

Briefing Report for the Sydney Western City Planning Panel

Details of Development Application (DA)

DA No:	2022/507/1.
Applicant:	Mr G Antoniou
Proposal:	Demolition of existing structures and the construction of a mixed use industrial development comprising sixty-three (63) industrial factory units, self-storage premises, a centre-based child care centre for eighty (80) children, food and drink premises, ancillary manager's office, signage with car parking, landscaping and associated site works.
Date lodged:	27 May 2022
Capital Investment Value:	\$30,654,837
Site address:	36 Turner Road, Smeaton Grange
Assessment officer:	Averil Flaxman
Contact details:	e – averil.flaxman@camden.nsw.gov.au p - (02) 4654 7731.

Planning Assessment

1. Development

The development involves the construction of a multi-level industrial complex comprising:

- One takeaway food and drink premises with a GFA of 158m²
- One office with a GFA of 75m²
- An 80 place child care centre with a GFA of 1,167m²
- 63 industrial units with mezzanines with a total GFA of 11,603m²
- 159 self storage unit with a total GFA of 5,585m²
- 219 car parking spaces

2. Summary of concerns raised in Planning Panel Briefing on 29 August 2022

The following matters of concern were raised / discussed at the Sydney Western City Planning Panel briefing on 29 August 2022:

- a) The appropriateness of the location of the proposed child care centre.
- b) The appropriateness of the design of the child care centre outdoor play space, particularly on level 1.
- c) The availability of the minimum solar access for the child care centre.
- d) The data gaps in the contamination report.
- e) The potential exposure of the children to higher levels of pollution caused primarily by trucks entering and leaving the site.
- f) The ability for the proposed child care centre to comply with the Education and Care Services National Regulations and the Child Care Planning Guidelines 2021.
- g) Consideration of the appropriateness of the proposed height exceedance across the centre of the site in conjunction with the consideration of locating the childcare centre in the IN1 zone (fronting Anderson Rd), rather than the IN2 zone (fronting Turner Rd), which would be preferable.

On 28 September 2022 and 4 October 2022, the applicant provided Council with the following additional information in response to the concerns raised in the Planning Panel Briefing on the 29 August 2022:

- a) The applicant has provided a Hazard Analysis Report in respect to the existing petrol station located at 1 Dunn Road, Smeaton Grange, prepared by Whamcorp Pty Ltd to determine if the proposed child care centre will be impacted by the existing service station.

The analysis reviews the original Preliminary Hazard Assessment (PHA) for the service station and identifies the required separation distance was/is 55m. The report identifies the proposed child care centre is outside the sensitive use exclusion zone.

The report notes that should the service station intend to install larger LPG tank this would trigger the requirement for a new development application or a modification application at which time an additional PHA would likely be required.

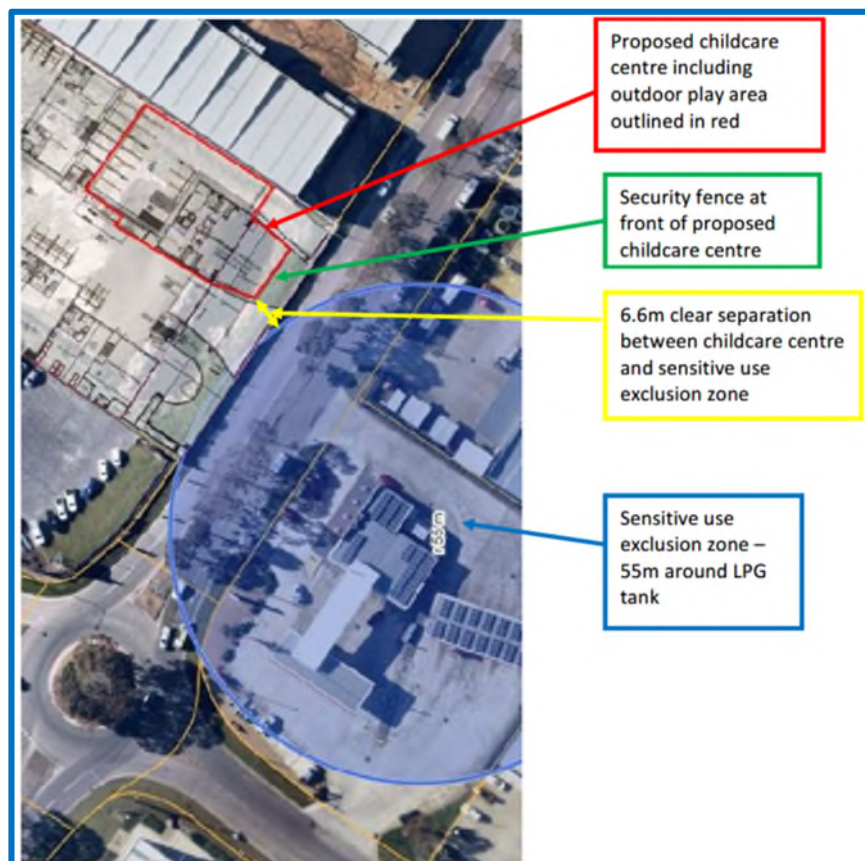


Figure 1 – Sensitive use exclusion zone extract from Hazard Analysis Report prepared by Whamcorp Pty Ltd

- b) Amended architectural plans have been provided deleting the proposed roof over the first floor outdoor play area and modifying the proposed awning roof for the ground floor play area. Amended landscaping plans have been provided which enhance the proposed landscaping treatment on the ground and first floor.
- c) On 6 September 2022, the applicant provided Council with a solar study based on the most recent architectural plans and the concerns Council raised in respect to the solar access for the child care centre. The solar study provided confirmed both the ground and first floor play spaces did not comply with the recommended solar access outlined in the guideline.

The applicant has now provided amended plans which has removed most of the first floor roof (with the exception of a covered verandah space) and re-designs the ground floor verandah roof structure.

A further solar study plan has since been provided in respect to the proposed amended roof plans demonstrating compliance with the minimum solar access requirements for both the ground and first floor outdoor play areas.

The Child Care Planning Guideline recommends a minimum of 2 hours solar access between the hours of 8:00am and 4:00pm during the winter solstice, for at least 30% (or 2.1m²) of the required 7m² of outdoor play space per child. This would require the subject development to provide a minimum of 42m² of solar access for the ground floor outdoor play area and 126m² of solar access to the first floor outdoor play area.

The solar study provided demonstrates hourly solar access plans for the proposed development on 21 June. The plans demonstrate the ground floor outdoor play area achieving the required solar access between 1:30pm – 3:30pm and the required solar access for the first floor outdoor play area between 9am - 11am

