation |
|--|---|------------------|---|
| Part 2.1 - Setbacks and Streetscape Character. Control C10 Development in Industrial Zones Chapter D (CDCP 2021). | Front setback - 15 Metres. | 3 to 5.5 metres. | 9.5 to 12 metres or 63.35 to 80%. |
| Part 4.5 Development in industrial zones Control C4 of Part G3 - Traffic, Parking, Transport & Access (Vehicle) Chapter G (CDCP 2021) | Open parking area 1 shade tree per 10 spaces to be planted. | No trees. | 100% variation. |

4. The application is referred to the Panel as the proposal has a CIV over \$30 million which is considered to be regionally significant development under the provisions of State Environmental Planning Policy (Planning Systems) 2021.
5. The application is recommended for deferred commencement subject to conditions as recommended in the Council's assessment report.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The site is known as Lot 1 in DP 596315 or 132 McCredie Road. The site is rectangular in shape and occupies an area of 71,619 square metres. Up until late 2021, the site was being operated as a Castrol Lubrication storage and distribution facility, however the use has now ceased. At the present time, Category 1 site remediation works are being undertaken across much of the site as per Development Consent 2022/0085 issued Tuesday 12 April 2022.

The perimeter of the site is secured with fencing with vehicle access being available from McCredie Road in the north.

The site comprises three main sections as follows:

| Section | Current development |
|-------------------|--|
| Northern Section. | <p>Former administration complex fronting McCredie Road, carpark and grassed area with overhead power lines connecting with the electrical substation to the east.</p> <p><u>Powerlines</u></p> <p>The powerlines are the 33,000 volt and 132,000 volt trunk systems, overhead earth cables and overhead pilot cables which carry signals and communications and their associated easements.</p> |
| Central Section. | <p>Former terminal operations area which until recently operated as an oil distribution centre.</p> <p>This area is the subject of the current remediation works.</p> |
| Southern Section. | <p>This is a cleared area. Recent earthworks have occurred.</p> <p>Includes a settlement pond where site drainage water discharges before being directed into Prospect Creek via a stormwater network.</p> |

An access road loops around the site via a gate house and amenities building across the central portion on the eastern boundary which provided truck access to despatch areas and the loading gantry.

Some sections of the site are grassed with landscaping, particularly across the south where historical filling has occurred.

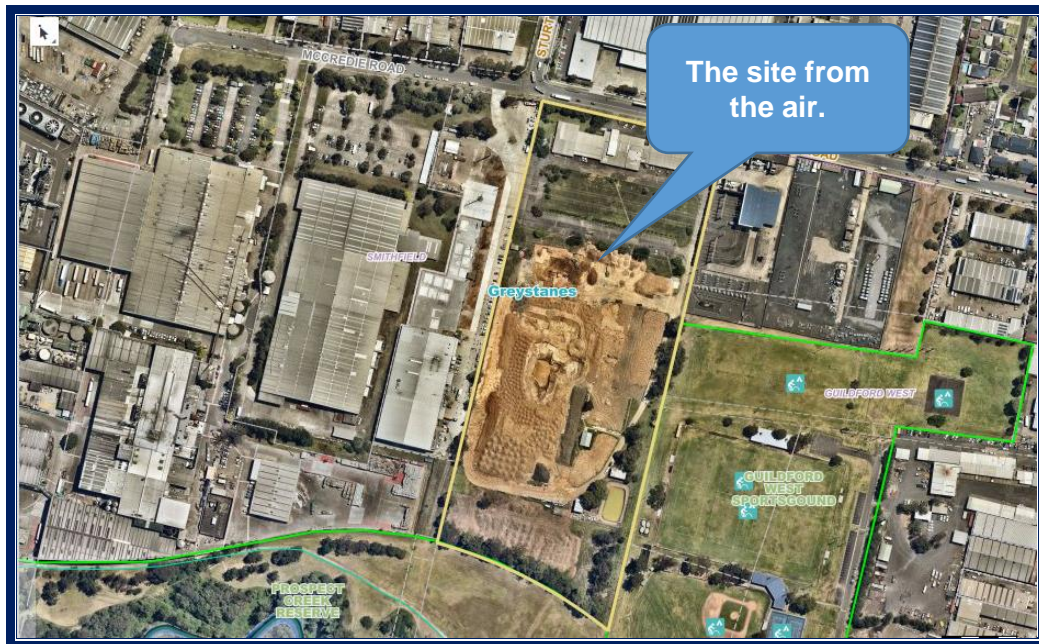
The site is situated within a major industrial area of Guildford West with large scale industrial development to the north and west. There are parklands to the south that fronts onto Prospect Creek situated within zone REI Public Recreation. The southern fence of the site is no closer than 68 metres from the top bank of Prospect Creek as verified from a site inspection undertaken of this area.

