

**COUNCIL ASSESSMENT REPORT**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSEC-238 – DA-483/2022
<b>PROPOSAL</b>	Construction of three buildings ranging in height between 5 and 7 storey containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas (Water NSW & Integrated Development).
<b>ADDRESS</b>	Lot 2 DP 261143, Lot 1 DP 219847, Lot 3 DP 271143 2-6 Girawah Place, Matraville
<b>APPLICANT</b>	Mr Agy Dassakis, Spirecorp Pty Ltd
<b>OWNER</b>	Spirecorp Pty Ltd
<b>DA LODGEMENT DATE</b>	4 October 2022
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Development that has a capital investment value of more than \$30 million.
<b>CIV</b>	\$37,802,636 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	None
<b>KEY SEPP/LEP</b>	Transport and Infrastructure SEPP, Biodiversity and Conservation SEPP, Resilience and Hazards SEPP Randwick LEP
<b>TOTAL &amp; SUBMISSIONS ISSUES SUBMISSIONS</b> <b>UNIQUE KEY IN</b>	Two (2) submissions were received. The following issues were raised: <ul style="list-style-type: none"> <li>• Visual privacy and security due to the height of the buildings.</li> <li>• Visual impact of the 5-7 storey buildings.</li> <li>• Appropriateness of sensitive land uses (e.g. child care centre) adjacent to Port Botany and the port operations.</li> <li>• Cumulative impacts of proposing sensitive land uses near the port and potential to negatively impact on the ability for the port to operate in the future due to changing noise/amenity expectations.</li> <li>• Traffic impacts on port operations and conflicts with large dangerous goods vehicles.</li> <li>• Acoustic and air quality impacts of port operations are not adequately assessed for the child care centre.</li> </ul>
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Architectural plans</li> <li>• Landscape Plans</li> <li>• Statement of Environmental Effects</li> </ul>

	<ul style="list-style-type: none"> <li>• Traffic and Parking Impact Assessment</li> <li>• Noise Impact Assessment</li> <li>• Plan of Managements (child care centre, aquatic centre, King Beats Fitness)</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	No
<b>RECOMMENDATION</b>	Refusal
<b>DRAFT CONDITIONS TO APPLICANT</b>	No
<b>SCHEDULED MEETING DATE</b>	21 September 2023
<b>PLAN VERSION</b>	16 September 2022
<b>PREPARED BY</b>	GAT & Associates
<b>DATE OF REPORT</b>	7 September 2023

## EXECUTIVE SUMMARY

Council is in receipt of a Development Application (DA-483/2022) seeking consent for the construction of three buildings ranging in height between 5 and 7 storeys containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas at 2-6 Girawah Place, Matraville. The proposal is Integrated Development requiring approval under the Water Management Act 2000 due to the development being located within 40m of a watercourse and requiring concurrence from Transport for NSW (TfNSW) for being traffic-generating development under State Environmental Planning Policy (Transport and Infrastructure) 2021.

The site consists of three allotments located on the corner of Botany Road and Girawah Place. Two of the allotments (Nos. 2 and 6 Girawah Place) are zoned IN1 General Industrial under the State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5 Three Ports, while the remaining lot (No. 4 Girawah Place) is currently zoned RE1 Public Recreation. The RE1 land is to be rezoned to RE2 Private Recreation under the Randwick Comprehensive Planning Proposal which is not yet in force at the time of writing.

There are no formal structures on the land with two (2) trees on the portion of the site to be developed. Bunnerong Creek runs through the northern portion of the site and was recently realigned and incorporated a culvert under Girawah Place under DA-561/2016.

The development application was lodged on 4 October 2022. The application was notified for twenty-eight (28) days from 13 October to 21 November 2022. Two (2) submissions were received objecting to the proposal. The objections primarily related to concerns over privacy/overlooking from the 5-7 storey development adjacent to low density residential and concerns about the appropriateness of sensitive land uses (child care centre, gym) near Port Botany. These matters are discussed within this assessment report.

The applicant was issued a formal additional information request following a preliminary assessment and a referral to the Design Review Panel. Additional information was received. However, prior to the completion of the assessment of the information, a Class 1 appeal was lodged on 25 July 2023.

The application is referred to the Sydney Eastern City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development with a CIV over \$30 million.

The principal planning controls relevant to the proposal include *Chapters 3 and 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 ('SEPP Transport and Infrastructure')*, the *Randwick Local Environmental Plan 2012 ('the LEP')* and the *Randwick Development Control Plan 2013 ('the DCP')*.

Briefings were held with the Panel on 24 November 2022 and 27 March 2023 where key issues were discussed. The Panel inspected the site on 6 April 2023.

The key issues associated with the proposal included:

1. *Permissibility* – The proposed development is across two land zones – IN1 General Industrial and RE1 Public Recreation – and shares a basement across both land zones. The shared basement includes elements of industrial uses (e.g. car parking, access, loading bays) on the RE1 zoned land and elements of the child care centre, gymnasium, aquatic centre and the like that are on the IN1 zoned land (e.g. waste, loading, access, etc.). The uses depend on land where they are prohibited in the zone, and consequently, the proposal is prohibited development.
2. *Lack of Clarity on the Proposed Uses* – The submission is inconsistent in the information submitted on what the proposed uses are, though the application seeks for operational consent and not approval for uses for subsequent fit-out applications. The documentation refers to the industrial units as warehouse or distribution centres and high technology across different and sometimes the same documents. Operational details have not been supplied to understand either or both uses operating in the same building at the same time.
3. *Design Excellence, Setbacks and Landscaping* – The proposed development is not strictly subject to a height, FSR or setback requirement. However, Lot 2 is subject to Clause 6.11 Design Excellence under the LEP which requires consideration of appropriate scale, built form and landscaping. The built form on Lot 1 closest to the R2 Low Density Residential zone fails to provide adequate landscaping buffers to soften the development and will rely upon the Council adjoining RE1 Public Recreation zoned land to provide that screening for future recreation uses on the land. The 1m-3m setbacks to the east are inadequate to achieve this outcome. The development will exceed the height of other development in the locality and proposes the tallest building closest to the residential zone. Buffer landscaping of a scale suitable to the density is warranted but not provided.
4. *Suitability of the Site for the Child Care Centre* – A child care centre is a sensitive land use proposed adjacent to industrial land and in proximity to Port Botany. A Safety Management Study was recommended to be conducted by Ampol due to the proximity of the site to a high pressure dangerous goods pipeline but has not been supplied. Further, no air quality assessment was submitted despite the site being close to industrial and port operational land.
5. *Car Parking and Loading* – The development relies upon a temporal demand merit assessment for the provision of car parking. However, the car parking rates adopted are inconsistent with the proposed uses where the application states high technology uses will occupy tenancies but relies on warehouse car parking rates, and loading bays are assessed on a commercial rate not using the industrial development rate, which significantly affects the number of spaces and loading bays required. The car parking

provision is short by a minimum of 42 spaces, the shortfall is not accurately assessed and the temporal demand assessment is not fully justified. The variation is not supported.

6. *Insufficient Information* – The development generally provides inadequate levels of information to undertake a complete assessment of the development, including but not limited to:
- a. The child care centre portion of the development has not been supported with sufficient information to assess the indoor play area fit-out and unencumbered outdoor play areas, the acoustic assessment has not considered the impact of general background noise and noise from the development on the cot rooms or the correct hours of operations, the architectural plans are not reflective of the required 1.8m solid wall attenuation required by the report around the perimeter of the outdoor play areas, no evacuation plan has been submitted and no nappy change facilities are shown on the plans.
  - b. The gymnasium component has not been supported with sufficient information to assess the use and operation. The Plan of Management submitted states there will be classes but no information on capacity and frequency has been submitted, the POM also identifies inconsistent staffed hours, no equipment fit-out plan has been submitted to form the basis of an acoustic assessment, no information on acoustic attenuation on floor and walls are detailed, the purpose or use of the outdoor terraces is not specified, the reason for a 6.9m floor to ceiling height for the top level of the gym to justify the height of the overall building.
  - c. The aquatic centre portion of the development has not been supported with sufficient information to assess the operation which identifies a number of classes or activities with no timetable, capacity or staffing details, consideration to drop off areas for school children for the claimed hosting of school swimming, and an acoustic assessment that has considered the above information.
  - d. The industrial component of the development has not been supported with sufficient information to understand the intended use or uses, the operation of the development, management of the development including the showrooms, and the demand for 82 small tenancies stated as warehouse or distribution centres.
  - e. The food and drink premises proposed have not been supported by sufficient information on their fit-out, hours of operation, detailed floor plans on the kitchen areas, provision of mechanical ducting the like and acoustic impacts.
  - f. No information on the photo studio has been submitted.
  - g. Two of the indoor recreation tenancies proposed are supported with no information on their use, hours of operation, staff, etc.
  - h. The updated traffic report submitted as the additional information refers to the food and drink premises on the ground level of the Lot 2 building as a brewery, a form of artisan food and drink industry which is prohibited in the zone. Insufficient information is submitted if this is an error, as no other document references this, or whether the use is part of the application and is therefore a prohibited development.
  - i. Inconsistent calculations on floor area have been provided, which inform the car parking assessment.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA-483/2022 is recommended for refusal subject to the reasons contained in **Attachment A** of this report.

## 1. THE SITE AND LOCALITY

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### 1.1 The Site

The site of this development application consists of three (3) parcels of land at 2-6 Girawah Place, Matraville. The three parcels are:

- 2 Girawah Place (Lot 2 DP 261143)
- 4 Girawah Place (Lot 1 DP 219847)
- 6 Girawah Place (Lot 3 DP 271143)

The site is irregularly shaped with a frontage of 33.95m to Botany Road, a stepped and irregular frontage of approximately 130m to Girawah Place, a northern side boundary of 107m and an eastern boundary of 137.66m. The overall site area is 8,062m<sup>2</sup>. Refer to Figure 1 Locality Map and Figure 2 Site Location Map.



**Figure 1:** Locality map (2-6 Girawah Place, Matraville identified by the pins).

The land is currently vacant of formal structures. There are two notable native trees on the site near the Girawah Place frontage with several smaller trees, and a number of street trees along the Botany Road frontage. Bunnerong Creek runs through the northern portion of the site with modest riparian vegetation. Some photos of the site are shown in Figures 3-8.

The land slopes generally downward toward Bunnerong Creek. For the portion of the land sought to be developed, the high point in the southeastern portion at RL 15.335m AHD and the low point approximately RL 9.13m AHD adjacent to the high point of the creek in the northwest.





**Figure 2:** Site Location Map (subject site identified by the pins).





**Figure 3:** Subject site viewed from the eastern side of the Botany Road frontage



**Figure 4:** Subject site as viewed from Girawah Place across the centre of the site



**Figure 5:** View of Bunnerong Creek on the site





**Figure 6:** Views of a recently constructed warehouse development to the north of the site



**Figure 7:** View of Girawah Place from the intersection of Botany Road



**Figure 8:** Botany Road street frontage

The site is split between two zones, with two lots zoned IN1 General Industrial and one lot zoned RE1 Public Recreation under Chapter 5 Three Ports of State Environmental Planning Policy (Transport and Infrastructure) 2021 and Randwick Local Environmental Plan 2012 respectively. Refer to the LEP land zoning map below.





**Figure 9:** Land Zoning Map (site identified in red)

## 1.2 The Locality

The site forms part of a 12 lot subdivision approved by the Land and Environment Court in 2018 (DA/561/2016) including the creation of the internal road known as Girawah Place. The property to the north (No. 8) is currently vacant, while a 54 unit industrial warehouse complex was approved by CDC in 2019 at 10 Girawah Place.

To the northeast is the rear of single and two storey dwellings on land zoned R2 Low Density Residential at 26 and 28 Moorina Avenue. To the east is Council owned land zoned RE1 Public Recreation which is not currently developed for recreation purposes. The land comprises a disused single storey structure and vegetation, including the continuation of Bunnerong Creek.

Land opposite the site to the west is a multi-storey brick factory building at 1891 Botany Road. To the south over Botany Road are additional warehouse uses including FedEx which are screened by vegetation at 2-4 and 8 Military Road.

Further to the southwest of the site is land forming part of the Lease Area of Port Botany.

Port Botany is a six (6) lane classified road that connects to the east of the site with Bunnerong Road, also a classified road.

Bus stops are located 350m to the east of the site at Bunnerong Road and Moorina Avenue.

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The development application (DA-483/2022) seeks consent for the construction of three buildings ranging in height between 5 and 7 storeys containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas at 2-6 Girawah Place, Matraville.

The site consists of three allotments which are not sought to be amalgamated. These are referred to in the submission as Lots 1, 2 and 3, corresponding with the legal description. Refer to the site plan below.



**Figure 10:** Site Plan (Source: Drawing No. DA-002 – Bennet Murada Architects)

The development proposes the construction of two (2) x five (5) storey buildings and one (1) x seven (7) storey building over a shared two (2) level basement accessed from Girawah Place.

