

# Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-271

## Development application

<b>DA number</b>	SPP-21-00008	<b>Date of lodgement</b>	24 June 2021
<b>Applicant</b>	Alan Goh		
<b>Owner</b>	Perpetual Trustee Company Ltd		
<b>Proposed development</b>	Demolition of existing buildings and hardstand areas, and tree removal. Construction of 3 warehouse buildings and distribution facilities with a total of 10 tenancies and ancillary offices, landscaping, signage and car parking.		
<b>Street address</b>	201 Power Street, Glendenning		
<b>Notification period</b>	23 July to 6 August 2021	<b>Number of submissions</b>	0

## Assessment

<b>Panel criteria</b> Schedule 6, Section 2 of State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> <li>Capital investment value (CIV) over \$30 million (This development application has a CIV of \$79 million)</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Central City District Plan 2018</li> <li>Blacktown Local Strategic Planning Statement 2020</li> <li>Blacktown Local Environmental Plan 2015</li> <li>Blacktown Development Control Plan 2015</li> </ul>
<b>Report prepared by</b>	Jared Spies
<b>Report date</b>	5 April 2022
<b>Recommendation</b>	Approve, subject to conditions listed in attachment 7.

## Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Assessment against planning controls
- 7 Draft conditions of consent

## Checklist

Summary of section 4.15 matters

Yes

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report?

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report?

Yes

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report?

Not applicable

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

Not applicable

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**Conditions**

Have draft conditions been provided to the applicant for comment?

Yes

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## **1 Executive summary**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- the list of matters raised by the Panel at its 23 November 2021 briefing, which have been addressed by the applicant
  - a proposed deferred commencement consent to address concerns from our Drainage and Planning sections
  - removal of 85 trees, which is considered acceptable due to the number of replacement trees, which exceeds the number of trees to be removed
  - the applicant's proposed a variation to the maximum retaining wall height provisions prescribed by Blacktown Development Control Plan 2015. This is considered acceptable in this circumstance as detailed in Section 8
  - the applicant's proposed variation to the landscape provisions prescribed by Blacktown Development Control Plan 2015. Due to turban heat issues, as also previously raised by the Panel, the provision of trees in the at-grade car parking areas should be adhered to. The details of the tree planting and the relocation of displaced parking are included as deferred commencement conditions.
  - comments received from Transport for NSW, which have been reviewed by Council
  - the applicant's proposal to operate the facility 24 hours a day, 7 days a week, which is considered acceptable since these are typical operating hours for distribution facilities.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed at attachment 7.

## **2 Location**

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- 2.1 The site is located at 201 Power Street, Glendenning. It is on the corner of Power Street and the offramp of the M7 motorway onto Power Street, Glendenning.
- 2.2 The character of the area surrounding the site is dominated with well-established industrial uses to the north, south and east. The Plumpton residential area is to the west of the site and well separated from it by the M7 motorway, which has a road reservation width of 70 m. In addition, there are existing acoustic and visual barrier walls between the houses and the motorway approximately 5 m high.
- 2.3 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The site is legally described as Lot A DP 399872, Lot 100 DP 1043436 and Lot 2 DP 1023181.
- 3.2 The site is irregular in shape and has a registered area of 5.257 ha. The site has a frontage of 269 m to the M7 motorway adjacent to its western boundary and a frontage of 185 m to Power Street adjacent to its southern boundary. The site has 3 existing vehicular access driveways off Power Street.

- 3.3 The site is currently occupied by Valspar's administration building and associated car park as well as old hard stand areas from demolished industrial buildings.
- 3.4 The site is zoned IN1 General Industrial under Blacktown Local Environmental Plan 2015.
- 3.5 No height limit or floor space ratio applies to the site.
- 3.6 An aerial image of the site and surrounding area is at attachment 2. The zoning plan for the site and surrounds is at attachment 3.

