

Place, Design and Public Spaces

IRF20/3882

Gateway determination report

LGA	Sydney
PPA	City of Sydney Council
NAME	The planning proposal seeks to amend the Sydney Local Environmental Plan 2012 to increase the maximum building height, and introduce a site-specific provision for 1-3 Burrows Road, St Peters (0 Dwellings and 370 Jobs).
NUMBER	PP_SYDNE_007_00
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
ADDRESS	1-3 Burrows Road, St Peters
DESCRIPTION	Lot 11 DP 606737 and Lot 1 DP 1227450
RECEIVED	10 August 2020
FILE NO.	IRF20/3882
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) for 1-3 Burrows Road, St Peters to:

- Increase the maximum building from 18m to 30m;
- Introduce a site-specific provision to satisfy matters of consideration prior to development to ensure the development:
 - is of high aesthetic quality and responds to the site's high visibility from the public domain;
 - establishes appropriate landscape setbacks;
 - has no signage visible from public open space; and
 - demonstrates best practice ecologically sustainable development (ESD).
- Specify Clause 6.21(7)(b) does not apply to development on the subject land.

The planning proposal will facilitate the development of a 3-storey industrial warehouse with a 6-storey ancillary office space, comprising of:

- 46,322m² of industrial warehouse floor space;
- 5,078m² of ancillary office floor space including a café located at the top floor of the office space;
- 117m² of end of trip facilities; and

- 147m² of gym floor area.

The development will provide a one-way circular ramp system at either end of the industrial warehouse, underground parking, access off Burrows Road with a separate single entry and exit driveway, and truck access at the north-eastern corner of the site with right in/out and left in/out.

The proposed development will facilitate approximately 370 jobs.

1.2 Site description

The site is located at 1-3 Burrows Road, St Peters, and is on the southern periphery of the City of Sydney Local Government Area (LGA) bordering Inner West LGA (**Figure 1**). The site is an irregular shape with a total area of approximately 34,714m² and is legally known as Lot 11 DP 606737 and Lot 1 DP 1227450. The site has two street frontages, being Burrows Road to the south-east and Canal Road to the south-west.

The site is owned by Tallina Pty Ltd and is managed by Goodman. The site is known as Burrows Industrial Estate.

Existing development on site consists of low rise industrial units, comprising of four large format steel framed warehouse/distribution buildings. The current tenants on site include Staging Rentals & Construction, Jets Transport Express and Apex Air-conditioning.

The site can only be accessed from two entrances along Burrows Road. There is no vehicle or pedestrian access to the site along Canal Road. The site is mostly flat, rising by approximately 2m in the northern portion.



Figure 1: Site location, shown in red (Source: Nearmap)

1.3 Existing planning controls

The site is subject to the following development controls under the Sydney LEP 2012:

- Land Use Zone IN1- General Industrial (**Figure 2**)
- Maximum building height of 18m (**Figure 3**)
- Maximum floor space ratio (FSR) of 1.5:1 (**Figure 4**)
- Class 3 Acid Sulfate Soils (**Figure 5**).

Design Excellence

Under Clause 6.21 – Design Excellence of the Sydney LEP 2012, the site is currently eligible for up to 10% additional building height or FSR, subject to demonstrating design excellence.

Heritage

There are no heritage items located on the site, nor is the site located within a Heritage Conservation Area (HCA). However, Alexandra Canal which is of local significance, is located adjacent to the site (**Figure 6**). The canal is a rare example of 19th century navigational canal construction within Australia. The canal played a role in the changing pattern and evolution of the industrial uses of the locality.

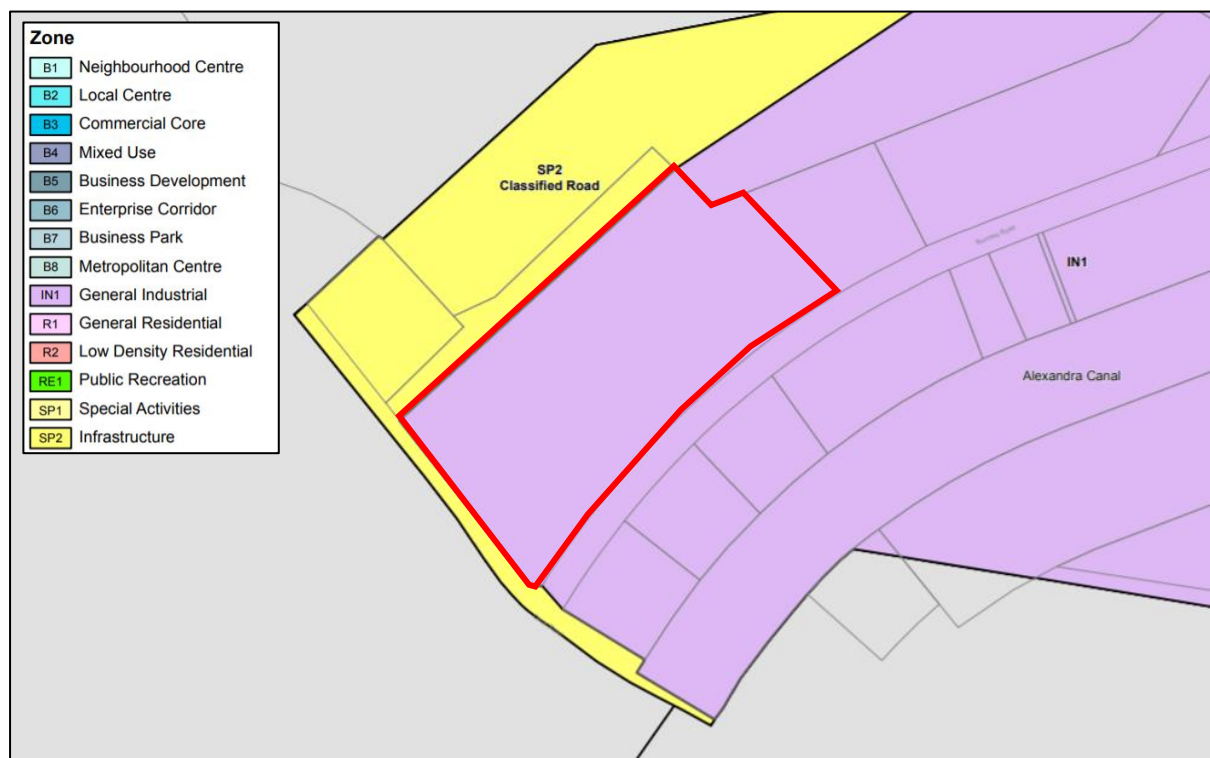


Figure 2: Land Zoning Map (site shown in red) (Source: Sydney LEP 2012)