- Lot 1 (No. 4 Girawah Place) contains a seven storey building.
- Lots 2 and 3 (Nos. 2 and 6 Girawah Place) contain five storey buildings.

#### Lot 1 Building

- The building contains a mixture of child care centre and recreation facilities (indoor) including:



- Two (2) café/restaurant tenancies of 65m<sup>2</sup> and 85m<sup>2</sup> at ground level.
- An 82m<sup>2</sup> 'indoor recreation' tenancy over two storeys on Basement Level 1 and ground level.
- A 1,046m<sup>2</sup> aquatic swimming pool tenancy on Level 1.
  - Proposes a 25m x 15m swimming pool and a 10m x 5m program pool.
- An 827m<sup>2</sup> gym over Levels 2 and 3.
- A child care centre of 80 places over Levels 3 and 4.
  - Indoor and outdoor play areas are proposed on both floors of the centre.
- An 183m<sup>2</sup> indoor recreation facility with an 82m<sup>2</sup> outdoor area on Level 5.
- Multiple lifts, fire stairs, external terraces on Levels 1-3, and various amenities and plant areas.

#### Lot 2 Building

- The building contains a mixture of food and drinks premises and industrial units including:
  - A 594m<sup>2</sup> food and drink premises (referred to as a brewery in the amended traffic report) at ground level.
  - A 76m<sup>2</sup> showroom and a 27m<sup>2</sup> industrial unit tenancy at ground level.
  - A total of 39 industrial unit tenancies between 40m<sup>2</sup> and 70m<sup>2</sup>, 4 meeting rooms, two communal lounge spaces and one outdoor terrace over Levels 1-4.
  - A dedicated lobby for the industrial units including three lifts, amenities and services.

#### Lot 3 Building

- The building contains industrial units including:
  - A total of 43 industrial unit tenancies between 37m<sup>2</sup> and 114m<sup>2</sup> including one two storey, 4 meeting rooms, two communal lounge spaces and two outdoor terraces over Basement Level 1 to Level 4.
  - A 48m<sup>2</sup> common photo studio at Basement Level 1.
  - A dedicated lobby including three lifts, amenities and services.

#### Basements

- Two (2) basement levels are proposed which comprise:
  - A total of 95 car spaces on Basement Level 2, eight (8) motorcycle spaces, with services rooms and storage.
  - A total of 68 car spaces with 1 allocated to the childcare centre, seven (7) motorcycle spaces, waste rooms, two (2) loading docks, bicycle parking, amenities and storage spaces.

#### General

- The development hours of operation are identified as:
  - The child care centre is sought to operate from 7am to 7pm, Monday to Friday.
  - The gym is sought to operate 24/7.

- The aquatic centre is sought to operate 4:30am to 10pm, 7 days.
- No hours of operation are indicated for the industrial, food and drink or photo studio tenancies.
- A central public forecourt area is to be created with paved and landscaped spaces.
- The proposal seeks the operation of each tenancy.

The photomontages prepared for the development are provided below.



GRAWAH PLACE/BUNNERONG CREEK CORNER (LOT 3 AND LOT 2)



BOTANY ROAD SOUTHERN SIDE (LOT 2 AND LOT 1)



CENTRAL PLAZA VIEW FROM LOT 3 BALCONY



BUNNERONG CREEK VIEW (LOT 1 AND LOT 3)

**Figure 11:** Conceptual images of the northwestern corner, Botany Road frontage, central plaza, and Bunnerong Creek perspectives (top left to bottom right) (Source: Drawing No. DA-401)



SOUTHERN SIDE BIRD VIEW



CENTRAL PLAZA BIRD VIEW



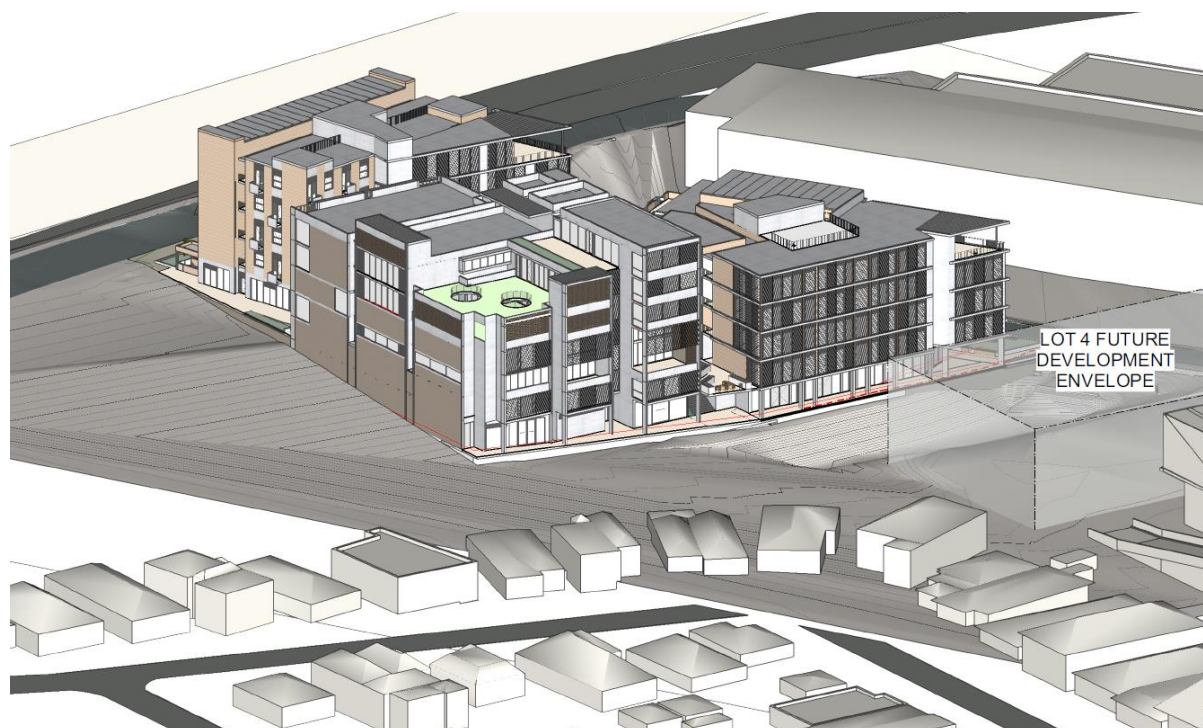
BUNNERONG CREEK BIRD VIEW



BOTANY ROAD VIEW (ABOVE 1891 MULTI STOREY BRICK BUILDING)



**Figure 12:** Birds eye views of the southern side of the development, the central plaza, Bunnerong Creek presentation and Botany Road looking northeast (top left to bottom right (Source: Drawing No. DA-400))



**Figure 13:** 9am sun-eye diagram (Source: Drawing No. DA-160)

The table below provides key data points for the proposed development based on the applicant's submission. Any inconsistencies between what has been presented by the applicant and what is assessed are discussed under their relevant sections later in the report.

**Table 1: Development Data**

Control	Proposal
Site area	Total site area: 8,062m <sup>2</sup> Lot 1: 3,362.2m <sup>2</sup> Lot 2: 1,778.5m <sup>2</sup> Lot 3: 2,922.2m <sup>2</sup>
GFA	Total: 11,735m <sup>2</sup> Lot 1: 3,760m <sup>2</sup> Lot 2: 3,787m <sup>2</sup> Lot 3: 4,186m <sup>2</sup>
FSR	Total: 1.45:1 Lot 1: 1.12:1 Lot 2: 2.13:1 Lot 3: 1.43:1
Clause 4.6 Requests	None

No. of units / tenancies	Industrial units: 82 Showrooms: 5 Recreation facilities (indoor): 4 (gym, aquatic centre and two unspecified tenancies) Food and drink premises: 3 Photo studios: 1 Child care centre: 80 places (PoM states the ratio is: 16 x 0-1, 25 x 2-3 and 39 x 4-5 years)
Max Height	Building 1: 26.2m Building 2: 26.2m Building 3: 20.5m
Car Parking spaces	167 car spaces

## 2.2 Background

The development application was lodged on **14 October 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc.) with the application:

**Table 2: Chronology of the DA**

Date	Event
<b>4 October 2022</b>	DA lodged.
<b>12 October 2022</b>	DA referred to external agencies.
<b>13 October 2022</b>	Exhibition of the application for 28 days.
<b>25 October 2022</b>	Request for information (RFI) from Council to the Applicant (responses from Water NSW)
<b>24 November 2022</b>	Panel briefing (kick-off meeting).
<b>14 December 2022</b>	DA referred to the Design Excellence Advisory Panel.
<b>16 March 2023</b>	Formal RFI letter issued by Council to the Applicant.
<b>27 March 2023</b>	Panel briefing.
<b>28 March 2023</b>	Supplementary RFI issued by Council to the Applicant on traffic matters.
<b>6 April 2023</b>	Panel site inspection.
<b>5 May 2023</b>	Additional information submitted by the Applicant.
<b>25 July 2023</b>	Commencement of Class 1 proceedings in the Land and Environment Court of NSW.



A Request for Information was issued to the applicant on 16 March 2022 in response to key concerns raised by the planning assessment, internal referrals, external authorities and the Design Review Panel, which consisted of the following aspects:

- The applicant is to consult with NSW Ports or relevant Utility Service Providers regarding existing hazardous infrastructure within proximity of the proposed child care centre.
- The applicant has failed to address how the development satisfies the aims of Chapter 5 Three Ports of SEPP (Transport and Infrastructure) 2021.
- The proposal fails to adequately address the objectives of the height of buildings and FSR development standards.
- The proposal does not provide for an appropriate transition between the low density residential uses and Port Botany.
- The proposal is not consistent with the zone objectives of the RE1 Public Recreation zone.
- A deficit in car parking is proposed. Council requests that car parking be allocated to specific tenancies to identify which uses are subject to the deficit.
- The 1-3m eastern side setback is not supported and is to be increased to 5m to allow for landscaping.
- The proposal does not provide any assessment against Part D11 of the RDCP 2013 in relation to child care centres, the site selection and location criteria of section 3.24 of the SEPP (Transport and Infrastructure) 2021 including compatibility with neighbouring land uses.
- Some plans reference a beer garden while others do not. Confirmation is sought.
- Plans of Management are required for the child care centre, swimming pool, food and drink premises and the gymnasium, and are to include hours of operation, operational details, traffic and transport management, activities, events, noise mitigation measures, etc.
- The applicant is to consider a Concept DA and all individual uses are subject to separate DAs.
- The applicant is to explain how the basement will be managed across three buildings where no amalgamation/subdivision is proposed.
- A Waste Management Plan is required to be provided for all tenancies in view of no subdivision being sought.
- Further information is required on the retention of two mature Broad Leafed Paperbarks on the Girawah Place frontage in view of the proximity of the new layback.
- The flood assessment is to reference the Council commissioned flood study.
- Set allocations of car parking is required. A revised parking strategy must be provided demonstrating the adequacy of the parking provision.
- The warehouse tenancies are to be augmented with ventilation devices to ensure full cross-ventilation.

- Further development of the treatment of the riparian corridor is recommended. The building is built to the boundary of the corridor and a further setback would be desirable.
- Green roofs should be implemented.
- The parking rate for the warehouse may not be appropriate as they are designed as office spaces.
- The traffic report does not adequately assess loading and servicing requirements in accordance with the DCP.
- A SRV is not supported as the design vehicle. At least one loading bay is to be designed to accommodate a MRV.
- A number of other traffic matters including the bicycle parking is not to be vertical bicycle racks, an additional exit driveway is required, swept paths must be designed for an MRV passing a B99 and the gradient of the driveway exceeds the maximum permitted.

## 2.3 Site History

There have been numerous development applications and modification applications submitted to Council for the land. The table below details the recent development history commencing from the subdivision of the land to create the current industrial precinct.

**Table 3: Site Development History**

Date	Application	Decision
<b>23 May 2017</b>	DA561/2016. Integrated development for Torrens title subdivision from 3 lots into 12 lots, new internal roadway with access via Botany Road, site remediation, tree removal and associated infrastructure works.	Approved by Land and Environment Court
<b>22 February 2018</b>	DA561/2016/A Modification of approved development to change condition 3 to allow the creation of restriction on title at time of lodgement of subdivision plan, deletion of conditions 7, 29, 78 and 88, amendment to condition 17 relating to required landscaping, and amendment to condition 79 relating to Traffic Management Plan.	Approved by Land and Environment Court
<b>20 June 2018</b>	CCP269/2018. CC for subdivision works (bulk earthworks).	Approved by accredited certifier.
<b>21 December 2018</b>	CDP2/2019. CDC for construction of a new industrial warehouse complex comprising 53 units including ancillary office.	Approved by accredited certifier.
<b>7 May 2019</b>	CDP157/2019. CC for subdivision works (Stage 2).	Approved by accredited certifier.
<b>16 August 2019</b>	DA561/2016/B. Modification of approved development by removal of tree 11 an Eucalyptus robusta (Swamp Mahogany), removing tree T11 from condition 41 Tree protection measures and including condition 75 trees approved for removal.	Approved by Randwick Council.

