

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSWC-205
DA Number	3312/2021/DA-I
LGA	Campbelltown
Proposed Development	Construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking
Street Address	Lot 1 DP 1092198 and Lot 26 DP863617, 35-47 Stennett Road, Ingleburn
Applicant/Owner	Mr Cameron Gray / The Trust Company Limited
Date of DA lodgement	10 November 2021
Total number of Submissions	No submissions received
Number of Unique Objections	
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Development that has a capital investment value of more than \$30 million – Clause 2 of Schedule 7.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 • State Environmental Planning Policy 55 - Remediation of Land • State Environmental Planning Policy No 64 - Advertising and Signage • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Koala Habitat Protection) 2021 • Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment • On 1 March 2022 the above State Environmental Planning Policies (SEPP's) were consolidated into new SEPP's – the assessment is based on the SEPP's in place at the time the DA was submitted. • Campbelltown Local Environmental Plan 2015 • Campbelltown (Sustainable City) Development Control Plan 2015 • Campbelltown 2027
List all documents submitted with this report for the Panel's consideration	<p>Attachment 1 – Recommended Condition of Consent</p> <p>Attachment 2 – Letter from City Delivery</p> <p>Attachment 3 – Architectural Plans</p> <p>Attachment 4 – Clause 4.6 variation</p> <p>Attachment 5 – Transport Assessment</p> <p>Attachment 6 – Landscape Plans</p> <p>Attachment 7 – Biodiversity Development Assessment Report</p> <p>Attachment 8 – Arborist Report</p> <p>Attachment 9 – BCA Assessment Report</p>

	Attachment 10 – Detailed Site Investigation Attachment 11 – Civil Plans Attachment 12 – Civil Report Attachment 13 – Noise and Vibration Assessment Attachment 14– Koala Activity Assessment Report Attachment 15 – Bushfire Assessment Report
Clause 4.6 requests	Height of Building Clause 4.3 of the Campbelltown Local Environmental Plan
Summary of key submissions	None
Report prepared by	Ellise Mangion
Report date	4 April 2021

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

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 summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

Yes

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?

Special Infrastructure Contributions

N/A

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. Executive Summary/ Purpose

Council is in receipt of a development application for construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking.

The subject site is zoned IN1 General Industrial under the Campbelltown Local Environmental Plan 2015. The proposed warehouses are permitted with consent on the site and the proposed development is consistent with the objectives of the IN1 General Industrial zone.

The application was notified for 21 days from 22 November 2021 to 14 December 2021. No submissions were received.

The application include a Clause 4.6 variation to Clause 4.3 of the Campbelltown Local Environmental Plan 2015 which relates to the maximum height of buildings. The proposed development exceeds the maximum height control by 12.1% per cent. The applicant has provided justification to support a variation to the development standard, which is supported.

The development has a Capital Investment Value of \$57,876,890 and is therefore required to be referred to the Sydney Western City Planning Panel for determination.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to the recommended conditions in attachment 1.

2. Site and Surrounds

A site visit was carried out on 14 February 2022.

The site is identified as Lot 1 DP1092198 and Lot 26 DP863617, known as 35-47 Stennett Road, Ingleburn. The site is irregular in shape with a north (front) boundary measuring 889.475m, which is measured along Stennett Road, a north-east boundary measuring 181.635, an east (side) boundary measuring 414.79m, a south (rear) boundary measuring 882.755m and a west (side) boundary measuring 381.77m. The stage 3 development has frontage of 273m to Stennett Road and an area of approximately 9 hectares. The site has a total area of approximately 28 hectares and the site falls from the south-west towards the north-east by approximately 6.5m.

The site has existing warehouses which form part of the stage 1 and 2 developments that were previously approved by the Panel, which consists of three warehouse buildings. There is also an existing warehouse and associated structures which occupy the middle of the site and which was the subject of a development application to Council for alterations and additions to the existing warehouse and was approved by Council on 8 March 2022.

The subject site is surrounded by a range of industrial warehouse facilities to the north and west of the site. The wider locale includes residential development to the east and south and the Hume Highway to the west.

The subject site is adjoined by a warehouse development to the west of the site, the main southern railway to the east of the site and Bow Bowing Creek to the north of the site. Robin Hood Farm is located to the south of the site, which is State Heritage listed and identified as item no I01387 under the Campbelltown Local Environmental Plan 2015.



