

26 October 2023

Director – Industry Assessments
Development Assessment
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attention: Catriona Shirley

Dear Catriona,

APPLICATION No. SSD-52861709
ADDRESS 92-116 GOW STREET, PADSTOW (LOT 3 DP 1130756,
LOT 101 DP 794445, LOT 1 DP 7702 & LOT B DP 412409)
APPLICANT STOCKLAND DEVELOPMENT PTY LIMITED
COUNCIL AREA CANTERBURY-BANKSTOWN

This letter has been prepared with respect to the abovementioned State Significant Development Application (SSDA) which seeks the construction and operation of a multi-level warehouse and distribution centre, with a maximum building height of 30.8m and gross floor area of 78,381m² including ancillary staff facilities, car parking, landscaping and site infrastructure.

GAT & Associates has been engaged by the owner of the adjoining property at 88-90 Gow Street, Padstow to prepare a submission objecting to the proposal. The reasons for objection will be outlined in this submission, and relate to:

- Stakeholder engagement and site isolation for 88-90 Gow Street;
- Height, scale, exceedance of FSR and setbacks;
- Landscaping;
- Proposed vehicular access to the site and increased vehicular movements impacting on Gow Street;
- Dust and air quality during construction and on-going operation of the site;
- Structural impacts to adjoining buildings from construction and potential damage caused by truck movements; and
- Stormwater impacts to neighbouring properties.

Our client's property

Our client's property is located at 88-90 Gow Street, Padstow, and is surrounded by the subject site to the west, north and east. Existing on the site is a recently constructed industrial building of a two-storey scale with vehicular access from Gow Street. Figure 1 shows the relationship between the subject site and our client's property.

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Figure 1: Location Map (source: Mecone Mosaic)

As Figure 1 shows, the subject site takes up a significant frontage to Gow Street, with our client's property (as outlined in blue) surrounded by the subject site.



Figure 2: Photo of the recently constructed buildings at 88-90 Gow Street, Padstow

The subject site also adjoins smaller-scale industrial buildings at 80, 82 and 84 Gow Street (outlined in purple) as indicated in Figure 1. Although those properties do not form part of this submission, we acknowledge that these properties will also be impacted by the proposed development in terms of height, scale, density, setbacks and general interface.



Figure 3: Photos of the existing buildings at 84, 82 & 80 Gow Street, Padstow (left to right)

The proposal seeks to have a car entry and exit driveway on the western side, and a truck entry on the eastern side, of 88-90 Gow Street. The closest proposed building will be only 3m away from the boundary of our client's property (warehouse 1, 4 and 11) with the lower ground, upper ground floor and Level 1 parking levels, as well as the roof level manoeuvring area, immediately abutting our client's property along the northern boundary.

Refer to Figure 4 for a site plan showing the relationship between the subject site and our client's property.