<b>21 April 2020</b>	DA561/2016/C. Modification to delete conditions 41(e), allowing for removal of trees 15, 68 and 69 with compensatory landscaping (9 trees). Trees 68 and 69 removal relates to adjustment of cadastral boundaries to accommodate road in order to satisfy requirements of the RMS and removal of Tree 15 allows for deletion of condition 41(e) to satisfy Ausgrid requirements.	Approved by Randwick Council.
<b>7 May 2020</b>	CCP325/2020. CC for subdivision works (Stage 3).	Approved by accredited certifier.
<b>29 May 2020</b>	DA561/2016/D. Modification of approved DA, including amendments to conditions to allow the removal of trees and retention of other trees.	Approved by Randwick Council.
<b>4 June 2020</b>	DA674/2019. Signage for industrial precinct and associated uses.	Approved by Randwick Council.
<b>30 October 2020</b>	DA674/2020/A. Modification of approved development to modify condition 3.	Approved by Randwick Council.
<b>10 March 2021</b>	CCP94/2021. CC for signage for industrial precinct and associated uses.	Approved by accredited certifier.
<b>12 November 2021</b>	CCP404/2021. CDC for construction of an industrial/warehouse development comprising four (4) buildings (Buildings A to D) with a total of 27 units with associated office space at mezzanine level. Provision of associated site wide landscaping and associated civil works.	Approved by accredited certifier.

### 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
    - (i) *any environmental planning instrument, and*
    - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
    - (iii) *any development control plan, and*
    - (iiia) *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, and*
    - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*



- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Requiring concurrence/referral (s4.13)

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Randwick Local Environmental Plan 2012.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 4** and considered in more detail below.

**Table 4: Summary of Applicable Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises development that has a capital investment value of more than \$30 million.</li> </ul>	Y

SEPP (Resilience & Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>Section 4.6 – The remediation of land under the previous subdivision application has been undertaken and the land is suitable for the proposed uses.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>Section 2.118(2) - Development with frontage to classified road</li> <li>Section 2.119(2) Impact of road noise or vibration on non-road development</li> <li>Section 2.121(4) - Traffic-generating development</li> </ul> Chapter 3: Educational Establishments <ul style="list-style-type: none"> <li>Section 3.23 - Centre-based childcare facility—matters for consideration by consent authorities</li> </ul> Chapter 5: Three Ports—Port Botany, Port Kembla and Port of Newcastle	N
Proposed Instruments	No compliance issues were identified.	Y
Randwick Local Environmental Plan 2012	<ul style="list-style-type: none"> <li>Clause 2.3 – Permissibility and zone objectives</li> <li>Clause 4.3 – Height of buildings</li> <li>Clause 4.4 – Floor Space Ratio</li> <li>Clause 5.21 – Flood Planning</li> <li>Clause 6.1 – Acid Sulfate Soils</li> <li>Clause 6.2 – Earthworks</li> <li>Clause 6.8 – Airspace Operations</li> <li>Clause 6.11 – Design Excellence</li> </ul>	N

Consideration of the relevant SEPPs is outlined below.

- State Environmental Planning Policy (Biodiversity and Conservation) 2021***

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies to the proposal. The objectives of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the state and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The overall subdivision of the land under DA/561/2017 and its subsequent modifications saw the removal of the majority of the on-site vegetation in the development footprint with the exception of two (2) Broad Leafed Paperbarks in the southwestern portion of the site near the Girawah Place frontage. The two trees are sought for retention.

Council's Landscape officer requested further information on the viability of the retention of these trees due to the relocation of a layback from the previously approved location closer to the trees as well as the proximity of excavation for basement car parking.

In response, the applicant provided an Arboricultural Impact Assessment prepared by Sturt Noble Arboriculture confirming that the trees could be retained in the current design. Council's Landscape officer reviewed this report and concluded the development can be supported subject to conditions on the grounds of tree retention.

Given the above, there is no noteworthy tree removal sought under this application. Any approval that could or would be issued would not permit tree removal and require the retention of the two paperbarks. On this basis, there are no further considerations under Chapter 2.

- ***State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')***

#### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development with a capital investment value of more than \$30 million. Accordingly, the Sydney Eastern City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

- ***State Environmental Planning Policy (Resilience and Hazards) 2021***

#### Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The contamination of the land was assessed under the subdivision application DA/561/2017. The site was identified as containing fill with asbestos in the form of bonded asbestos containing material fragments. The subdivision application required a Remediation Action Plan which was assessed and determined as acceptable.

A Remediation and Validation Report prepared by Geo-Logix was submitted with this application. The report concluded that the remediated land zoned IN1 General Industrial was suitable for uses permissible in the zone and the Licensed Asbestos Assessor concluded Lot 1 zoned RE1 Public Recreation was free of asbestos containing material and therefore suitable for allowable uses in the zone.

Council's Environmental Health Officer reviewed the report and determined it acceptable. Consequently, the site is suitable for the proposed development on the grounds of contamination.

- ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

#### Chapter 2 Infrastructure

The provisions of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Transport and Infrastructure SEPP) have been considered in the assessment of the development application.

The proposed development has a frontage to a classified road and is identified as traffic-generating development under Sections 2.119 and 2.122 of the SEPP. Consequently, the application was referred to TfNSW who provided suggested conditions of consent. The proposal is satisfactory with regard to these controls.



Section 2.120 Impact of road noise or vibration on non-road development is also applicable to the development as the proposal includes a centre-based child care facility adjacent to a roadway likely to be adversely affected by road noise. A Noise Impact Assessment was submitted by Pulse White Noise Acoustics. However, the report has not stated whether an assessment of the cot rooms has required any acoustic attenuation to meet the noise criteria or not.

Based on the current information, it is unconfirmed whether the development will be acceptable regarding the impact of road noise on sensitive areas of the development. As this matter is unresolved, the application is recommended for refusal.

### Chapter 3 Educational Establishments and Child Care Facilities

The provisions of Chapter 3 of the Transport and Infrastructure SEPP have been considered in the assessment of the child care centre component of the application.

The application has not presented sufficient details of the child care centre to assess the application. The proposal includes no detailed fit-out of the indoor and outdoor play areas and the distribution of children per floor to assess the compliance and adequacy of the spaces. A complete assessment of the matters under this Chapter and the Child Care Planning Guide cannot be undertaken.

The key associated matters are summarised in the tables below.

**Table 5: Part 3.3 Early Education and Care Facilities Assessment Table**

Provisions	Comment
<b>Part 3.3 Early Education and Care Facilities-Specific Development Controls</b>	
<b>3.23 Centre-based child care facility—matters for consideration by consent authorities</b>  Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	<b>No</b>  Key aspects of the Guide are assessed in the next table. However, there is insufficient information available to assess the application.
<b>3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities</b>  The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone.  The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in a prescribed zone—  (a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,	<b>N/A</b>  The child care centre is located on the RE1 zone which is not a prescribed zone. As such, this section is not applicable.

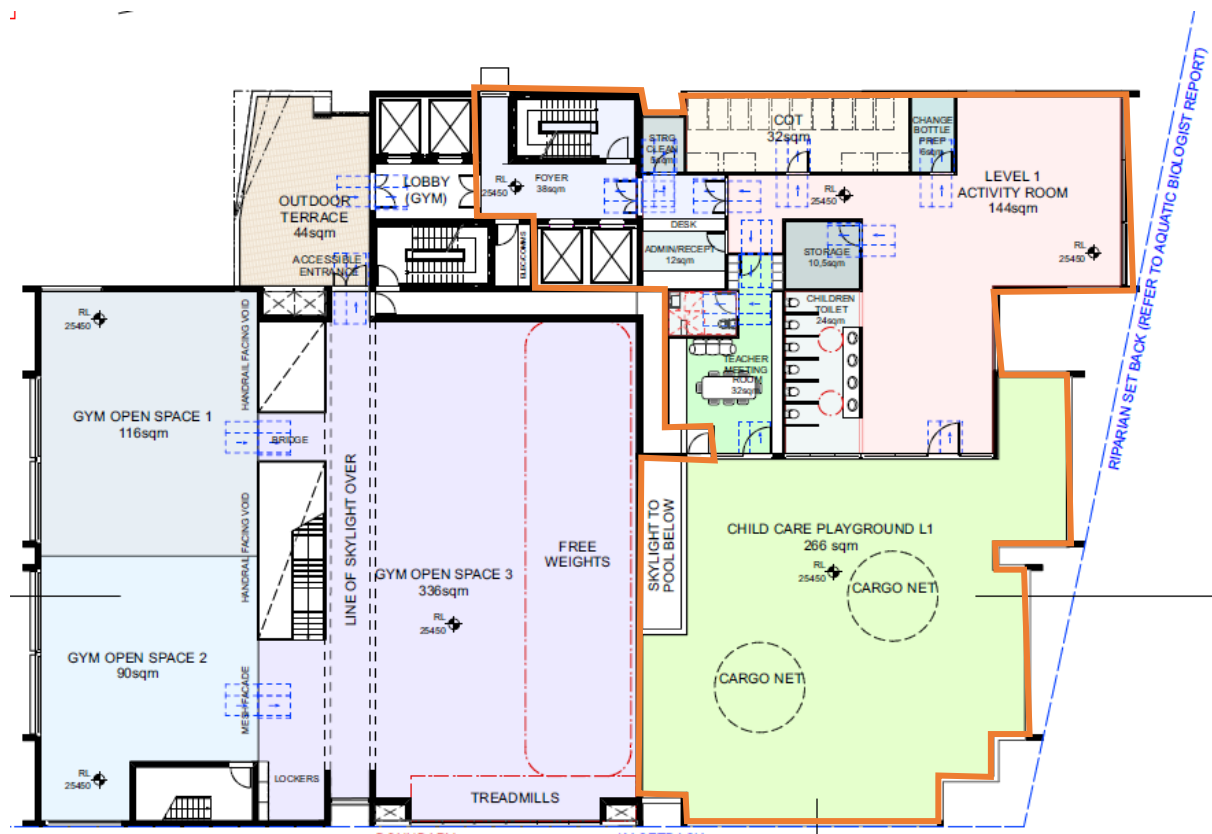
Provisions	Comment
<p>(b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,</p> <p>(c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.</p> <p>The matters referred to in subsection (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.</p> <p>In this section—</p> <p><i>prescribed zone</i> means any of the following land use zones—</p> <p>(a) Zone E4 General Industrial,</p> <p>(b) Zone E5 Heavy Industrial,</p> <p>(c) Zone IN1 General Industrial,</p> <p>(d) Zone IN2 Heavy Industrial.</p>	
<p><b>3.25 Centre-based child care facility—floor space ratio</b></p> <p>Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.</p>	<p><b>N/A</b></p> <p>Not within an R2 Low Density Residential zone.</p>
<p><b>3.26 Centre-based child care facility—non-discretionary development standards</b></p> <p>The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility—</p> <p>(a) <b>location</b>—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) <b>indoor or outdoor space</b></p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(c) <b>site area and site dimensions</b>—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>(d) <b>colour of building materials or shade structures</b>—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>Noted</p> <p><b>Insufficient Information/No</b></p> <p>Refer to comments below this table.</p> <p>Noted</p> <p>Noted</p>

## Indoor and Outdoor Space

The application was submitted with a centre capacity of 80 children but no age ratios or distribution across the two floors of indoor and outdoor play areas were provided.