## **4 Background**

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- 4.1 The site has historically undergone assessment and determination for several applications as follows:
  - 4.1.1 DA85-6051D: Paint and resin factory approved 21 November 1985
  - 4.1.2 DA-92-19D: Construction of office and amenities approved on 30 January 1992
  - 4.1.3 DA-95-145S: Subdivision approved on 13 November 1995
  - 4.1.4 DA-08-2478: Glazed gallery to the front entry of the existing building
  - 4.1.5 DA-13-2362: Additions and alterations to existing office building
  - 4.1.6 DA-18-01775: Retention of the administration building and the existing car parking and the decommissioning and demolition of all buildings and infrastructure associated with the Valspar paint and resin factory, including demolition of all manufacturing and storage facilities.
- 4.2 The application was lodged in June 2021 and has been under assessment for 10 months. Determination has been delayed to adequately assess the stormwater drainage and flooding impacts associated with the proposal.
- 4.3 The Panel, at its regular update meeting with Council in March 2022, requested assessment proceed on the basis of including the deferred commencement conditions so that the application could be determined without delay.

## **5 The proposal**

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- 5.1 The development application was lodged by Alan Goh. The applicant proposes:
  - demolition of buildings and hardstand areas
  - removal of 85 and retention of 4 trees, as well as new plantings as referred below
  - site preparation and civil works
  - construction of 3 separate warehouse buildings, with a total of 10 tenancies and ancillary office areas
  - 2 vehicular site accesses via Power Street
  - car parking provision for 281 cars (inclusive of 37 deferred bays for the provision of smaller delivery vehicles)
  - landscaping that will include provision for 106 new trees, various shrubs and ground covers
  - business identification signage
  - 24 hours, 7 days a week operations.
- 5.2 Amended landscape plans that provide improved landscaping were submitted on 23 November 2021, but the architectural plans have not required amendment.

- 5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

## **6 Assessment against planning controls**

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- 6.1 A full assessment of the development application against relevant planning controls is at attachment 6, including:
- Environmental Planning and Assessment Act 1979
  - State Environmental Planning Policy (Biodiversity and Conservation) 2021
  - State Environmental Planning Policy (Industry and Employment) 2021
  - State Environmental Planning Policy (Planning Systems) 2021
  - State Environmental Planning Policy (Resilience and Hazards) 2021
  - State Environmental Planning Policy (Transport and Infrastructure) 2021
  - Central City District Plan 2018
  - Blacktown Local Strategic Planning Statement 2020
  - Blacktown Local Environmental Plan 2015
  - Blacktown Development Control Plan 2015

## **7 Issues raised by the public**

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- 7.1 The proposed development, including its intended hours of operation, was notified by letter to 56 property owners and occupiers adjacent the site and in the immediate locality between 23 July to 6 August 2021. The proposal was also placed on Council's website for the public to view.
- 7.2 We received no submissions.

## **8 Key issues**

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### **8.1 The list of matters raised by the Panel at its 23 November 2021 briefing have been addressed by the applicant**

- 8.1.1 The Panel was concerned that 85 trees planted in association with the former development are proposed to be removed from the site, with fewer replacement trees than are currently on site. The Panel is strongly in support of more replacement trees so that, at the least, an equivalent number of trees as existing are proposed for the final site development.

In response:

- the applicant has submitted amended landscaping plans that provide increased landscaping density and include the planting of 106 new trees, 21 more trees than are proposed to be removed from the site
- we have included conditions of consent to ensure that this amended landscape plan is implemented and all 106 trees are planted and maintained to the satisfaction of the Principal Certifying Authority prior to issue of an Occupation Certificate.

Additional information on tree removal is at 8.3 below.

- 8.1.2 The Panel requested further screening for retaining walls and warehouses.

In response:

