

Report to Sydney West Joint Regional Planning Panel

JRPP No.	Item (2011SYW023)
DA No:	JRPP-11-158
Proposed Development:	Construction of a Home Improvement Store with ancillary office, car parking, landscaping and signage
Location:	Cnr Great Western Highway and Carlisle Avenue, Minchinbury
Lodgement Date:	4 February 2011
Land Zoning:	The subject site is zoned 4(c) Special Industrial pursuant to the provisions of Blacktown Local Environmental Plan (BLEP) 1988. The proposed development, being for “bulky goods retail establishment”, “hardware store”, “plant nursery” and “timber yard”, is permissible in the zone with development consent.
Value Of Development:	\$11.85 million
Applicant:	FDC Construction and Fitout Pty Ltd/Sargents Developments Pty Ltd
Report Author:	Adam Gauna, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services and Administration and Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	8 November 2011



ASSESSMENT REPORT

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1 Executive Summary

- 1.1 Council is in receipt of a Development Application from FDC Construction and Fitout Pty Ltd for the construction of a Home Improvement Store with ancillary office, car parking, landscaping and signage at the corner of the Great Western Highway and Carlisle Avenue, Minchinbury.
- 1.2 The Home Improvement Store will include the retailing of bulky goods and hardware, a plant nursery and a timber yard for a "Masters" store. "Masters" are a new competitor to Bunnings offering a similar range of products.

The Home Improvement Store will have a total retail area of 13,588sqm with associated loading docks, office space and staff amenities.

A total of 387 at-grade car parking spaces will be provided for customers and staff, including disabled parking spaces and truck/trailer spaces.

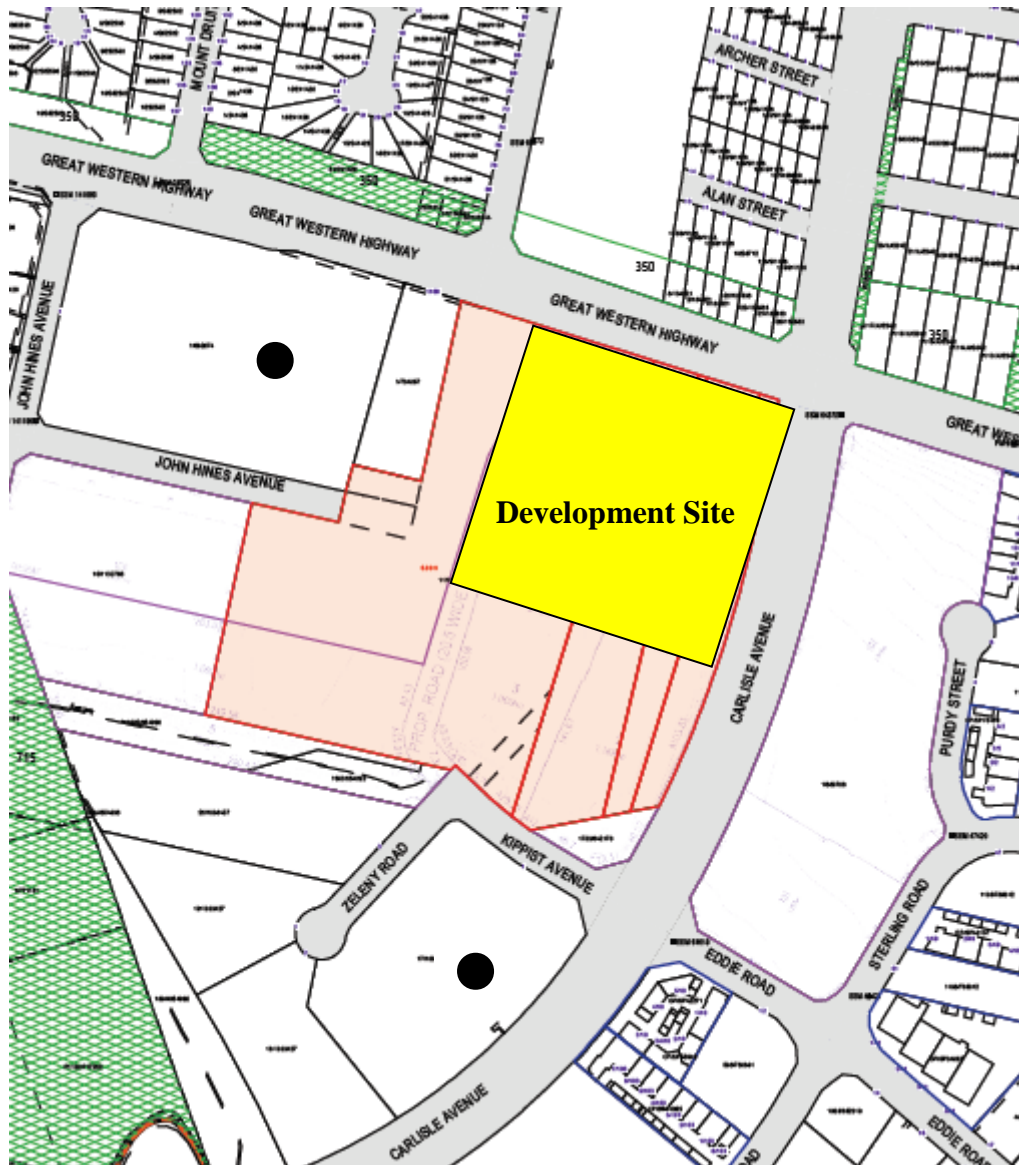
The proposal includes corporate business identification signage including 3 pylon signs and 14 wall signs. The proposal will employ 180 – 190 jobs during construction and 130-150 staff during operation.

The hours of operation proposed are 6:00am to 10:00pm Monday to Friday and 6:00am to 7:00pm Saturday and Sunday.