Figure 1: Locality map.



Figure 2: Street frontage, tree 5 in the back ground.



Figure 3: the existing site.

Relevant History

2391/2014/DA-I

The application for the 'construction of a warehouse development' was approved by the Sydney South West Planning Panel on 16 March 2015. This approval relates to the north-eastern portion of the site, referred to as stage 1, and includes two (2) attached warehouses with ancillary offices, loading, car parking and landscaping.

2391/2014/DA-I/A

A Section 96 modification application for 'modification to warehouse and associated works' was approved under delegation on 22 January 2016. The modification related to the relocation of the warehouse by 9m to the south-west of the site, which resulted in amendments to the floor and roof levels and reconfiguration to the road access, car parking and landscaping.

2391/2014/DA-I/B

A Section 96 modification application for 'modification of an existing development consent to erect palisade fence' was approved under delegation on 4 July 2016.

2885/2016/DA-A

A development application for three pylon signs was rejected by Council on 13 September 2016.

3797/2016/DA-A

A development application for the installation of three pylon signs was approved under delegation on 15 June 2017.

259/2017/DA-I

An application for earthworks and construction of two warehouse buildings with ancillary offices and associated car parking and signage and for the use of the buildings for warehousing and distribution operating 24 hours, 7 days per week was approved by the Sydney Western City Planning Panel on 12 September 2017.

2159/2021/DA-CW

An application for the construction of three driveway crossovers to Stennett Road was approved under delegation on 17 February 2022.

2484/2021/DA-I

A development application was approved under delegation on 8 March 2022 for alterations and additions to the existing warehouse, car parking and civil works.

Application History

- The application was presented to the Panel for a kick off briefing on 9 December 2021.
- The applicant was requested to provide Council with a Detailed Site Investigation on 13 December 2021.
- The development application was deferred on 15 February 2022 for items in relation to retaining walls, environmental reports and additional testing for the detailed site investigation.
- The application was briefed to the Panel on 14 March 2022.
- Additional information was submitted in full to Council on 29 March 2022.

Referrals

After an internal review of the subject development application it was determined that referrals were required to Council's Environment Officer, Contamination Officer, Senior Development Engineer, Building Surveyor and Waste Officer. The proposal is supported subject to the recommended conditions of consent in attachment 1.

3. Site Constraints Table

Site Constraints	Applicable to this site
Bushfire Prone Land	Y
Flood Affected	N
Overland flow affected	N
Mine Subsidence	N
Noise Affected Property	N
Aboriginal Sensitivity Zone	N
Koala Habitat	Y
Jemena Gas Line	N
Transgrid Electrical Easement	N
Easements	Y
Tree Removal	Y
Biodiversity Impacts	Y

4. Proposal

The proposal includes the following works:

- Construction of three warehouses, warehouse 5 has 3 tenancies and warehouses 6 and 7 have two tenancies each.
- Each warehouse is comprised of warehouse area, loading docks, office, amenities and dock office.
- Bulk earthworks including cut and fill
- 272 car parking spaces
- Hardstand, loading bays and driveways
- Two driveways crossovers to Stennett Road.
- Installation of signage.
- Landscaping, retaining walls and fencing to the site.



Figure 4: Site Plan of the proposed development.

Campbelltown 2027

Campbelltown 2027 is the Community Strategic Plan for the City of Campbelltown. The Strategic Plan addresses 4 key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- 1. The entire site shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;*
- 2. All land within 12m of the southern boundary is to be managed as an APZ as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;*
- 3. Property access roads are to be constructed in accordance with Table 5.3b of PBP 2019 and as shown on the development plans contained in Appendix A;*
- 4. All new buildings are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and Table 5.3c of PBP 2019;*
- 5. Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site; and*
- 6. All hazardous materials to be stored on land within 100m of any designated bushfire prone land shall be stored in a secure enclosure away from the bushfire hazard.*

It is recommended that this report be included in Condition 1 of the conditions of consent. Clause 4.14 of the EP&A Act 1979 is considered to be satisfied.

Biodiversity Conservation Act 2016

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The proposed development includes the removal of a small amount of vegetation which is predominantly planted trees.

The applicant has submitted a Biodiversity Development Assessment Report prepared by Ecological in support of the proposed development.

The proposal will result in the removal of 69 trees including 30 high quality trees and 39 young or low quality trees. The majority of the trees on the site have been planted, with an understorey of exotic grasses.