The integrated development provisions do not apply as all excavation work is occurring more than 40 metres from Prospect Creek.

There are residential properties situated on the southern side of Prospect Creek but the distance between the site and the residents is approximately 150 metres.

Land to the east is managed by Endeavour Energy and used as an electricity substation. The site incorporates transformers and significant electricity infrastructure.

The location of the site is identified below and edged in yellow:



Photos of the site taken Sunday 5 March 2023 are provided below.



Comment: The eastern side of the site demonstrating present day Category 1 site remediation works in progress.



Comment: Southern side where numerous trees will need to be removed including the need to purchase 4 Biodiversity Credits.

Electricity and gas infrastructure and easements

There are numerous electricity infrastructure and associated easements benefitting Endeavour Energy situated across or close to the site as follows:

- 33,000 and 132,000 volt overhead power lines, overhead earth cables and overhead pilot cables (carrying protection signals or communications between substations) and pad mount substation numbered 18600.
- 33,000 high voltage overhead power lines and overhead earth cables to the rear portion of the eastern side boundary.
- Adjoining the western side boundary over Lot 101 DP 1045991 and Lot 12 DP 808195 for low voltage and 11,000 volt high voltage underground cables, 11,000 volt high voltage and 33,000 high voltage overhead power lines, overhead earth cables and overhead pilot cables.
- There are 11,000 volt underground cables coming from this easement to supply the pad mount substation no 18600.
- Low voltage, 11,000 volt and 33,000 high voltage overhead power lines, overhead earth cables and overhead and underground pilot cables to the McCredie Road verge / roadway.
- The Endeavour Energy's Guildford Transmission Substation is located at 120-130 McCredie Road Guildford on Lots A & C DP 407949 to the immediate east.
- SGSP (Australia) Assets Pty Ltd (Former Jemena Gas) owns a gas pipeline situated at the front of the site within the road reserve area.

Site constraints

The site is:

- Prone to flooding as per Council's mapping system. In this regard, the flood hazard ranges from low to high with most of the site being of low hazard risk.

- Affected by low levels of saline water table. However, the redevelopment proposed by the applicant addresses the salinity issue in a satisfactory manner.

DESCRIPTION OF THE DEVELOPMENT

Development Application 2022/0759 is proposing the demolition of the remaining structures and buildings on site and construct a multiunit warehouse complex encompassing 10 warehouse tenancies with each warehouse tenancy being provided with:

- An ancillary office suite.
- A minimum of one loading bay per tenancy with some tenancies having additional loading bays.

The development includes the provision of at grade and basement car parking and a total of 252 car parking spaces are shown on the plans to support the entire development.

The plans show:

- Four relatively small warehouse tenancies facing McCredie Road numbered 1A, 1B, 1C and 1D.
- An at grade car park area situated between the street facing warehouse tenancies and large two north facing warehouse tenancies for 82 vehicles.
- Two large warehouse tenancies facing north numbered 2A and 2B.
- Two south facing medium sized warehouse tenancies numbered 2C and 2D.
- Two south facing medium sized warehouse tenancies numbered 3A and 3B situated at the rear of the site.

An underground car park for 95 vehicles is provided underneath Tenancies 2A, 2B, 2C and 2D. A second underground car park for 75 vehicles is provided underneath Tenancies 3A and 3B. Vehicle access to the underground car parks is via a driveway alongside the western and southern sides of the site.