- 1.3 The subject site is zoned 4(c) Special Industrial pursuant to Blacktown Local Environmental Plan 1988. "Bulky goods retail establishment", "hardware store", "plant nursery" and "timber yard" are permissible forms of development within the zone subject to the consent of the Sydney West Joint Regional Planning Panel.
- 1.4 The applicant has sought a variation pursuant to State Environmental Planning Policy (SEPP) No. 1 to the access denial provisions set out in Clause 22 of Blacktown LEP 1988 which apply to zoned 5(a) and 5(b) designated roads. In this case the land has frontage to Carlisle Avenue and the Great Western Highway (GWH). The applicant seeks 'left-in' only off the GWH and 'left-in/left-out' off Carlisle Avenue. This has been supported by the RTA subject to conditions and the SEPP 1 variation is considered reasonable in the circumstances and is recommended to be supported to facilitate this development.
- 1.5 The proposed development was notified for a period of 21 days between 2 March 2011 and 23 March 2011. During this period 2 submissions were received. The issues raised in the submissions are addressed in this report.
- 1.6 The Application was also referred to the RTA for comment. No objections were raised to the proposal from the RTA subject to the imposition of conditions of consent.
- 1.7 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Accordingly approval is now recommended. Draft conditions of consent are provided at Attachment 7.

2 Location and Site Description

2.1 The site is shown on the location plan below.



Key: ● Objector

2.2 The subject site is known as proposed Part Lot 112 in a subdivision Lot 8 DP656981, Part Lot 2 DP846791, Part Lot 14 DP1112732, Part Lot 4 DP255015 and Part Lot 11 DP1132763, at the corner of the Great Western Highway and Carlisle Avenue, Minchinbury.



- 2.3 The site has an area of 32,376sqm, a frontage to the Great Western Highway of 165 metres and to Carlisle Avenue of 190 metres. The site has a natural ground fall from RL42.419 to RL39.293 towards the west by 3.126 metres.
- 2.4 The site is currently vacant and devoid of vegetation where the Home Improvement Store is to be constructed.
- 2.5 The site is not nominated as a heritage item within Blacktown Local Environmental Plan 1988.
- 2.6 The site is located within the established Industrial Area of Minchinbury. Auto City and Minchinbury Hometown are located to the east and a convenience store/service station and Bunnings to the west. Pace Farm Warehouse and a self storage complex are located to the south. The low density residential area of Mount Druitt and Colyton Primary School are located on the northern side of the Great Western Highway opposite the development site.
- 2.7 The site enjoys vehicular access to the Great Western Highway and Carlisle Avenue. Upon completion of the ultimate subdivision roadworks, the development site will have vehicular access from the Great Western Highway, Carlisle Avenue and John Hines Avenue.

3 History and Current Use of the Site

- 3.1 In May 1998 consent was granted to DA-98-1375 for land remediation of the site and the filling of land and ancillary drainage works. These works have been undertaken.
- 3.2 A December 2003 consent was granted to DA-03-1958 for the site's subdivision into 5 industrial lots, bulk earthworks and new roads. The bulk earthworks have been carried out.

- 3.3 In 2006 consent was granted to DA-06-2556 for “Minchinbury Homemakers Centre”, being a proposed bulky goods retail outlet. The development involved access to and from both the Great Western Highway and Carlisle Avenue, a single level freestanding Homemaker’s Centre and 15 separate tenancies which included 2 ancillary takeaway food outlets. This consent is still valid until 27 April 2012. To date this consent has not been acted upon.
- 3.4 Council is presently assessing DA-10-2765 for the amalgamation and resubdivision of 6 allotments into 3 industrial allotments and associated roadworks including the extension of John Hines Avenue. This DA is expected to be approved shortly and when registered will facilitate the creation of the allotment for the siting of this proposal. The subdivision will ensure that services, construction of adjoining roads and bulk earthworks including site contamination validation are addressed to Council's satisfaction. Hence a **condition** of this consent will be the registration of this subdivision with the Land Property Information Office prior to any Occupation Certificate being issued for this proposal.

4 The Proposal

- 4.1 Approval is sought by FDC Construction and Fitout Pty Ltd for the construction of a Home Improvement Store, ancillary office, car parking, landscaping and signage for a “Masters” store at the corner of the Great Western Highway and Carlisle Avenue, Minchinbury.
- 4.2 Details of the proposal are as follows:
- (a) Home Improvement Store with a total floor area of 13,451sqm comprising of:
 - (i) Main floor – 8,004sqm
 - (ii) Garden area – 2,215sqm
 - (iii) Trade area – 2,039sqm
 - (b) Receiving area/loading dock – 851sqm located on the western side of the building
 - (c) Mezzanine administration and staff amenities/training area – 342sqm
 - (d) 387 at-grade car parking spaces including:
 - (i) 357 customer vehicle spaces
 - (ii) 8 disabled car spaces
 - (iii) 6 truck or trailer spaces
 - (iv) 16 vehicle spaces for staff (located in the loading dock area)
 - (e) Landscaping
 - (f) Signage, including 3 pylon signs and 14 wall signs
 - (g) Employment for 130 - 150 staff
 - (h) Creation of 180 – 190 jobs during construction
 - (i) Hours of operation – 6:00am to 10:00pm Monday to Friday
– 6:00am to 7:00pm Saturday and Sunday

- 4.3 The **main floor** comprises of 8,004sqm and will provide for retailing of home improvements including:
- (a) hardware (material and equipment for building, construction and improvement of buildings and equipment used in property maintenance);
 - (b) outdoor products;
 - (c) floor coverings;
 - (d) lighting and ancillary electrical products;
 - (e) landscaping supplies ancillary to home improvement;
 - (f) timber products ancillary to home improvement; and
 - (g) public toilet facilities.
- 4.4 The building will be supported by a structural steel frame and will be constructed with concrete tilt-up panel walls. The building will be 10.3 metres in height at the proposed ridgeline, while the proposed feature parapet will be constructed to 13 metres in height.
- 4.5 The roof will be constructed of zincalume metal cladding with clear light panel sections to maximise the availability of natural light within the facility. Shade sails will be provided over a section of the garden area to allow natural light and all-weather protection to the plants.
- 4.6 The main entry is centralised with a secondary exit in the garden section. Internal entry and exits will allow access to the trade and landscape sections.
- 4.7 The **trade customer area** comprises of 2,162sqm floor area. The entrance to the trade area is via boom gates to a one-way loop within the building. Vehicles will exit via another boom gate. The trade area is located near an entrance from Carlisle Avenue. The trade area will facilitate direct loading of bulky goods (timber, plasterboard sheeting etc) into customer's vehicles. The items will be conveniently placed in the centre and at the peripheries of the vehicular access route.
- 4.8 The **garden area** comprises 2,215sqm floor area and will retail plants and landscape materials.
- 4.9 The **mezzanine office** comprises 342sqm floor area and accommodates managerial offices, staff change rooms, dining room, training room, toilet facilities and an electrical/communication room.
- 4.10 The "Masters" corporate colours and logo will be used for the exterior colours to the building. These colours are navy blue, grey and white.
- 4.11 The Development Application Plans are contained within **Attachment 1**.
- 4.12 The applicant has also submitted a Traffic Report prepared by Colston Budd Hunt and Kafes Pty Ltd to support this application. A copy of the Applicant's Traffic Report is provided at **Attachment 2** to this report.

