

<b>DATE OF DETERMINATION</b>	12 October 2022
<b>DATE OF PANEL DECISION</b>	10 October 2022
<b>DATE OF PANEL MEETING</b>	6 October 2022
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Carol Vale, Chris Quilkey, Moninder Singh
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 21 September 2022.

#### **MATTER DETERMINED**

**PPSSCC-259 – Blacktown - SPP-21-00007** - Archbold Road, Eastern Creek - Construction and operation of a warehouse and distribution facility including a warehouse and distribution space, main ancillary office and dock office, hardstand area for heavy vehicle manoeuvring and marshalling, provision of 281 car parking spaces, signage and retaining walls.

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council assessment report.

The Panel considered the written representations from the applicant in response to Council's draft conditions of consent. The Panel agreed that the recommended 300 additional car parking spaces were unnecessary given the nature of the proposed use, subject to the provision and implementation of a satisfactory 'Green Traffic Plan'.

Subject to amendments to ensure the validity of the conditions, the Panel did not agree to the applicant's proposals to delete or amend conditions aimed at protecting the important biodiversity values, which also enable a Connection to Country, of the adjacent Cumberland Plain Woodland.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council assessment report with the following amendments:

- Delete Condition 1.4, with all deferred condition numbers after than renumbered and shifted upwards.
- Replace the original Condition 1.5, renumbered as 1.4, with the following condition:

The Applicant must provide Council with a report from a suitably qualified drainage engineer which

a) demonstrates, to the satisfaction of Manager Asset Design that:

- i) the annual volume and annual average and maximum flow rate of the flow of water from the development site to the C2 Primary Conservation zoned land adjacent to the development footprint on Lot 2 DP 1145808 during the operation of the proposed development will be the same as, or less than, what it is prior to the commencement of construction of the proposed development; and
- ii) the water quality of the flow of water from the development site to the C2 Primary Conservation zoned land adjacent to the development footprint on Lot 2 DP 1145808 during the operation of the proposed development will be the same as, or better than, what it is prior to the commencement of construction of the proposed development; and

b) describes, to the satisfaction of Manager Asset Design, the measures to be used as part of the proposed development to achieve the outcomes in (a) above.

The reason for this condition is to mitigate the impacts of the proposed development on nearby land, and especially ecological communities on nearby land.

- Replace the table in Condition 4.4.1 with the following table:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Approved variation
849	5	Cumberland	None
1071	3	Cumberland	None

- Delete from Condition 6.2.2, the words:

“(this is separate to the 300 provisional parking spaces shown on title of adjoining land benefitting this site)”

- Add new Condition:

14.9.9

The applicant must provide Council with a certificate from a suitably qualified drainage engineer that the measures proposed in paragraph (b) of “deferred commencement” condition 1.5:

- a) have been installed in accordance with the report required by “deferred commencement” condition 1.5 and the other relevant conditions of consent; and
- b) are in good working order and are fit for the purposes proposed or described in that report.

- Add new Condition:

14.11.13






The applicant is to submit to Council's Coordinator Traffic Management for approval, a Green Transport Management Plan. This is to ensure that the 281 parking spaces provided on site will be capable of accommodating the parking demand for all the employees of the expected end user.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during public exhibition. The Panel notes that issues of concern included:

- changes to the Kangaroo Avenue road alignment being contrary to the Precinct Plan.
- the status and configuration of Kangaroo Avenue.
- ongoing provision of utility services in relation to the shortened cul-de-sac alignment.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	David Ryan 
Carol Vale 	Chris Quilkey 
Moninder Singh 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-259 – Blacktown - SPP-21-00007
2	PROPOSED DEVELOPMENT	Construction and operation of a warehouse and distribution facility including a warehouse and distribution space, main ancillary office and dock office, hardstand area for heavy vehicle maneuvering and marshalling, provision of 281 car parking spaces, signage and retaining walls.
3	STREET ADDRESS	Archbold Road, Eastern Creek
4	APPLICANT/OWNER	Applicant: Arcadis Owner: IRM Property Group (No2)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Biodiversity Conservation Act 2016</li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Industry and Employment) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul> </li> <li>* Employment Lands Precinct Plan - Eastern Creek Precinct - Stage Three</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: N/A</li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 30 August 2022</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 23 November 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan, Chris Quilkey, Moninder Singh</li> <li>○ <u>Council assessment staff</u>: Jared Spies, Judith Portelli</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 6 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Carol Vale, Chris Quilkey, Moninder Singh</li> <li>○ <u>Council assessment staff</u>: Jared Spies, Judith Portelli, Nadeem Shaikh</li> <li>○ <u>Specialist environmental consultant</u>: Chris McLean</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval, Deferred Commencement
10	DRAFT CONDITIONS	Attached to the council assessment report