

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-484

Development application

DA number	DA-22-01379	Date of lodgement	31 October 2022
Applicant	Busways Group Pty Ltd		
Owner	Bhaajayu Pty Ltd & Galbrock Pty Ltd		
Proposed development	Demolition of structures, removal of trees and construction of an access bridge over the existing drainage reserve to the existing bus depot at 150 Glendenning Road and the staged construction of a new bus depot, consisting a 5-storey split-level car park, a workshop building, a 3-storey administration building, fuel storage and dispensing bays, and a bus wash bay.		
Street address	65 Owen Street, Glendenning		
Notification period	16 November to 16 December 2022	Number of submissions	0

Assessment

Panel criteria

Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021

- Development with a capital investment value of more than \$5 million for the purpose of road infrastructure facilities, which includes bus depots.
The project includes road infrastructure facilities and has a capital investment value of \$18,060,89.
- Council related development with a capital investment value of more than \$5 million.
The proposal involves development on Council owned land for the construction of the proposed bridge and has a capital investment value of more than \$5 million.
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Blacktown Local Environmental Plan 2015
- Blacktown Development Control Plan 2015
- Central City District Plan 2018
- Blacktown Local Strategic Planning Statement 2020.

Report prepared by	Rachel Walker
Report date	4 October 2023
Recommendation	Refuse, for the reasons listed in this report.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans

Checklist

Summary of section 4.15 matters

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

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

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? Not applicable

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- The proposal depends on the construction and operation of a bridge on community land (land owned by Council) and the applicant has not satisfied the requirements under the Local Government Act 1993 to enable this bridge to be approved in this DA.
 - The applicant has failed to show the provision of adequate onsite staff car parking and this will result in adverse impacts on the surrounding road network.
 - Insufficient information has been provided to enable a full and proper assessment of the development in relation to current drainage and engineering issues with this proposal.
 - The applicant has not addressed the requirements of our maintenance section in relation to the proposed pathways and shape of driveways.
- 1.2 The above key issues of concern cannot be dealt with by way of conditions.
- 1.3 On this basis, the application is considered to be unsatisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel refuse the application based on the grounds listed in the Recommendation at section 13 of this report.

2 Location

- 2.1 The site is bordered by industrial land to the north, Owen Street to the east, industrial land to the south and a Council-owned drainage channel to the west. The drainage land separates the subject site from an existing bus depot directly to the west, which has frontage to Glendenning Road.
- 2.2 The site is located within an established industrial area of Glendenning as identified under Blacktown Local Environmental Plan 2015.
- 2.3 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The development site is legally described as Lot 201 in DP 829034, 65 Owen Street, Glendenning.
- 3.2 The proposal also includes the Council-owned drainage reserve, which comprises Lot 1042 in DP 1040992, Lot 105 in DP 838120, and Lot 202 in DP 829034. These lots are both classified as 'community land' under the Local Government Act 1993.
- 3.3 A plan identifying the location of the subject site and the drainage reserve is provided below.



- 3.4 The site is zoned E4 General Industrial, as is the majority of the surrounding area, and the drainage reserve land where the bridge is proposed is zoned SP2 Drainage under Blacktown Local Environmental Plan 2015. The proposed bus depot is permissible with consent in the E4 General Industrial zone. The zoning plan for the site and surrounding area is at attachment 3.
- 3.5 The subject site currently contains hardstand area and minor building storage structures. The existing uses on site include Gray's Online car auction and Metro Cranes. The drainage reserve is densely vegetated with trees.
- 3.6 A Sydney Water trunk wastewater main traverses the south-western corner of the subject site.
- 3.7 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 DA-22-01379 was lodged on 26 October 2022 for demolition of structures, removal of trees, the construction and operation of a new bus depot as well as the construction of a pedestrian and vehicular access bridge over a drainage reserve (owned by Council) to the existing bus depot at 150 Glendenning Road.
- 4.2 On 17 January 2023, a request for information letter was sent to the applicant advising of various issues identified during our initial assessment. The request sought information on:
 - Land owners' consent from all affected properties.
 - Detailed plans of the proposed bridge.
 - Traffic and parking matters including vehicle travel paths, discrepancies on bus and car parking numbers within the reports, and insufficient onsite car parking.
 - The proposed cut and fill and retaining walls.
 - Other planning matters including inadequate shading of the car park, fencing details, visual appearance of the multi-level car park, detailed site investigation, fuel storage and heritage information.