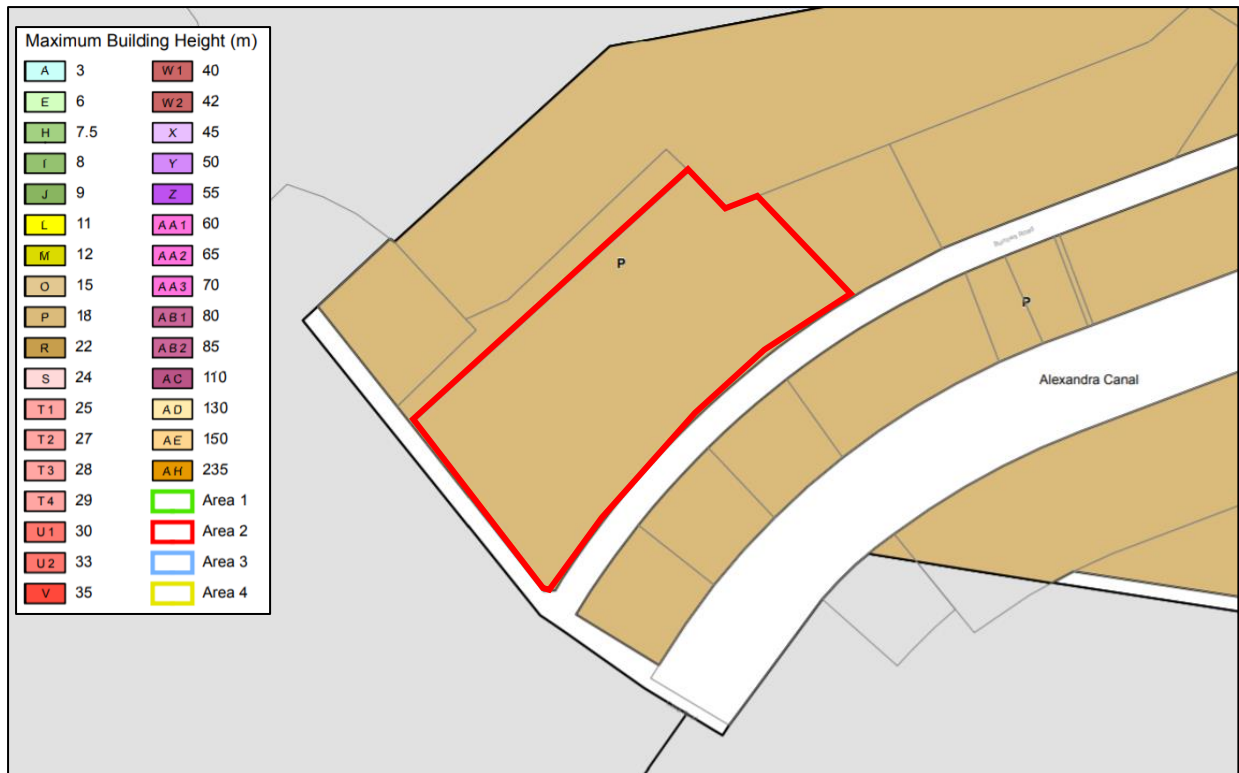


Figure 3: Height of Buildings Map (site shown in red) (Source: Sydney LEP 2012)

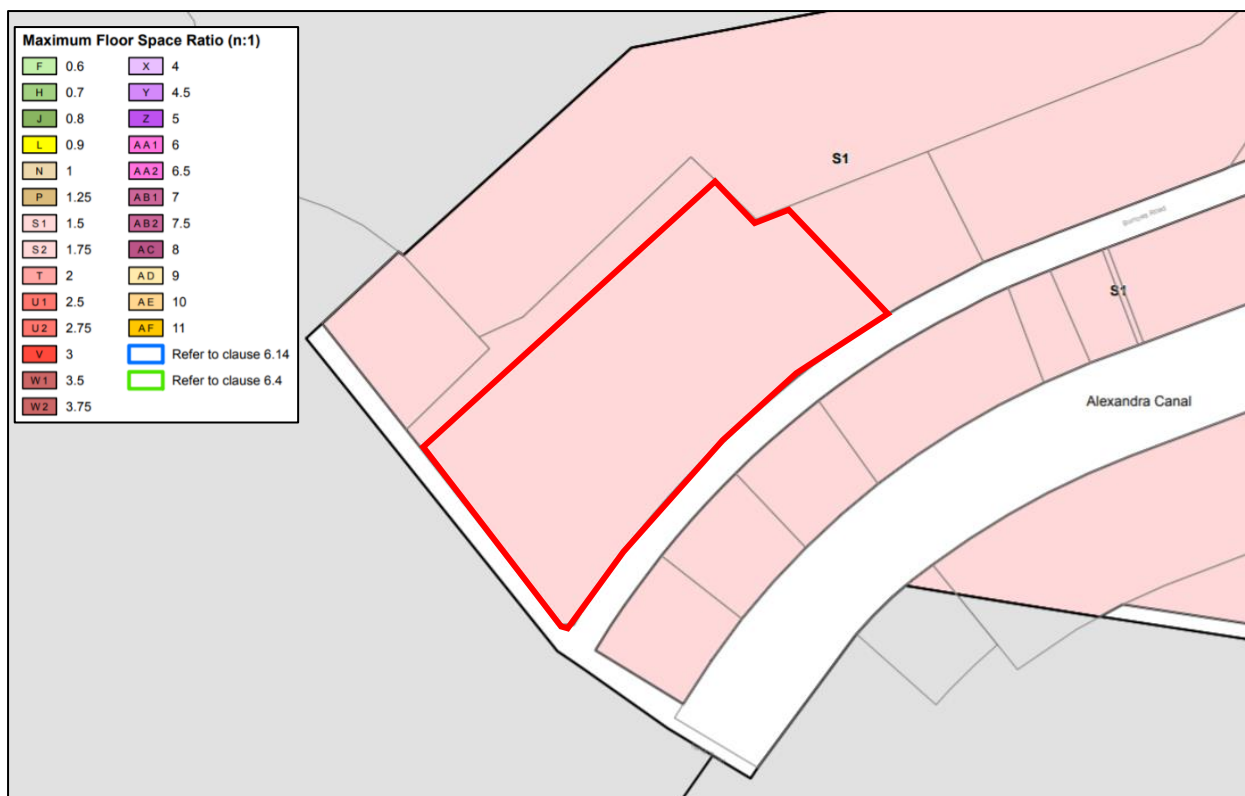


Figure 4: Floor Space Ratio Map (site shown in red) (Source: Sydney LEP 2012)

