

SYDNEY WESTERN CITY PLANNING PANEL

Panel Reference:	2017SSW052.
DA Number:	2017/1249/1.
Local Government Area:	Camden.
Proposed Development:	Remediation of contaminated land, construction of a four level vehicle sale premises, vehicle repair station and vehicle body repair workshop with signage, tree removal, landscaping and associated site works.
Street Address:	12-18 Dunn Road, Smeaton Grange.
Applicant/Owner:	Alto Properties No. 2 Pty Ltd on behalf of Dunn Road Property Holdings Pty Ltd.
Number of Submissions:	No submissions received.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	Capital investment value >\$30 million. At the time of registering this DA the CIV threshold was >\$20 million. The CIV is \$27,186,138.
List of All Relevant s4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy No. 64 – Advertising and Signage. • State Environmental Planning Policy No. 55 – Remediation of Land. • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. • Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River. • Camden Local Environmental Plan 2010. • Camden Development Control Plan 2011.
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	Not applicable.
List all Documents Submitted with this Report for the Panel's	<ul style="list-style-type: none"> • Assessment report. • Recommended conditions. • Architectural, civil and landscaping plans.

Consideration:	<ul style="list-style-type: none"> • Clause 4.6 variation written request. • Associated reports. • Correspondence from the Roads and Maritime Services.
Report prepared by	Jessica Mesiti, Executive Town Planner, Statutory Planning.
Report date	30 April 2018.

Summary of Section 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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 Camden LEP) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (s7.24)?	Not Applicable
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel) support the written variation request lodged pursuant to Clause 4.6 of the Camden Local Environmental Plan 2010 to the maximum building height and determination of a development application (DA) for the remediation of contaminated land, construction of a four level vehicle sale premises, vehicle repair station and vehicle body repair workshop with signage, and associated site works at 12-18 Dunn Road, Smeaton Grange.

The Panel is the determining authority for this DA as the capital investment value (CIV) of the proposed development is \$27,186,138. Although the revised CIV threshold is now \$30 million, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the CIV for this proposal exceeded

the threshold of \$20 million for Council to determine the DA at the date of which the DA was registered with the panel.

SUMMARY OF RECOMMENDATION

That the Panel support the written request lodged pursuant to Clause 4.6 of the Camden Local Environmental Plan 2010 to the maximum building height to permit the proposed development and determine DA/2017/1249/1 for the remediation of contaminated land, construction of a four level vehicle sale premises, vehicle repair station and vehicle body repair workshop with signage, and associated site works pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the remediation of contaminated land, construction of a four level vehicle sale premises, vehicle repair station and vehicle body repair workshop with signage, and associated site works at 12-18 Dunn Road, Smeaton Grange.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 14 days in accordance with the Camden Development Control Plan 2011. The exhibition period was from 12 to 26 October 2017. No submissions were received.

Following the submission of additional information to include a remediation action plan, the DA was publicly re-exhibited and advertised in the local press for 30 days in accordance with the Camden Development Control Plan 2011. The re-exhibition period was from 20 December 2017 to 1 February 2018. No submissions were received.

The application proposes a variation to the building height development standard under Clause 4.3 of the LEP. The LEP limits the height of buildings to 11m, however the proposed building is 13.2277m high (at its highest point) at ridge level when measured from existing ground level. Council staff have assessed this LEP variation and recommend that it be supported.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

COMPLIANCE WITH KEY PLANNING CONTROLS

Control	Proposed	Variation
11m maximum building height.	13.2277m maximum building height.	2.2277m (20.25%)
199 car parking spaces.	204 car parking spaces.	None.
30m building setback to Camden Valley Way.	Minimum 30.4m setback to Camden Valley Way.	None.

15m landscape setback to Camden Valley Way.	Minimum 15m landscape setback provided to Camden Valley Way.	None.
15m building setback to Anderson Road.	Minimum 16m to Anderson Road.	None.
10m landscape setback to Anderson Road.	Minimum 10m to Anderson Road.	None.
10m building setback to Dunn Road.	>10m to Dunn Road.	None.
5m landscape setback to Dunn Road.	Minimum 5m to Dunn Road.	None.

AERIAL PHOTO



THE SITE

The site is commonly known as 12-18 Dunn Road Smeaton Grange and is legally described as Lot 11 DP 1145448.

The site has a frontage of 127.09m to Camden Valley Way, a frontage of 96.545m to Anderson Road and a frontage of 84.6m to Dunn Road. The site is vacant, is irregular in shape and has an overall area of 1.36 hectares.

The site has a fall of 5m from the northern corner to the southern corner of the site. The land contains 28 remnant Eucalypt trees with 26 located on the property and two located on Council's nature strip along Camden Valley Way. The trees are in varying

condition and size. It is proposed to remove all trees except for the two on the Council nature strip fronting Camden Valley Way.