5 Planning Controls

5.1 The planning controls that relate to the proposed development are:

- (a) State Environmental Planning Policy No. 1 – Development Standards
- (b) State Environmental Planning Policy (Major Development) 2005
- (c) State Environmental Planning Policy No. 64 – Advertising and Signage
- (d) State Environmental Planning Policy (Infrastructure) 2007
- (e) Blacktown Local Environmental Plan 1988
- (f) Blacktown Development Control Plan 2006

5.2 An assessment of the proposed development under the relevant planning controls is provided below:

(a) **State Environmental Planning Policy No. 1 – Development Standards (SEPP 1)**

The applicant has submitted an objection pursuant to the provisions of SEPP 1 as the proposed development seeks access to a designated road not permitted by Clause 22 of BLEP 1988. Clause 22 of BLEP 1988 states as follows:

Land adjoining designated roads:

- 22(1) *In this clause, "designated road" means land within Zone No. 5(b) or Zone No. 5(c), excluding land so zoned in Pearce Road, Quakers Hill, and Lalor Road west of Hambledon Road.*
- (2) *Subject to subclauses (3) and (4), a person shall not carry out development on land which adjoins a designated road unless vehicular access to the land from that road is made by way only of another road (not being a designated road).*
- (3) *Where, except for this clause, development may be carried out, the council may, in relation to that development, allow temporary vehicular access to a designated road.*
- (4) *Where, except for this clause, development may be carried out, the council may, in relation to that development, allow permanent vehicular access to a designated road, if, in the opinion of the council, alternative access to that development is neither practicable nor provided by another road or a proposed road identified in a development control plan.*

This SEPP 1 objection is considered reasonable and warrants support. The application seeks vehicular access to the Great Western Highway and Carlisle Avenue, which are both designated roads.

(i) **Assessment of the SEPP 1 Objection:**

The applicant's SEPP 1 objection seeks a variation to Clause 22 of Blacktown LEP 1988. The objection outlines the rationale for the departure and identifies the constraints of the site. In summary the SEPP 1 objection lists the following reasons why the variation should be supported:

- Responds to the site and does so without compromising relationships with adjoining developments, providing access from the alternate streets, as the main access to the site would result in greater traffic movements within the surrounding industrial streets.
- The arrangements are similar to those which were previously approved under DA-06-2556 for a bulky goods retail outlet.
- The RTA, who own and manage both the Great Western Highway and Carlisle Avenue frontages, were consulted and have given comments and imposed conditions to ensure there is no pedestrian/vehicular conflict.

The SEPP 1 objection is considered worthy of support. Refer to **Attachment 3** for a full copy of the Applicant's SEPP 1 objection submission.

In assessing a SEPP No. 1 objection to vary a development standard the following needs to be considered:

- **Is the planning control a development standard?**

Yes, Clause 22 of BLEP 1988 is a development standard. Clause 22 is a development standard as defined by Section 4 of the Environmental Planning and Assessment Act, and as such the clause can be varied.

- **What is the underlying object or purpose of the standard?**

The object of Clause 22 of BLEP 1988 is to limit access to designated roads where an alternate access can be provided.

- **Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) (encouraging proper management) and (ii) (promoting and co-ordination of orderly and economic use and development of land) of the EPA Act?**

Enforcing compliance with the development standard will restrict development on this site and would have an increased impact on the surrounding road network. The Great Western Highway and Carlisle Avenue are the site's main frontages and limiting access from these roads would result in significantly increased car traffic volumes within the back local industrial roads of Kippist Avenue and John Hines Avenue. The accesses from the Great Western Highway and Carlisle Avenue will be intended for cars and light vehicles only, with all heavy vehicles still required to enter the site via John Hines Avenue.

While the variation is not minor, it is considered to be acceptable particularly on the subject site as the proposal provides various entries to the site which spread the volume of vehicle movements on surrounding streets. In addition, the RTA has supported the proposed traffic arrangements for the site. It is also noted that Council approved a bulky goods development in 2007 with similar access arrangements.

Strict compliance with the development standard would render the application inconsistent with the objectives specified in Section 5(a)(i) and (ii) of the EPA Act as the site will remain under-developed and would not

promote the economic welfare of the community and a better environment, as well as adversely increasing traffic in the surrounding streets. The variation to the development standard will ensure that the site is able to be developed and result in better management of the site as well as economic enhancement for the community.

- **Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?**

It is considered that it would be unreasonable to restrict access in this instance given that the RTA owns and manages these 2 roads and has supported the proposed entry/exit arrangements subject to detailed requirements which the applicant will have to meet as part of any consent issued.

Whilst the development provides entry and exits along John Hines Avenue, due to the scale of the development additional access points will assist in minimising adverse impacts on the surrounding road network, thus ensuring that traffic generated by the development is evenly spread throughout the road network. It will also ensure that the internal traffic flows through the site can operate efficiently.

- **Is the objection well founded?**

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how the consideration of SEPP 1 objections should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

"1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone."

Given that the proposed development:

- Responds to the site and does so without compromising relationships with adjoining developments, providing access from the alternate

streets (as the main access to the site) would result in greater traffic movements within the surrounding industrial streets.

- The arrangements are similar to those which were previously approved under DA-06-2556 for a bulky goods retail outlet on the site.
- The RTA who own and manage both the Great Western Highway and Carlisle Avenue have raised no objection to the proposal.
- Appropriate sightlines are provided along the site's Great Western Highway and Carlisle Avenue frontages to ensure that there is no pedestrian/vehicular conflict.

It is considered that strict adherence to the principles of Clause 22 in this case is both unreasonable and unnecessary in the circumstances and as such the SEPP 1 Objection to Clause 22 of BLEP 1988 should be supported.