The detailed breakdown of each tenancy is addressed within the table below.

| Warehouse Number | Size | Additional Features |
|------------------|---|---|
| Warehouse 1A | 1,192 square metres - Warehouse. 104 square metres - Office area. 56 square metres - Foyer. | 3 loading bays. |
| Warehouse 1B | 1,131 square metres - Warehouse. 105 square metres - Office area. 68 square metres - Foyer. | 2 loading bays. |
| Warehouse 1C | 1,131 square metres - Warehouse. 105 square metres - Office area. 68 square metres - Foyer. | 2 loading bays. |
| Warehouse 1D | 1,133 square metres - Warehouse. 103 square metres - Office area. 56 square metres - Foyer. | 2 loading bays. |
| Warehouse 2A | 5,410 square metres - Warehouse. 508 square metres - Office area. | 6 loading bays including 2 recessed loading bays. |
| Warehouse 2B | 6,659 square metres - Warehouse. 568 square metres - Office area. | 6 loading bays including 2 recessed loading bays. |

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| Warehouse 2C | 4,113 square metres - Warehouse. 408 square metres - Office area. | 6 loading bays including 2 recessed loading bays. |
| Warehouse 2D | 3,830 square metres - Warehouse. 417 square metres - Office area. | 6 loading bays including 2 recessed loading bays. |
| Warehouse 3A | 5,292 square metres - Warehouse. 511 square metres - Office area. | 8 loading bays with 4 bays recessed within the building. |
| Warehouse 3B | 3,700 square metres - Warehouse. 379 square metres - Office area. | 6 loading bays including 2 recessed loading bays. |
| Total | 37,047 square metres. | 47 loading bays |

Other matters

There are other matters to note as part of the development works being:

1. The site is subject to two (2) existing transmission easements which traverse the northern portion of the site and crossing in an east/west direction. The southernmost transmission easement is proposed to be reduced to approximately half of its current width (to approximately 9m) to enable the safe manoeuvring of vehicles near the northern loading dock of building 2.

This process will require the current easement to be extinguished and a new easement to be registered on title. It is proposed that this could occur as a condition of development consent, prior to issue of an occupation certificate.

2. A total of 127 trees are required to be removed. Of these, only 1 tree is considered to have high retention value. Another 75 trees are identified for removal have moderate retention value and 51 have low retention value. A further 9 trees are recommended for removal irrespective of the proposed development due to poor health and/or structure.
3. The extent of tree removal proposed equates to 4,353 square metres of native vegetation, which activates the requirements of the "Biodiversity Offset Scheme". A total of 4 ecosystem credits relating to the Cumberland River flat Forrest Plant Community Type are required to be purchased. This is addressed within the assessment report below.
4. New landscaping will be undertaken across the site especially to the rear and internal car park areas.
5. While specific details of the use of each tenancy is not provided or known, the applicant seeks the operating hours to be 24 hours daily for each tenancy.
6. No signage or signage strategy is proposed as part of the development application.

HISTORY

At the present time, Category 1 site remediation works are progressing across much of the site following the issue of Development Consent 2022/0085. The works includes site preparation work that are designed to prepare the site for redevelopment.

Pre lodgement application 2022/0057 was finalised by the Council on Thursday 8 September 2022.

The development application for the redevelopment of the site for industrial / warehouse purposes was accepted by Council on Friday 10 February 2023.

A kick off briefing meeting was held on 30 March 2023 with the Sydney Central City Planning Panel.

The applicant provided an extensive submission addressing important land flooding and site contamination issues on Thursday 22 June 2022.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Mecone and dated Friday 9 December 2022 which was received by Council as part of the application in support of the application.

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 Engineer for comment who has advised that the development proposal is satisfactory subject to deferred commencement conditions to address the flood matters given the site is identified as flood controlled lot in accordance with Council mapping system.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Parks and Open Space

As per the comments of Wednesday 1 March 2023, there are no objections to the proposed development. General advice has been provided in relation to the site fencing and a condition is requested addressing the maintenance of the boundary fencing.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory subject to conditions.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory and no conditions are recommended for any consent that may be issued.