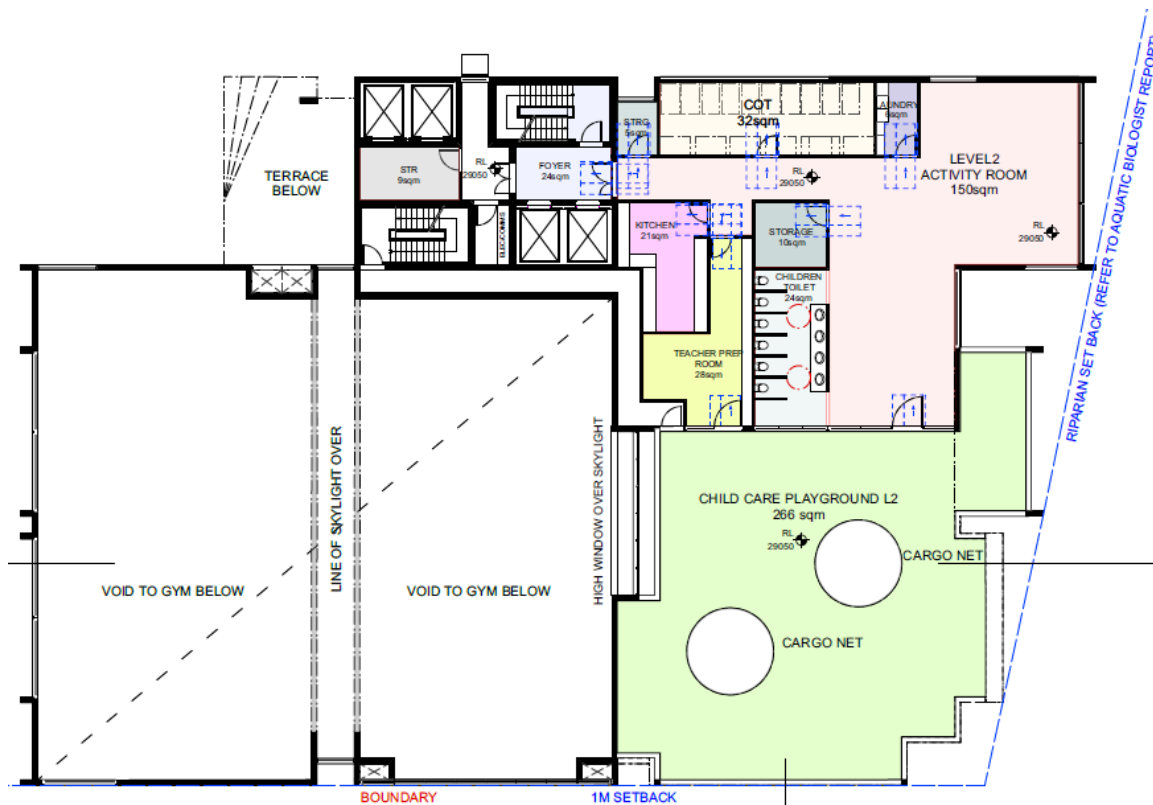
A Plan of Management (POM) was submitted as additional information identifying an age ratio of 16 x 0-1 years, 25 x 2-3 years and 39 x 4-5 years places but no further elaboration on the centre layout was given including which children groups were proposed on each floor. Consequently, it cannot be accurately assessed if the number of children can be accommodated within the identified play areas and the minimum 3.25m<sup>2</sup> and 7m<sup>2</sup> for indoor and outdoor space is achieved.

The floor plans of the two levels of child care centre are shown below.



**Figure 14:** Lot 1 – Level 3 Floor Plan identifying the child care centre outlined in orange (Drawing No. DA-105)





**Figure 15:** Lot 1 – Level 4 Floor Plan identifying the top level of the child care centre (Drawing No. DA-106)

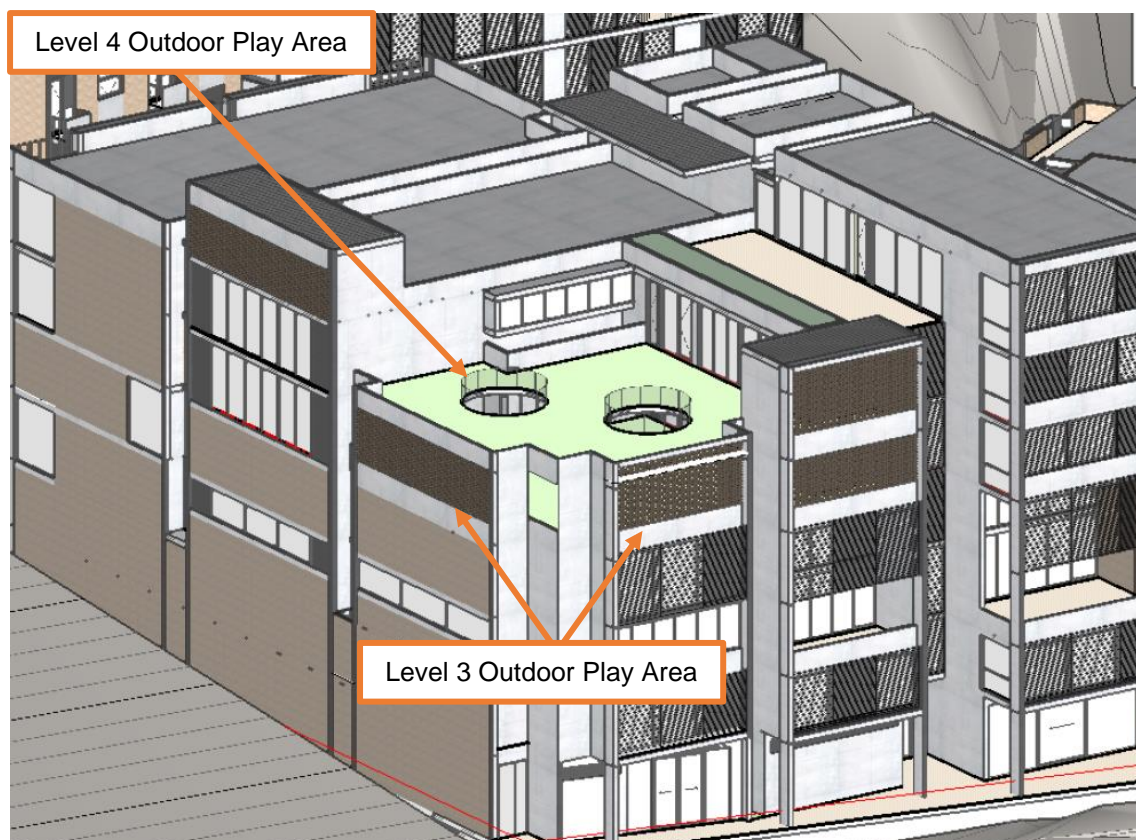
The 80 children will require a total unencumbered indoor play area of 260m<sup>2</sup>. The two spaces identified on the plans 294m<sup>2</sup> and would comply as a whole, though the number of children per floor is not specified in the application to confirm each play area is suited for the intended number of children. The age ratios do not allow for optimal halving of the children (e.g. 40 per floor) due to the staff ratios.

Notwithstanding the above, the applicant's specified indoor play areas have included the corridor and area between the reception desk, cot room and teacher meeting room on Level 3 as unencumbered indoor play area. The Child Care Planning Guideline states unencumbered indoor space excludes passageways or thoroughfares (including door swings) used for circulation. It is unclear how this space would actively be used as indoor play area, given its corridor design and the poor supervision from the main open area of the play area.

The plans have not adequately demonstrated the fit-out of the indoor play areas as no fixtures have been identified for storage, craft benches and sinks, temporary waste storage and the like. These elements will be encumbered space and further reduce the specified indoor area.

On both Level 3 and Level 4, the door swing areas leading to the outdoor play areas have been included and must be excluded.

For the outdoor play areas, the identified 80 children will require 560m<sup>2</sup> of outdoor play area. The plans identify 266m<sup>2</sup> of outdoor play area on both levels, which is only 532m<sup>2</sup> and well short of the minimum requirement. Additionally, the Level 4 outdoor play area has been measured identically to the Level 3 play area, but Level 4 includes three voids to allow natural light and ventilation to the fully roofed and largely enclosed outdoor play area on Level 3 (see Figure 14). The voids are encumbered space and must be excluded, further increasing the non-compliance with the minimum outdoor play area.



**Figure 16:** Extract of the sun-eye diagram illustrating the voids of the child care centre outdoor play area on Level 4 and enclosed Level 3 outdoor play area (Drawing No. 160)

Given the general absence of a fit-out and proposed distribution of children per floor within the centre, it cannot be determined whether the development has achieved the minimum indoor play area. The outdoor play area is non-compliant regardless.

Consequently, the child care centre is not acceptable on the grounds of its indoor and outdoor play areas.

**Table 6: Child Care Planning Guide Assessment Table**

Provisions	Comment
<b>3 Matters for Consideration</b>	
<b>3.1 Site Selection and Location</b>  <i>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</i>  <i>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</i>	<b>Insufficient Information</b>  The site is within a RE1 Public Recreation zone but adjoins an IN1 General Industrial zone and is in proximity to Port Botany. The application has not adequately considered the surrounding land zoning considerations in terms of air quality impacts on the health, safety and wellbeing of children given the site context.
<b>3.2 Local Character, Streetscape and the Public Domain Interface</b>	<b>Considered Acceptable</b>  The site is within a RE1 Public Recreation zone and adjacent to industrial land. The character of the area is diversely industrial

Provisions	Comment
<p><i>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i></p> <p><i>Objective: To ensure clear delineation between the child care facility and public spaces.</i></p>	<p>and then residential to the northeast. There is no specific local character to draw from.</p> <p>Council's Design Review Panel were generally supportive of the building design. As such, no specific concerns are raised with the aesthetics/materials and finishes.</p> <p>Concern is raised by the scale of the overall building and inconsistent detailing between the acoustic report and elevations, which are discussed separately.</p> <p><b>Considered Acceptable</b></p> <p>The child care centre entry at ground is a separate entry but is of a modest size and of low prominence on the façade. This can be resolved by wayfinding signage. It is noted that is unlikely for parents to walk to this child care centre and the basement child care lobby will be used. The child care lobby is close to the allocated child care centre car spaces. Consequently, this is considered acceptable.</p>
<p><b>3.3 Building Orientation, Envelope, Building Design and Accessibility</b></p> <p><i>Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</i></p> <p><i>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p><b>Insufficient Information</b></p> <p>The outdoor play area has been oriented northward toward the R2 Low Density Residential zone. The physical separation between the child care centre and the zone is over 30m, however, the acoustic assessment has not adequately assessed the impact of the child care centre. There is an inconsistency in the proposed hours of operation. The elevations also do not reflect the required 1.8m high solid wall to the perimeter of the outdoor play area. These aspects must be resolved prior to recommending support for the proposal.</p> <p><b>No</b></p> <p>Given the reasons above, it is not considered the acoustic impacts on adjoining low density residential have been resolved. Additionally, the 5-7 storey character of the building being the tallest on the lot closest to the residential is not considered compatible with the adjoining development, noting the overall development exceeds the scale of all else around it and does not scale appropriately to the zone transition. Further, there is no landscaping to buffer the development to adjoining properties. The scale of the development is sizeable without sufficient mitigation measures.</p>



Provisions	Comment
<b>3.5 Visual and Acoustic Privacy</b> <i>Objective: To minimise impacts on privacy of adjoining properties.</i>	<b>No</b> As discussed under previous controls, the acoustic assessment is not satisfactory in its current form. Additionally, no assessment of the cot room and whether any noise attenuation is required has been undertaken, factoring in both background noise and the noise of the proposed operations in the adjoining industrial building.
<b>3.6 Noise and Air Pollution</b> <i>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i>	<b>Insufficient Information</b> The site is located close to Botany Road, a busy and key road corridor associated with the operation of the local industrial area and Port Botany. An air quality assessment is warranted to ensure there will be no impact on the children using the internal or external areas of the centre. No report has been submitted and consequently, there is no certainty of there being no impact.
<b>3.7 Hours of Operation</b> C28 Hours of operation where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays.	<b>Insufficient Information</b> The proposal seeks 7am to 7pm operational hours Monday to Friday in the SEE and 7am to 6pm in the acoustic report on weekdays and 8am to 6pm on weekends. The acoustic report must assess the correct hours to confirm the acoustic attenuation requirements for the child care centre given the residential neighbouring developments.
<b>3.8 Traffic and Parking</b> C30 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	<b>No</b> The car parking numerical assessment is discussed in the DCP section of this report.
<i>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</i>  C36 Mixed use developments should include: • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks	<b>No</b> The child care centre car parking has been allocated within Basement Level 1. The parent/drop-off spaces should all be located on the side of the aisle closest to the lift to minimise children crossing the busy driveway. This could be conditioned to be satisfactory, however, the application proposes insufficient car parking for the centre and overall, and the development is not supported.
<b>4 Applying the National Regulations to Development Proposals</b>	
<i>All matters</i>	<b>Insufficient Information</b> There is no detailed fit-out plan for the indoor and outdoor play areas. As such, all matters

Provisions	Comment
	<p>cannot be accurately assessed, including but not limited to:</p> <ul style="list-style-type: none"> <li>• The lack of fit-out including key fixtures means that the internal play area sizes cannot be calculated.</li> <li>• No outdoor storage is provided, and indoor storage area is not identified on a cubic metres basis, as required.</li> <li>• No nappy change facilities shown.</li> <li>• No emergency evacuation plan was submitted.</li> <li>• Outdoor play area design not submitted, which is critical to determine the suitability of the highly enclosed outdoor play area on the lower level proposed and whether these can be acceptable as simulated outdoor environments.</li> <li>• No landscape plan detail of the outdoor play area to determine if an acceptable natural environment is available for the children.</li> <li>• Limited solar access is available to the lower level of the outdoor play area. It is not clear if 30% of the required outdoor space per children receives 2 hours of solar access and there is equal opportunity to access that solar access.</li> </ul>