The surrounding area comprises of the Smeaton Grange industrial estate to the north, east and south and the established residential area of Harrington Park to the west on the opposite side of Camden Valley Way.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
3 October 2006.	DA/2006/903/1 – Approved – Four Lot Torrens Title Subdivision.
29 September 2006.	DA/2006/902/1 – Approved – Three Lot Torrens Title Subdivision.

THE PROPOSAL

DA 2017/1249/1 seeks approval for the remediation of contaminated land, construction of a four level vehicle sale premises, vehicle repair station and vehicle body repair workshop with signage and associated site works.

Specifically the proposed development involves:

- remediation of contaminated land including asbestos containing material (ACM) found in a stockpile located in the centre of the north western portion of the site as well as a ACM fragment detected on the surface; and,
- construction of a four level building which includes:
 - indoor 1750sqm showroom;
 - 1810sqm outdoor display area;
 - a 5,544sqm service and panel workshop area located partially within a basement area to include 18 vehicle service work bays, 10 panel shop bays and two (2) spray booths. (Due to the slope of the land of 5m from the north to south of the site, the site is required to be excavated to accommodate a basement on the lower ground level. The basement is below ground along the Camden Valley Way and Anderson Road frontages); and,
 - 286sqm mezzanine level for administration and facilities;
- employment of 64 staff (16 staff for the showroom operations, 35 staff for the workshop operations and 13 first floor administration staff);
- on-site car parking for 204 car spaces (30 parking spaces on the ground floor for the showroom and administration staff and 174 spaces (including 28 staff parking spaces) on the lower ground floor for the basement service workshop);

- vehicular access to the site via Anderson Road for showroom visitors. The Anderson Road access driveway will be via a left in entry due to a median strip located along the road frontage;
- vehicular access for staff, service vehicle visitors and delivery/waste collection via Dunn Road;
- vehicle showroom/office operating hours to occur between 8:00am to 7:00pm Monday to Friday and 8:30am to 6pm Saturday and Sunday; and,
- workshop operating hours to occur between 7:00am to 6:00pm Monday to Friday; and,
- signage including a 6m high pylon sign located along the Camden Valley Way frontage and fascia signage;
- landscaping to include turf, proposed mass planting areas around the car park hardstand areas and trees and shrubs between 7-12m along the Dunn Road frontage; and,
- associated site works including tree removal, earthworks, drainage.

The capital investment value of the works is \$27,186,138.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1).

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

((a)(i) the provisions of any environmental planning instrument.

The environmental planning instruments that apply to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River; and,
- Camden Local Environmental Plan 2010.

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

Pursuant to Schedule 7 of the SEPP, the Panel is the determining authority for development with a CIV which exceeds \$30 million. The CIV for this proposal exceeded the threshold of \$20 million for Council to determine the DA on the date of which the DA was registered with the panel.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

A phase 2 contamination report assessment and a remediation action plan (RAP) were submitted with DA. The contamination assessment notes that the site is contaminated with asbestos fragments from the importation of contaminated fill soils (stockpiles) and the demolition of former structures (footprint of former residence) at the site. The RAP provides a series of remediation actions that if implemented will decontaminate the site.

The remediation action plan identifies the asbestos contaminated material within the impacted soils from the former structures on site will be excavated and disposed offsite. The stockpiled fill in the north west of the site will be remediated and validated for re-use on site. It is a recommended condition that the site be decontaminated in accordance with the submitted RAP. Subject to this occurring, the site will be made suitable for its intended use.

A standard contingency condition is also recommended to ensure that if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

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

The proposal includes fascia signage and 6m high pylon sign located along the Camden Valley Way frontage. The signs are of an appropriate size and scale to the development.

It is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment pursuant to Clause 104 of the ISEPP as, pursuant to Schedule 3 of the ISEPP the proposed development is classed as traffic generating development.

RMS have reviewed the proposal and raise no objection to the development subject to conditions of consent regarding stormwater discharge, implementation of a construction vehicle traffic management plan, sight lines from landscaping/fencing, and compliance with the relevant Australian Standards. RMS conditions have been included in the consent.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The site contains 28 remnant Eucalypt trees with 26 located on within the site and two located on Council's nature strip. The trees are in varying condition and size. It is proposed to remove all trees except for the two on the Council nature strip facing Camden Valley Way.

An arborist report was submitted with the DA and reviewed by Council's Natural Resource Officer.

The Tree Survey identifies that the trees on the development site will be severely affected by the development works taking into account the hydrological and soil environments of the tree will be heavily impacted. Of the 30 trees assessed in the Tree Survey, 15 are assessed as having habitat value and potentially house fauna.