Due to the small area of vegetation being removed and the majority of vegetation being planted native vegetation within the development site, the BDAR was prepared under the streamlined assessment modules for small area and planted native vegetation.

The report concludes:

The proposed development will result in the removal of 0.583 ha of native vegetation within the subject land for the development footprint. The development will retain a large hollow-bearing remnant tree which contains the most important biodiversity values, representing retention of 0.031 ha of Cumberland Plain Woodland, with 0.013 ha removed.

The literature reviewed and field inspection identified that the majority of vegetation within the development site is planted native vegetation. Landscaping works have incorporated planted native species as part of the previous industrial development. The planted native vegetation on the site was assessed in accordance with the BAM 2020 Appendix D Streamlined assessment module – Planted native vegetation in accordance with the BAM 2020.

Following consideration of all the above aspects, the residual unavoidable impacts of the proposal were calculated consistent with BAM by using the BAMC Version 50. A total of 1 ecosystem credit was calculated for *Phragmites australis* and *Typha orientalis* coastal freshwater wetlands of the Sydney Basin Bioregion.

No threatened flora or fauna species were recorded within the development site. Two Matters of National Environmental Significance (MNES) listed under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) were considered as having potential to occur in the development site. The Significant Impact Criteria were applied to two threatened fauna species...and concluded that the proposed development is unlikely to constitute a significant impact.

A condition of consent has been included in the recommended conditions of consent with regard to biodiversity offsets. It is considered that the proposed development does not result in a significant impact on flora and fauna. The proposed development is supported in its current form and conditions relating to tree retention of tree 5 consistent with this report have been included in the recommended conditions of consent.

5.1 Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy 55 - Remediation of Land

State Environmental Planning Policy 55 Remediation of Land (SEPP 55) aims to provide a state wide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

The SEPP 55 requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 7 of SEPP 55 is provided in table below.

State Environmental Planning Policy 55 - Remediation of Land

Requirement	Action	Response
Clause 7(1) 1. Is the development for a change of use to a sensitive land use or for residential subdivision? Sensitive land use include residential, educational, recreational, child care purposes or hospital.	a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.	No change of residential use proposed.
	b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	The subject site is for an industrial development.
Clause 7(1) 2. Is Council aware of any previous investigation or orders about	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken. No evidence was

State Environmental Planning Policy 55 – Remediation of Land

Requirement	Action	Response
contamination on the land?		found of contaminating land activities having occurred on the land.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken. No evidence was found of contaminating land activities having occurred on the land.
Clause 7(1) 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken. No evidence was found of approved contaminated land activities having occurred on the land.
Clause 7(1) 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use. NB: if the proposal is industrial then you should answer no to this question.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 4 (b)– Industry B.
Clause 7(1) 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	No evidence of potentially contaminated signs were present on site when the site was inspected.

The Preliminary Site Investigation (PSI) has identified that the site has been filled with material of unknown quality. The PSI has proposed that the fill is acceptable based on results from 7 sampling points that met the acceptance criteria.

Council's Environment Officer stated that "fill over 9.5 hectares of land cannot be validated on the basis of only 7 sampling points...A Detailed Site Investigation (DSI) is required to properly determine the suitability of the fill for the proposed industrial use. While the suitability of that fill is uncertain Council cannot be satisfied that the site is or will become suitable prior to the proposed new use commencing". Therefore a DSI was requested as part of a request for additional information. A revised report was provided to Council on 14 March 2022.

The report concludes the following:

- From review site historical information (as presented in JBS&G 2021) the entire site area was vacant until 1988 with little potential for contamination. The site was developed (paved with an asphalt hardstand) in 1990s associated with a vehicle storage/transfer yard. Since the 1990s the site has remained an asphalt hardstand area without structures. There was no known bulk fuel/chemical storage at the site.
- Fill material, where encountered, was consistent comprising of brown/grey clay with minor inclusions of shale and sandstone gravels, concrete and some organic matter. No odours, staining, ACM or other indicators of potential contamination were observed within fill materials. Depth of fill material across the site was between 0.2 and 1.4 m below ground surface. Natural materials were observed underlying fill materials at all sampling locations. Natural soils were identified as red/orange/brown/yellow clay and silty clays.
- The assessment did not identify any gross or widespread contamination which may preclude the use and/or development of the site for the proposed commercial development.