(b) State Environmental Planning Policy (Major Development) 2005

Clause 13(1) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:-

“(1) This Part applies to the following development:

- (a) development that has a capital investment value of more than \$10 million,***

The proposed development satisfies 1(a) above as it will have a capital investment value of \$11.85 million, thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application has been referred to, and listed with, the JRPP for determination.

(c) State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal also seeks to have corporate business identification signage. The proposal is consistent with the definition of freestanding advertisement as outlined in SEPP 64. Freestanding advertisement is defined as *“an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports.”*

The application seeks approval for the following signage:

- 3 pylon signs including:
 - 12 metre high pylon sign located at the vehicular entrance off Carlisle Avenue, with an area of 47.4sqm.
 - 12 metre high pylon sign located at the corner of the Great Western Highway and Carlisle Avenue, with an area of 47.4sqm.
 - 12 metre high pylon sign located at the vehicular entrance off Great Western Highway, with an area of 47.4sqm.
- 14 wall signs including:
 - 3 signs located on the southern elevation, with areas of 9.6sqm, 14.96sqm, and 2 sqm respectively.

- 3 signs located on the northern elevation, with areas of 9.6sqm, 14.96sqm, and 2 sqm respectively.
 - 3 signs located on the western elevation, with areas of 9.6sqm, 14.96sqm, and 2 sqm respectively.
 - 5 signs on the eastern elevation (main entrance to the bulky goods premises), with areas of 6.86sqm, 38sqm, 53.4sqm, 8.32sqm, and 9.92sqm respectively.
- Directional signage within the development site.

Clause 8 of the SEPP states:

8 Granting of consent to signage

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.”*

The aims and objectives which are referred to are:

Aims, objectives etc

“(1) This Policy aims:

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.”

Planning Comment:

- The proposed signage meets the aims and objectives of the SEPP and the signs will be in keeping with the existing and future character of the area being an Industrial and Bulky Goods Business Park.

Part 3 – Advertisements

Clause 17 provides as follows:

17 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

“(1) This clause applies to an advertisement:

- (a) that has a display area greater than 20 square metres, or*
- (b) that is higher than 8 metres above the ground.*

- (2) *The display of an advertisement to which this clause applies is advertised development for the purposes of the Act.*
- (3) *The consent authority must not grant consent to an application to display an advertisement to which this clause applies unless:*
 - (a) *the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
 - (b) *the application has been advertised in accordance with Section 79A of the Act, and*
 - (c) *the consent authority gave a copy of the application to the RTA at the same time as the application was advertised in accordance with Section 79A of the Act if the application is an application for the display of an advertisement to which clause 18 applies.”*

Clause 18 states as follows:

18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

- “(1) This clause applies to the display of an advertisement to which clause 17 applies, that is within 250 metres of a classified road and any part of which is visible from the classified road.*
- (2) The consent authority must not grant development consent to the display of an advertisement to which this clause applies without the concurrence of the RTA.*
- (3) In deciding whether or not concurrence should be granted, the RTA must take into consideration:*
 - (a) the impact of the display of the advertisement on traffic safety, and*
 - (b) the Guidelines.*
- (4) If the RTA has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17(3)(c)(ii) that it has granted, or has declined to grant, its concurrence, the RTA is taken to have granted its concurrence.*
- (5) Nothing in this clause affects clause 16.*
- (6) This clause does not apply when the Minister for Planning is the consent authority.”*

Planning Comment:

- The new pylon sign is located within the landscape setback along the Great Western Highway and Carlisle Avenue, which are both classified roads controlled by the RTA. The RTA has been advised of the proposal and provides concurrence to the development and associated signage. The RTA raised no objections to the sign that will have a height of 12 metres and a surface area of 47.4sqm. The signage will not adversely impact on sight distances for motorists.
- In addition, two entry signs are proposed on the eastern elevation which will have a surface area of 38sqm and 53.4sqm respectively and are to be located directly above the entrance to the bulky goods premises. The exact wording of the signage is not known at this time as those details have not been finalised by the

owner/applicant. Details of the signage are to be submitted to Council for review prior to the issue of an Occupation Certificate. These signs are considered acceptable and will not adversely impact on the streetscape.

- The remaining signage is located within the site or is less than 20sqm in surface area and is therefore not impacted by the provisions of SEPP 64.

Schedule 1

A Table listing the requirements of Schedule 1 of SEPP 64 is provided at **Attachment 4** to this report. This sets out assessment criteria for signage including character of the area, views and vistas, streetscape, site and building, illumination and safety. The table indicates that the proposed signage complies with Schedule 1 of SEPP 64.

(d) State Environmental Planning Policy (Infrastructure) 2007

The Application was referred to the RTA for comment in accordance with Clause 104 of the Infrastructure SEPP as the proposal is considered to be traffic generating development under Schedule 3.

The RTA initially had concern about the potential traffic implications of this proposal on the functioning of Carlisle Avenue, the Great Western Highway and the intersection of both roads. The RTA undertook its own traffic counts and requested that the applicant redesign the proposed access points. The RTA have now given their concurrence and conditions which includes the construction of a 75m long duplication of the right-turn bay in Carlisle Avenue along the southern approach to the Carlisle Avenue and Great Western Highway intersection. This work, along with all the RTA requirements, will be conditioned in any consent issued and are examined in more detail in Section 7.1 of this report.

(e) Blacktown Local Environmental Plan 1988

The land is zoned 4(c) Special Industrial under the provisions of Blacktown Local Environmental Plan (BLEP) 1988.

The proposal is defined as “Bulky Goods Retail Establishment”, “hardware store”, “plant nursery” and “timber yard”, which are all permissible forms of development within the 4(c) Zone subject to development consent .

Clause 9(3) of the LEP requires that development is to be *generally consistent with* one or more of the following objectives of the 4(c) Special Industrial Zone:

- “ (a) in addition to providing areas for accommodating both traditional and modern forms of light industrial, warehousing and like purposes, to accommodate development for the purposes of bulky goods retail establishments,*
- (b) to encourage development of, and accommodate innovation in, the sources of economic growth,*
- (c) to prohibit development likely to give rise to disturbances caused by air pollutants, water pollutants, other pollutants or noise pollution,*
- (d) to enable development for the purposes of retailing only where it is associated with, and ancillary to, light industrial purposes on the same land*

or where it serves the daily convenience needs of the local workforce, or is for the purposes of bulky goods retail establishments,

- (e) to enable development for the purposes of commercial offices only where it is associated with, and ancillary to, other permitted uses on the same land or where it serves the daily convenience needs of the local workforce,*
- (f) to ensure permitted development creates areas which are pleasant to work in and are safe and efficient in terms of transportation and land utilisation, and*
- (g) to enable development for the purposes of community facilities such as child care facilities either in association with or independent of other permitted development to serve the needs of the workforce of the area.”*

The proposed construction of a Home Improvement Store involving bulky goods retailing, hardware store, a plant nursery and timber product sales is considered to be consistent with zone objectives (a), (b), (d) and (f). The development is therefore a permissible land use with the approval of the consent authority.

