

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

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| DATE OF DETERMINATION | 17 March 2020 |
| PANEL MEMBERS | Abigail Goldberg (Chair), Brian Kirk, Ned Attie and Eddy Sarkis |
| APOLOGIES | David Ryan, Julie Savet Ward and Gabrielle Morrish |
| DECLARATIONS OF INTEREST | Clare Brown declared a conflict in this matter as Urbis did the SEE for this application. |

Public meeting held at Cumberland City Council on 17 March 2020, opened at 1.00pm and closed at 1.48pm.

MATTER DETERMINED

PPSSCC-55 - Cumberland – DA2019/329 - 300 Manchester Road, Auburn – Staged construction of six industrial warehouse buildings with ancillary office spaces to operate 24 hours a day 7 days a week, cafe area, associated car parking and infrastructure works including site entries from Manchester Road, roundabout, lot boundary adjustment and landscaping (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel noted that the development application has been assessed in accordance with the relevant requirements of the EP&A Act 1979 and relevant planning instruments and is considered to be satisfactory for the following reasons:

- 1) The site is well located for industrial warehouse uses.
- 2) The site will assist in the generation of employment opportunities.
- 3) The proposed site layout and building design is satisfactory and appropriate.
- 4) A 4m landscaping strip is proposed along Manchester Road which will assist in buffering residential uses from industrial warehouse uses.
- 5) Sufficient protection has been put in place by way of conditions to provide comfort to local residents that 24 hour operations will be able to be managed.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments –

Condition 26 is deleted

Easement Creation

~~A drainage easement shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to the creek. Documents relative to the creation of the easement shall be lodged with NSW Land Registry Services, with registration being effected prior to issue of any Construction Certificate. All costs associated with the creation of the easement shall be borne by the applicant.~~

~~Prior to the issue of any Construction Certificate registered copy of Transfer granting easement document(s) shall be submitted to and approved by Cumberland Council's Manager Design and Traffic~~

~~Reason: To ensure legal means of discharge stormwater via gravity and/or prevent localised flooding)~~

Condition 28(f) is deleted

- f) ~~Proposed building shall be clear of the existing stormwater pipes or pipes shall be realigned clear of the buildings.~~ **Deleted**

Condition 29 is amended to read as follows:

Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted ~~in all stormwater pits~~ at the end of the stormwater line prior to ~~discharge from the property~~, designed in accordance with Council's Engineering Specifications and Auburn Development Control Plan and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection)

Condition 30 is deleted

Written Consent from Transport for NSW

~~Prior to issue of any Construction Certificate, Transport Assessment report shall be submitted to and approved by Transport NSW.~~

~~Any intersection improvement measures recommended by Transport NSW shall be incorporated in the development. In this regard:~~

- a) ~~— All necessary approval shall be obtained.~~
- b) ~~— The works shall be carried out at no cost to Council.~~

~~Compliance with the above shall be submitted to and approved by Council's Manager Engineering and Traffic.~~

~~(Reason: to consult with TfNSW)~~

Condition 31a(ii) is deleted

- ii. ~~Proposed building shall be clear of the existing stormwater pipes or pipes shall be realigned clear of the buildings.~~

Condition 52 is amended to read as follows:

Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifier prior to the issue of a Construction Certificate. ~~or any works commencing, whichever occurs first.~~

(Reason: Ensure services are not disturbed)

Condition 56(h) is deleted

~~(h) — The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.~~

Condition 77 is amended to read as follows:

Air Conditioning Units - Location

Air conditioning units are not to be visible from the street or public place, **unless appropriately screened**, and are not to obscure windows/window frames or architectural features of the building.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

Condition 91 is amended to read as follows:

Covenant & Restriction as to User for Stormwater Controlled Systems

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/mechanical pump-out system/ charged lines, which are related to the OSD system.

Easement Registration

~~Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of minimum width 1.25m (or as specified by Council), over the proposed stormwater drainage line or service concurrently with any subdivision registration. Typical wording can be obtained from Council.~~

(Reason: Compliance and adequate maintenance of drainage system)

Condition 110 is amended to read as follows:

Signage - Illumination

Illumination of signs must be installed and maintained in accordance with Australian Standard AS4282-1997: Control of the Obtrusive Effects of Outdoor Lighting to avoid annoyance to the occupants of adjoining premises and or glare to motorists on nearby roads.

Flashing or Moving Signs

Signage must not flash or have any moving components.

Intensity of Sign Illumination

The intensity and hours of illumination of the sign must be addressed, if Council considers there to be adverse impacts associated with the sign illumination.

Wiring

Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the facade of the building.

(Reason: To ensure compliance with approved plans and environmental amenity)

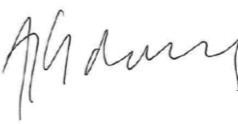



CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition, noting that two submitters registered to address the Panel. The Panel notes that community issues of concern focused on:

- Hours of operation;

- Truck movements; and
- Noise impacts on local residents.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

| PANEL MEMBERS | |
|---|---|
|  Abigail Goldberg (Chair) |  Brian Kirk |
|  Ned Attie |  Eddy Sarkis |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSSCC-55 - Cumberland – DA2019/329 |
| 2 | PROPOSED DEVELOPMENT | Staged construction of six industrial warehouse buildings with ancillary office spaces to operate 24 hours a day 7 days a week, cafe area, associated car parking and infrastructure works including site entries from Manchester Road, roundabout, lot boundary adjustment and landscaping |
| 3 | STREET ADDRESS | 300 Manchester Road, Auburn |
| 4 | APPLICANT/OWNER | Applicant – Mirvac Industrial Developments Pty Limited Owner – Constraint 9 Pty Limited & Janyon Pty Limited |
| 5 | TYPE OF REGIONAL DEVELOPMENT | CIV excess of \$30million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 (Remediation of Land) ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ○ Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Auburn Development Control Plan 2010 |

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| | | <ul style="list-style-type: none"> • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: Nil • 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: 1 March 2020 • Written submissions during public exhibition: 9 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Anthony Oldfield, Written submission by Deborah Neyle OBO Manchester Road Action ○ Council assessment officer – Rennie Rounds ○ On behalf of the applicant – Jacqui Parker, Anthony McLandsborough, Anton Reisch, Michael Chung and Richard Seddon |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection: 17 March 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Ned Attie and Eddy Sarkis ○ <u>Council assessment staff</u>: Reenie Rounds • Final briefing to discuss council's recommendation, 17 March 2020, 11.30am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Ned Attie and Eddy Sarkis ○ <u>Council assessment staff</u>: Reenie Rounds |
| | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |