

Assessment against planning controls

1 Environmental Planning and Assessment Act 1979

a. Section 79C 'Heads of Consideration'

The development satisfies the matters for consideration under Section 79C of the Act as detailed below.

Heads of Consideration 79C	Comment	Complies
<p>a. The provisions of :</p> <ul style="list-style-type: none"> (i) Any environmental planning instrument (EPI) (iii) Any development control plan (DCP) (iv) The regulations 	<p>The proposal is considered to be generally consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury-Nepean River, SEPP (State and Regional Development) 2011, (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 64 – Advertising & Signage, Blacktown Local Environmental Plan 2015 the Draft West Central District Plan.</p> <p>The proposed development is a permissible land use within the IN2 Light Industrial zone and satisfies the zone objectives and development standards outlined under the Blacktown LEP. The portion of the site zoned SP2 Infrastructure (Classified Road) comprises landscaping works only, which is also permissible.</p> <p>Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of car parking, building setbacks and multi-tenanted industrial development. Refer to further discussion at Sections 8 and 11 of the assessment report.</p>	<p>No – proposed variation to parking requirements in BDCP 2015, but considered acceptable in circumstances subject to separate future DA/s for end user/s.</p>
<p>b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality</p>	<p>It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	<p>Yes</p>
<p>c. The suitability of the site for the development</p>	<p>The subject site is zoned IN 2 Light Industrial and SP2 Infrastructure (Classified Road) under BLEP 2015. Warehouse or distribution centres are permissible on the site with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the land uses adjoining the site. The site is located within close proximity to primary</p>	<p>Yes</p>

Heads of Consideration 79C	Comment	Complies
	motorways.	
d. Any submissions made in accordance with this Act, or the regulations	One comment was received. However this is not formally objecting to the application. The comment identifies that their site and building at 34 Huntingwood Drive is lower than the site the subject of this application, and should be protected from overland stormwater flows. This comment has been addressed in Section 9 of the assessment report and is addressed by engineering conditions of consent.	Satisfactory
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal maintains the historical use of this site for light industrial warehousing purposes, and provides new industrial units which are of a suitable quality.	Yes

2 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Blacktown LEP. The development complies with the development standards and controls established within the Blacktown LEP, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

3 State Environmental Planning Policy (State and Regional Development) 2011

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$21.8 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

4 State Environmental Planning Policy (Infrastructure) 2007

The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The proposed development has a total building floor area of 32,805 sqm and therefore triggers the threshold for referral to RMS. The development was referred to RMS, who advised that the application is acceptable, subject to conditions.

5 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.

The application is supported by a Stage 1 Environmental Site Assessment prepared by Environmental Investigation Services (EIS), Report, No. E29963Krpt, dated 20 December 2016. This assessment included soil sampling, the results of which did not encounter any concentrations of contaminants above the Site Assessment Criteria (SAC) adopted for this

assessment. This report states that areas of environmental concern (AEC) were identified on site as a result of fill materials at the southern section of the site, use of pesticides for agricultural purposes prior to 1988 and former buildings demolished prior to 1988 which may have consisted of hazardous building materials. However, the AEC identified pose a relatively low risk to the site receptors. Therefore, the report concludes that the site can be made suitable for the proposed development provided that the following recommendations are implemented to address the data gaps and to better characterise the risks:

- 1) Once the proposed development plans have been finalised, undertake an additional investigation to address the data gaps by further soil sampling and groundwater sampling.
- 2) Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work.
- 3) In the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works should stop and an environmental consultant should be engaged to inspect the site and address the issue.

To ensure these works are undertaken prior to the release of a Construction Certificate on the site for the proposed industrial use/s, suitable conditions are recommended to be imposed to address these matters and to ensure that the site is made suitable for the proposed development without any limitations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013. Based on the investigations undertaken by Environmental Investigation Services and recommended conditions of consent, this application is considered to satisfy the requirements of SEPP 55.

6 State Environmental Planning Policy No. 64 – Advertising and Signage

The aim of this SEPP is to improve the amenity of urban and natural settings by managing the impact of outdoor advertising. The policy responds to growing concerns from the community, the advertising industry and local government that existing controls and guidelines were not effective.

Three illuminated pylon signs are proposed to be located within the Huntingwood Drive street setback area at each of the three driveways. The contents of the pylon signage are to include the property address, Charter Hall logo and tenant logos. The dimensions of the proposed pylon signs is as follows:

Type	Width	Height	Area	Location
Pylon Sign	1.4 m	4 m	5.6 sqm	Heavy Vehicle Entrance
Pylon Sign	1.3 m	3.5 m	4.55 sqm	Unit 1 Entrance
Pylon Sign	0.8 m	2.8 m	2.24 sqm	Unit 2 Entrance

Directional / way finding signage for vehicles and pedestrians is also proposed within the site.

One business identification wall sign is also proposed to be erected on the southern façade of Building 1 with an area of 1.8 sqm (with a height of 1 m and a width of 1.8 m).

The signage is defined as a business identification sign as it indicates the name of the business carried out on the premises where the signage is displayed. Part 2 of the SEPP applies to signage generally, and states:

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 satisfied the assessment criteria specified in Schedule 1.

The signage complies with the objectives as outlined below:

Schedule 1

Schedule 1 of SEPP 64 sets out assessment criteria for signage including character of the area, views and vistas, streetscape, site and building, illumination and safety.

The following table indicates compliance with Schedule 1 of SEPP 64:

Criteria	Comment
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and future character of the area. The scale and location of the signage is consistent with the scale of the proposed development. The signs will have a high quality and consistent appearance which will complement the overall appearance of the site and its strategic location into the Huntingwood Industrial Estate.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are no areas of particular sensitivity that will be affected by the proposed signage. The signage is not viewed from any environmental area, open space or residential area.
Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signs will not obscure or compromise views. The signs will not dominate the skyline or reduce the quality of vistas. The proposed signage does not obstruct existing signage.
Does the proposal dominate the skyline and reduce the quality of vistas?	
Does the proposal respect the rights of other advertisers?	
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The size of the proposed signage is considered reasonable and in proportion to the building's scale, location and siting. The signs will be constructed of high quality and durable materials.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	
	The proposed signage is considered to be visually pleasing. The signs are consistent

Does the proposal reduce clutter by rationalising and simplifying existing advertising/ Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	for the height of the buildings and the use as a warehouse or distribution centres. Visual clutter is minimised and the signs do not dominate any façade with the signage.
Site and Building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building or both?	The proposed signage dimensions are considered appropriate for the size and overall scale of the buildings. The proposed signage has been appropriately positioned and proportioned to identify principal entries points for trucks, customers and staff.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable. Lighting safety devices are not required.
Illumination	
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is illumination subject to a curfew?	The illuminated signage is not considered to result in unacceptable glare. The illuminated signage is not considered to affect safety. The illuminated signage is not considered to detract from the amenity of any residential property. The intensity of the illuminated signage is considered to be satisfactory in the context of this industrial precinct. The illuminated signage is not required to have a curfew in this industrial precinct.
Safety	
Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	It is not considered that the signage will reduce the safety for people moving along any public road, or reduce the safety of pedestrians or cyclists.

7 Blacktown Local Environmental Plan 2015

BLEP applies to the site. The land is zoned IN2 Light Industrial and SP2 Infrastructure (Classified Road) under Blacktown Local Environmental Plan 2015 (BLEP 2015). The

proposed warehouse or distribution centres are permissible within the IN2 Light Industrial zone with consent. The development complies with the minimum lot size development standard of 4,000 sqm and satisfies the requirements of clause 5.10 Heritage Conservation and clause 7.3 Riparian land and watercourses.

8 Blacktown Development Control Plan 2015 (DCP)

The provisions of the Blacktown Development Control Plan 2015 (BDCP), in particular Part E – Development in the Industrial Areas are relevant to the proposal as considered in the table below. The proposal complies with the controls established in the DCP, with the exception of the provision of car parking, building setbacks and multi-tenanted industrial development.