(f) Blacktown Development Control Plan 2006

The proposed development is subject to the requirements contained within Blacktown Development Control Plan (BDCP) 2006. In this regard the following parts of the DCP are applicable to the assessment of the application:

Part A Introduction and General Guidelines

Part E Development in the Industrial Zones

The proposal's compliance with Part A and Part E of BDCP 2006 is discussed in detail under Section 9 of this report. The proposal is fully compliant with the provisions of the DCP.

6 External Referrals

6.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

Agency	Comments
Roads and Traffic Authority (RTA)	<p>The RTA and the Sydney Regional Development Advisory Committee (SRDAC) were consulted in regard to the proposal. Final concurrence was granted on 13 October 2011, with the applicant requested to liaise with the RTA regarding engineering specifications, changes to traffic signals and work authorisation deeds. The content of earlier feedback from these bodies is provided below:</p> <p>(i) The use of the left-in access with deceleration lane onto the Great Western Highway is suitable for the proposed use, but it is preferential that its use be confined to the subject site and not used by customers/vehicles to access the neighbouring allotments to the west. It was suggested that the gate at the entrance to the loading dock be reserved for emergencies. A layback is to be provided on the kerb at this location for the use of emergency vehicles,</p>

Agency	Comments
	<p>appropriately signposted and not obstructed by parked vehicles.</p> <p>Planning comment:</p> <p>These works will be conditioned in any Consent issued.</p> <p>(ii) The access point on the Great Western Highway shall be used both by customers of the hardware store and the largest light vehicle (including emergency vehicles) for which it is anticipated will enter the site at this access point. This access point is to be clearly delineated via line marking, kerb, gutter, layback treatments and signposting to ensure that all vehicles proceed to the general car parking area on entering the property. All heavy vehicles accessing the loading dock are to enter at the access point on John Hines Avenue.</p> <p>Planning comment:</p> <p>These works will be conditioned in any Consent issued.</p> <p>(iii) The RTA raised no objection to the “left-in/left-out” access from Carlisle Avenue. The applicant was advised, however, to provide a duplicate right-turn bay, 75m long, on the southern approach on Carlisle Avenue to the Great Western Highway and Carlisle Avenue intersection. The existing median is to be reduced in width and provided with an appropriate median barrier treatment such as an Elsholz or TRIEF kerb treatment with pedestrian fencing above, to accommodate the additional lane.</p> <p>Planning comment:</p> <p>These works will be conditioned in any Consent issued.</p> <p>(iv) The RTA has now granted in-principle agreement to Plan No. SK1.01 Rev. 3 Job No. 11146. Refer to Attachment 5 to this report for a copy of the RTA letter and approved plan.</p> <p>Detailed engineering plans and traffic signal plans are to be submitted to the RTA for approval prior to construction.</p> <p>In essence the Plan approved by the RTA requires the applicant to reconfigure the lanes at the intersection of the Great Western Highway and Carlisle Avenue so as to include the 75m long additional right-turn lane and narrowing of the central median and adjacent lanes as outlined in iii. above.</p> <p>The Applicant will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. This WAD is to be executed prior to the RTA's assessment of the detailed civil design plans.</p> <p>Planning comment:</p> <p>The RTA approved plan will form part of the DA approved plans and the Works Authorisation Deed will be included as a condition of any consent issued.</p>

7 Internal Referrals

7.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering	No objections raised subject to conditions of consent.
Drainage	No objections raised subject to conditions of consent.
Building	No objections raised subject to conditions of consent.
Traffic	Traffic Management Services (TMS) advised that no objections are raised to the proposal subject to the concurrence of the RTA and to a condition of consent including ensuring the carpark design compliance with AS 2890.1-2004. Further, as the RTA owns and manages the Great Western Highway and Carlisle Avenue, they are the roads authority for this proposal. The RTA has provided its concurrence to vehicular access to these roads and as such TMS considers this arrangement to be satisfactory.
Land Projects	No objections raised to the proposal in relation to proximity to Council assets.

8 Public Comment

8.1 The Development Application was notified in accordance with Blacktown Development Control Plan Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants, and was advertised in the local newspapers for a period of 21 days from 2 March to 23 March 2011. As a result of the notification period a total of 2 submissions were received. The issues raised within the submissions are addressed below.

8.2 Submission 1 – Nicole Lennon from the RPS Group on behalf of the Bunnings Group

- (a) Access to the site from the Great Western Highway (GWH) should not be supported.

Planning Comment:

- The proposed left-in only deceleration lane is considered acceptable in this instance. A request for a SEPP No. 1 variation has been submitted by the applicant as part of the application to support the access to the GWH and Carlisle Avenue. The provision of access to GWH is considered acceptable as the provision of additional ingress/egress points to the site will ensure traffic movements within the area are evenly spread and not restricted to Kippist Avenue and John Hines Avenue.
- The proposed access arrangements to the site are generally consistent with those previously approved by Council in 2007 for a bulky goods development wherein the RTA provided concurrence.
- The RTA has given its concurrence to a left-in only access being permitted from the GWH into the site.

- (b) Where access is proposed from the Highway, consideration should be made towards redesigning the access point and formalising a planned internal road network for the entire precinct.

Planning Comment:

- The Minchinbury Industrial Area is subject to a DCP road pattern adopted by Council in the 1980s to facilitate the orderly development of roads and lots in the area. The subject land will be served by a DCP road pattern which will be constructed as part of a separate but concurrent subdivision into 3 industrial lots and roads.
- It is not considered necessary to amend the proposed internal road layout. The proposed development ensures that the extension of John Hines Avenue will be constructed which will provide a greater level of access to sites located to the south of the subject property. The extension of John Hines Avenue is being undertaken at the full cost of the applicant / developer and will not only benefit the subject site but the entire precinct. It is anticipated that customers from adjoining businesses/retailers will benefit from the construction of the John Hines Avenue extension.
- The RTA has seen the need for this proposal to facilitate the upgrade of the intersection of the GWH and Carlisle Avenue, with the applicant required to construct a duplicated right-turn bay along the southern approach to the Carlisle Avenue and the GWH intersection.