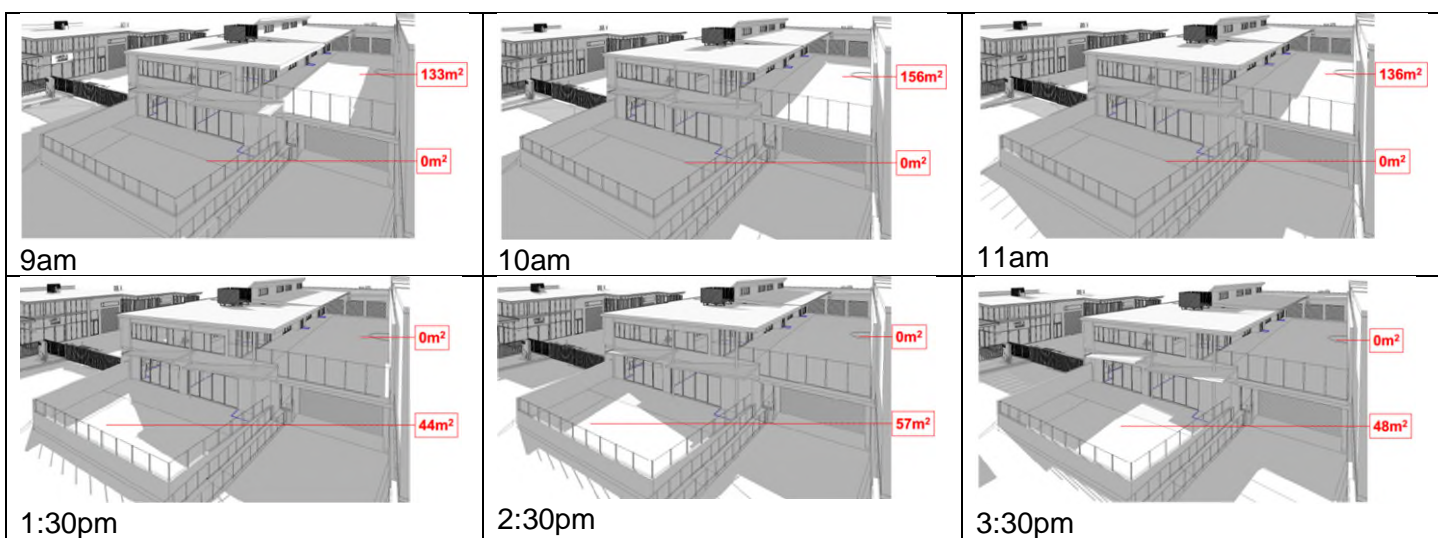


Figure 2 Childcare Solar Study

- d) A data gap analysis prepared by CHEC Compliance Health and Environmental Consulting which details the dam dewatering works have been undertaken and additional contamination investigation has been undertaken to demonstrate the site suitability for the proposed child care centre portion of the development. Additional sampling was conducted in the portion of the site where the child care

centre is proposed. The additional investigation indicated the elevated levels of arsenic identified in the original assessment could not be replicated.

Council is satisfied the additional sampling, testing and data gap analysis has addressed previous concerns.

- e) Council identified a data gap in the air quality assessment in respect to the lack of consideration for potential impacts from exhaust fumes of heavy vehicles entering and exiting the site in respect to the proximity of the main entry driveway with the proposed outdoor play space for the child care centre.

Additional advice was provided from Zephyr Environmental addressing this concern, concluding the impacts would have negligible risk and PM2.5 concentrations will not pose any unacceptable health risk at the child care centre.

Council is satisfied the additional information provided has addressed previous concerns.

- f) The amended plans provided by the applicant include the addition of clerestory windows to the first floor play space to provide additional natural light opportunities into the indoor play spaces.

The amended architectural plans removing the first floor roof structure to the outdoor play space has alleviated previous concerns raised in respect to the validity of the area being described as an 'outdoor play space' and questions of compliance with the Education and Care Services National Regulation.

- g) Additional perspective plans demonstrating the visual impact of the proposed development from a street view perspective.

The applicant has provided a further assessment of the appropriateness of the proposed child care centre development located in the IN1 zone which is provided as follows:

The four relevant properties in the vicinity of the proposed Child Care Centre are:

- 1 Dunn Road Smeaton Grange – Petrol Station – See below for commentary on distance and compatibility with the proposed Centre.
- 24 Anderson Road Smeaton Grange – Warehouse Use – Separated by Anderson Road, operated by Col Western Sheds, a distributor for colorbond Garden Sheds.
- 55 Anderson Road Smeaton Grange – CDC Approved 32 Warehouses – Currently under construction.
- 36 Dunn Road Smeaton Grange – Retail Premises for vehicles Sale and Hire.

There are no restricted premises, sex services premises or hazardous land uses in proximity of the site. The proposed centre is compatible with the neighbouring users.