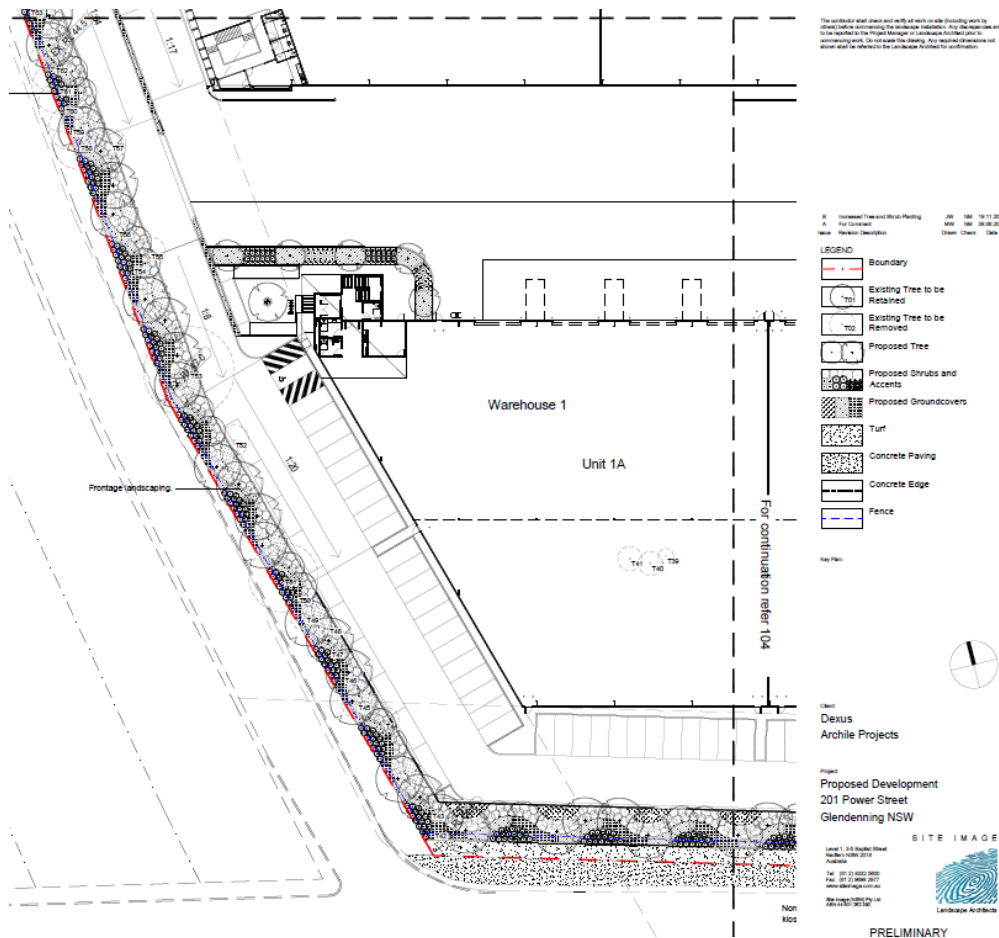
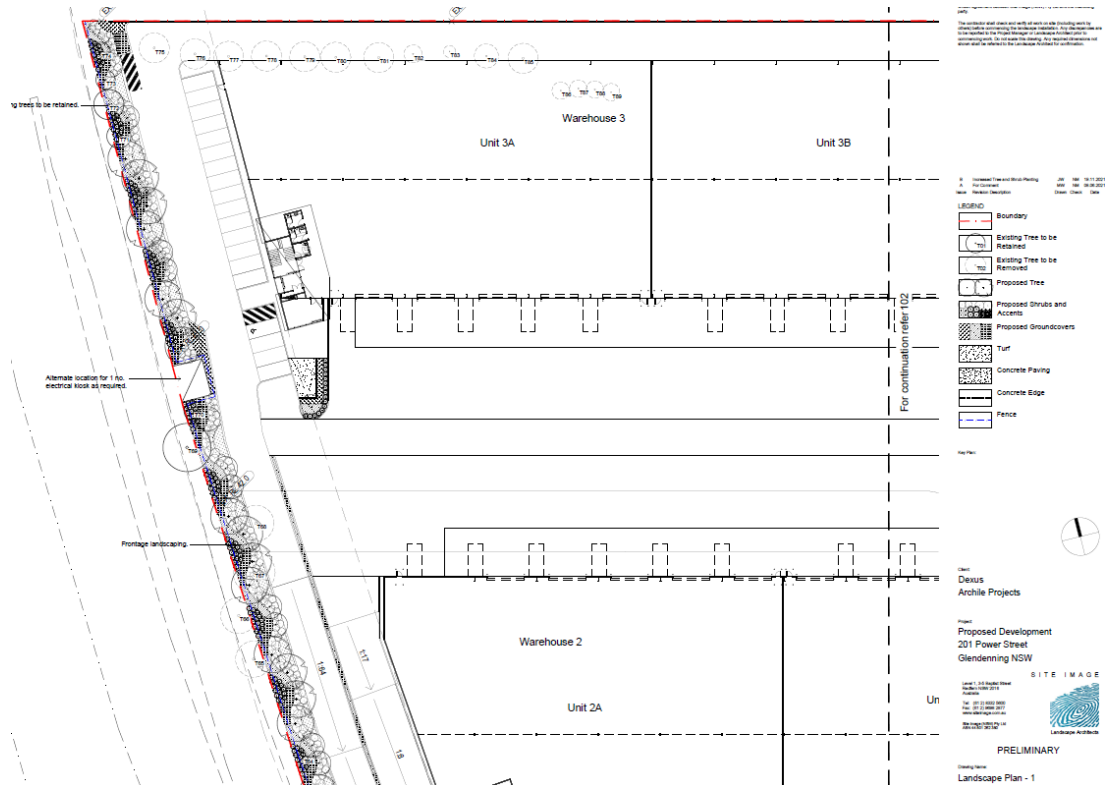
- the amended landscaping plans and additional tree planting within setbacks adjacent to the 2 street frontages will reduce the visibility of both the retaining walls and warehouses
- the photomontages and extracts from the landscape plans provided below illustrate how the landscaping will screen and soften the built form of the development as seen from the M7 motorway and Power Street
- the proposal will provide a densely vegetated 7.4 m landscaped setback to Power Street, which is above average for the portion of Power Street between the M7 motorway and Glendenning Road. The Power Street frontage has been embellished with further vegetation as well as provision for street trees within the public domain
- the highest retaining wall (with a height of 3.3 m) that will be publicly visible faces towards the M7 motorway. It will be located adjacent to Warehouse 2's western façade. The bottom of this wall is located below the existing level of the M7 which will reduce its visibility. Visibility of the wall will be further reduced by the offramp of the M7 which elevates to Power Street as this wall is mostly located behind the offramp.