- Drainage and engineering matters including vehicle access requirements, drainage details, flood study, the requirement for additional toilets, and advice on the voluntary planning agreement process for off-site water quality treatment.
 - Natural areas matters, including the requirement for a vegetation management plan for the drainage land, and an updated landscape plan.
- 4.3 On 27 March 2023, the applicant submitted additional information in response to the request for information. Council's Property section provided in-principle agreement/land owner's consent for the lodgement of the development application. Council's consent did not constitute an agreement to do the proposed works or to access on to or transfer of land.
- 4.4 On 12 July 2023, the applicant filed a Class 1 Appeal against the deemed refusal of the application with the NSW Land and Environment Court.
- 4.5 On 14 July 2023, a further request for information letter was sent to the applicant, before it was known that an appeal had been lodged. This letter raised further issues with the parking shortfall for all stages of the development, insufficient information on cut and fill and retaining walls, lack of detailed assessment of the proposed box culverts, the requirement for updated drainage modelling, driveways and path paving.
- 4.6 The Statement of Environmental Effect submitted with the application did not address any criteria for the development being a regionally significant development application. In addition, the applicant did not provide any consent from Council for the use of Council's owned land. Therefore, the proposal was not initially listed as a regionally significant development application. However, following further discussions with the Department of Planning and Environment, Planning Panels division during the processing of the appeal, it was identified that this development potentially triggered the criteria of 'regionally significant development' under the following clauses 3 and 5 of within Schedule 6 of the Planning Systems SEPP for the reasons outlined below:
- Clause 3, Council related development over \$5 million:
The proposal involves the carrying out of development on Council-owned land for the construction of the proposed bridge and has a capital investment value of \$18,060,089.
 - Clause 5, Private infrastructure and community facilities over \$5 million:
The proposal has a capital investment value of more than \$5 million for the purpose of road infrastructure facilities, which includes bus depots.
- On 25 August 2023, advice was received from the Planning Panels division which confirmed that the development would trigger the thresholds for a regionally significant development application and would require referral to the Sydney Central Planning Panel for determination.
- Accordingly, Council was required to refer this development application to the Sydney Central Planning Panel.
- 4.7 On 21 August 2023, Council's Statement of Facts and Contentions was filed with the NSW Land and Environment Court.
- 4.8 On 28 August 2023, Council referred the development application to the Sydney Central Planning Panel.
- 4.9 On 14 September 2023, a briefing meeting was held with the Sydney Central Planning Panel where the applicant and Council were invited to attend. The applicant did not attend.
- 4.10 The section 34 conference is listed for 21 December 2023.

5 The proposal

5.1 The development application has been lodged by Busways Group Pty Ltd.

5.2 The applicant proposes:

- Allocation of 163 bus parking spaces.
- Construction of a 5 split-level car park comprising 170 car parking spaces.
- Construction of a workshop building with mezzanine.
- Construction of a 3-storey administration building.
- Installation of fuel bays and fuel tanks.
- Installation of a bus wash zone.
- Construction of a vehicle and pedestrian bridge over Council-owned land.

5.3 The development is proposed in 3 stages.

- Stage 1 includes:
 - Allocation of 113 bus parking spaces.
 - Allocation of 119 car parking spaces.
 - Installation of fuel bays and fuel tanks.
 - Installation of wash bays.
 - Construction of a 3-storey administration building.
 - Construction of a workshop building with mezzanine.
 - Landscaping and planting.
- Stage 2 includes:
 - Replacement of the at-grade car parking area with an additional 50 bus parking spaces resulting in a total of 163 bus parking spaces on site.
 - Construction of a 5-storey split level car park with a total of 170 spaces on site.
 - Landscaping and planting.
- Stage 3 includes:
 - Construction of a bridge to the west of the site, which will provide both pedestrian and vehicular access to the adjoining bus depot at 150 Glendenning Road, Glendenning.

5.4 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

6.1 A summary assessment of the development application against the section 4.15(1)(a) matters is provide below but only for those planning controls that directly relate to its refusal.