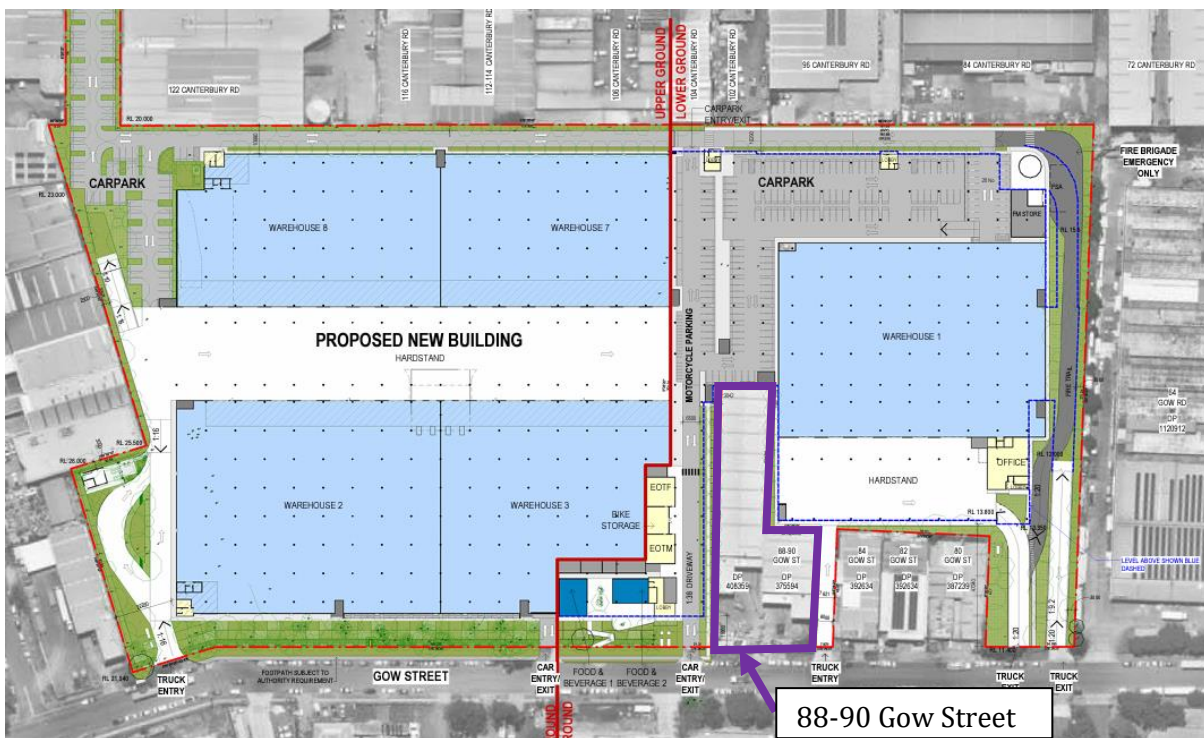


Figure 4: Proposed Site Plan (Source: Nettletontribe, Drawing No. PML-NT-AR-DA006 Issue P8)

This submission will now detail the concerns relating to the proposed development.

Stakeholder engagement and site isolation for 88-90 Gow Street, Padstow

Figure 4 on the previous page shows how the property at 88-90 Gow Street is surrounded by the development site to the west, north and east. As part of any development, the applicant must consider the issue of site isolation.

As part of the community and stakeholder engagement process which was undertaken by Hill PDA Consulting on behalf of the applicant during the preparation of the SSDA, there was an online business survey conducted by Hill PDA in June 2023. Our client completed this survey, raising concerns about scale, traffic management, interface with their property, structural damage to their building, overshadowing, stormwater issues, and site isolation.

Our client made comments within the on-line survey about the lack of discussion during the redevelopment of their site at 88-90 Gow Street when there was a great opportunity to discuss acquiring the property. The failure to properly consider the purchase of the remaining sites along Gow Street will significantly impact on these sites and the proposed development's interface with these properties is poor.

Apart from a cold call from an agent to our client during the construction of 88-90 Gow Street enquiring whether our client wanted to sell, there has never been a formal proposal made to our client to purchase the property. The agent making the call did not disclose the reasons or provide context for the call, nor has any formal valuation or offer been provided to our client for the purchase of their property.

It is our understanding that one of the smaller industrial properties to the east, being 84 Gow Street, has recently been purchased by Stockland. While this site does not form part of the current SSDA, the purchase of this site would further increase the development site surrounding our client's property.

The site isolation issue has not been acknowledged or addressed within the applicant's submission. The submission does not address the planning principle relating to site isolation (*Karavellas v Sutherland Shire Council* [2004] NSWLEC 251), which requires consideration of two (2) points:

1. *Firstly, is amalgamation of the sites feasible?*
2. *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The proposal has not properly considered the orderly and economic development of the land. The remaining sites at 80, 82 and 88-90 should be, at best, included as part of the redevelopment.

Building height, scale, exceedance of FSR and setbacks

The proposal will be a major development within this industrial area. The majority of the subject site is zoned IN1 General Industrial, with a small portion in the south-western corner zoned IN2 Light Industrial under the Canterbury-Bankstown LEP 2023. Our client's property is also zoned IN1 General Industrial. Refer to the zoning map in Figure 5.