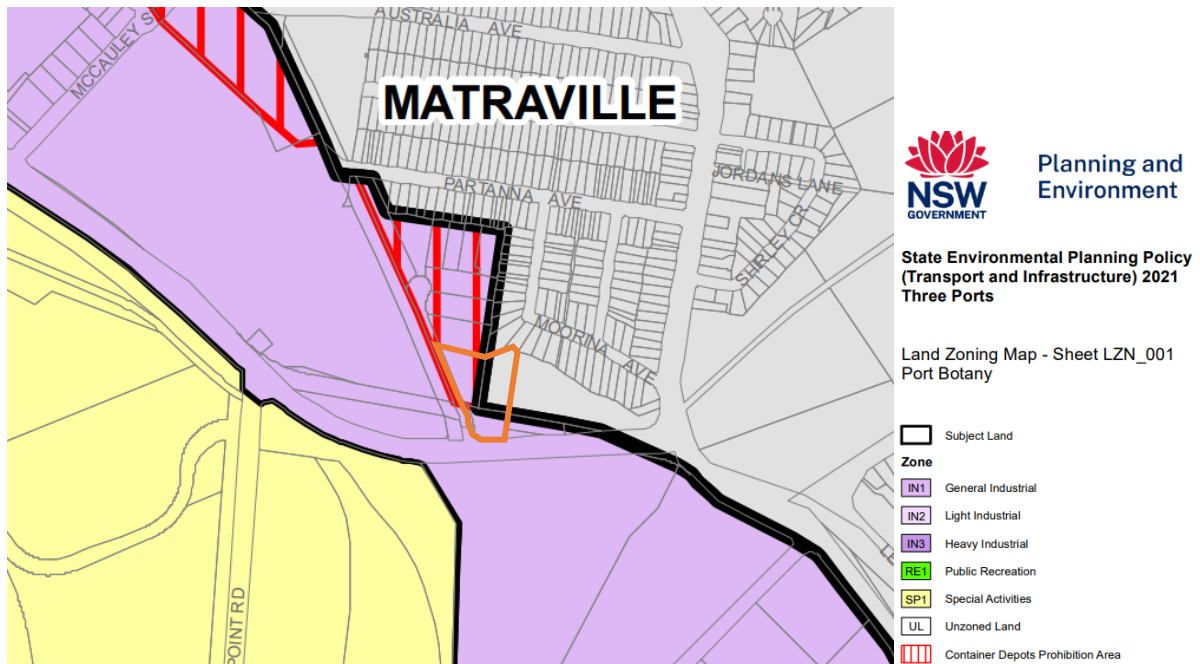
Given the above, the proposed child care centre has not provided sufficient information or is not compliant with the SEPP and the Guideline and is therefore not supported.

#### Chapter 5 Three Ports—Port Botany, Port Kembla and Port of Newcastle

The provisions of Chapter 5 of the Transport and Infrastructure SEPP have been considered in the assessment of development on 2 and 6 Girawah Place (Lots 2 and 3).

##### *(i) Zoning and Permissibility*

Two of the three parcels of land comprising the site (Lots 2 and 3, known as 2 and 6 Girawah Place) are zoned IN1 General Industrial under Chapter 5 of the Transport and Infrastructure SEPP. Refer to the Land Zoning Map below.



**Figure 17:** Land Zoning Map (Source: NSW legislation website)

The development proposes several land uses on the IN1 zoned portion of the land. The applicant's Statement of Environmental Effects lists permissible uses rather than specifically stating what uses are proposed, which include the following:

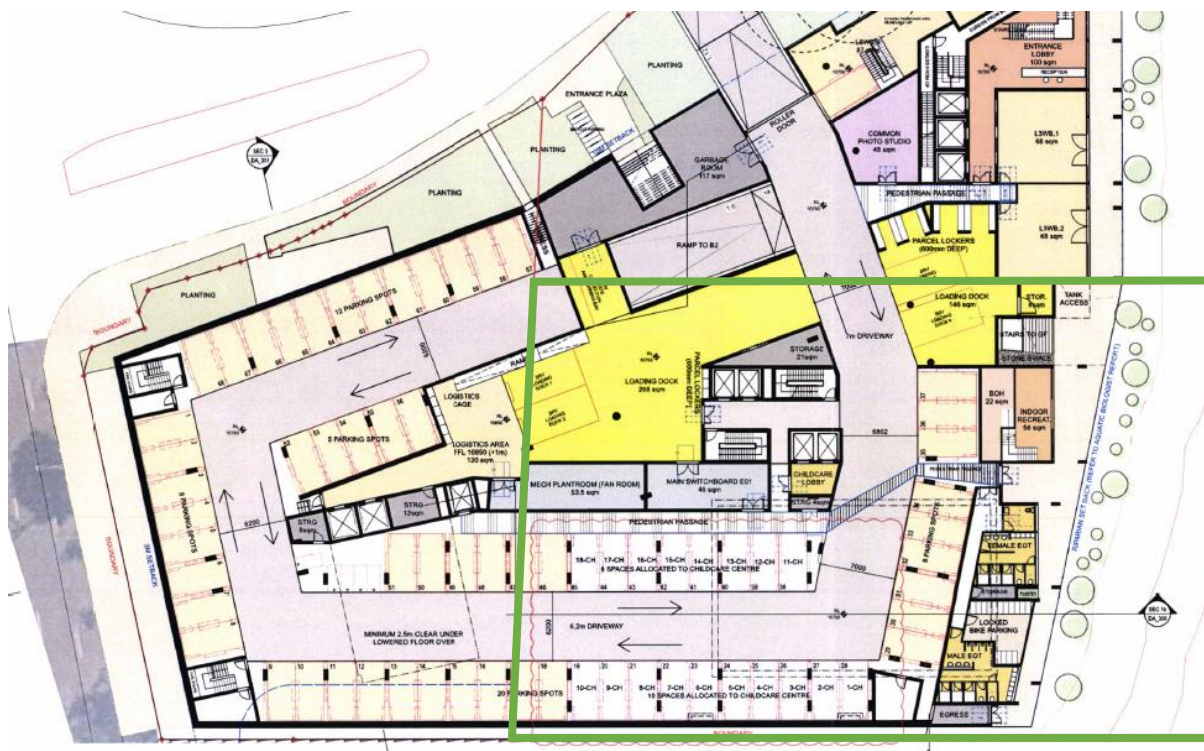
- Warehouse or distribution centres
- Light industries, including creative industries and high technology industries
- General industries
- Food and drink premises

All listed uses above are permissible with consent in the IN1 General Industrial portion of the land, though the land use table specifically lists "*light industries (other than artisan food and drink industries)*" as permissible. There are two further considerations to this proposal which include the permissibility and correct characterisation of the development. These are discussed below.

### Permissibility

Although the abovementioned uses are permissible on IN1 General Industrial zoned land, the design of the development and the uses on the IN1 land depend on the land zoned RE1 Public Recreation to enable their operation. This is illustrated on the Basement Level 1 Plan. Refer to the below.







**Figure 19:** Ground Floor Plan of Building 3 (Drawing No. DA 102)

The documentation inconsistently refers to the purpose of the units. The SEE and traffic report refer to these units as high technology uses (light industrial). The architectural plans identify warehouses (e.g. the showroom text notes) while the traffic report in part refers to them as warehouse or distribution centres. While both uses are permissible, the characterisation affects the car parking rates, loading and the operational details.

The above uses are defined in the standard instrument as:

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

and includes a data centre, but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

**Note—**

*High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.*

***light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—*

- (a) high technology industry,*
- (b) home industry,*
- (c) artisan food and drink industry,*
- (d) creative industry.*

**Note—**

*Light industries are a type of **industry**—see the definition of that term in this Dictionary.*

The application has relied upon the warehouse car parking rates rather than the high technology (light industrial rates). Conversely, the application relies upon the commercial loading requirements rather than industrial ones. The appropriateness of the rates is determined in part by the correct characterisation. The car parking is discussed in more detail later in this report.

No information has been submitted to elaborate on the envisioned use of the showrooms which are generally sized similar to the units themselves, including one exceeding the size of the majority of the warehouses (76m<sup>2</sup>), or whether retail sales would be made, a relevant consideration as retail premises are prohibited in the zone and warehouse or distribution centres specifically prohibits retail sales. Operational information such as how the showrooms are managed amongst the various businesses is a relevant consideration in understanding the proposal.

A Plan of Management was requested for the industrial units, but none was submitted.

The food and drink premises on the ground level of the building on Lot 2 is identified in one document only (the traffic report submitted as additional information) as being a brewery. This use is not otherwise mentioned elsewhere and assessed for acoustic impacts and the like. It is not clear if this is in error or if a brewery is in fact sought for the development. A brewery is an artisan food and drink industry, a form of light industry specifically prohibited in the IN1 General Industrial zone under Chapter 5 of SEPP Transport and Infrastructure.

The applicant has confirmed that the proposal is not for a concept DA and is seeking the operation of the uses in this application. However, there is an absence of information required to properly assess the proposal including clarity on the uses, whether they are permissible and operational details. Given this, the application is not supported in its current form.

*(ii) Zone Objectives*

The IN1 General Industrial zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *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 facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port.*

- *To enable development for the purposes of business premises or office premises associated with, and ancillary to, port facilities or industries.*
- *To encourage ecologically sustainable development.*

The proposal in its current form is considered to be inconsistent with the zone objectives in that there is insufficient information submitted to determine whether the proposal is permissible and whether the industrial uses have minimised the adverse effect of industry on other land uses within the development (e.g the child care centre, as discussed in other sections of this report).

(iii) *General Controls and Development Standards*

The other key sections of the Chapter are discussed in the table below.

**Table 7: Chapter 5 Three Ports Compliance Table**

<b>Provisions</b>	<b>Comment</b>
<b>5.6 Consent Authority</b> The consent authority is— (a) for development on the following land—the Minister— (i) land within the Lease Area, (ii) land that is unzoned, (iii) land within the Intertrade Industrial Park, and (b) otherwise—the Council.	<b>Complies</b> The site is not located within the Lease area, is zoned land, and is not within the Intertrade Industrial Park. The Minister is not required to determine this application.
<b>5.15 Demolition requires development consent</b> The demolition of a building or work may be carried out only with development consent.	<b>N/A</b> None required/sought.
<b>5.19 Business premises and office premises in Zone IN1</b> Development consent must not be granted for development for the purposes of business premises or office premises on land within Zone IN1 General Industrial unless the consent authority is satisfied that the development is associated with, and ancillary to, port facilities or industrial uses of land.	<b>Insufficient Information</b> A photo studio is proposed on Basement Level 1 within the IN1 zone. A photo studio can be defined as a business premises. Information on the operation of the use was not submitted, including the envisioned purpose, hours of operation and the like. On the premise the photo studio was to service the tenancies within the development and port or industrial uses locally, the clause would be satisfied. In its current form, there is insufficient information to determine compliance with this clause.
<b>5.20 Earthworks</b> (2) Development consent is required for earthworks unless—	<b>Complies</b> A Geotechnical Investigation Report was submitted. No concerns have been raised by the internal or external referrals for the



Provisions	Comment
(a) the earthworks are exempt development under this Chapter or another applicable environmental planning instrument, or	excavation occurring within the IN1 zoned land.
(b) the earthworks are ancillary to development that is permitted without consent under this Chapter or to development for which development consent has been given.	

As detailed in the assessment above, the proposal as designed is considered prohibited and insufficient information is submitted to properly characterise the development. As such, the development is not consistent with Chapter 5 of SEPP (Transport and Infrastructure) 2021 and the development is recommended for refusal.

- **Randwick Local Environmental Plan 2012**

- (i) *Zoning and Permissibility*

The northeastern lot (Lot 1, known as 4 Girawah Place) is zoned RE1 Public Recreation pursuant to Clause 2.2 of the LEP per the extract of the Land Zoning Map in Figure 9.

According to the definitions contained in the Dictionary, the uses sought in the building on Lot 3 satisfy the definition of recreation facility (indoor) and a centre-based child care facility which are permissible uses with consent in the Land Use Table in Clause 2.3.

The building comprises an aquatic centre, a gymnasium and two unspecified 'indoor recreation' tenancies. These are defined as recreation facility (indoor) under the LEP, which states:

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

A centre-based child care facility is defined as:

**centre-based child care facility** means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or

- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

**Note—**

*Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.*

As the land is to be rezoned to RE2 Private Recreation under the Randwick Comprehensive Planning Proposal (refer to discussion below the compliance table on the following pages), it is to be noted that permissibility concerns will not be altered. The RE2 zone permits and prohibits the uses proposed identically to the current RE1 zoning.

*(ii) Zone Objectives*

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

RE1 Public Recreation

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.*

Given the insufficient detail regarding the operation and purposes of numerous uses within the building, insufficient information to assess the impact of the adjoining and nearby industrial uses on the child care centre, the failure of the acoustic assessment to address the operation of all uses, the absence of adequate landscaping and the extent of development on the land matching and exceeding that of the industrial land, it is considered the development is not consistent with the zone objectives. The development has also not protected or enhanced the natural environment for recreational purposes through its minimal landscaping.

For completion, the zone objectives of the RE2 zone are considered.