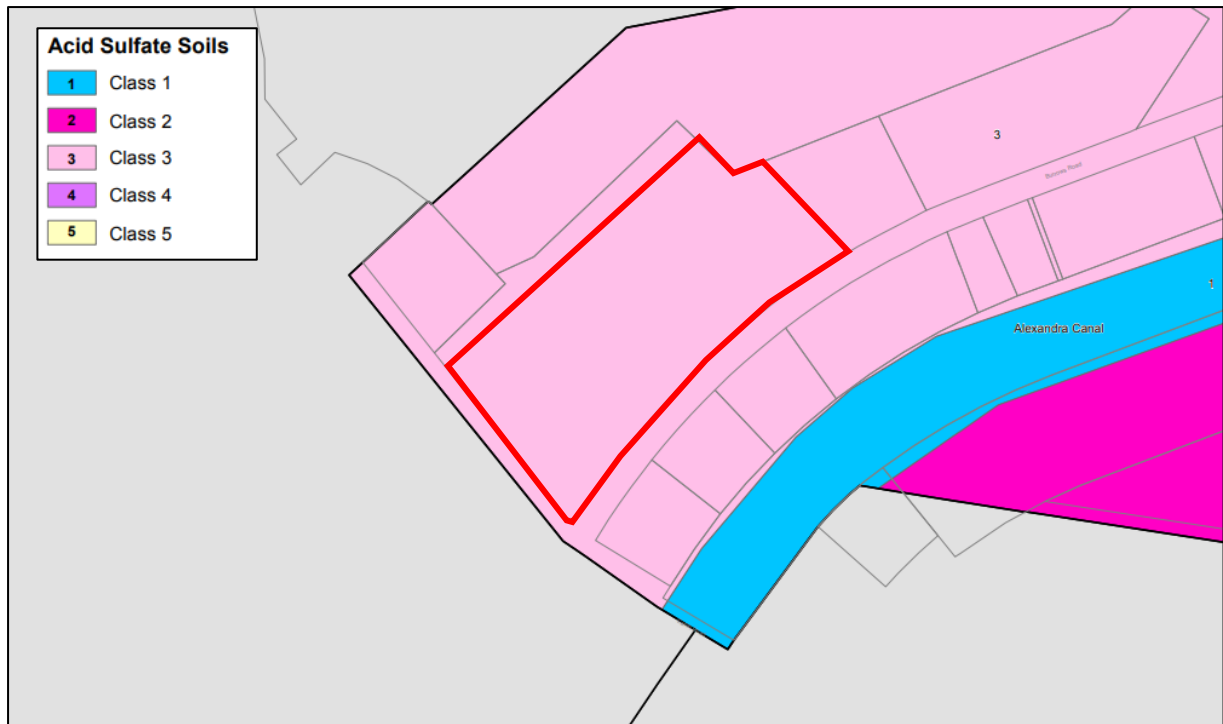


Figure 5: Acid Sulphate (site shown in red) (Source: Sydney LEP 2012)

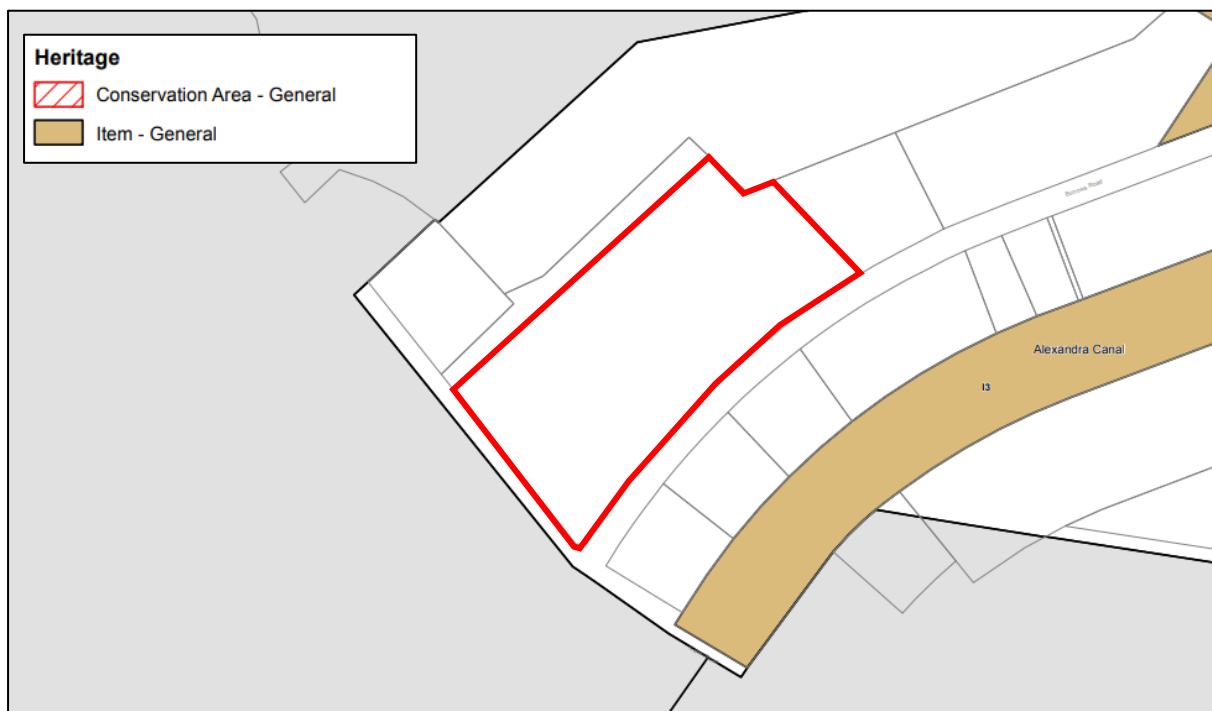


Figure 6: Heritage Map (site shown in red) (Source: Sydney LEP 2012)

1.4 Surrounding area

The site is located on the periphery of the southern border of the Sydney LGA, bordering with Inner West LGA, at the junction of Burrows Road and Canal Road. Existing industrial and commercial uses surround the site, including the St Peters Business Park and Cooks River Intermodal Terminal (**Figures 7 and 8**).

Canal Road is an arterial road which provides connections to Mascot and the Princes Highway, which leads into St Peters and Sydenham. Burrows Road connects to Sydney Park and Alexandria in the north (**Figure 7**).

The St Peters Interchange, which is part of the WestConnex New M5 project (now M8), is currently under construction and located to the north of the site. This will provide connections to the new M5, M4 corridor and the local surrounding suburbs. The Sydney Gateway Road Project is currently under assessment and seeks to build a new direct high capacity road connection linking the Sydney motorway network at the St Peters Interchange with Sydney Airport.

The site is located approximately 2km from Sydenham Station and 1km from Mascot Station, which provides connections to the greater Sydney rail network. The site is located within proximity to bus stops which provides connections to the Sydney CBD, Kogarah, Sydney Airport, Kingsford and Burwood.