Expert advice has been sought regarding the Childcare component of the development being suitably located in connection with existing users and potential future users envisaged to occupy an IN1 zone.

- Acoustic Suitability – Acouras Consultancy

“Based on our attended noise test and review of the location, the proposal is suitable for this location and won’t onerously impact future neighbouring users from operating approved commercial/Industrial uses.”

- *Traffic Suitability – McLaren Traffic Engineering*
“geometrically Anderson Road is a straight road without any concerning downgrades. It is reiterated that it is highly unlikely that vehicles would lose control on a straight road travelling at relatively low speeds.”

“the proposed child care centre is in a suitable and efficient location based on transport planning principles..”

- *Air Quality Consultant – Zephyr Environmental*
“there are no existing industries in the area that are anticipated to cause an adverse air quality impact to sensitive receptors in the area, including a childcare centre.”

“Finally, a review of the potential industries ‘permitted with consent’ in Zone IN1 General Industrial was completed. This concluded that the industries listed could be effectively managed through good engineering practice, to ensure emission and ambient air quality standards are met, both at the facility boundary and at all sensitive receptor locations. The requirement for local industries to effectively manage and control their emissions to air is therefore not dependent on the type of receptor, whether it be industrial, residential or a childcare centre.”

Across metropolitan Sydney there are many Child Care Centres that operate within the IN1 Zone, below are 7 examples including one within Camden Council.

- *2 Southridge Street Eastern Creek – Little Graces Childcare Centre*
- *110 Parraweena Road Miranda – Papa Bear Childcare centre*
- *16-19 Lambridge Place Penrith – Mind Champs Early Learning & Preschool*
- *14 Herbert Street Artarmon – Guardian Childcare & Education Artarmon*
- *97 Old Pittwater Road Brookvale – Only About Children Brookvale*
- *8940 Shard Road Brookvale – Paisley Park Early Learning Centre*
- *89 Anderson Road Smeaton Grange – Young Academics Early Learning Centre*

From the examples provided, only one is within the Camden LGA, namely 89 Anderson Road, Smeaton Grange. In this regard, the site context of this development is provided below:

- *85-87 Anderson Road is neighbouring the child care centre and is currently used as a sporting complex including an indoor sports centre, sports bar and dance studio.*
- *46-50 Anzac Avenue, Smeaton Grange located adjacent to the site is approved as a steel manufacturer.*
- *13-15 Gallipoli Street located opposite the child care centre is approved for the use as a factory warehouse and used for the manufacture of cable, bolts and the storage of cable.*
- *91 Anderson Road, wrapping around the rear and side of the site is a riparian corridor.*

The child care centre at 89 Anderson Road, is entirely separate from the adjoining uses, that is, it is provided within its own vehicular access and there is no mixing of traffic movements between industrial uses and the child care centre.

Additional clarifying information has been provided as part of the submitted information package which provides:

- The total GFA across the site is 18,856m²
- The FSR for the site is equivalent to 0.79:1
- The total number of car parking spaces generated by the proposed development is 233 carparking spaces, the development proposes 219 carparking spaces representing a shortfall of 14 car parking spaces across the development.

The applicant has provided justification for the car park shortfall which is provided as follows:

The applicant is requesting a reduction in the Takeaway Food and Drink Premises parking requirements. The DCP required 19 car parking spaces however the applicant is requesting 5 spaces be allocated:

- *The parking rate in the DCP is more suitable for a fast-food outlet*
- *The nature of the Takeaway food and Drinks Premises is to serve those within the complex and immediate surrounds rather than be a destination point.*
- *With regards to this development having less parking can encourage less driving throughout the local areas as works are incentivised to walk/cycle to the premises.*

The addition information provided by the applicant to Council on 28 September 2022 and 4 October 2022 in response to Council concerns raised in the request for additional information dated 12 September 2022 remains under consideration.



Averil Flaxman
SENIOR PLANNER
(Planning and Environmental Services)