Section	Comment	Complies
Part A		
Car parking	<p>The parking provision has been assessed on merit.</p> <p>Council's ATMS have reviewed the proposal and also consider the proposed car parking to be satisfactory subject to all car parking spaces being provided as permanent car parking spaces.</p> <p>Refer to Section 11 of the Assessment Report for further discussion.</p>	No, but is satisfactory, based on a merit assessment.
Part E		
3.1 Minimum subdivision lot size	N/A Subdivision is not proposed.	N/A
3.2 Minimum lot width	The existing lot width is maintained.	Yes
3.3 Battle-axe shaped allotments	N/A	N/A
4.1 Setbacks	<p>The proposal satisfies the 20 m building setback to the rear boundary (to the Great Western Highway) with a 10 m landscaped buffer to Great Western Highway.</p> <p>A minor portion of the building and the sprinkler tank and associated screening are within the 10 m setback to Huntingwood Drive. Refer to Section 8.1 of the assessment report for further discussion.</p> <p>All car parking is clear of the 10 m setback to Huntingwood Drive.</p> <p>Suitable side building setbacks are provided with driveways and landscaping.</p>	<p>Yes</p> <p>No, minor variation proposed.</p>
4.2 Landscaping	<p>The proposal provides for landscaped setback areas and conceptually indicates a suitable mix of trees and shrubs to soften the appearance of the development.</p> <p>Council's Project Officer, Civil and Open Space requires:</p> <ul style="list-style-type: none"> - the existing trees to be relocated and incorporated into the overall landscaping of 	Yes, subject to conditions of consent.

	<p>the site to satisfy this control.</p> <ul style="list-style-type: none"> - the tree planting in car park 1, car park 2, along the warehouse wall and the western boundary are to be revised to provide trees which achieve at least 50% shade at 10 metre maturity. <p>These will be addressed via conditions of consent.</p>	
4.3 Consideration of adjoining land	<p>The site is not located in proximity to any sensitive land uses including residential areas and therefore will have no adverse amenity impacts. The potential visual and acoustic impacts of the development will be minimised through the employment of high standard design and operation measures and will be compatible with surrounding land uses within the Huntingwood Industrial Estate.</p>	Yes
4.5 Building design and construction	<p>The building facades are rectilinear in design and are to be constructed in a varying arrangement of colorbond metal wall sheeting with a mix of grey tones, vertical alucobond panels in white, painted concrete wall panels, glazing and translucent acrylic sheeting for the office areas.</p> <p>The overall arrangement of the building form, colours, materials and complementary landscaping is satisfactory.</p> <p>The proposal is capable of satisfying the relevant requirements of the BCA including fire safety.</p>	Yes
4.6 Open storage areas	<p>No open storage areas are proposed. This will be conditioned accordingly.</p>	Yes
4.7 Vehicular access and circulation	<p>Three vehicular access points are proposed off Huntingwood Drive which provides direct access for the truck loading areas and the car parking areas for Buildings 1 and 2.</p> <p>Site entry points and internal circulation and parking areas are clearly defined to facilitate safety for pedestrians and vehicles.</p> <p>All vehicular movements will be in a forward direction.</p> <p>All areas of the site accessible to trucks will be designed in accordance with Austroads standards to facilitate the manoeuvring of the largest type of truck expected to service the site.</p> <p>The proposal is also accompanied by a traffic report which identifies that the proposed development is suitable within the existing and proposed road network.</p>	Yes

4.8 Car parking	<p>In addition to earlier comments on car parking, car parking will be located behind the minimum setback area and will be easily accessible for the use of staff and visitors.</p> <p>No stacked parking is proposed.</p> <p>The proposal provides 3 spaces for disabled drivers which is acceptable.</p> <p>All vehicular areas will be sealed with hard-standing, all-weather material. Direction arrows will be painted on roadways to guide vehicular movements.</p> <p>Directional signage will be integrated with the design of the development and suitably located to achieve legibility and a consistent visual outcome.</p>	Yes
Part 5 Specific Controls for the Huntingwood Estate		
5.3 Multi-tenanted industrial development	<p>The proposal seeks to establish a multi-tenanted development for only 2 large units over a 5 hectare site.</p> <p>Refer to Section 8.2 of the Assessment Report for further discussion.</p>	Satisfactory, based on a merit assessment.
Part J		
Water Sensitive Urban Design & Integrated Water Cycle Management	<p>Council's Development Services Engineering and Asset Design sections have undertaken an assessment of the proposal in accordance with the requirements of BDCP Part J.</p> <p>Accordingly, appropriate Engineering conditions have been included and sufficient information has been provided to satisfy the requirements of BDCP Part J.</p>	Yes

9 Draft West Central District Plan

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of development applications, an assessment of the Draft West Central District Plan has been undertaken. The proposal is consistent with the 20 year vision and overarching priorities set out in the Draft West Central District Plan 2016 and is considered to be a positive contribution to this district's economic and employment opportunities.