Based on the findings of this assessment and subject to the limitations in Section 12, it is concluded that the site is suitable for proposed commercial/industrial landuse.

Based on the above assessment, the provisions of Clause 7 of SEPP 55 have been considered and the contaminated land planning guidelines and the site is considered suitable for the proposed development.

State Environmental Planning Policy No 64 – Advertising and Signage

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64) applies to the proposed signage. Under SEPP 64, the signage is defined as building identification signs and business identification signs as follows:

Building identification sign means a sign –

that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Business identification sign means a sign –

(a) That indicates –

- (i) The name of the person or business, and
- (ii) The nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) That may include the address of the premises or place and a logo or other symbol that identifies the business,

But that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of **signage** – see the definition of that term in this Dictionary.'

The proposal includes the provisions of the following signage:

- 2 x freestanding pylon signs for estate identification (building identification sign) 8m(h) x 2.25m
- 8 x freestanding pylon signs for directional sign (building identification sign) 1.8m(h) x 845mm
- 4 x freestanding pylon signs for car parking identification (building identification sign) 1.5m(h) x 750mm
- 4 x freestanding pylon signs for truck parking identification (building identification sign) 1.5m(h) x 750mm
- 7 x flush wall signs (business identification sign) 2.5m(h) x 10m

Clause 3 Aims and Objectives

The policy aims to ensure that signage (including advertising):

1. *is compatible with the desired amenity and visual character of an area, and*
2. *provides effective communication in suitable locations, and*
3. *is of a high quality design, and*
4. *regulate signage under part 4 of the Act, and*
5. *provides time limited consents for the display of certain advertisements, and*
6. *regulates the display of advertisements in transport corridors, and*
7. *ensures that public benefits may be derived from advertising in and adjacent to transport corridors.*

The proposed signage is consistent with these aims and objectives.

Part 3 Advertisements

Clause 9 of SEPP 64 states the following:

9 Advertisements to which this Part applies

This Part applies to all signage to which this Policy applies, other than the following:

- (a) business identification signs,*
- (b) building identification signs,*
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*
- (d) signage on vehicles.*

As the proposed signs are defined as building identification signs and business identification signs, Part 3 of the SEPP does not apply.

Schedule 1 Assessment Criteria

1. Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

The proposed signage is generally compatible with the proposed use and desired future character of the area as well as being consistent with similar signage for other industrial uses within the Ingleburn industrial area.

2. Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

The proposed signage will not detract from the existing amenity of the area.

3. Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

The proposed signage does not obscure or compromise important views and would not dominate the skyline. Due to the size of the site and the distance to adjoining warehouses, the proposed signs do not impact upon the viewing rights of others.

4. Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

The proposed signage is in proportion to the streetscape and contributes to the visual interest of the streetscape. The proposed sign does not protrude above the building and existing trees and reduces clutter by simplifying signage. The proposal does not require ongoing vegetation management.

5. Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed signage is compatible with the scale, proportion and other characteristics of the site and respects important features of the site and building.

6. Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

There are no safety devices, platforms or lighting devices proposed.

7. Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

The proposed signage would not be illuminated.

8. Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

The proposal will not obscure sight lines and will not reduce safety for any road, pedestrians or cyclists.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Sydney Region Growth Centres SEPP (GC SEPP) was amended on 6 December 2019 to include the Greater Macarthur Growth Area as a designated growth centre. The subject site is located

within the boundaries of the Greater Macarthur Growth Area, and is therefore subject to the provisions of the SEPP. Clause 16 of the SEPP is relevant to the application and discussed below.

The GC SEPP does not include a precinct plan for the Greater Macarthur Growth Area, and therefore Clause 16 of the GC SEPP is to be considered. In this regard, the Ingleburn Precinct Plan released under the Glenfield to Macarthur Urban Renewal Corridor Strategy (which is not a Precinct Plan for the purposes of the GC SEPP but is rather a structure plan) indicates that the subject site would be "Employment Lands". This implies that a future land use zoning of IN1 or B5 would apply. As the proposed development is for warehouses, the proposed development would be consistent with the relevant precinct planning strategy.

Therefore, the proposed development is considered to be satisfactory with regard to Clause 16 of the GC SEPP.