6.2 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment
a. The provisions of:	

Heads of Consideration	Comment
(i) Any environmental planning instrument	The proposal complies with the relevant environmental planning instruments including Blacktown Local Environmental Plan 2015. The site is zoned E4 General Industrial and the proposed use for a bus depot is permissible with consent. The part of the site where the bridge is proposed is zoned SP2 Drainage and it is permissible with consent.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Not applicable.
(iii) Any development control plan	<p>Blacktown Development Control Plan 2015 applies to this site.</p> <ul style="list-style-type: none"> Car Parking The development application does not provide sufficient onsite staff and visitors car parking spaces in all stages of the development. An inadequate number of car parking spaces have been proposed when assessed against Part A Section 6 of Blacktown Development Control Plan 2015. The proposal fails to satisfy the objective which states, 'Provide parking areas that are convenient and sufficient for the use of employees and visitors generated by new developments'. The proposal also does not satisfy objective (a) within Part E of Blacktown Development Control Plan 2015 which states 'To ensure that adequate provision is made for on-site car parking for employees' and visitors' vehicles.' Please refer to section 8.2 of the report for detailed discussion regarding this matter. <p>In addition, insufficient and inadequate information has been submitted to enable a complete and full assessment of the application with regard to the following aspects of the proposal:</p> <ul style="list-style-type: none"> Cut and fill Insufficient detail has been provided on the volume of cut and fill, and the height and location of retaining walls on property boundaries to allow a proper assessment of Control 8.5 in Part A of Blacktown Development Control Plan 2015. It is not clear whether the proposed cut and fill or retaining walls will have any impact on adjacent development. Please refer to section 8.3 of the report for detailed discussion regarding this matter. Drainage requirements The applicant has not provided sufficient information to address the drainage requirements in Part A and Part E of Blacktown Development Control Plan 2015, including the potential impacts of the new bridge on the drainage channel.

Heads of Consideration	Comment
	<p>Please refer to section 8.3 of the report for detailed discussion regarding this matter.</p> <p>In addition to the above, a draft planning agreement was prepared between the applicant and Council which would allow the developer to make a voluntary cash contribution towards regional stormwater treatment facilities in lieu of providing stormwater treatment 'on-lot'. This is an alternative to comply with Part J of Blacktown Development Control Plan 2015 (refer iii a below) in relation to the component of the proposed development for the bus depot.</p> <p>This agreement has not been executed. Therefore, the proposed development is currently not compliant with the water sensitive urban design requirements in Part J of the development control plan. The agreement is acceptable for Council to execute but has not been signed by the applicant.</p>
(iii a) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,	<p>A draft planning agreement has been prepared with the applicant and Council for offsite water quality treatment in relation to the component of the proposed development for the bus depot. This was exhibited on Council's website from 27 February to 26 March 2023.</p> <p>The proposed agreement allows the developer to make a voluntary cash contribution towards regional stormwater treatment facilities in lieu of providing stormwater treatment 'on-lot' to comply with Part J of Blacktown Development Control Plan 2015.</p> <p>This agreement has to date not been executed as it has not been signed by the applicant. Once signed, the agreement is acceptable for Council to execute.</p>
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>The proposed development is not contrary to any matters prescribed by the Regulations.</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>It is considered that the proposed development represents an overdevelopment of the site as inadequate onsite staff/visitor car parking has been proposed. This may have a significant impact on surrounding streets as the car parking shortfall will exert pressure on street parking and adversely impact on the surrounding industrial area due to traffic congestion.</p> <p>There is also inadequate information to enable a complete assessment of the development's likely impacts on the drainage channel, adjoining land and the locality. The proposal does not include detailed assessment of the proposed box culverts forming part of the proposed bridge, and the related impacts in respect of drainage flows and functionality of the channel, which may have impacts on other properties.</p>
c. The suitability of the site for the development	<p>Inadequate information has been provided by the applicant to enable us to complete a full assessment of the development's likely impacts on its surroundings and the drainage channel.</p> <p>The proposal also relies on the construction and operation of a bridge on community land (land owned by Council) and has not</p>

Heads of Consideration	Comment
	<p>satisfied the requirements under the Local Government Act 1993, therefore this land is not considered to be suitable.</p> <p>Please refer to section 8.1 of the report for detailed discussion regarding this matter.</p> <p>The applicant has not satisfied Council that the site can cater for this scale of development due to the lack of onsite parking and the unknown impact of the current bridge design on the drainage channel. On this basis, the site is not suitable for the proposed development.</p>
d. Any submissions made in accordance with this Act, or the regulations	The application was exhibited for a period of 30 days from 16 November to 16 December 2022 and no submissions were received.
e. The public interest	The proposal is not in the public interest as insufficient information has been provided to enable a complete assessment and the current proposal does not intend to provide sufficient car parking for staff and visitors on site and the proposed bridge impact on the existing drainage channel.