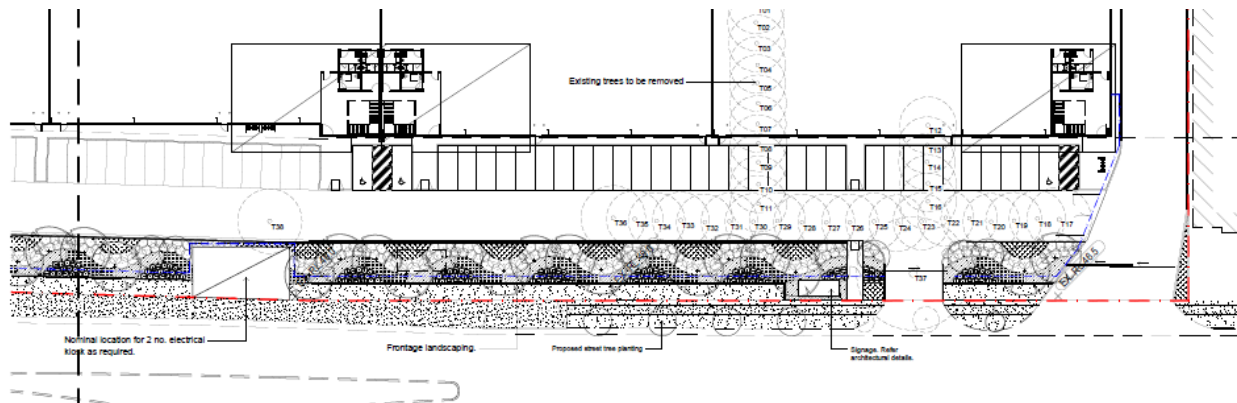
Notwithstanding the last point above, we propose to include a condition of consent requiring the submission of an additional landscape plan prior to the issue of a Construction Certificate that illustrates either an up-creeping or down-cascading landscape treatment feature to the satisfaction of the Principal Certifying Authority to further screen and soften this retaining wall.

Detail on proposed variations to the height of the retaining walls is at 8.4 below.









- 8.1.3 The Panel noted the proximity of the site to Western Sydney Parklands and the importance of maintaining vegetation corridors in proximity of the parklands.

The applicant's revised landscape plans show more locally native trees will exist post-development than pre-development, thereby increasing the overall number to beyond what currently exist on site.