State Environmental Planning Policy (Infrastructure) 2007

Electricity – substation

Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 relates to electricity and states:

45 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

There is no need for any undergrounding or relocation of existing electricity infrastructure. However, three new substations are proposed along the proposed access road, within the site. A referral was undertaken to Endeavour Energy and conditions of consent have been recommended and are included in attachment 1.

Development adjacent to rail corridors

Clause 85 of the SEPP requires works within proximity to a rail corridor. The subject site is adjacent to the rail corridor along the eastern boundary of the site, however the proposed works are not located within proximity of the proposed works, therefore referral to Sydney Trains is not required in this instance.

Traffic Generating Development

Clause 104 of the SEPP requires warehouses over 8000sqm in size to be referred to Transport for NSW for comment. The application was referred Transport for NSW and was rejected. The application was referred to Roads and Maritime Service (RMS), no comment has been received from RMS.

State Environmental Planning Policy (State and Regional Development) 2011

The aim of this policy is to identify development that is State significant development, State significant infrastructure and regionally significant development.

Schedule 1 identifies State significant development and Clause 12 identifies warehouses and distribution centres as a development for the purpose of State significant development as outlined below:

12 Warehouses or distribution centres

- (1) *Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*
- (2) *This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies.*
- (3) *In this clause—*
 - relevant amount** means—
 - (a) *for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or*
 - (b) *for any other development—\$50 million.*

The proposal is for 3 warehouses with a CIV of \$57 million, each warehouse will include separate tenancies with 3 tenancies to warehouse 5 and 2 tenancies to both warehouses 6 and 7. As the future occupation of the warehouse by 5 tenancies and would therefore not be related to the same operation of the premises. At the kick off briefing for the Planning Panel, the Chair concurred that the proposal was not considered to be State Significant Development that is outlined under this clause and could therefore proceed as a development application with Council.

State Environmental Planning Policy (Koala Habitat Protection) 2021

The aim of this policy is to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The subject site has a total site area of approximately 28 hectares and the portion of the site subject of this application is approximately 9 hectares. As the subject site is over 1 hectare and is located within the Campbelltown Local Government Area, the provisions of SEPP (Koala Habitat Protection) 2021 apply to the subject site.

Pursuant to Clause 10 of the SEPP, the proposed development is required to be determined in accordance with the approved Koala Plan of Management.

The applicant has submitted a Koala Activity Assessment Report prepared by Ecological Australia. The report has been prepared in accordance with the Campbelltown Comprehensive Koala Plan of Management adopted by Council in 2016.

The applicant's consultant liaised with Council's Environment Officer with regard to the preparation of the report and the assessment of each tree on the site as opposed to assessment in a grid pattern, to ensure a more thorough assessment of the trees on the site.

Based on the field survey and analysis of the arborist report, three species of (P)KFTS were found to be present within the development site as planted trees, along with one remnant tree.

The (P)KFTS formed 27.8 % of the tree canopy (Appendix A) and included the following species:

- Eucalyptus moluccana (Grey Box)
- Eucalyptus punctata (Grey Gum)
- Eucalyptus tereticornis (Forest Red Gum).

Therefore, the site forms potential Koala habitat and a KAAR is required in accordance with the CKPoM.

The proposed development includes the removal of 16 (P)KFTs within the 9.5 ha development site.

For a minor development, the compensation required for the loss of Koala habitat is outlined in the CKPoM as follows:

To ensure that the provision of compensation is:

- equivalent to the importance of habitat to be removed
- geographically appropriate so as to contribute to the long-term conservation and viability of Campbelltown's koalas the proponent shall be required to compensate for the loss of any (P)KFTs or shelter trees at the following ratio of replacement trees (or the monetary equivalent¹) for every individual tree that is removed:
 - a. Small (DBH<100 mm) 1:10
 - b. Medium (DBH>100<300 mm) 1:15
 - c. Large (DBH>300 mm) 1:20

The monetary equivalent proposed as \$35 per replacement tree. Therefore, to compensate for the loss of 18 large trees a ratio of 1:20 and a ratio of 1:15 for the loss of one medium tree would need to be applied. This would require the provision of 375 trees or compensation to be paid to Council at the cost of \$35 per replacement tree, totalling \$13,125. A condition of consent has been recommended for the payment of compensation to Council for the loss of trees from the site.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The proposal is within the Georges River Catchment and thus this policy applies. The general aims and objectives of this plan are as follows:

- a) to maintain and improve the water quality and river flows of the Georges River

and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,

- b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,
- c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,
- d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,
- e) (Repealed)
- f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.