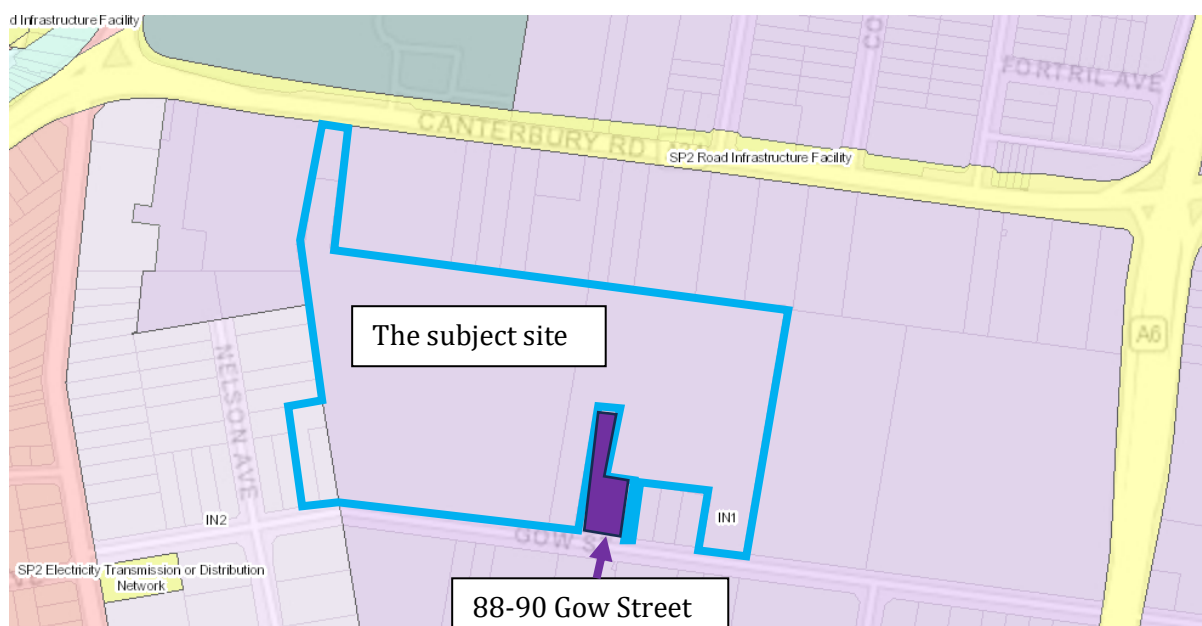


Figure 5: Zoning map (Source: Canterbury-Bankstown LEP 2023)

The objectives of the IN1 zone are:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To promote a high standard of urban design and local amenity.

There is no doubt that the proposed development will meet the first two (2) objectives of the zone, which seeks to provide a wide range of industrial and warehouse land uses, and to encourage employment opportunities. However, our concern is that the proposed development will not meet the objectives which seek to minimise any adverse effect of industry on other land uses (noting the residential areas to the west); to support and protect industrial land for industrial uses; and to promote a high standard of urban design and local amenity.

The proposal will land-lock our client's property with a significantly large development that will dwarf the building at 88-90 Gow Street and enclose it along the western, northern and eastern boundaries. Although the building on our client's property is recently constructed, we do not believe that the proposal has not considered how this site could be either be consolidated into the development site or be redeveloped in the future independently.

It is not considered that the proposed development promotes a high standard of urban design and local amenity. There is no maximum height control that applies to the site; however the applicable floor space ratio (FSR) control is 1:1 under the Canterbury-Bankstown LEP. The predominant height of industrial buildings along Gow Street is of a two-storey scale, with at-grade parking provided.

The proposed FSR of the development is 1.08:1. While the gross floor area variation of 8.4% may not seem significant, the exceedance is equal to 6,069.8m². The Clause 4.6 Variation submitted by the applicant states that the exceedance to FSR is acceptable, as there is no height limit applying to the site and the variation does not result in any additional bulk and scale that a compliant scheme may include.

The environmental planning grounds to justify the exceedance of the FSR control have not been demonstrated by the applicant. The scale of the built form, together with the access ramps and raised parking levels, results in a development that significantly dominates the entire industrial zone along Gow Street. Figure 4 shows the footprint of the development, which expands across the majority of the overall site area. The density of the development is significantly larger than any development in the locality.

The scale of the proposed development is reflected in the streetscape elevation contained within the submitted architectural plans. Refer to the extract of the south elevation in Figure 6 below.