The revised plans also show that vegetation on the site will be enhanced along all street frontages. These additional on-site and street trees will improve the opportunity for movement of bird species between the site and surrounding ecological land including Western Sydney Parklands (980 m to the east) and Plumpton Park (630 m to the west).

- 8.1.4 The Panel requires more to be done by the applicant to reduce the urban heat island effect considering the extent of hardstand and warehouse roofing.

In response, the applicant has adopted a number of measures to satisfactorily reduce the heat island effect of the development. These include:

- a light coloured Colorbond roof to reduce heat absorption
- a landscape setback ranging from 4 m to 7 m to provide more post-development trees than what currently exist. At maturity, these trees will provide shading to the site, which will further reduce the heat island effect. The proposal also includes vertical landscaping to each warehouse
- the inclusion of environmentally sustainable design principles. The proposal is targeting to achieve equivalent of 5-star Greenstar design compliance and 4 to 5-star National Australian Built Environment Rating System rating. There is also provision for solar power for the facility
- orientation of the buildings to achieve an efficient use of the site, while responding to its natural factors. The 3 proposed buildings are predominantly orientated north to south, limiting their exposure to the western and eastern sun. The proposal also benefits from prevailing breezes for cooling effect through this orientation.

- 8.1.5 Notwithstanding this, deferred commencement conditions of consent have been imposed requiring additional trees to be planted within the at-grade car park to provide additional shading of the associated hard stand areas. Please refer to 8.5 below for further details.

## **8.2 A deferred commencement consent is recommended to address all the drainage and flooding issues affecting the site**

- 8.2.1 Council's drainage engineers have agreed to deferred commencement conditions of consent that need to be addressed by the applicant prior to the consent becoming operational. They have agreed to provide deferred commencement

conditions instead of requesting additional information at this time to enable the application to be finalised in a timely manner.

8.2.2 Our drainage engineers are of the view that the engineering plan amendments required and flooding matters that the applicant has to address are achievable. The required amendments will also have no impact on the proposal from a planning standpoint in terms of design, layout, bulk or scale.

8.2.3 Therefore, a deferred commencement consent is considered acceptable in this instance.

### **8.3 Removal of 85 trees will be offset by replacement trees**

8.3.1 The applicant proposes removal of 85 existing trees. They are located in positions where:

- they cannot be retained due to the proposed infrastructure and bulk earthworks
- encroachment will have an adverse impact on its roots and crown for viability and stability
- they have a low retention value
- are in poor condition and/or health or dead.

8.3.2 The proposal has been assessed by our Tree Management section which has approved the proposed tree removal, subject to conditions.

8.3.3 The applicant proposes planting 106 new trees to offset the removal of 85 existing trees. A total of 21 extra trees will therefore be planted on the site than what currently exist. This does not include the trees to be planted in the at-grade car parking areas.

### **8.4 Variation to maximum retaining wall height provisions prescribed by Blacktown Development Control Plan 2015 is acceptable**

8.4.1 The existing terrain of the site requires significant bulk earthworks and site grading to achieve level pads for the proposed development. Where possible, batter slopes are proposed to accommodate level changes. Where batter slopes are not practical, retaining walls will be required. All retaining walls will be located within the subject site.

8.4.2 These retaining walls range from 800 mm to 4,100 mm in height, meaning some will exceed the 900 mm maximum retaining wall height prescribed under Section 8.5 Part A of Blacktown Development Control Plan 2015.

8.4.3 The highest retaining wall, at 4,100 mm (4.1 m) will not be visible to the public as it is located adjacent to the under-croft parking of Warehouse 2.

8.4.4 The highest retaining wall that will be publicly visible will have a height of 3.3 m. It will be located adjacent to Warehouse 2's western façade, facing the M7 motorway. Visibility will, however, be reduced because:

- the bottom of the wall will be below the existing level of the M7 motorway
- the upper portion of the wall will be mostly located behind the offramp of the M7 to Power Street.

8.4.5 As referred in 8.1 above, the applicant also proposes a landscape setback zone between 4 and 7 m wide adjacent to all public streets. Within this landscape zone, 106 new native trees having pot sizes of 100 litres are proposed to be planted. The combination of varying tree species and canopies will create both good shade amenity and successful visual screening of the retaining walls and the warehouses

alike. New shrubs and groundcover understory are also proposed within these landscaped setbacks to further ameliorate any potential visual impact of the built form and retaining walls.