The proposal does not conflict with any of the relevant provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

Campbelltown Local Environmental Plan 2015

The site is zoned **IN1 General Industrial (IN1)** and **SP2 Infrastructure (SP2)** under the Campbelltown Local Environmental Plan 2015. In accordance with the provisions of the CLEP 2015, consent must not be granted for any type of development within this zone unless it is consistent with one or more of the zone objectives, and the use is permissible within the zone.

The zone provisions for **IN1 General Industrial** are:

- a. To provide a wide range of industrial and warehouse land uses.
- b. To encourage employment opportunities.
- c. To minimise any adverse effect of industry on other land uses.
- d. To support and protect industrial land for industrial uses.
- e. To provide for a range of facilities and services to meet the day-to-day needs of workers in the area.
- f. To enable non-industrial land uses that are compatible with and do not detract from industrial and warehouse uses or impact on the viability of existing centres.
- g. To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.
- h. To facilitate diverse and sustainable means of access and movement.
- i. To maximise public transport patronage and encourage walking and cycling.

The proposed development is consistent with the objectives (a) and (b).

The proposed development is defined as **warehouse or distribution centre** which is defined as:

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, and includes local distribution premises.

Warehouses are permissible with Council's development consent within the IN1 General Industrial zone.

The zone provisions for **SP2 Infrastructure** are:

- a. To provide for infrastructure and related uses.
- b. To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- c. To encourage activities involving research and development.
- d. To optimise value-adding development opportunities, particularly those associated with research.
- e. To provide for the retention and creation of view corridors.
- f. To preserve bushland, wildlife corridors and natural habitat.
- g. To maintain the visual amenity of prominent ridgelines.

The proposal includes the construction of an access road over Lot 26 DP863617 which is zoned SP2.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

Roads are permissible with Council's development consent within the SP2 General Industrial zone.

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject site has a height limit of 19m. The proposed development have a maximum height of 21.3m to warehouse 6, warehouse 5 and 7 comply with the maximum height of building.

The proposed height of warehouse 6 results in a variation to the development standard of 12.1% under Clause 4.3 of the Campbelltown Local Environmental Plan 2015. The applicant has submitted a Clause 4.6 to support variation to the development standard. The Clause 4.6 variation is assessed below.

Clause 4.6 Exceptions to Development Standards

The purpose of this clause is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the Act.

The proposed development includes a variation to Clause 4.3 of the LEP 2015 with respect to height of building. The applicant has provided a Clause 4.6 variation request which is assessed in detail below.

The objectives of Clause 4.6 are as follows:

*“(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”*

Clause 4.6 allows consent to be granted for development even though the development would contravene a development standard, being Clause 4.3 relating to a maximum building height of 19m in this instance.

The Clause 4.6 variation is an attachment to this report and addresses each provision of Clause 4.6, including the underlying objectives of the standard; why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1; environmental planning grounds to support the numerical non-compliance; and public interest.

Below are key points from the Clause 4.6 Variation Request with respect to the proposed development:

- The overall height of the development presents as a compatible form of development within the industrial area.
- The additional amenity impact associated with the encroachment to the height control will have no impact to neighbouring properties in terms of overshadowing.
- The encroachment of the building is negligible and will not be highly visible from the public domain. The visual impact of the building adopts an appropriate urban form.
- The proposal is predominantly consistent with the height control and is appropriate in scale and intensity.
- The encroachment is located at that part of the building that is not readily visible from the street, being internal and central to the site, and does not result in a visual impact.
- The proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. This also satisfies Wehbe Test 1.
- The development is consistent with the zone objectives noting that:
 - The proposal contributes to the retention of employment land.
 - The development will provide employment opportunities within the Campbelltown Local Government Area.
- Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- The development is in the public interest.
- The development is consistent with the objectives of the height of building development standard.
- The development is consistent with the objectives for development within the zone and long term strategic intentions to maintain and preserve employment land.
- The development does not give rise to any matter of significance for the State or regional environmental planning and is consistent with the visions and objectives of the relevant strategic plans.

The 19m maximum permissible building height applying to the subject land under Clauses 4.3 of Campbelltown Local Environmental Plan 2015 is a development standards for the purposes of Clause 4.6 (Exceptions to development standards) and may therefore be varied by the consent authority pursuant to the provisions of Clauses 4.6 (2) - (5) of the LEP.