Figure 7: Surrounding area (site shown in blue) (Source: Council's Planning Proposal)

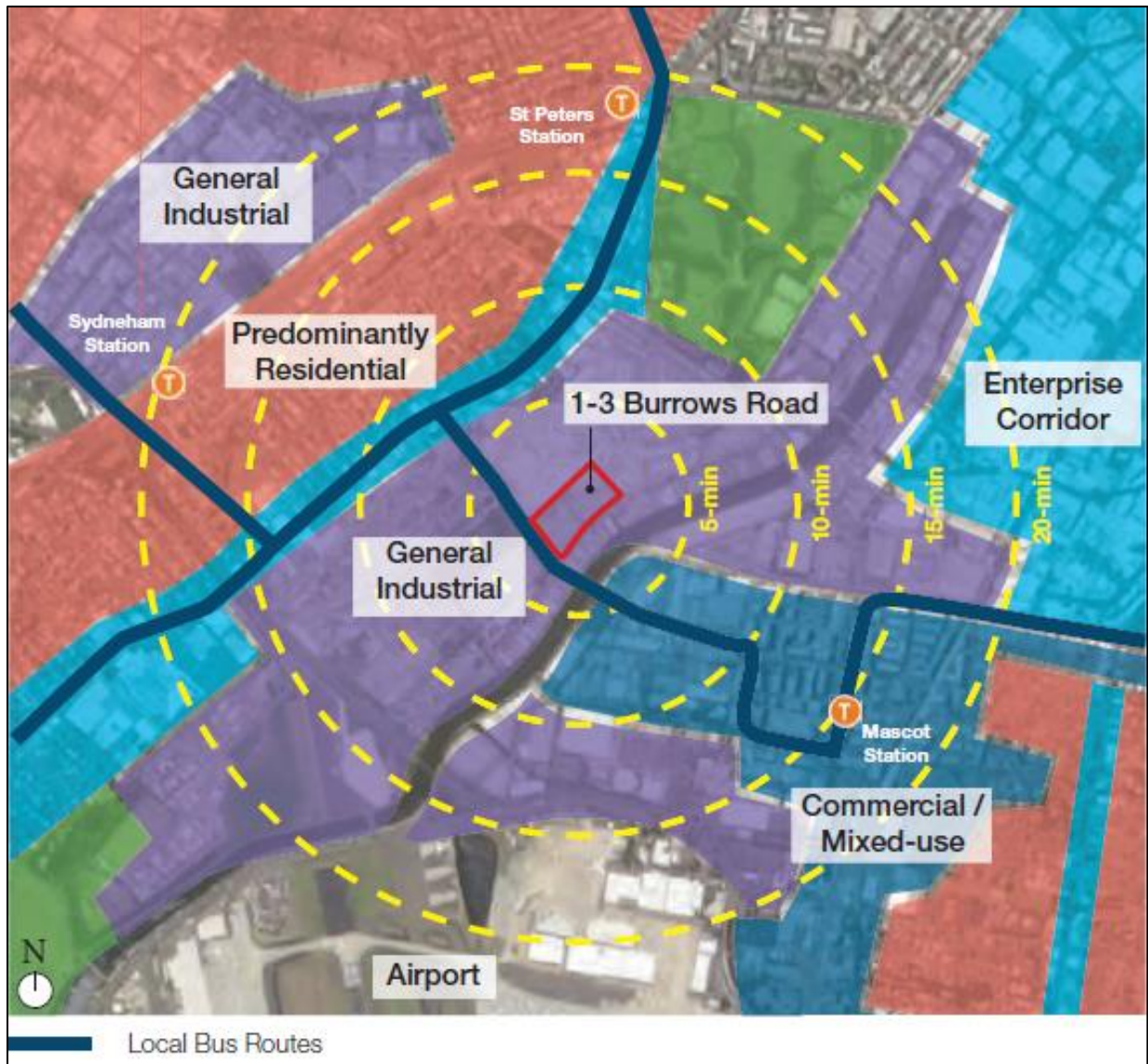


Figure 8: Surrounding area (site shown in red) (Source: Proponent's Urban Design Report)

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives and intended outcomes of the planning proposal are to:

- ensure the ongoing use of the site for industrial purposes, thereby protecting vital industrial and urban services zoned land from incursion of higher value land uses such as commercial and residential development;
- facilitate the more intense use of industrial land in a high value, strategic location close to Sydney CBD, Sydney Airport, Port Botany and the Cooks River Intermodal Terminal;
- enable the site to achieve the permissible FSR of 1.5:1, thereby ensuring enhanced land use efficiency;
- facilitate a high quality, flexible design to provide for a range of land uses appropriate to the IN1 – General Industrial zone;

- build on the existing commercial drivers in the location, particularly those associated with Sydney Airport, Port Botany, Cooks River Intermodal Terminal and Central Sydney;
- contribute to increased economic activity and employment generation in an accessible location;
- facilitate a high quality design, appropriate to the sites visual prominence; and
- improve sustainability outcomes through energy ratings, solar photovoltaics, water sensitive urban design and urban greening initiatives.

2.2 Explanation of provisions

The planning proposal seeks to amend the Sydney LEP 2012 for 1-3 Burrows Road, St Peters to:

- Increase the maximum building from 18m to 30m;
- Introduce a site-specific provision to satisfy matters of consideration prior to development to ensure the development:
 - is of high aesthetic quality and responds to the site's high visibility from the public domain;
 - establishes appropriate landscape setbacks;
 - has no signage visible from public open space; and
 - demonstrates best practice ecologically sustainable development.
- Specify Clause 6.21(7)(b) does not apply to development on the subject land.

Site Specific Provision

The proposed site specific provision provides matters of consideration for the consent authority to ensure the development is of high aesthetic quality and responds to the site's high visibility from the public domain, establishes appropriate landscape setbacks, has no signage visible from public open space and demonstrates best practice ESD.

The Department considers the proposed site-specific provision is too subjective in its current form and it would be difficult for the consent authority to satisfy itself that the development meets these criteria, as:

- the requirement for high aesthetic quality is too open for interpretation;
- there is no threshold for appropriate landscape setbacks;
- it does not specify which public open space the signage should not be visible from; and
- the LEP cannot mandate ESD controls such as NABERS that higher than what state policy requires.

The Department requested additional information from Council to consider amending the provisions to specify thresholds and remove ambiguity of the clauses to ensure the provisions can be clearly interpreted and assessed by the consent authority.

Council provided the following revised draft clause.