EXTERNAL REFERRALS

Endeavour Energy

The development application was referred to Endeavour Energy for assessment due to the presence of infrastructure owned by Endeavour Energy crossing through the site. As per the comments of Monday 13 March 2023, the development is satisfactory subject to conditions.

GSP (Australia) Assets Pty Ltd

The development application was referred to SGSP (Australia) Assets Pty Ltd for comment. As per the comments of Wednesday 8 March 2023, there is no objection to the development and the development will have no direct impact upon the gas mains within the road reserve.

Sydney Water Corporation

The development application was referred to Sydney Water Corporation and as advised on Tuesday 7 March 2022, no objection is raised to the development subject to conditions.

Transport for New South Wales (Roads and Maritime Services)

The development application was referred to Transport for New South Wales (Roads and Maritime Services) for assessment. As per advice of Wednesday 22 February 2023, no objections are raised to the development and no conditions are recommended for any consent that may be issued.

PLANNING COMMENTS

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

State Environmental Planning Policies

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

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

| State Environmental Planning Policies (SEPPs) | Relevant Clause(s) | Compliance with Requirements |
|---|--|--|
| State Environmental Planning Policy (Biodiversity and Conservation) 2021. | Chapter 2 - Vegetation in non Rural Areas. | There are currently 224 trees present on the site, which are largely juvenile to semi-mature specimens with only 20% of the tree population rated as mature. The site has no mapped remnant plant communities listed as Critically |

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| | | <p>Endangered Ecological Communities within the site boundaries.</p> <p>As a result of the proposed works, a total of 127 trees are required to be removed which equates to a tree cover area of 4,353 square metres.</p> <p>This will activate the requirements of the Biodiversity Offset Scheme.</p> <p>A total of 4 ecosystem credits relating to the Cumberland River flat Forrest Plant Community Type are required to be purchased.</p> <p>However, the subject land does not provide habitat for any threatened flora or fauna species and the proposal does not incur any species credit offset obligations. No <i>Serious and Irreversible Impact</i> (SAIL) entities would be impacted from the proposal and the native vegetation within the subject land does not meet these thresholds and is not required to be assessed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (As amended).</p> <p>The proposed development will be complimented by generous landscape treatments. Landscaping will include extensive ground cover planting within smaller garden beds, larger tree species within the front setback and amongst hard stand areas and turf cell pavement within the proposed emergency access/fire trail area which will not feature frequent traffic movements. Turf cell pavement provides a permeable, soft landscape surface in lieu of hardstand as the proposed fire trail will not be regularly accessed by emergency vehicles.</p> <p>In addition, a condition to plant 5 x 75L pot size <i>Elaeocarpus Reticulatus</i> within the front staff car park area is recommended to ensure additional smaller scale tree species will be integrated with the front car parking area.</p> <p>The extent of landscaped areas is approximately 10,800 square metres or approximately 15% of the site. A total of 14 trees will be replanted as part of the landscape response.</p> <p>The site does not provide any habitat for any threatened flora or fauna species and the</p> |
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| | | <p>proposal does not incur any species credit offset obligations.</p> <p>The native vegetation within the site does not meet the thresholds for assessment under the Environmental Protection and Biodiversity Conservation Act 1999 as amended.</p> <p>Council's Tree Management Officer has supported the development application and has provided appropriate and suitable conditions for any consent addressing the Biodiversity Offsets Scheme.</p> |
| | <p>Chapter 6 - Water Catchments - Georges River Catchment</p> | <p>A technical assessment is required for the site adjoins parkland which in turn adjoins a watercourse that forms part the Georges River Catchment.</p> <p><u>Clause 6.6</u> - Water quality and quantity.</p> <p>Council's engineers have determined that</p> <p>In addition, the site is impacted by low level salinity being the underlying water table. A Geotechnical report prepared by PSM and dated Monday 12 December 2022 addresses salinity in a satisfactory manner.</p> <p>In this regard, appropriate recommendations are made to address the hazard.</p> <p><u>Clause 6.7</u> - Aquatic ecology.</p> <p>The works occurring within the site are situated more than 40 metres from a watercourse. As a result, a controlled activity approval under the Water Management Act 2000 is not required.</p> <p>Riparian vegetation is not being cleared.</p> <p>An appropriate sediment and erosion control plan has been submitted for Council consideration.</p> <p><u>Clause 6.8</u> - Flooding.</p> <p>The site is subject to low to high flood risk depending on location. Council engineers have determined that the site can be made suitable to the proposed development subject to provision of amended flood impact report. The requirement of the amended flood impact report now form part of the deferred commencement condition.</p> |