- (c) Concerns access from Great Western Highway will set a precedent.

Planning Comment:

- It is not considered that approval of access to the GWH for this development will set a precedent. A SEPP No. 1 objection has been submitted which demonstrates that access to the GWH will benefit the proposal, but will ensure that traffic movements in the area are evenly spread.
- It is also noted that the RTA have supported the proposed access from the GWH on its merits and subject to significant upgrading work which will be **conditioned** on any consent issued.
- This is a curious objection given that Bunnings themselves have sought Council and RTA approval to a left-in slip lane from the Great Western Highway into their Bunnings store nearby, via a separate Development Application. The Bunnings request for a similar SEPP 1 variation to the access denial provisions in BLEP 1988 is to be reported to the same Council Meeting on 16 November 2001. This proposal is no different to the Bunnings proposal and, as the RTA have supported both applicants' requests for access to the Great Western Highway, both should be supported.

- (d) Concerns are raised that there are a number of incorrect assumptions about the distribution of traffic within the surrounding street network that potentially misrepresents the forecasted effects the development will have on the street network.

Planning Comment:

- As outlined earlier, a Traffic Report prepared by Colston Budd Hunt and Kafes Pty Ltd submitted with the application undertook a comprehensive traffic and parking analysis of the proposed development, including the implications on existing traffic movements. The report states that the proposed development is likely to have its greatest effect during weekday afternoon and Saturday peak periods when it combines with commuter and other traffic.
 - The Home Improvement Store is likely to generate some 2.5 and 4.5 vehicles per hour per 100sqm during weekday afternoon and Saturday peak periods respectively. On this basis the proposed development would generate some 340 and 610 vehicles per hour two-way during weekday afternoon and Saturday peak hours.
 - The report concluded that the road network will be able to cater for the additional traffic from the proposed development.
 - The RTA, when considering the proposal, also undertook its own traffic counts to determine what upgrading works were required to both the GWH and Carlisle Avenue (as advised to Council in the RTA's correspondence dated 19 April 2011).
 - Both Council's TMS and the RTA have considered the applicant's report and have supported the proposal subject to site layout changes and **conditions** including the duplication of the right-turn bay along the southern approach to the Carlisle Avenue/GWH intersection.
- (e) The peak hour traffic flow figures provided in the Traffic Report assume that a large percentage of additional traffic will be entering and exiting the site via John Hines Avenue, however, this Avenue has been physically set up only for service vehicle entry points which would not make up the majority of traffic generated to the site. The plans clearly make the Carlisle Avenue entry point the major access and egress to and from the site and the Traffic Report should reflect this and accurately assess the effects on the road system.

Planning comment:

- This concern is acknowledged. As such the RTA have seen fit to require this proposal to also upgrade Carlisle Avenue in the manner outlined above to cater for the additional traffic to be generated by this proposal.
 - John Hines Avenue has been designed and will be constructed to accommodate all traffic as a local industrial road. A percentage of traffic entering the site will utilise the John Hines Avenue entrance which will be constructed prior to the occupation of the premises. However, of these traffic movements John Hines Avenue will be solely utilised for service vehicles accessing the loading bay. It is considered that the Traffic Report submitted with the application is satisfactory and addresses the issues pertaining to traffic in a satisfactory manner.
- (f) For John Hines Avenue to play a more major role in the distribution of traffic in terms of egress and ingress, the Carlisle Avenue service road should line up directly with the John Hines Avenue entry/exit, creating a more apparent and legible exit and entrance to the subject site and the overall bulky goods precinct.

Planning Comment:

- John Hines Avenue is a road that can cater for industrial traffic from this land.
 - The proposed access arrangements are considered satisfactory and have been designed to ensure safety for vehicles entering and exiting the site.
 - The proposed access arrangements to the site have been checked by the RTA and the RTA has provided **conditions** to be imposed in any consent issued.
- (g) Concerns that the signage details submitted are inadequate. The height is considered excessive and should be reduced to 10 metres.

Planning comment:

- The 3 proposed pylon signs will have a maximum height of 12 metres which is considered excessive.
 - This is a valid concern and Council usually only supports signs up to 10m high. A condition will be imposed requiring the pylon sign to be reduced to a maximum height of 10m.
- (h) The signage was also referred to the RTA as part of the SEPP 64 assessment and they had no objections to the proposal. The signs have been assessed against the provisions of SEPP 64 and are considered compliant with the exception of the 3 pylon signs which are to be reduced in height to a maximum of 10m.
- (i) The plans show tanks and sprinkler equipment on the north-western portion of the site in front of the building line. Concerns are raised these protrude into the 20m front setback and will be in full view from the public. To improve the proposal's presentation to the street the utility structures should be relocated deeper into the site and out of view.

Planning comment:

- The tanks and sprinkler systems, whilst located within the 20 metre front setback, are located 13 metres from the property boundary and are to be appropriately screened by landscaping to lessen the view from the public. It is considered that, with appropriate landscape screening, the location of the tanks and sprinkler systems are adequate and their relocation to an alternate location is not warranted.
- (j) The construction of the remainder of John Hines Avenue should be a condition of consent to be completed prior to the occupation of the premises, to ensure the road network can cater for additional traffic.

Planning comment:

- The applicant has confirmed that the extension of John Hines Avenue will be constructed prior to the occupation of the building via the subdivision application. A **condition** of consent will be imposed ensuring completion of all works including roads associated with the subdivision and the registration of the subdivision application prior to the issue of any Occupation Certificate for this proposal.

8.3 Submission 2 – John Vassallo c/o Pace Farm Pty Ltd – 1 Kippist Avenue, Minchinbury

- (a) Traffic mitigating measures should be put in place to assist with traffic flow in the area. Concerns that the proposal will generate thousands of additional traffic movements per day which will impact the existing road network which is already running at capacity.