- 8.4.6 The 900 mm maximum retaining wall height control is also considered to be aimed at regulating residential development, not industrial development where higher retaining walls are common.
- 8.4.7 The variation to the maximum retaining wall height of 900 mm is therefore considered acceptable subject to conditions of consent, including:
- all retaining walls are of masonry construction
  - all footings for the walls are to be wholly within the site
  - all retaining walls are to be designed by a suitably qualified structural engineer and constructed to the manufacturers design guideline requirements
  - submission of an additional landscape plan prior to the issue of a Construction Certificate that illustrates either an up-creeping or down-cascading landscape treatment feature to further screen and soften this retaining wall

## **8.5 Variation to landscape provisions prescribed by Blacktown Development Control Plan 2015 is acceptable**

- 8.5.1 Section 4.2 Part E of Blacktown Development Control Plan 2015 requires a spacing of 1 tree to be planted every 10 metres in a car parking area.
- 8.5.2 The applicant does not currently propose trees in the car parking area, so the proposal does not comply with this control.
- 8.5.3 Compliance with this requirement is considered necessary given emerging urban heat issues and the concerns previously raised by the Panel regarding urban heat. A variation from this control is therefore not supported.
- 8.5.4 To address this point, deferred commencement conditions of consent have been imposed requiring the submission of amended architectural and landscape plans that illustrate an additional tree every 10m in the at-grade car park. This will in turn reduce the number of at-grade car parking spaces by approximately 29 spaces. To address these displaced car parking spaces, amended architectural plans will also be required that increase the area of the proposed under-croft car park adjacent to proposed Warehouse 2 by 3 metres southward to enable perpendicular instead of parallel car parking spaces. The 29 displaced car parking spaces are to be relocated in this extended under-croft car park. This under-croft car park already fits 31 parallel car parking spaces, so the 29 displaced car parking spaces can be relocated if the extension above is implemented. This amendment will provide a satisfactory landscape and urban heat treatment for the at-grade car park. Finally, it should be noted that this additional parking will be located in an area proposed to be filled. It will not necessitate any further excavation.
- 8.5.5 The applicant has not agreed to these particular proposed deferred commencement conditions. As a result, a briefing is required to be held with the Panel, Council and the applicant prior to determination of the application.

## **8.6 Comments received from Transport for NSW have been addressed**

- 8.6.1 This application was referred to Transport for NSW for comment as a traffic generating development under Clause 104 of the former State Environmental Planning Policy (Infrastructure) 2007. Transport for NSW provided comments on a number of matters on 15 August 2021 for our consideration.
- 8.6.2 These comments were sent to the applicant to provide a response. The applicant provided a response on 6 September 2021. The matters raised by Transport for

NSW and the applicant's response have been assessed by our traffic section which has found the response to be satisfactory. No objections have been raised to the proposal, subject to conditions.

8.6.3 The matters raised by Transport for NSW and our comment on how they have been addressed by the applicant are set out below.

- The subject property abuts a declared Tollway (Westlink M7). Access is denied across this boundary. All buildings and structures (including signage), together with any improvements integral to the future use of the site are located entirely within the freehold property (unlimited in height or depth) along the Westlink M7.
  - Council comment: No access is proposed across the boundary abutting the M7. This item has been included as a condition of consent to ensure all building works occur inside the subject land only and that access is denied to this particular boundary.
- A single access is recommended instead of 2 closely spaced access points. Truck volumes for the proposed scenario are not too high and the site can be serviced with a single access point.
  - Council comment: This recommendation is contrary to our traffic and planning advice that was provided to the applicant during the pre-lodgement process. Provision of separate light and heavy vehicle driveways was a significant issue raised. This maximises safety within the site as well as at the driveway entry/exit points at Power Street. The proposal was designed entirely on that advice.  
  