7 Issues raised by the public

- 7.1 The proposed development was notified to 62 property owners and occupiers in the locality between 16 November and 16 December 2022. The development application was also advertised on Council's website and a sign was erected on the site.
- 7.2 We received no submissions.

8 Key issues and reasons for refusal

- 8.1 The proposal depends on the construction and operation of a bridge on community land**
- 8.1.1 As part of Stage 3 of the development, the applicant proposes to construct a vehicle and pedestrian bridge between the subject site and the existing depot across the drainage reserve which is owned by Council.
- 8.1.2 At the time of lodgement, the applicant did not provide any consent from Council for the use of this land.
- 8.1.3 There is no record of any pre-lodgement meeting or discussions with Council about the proposed use of the Council land.
- 8.1.4 Following a request for information letter sent to the applicant on 17 January 2023, the applicant approached Council's Property section to obtain owners consent for the proposed works on Council land. The owner's consent was granted on 27 March 2023 for the lodgement of the application, which includes a small portion of Council airspace. In the letter it was noted that Council was contemplating offering an Agreement for lease and licence of the airspace, but that the consent only enabled lodgement of the development application and did not constitute an agreement to construct the bridge.
- 8.1.5 Part of the Council owned land (Lot 105 DP 838120 and Lot 1042 DP 21040992) is classified as 'community land' under the Local Government Act 1993. The use of this land is required to abide by section 46 of the Local Government Act 1993,

relating to 'leases, licences and other estates in respect of community land' as follows:

46 Leases, licences and other estates in respect of community land—generally

- (1) A lease, licence or other estate in respect of community land—
 - (a) may be granted for the provision of public utilities and works associated with or ancillary to public utilities, or
 - (a1) may be granted for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider, or
 - (b) may be granted, in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate—
 - (i) for a purpose prescribed by subsection (4), or for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or
 - (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
 - (iii) for a short-term, casual purpose prescribed by the regulations, or but may not otherwise be granted.
- (2) Despite subsection (1), a lease, licence or other estate in respect of community land may be granted for a purpose mentioned in subsection (1)(b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this Part, of its categorisation.
- (3) A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 30 years.
- (4) The following purposes are prescribed for the purposes of subsection (1)(b)(i)—
 - (a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to any of the following—
 - (i) public recreation,
 - (ii) the physical, cultural, social and intellectual welfare or development of persons,
 - (b) the provision of public roads.
- (5) Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4)(a)(ii) include, but are not limited to, maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf lifesaving clubs, restaurants or refreshment kiosks.
- ...
- (5C) If the council refuses an application, it must—
 - (a) inform the applicant in writing of its decision as soon as practicable after it is made, and
 - (b) give the applicant reasons in writing for its decision within 3 business days after it is made.
- (6) A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

8.1.6 The process for obtaining a lease from Council for the use of community land for more than 5 years is a complex matter which has not been appropriately investigated by the applicant. The process for granting a lease greater than 5 years is outlined in section 47 of the Local Government Act 1993, as follows:

47 Leases, licences and other estates in respect of community land—terms greater than 5 years

(1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must—

(a) give public notice of the proposal (including on the council's website), and

(b) exhibit notice of the proposal on the land to which the proposal relates, and

(c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and

(d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

...

(4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.

(5) The council must not grant the lease, licence or other estate except with the Minister's consent, if—

(a) a person makes a submission by way of objection to the proposal, or

(b) in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence

...

8.1.7 The applicant has not demonstrated that the use of this land for the proposed bridge will satisfy the requirements of section 46 of the Local Government Act 1993, and the process for obtaining the lease under section 47 has not commenced, therefore the development cannot be lawfully supported.

8.1.8 As this application is now the subject of an appeal and is recommended for refusal with other matters related to car parking and drainage which are not satisfactory, this is still a key issue for the proposal.

8.2 The proposal will not provide sufficient on-site car parking and will impact the surrounding road network

8.2.1 Blacktown Development Control Plan 2015 does not specify any car parking requirement for some development types including the proposed bus depot and therefore the proposal will be assessed based on merit and similar development types with a specified car parking requirement.

8.2.2 The updated traffic report accompanying the application indicates the following number of car parking spaces at each applicable stage:

- 119 car parking spaces during Stage 1 of the proposed development.
- A total of 170 car parking spaces at the completion of the proposed development (Stages 2 and 3).