RE2 Private Recreation

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore areas with high biodiversity, ecological and aesthetic values, including buffer areas and habitat corridors.*

The proposal is considered to be inconsistent with the zone objectives in that the proposed development does not protect and enhance the natural environment for recreational purposes through the lack of buffer planting to the creek and to the eastern boundary to public land, with more limited on-structure, insular planting proposed. Further, the development has not demonstrated the uses are compatible due to insufficient air and noise assessments.

(iii) *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 8** below.

**Table 8: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	None	Building 1: 26.2m Building 2: 26.2m Building 3: 20.5m (Data taken from SEE. No natural ground line is illustrated on the plans to accurately measure the height)	N/A
FSR (CI 4.4(2))	None	Total: 1.45:1 Lot 1: 1.12:1 Lot 2: 2.13:1 Lot 3: 1.43:1 (Data taken from SEE. It is unclear if Basement Level 1 storage and waste rooms are technically in a basement, which would increase GFA on Lots 1-3.)	N/A
Relevant Acquisition Authority (CI 5.1)	RE1 Public Recreation marked "Local open space" – Council	Refer to comments below table.	Yes, subject to completion of rezoning
Flood Planning (CI 5.21)	Council must consider the effect of flooding on development.	A Flood Report was submitted and deemed acceptable to Council's Engineer.	Yes
Acid Sulfate Soils (CI 6.1)	RE1 land: Class 4	An Acid Sulfate Soils Assessment Report was submitted which concluded a Management Plan was not required.	Yes
Earthworks (CI 6.2)	Council to consider matters such as cut and fill, general excavation and drainage for the site.	A Geotechnical Investigation Report was submitted, and Council's Engineer supports the	Yes

		proposal subject to conditions.	
Stormwater Management (CI 6.4)	Council is to consider stormwater impacts.	Stormwater plans were submitted. Council's Engineer supports the proposal subject to conditions.	Yes
Airspace Operations (CI 6.8)	Development must confer with the relevant Commonwealth Body should it penetrate the OLS.	Sydney Airport were referred the application and raised no objection.	Yes
Design Excellence (CI 6.11)	Development over 15m in height must exhibit design excellence.	<p>Council's Design Review Panel provided comments that have not been adopted in the proposal, including:</p> <ul style="list-style-type: none"> <li>• Further development of the treatment to the Riparian corridor is recommended. Currently the building is built to the boundary of this corridor and a future setback would be desirable and perhaps required.</li> <li>• The 1m setback to the eastern boundary is not supported. Additional setback to allow for generous boundary planting is encouraged.</li> <li>• The building form and roofscape can provide green roofs. Investigation into this option should be undertaken.</li> </ul> <p>The amended information submitted has not adequately resolved these concerns. The development does not exhibit design excellence.</p>	No

The proposal is prohibited development, is inconsistent with zone objectives and with the Design Excellence clause of the LEP and is therefore recommended for refusal.



The portion of the site zoned RE1 Public Recreation is identified on the Land Reservation Acquisition Map as future 'local open space' under the LEP. Refer to the map below.



The detail associated with the rezoning in the exhibited documents with the planning proposal states:

**Figure 15: Extract of Attachment F2 Datasheets – Rezoning Requests Publicly Exhibited**

Council's Strategic Planning team were referred the application in view of the land acquisition. No concerns were raised given the rezoning to RE2 is supported by Council.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

Several proposed instruments have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*
- *Draft SEPP (Environment)*
- *Draft Randwick Comprehensive Planning Proposal*

The assessment of the proposal is not altered by the draft provisions within the above proposed instruments. The Draft Randwick Comprehensive Planning Proposal only affects the development by the rezoning to RE2 Private Recreation which is discussed in the previous section.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- ***Randwick Development Control Plan 2013 ('the DCP')***

The relevant sections of the DCP that apply to the development application are:

- Part B – General Controls
- Part D – Specific Commercial Uses
- Part F – Miscellaneous

The key controls of each part are assessed in the tables below.

**Table 9: Consideration of the DCP Controls**

Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
<b>B1 – Design</b>			
2. Principles of Good Design	1. Context Context defines the natural and built features of an area. Good design responds to context by reinforcing positive or desirable character elements in the locality.	The site sits at the perimeter of the industrial zone and is adjacent to both recreational and residential zoned land. The development scale should be informed by the commencement of a transition to these zones. It is not considered this has been achieved by the development of the RE1 land.	No
	2. Scale Good design provides an appropriate scale in terms of bulk and height that suits	The proposed 5-7 storey building located closest to the residential and recreation zones on Lot 1	No

Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
	the scale of the street and the surrounding elements.	exceeds the height of surrounding development, including the recently built four storey in height industrial warehouse development to the north, and insufficient landscaping of a suitable scale is available to mitigate the additional height.  It is not clear the need for a 6.9m floor to ceiling height within the top level of the gym, and whether the building could be lowered a storey as a consequence.	
	3. Built Form Built form refers to a building's alignments, proportions, type and combinations of elements (eg: roofs, podiums, courtyards, garages, etc) Good design provides an appropriate built form for a site and the building's purpose.	The base building design is acceptable. The inconsistencies with child care centre outdoor play area acoustic treatments should be resolved to properly reflect the building that will be proposed.	Insufficient Information
	4. Density Density refers to a building's floor space (or dwelling numbers) relative to the site. Appropriate densities respond to the context, environmental qualities and the availability of infrastructure, including social/community infrastructure and public transport.	No FSR applies to the site. It is not considered the density achieves the objectives of the current RE1 or future RE2 zone, however, in that the development is not protecting and enhancing the natural environment for recreational purposes.	No
	5. Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle. Ecologically sustainable development principles are integral to the design process.	The proposal is generally acceptable in this regard. It was recommended by Council's Design Review Panel to incorporate green roofs, however, this was not confirmed in the applicant's response to the additional information request. Solar panels were stated to be intended on the roofs but are not reflected on the plans.	Insufficient Information
	6. Landscape	The landscape design on the RE1 land is not	No

Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
	Good design recognises that together landscape and buildings operate as an integrated and sustainable system. Good design enhances the development's natural environment performance, and results in greater aesthetic quality and amenity for both occupants and surrounds.	considered to achieve a suitable outcome for the scale of development proposed. The absence of any landscape buffer to the east in particular will require future open space to achieve a suitable landscape transition which is not supported.	
	7. Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. It includes considering aspects of accessibility, sunlight, ventilation, visual and acoustic privacy, the size and configuration of rooms and spaces.	The proposal is generally acceptable in this regard, with the exception of concerns over the limited light to the Level 3 outdoor play area that is roofed and bounded by walls at least 1.8m in height (per the acoustic report requirements) and full height screening (as shown on the elevations).	No
	8. Safety and Security Good design optimises safety and security, both internal to the development and for the public domain. It includes providing quality and clearly defined public and private spaces, with safe access points.	The proposal is acceptable in this regard.	Yes
	9. Social Dimensions and housing affordability Good design responds to the social context and needs of the local community. For example, it includes housing developments that optimise provision of housing to suit the current and/or future social mix and needs in the neighbourhood.	Not relevant.	N/A
	10. Aesthetics Aesthetics refers to the composition of building elements, textures, materials and colours. It includes their placement, articulation, detailing and proportion. It should reflect the use and structure of the development, and respond	The proposal is acceptable in this regard.	Yes



Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
	to the environment and context.		
<b>B4 – Landscaping and Biodiversity</b>			
1.1 Objectives	<p>Objectives</p> <ul style="list-style-type: none"> <li>To promote high quality landscape design as an integral component of the overall design of a development.</li> <li>To provide landscape design and plantings that are compatible with the site and locality.</li> <li>To contribute to the preservation of and extension to native fauna and flora habitats.</li> </ul>	The proposed landscaping on the RE1 land is insular in that it is focused entirely on the internal atrium. There is insufficient landscaping to the perimeter of the building where it will be highly visible to the R2 Low Density Residential zone properties to the northeast and to the adjoining Council land zoned for recreation use. As such, the first two objectives are not considered to have been achieved.	No
3.1 Existing Vegetation and Natural Features	Maximise the retention and protection of existing vegetation including trees, shrubs and groundcover vegetation.	The two Paperbark trees retained from the previous subdivision DA are to be retained. Council's Landscape officer supports the proposal subject to conditions.	Yes
<b>B6 – Recycling and Waste Management</b>			
2 Recycling and Waste Management Plan	Submit a Waste Management Plan with DAs involving: <ul style="list-style-type: none"> <li>a) demolition;</li> <li>b) construction of a new building(s); or</li> <li>c) change of use or alterations/additions to existing premises (only when this would result in a change of waste generation).</li> </ul>	<p>A Waste Management Plan was submitted for the overall development. It is intended to operate with a shared waste room on Basement Level 1.</p> <p>Council's Waste officer requested a Waste Management Plan for each tenancy, as strata subdivision is not proposed in this application.</p> <p>The applicant submitted additional information regarding a similar size development run by the applicant in Marrickville. Council's Waste Officer raised no further concerns.</p>	Yes
<b>B7 – Transport, Traffic, Parking and Access</b>			
3.2 Vehicle Parking Rates	Development must comply with the vehicle parking rates as detailed in Table 1 Vehicle Parking Rates. Any excess provisions over and	Car parking is discussed below this table.	No

Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
	above the parking rates will be included in GFA calculations.		
	For mixed use development the allocation of car spaces among the uses is to be indicated on the DA plans.	Due to the applicant proposing a temporal demand assessment for shared car parking, only the child care centre has been labelled with car spaces.	No
3.3 Exceptions to the Parking Rates	<p>Any variation to the parking rates must address the following issues (as relevant to the particular development):</p> <ul style="list-style-type: none"> <li>(a) Type and scale of the development and its potential impact on local traffic and parking conditions.</li> <li>(b) Survey of parking provision in comparable recent development.</li> <li>(c) Existing parking facilities already provided prior to further development.</li> <li>(d) Site and building constraints.</li> <li>(e) Heritage and urban design considerations including significant streetscape elements such as sandstone retaining walls, significant mature trees etc</li> <li>(f) On street and public parking in the area, as well as proximity and access to public transport.</li> <li>(g) Location of local services, employment, retail and recreational facilities.</li> <li>(h) Safety of vehicles, pedestrians and cyclists.</li> <li>(i) Provision of any integrated, sustainable transport options on site.</li> </ul>	Car parking is discussed below this table.	No
3.9 Service Vehicles	The following minimum requirements for service delivery parking apply to new development:	The traffic report has assessed the service vehicle requirements for the majority of the	No

Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
	<ul style="list-style-type: none"> <li>Commercial premises: 1 space per 4,000m<sup>2</sup> GFA up to 20,000m<sup>2</sup> GFA plus 1 space per 8000m<sup>2</sup> thereafter (50% of spaces adequate for trucks).</li> <li>Warehouse, Industrial: 1 space per 800m<sup>2</sup> GFA up to 8,000m<sup>2</sup> GFA plus 1 space per 1,000m<sup>2</sup> thereafter (all spaces adequate for trucks)</li> </ul>	<p>development on the commercial premises rate as opposed to the warehouse, industrial rate. The provision of only 4 loading bays/docks in the basement is well short of the required loading bays under the 'warehouse, industrial' rates which is the majority of the GFA proposed. Per the traffic report, only 186m<sup>2</sup> of industrial GFA is proposed ("workspaces, brewery") where, per Drawing No. DA-151 states, over 5,600m<sup>2</sup> GFA is associated with the industrial units, requiring 8 bays.</p> <p>Whether the proposal is for high technology uses (light industrial) or warehouse or distribution centres needs to be clarified. Regardless, the commercial premises loading requirements are not supported for the industrial portion of the development.</p>	
4 Bicycles	<p>All new development is to provide on-site bike parking additional to other parking requirements, in accordance with the minimums set out in Table 3 below.</p> <p>All other development: 1 bike space per 10 car parking spaces.</p>	<p>Based on the applicant's submission, 154 car spaces are required which translates to 15 bicycle spaces. 15 spaces are proposed.</p> <p>While compliant currently, the car parking rate is questioned and may require additional spaces.</p>	Yes
<b>B9 – Management Plan</b>			
Objectives	Objectives articulating the need for preparation of the Management Plan and outcomes it sets out to achieve	<p>Plans of Management have been provided for the child care centre, gym and aquatic centre.</p> <p>The child care centre provides staff numbers but no complaint resolution measures.</p> <p>The gym PoM provides staff numbers, but is inconsistent within the</p>	No

Development Control	Control	Proposal	Comment
<b>Part B General Controls</b>			
		document itself as to staffed hours.  The aquatic centre PoM does not provide any staff information.  No PoM was submitted for the industrial/warehouse portion.	

## Car Parking

Based on the submitted traffic report, the application requires 154 car parking spaces and provides for 167 spaces (165 car spaces per actual counts of the proposed spaces). The table summarising car parking compliance is extracted below.