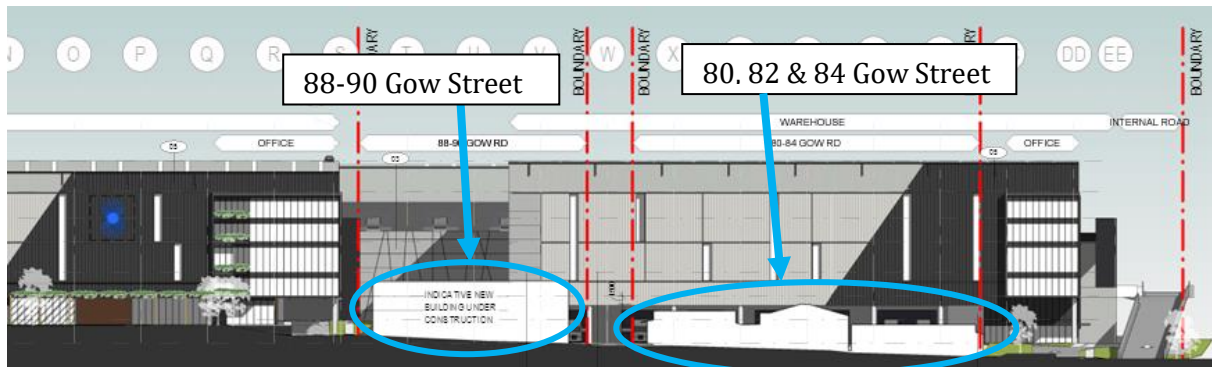


Figure 6: Proposed South Elevation (Source: Nettletontribe, Drawing No. PML-NT-AR-DA201 Issue P9)

The application submission is also accompanied by a Visual Impact Assessment prepared by Ethos Urban, which includes a perspective render of the proposal along Gow Street. However this image does not include the built form on our client's property to show how the development relates to the scale of the building at 88-90 Gow Street or to the streetscape. Refer to Figure 7 below.



Figure 7: Proposed South Elevation (Source: Nettletontribe Architects)

The dominant and out-of-character scale of the development is also reflected in a '3D axonometric view' that is included in the Visual Impact Assessment prepared by Ethos Urban. This image shows

the low scale industrial buildings at 80, 82, 84 and 88-90 Gow Street (being the white building blocks) in comparison to the overbearing and large scale of the proposed built form. There is a real lack of integration and the visual interface to these smaller adjoining properties is poor. Refer to Figure 8 below.

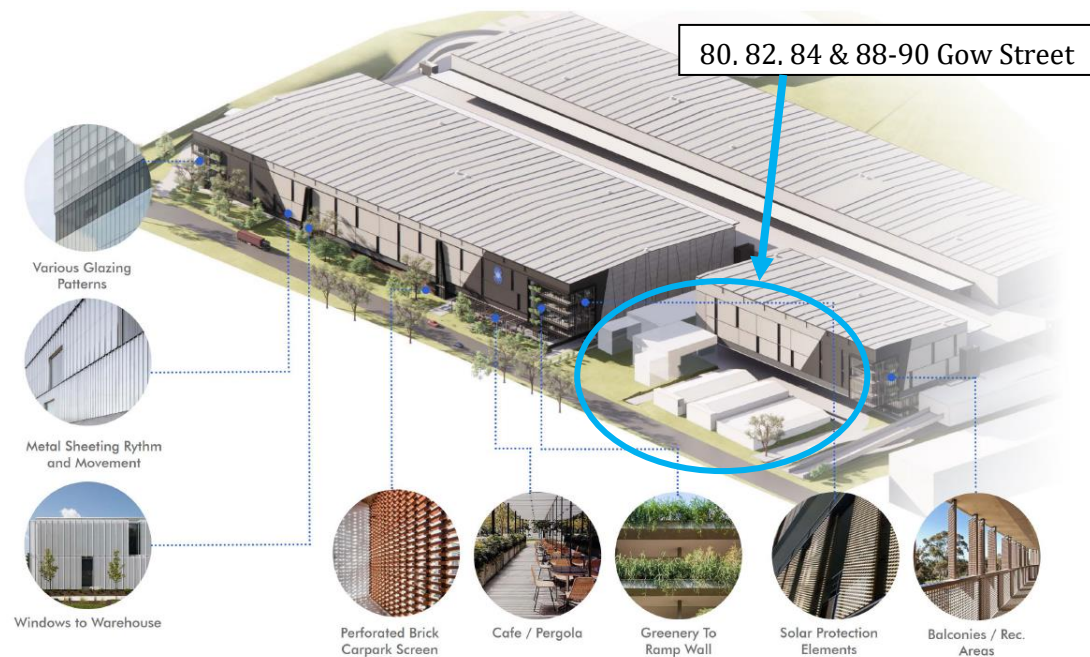


Figure 67 3D Axonometric View of the Proposal from the south-east with Material and Design Elements

Figure 8: Source: Nettletontribe Architects

Landscaping

The submitted Tree Removal and Retention Plan, contained within the landscape plan set, indicates there are trees to be removed within the development site along the rear boundary of our client's property. Refer to Figure 9. However, the submitted Arborist Report does not refer to these trees being removed.