Clause 6.XX 1-3 Burrows Road, St Peters

- (1) This clause applies to 1-3 Burrows Road, St Peters, being Lot 11, DP 606737, Lot 1 DP 1227450.*
- (2) The objective of this clause is to ensure the resulting development:*
 - (a) provides setbacks to facilitate tree planting;*
 - (b) limits signage to adjacent road frontages to minimise the visual impact of the site from public open space within St Peters Interchange; and*
 - (c) demonstrates ecologically sustainable development principles.*
- (3) Clause 6.21(7)(b) does not apply to development on the subject land.*
- (4) Development consent must not be granted unless the consent authority is satisfied the resulting development:*
 - (a) establishes unencumbered minimum 6 metre landscaped setbacks to road frontages;*
 - (b) provides business or building identification signage only on those parts of the building fronting Burrows Road, St Peters and Canal Road, St Peters; and*
 - (c) includes features for the on-site capture and efficient use of water and energy.*

The Department considers the revised clause to be appropriate for exhibition. However final wording will be subject to legal drafting by Parliamentary Counsel.

The Department recommends a condition of Gateway for Council to amend the site-specific provisions to clearly specify measurable standards if possible and remove the ambiguity of the clauses. These amendments will ensure the provisions can be clearly interpreted and assessed by any future consent authority.

Draft Site-Specific Sydney Development Control Plan 2012 (Sydney DCP 2012)

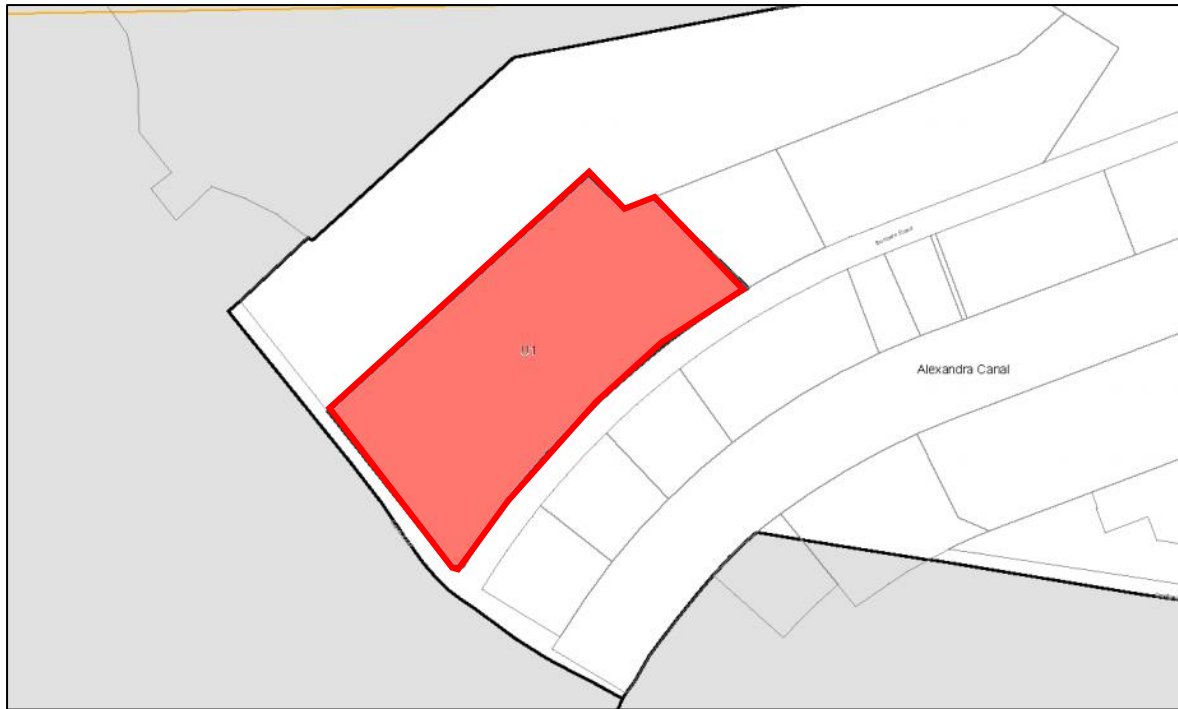
In addition to the proposed LEP amendments, Council has prepared a site-specific DCP. The DCP controls relate to built form, design and materiality, landscape setbacks, sustainability, signage, communal open space and design excellence. The proposed DCP controls are reflected in the concept design submitted with the planning proposal.

Through the development application (DA) process, these development controls will be applied to the proposed development.

The draft DCP will be publicly exhibited alongside the planning proposal.

2.3 Mapping

The proposal seeks to amend Sheet_005 of the Height of Buildings Map to identify a maximum height of 30m for the site (**Figure 9**). A draft map has been provided as part of the planning proposal and is considered adequate for the purpose of public exhibition.



Maximum Building Height (m)

U1 30

Figure 9: Proposed Height of Buildings map (site shown in red) (Source: Council's Planning Proposal)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of any strategic study or report. The planning proposal has been initiated by the landowner and is informed by conceptual architectural drawings and several specialist studies.

A planning proposal is needed to amend the development standards which apply to the site as the existing development standards under the Sydney LEP 2012 do not enable the proposed development.

4. STRATEGIC ASSESSMENT

4.1 Regional / District Eastern City District Plan

The Eastern City District Plan, released in March 2018, identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth. The planning proposal is consistent with the key planning priorities in the District Plan as demonstrated in **Table 1**.

Table 1: Consistency with Eastern City District Plan

Consistency with Eastern City District Plan	
Priority	Comment
Planning priority E10: Delivering integrated land use and transport planning and a 30-minute city.	The Department considers the proposal to be consistent with this priority as the site is well serviced by public transport and major current and future transport interchanges. The site is also located within proximity to Sydney Airport.
Planning priority E11: Growing investment, business opportunities and jobs in strategic centres.	The Department considers the proposal to be consistent with this priority as it will retain industrial land for employment and facilitate development which will deliver approximately 370 jobs.
Planning priority E12: Retaining and managing industrial and urban services land.	The Department considers the proposal to be consistent with this priority as it will retain industrial land uses and facilitate a multi-storey warehouse.
Planning priority E19: Reducing carbon emissions and managing energy, water and waste efficiently.	The Department considers the proposal to be consistent with this priority as sustainability controls are provided within the site-specific DCP, aiming to achieve sustainability benchmarks.

4.2 Local

Sustainable Sydney 2030

Council's Sustainable Sydney 2030 Community Strategic Plan is the vision for the sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City and 10 targets against which to measure progress. This planning proposal is consistent with key directions of the strategic plan as demonstrated in **Table 2**

Table 2: Consistency with Sustainable Sydney 2030

Consistency with Sustainable Sydney 2030	
Direction	Comment
Direction 1 – A Globally Competitive and Innovative City	The Department considers the proposal is consistent with Direction 1, as it will facilitate development for a multi-storey warehouse which is one of the first of its kind within Australia.
Direction 2 – A Leading Environmental Performer	The Department considers the proposal is consistent with Direction 2, as the site-specific DCP will deliver outcomes for sustainable development, including a 5-star Green Star rating for the warehouse and 6-star NABERS Energy Commitment Agreement for the ancillary office component.
Direction 3 – Integrated transport for a connected City	The Department considers the proposal is consistent with Direction 3, as the site is located within close proximity to key transport interchanges as well as Sydney Airport.
Direction 9 – Sustainable development, renewal and design	The Department considers the proposal is consistent with Direction 9, as the site-specific DCP will deliver outcomes for sustainable development, including a 5-star Green Star rating for the warehouse and 6-star NABERS Energy Commitment Agreement for the ancillary office component.