8.2.3 The applicant has not provided any additional information such as a schedule of shifts for bus drivers to determine if all buses parked on site would be used at the same time. There will be 113 bus parking spaces proposed in Stage 1 and 163 bus parking spaces proposed in Stage 2 and 3, and as such a car parking space for each bus driver will be required on-site, plus an allowance for any change over of staff, as well as the office and workshop components of the development.

8.2.4 Based on the assessment by Council, the proposed development requires:

- 190 car parking spaces in Stage 1, based on:
113 bus parking spaces = 113 car spaces (1 space per driver)

2200m² workshop / 75 = 29 car spaces

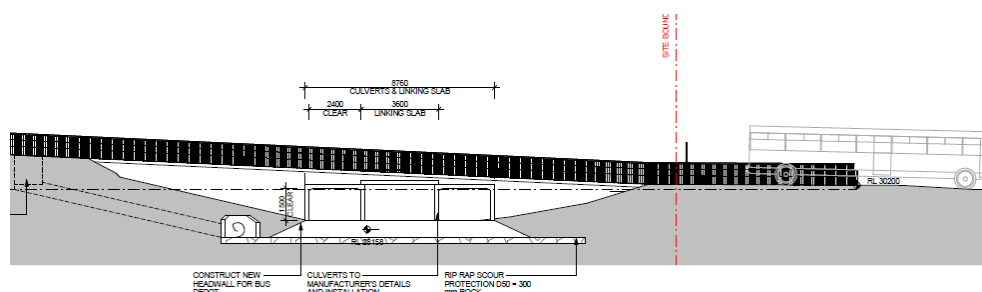
1,935m² office / 40 = 48 car spaces.

- 240 car parking spaces in Stage 2 and Stage 3, based on:
163 bus parking spaces = 163 car spaces (1 space per driver)
2200m² workshop / 75 = 29 car spaces
1,935m² = 48 car spaces.

- 8.2.5 This represents a shortfall of 71 car spaces in Stage 1 and 70 spaces in stages 2 and 3. At the completion of the development the shortfall of parking will be 70 car spaces.
- 8.2.6 The proposal fails to satisfy the objective in Part A section 6 of Blacktown Development Control Plan 2015 which states, 'Provide parking areas that are convenient and sufficient for the use by employees and visitors generated by new developments'.
- 8.2.7 The applicant has indicated that the existing depot at 150 Glendenning Road will be linked, and the parking shortfall in the proposed development may be resolved with a shared parking arrangement between the 2 bus depots. However, the applicant has not provided a Parking Management Plan or other details to demonstrate how this would work on a day-to-day basis.
- 8.2.8 Council's Traffic section has reviewed the application and also does not support the shortfall in car parking as adjacent streets are already fully parked out with workers vehicles and trucks / semi-trailers waiting to onload so any shortfall of onsite parking will only exert more pressure onto the existing road network and the already existing on-street parking problem.

8.3 Insufficient information has been provided on drainage and engineering issues

- 8.3.1 The applicant has not provided sufficient information to enable our engineers to do a proper assessment of the cut and fill bulk earthworks, including the works area beneath the proposed bridge, as well as the height and location of the proposed retaining walls on the site boundaries.
- 8.3.2 The proposal does not include a detailed assessment of the proposed box culverts forming part of the proposed bridge and the related impacts of these box culverts in respect of the drainage flows and functionality of the channel. An elevation of the proposed bridge and culverts is provided below.



- 8.3.3 Updated drainage modelling has not been provided which confirms the sizing of the proposed pipe intended to run from the diversion chamber to the gross pollutant traps or indicate what impacts this work will have on the drainage from the proposed development and if this will be acceptable or not.
- 8.3.4 On the basis of the above, there is not enough information to enable a complete assessment of the development's likely impacts relating to drainage.

8.4 The proposal has not addressed the requirements of our Maintenance section

8.4.1 In the request for information letter dated 14 July 2023, the following items were requested to be addressed by our Maintenance section:

- The architectural plans do not account for a public path installed by Council on the Owen Street road reserve in April 2023.
- The private path paving (which leads from boundary line to the kerb site) does not satisfy the provisions of Council's path paving policy as it connects to the Council footpath.
- The shape of the proposed driveways does not meet Council specifications and must be constructed in line with Council's industrial vehicular crossing specifications.