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| | | <p><u>Clause 6.9</u> - Recreation and public access.</p> <p>Council's Parks and Open Space Officers have advised Council planning staff that there are no objections to the proposed development subject to site fencing being maintained by the owners in perpetuity. A condition is required to address the matter.</p> <p><u>Clause 6.10</u> - Total catchment management.</p> <p>The development application has been notified to nearby residents situated within the Fairfield City Council area to the south of Prospect. During the notification period, Council received no submissions.</p> <p><u>Division 3 - Controls on development in specific areas.</u></p> <p><u>Clause 6.11</u> - Land within 100 metres of a natural waterbody.</p> <p>The southern portion of the site lies within 100 metres of the top embankment of Prospect Creek (Calculated at 93 metres).</p> <p>The development is not a water related use or dependent on water. It is considered that there will be no conflict between a warehouse use or the development site.</p> |
| State Environmental Planning Policy (Resilience and Hazards) 2021 | Chapter 2 - Coastal Management. | <p>The detailed map has been considered and it is identified that the subject site is not identified as being a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.</p> <p>However, the site lies 423 metres east north east of a "proximity area" to coastal wetlands and 525 metres from a coastal wetland area.</p> <p>The site is not close enough to the wetland to warrant a detailed assessment and on this account, no further consideration is required.</p> |
| | Chapter 4 - Remediation of Land | <p>Whilst Development application 2022/0085 was approved under delegated authority on Tuesday 12 April 2022 for Category 1 remediation works of soil and groundwater contamination and remediation works have commenced, several data gaps are identified where</p> |

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| | | <p>sampling had not been completed due to site constraints.</p> <p>In this regard, it is confirmed by Council's Environmental Health Officer that all measures identified in the RAP is acceptable and a Section A Site Audit Statement will be required once works are complete. This requirement is recommended to become a condition of the consent.</p> |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | <p>Chapter 2 - Infrastructure. Part 2.41(4)</p> <p>Part 2.43 & Part 2.48</p> <p>Part 2.77</p> | <p>Chapter 2 - Infrastructure</p> <p><u>Division 4 - Electricity generating works or solar energy systems</u></p> <p>The development application plans is identifying a solar panel system to be installed or capable of being installed across the rooftop of the three buildings of the development.</p> <p>While few details are provided, it is identified under Part 2.41(4) of Division 4 that the system would or is capable of being "Exempt development" for the purposes of Part 2.41(4)(a) to (f) as relevant.</p> <p>As such, no detailed assessment would be required of any system installed across the roof surfaces of the buildings.</p> <p><u>2.43 - Electricity transmission</u></p> <p>Given the presence of crucial electricity infrastructure managed by Endeavour Energy including associated easements, the development application has been referred to Endeavour Energy for assessment.</p> <p>Council has received advice and comment from Endeavour Energy advising that the development application is satisfactory subject to conditions.</p> <p>As such, Council has complied with Part 2.48(2) of the State Policy.</p> <p><u>2.77 - Development adjacent to pipeline corridors</u></p> <p>SGSP (Australia) Assets Pty Ltd owns and manages a high pressure gas line situated adjacent to the site but within the road reserve.</p> |