The submitted landscape plans provide details on the landscaping to be planted along the boundaries adjacent to our client's property. The landscape plan indicates Hickory wattle (indicated as "Ai"), being 10m high x 7m wide, and Manchunian flowering pear (indicated as "Pu") being 9m high x 7m wide.

There is no information provided to indicate that these species are appropriate for their location so close to buildings (in terms of size or root system), or how these plants will be accessed and maintained, particularly for the plants to be located between our client's property and Warehouses 1, 4 and 11 adjoining to the east.

The landscaped areas around the perimeter of our client's building appear tokenistic and their suitability is questioned, particularly given the scale of built form proposed will severely restrict sunlight to this landscaping.

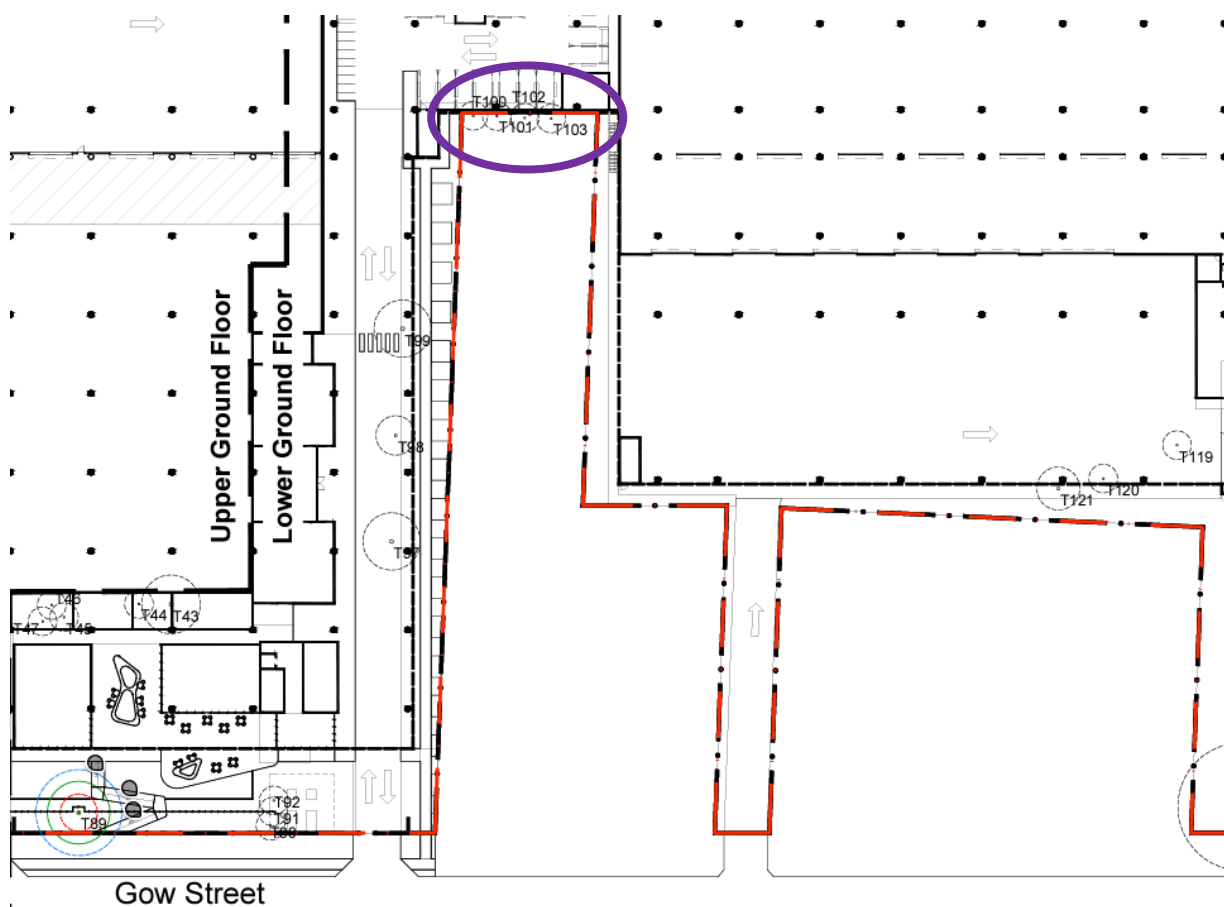


Figure 9: Tree Removal and Retention Plan (Source: Site Image Landscape Architects)