There are no safety issues with providing separate vehicle driveways for light vehicles and heavy vehicles as proposed. This has been confirmed by our traffic section and the applicant's traffic consultant. The separate driveway arrangement has therefore been retained.
- Swept path plans may be required that demonstrate simultaneous truck and car movements.
  - Council comment: The applicant has provided swept path plans that show simultaneous truck and car swept paths at the vehicle driveways in Power Street for those movements that can operate simultaneously. The swept paths show that the manoeuvring meets Austroads and AS2890.2 requirements. This has been confirmed by our traffic section.
- For inbound traffic: It is not shown if heavy vehicles approaching from the westbound direction and turning right into the proposed driveway can enable through-traffic to continue westbound on Power Street during this manoeuvre with sufficient clearances.
  - Council comment: There is sufficient room for a through vehicle in the kerbside lane to pass vehicles turning right into the development, with the required Austroad clearances. Vehicle swept paths have been provided to confirm this.
- For outbound traffic: For heavy vehicles to turn left when exiting the site, the vehicles need to encroach on the inbound side of the driveway to perform the exit successfully.
  - Council comment: A 19 m articulated vehicle needs to use part of the inbound section of the driveway when turning left out of the site. This is permitted under AS2890.2 Clause 3.2.1 and 3.2.2, which allows the full

width of the access driveway to be used for both entering and leaving the site when turning volumes are low.

The traffic report indicates 2-way heavy vehicles of 9-10 vehicles per hour (i.e. 5 in/5 out), which are low volumes. As the driveway will only be used by heavy vehicles and the turning volumes are low, this complies with AS2890.2.

- Heavy vehicles exiting the site and turning right onto Power Street presents some risk negotiating vehicles travelling in both directions eastbound and westbound. Therefore, it is recommended that these vehicles are only permitted to exit turning left from the site and utilising the nearby roundabout intersection of Power Street and Glendenning Road to return to the westbound direction.
  - Council comment: Sight distance at the driveway in both directions along Power Street is clear. The traffic signals at the M7 off- and on- ramps provide regular gaps in the westbound traffic flow and regular gaps also occur in the eastbound traffic in Power Street.

The traffic modelling shows that delays for right turning vehicles including heavy vehicles out of the development are relatively low. This indicates that the risks for heavy vehicles turning right out of the site are relatively low and acceptable. No other industrial site in this section of Power Street has any restrictions on its driveways.

It is therefore considered unreasonable to restrict this development as recommended.

- 8.6.4 On this basis, the concerns raised by Transport for NSW with regard to this proposal have been addressed by Council and there are no grounds for refusal.

## **8.7 24 hours a day, 7 days a week operation is acceptable**

- 8.7.1 The applicant proposes 24 hours a day, 7 days a week operations for the warehouses and distributions facilities.
- 8.7.2 This is considered to be acceptable since operating hours of this nature are common in the operations of warehouse and distribution facilities.
- 8.7.3 The noise and traffic impacts of the development have also been assessed by our traffic and environmental health sections, which find the proposed operation acceptable, subject to conditions (none of which limit the operating hours).

## **9 External referrals**

- 9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Transport for NSW	Comments provided for Councils consideration. These comments and our response are discussed at 8.7 above

## **10 Internal referrals**

- 10.1 The development application was referred to the following internal sections of Council for comment:

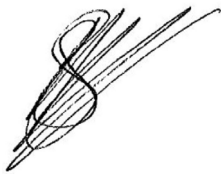
Section	Comments
Building	Acceptable subject to conditions.
Traffic	Acceptable subject to conditions. Separate vehicular access for light and heavy vehicles is supported.
Engineering	Acceptable subject to conditions.
Environmental Health	Acceptable subject to conditions.
Open Space	Acceptable subject to conditions.

## 11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

## 12 Recommendation

- 1 Approve Development Application SPP-21-00008 for the reasons listed below, and subject to the conditions listed in attachment 7.
  - a The proposed infill industrial development will make use of a brownfield site that is currently underutilised and largely covered with old hard stand areas from demolished industrial buildings. On this basis it is in the public interest to see the site revitalised [Section 4.15(e) of the Environmental Planning and Assessment Act 1979].
  - b It is considered that there will be no adverse impacts on the natural or built environment in this area from this development [Section 4.15(b) of the Environmental Planning and Assessment Act 1979].
  - c The site is considered suitable for the proposed development [Section 4.15(c) of the Environmental Planning and Assessment Act 1979].
- 2 Council officers notify the applicant and Transport for NSW of the Panel's decision.



Jared Spies  
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Judith Portelli  
Manager Development Assessment



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Peter Conroy  
Director City Planning and Development