"What are the underlying objectives or purpose of the development standard"?

The underlying objective or purpose of the maximum permissible building height development standard applicable to the subject land under Clause 4.3 and the proposed development is stated within the objectives to Campbelltown Local Environmental Plan 2015 - Clause 4.3 (1) - Height of Buildings, as follows:

"(a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,

(b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,

(c) to provide for built form that is compatible with the hierarchy and role of centres,

(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain."

As can be seen on the building elevations, the proposed development exhibits a variation to the maximum permitted building height. This is principally a reflection of existing ground level, and to ensure the functionality of the development is achieved.

The proposed development exhibits architectural quality and urban form consistent with industrial development.

The proposed minor building height exceedance does not significantly reduce the opportunity for either the proposed development, or adjoining properties to receive satisfactory exposure to sunlight. The size of the site and the location of warehouse 6 at the rear of the site result in the location of the height exceedance not being visible from the public domain or a discernible variation when viewed from adjoining properties.

The design height of the proposed development is appropriate to the industrial area and has had regard to the surrounding future development. The departure from the 19m maximum permissible building height development standard does not cause significant visual impact and does not adversely impact view corridors from public spaces.

"Matters for Consideration by the Director-General".

Clause 4.6(4)(b) of Campbelltown Local Environmental Plan 2015 requires the concurrence of the Director-General to be obtained for development that contravenes a development standard.

Under Clause 4.6 (5), the Director – General is required to consider the following matters in deciding whether to grant concurrence.

"Whether contravention of the development standard raises any matter of significance for State or regional environmental planning".

The proposed development is consistent with State and regional planning policies/strategic directions including A Metropolis of Three Cities – the Greater Sydney Region Plan. Approval of the proposed development and the proposed minor exceedance of the applicable maximum permissible building height development standard in this particular case, would not raise any matter of significance for State or regional planning.

"The public benefit of maintaining the development standard".

This report demonstrates that the proposed exceedance of the permissible maximum building height development standard does not have adverse scenic/visual impacts, or amenity impacts on either the public domain, or neighbouring properties. As the proposed building height exceedance is located over 100m from the closest residential dwelling and a small portion of the development located on an expansive site, approval of the proposed development will not undermine the maintaining of the maximum building height development standards applicable elsewhere within the zone.

"Any other matters required to be taken into consideration by the Director-General before granting concurrence."

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

Conclusion

It is considered that any requirement for the proposed development to strictly comply with the applicable 19m maximum permissible building height development standard of Clause 4.3 of Campbelltown Local Environmental Plan 2015 would be unreasonable or unnecessary in the particular circumstances as the proposed development is in the public interest as it will facilitate the economically viable redevelopment of the subject land in a manner consistent with the strategic planning objectives for the development of the area.

Further, the proposed development is consistent with objectives for development within the zone and the proposed development is consistent with the objectives of the maximum building height development standard as expressed in Clause 4.3 (1) of Campbelltown Local Environmental Plan 2015.

The particular circumstances relating to the subject land and the proposed development are unique to this application due to the topography of the site and proposed industrial development and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality.

The proposed exceedance in maximum permissible building height does not significantly increase the bulk and scale of the proposed development, cause any additional view loss from neighbouring properties, or have any significant additional adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on the public domain.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standards of Campbelltown Local Environmental Plan 2015.

This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clause 4.3 of Campbelltown Local Environmental Plan 2015.

The Clause 4.6 variation to the height requirement for the proposed building is supported in this instance.

Clause 5.1 Relevant acquisition authority

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the [Land Acquisition \(Just Terms Compensation\) Act 1991](#) (the owner-initiated acquisition provisions).*
- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the [Land Reservation Acquisition Map](#) (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).*
- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.*

The land within Lot 26 is identified for acquisition by Council for the purpose of a Local Road, it is noted that the land acquisition and the construction of the road is not detailed in Council's Contribution Plan.

The land was identified for acquisition with the intention of building a link road to Minto Industrial Area, however this is no longer to be intended to be constructed. Council's Director City Delivery has provided a letter (see attachment 2) which outlines that the road is no longer intended to be constructed and the land is no longer intended to be acquired. Further to this, it is also intended that Council will include the rezoning of this land to IN1 to be consistent with the remainder of the site as part of a future housekeeping amendment to Campbelltown Local Environmental Plan 2015.