Local Strategic Planning Statement

City of Sydney's Local Strategic Planning Statement (LSPS) was assured by the Greater Sydney Commission in March 2020. The LSPS sets out the land use planning context and 20-year vision to positively guide change towards the City's vision for a green, global and connected city. The planning priorities and actions in the LSPS are provided to achieve the vision

The Department considers that the principles of the planning proposal are generally consistent with the LSPS (**Table 3**).

Table 3: Consistency with Draft Local Strategic Planning Statement

Priority	Comment	Complies
Priority I2: Align development and growth with support infrastructure Priority S2: Creating better buildings and places to reduce emissions and waste and use water efficiently Priority P3: Protecting industrial and urban services in the Southern Enterprise Area and evolving businesses in the Green Square-Mascot Strategic Centre	The Department considers the planning proposal is consistent with the LSPS as: <ul style="list-style-type: none">• it will encourage employment, generating approximately 370 jobs on site;• protect key industrial land uses;• support industrial expansion in a strategic location; and• expand the potential of the freight and logistics network.	Yes

4.3 Section 9.1 Ministerial Directions

The proposal is consistent with the following applicable section 9.1 Ministerial Directions as identified in **Table 4**.

Table 4: Consistency with Ministerial Directions

Section 9.1 Direction	Consistent	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none">• encourage employment growth in suitable locations;• protect employment land in business and industrial zones; and• support the viability of identified centres. <p>The planning proposal is consistent with the objectives and requirements of this Direction as it seeks to retain the existing zoning, retain strategic industrial land and encourage employment growth.</p>
2. Environment and Heritage		
2.3 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site does not contain any heritage items, nor it is located within an HCA. However, the site is surrounded by heritage items including Alexandra Canal.</p>

Section 9.1 Direction	Consistent	Comment
		The planning proposal is consistent with this direction. The Department recommends that Heritage NSW be consulted during public exhibition of the planning proposal.
2.6 Remediation of Contaminated Land	Yes	<p>This direction applies when a planning proposal authority prepares a planning proposal applying to land which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital:</p> <ul style="list-style-type: none"> i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). <p>The planning proposal authority must consider whether the land is contaminated.</p> <p>The planning proposal does not seek to change the zoning of the site. The planning proposal is accompanied by a Phase I and II Environmental Site Assessment, prepared by AECOM dated 5 March 2020. The planning proposal is consistent with the objectives and requirements of this Direction as the assessment concludes the site can be made suitable for commercial and industrial land use, subject to the implementation of control/management measures.</p>
3. Housing, Infrastructure and Urban Development		
3.4 Integrating Land Use and Transport	Yes	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The planning proposal is consistent with the objectives and requirements of this Direction, as it encourages employment growth in strategic locations close to transport infrastructure, including the new Sydney Gateway, new M8 and Sydney Airport.</p>
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present</p>

Section 9.1 Direction	Consistent	Comment
		<p>The site is mapped as Class 3 Acid Sulfate Soils. The Phase I and II Environmental Site Assessment (ESA), prepared by AECOM dated 5 March 2020 which accompanies the planning proposal states Class 3 means that any work greater than 1 m below ground surface (bgs) or any works that would lower the water table by greater than 1m bgs would require development consent.</p> <p>Any future DA will need to consider acid sulfate soils, and development consent may not be granted unless an acid sulfate soils management plan has been prepared for the proposed works accordingly.</p> <p>The Department recommends a condition of Gateway for the planning proposal to address and justify the inconsistency with this Direction.</p>
4.3 Flood Prone Land	Yes	<p>The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p> <p>The planning proposal is accompanied by a Civil Engineering & Stormwater Management Assessment Report, prepared by Costin Roe Consulting dated 27 February 2020. Council's Floodplain Management Policy notes the flood planning level for business/industrial to be at or above 1% (1 in 100-year) flood level. The modelled 1% AEP flood extent does not encroach the subject property. The report concludes the flood risk is low, and that there is no impact on flooding from the development.</p> <p>The Department considers the planning proposal is consistent with this direction.</p>
6. Local Plan Making		
6.3 Site Specific Provisions	No	<p>This Direction applies as the planning proposal will allow a particular development to be carried out through a site specific planning control. The objective of the Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal states the proposal is consistent with this direction, however no justification is provided to address the consistency.</p> <p>The Department recommends as a condition of Gateway for the proposal to be revised to address this Direction and justify its inconsistency.</p>

4.4 State environmental planning policies (SEPPs)

The proposal is considered consistent with and is not expected to hinder the application of any relevant SEPPs, as outlined in **Table 5**.

Table 5: Assessment of proposal against relevant SEPPs and deemed SEPPs

SEPP	Requirement	Proposal	Complies
State Environmental Planning Policy (State and Regional Development) 2011	This Policy aims to identify development as State significant development.	This planning proposal will facilitate a warehouse development, which could meet the threshold to be designated State Significant Development (SSD) under State Environmental Planning Policy (State and Regional Development) 2011. The nature of the development potentially being SSD does not conflict with the planning proposal.	Yes
State Environmental Planning Policy (Infrastructure) 2007	This Policy provides permissibility and development application provisions which apply across the State for each infrastructure sector.	This planning proposal will facilitate a warehouse development, which is capable of meeting infrastructure demands in relation to traffic, parking and servicing.	Yes

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal does not seek to change the zoning of the site. The site is located within an industrial area, with no residential land uses within the surrounding area. Therefore, the Department considers the social impacts are minimal.

5.2 Environmental

5.2.1 Compatibility of uses

The planning proposal seeks to facilitate a 3-storey warehouse facility and 6-storey ancillary office building. The site is zoned IN1 – General Industrial, which aims to provide a wide range of industrial and warehouse land uses, support and protect industrial land for industrial uses, and ensure uses support the viability of nearby centres.

Office premises are not permitted within the zone, although warehouses and industrial uses are permitted to have ancillary offices to support operations. The proponent will need to demonstrate any office space is strictly ancillary to industrial uses when a development application (DA) is lodged for the site. This planning proposal does not seek to amend the zoning of the site or permit additional uses.