Vehicular access and signage

As previously stated, the proposal seeks to have a car entry and exit driveway on the western side, and a truck entry on the eastern side, of 88-90 Gow Street. The closest proposed building will be only 3m away from the boundary of our client's property (warehouse 1, 4 and 11) with the lower ground, upper ground floor and Level 1 parking levels, as well as the roof level manoeuvring area, immediately abutting our client's property along their northern boundary.

Two (2) vehicular access points to the subject site will be located on either side of our client's property. The existing driveway on the western side of our client's property will be moved closer to the boundary and will be the car entry and exit point to the main car parking area. The existing driveway on the eastern side of our client's site will be used for truck entry, with only a very narrow landscaped strip providing separation from the external wall of 88 Gow Street to the actual driveway.

The development has not had regard to the existing vehicular access points of 88-90 Gow Street, nor how the increased vehicular movements will impact on this site or on other sites along Gow Street.

The photos provided in Figure 10 show the location of the existing driveways to the development site in relation to 88-90 Gow Street.



Figure 10: The existing driveways to the west and east of 88-90 Gow Street (left to right).

The applicant proposes to locate directional signage directly in front of our client’s property, for vehicles entering the subject site. As show in Figure 11, the signs are a directional freestanding (S2) being 1800mm high x 845mm wide, and a truck entry sign (S4) being 1500mm high x 750mm wide.