Table 2 Car parking requirements

Land Use	Area	DCP Car Parking Rate	No. Required <sup>1</sup> Spaces
Childcare Centre (80 children, 15 staff)	671m <sup>2</sup>	1 space per 8 children for drop off and pick up; and 1 space per 2 staff	18 spaces
Gymnasium (indoor recreation facility)	827m <sup>2</sup>	1 space per 25m <sup>2</sup> GFA	33 spaces
Pool (indoor recreation facility)	1032m <sup>2</sup>	1 space per 25m <sup>2</sup> GFA	41 spaces
Warehouses / Hi-Tech	5641m <sup>2</sup>	1 space per 300m <sup>2</sup>	19 spaces
Brewery (light industry)	186m <sup>2</sup>	1 space per 80m <sup>2</sup> GFA	2 spaces
Brewery Dining Area (restaurant or café)	384m <sup>2</sup>	1 space per 40m <sup>2</sup> GFA for the first 80m <sup>2</sup> GFA, the 1 space per 20m <sup>2</sup> GFA thereafter	17 spaces
Restaurant or café	150m <sup>2</sup>	1 space per 40m <sup>2</sup> GFA for the first 80m <sup>2</sup> GFA, the 1 space per 20m <sup>2</sup> GFA thereafter	6 spaces
Indoor Recreation Space	305m <sup>2</sup>	1 space per 25m <sup>2</sup> GFA	12 spaces
Retail Tenancies / Showroom	240m <sup>2</sup>	1 space per 40m <sup>2</sup> GFA	6 spaces
<b>TOTAL PARKING REQUIRED</b>			154 spaces
<b>PROPOSED PARKING PROVISION</b>			167 spaces
<b>PARKING SHORTFALL / SURPLUS</b>			+ 13 spaces

Figure 21: Traffic Impact Assessment Report car parking analysis (p.10)

The car parking rate adopted for the warehouses/industrial units is the 'warehouse or distribution centre' which is 1 space per 300m<sup>2</sup> GFA. The proposed units are noted as being of a modest size that may not suit a warehouse or distribution centre operation. The application (including the same traffic report) refers to these units in part as high technology uses, a form of light industry that attracts a stricter car parking rate of 1 space per 80m<sup>2</sup>. The units are



designed more as office spaces that lend themselves to the high technology uses which generates 70.5 (or 71 as rounded) car spaces based on GFA stated in the traffic report as opposed to the 19 spaces from the warehouses rate. Based on the available information, the light industrial car parking rate is more appropriate, which increases the required car parking from 154 to 206, creating a shortfall of 41 spaces.

Notwithstanding a debate over the appropriate car parking rate for the warehouse uses, the traffic report further to the claimed compliance submitted a position to calculate car parking based on a temporal demand assessment. The traffic report states:

*“Considering the nature of the proposal many of the parking demands are likely to overlap due to the variance in peak usage across the day and week. To account for this, temporal demand assessment has been undertaken which involves placing a demand percentage on car parking for each land use at various typical peak days and times throughout the week to determine peak time / day for parking demands of the entire site.*

*This involves placing a demand percentage on car parking for each land use at various typical peak days and times throughout the week to determine peak time / day for parking demands of the entire site. The temporal demand assessment is provided in Table 3.”*

According to this assessment, the peak parking demand for the site is expected on a Friday evening between 5pm and 7pm at which there is a parking demand of 112 spaces. This would result in a 55 car space (53 per actual counts) surplus.

The proposed mixed use development has some merit in considering a temporal assessment, however, some of the assertions within the traffic report are not supported and require a revised temporal assessment to enable Council to support the proposal. This includes the following.

- The use of the industrial units as warehousing or high technology has implications on the overall car parking rate which feeds into the temporal demand assessment. It is claimed that only 80% of the 82 x warehouse units will be occupied at a weekday lunchtime, which is only 15 spaces if the warehouse car parking rate is applied. If the units are high technology as they appear to be designed, this increases to 57 (+42) spaces. If both uses are intended to occur together, the stricter rate must at least in part be considered to reflect a proportionate amount of the units being used for high technology uses.
- No information has been submitted for the aquatic centre's schedule or capacity for swim school (the likely maximum capacity standard event) which is identified in the list of intended functions. This information would directly inform the peak periods and the number of car spaces required for the aquatic centre. The traffic report says no more than 33 spaces would be required, but this should be informed by intended operational information made available for assessment. A swim school will include many parents staying at the premises for the duration of the class and an overlap period of parents arriving for subsequent classes should there be no time delay between classes.
- The GFA identified for the gymnasium is 827m<sup>2</sup> but measures 841m<sup>2</sup>, increasing the car parking required by one.
- A brewery is not permissible in the IN1 General Industrial zone and as such the area set aside for brewing using the light industry car parking rate should be reverted to 'restaurant and café' rates, increasing the car parking required by 8 spaces.

The above matters should be considered in the car parking assessment prior to support being given to the application, particularly as the correct characterisation of the use affects car parking, loading requirements, traffic generation and bicycle parking. It is reiterated that a

temporal demand assessment may be appropriate for the site. However, further information is required to support the current number of parking spaces.

The following section relates to the child care centre controls under the DCP. The controls are generally framed for a standalone child care centre, not a mixed use development, and not a centre in a recreation zone. As such, only key controls are referenced.

Part D – Specific Commercial Uses			
Section	Control	Proposal	Comment
D11 – Child Care Centres			
3.1 Built Form, Scale and Character	For all other zones or locations, the building design is to complement the desired built form, scale and character for that particular zone or location.	The site is not prescribed a maximum height or FSR. However, the proposed 5-7 storey scale is considered excessive in view of the absence of suitably scaled landscaping to soften the interface to adjoining properties, in particular the dependency on future planting on the public open space to the east to screen the development.	No
	Where a child care centre is proposed in a multi storey building (e.g. mixed use building) it must be located on the ground floor of the development unless it can be demonstrated that: <ul style="list-style-type: none"> <li>• There are no viable alternatives for a location at ground level in the building or surrounding area.</li> <li>• With respect to a heritage item, the proposed child care centre on the ground floor would detrimentally impact on the heritage significance of the item.</li> <li>• Adequate access to play areas, solar access (particularly mid winter) and natural ventilation is available.</li> <li>• Adequate emergency access and egress is available.</li> <li>• Adequate access for pick ups/drop offs is available.</li> </ul>	The child care centre is not located on the ground but over two levels on Levels 3 and 4 of the building. While this is not inherently a concern, the proposal does not adequately demonstrate equitable solar access opportunities for children due to the almost fully enclosed outdoor play area on Level 3, no evacuation plan was submitted, and parking is not resolved at this stage.	No
3.3 Building Materials and Colours	For childcare centres proposed in special purposes or recreation zones, a range of high quality and durable materials must be used in construction which require minimal maintenance and facilitate articulation of the	The materials and finishes are acceptable.	Yes

	building form. The use of a single colour or material should be avoided		
4.1 Acoustic Amenity and Privacy	<p>Submit an acoustic report prepared by an accredited acoustic consultant. The report must demonstrate that:</p> <ul style="list-style-type: none"> <li>• Adequate site planning and building design measures are proposed to minimise noise impacts.</li> <li>• Noise levels generated from the child care centre, (when measured over a 15 minute period at any point on the boundary of the site) will not exceed 5dBA above the background level.</li> <li>• Suitable noise attenuation measures have been incorporated into the proposal.</li> </ul>	The current acoustic report has not provided any noise attenuation comments regarding the cot room (whether it is acceptable without attenuation or requires it) and erroneously refers to the location of noise attenuation requirements in key diagrams. These matters are to be addressed to confirm the development is acceptable.	No
	Orient new buildings and extensions to minimise overlooking, overshadowing and to preserve the acoustic amenity of adjoining properties.	There is a large separation (over 30m) from the outdoor play areas to the nearest residential neighbour, however, the acoustic requirements and the elevations differ in the proposed treatment of the outdoor play areas. The acoustic report suggests a 1.8m solid wall around the perimeter which, if opaque (e.g. not clear glass), would remove overlooking as a concern. The current elevation show a low height balustrade with a screen around the Level 3 play area and no additional treatment around the Level 4 play area. There is a lack of clarity in the current proposal and it is not supported in its current form.	No
4.3 Play Areas	<p>Objectives</p> <ul style="list-style-type: none"> <li>• To provide attractive indoor and outdoor play areas that are safe, functional and support the developmental growth of children.</li> <li>• To ensure that play areas do not compromise the amenity of adjoining properties.</li> </ul>	Insufficient information is submitted on the indoor and outdoor play areas to ensure suitable supervision, and environments that are safe and function. Fit-out details and landscape plans for the indoor and outdoor spaces are needed respectively.	No

4.4 Landscaping	<p>Submit a landscape plan with the DA clearly identifying the following elements:</p> <ul style="list-style-type: none"> <li>• Location of play equipment</li> <li>• Location and extent of landscape buffers</li> <li>• Proposed planting including a variety of trees and plants to create visual interest and shade for children</li> <li>• Materials and finishes of outdoor surfaces.</li> </ul>	No landscape plan for the outdoor play areas has been submitted. It is not clear whether there will be suitable natural environments and play areas for the children, particularly for the highly enclosed Level 3 outdoor play area.	No
4.5 Traffic, Parking and Pedestrian Safety	<p>Submit a Parking and Access Report with the DA, by an accredited consultant. The Report must address, but is not limited to:</p> <ul style="list-style-type: none"> <li>• prevailing traffic conditions</li> <li>• likely impact of the proposal on existing traffic flows - pedestrian and traffic safety</li> <li>• appropriate arrangements for safe and convenient pick up and drop off at the site.</li> </ul>	A traffic report was submitted. The only allocated car spaces within the basement are associated with the child care centre and are generally close to the lift lobby which is considered appropriate. A condition of consent could be imposed to ensure all parent drop off spaces are located on the lobby side of the driveway to prevent the need for parents to cross the busy driveway as there is no pedestrian crossing in this location. However, the application is recommended for refusal on other grounds.	Yes
	<p>A reduction in car parking controls in Part B7 may be considered where:</p> <ul style="list-style-type: none"> <li>• The site is located in proximity to high frequency public transport.</li> <li>• The site is co located or in proximity to other trip generators (e.g. business centres, schools, public open space, car parks).</li> <li>• There is sufficient on street parking available at appropriate times within proximity of the site.</li> <li>• The development is not likely to result in any adverse impact on the safe operation of the surrounding road network.</li> </ul>	The traffic report submits a temporal car parking assessment. This is not supported based on the current assessment. Refer to the discussion earlier.	No
5.2 Pedestrian Access Design	Pedestrian access must be separated from vehicular access with clearly defined paths, signage and fencing.	A pedestrian walkway is proposed between some child care centre allocated spaces and the lobby to direct parents.	Yes

	Appropriate site distances and traffic calming measures may be required to ensure pedestrian safety.	No concern's were raised on these aspects from Council's Traffic Engineer.	Yes
	Pedestrian pathways are to be a minimum width of 1.2 metres to allow for easy circulation throughout the site.	The pathway proposed is of an adequate width.	Yes
6 Hours of Operation	DAs should include supporting information demonstrating that the proposed hours of operation are compatible with adjoining land uses, and in the case of multi storey buildings, that the proposed hours of operation are compatible with the upper level uses.	The hours of operation are stated in the PoM to be 7am to 7pm Monday to Friday and 7am to 6pm on weekdays and 8am to 6pm on weekends. Consistent hours should be provided across the documentation. No concern is raised by the weekday hours subject to appropriate assessment of the acoustic impacts. Clarity is required for weekend operation if proposed.	Insufficient Information

Part F – Miscellaneous			
Section	Control	Proposal	Comment
F1 – Development in Recreation Zones			
Controls	Development proposed in a RE1 or RE2 zone must demonstrate the following as a minimum: (i) the need for the proposed development on that land;	No information has been submitted to support the need for a new aquatic centre and child care centre on the RE1 land.	No
	(ii) the need to retain the land for its existing or likely future recreation use; (iii) the impact of the proposed development on the existing or likely future use of the land;	Given the land is identified to be rezoned to RE2, a private development is acceptable.	Yes
	(iv) whether the proposed development is complementary to the scenic, recreational and/or ecological values of the land; and	It is not considered the use of the land is complementary to the scenic, recreational and ecological values of the land, noting the near 100% paved area in the area between the creek and the southern, eastern and western side boundaries of the zone, no buffer landscaping to the creek or neighbouring properties.	No



	(v) in the case of RE1 Public Recreation zoned land, whether the proposed development would: a) unreasonably impede or diminish the intended public use or public access to the land; b) be consistent with any relevant plan of management adopted by Council.	Not relevant given the rezoning future of the land.	N/A
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The development is found to be inconsistent with key provisions of the DCP and is not supported.

**(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the NCC, which have been taken into account in the assessment of the application.

**3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

**(a) Natural and Built Environment**

The impacts of the development on the natural environment are low. The previous subdivision application addressed the rerouting of Bunnerong Creek, the culvert construction under Girawah Place and tree removal on the land. The remaining two notable trees, following several modifications, are to be retained.