5.2.2 Contamination

The planning proposal is accompanied by a Phase I and II Environmental Site Assessment (ESA), prepared by AECOM dated 5 March 2020 (**Attachment E**), which aims to obtain an understanding of soil and groundwater contamination conditions and assess the site suitability of commercial/industrial land use.

The study finds that the site was extensively filled with materials and has been utilised since the 1940s for the production of packaging (hessian bags and then plastic containers and other plastic products) and then as a warehouse type estate. Historical use included above and below ground storage of petroleum hydrocarbons, inks, gases, adhesives and vehicle workshop(s). The fill materials have been identified to be contaminated with lead, asbestos, benzo(a)pyrene (B(a)P) and long chain-length total recoverable hydrocarbons (TRH).

Groundwater is present in the fill materials and has high concentrations of copper, zinc and nickel and to a lesser extent, lead.

Based on the findings, the study concludes the site can be made suitable for commercial/industrial land use subject to the implementation of control/management mechanisms. The control mechanisms would include preparation and adherence to:

- Remedial Action Plan (RAP);
- Construction-phase Site Management Plan (CSMP); and
- Long Term Site Environmental Management Plan (LTSEMP), after redevelopment.

5.2.3 Built Form

The planning proposal seeks to increase the maximum building height from 18m to 30m, to facilitate a multi-level warehouse facility with 6-storey ancillary office building (**Figure 10**).

The height of the warehouse as outlined within the conceptual architectural plans is above 25m. As per clause 6.21 of the Sydney LEP 2012, a competitive design process is required for buildings over 25m or have a capital investment value (CIV) of over \$100m. The proposed site specific clause will ensure if the building demonstrates design excellence, it is eligible for an additional 10% height increase only, and not floor space.



Figure 10: Photomontage of the proposed development (Source: Proponent's Urban Design Report)

In terms of overshadowing, Council advises shadows will be cast over roads and not upon adjacent sites. The planning proposal and accompanying documentation does not include any overshadowing diagrams, however the Department considers the overshadowing impacts to be minimal due to the surrounding area not including any sensitive land uses, such as residential uses or open space, where overshadowing can cause amenity impacts.

5.2.4 View Impacts

The planning proposal is accompanied by an Urban Design Report (**Attachment G**), prepared by GHD dated 3 March 2020, which contains a view analysis. The view

analysis illustrates the limited visual impact the proposed development will have on the surrounding area.

The Department considers the view impacts to be acceptable.

A view analysis has been conducted within the proponent's Urban Design Report, shown in **Figures 11 – 18**.



Figures 11 and 12: View of site from corner of Canal Road and Burrows Road looking north (existing left, and proposed right) (Source: Proponent's Urban Design Report)



Figures 13 and 14: View of site from Canal Road looking south-east (existing left, and proposed right) (Source: Proponent's Urban Design Report)



Figures 15 and 16: View of site from Burrows Road looking south-west (existing left, and proposed right) (Source: Proponent's Urban Design Report)



Figures 17 and 18: View of Burrows Road site entrance (existing left, and proposed right) (Source: Proponent's Urban Design Report)

5.2.5 Landscaping

The planning proposal is accompanied by a Landscape Plan (**Attachment H**), prepared by Site Image dated June 2020. An Arborist Report (**Attachment I**) also accompanies the planning proposal.

Currently, there are 59 trees on site, with the report and plan stating this will be increased to 108 trees net as part of the proposal. This includes retaining 41 trees, the removal of 18 existing trees, and planting an additional 67.

A green roof is proposed on the ancillary office space as part of the proposal, and Council states there are opportunities for additional planting to be provided within the setbacks and across the site.

The draft DCP requires a minimum 6m landscape setback along the Burrows Road and Canal Road frontages, which is shown in blue in **Figure 19**. The proposed site-specific is conditioned to be amended to set a measurable setback.

Further details for landscaping will be assessed at DA stage. The Department considers the landscaping impacts to be acceptable.

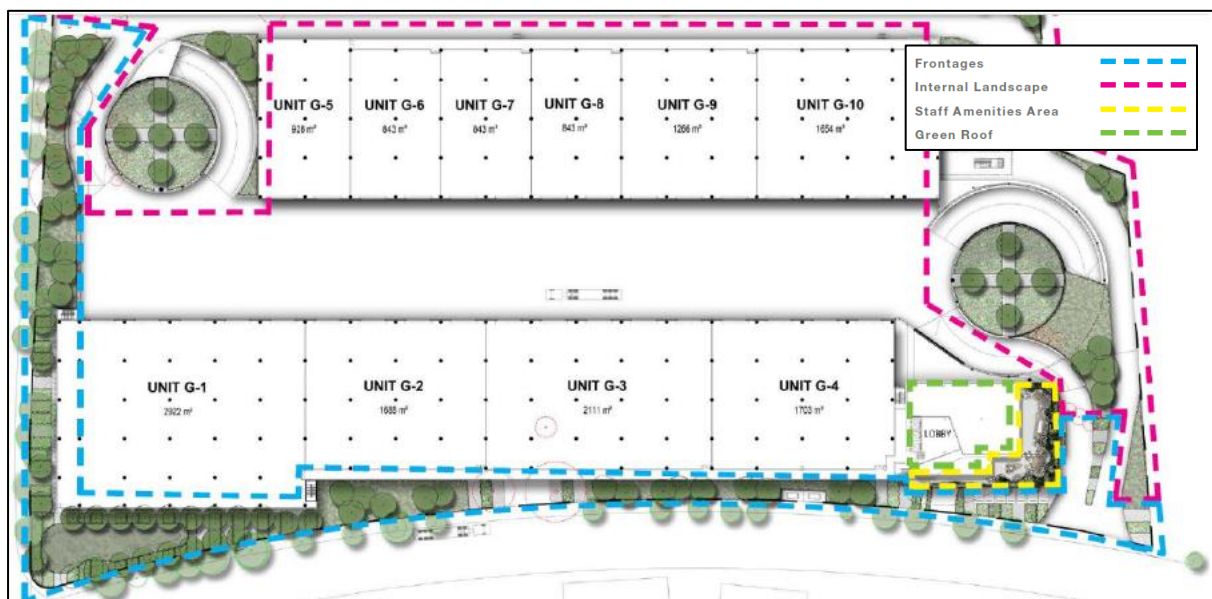


Figure 19: Frontages, Internal Landscape, Staff Amenities Area and Green Roof (Source: Landscape Plan)

5.2.6 Ecologically Sustainable Development (ESD)

The planning proposal is accompanied by an Ecologically Sustainable Development (ESD) strategy, prepared by GHD dated 4 March 2020 (**Attachment J**). The report includes a framework which defines the principles that will be incorporated into the future design, construction and operation of the site. This framework includes:

- minimum 5 Star Green Star Design & As Built v1.3 rating;
- equivalent to minimum 5 star NABERS Energy for Office areas;
- minimum 20% improvement on National Construction Code (NCC) Section J;
- whole development delivered net zero carbon ready;
- equivalent to minimum 4 star NABERS Water for Office areas; and
- minimum 35% improvement over Green Star reference baseline.