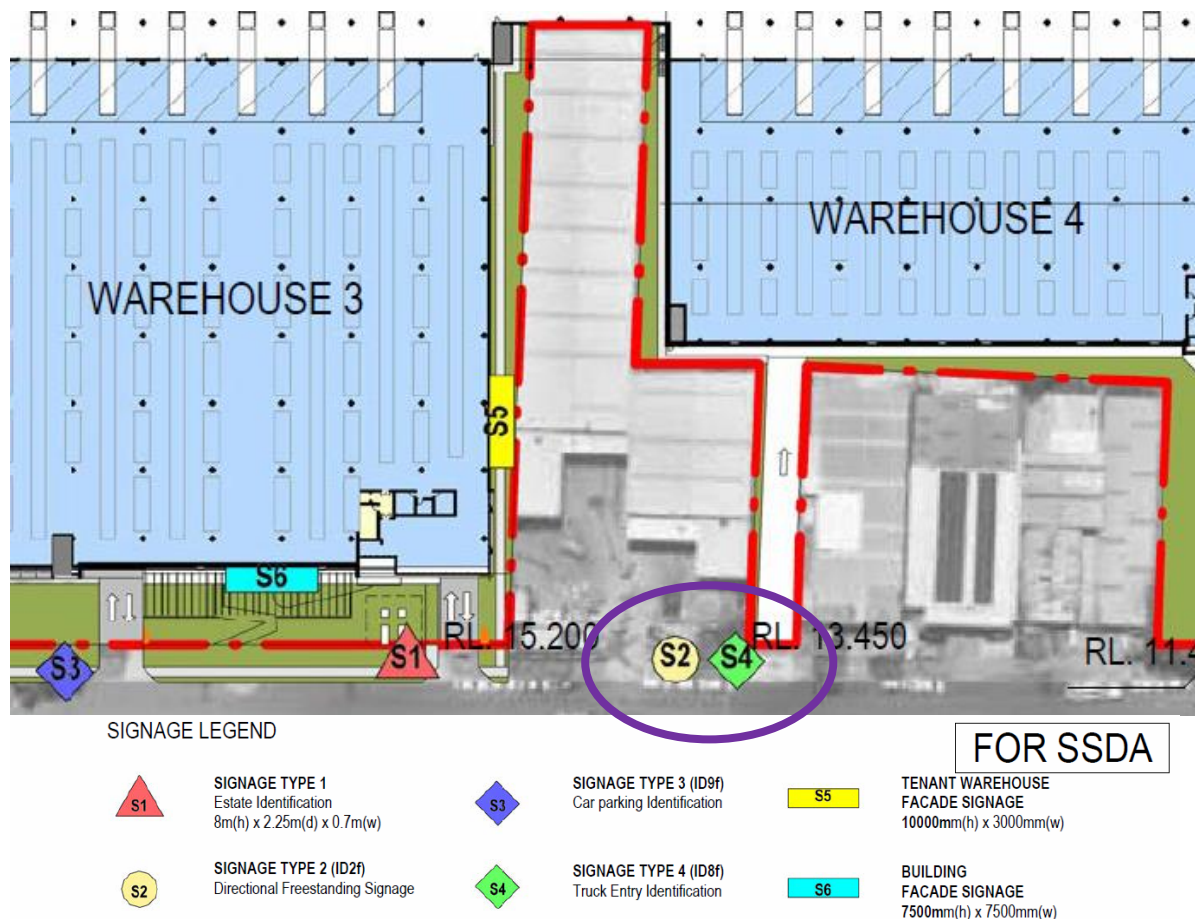


Figure 11: Drawing No. PML-NT-AR-DA431 Issue 3 (Source: Nettletontribe Architects)

The location of these signs immediately in front of our client’s building unreasonably restricts their opportunities to advertise or gain public exposure from Gow Street. It also impacts on the existing vehicular access to our client’s property. Any signage associated with the development should be located either within their site area or immediately adjacent to their frontage.

Dust and air quality during construction and on-going operation of the site

The length of the construction phase and the associated impacts are a concern for the adjoining owners. The extent of development will mean that our client's property will have construction works going on around three (3) sides of the building, with possible dust pollution coming inside the building affecting the air quality of the employees.

There is also a concern as to the air quality during the operation of the site, given the number of vehicular movements per day and the location of the two (2) driveways immediately adjoining our client's property.

Structural impacts to adjoining buildings from construction and potential damage caused by truck movements

On behalf of our client's, we seek assurance that the extent of cut and construction works will not threaten the structural integrity of the new building at 88-90 Gow Street.

Our client's building has been constructed up to each side and the rear boundaries. The proposed development will be built up to our client's rear boundary at the lower ground level, upper ground level and Level 1 where truck access/turning and vehicular parking will be located immediately abutting the rear wall of our client's building. This creates the potential for damage to the built structure at 88-90 Gow Street from vehicles.

There is also potential for damage to our client's building from the truck entry driveway adjoining along their eastern boundary. The truck movements will only be separated from the external wall of 88-90 Gow Street by a very narrow landscaped strip, which will not provide any protection to the building.

Stormwater impacts to neighbouring properties

Given the size of the development site, the large expanse of hard stand/built upon areas and the fact that our client's property is so small in comparison, we seek assurance that there will be no stormwater impacts to 88-90 Gow Street from the proposed development. The stormwater impacts need to be carefully considered as part of the assessment.

Conclusion

The development in its current form will have a detrimental impact on our client's property at 88-90 Gow Street, as well as the other smaller adjoining properties to the east along Gow Street. The documentation seems to focus on the impact of the development to the more sensitive locations, being the nearby residential areas, and while this is understandable, it is our opinion that the impact to the adjoining industrial properties (particularly 88-90 Gow Street) should be properly considered.

It is considered that the bulk, form and scale of the proposed development is excessive for the site, particularly within the areas immediately adjoining the properties located at 88-90, and 80, 82 & 84 Gow Street, given these sites are significantly smaller in area than the subject site and the built form on these properties is much lower in scale.

The variation to FSR by 6,069.8m² should not be supported as the SSDA has not demonstrated there are environmental planning grounds to justify exceeding the development standard.

The interface of the development to the adjoining properties, particularly 88-90 Gow Street, should be substantially improved, in terms of the visual presentation and operational activities.

Finally, the application fails to address site isolation for the adjoining properties, particularly 88-90 Gow Street. The application has not properly considered site amalgamation which would result in a more cohesive development proposal, and our client has never been formally approached with an offer that is based on a valuation of the property. The proposal has not properly considered the orderly and economic development of the land. The remaining sites at 80, 82 and 88-90 should be, at best, included as part of the redevelopment.

We trust that the Department will give due consideration to the issues raised in this submission.

Should you have any questions, please do not hesitate to contact the undersigned.

Kind regards,



Margaret Roberts
GAT & Associates
Plan 4882