The tree removal is supported subject to a condition which requires a tree survey plan to identify the habitat characteristics of the trees proposed to be removed, including whether tree hollows or active nests are present. If tree hollows and/or active nests are present, a nest box installation and active nest relocation plan must be prepared in addition to the tree survey plan.

It is noted that Clause 6 of the SEPP provides that the SEPP does not affect the provisions of other State Environmental Planning Policies and only prevails over inconsistencies with local environmental plans.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition has also been included to ensure to compliance with Council's Engineering Specifications.

Camden Local Environmental Plan 2010 (LEP)

Site Zoning

The site is zoned IN1 General Industrial under the provisions of the LEP.

Land Use Definitions

The proposed development is defined as a "vehicle sales premises", "vehicle repair station", "vehicle body repair workshop" and "business identification sign", by the LEP.

Permissibility

The proposed development is permitted with consent in the zone. An assessment table in which the proposed development is considered against the LEP is provided as an attachment to this report.

Proposed Variation

LEP Development Standard

Pursuant to Clause 4.3 of the LEP, the maximum building height permitted on this site is 11m.

The proposed building is 13.2277m high (at its highest point) at ridge level when measured from existing ground level.

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking a variation to the building height development standard (Clause 4.3) on the basis that:

- the majority of the building height is compliant apart from the southern elevation of the roof which exceeds the height requirement due to the fall of the land of 5m from north to south;
- the streetscape will not be impacted by the height encroachment. The proposed development appears to be compliant with the building height when viewed from Camden Valley Way and Anderson Road;
- the proposed building has been designed to minimise amenity impacts such as overshadowing, visual privacy and bulk and scale on the adjoining industrial properties;
- the proposed development is in keeping with the surrounding industrial development; and,
- the increase in building height achieves a sense of 'volume' inside the building that has a certain 'ambience' and a feel of luxury which is consistent with the Audi brand.

A copy of the applicant's written request to contravene the maximum building height development standard is provided as an attachment to this report.

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant's justification adequately demonstrates that compliance with the building height development standard is unreasonable due to the topography of the land and that non-compliance with the height limit will not have any unreasonable impacts on the surrounding area including visual amenity.

In support of the LEP variation it is noted that:

- the majority of the building height is compliant apart from the southern elevation of the roof which exceeds the height requirement due to the fall of the land of 5m from north to south;
- it is considered that a 13.2277m high building in this location will not appear visually dominant or prominent in the streetscape;
- the height of the building will be proportionate to its length, and with the inclusion of landscaping the overall appearance of the building will be in keeping with the desired streetscape character;
- the proposed development is in keeping with the surrounding industrial development. Council has previously approved a 16.7m high building on the

adjoining site at 2-10 Dunn Road. There is also an existing 15.75m high building located at 34 Dunn Road (to the south-east of this site);

- the proposal is compatible with surrounding development and the environmental planning framework in terms of visual appearance, scale, design and land use. In this respect, it will not be highly visible and represents a suitable transition from the front to the rear of the site;
- based on the above, it is considered that compliance with the development standard is unnecessary and unreasonable in the circumstances of this particular case and that sufficient environmental planning grounds have been provided to justify contravening the development standard in this instance; and,
- it is considered that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zones in which the development is proposed to be carried out.

Council has the assumed concurrence of the Director General of the Department of Planning and Environment and therefore the Panel may determine the LEP variation.

Consequently it is recommended that the Panel support this proposed variation to the LEP building height development standard to permit the proposed development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

Draft Environment State Environmental Planning Policy (Draft SEPP)

The Draft Environment SEPP concluded public exhibition on 31 January 2018. The purpose of the SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

As the Draft Environment SEPP is not considered imminent or certain, no significant weight to this proposed planning instrument has been given in this instance.

(a)(iii) the provisions of any development control plan.

Camden Development Control Plan 2011 (DCP)

An assessment table in which the proposed development is considered against the Camden DCP is provided as an attachment to this report. No variations are proposed to the DCP.

(a)(iiia) the provisions of 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.

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).

There are no matters prescribed by the regulations.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Traffic Impacts

Council's traffic engineers have reviewed the proposal and supporting traffic report. The proposed development will have minimal impact on the surrounding road network and vehicle maneuverability is considered to be satisfactory.

Car Parking

The proposal has been amended to demonstrate compliance with the DCP car parking rate through the provision of an additional 9 spaces on the ground floor, reduction of 11 work bays and conversion of these bays into parking bays. A total of 199 car parking spaces are required for the development and 204 car parking spaces have been provided. This includes 30 parking spaces on the ground floor associated with the showroom and administration staff and 174 spaces on the lower ground floor spaces (including 28 staff parking spaces) associated with the basement service/panel workshop.