Based on the framework outlined, the report concludes the proposed development is capable of achieving best practice initiatives and meeting the requirements of current planning controls and the intent of wider local and regional policies.

The planning proposal seeks to include a site-specific provision which aims to ensure the development demonstrates best practice ESD. As previously outlined in Section 2 of this report, the Department considers ESD principles to be more appropriately placed within the site-specific DCP and recommends a condition for Council to update the site-specific provisions.

5.2.7 Signage

The planning proposal seeks to include a site-specific provision which aims to ensure signage is not visible from public open space. Council advises this is to prevent signage from being visible from new recreation areas within St Peters Interchange or from Sydney Park.

The Department recommends a condition which requires Council to update the planning proposal to state the public open spaces in which this provision applies to, to provide a measurable standard the consent authority can assess against.

5.2.8 Air Quality

The site is located adjacent to the future Sydney Gateway Road project and the WestConnex New M5 St Peters Interchange (**Figure 6**). A ventilation outlet is located near the corner of Canal Road and Princess Highway, and another ventilation outlet will be built on the opposite side of the interchange near Campbell Road for the WestConnex M4-M5 Link.

In accordance with the consent for the WestConnex New M5 project (SSI 6788), Condition E29 requires the proponent to assist the relevant council in developing an air quality assessment process for inclusion within a DCP or other appropriate planning instrument, in considering planning and building approvals for new development in areas adjacent to the ventilation outlets which would be within a potential three-dimensional zone of affectation (buffer volume).

Further, under the consent for the WestConnex M4-M5 Link (SSI 7485), Condition E42 mirrors the requirements of Condition E29 of SSI 6788.

The Department considers an air quality assessment can be undertaken at DA stage. The Department recommends a condition to require consultation with NSW Environmental Protection Authority and Transport for NSW during exhibition.

5.2.9 Flooding and Stormwater

The planning proposal is accompanied by a Civil Engineering & Stormwater Management Assessment Report (**Attachment K**), prepared by Costin Roe Consulting dated 27 February 2020. The report outlines opportunities and constraints associated with civil engineering requirements relating to the site, considers the Stormwater Management for the property and intended redevelopment, and confirm that a solution will meet Councils specific stormwater management objectives for stormwater quality and quantity, and flooding.

The report states a Stormwater Management System can be employed on the site which addresses management of stormwater quantity and stormwater quality, allowing for a reduction in base pollutant loads prior to discharge from the site.

Council's Floodplain Management Policy notes the flood planning level for business/industrial to be at or above 1% (1 in 100-year) flood level. The modelled 1% Annual Exceedance Probability (AEP) flood extent does not encroach the subject property. The report notes the flood risk is low, and that there is no impact on flooding from the development.

The report concludes that based on the site conditions of the land and the availability of an appropriate stormwater and flood management strategy, there is good opportunity to develop the site. The Department therefore considers the flooding and stormwater impacts to be acceptable.

5.3 Economic

The planning proposal will facilitate development which will retain the existing land use and expand industrial uses on the site. The Department considers the planning proposal to have positive economic impacts, as it:

- will encourage employment, generating approximately 370 jobs on site;
- support industrial expansion in a strategic location; and
- expand the potential of the freight and logistics network.

5.4 Infrastructure

5.4.1 Traffic, access and parking

The planning proposal is accompanied by a Traffic Assessment (**Attachment L**), prepared by Ason Group dated 4 March 2020. The Traffic Assessment concludes the proposal is supportable on traffic and transport planning grounds, and is not expected to result in any adverse impacts on the surrounding road network.

Pedestrian access will be provided off Burrows Road into the lobby area, and will be separate from driveways. The proposal seeks to include approximately 300 parking spaces associated with the development, predominantly underground. The Traffic Assessment outlines the maximum car parking requirement is 328 parking spaces, as allocated based on the floor space of each use. The proposed development complies with the parking requirements within the Sydney LEP 2012, with further assessment will be conducted at DA stage.

The net traffic generation for the site is estimated to be 263 and 250 vehicles trips in the respective AM and PM peaks. It is expected that the traffic generation will include both light and heavy vehicle trips.

The site is in an area that is well serviced by public transport including bus routes, and road infrastructure. However, there is uncertainty with future traffic volumes of surrounding intersections associated with WestConnex and the gateway project, as well as the planned intersection configuration changes.

The Department recommends consultation with Transport for NSW during public exhibition.

5.4.2 Servicing

The planning proposal is accompanied by a Utilities Review (**Attachment M**), prepared by Hurley Palmer Flatt, dated 30 January 2020. The review involved an assessment of the potential demand of utility services and likely impact on the existing infrastructure serving the site.

The review found that the site is generally well supplied with utility services located in the council road network for the proposed new building works. Should any upgrades be required this will be provided by the landowner.

6. CONSULTATION

6.1 Community

Council has proposed a public exhibition period of 28 days. The Department considers this to be appropriate.

Council, as the planning proposal authority, will be responsible for public consultation. Council has advised that this will include newspaper notification, displays at Council customer services centres and on Council's website.

6.2 Agencies

The planning proposal does not specify any agencies that are to be notified of the proposal. The Department recommends consultation with the following state agencies:

- NSW Environmental Protection Authority;
- Transport for NSW; and
- Heritage NSW.

7. TIME FRAME

Council has included a project timeline of eight months. The Department considers a time frame of 12 months to be more appropriate. This does not preclude the planning proposal from being finalised sooner.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation to make the plan. The Department recommends issuing an authorisation for Council to exercise delegation to make this plan, provided the revised planning proposal is submitted to the Department for review and approval prior to public exhibition of the planning proposal.

9. CONCLUSION

The Department recommends that the planning proposal proceed subject to conditions for the following reasons:

- it is generally consistent with the Eastern City District Plan and the relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- it will encourage employment, generating approximately 370 jobs on site;
- it will support industrial expansion in a strategic location; and
- it will expand the potential of the freight and logistics network.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Ministerial Direction 4.1 Acid Sulfate Soils and 6.3 Site-Specific Provisions are justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to community consultation as follows:
 - (a) amend the site-specific provisions to specify measurable standards if possible, remove the ambiguity of the proposed clauses and ensure the clauses can be clearly interpreted and assessed by the consent authority; and
 - (b) address and justify inconsistency with section 9.1 Ministerial Direction 4.1 Acid Sulfate Soils and 6.3 Site-Specific Provisions.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - NSW Environmental Protection Authority;
 - Transport for NSW; and
 - Heritage NSW.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.

15/9/20

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16/9/20

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