Planning comment:

- The submission does not specify what traffic mitigating measures should be put in place. It is considered that satisfactory conditions will be imposed, including the construction of John Hines Avenue, prior to the occupation of the premises in the manner outlined above.
- The application has been supported by a Traffic Report which concluded that the proposed traffic arrangements are suitable and the proposed development would have the greatest effect during the weekday afternoons and Saturday peak periods when combined with existing traffic.
- The application, in addition, has been reviewed by the RTA and Council's Traffic Management Section who have raised no objections to the proposal subject to **conditions** including the upgrading of the Carlisle Road/GWH intersection. They have confirmed that the proposed development will not adversely impact on the existing road network.

- (b) The applicant should be required to construct or facilitate through the RTA traffic on and off ramps in an easterly direction off Roper Road to the M4 Motorway.

Planning Comment:

- The construction of road works associated with the M4 Motorway are external to this application and are of the responsibility of the RTA. The Traffic Report submitted with the application demonstrates that the existing road network will be able to cater for the proposed increased traffic associated with this development.

9 Council Assessment

- 9.1 An assessment of the key issues relating to the proposed development is presented below:

9.2 Compliance with BDCP 2006 – Part E – Development in the Industrial Zones

The application has been assessed against the numerical controls contained within Part E of BDCP 2006 and is considered satisfactory. Refer to **Attachment 6** for DCP Compliance Table.

9.3 Site Analysis

The site is located at the corner of the Great Western Highway and Carlisle Avenue and is currently vacant. The establishment of a bulky goods retail premises has been designed taking into consideration the site's location as a gateway site into the bulky goods retailing area of Minchinbury. The building is compatible with adjoining premises and is considered satisfactory.

9.4 Building Frontages and Entries

The site is considered to be a gateway site within the Minchinbury Bulky Goods Retailing Precinct. The building has been setback from the Great Western Highway by 20.6 metres and 61.8 metres to Carlisle Avenue. This provides adequate opportunity for landscaping and car parking to be provided within this area.

9.5 Setbacks

The proposal achieves compliance with the minimum setback requirements as contained within BDCP 2006 Part E, with a building setback of 20.6 metres from the Great Western Highway and 61.8 metres from Carlisle Avenue. Car parking is provided within the setback area and will be adequately screened by landscaping.

9.6 Access, Traffic and Parking

- (a) The proposed access arrangements are considered satisfactory and concurrence has been received from the RTA with respect to the access arrangements from the Great Western Highway and Carlisle Avenue. With the construction of John Hines Avenue to be completed prior to the occupation of the bulky goods retail premises, adequate vehicular access is provided to the site.
- (b) An internal road system is provided which allows vehicular movements within the site from entry/exit points to all car parking spaces. In addition a two way driveway is located along the southern boundary which provides a direct link from Carlisle Avenue to John Hines Avenue and will also provide vehicular access to the future development site south of the proposed development.
- (c) The proposed on-site car parking provision is considered satisfactory and achieves compliance with the numerical controls of BDCP 2006 Part E which requires a minimum of 302 spaces to be provided. The site provides 387 spaces, including 8 disabled spaces and 16 spaces for management staff. All spaces achieve compliance with AS2890.1. A **condition of consent** shall be imposed on any operational consent ensuring a minimum of 387 spaces are provided and all spaces and aisle widths comply with the relevant Australian Standards.

9.7 Landscaping

- (a) The Applicant has submitted detailed landscape plans which show the provision of suitable landscaping within the setbacks along the Great Western Highway, Carlisle Avenue and John Hines Avenue. Landscaping bays are provided within the carpark.
- (b) Suitable species have been chosen for planting within the site, including spotted gum trees along the street frontage to the Great Western Highway and Carlisle Avenue, with provision of low shrub planting capable of growing to a height of 1 – 1.5 metres to screen the car parking area.
- (c) Screen planting is proposed along the western boundary to screen the loading dock and the rear of the building. In addition, screen planting is proposed to screen the sprinkler tanks and pump room along the western boundary.
- (d) Council will **condition** for the full compliance by the applicant with the landscape plans as submitted with the DA prior to occupation of the development.

9.8 Utilities and Infrastructure

The proposed construction of a bulky goods warehouse is not considered to adversely impact on existing utilities or public infrastructure. Council will **condition** the applicant to make suitable arrangements with utility agencies.

9.9 Fire Safety

The site is not designated as a bush fire prone property. However a **condition** of consent will be imposed to require the applicant to submit to the Principal Certifier, as part of any Construction Certificate, a Fire Safety Study to ensure that fire resistant materials are used for the construction of the premises and that the proposed building meets the fire ratings as per the Building Code of Australia (BCA).

9.10 Noise and Vibration

To minimise noise and vibration as a result of construction work, a standard **condition** of consent will be imposed for work, including excavation and construction activities associated with the development, and including the delivery of material to and from the site so as to meet the DECCW 2009 Construction Noise Guidelines.

9.11 Safety by Design

The proposed development is unlikely to contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The occupation of the premises as a bulky goods retailer will have CCTV and security measures in place to limit opportunities for crime. In addition, the design of the building provides limited concealed areas.

9.12 Impacts during Construction

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment, including hours of construction and the submission and approval of a Traffic Management Plan for construction.

9.13 Social and Economic Impact

It is considered the development of a bulky goods warehouse will complement the existing bulky goods precinct as well as the wider local government area. The proposed development is not expected to have any adverse social or economic impact.

9.14 ESD

The development satisfactorily responds to Ecologically Sustainable Development principles. Whilst the proposal has no provision for solar power within the facility, other measures are proposed as follows:

- A Building Management System (BMS) will be installed to manage the use of artificial light throughout the facility. The BMS can ensure that lighting is only used when offices/lunchrooms/amenities are occupied (via movement sensors when fitout installed). The BMS is also able to be programmed to measure the availability of natural light within the main building to operate artificial lighting as required.
- Masters will engage a suitable contractor to undertake ongoing building tuning functions to ensure that services are operating effectively and ensuring optimum customer/staff comfort. Building tuning will occur regularly following practical completion for the extent of the warranty period.