8.4.2 These matters remain unaddressed.

9 Internal referrals

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

Section	Comments
Building	Satisfactory subject to conditions.
Traffic	Objects to the proposal (see Section 8.2 for details).
Development Engineer	Satisfactory subject to conditions.
Drainage Engineer	Objects to the proposal (see Section 8.3 for details).
Environmental Health	Satisfactory subject to conditions.
Heritage	No objections or conditions.
Property	No objections and owner's consent to the lodgement of the development application provided.
Open Space	Satisfactory subject to conditions.
Natural Areas	Satisfactory subject to conditions.
Maintenance	Objects to the proposal (see Section 8.4 for details).

10 External referrals

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

Authority	Comments
Sydney Water	The application was referred to Sydney Water under section 78 of the Sydney Water Act 1994. Sydney Water advised that due to the presence of a significant asset in the form of a trunk wastewater main that traverses the

Authority	Comments
	<p>site, the proponent is required to take note of Sydney Water's guidelines and liaise with it early to prevent delays.</p> <p>It was noted that detailed requirements would be provided when the development is referred for a Section 73 application.</p>
Transport for NSW	<p>The application was referred to Transport for NSW as traffic generating development under sections 2.119 and 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>Transport for NSW advised that it reviewed the application and had no requirements as the proposed development is unlikely to have a significant impact on the classified regional road network.</p> <p>It did however, provide the following advisory comment for consideration:</p> <p style="padding-left: 40px;">‘Council review swept paths for the existing roundabout at Glendenning Road and Lamb Street and along Lamb Street to demonstrate that they are acceptable for buses.’</p> <p>The applicant provided this information, this was reviewed by our traffic team and considered satisfactory.</p>
Department of Planning and Environment - Water	<p>The application was referred to Department of Planning and Environment - Water due to the proposed works within 40 metres of a watercourse.</p> <p>The Department advised that a controlled activity approval is not required. This is because the proposed works are not located on waterfront land as defined by the Water Management Act 2000.</p> <p>The subject watercourse is a constructed channel and not identified on the Department's hydroline mapping.</p>

11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is not considered to be satisfactory. It is considered that the likely impacts of the development have not been satisfactorily addressed and that the proposal is not in the public interest. The site is not considered suitable for the proposed development.

12 Disclosure of political donations and gifts

- 12.1 Under Section 10.4 of the Environmental Planning and Assessment Act 1979, a disclosure statement must be lodged in certain circumstances in relation to any planning application, i.e. a development application, an application to modify a consent and an application to make an environmental planning instrument or development control plan.
- 12.2 A disclosure statement of a reportable political donation or gift must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a disclosure statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.
- 12.3 A disclosure statement may be made available for viewing upon a written request to Council in line with Section 12 of the Local Government Act 1993.
- 12.4 Disclosures:

- Political donations
- Has a Disclosure statement been received in relation to this application?
- No
- Gifts
- Have staff received a 'gift', that needs to be disclosed, from anyone involved with this application?
- No

13 Recommendation

- 1 Refuse Development Application DA-22-01379 based on the following grounds:
 - a The proposal will result in a negative impact on the surrounding built environment as the applicant has not demonstrated that on-site car parking can be provided for all the users on the site resulting in demand for on-street parking which will impact on the surrounding industrial road network which is already congested [Section 4.15(b) of the Environmental Planning and Assessment Act 1979].
 - b The site is not suitable for the development as it relies on the construction and operation of a bridge on community land owned by Council and has not satisfied the requirements under the Local Government Act 1993 [Section 4.15(b) and Section 4.15(c) of the Environmental Planning and Assessment Act 1979].
 - c The site is not suitable for the development as there is inadequate engineering, drainage and parking information provided to enable a complete assessment of the development's likely impacts on the drainage channel, adjoining land and the locality. The applicant has not satisfied Council that the site can cater for this development [Section 4.15(b) Section 4.15(c) of the Environmental Planning and Assessment Act 1979].
 - d The proposal is not in the public interest as insufficient information has been provided to enable a complete assessment, and as such the proposal in its present form will have a serious impact on the amenity of the area [Section 4.15(e) of the Environmental Planning and Assessment Act 1979].
- 2 Council officers notify the applicant and external authorities of the Panel's decision.

14 Declaration and endorsement

We, the undersigned, declare, to the best of our knowledge that we have no interest, pecuniary or otherwise, in this development application or persons associated with it; and we have provided an impartial assessment.



Rachel Walker
Senior Town Planner



Judith Portelli
Manager Development Assessment



Peter Conroy
Director City Planning and Development