Vehicular Access

Vehicular access to the site for showroom visitors will be via Anderson Road. The Anderson Road access driveway will be via a left in entry due to a median strip located along the road frontage. Vehicular access to the site for staff and service centre visitors will be via Dunn Road. No egress will be available onto Anderson Road and all traffic will egress from Dunn Road.

The proposal has been amended to reduce the driveway width from Anderson Road to 7m wide, to ensure that two way vehicle movements are restricted and no egress is possible onto Anderson Road.

The service centre customer vehicles will enter via the entry driveway from Dunn Road and be directed to one of the two service lanes adjacent to the reception area on the lower ground level. The customer will be greeted by an attendant and be directed into the reception/waiting area. The staff member will check the name of the customer and immediately move the car into a car space, clearing the drop-off lane, before returning to move the next car.

Loading and unloading

Various vehicles are required to service the site and satisfactory swept paths have been provided for each vehicle. The proposed development is to be serviced by the following vehicles:

- an 18.65m car carrier transporter will enter via Anderson Road and exit via Dunn Road to deliver brand new vehicles for customer collection. This vehicle will unload on the flat section of the access road, whilst maintaining access for motor showroom visitor vehicles to pass the carrier;
- an 8.8m medium rigid vehicle for the smash repairs will enter and exit via Dunn Road and unload within the panel workshop;
- an 8.8m medium rigid waste collection vehicle will enter and exit via Dunn Road and collect waste within a parking aisle within the site. This will be undertaken outside of peak operating periods to ensure there are no traffic conflicts with the movement of customer service vehicles into designated parking bays; and,
- the swept paths also demonstrate the ability for a 10.1m general NSW Fire Brigade truck to enter and exit via Dunn Road and circulate within the car park.

Conditions are recommended to limit the size of delivery vehicle to a maximum of 18.65m and ensure waste collection is undertaken outside of peak operating periods.

A condition is also recommended to ensure measures are implemented to improve sightlines at the base of the access ramp such as a convex mirror.

Employment

The proposal has been amended to remove the 25 desks within the “call centre” that was identified on the first floor plans. Six administration desks have substituted the call centre desks, which operate as ancillary to the motor showroom. The overall staffing number for the proposed development has therefore been reduced from 84 to 64. This includes 16 staff for the showroom operations, 35 staff for the workshop operations and 13 administration staff to cover finances, accounts, stock control, customer service, bookings etc. A condition is recommended which restricts any approved office space to be used solely in conjunction with the approved use of the subject property as a vehicle sales premises, vehicle repair station and vehicle body repair workshop.

Landscaping

A landscape plan was submitted with the DA and referred to Council’s landscape officer. The species and indicative planting locations are generally acceptable; however additional tree and shrub density is required to be increased to soften the built form along Camden Valley Way and Anderson Road.

A condition is recommended to require five (5) Australian Hoop Pines (*Araucaria Cunninghamii*), with a mature height of 25m, to be incorporated along the Anderson Road frontage, and an additional five (5) trees up to 3m in height and selected from Council’s suitable species list to be provided along the Camden Valley Way frontage.

Verge planting at a rate of one (1) tree per 7m has been demonstrated on the plans along the Camden Valley Way frontage but not the Anderson Road frontage. A condition is recommended which requires that the Anderson Road verge to be planted with one (1) tree per 7 metres in accordance with the DCP. The species will be required to be selected in accordance with Council’s suitable species list.

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) *the suitability of the site for the development.*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) *any submissions made in accordance with this Act or the regulations.*

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 12 to 26 October 2017. No submissions were received.

Following the submission of additional information to include a remediation action plan, the DA was publicly re-exhibited and advertised in the local press in accordance with the Camden Development Control Plan 2011. The re-exhibition period was from 20 December 2017 to 1 February 2018. No submissions were received.

(e) *The public interest.*

The public interest is served through the detailed assessment of this DA under the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Roads and Maritime Services.	No objection and conditions recommended regarding stormwater discharge, implementation of a construction vehicle traffic management plan, sight lines from landscaping/fencing, and compliance with the relevant Australian Standards for the layout of the car park.

A standard condition that requires compliance with the external referral responses is recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 20167/1249/1 is recommended that the Panel:

- support the written request lodged pursuant to Clause 4.6 of *Camden Local Environmental Plan 2010* to maximum building height to permit the proposed development; and,
- approve DA/2017/1249/1 for the remediation of contaminated land, construction of a four level vehicle sale premises, vehicle repair station and vehicle body repair workshop with signage, and associated site works at 12-18 Dunn Road, Smeaton Grange subject to the conditions attached to this report.