- A Building User's Guide will be produced to optimise the building's environmental performance through the availability of information. This document allows the transfer of knowledge from designers and builders to Masters and respective property managers.
- A reduction in potable water usage is achieved through rainwater harvesting. A rainwater tank will be installed on site to collect rainwater for the purposes of toilet flushing and irrigation.
- AAA rated hydraulic fixtures will be fitted throughout the facility to ensure that water is used efficiently.
- Translucent sheeting will be installed on the main roof to maximise natural light availability. As described previously, the BMS can monitor natural light levels to determine whether artificial light is required.
- Proposed landscaping includes a selected range of native ground covers, shrubs and non-deciduous trees native to the local area. Native species are selected for their tolerance of local weather conditions and their ability to attract native wildlife to the area.
- An automatic drip line garden irrigation system will be installed to all landscaped areas surrounding the office and site entry. This system is fed from the rainwater tank and would include a manual override function to provide flexibility to reflect conditions.
- More details of ESD initiatives will be determined during detailed design activities following development approval. This will include specifications for energy efficient lighting, mechanical systems, insulation and the like which are subject to detailed design.

9.15 **Water Management**

The application has been reviewed by Council's Drainage Engineer and Development Engineer who have raised no objections to the proposal subject to the implementation of conditions of consent.

9.16 **Soil Management**

The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation. A **condition** of consent will require the applicant to ensure the proposal is carried out in compliance with erosion and sedimentation measures.

9.17 **Site Contamination and Salinity**

SEPP 55 – Remediation of Land requires Council to consider whether a site is contaminated and, if the site is contaminated, if it is suitable for the proposed development. Development Application No. 98-1375 approved the filling of the land and ancillary drainage works to be undertaken on the site. This approval endorsed a Contamination Report prepared by Johnstone Environment and a Site Audit Statement confirmed the site had been remediated to a suitable condition for the proposed use.

The Subdivision Application DA-10-2765 has also been **conditioned** for site works and a fresh site contamination signoff by a Site Auditor. However, in the event that construction of this proposal commences in advance of the registration of the subdivision, a **condition** will be imposed on any consent issued for this proposal that a Site Audit Statement

prepared by an EPA Site Auditor accredited by DECCW is to be submitted confirming that this site has been remediated to a standard suitable for a bulky goods retail centre. As a precautionary measure to ensure the site is remediated satisfactorily, a **condition** of consent has been imposed on the consent for works to cease if contamination is found during works and for the site to be further remediated.

With regard to salinity, the land is also subject to a Salinity Management Plan (SMP) as part of the subdivision. In the event that the proposal commences prior to the subdivision certificate, a salinity signoff from a suitably qualified consultant is to be submitted confirming that the SMP has been met.

9.18 Waste Minimisation and Management

The proposal is not expected to generate any significant amounts of waste. Waste facilities are provided within the site to manage waste during operating hours.

9.19 Section 94 Contributions

The redevelopment of the site is subject to Section 94 Contributions Plan No. 1 – 1980s Release Areas for Ropes Creek Trunk Drainage Catchment and Ropes Creek Flood Mitigation contributions. A **condition** of consent will be imposed requiring Section 94 Contributions to be paid prior to the release of the Building Construction Certificate, if not earlier paid for on the subdivision prior to the release of the Subdivision Certificate.

10 Section 79C Consideration

10.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) is summarised below:

Heads of Consideration 79C	Comment	Complies
(a) the provisions of : i. any environmental planning instrument (EPI) ii. any development control plan iii. the regulations	The provisions of the relevant EPIs relating to the proposed development are summarised under Section 5 of this report.	Yes
(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	An assessment of the key issues is provided in Section 9 of this Report and it is considered that the likely impacts of the development, including traffic, noise, parking and access and the like, have been satisfactorily addressed.	Yes
(c) the suitability of the site for the development	The subject site is zoned 4(c) Special Industrial and the zone permits bulky goods retailing, a hardware store, plant nursery and timber yard with consent. The proposal has been designed taking into consideration the site constraints and access	Yes

Heads of Consideration 79C	Comment	Complies
	arrangements. The site is considered suitable for the proposed development.	
(d) any submissions made in accordance with this Act, or the regulations	As noted in Section 8 of this Report, a total of 2 submissions objecting to the proposal were received. It is considered that the issues raised do not warrant refusal of the application and the issues can be addressed via suitable conditions of consent.	Yes
(e) the public interest	No adverse matters relating to the public interest arise from the proposal given that the traffic issues have now been addressed to the RTA's satisfaction.	Yes

11 General Comments

- 11.1 The application has been comprehensively assessed against the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. Overall, it is considered that the proposed development is satisfactory and is unlikely to have any significant environmental, social or economic impacts on the surrounding locality.
- 11.2 The proposal is consistent with Blacktown Local Environmental Plan 1988 and the proposed uses are permissible within the 4(c) Special Industrial Zone subject to development consent.
- 11.3 The application has been assessed having regard to Blacktown Development Control Plan 2006 Part E and is considered satisfactory in terms of setbacks, height, signage, provision of on-site car parking and landscaping subject to conditions of consent.
- 11.4 The SEPP 1 variation sought by the applicant to enable light vehicle access via Carlisle Avenue and the Great Western Highway is considered reasonable in the circumstances and is recommended to be supported.
- 11.5 Overall, the grounds for objection are not considered sufficient to warrant refusal of the application as the RTA has ensured that the applicant will upgrade the Carlisle Avenue/GWH intersection to cater for the increased traffic demand arising from this proposal.
- 11.6 It is **recommended** that the construction of a Home Improvement Store, ancillary office, car parking, landscaping and signage for a “Masters” store on the subject site be approved subject to appropriate conditions as documented at **Attachment 7** of this Report.

12 Recommendation

- The SEPP 1 Variation to Clause 22 of BLEP 1988 be supported and be included in the quarterly return submitted by Council to the NSW Department of Planning and Infrastructure.

2. The subject Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 7.
3. The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
4. The objectors be advised of the Sydney West Joint Regional Planning Panel's decision.

ADAM GAUNA
TOWN PLANNER

JUDITH PORTELLI
MANAGER DEVELOPMENT SERVICES & ADMINISTRATION

GLENNYS JAMES
DIRECTOR CITY STRATEGY & DEVELOPMENT

Attachments

Attachment No. 1	Development Application Plans
Attachment No. 2	Applicant's Traffic Report
Attachment No. 3	Applicant's SEPP 1 Submission
Attachment No. 4	SEPP 64 Schedule 1 Checklist - Compliance Table
Attachment No. 5	Correspondence from the Roads and Traffic Authority
Attachment No. 6	Blacktown DCP 2006 Compliance Table
Attachment No. 7	Draft Conditions of Consent