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| | Part 2.121 Schedule 3 | <p>The development application has been referred to SGSP (Australia) Assets Pty Ltd for assessment. As per correspondence of Thursday 9 March 2023, no objection is raised to the proposed development and recommendations for conditions are provided to Council.</p> <p><u>Division 17 - Roads and Traffic</u></p> <p>Part 2.121 Traffic Generating Development (Schedule 3).</p> <p>The development falls under the provision of Schedule 3 due to:</p> <ul style="list-style-type: none"> • The car park having more than 200 car parking spaces. • The warehouse being constructed across a site that has an area of greater than 8,000 square metres in area. <p>Transport for New South Wales has advised that the development application is satisfactory. There are no objections raised to the redevelopment of the entire site and no specific conditions are recommended for any consent that may be issued.</p> |
| State Environmental Planning Policy (Planning System) 2021 | Schedule 6 | <p>Development of a type that is listed in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 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 \$55,462,164 which exceeds the \$30 million threshold.</p> <p>While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.</p> |

Local Environmental Plans

The provisions of the Cumberland Local Environmental Plan 2021 (CLEP) are applicable to the development application. It is identified that the development achieves compliance with the key statutory requirements of the CLEP 2021 and the objectives of the E4 General Industrial zone.

(a) Permissibility

The proposed development is defined as a “warehouse or distribution centre” defined by the CLEP 2021 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 and includes local distribution premises”

A warehouse or distribution centre is a permissible land use within the E4 General Industrial zone.

While not stated within the statement of environmental effects, tenancies could also be used for “General Industry” defined as:

“A building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity”

Such a use would also be permitted with consent within the zone.

The relevant matters to be considered under the CLEP 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive CLEP 2021 assessment is contained in Appendix A.

| DEVELOPMENT STANDARD | COMPLIANCE | DISCUSSION |
|--|------------|---|
| 4.3 - Height of Buildings. No height limit stated. | N/A | Proposed 18.1 metres. No planning objection arise in relation to height. |
| 4.4 - Floor Space Ratio. No floor space ratio limit stated. | N/A | Propose 0.517:1. No floor space ratio objection arise. |
| 4.6 - Exceptions to Development Standards | N/A | Not required for the development application. |

There are no issues in relation to permissibility, building height or floor space ratio to consider by the Panel.

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

1 - State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP 2022 was notified on 29 August 2022 and will come into effect on Sunday 1 October 2023 to allow for the relevant industry to adjust to the new standards. Savings and transitional provisions in accordance with Clause 4.2 of the Sustainable Buildings SEPP2022 will apply to the subject development application or modification application that was made but not finally determined before 1 October 2023.

This will not be applicable to the development application.

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

The Cumberland Development Control Plan 2021 (CDCP) is relevant to the development application. In particular, the following chapters are relevant:

- Part D - Development in Industrial Zones.
- Part G - Miscellaneous Development Controls.

The following table highlights non-compliances with the CDCP 2021 which relate mainly to street setbacks. The variations sought are considered satisfactory on merit in this instance:

| Part | Control | Proposed | Complies |
|--|---|-------------------------------|---|
| Part 2.1 - Setbacks and Streetscape Character. Control C10. | Front setbacks - Require 15 metres. | 3 to 5.5 metres. | No but acceptable. |
| Part 4.5 Development in industrial zones Control C4 of Part G3 - Traffic, Parking, Transport & Access (Vehicle) Chapter G (CDCP 2021) | Open parking area 1 shade tree per 10 spaces to be planted. | No trees planted within area. | No. Variation not supported. Condition to comply. |

Irrespective of the departures, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported for the reasons discussed below:

Part 2.1 - Setbacks and Streetscape Character Control C10

A front setback of 15 metres is required given that the site is within that area delineated by the Smithfield Industrial Area and situated west of Fairfield Road.

The applicant is proposing a street setback vary between 3 metres to 5.5 metres from McCredie Street which is an 66.33% to 80% variation to the Control. The applicants reasoning for the variation are specified below:

- While the proposed development provides a front setback which departs from the required setback under the CDCP 2021 (15m), the proposed building form generally reflects the location of existing built form present on the site and provides an appropriate response in the circumstances of the site, while meeting the CDCP 2021 objectives.
- The site is currently constrained by two large transmission easements (spanning some 88m in width) which are currently located behind the existing building fronting McCredie Road. To push the building back to provide an entirely compliant front setback and clear of transmission easement would result in an approximate 130m front setback.