The built form on the RE1 Public Recreation zoned land is considered to be excessive. The proposed landscaping is considered insufficient given the scale of the building proposed and the lack of a buffer to the riparian corridor and the adjoining recreation zone. The 1m setback will place the burden of mitigating the scale of development from any future use on the RE1 zone to the east on that public land, rather than mitigating the scale within the development itself.

The development in its current form is not supported for the impact on the built environment.

**(b) Social Impacts and Economic Impacts**

Insufficient information has been submitted to confirm key aspects of the proposal. Consequently, the social and economic impacts are uncertain.

It is not clear if the proposed child care centre can be supported due to the absence of an air quality assessment and safety management study due to the industrial, busy road corridor and pipeline nearby. The centre itself also has insufficient information to determine if a suitable environment will be created for the children internally and in the outdoor play areas.

It is also questioned whether there is economic demand for 82 warehouse or high technology tenancies in this location.

In view of the above, it is considered that the proposal may result in any adverse impacts in the locality.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The site is considered suitable for industrial development and can support recreational facilities. However, in its current form the proposal is prohibited due to the dependence on land where uses are prohibited to enable full operational functionality of each use and the potential proposal for a brewery, a prohibited use in the IN1 General Industrial zone.

The uncertainties regarding the appropriateness of the site for a child care centre may mean the site is unsuited for its use.

The absence of sufficient landscaping of a scale compatible with the buildings is considered to mean the intended scale is not suited for the land.

The proposal as it is currently is not considered suitable for the site.

### **3.4 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 5 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

The proposal is not consistent with the land use table, zone objectives and otherwise lacks key information to enable a full assessment of all uses and their impacts on adjoining properties.

The proposed development is not in the public interest.

## **4. REFERRALS AND SUBMISSIONS**

### **4.1 Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 10**.

The outstanding issues raised by Agencies are considered in the Key Issues section of this

report.

**Table 10: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Ausgrid referral recommends approval with conditions.	Yes
Sydney Airport Corporation	Clause 6.8 Airspace Operation – <i>Randwick Local Environmental Plan 2012</i> Development that penetrate the OLS	No issues raised.	Yes
NSW Police	As per Police Protocol (LDOC002718)	No objection.	Yes
Natural Resources Access Regulatory (NRAR)	Section 90(2) – <i>Water Management Act 2000</i>	No objections subject to conditions.	Yes
Design Review Panel	Clause 6.11 – <i>Randwick Local Environmental Plan 2012</i> Advice of the Design Review Panel ('DRP')	The advice of Council's Design Review Panel has been considered in the assessment and is further discussed under the section of Clause 6.11.	No
Transport for NSW	Section 2.119 and 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>  Development with frontage to a classified road. Development that is deemed to be traffic generating development in Schedule 3.	TfNSW referral provided recommended conditions.	Yes
Department of Planning and Environment – Hazards Team	Section 2.77 of SEPP (Transport and Infrastructure) 2021.  Chapter 3 SEPP Resilience and Hazards	Notes the proposed child care centre is within proximity to a high pressure dangerous goods pipeline and recommended contacting Ampol to confirm the operational status of the pipeline and exact location.	No
Ampol NSW	Pipelines Act 1967	Refer to comments below the table.	No

#### Ampol Referral / High Pressure Dangerous Goods Pipeline

A referral to the Department of Planning and Environment – Hazards Team indicated that the proposed child care centre may be within proximity of an existing high pressure dangerous goods pipeline and a further referral was recommended to Ampol NSW, as the operator.

Ampol advised that the pipeline is redundant, runs on the west side of Girawah Place running parallel and finishes on the southern side of Botany Road but due to the change of land use to a child care centre, a Safety Management Study should be conducted as AS2885 – *Pipelines – Gas and Liquid Petroleum* treats redundant pipelines as a live until they are formally abandoned.

Given the sensitive land use proposed, it is not considered appropriate to forego the Safety Management Study. In the absence of this study, the proposed child care centre is not supported.

#### **4.2 Council Officer Referrals**

The development application has been referred to various Council officers for technical review as outlined **Table 11**.

**Table 11: Consideration of Council Referrals**

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Engineering	Council's Engineering Officer reviewed the application and required an update to the flood report to reflect the latest (2021) flood study. Following the submission of additional information, the application was supported subject to conditions.	Yes
Traffic	Concerns were raised regarding the use of the warehouse parking rates given their design lends more to office based uses, the loading bay rates, the driveway configuration, intersection modelling and bicycle parking. Following additional information, the bicycle parking aspect was resolved. The remaining aspects are unresolved.	Yes
Landscape	Concern was raised regarding the impact of the proposal on the remaining two paperbark trees. An arborist report was submitted as additional information. No further objections subject to conditions.	Yes
Health	Required additional information regarding the child care centre (detailed floor plans of food preparation, storage and waste areas), a Plan of Management, schedule for child care centre outdoor area and capacity), the gym (floor plan of gym and patrons numbers, Plan of Management, schedule of use for the gym, patron numbers per activity, acoustic assessment), the commercial pool (Plan of Management, mechanical plant and pool equipment location, schedule of use and acoustic	No

	assessment), food and drink premises (floor plans, Plan of Management, mechanical plant location, times of use of outdoor dining, patron numbers). Recommend the application be converted to a concept DA and separate DAs for individual tenancies be submitted later.  Plan of Managements were submitted, but otherwise the detail requested was not supplied.	
Strategic Planning	No objection.	Yes
Waste	Required a Waste Management Plan and separate waste for all tenancies, as no strata subdivision is proposed. Further information was submitted and Council's Waste Officer raised no further concern.	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

#### 4.3 Community Consultation

The proposal was notified in accordance with the Randwick Council's Community Participation Plan from 13 October 2022 until 21 November 2022.

The Council received a total of 2 unique submissions, comprising 2 objections. The issues raised in these submissions are considered in **Table 12**.

**Table 12: Community Submissions**

Issue	No of submissions	Council Comments
Privacy/Overlooking to the Low Density Residential Dwellings	1	Concern was raised regarding visual privacy and overlooking impacts to the R2 Low Density Residential zone, noting the scale difference between the proposed and surrounding development and the elevated land on the site over the dwellings. While there is no specific setback or separation distance applicable to the development, the application has insufficient landscaping to soften the interface of the zone and scale transitions.
Visual Impact of the Development	1	As above, the development is not supported in part due to its visual impact and the lack of landscaping of a sufficient scale to the proposed buildings.
Concerns regarding the proposal of sensitive land uses, specifically the child care centre and	1	No air quality assessment or Safety Management Study has been submitted to address the surrounding land uses that may impact the sensitive land use of a child care centre and to a lesser extent the gym. This



gymnasium adjacent to Port Botany		forms part of the reason the application is recommended for refusal.
Inconsistent with the Child Care Planning Guideline	1	As assessed within this report, the proposal is inconsistent with or provides insufficient information regarding the Guideline.
Traffic Generation and Safety	1	The car parking and associated traffic generation aspects are unresolved and form part of the reasons the application is not supported currently.
Has the acoustic assessment properly considered current and future operational port noise impacts	1	<p>The acoustic assessment did undertake noise testing for a period from 6 May to 18 May 2022. No concern has been raised by Council's Environmental Health officer regarding the adequacy of this method to assess the current noise levels in the area, which would include the operation of the port.</p> <p>Other aspects of the acoustic assessment which would also influence the acoustic attenuation required for the sensitive land uses (e.g. the child care centre) are questioned as discussed within this assessment report. In its current form, the acoustic assessment has not adequately addressed noise and the application should be refused on this ground.</p>

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail.

1. *Permissibility* – The proposed development is across two land zones – IN1 General Industrial and RE1 Public Recreation – and shares a basement across both land zones. The shared basement includes elements of industrial uses (e.g. car parking, access, loading bays) on the RE1 zoned land and elements of the child care centre, gymnasium, aquatic centre and the like that are on the IN1 zoned land (e.g. waste, loading, access, etc.). The uses depend on land where they are prohibited in the zone, and consequently, the proposal is prohibited development.
2. *Lack of Clarity on the Proposed Uses* – The submission is inconsistent in the information submitted on what the proposed uses are, though the application seeks for operational consent and not approval for uses for subsequent fit-out applications. The documentation refers to the industrial units as warehouse or distribution centres and high technology across different and sometimes the same documents. Operational details have not been supplied to understand either or both uses operating in the same building at the same time.
3. *Design Excellence, Setbacks and Landscaping* – The proposed development is not strictly subject to a height, FSR or setback requirement. However, Lot 2 is subject to Clause 6.11 Design Excellence under the LEP which requires consideration of appropriate scale, built form and landscaping. The built form on Lot 1 closest to the R2 Low Density Residential zone fails to provide adequate landscaping buffers to soften the development and will rely upon the Council adjoining RE1 Public Recreation zoned land to provide that screening for future recreation uses on the land. The 1m-3m

setbacks to the east are inadequate to achieve this outcome. The development will exceed the height of other development in the locality and proposes the tallest building closest to the residential zone. Buffer landscaping of a scale suitable to the density is warranted but not provided.

4. *Suitability of the Site for the Child Care Centre* – A child care centre is a sensitive land use proposed adjacent to industrial land and in proximity to Port Botany. A Safety Management Study was recommended to be conducted by Ampol due to the proximity of the site to a high pressure dangerous goods pipeline but has not been supplied. Further, no air quality assessment was submitted despite the site being close to industrial and port operational land.
5. *Car Parking and Loading* – The development relies upon a temporal demand merit assessment for the provision of car parking. However, the car parking rates adopted are inconsistent with the proposed uses where the application states high technology uses will occupy tenancies but relies on warehouse car parking rates, and loading bays are assessed on a commercial rate not using the industrial development rate, which significantly affects the number of spaces and loading bays required. The car parking provision is short by a minimum of 42 spaces, the shortfall is not accurately assessed and the temporal demand assessment is not fully justified. The variation is not supported.
6. *Insufficient Information* – The development generally provides inadequate levels of information to undertake a complete assessment of the development, including but not limited to:
  - a. The child care centre portion of the development has not been supported with sufficient information to assess the indoor play area fit-out and unencumbered outdoor play areas, the acoustic assessment has not considered the impact of general background noise and noise from the development on the cot rooms or the correct hours of operations, the architectural plans are not reflective of the required 1.8m solid wall attenuation required by the report around the perimeter of the outdoor play areas, no evacuation plan has been submitted and no nappy change facilities are shown on the plans.
  - b. The gymnasium component has not been supported with sufficient information to assess the use and operation. The Plan of Management submitted states there will be classes but no information on capacity and frequency has been submitted, the POM also identifies inconsistent staffed hours, no equipment fit-out plan has been submitted to form the basis of an acoustic assessment, no information on acoustic attenuation on floor and walls are detailed, the purpose or use of the outdoor terraces is not specified, the reason for a 6.9m floor to ceiling height for the top level of the gym to justify the height of the overall building.
  - c. The aquatic centre portion of the development has not been supported with sufficient information to assess the operation which identifies a number of classes or activities with no timetable, capacity or staffing details, consideration to drop off areas for school children for the claimed hosting of school swimming, and an acoustic assessment that has considered the above information.
  - d. The industrial component of the development has not been supported with sufficient information to understand the intended use or uses, the operation of the development, management of the development including the showrooms, and the demand for 82 small tenancies stated as warehouse or distribution centres.

- e. The food and drink premises proposed have not been supported by sufficient information on their fit-out, hours of operation, detailed floor plans on the kitchen areas, provision of mechanical ducting the like and acoustic impacts.
- f. No information on the photo studio has been submitted.
- g. Two of the indoor recreation tenancies proposed are supported with no information on their use, hours of operation, staff, etc.
- h. The updated traffic report submitted as the additional information refers to the food and drink premises on the ground level of the Lot 2 building as a brewery, a form of artisan food and drink industry which is prohibited in the zone. Insufficient information is submitted if this is an error, as no other document references this, or whether the use is part of the application and is therefore a prohibited development.
- i. Inconsistent calculations on floor area have been provided, which inform the car parking assessment.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported.

The proposal as presented is a prohibited development and otherwise has a substantial shortfall of information on all uses to enable a detailed assessment of their operation and impacts.

It is considered that the key issues as outlined in Section 6 are unresolved and are reasons to refuse the development application as recommended by the draft reasons for refusal in **Attachment A**.

## 7. RECOMMENDATION

The Development Application DA-483/2022 for the construction of three buildings ranging in height between 5 and 7 storeys containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas at 2-6 Girawah Place, Matraville be **REFUSED** pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the reasons for refusal attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft reasons for refusal
- Attachment B: Architectural Plans
- Attachment C: Landscape Plans
- Attachment D: Statement of Environmental Effects
- Attachment E: Traffic and Parking Impact Assessment
- Attachment F: Noise Impact Assessment
- Attachment G: Plan of Management King Beats Fitness
- Attachment H: Plan of Management Child Care Centre
- Attachment I: Plan of Management Aquatic and Swimming Centre