This outcome is a less desirable urban design and streetscape outcome, as there would be no active presence to the street frontage, and the front setback would be dominated by hard stand parking and vehicular circulation areas, which is currently proposed to be shielded from the street by Building 1. The proposed design provides a setback approach which minimises operational constraints and provides a functional, efficient site layout while maintaining the functionality of the easement and adjoining land uses.

- c) The proposed setback will assist, through the location of offices with generous glazing, activating the McCredie Road frontage by provide 'human scale' to a building typology otherwise characterized by significant bulk and scale. The reduced setback and office locations will help with surveillance, increasing CPTED safety.

Planning comments

The variation and the applicant's comments have been reviewed and it is considered reasonable to support the variation for the following reasons:

- a) The design as shown on the plans promotes an active streetscape to McCredie Road which is encouraged and supported. Instead of provision of at-grade car parking area that dominant the McCredie Road streetscape, the proposed front setback variation for warehouse tenancies numbered 1A to 1D have been designed to promote an active streetscape towards McCredie Road
- b) There is a significant site constraint immediately to the south of the warehouse tenancies numbered 1A to 1D related to the various electricity easements and powerlines emanating from the adjoining electricity substation managed by Endeavour Energy. The built form of the development cannot cross into the easements. Endeavour Energy has supported the development subject to conditions on the grounds that there are no impacts to the electricity network and associated easements.
- c) The proposed street setback activates the McCredie Road frontage via a built form typology that promotes CPETD safety principles and streetscape presentation.

The first storey portion of the building is setback 5.5 metres to 11.1 metres from the street.

While still a variation, the built form is modulated with a varying degree of setbacks promoted. This assist with the streetscape presentation.

Part 4.5 Control C4 of Part G3 - Traffic, Parking, Transport & Access (Vehicle) Chapter G

As per the control, open parking areas are required to be provided with at least 1 shade tree per 10 spaces to be planted.

The internal at grade car park is not shown to be planted with tall trees only because the area is contained within an easement that protects numerous overhead powerlines managed by Endeavour Energy. Whilst powerlines form critical infrastructure and electricity connections to suburban Sydney, it is confirmed by Endeavour Energy alternative smaller planting that demonstrate compliance with Enedavour Energy's vegetation management requirements can be supported within the proximity of the electricity infrastructure.

In this regard, the proposal that seeks 100% variation to this control is unreasonable and is not supported by Council.

Accordingly, compliance with the stated provision a condition in the consent is recommended to plant five (5) Elaeorcarpus Reticulatus with 75L pot size within the front

car park garden area to ensure adequate landscaping is integrated within the proposed car parking area.

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

There is no 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 2021.

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 (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Cumberland Development Control Plan 2021, the development application was publicly notified for a period of fourteen days between Thursday 23 February and Thursday 9 March 2023. Council received no submissions.

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.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

A contribution is required to be paid in accordance with Cumberland Local Infrastructure Contributions Plan 2020. The amount payable is calculated at \$728,278.00 which is payable prior to the issue of a Construction Certificate.

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* and the following:

- Environmental Planning and Assessment Regulation 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Cumberland Local Environmental Plan 2021.
- Cumberland Development Control Plan 2021.
- Codes and Policies of Council.

The proposed development is appropriately located within the E4 General Industrial zone under the relevant provisions of the Cumberland Local Environmental Plan 2021. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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 deferred commencement conditions.

RECOMMENDATION

1. That development application 2022/0759 for demolition of existing structures and construction of three (3) warehouse buildings comprising of ten (10) warehouse tenancies with ancillary offices to operate 24 hours a day seven (7) days a week with at grade parking and loading areas, site access and associated site works on land at 132 McCredie Road Guildford West be approved subject to deferred commencement conditions as listed in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination.
2. Architectural Plans and landscape plans.
3. Appendix A Cumberland Local Environmental Plan 2021 assessment table.
4. Appendix B Cumberland Development Control Plan 2021 assessment table.