Clause 5.1A Development on land intended to be acquired for public purposes

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.*

- (3) *Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of the table.*

Zone SP2 Infrastructure and marked "Local road"

Flood mitigation works and roads

The proposed works within the SP2 zone are for the construction of a private road, which meets the definition of a road under the Campbelltown Local Environmental Plan 2015, as detailed above in this report. It is therefore considered the proposal complies with this Clause.

Clause 5.3 Development near zone boundaries

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The proposed development for the purpose of a road is permissible within the IN1 and SP2 zone, the ancillary works within the SP2 land to facilitate the proposed warehouse development are considered to be ancillary to the proposed road and warehouses. This Clause seeks to facilitate development associated with the proposed warehouse that infringes upon the SP2 zoned land. It is considered that ancillary works including landscaping, car parking, retaining walls and the like within the zone would not be inconsistent with the objectives of the SP2 zoning and Part 4 of this Clause and as such are supported.

5.21 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

The subject site is not considered to be a flood control lot.

Clause 7.1 Earthworks

The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Earthworks are required for the proposed development. The proposed earthworks have a volume estimate of 67,800m³ of cut and 127,000m³ of fill. A temporary stockpile is approved on the site for the removal of spoil within the site associated with development consent 2484/2021/DA-I, which will be used as part of the fill within the development. The Statement of Environmental Effects (SEE) states a total of 2,900m³ will be imported as fill to the site, and conditions of consent are recommended with regard to earthworks, spoil, and erosion and sediment control.

The proposal includes batters and retaining walls across the site, the proposed retaining walls have a maximum height of 4.2m and will be located within the property boundaries, with relevant conditions of consent to be included in attachment 1.

The proposed earthworks are supported by a geotechnical investigation prepared by PSM. Relevant conditions of consent are recommended with regard to geotechnical reports and inspections throughout construction.

It is considered that the proposed development would not affect the future use of the site and would not affect the amenity of the adjoining properties. Conditions of consent are recommended to mitigate potential impacts associated with earthworks on the site and are included in attachment 1.

The proposed development is considered to satisfy Clause 7.1(3) of the Campbelltown Local Environmental Plan 2015.

Clause 7.4 Salinity

Pursuant to Clause 7.4 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c. if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development includes substantial cut and fill. Previous applications on the site have assessed Salinity on the site in the Stage 1 and Stage 2 developments. Conditions of consent are recommended to ensure salinity measures are addressed in the geotechnical report and the measures all measures are implemented on the site and the design and construction of any structures within the ground shall be in accordance with any geotechnical provisions.

Clause 7.10 Essential Services

This clause ensures that development consent is not granted to development unless the consent authority is satisfied that essential services such as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services and the supply of natural gas are available. All required essential services are already in place and available for the proposed development.

5.2 Section 4.15(1)(a)(iii) The provisions of any development control plan

Campbelltown Sustainable City Development Control Plan 2015

Part 2 of the SCDCP 2015 aims to reduce the resultant environmental impacts of all development proposed within the Campbelltown Local Government Area.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Part 2 Requirements Applying to all Types of Development			
2.3 Views and Vistas	a)Development shall appropriately respond to Campbelltown's important views and vistas to and from public places. i) the Scenic Hills; ii) rural/semi rural landscape areas; iii) the Georges and Nepean River corridors; iv) areas of significant public open space (formal and informal); and v) heritage items.	The proposed development is not considered to obstruct views.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected.	The proposed development is not considered to obstruct views.	Yes
	c)The opportunity to create new view/ vista corridors shall be taken wherever possible and appropriate.	The proposal would not create a new view corridor	N/A
2.4.1 Rain Water Tanks	b) A rain water tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1.	Rain water tanks are provided to each warehouse.	Yes
	d) The rainwater tank incorporated in new commercial and industrial development exceeding 5,000sqm shall be connected to the plumbing in the building to provide water for toilets.	Conditions are included in Attachment 1 to ensure the rainwater tanks are connected to plumbing.	Yes, conditioned
	f) Above ground water tanks shall be located behind the primary or secondary building line.	The tanks are not visible from Stennett Road.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
2.4.4 Light Pollution	a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	Conditions are included in Attachment 1 with regard to light spill.	Yes, conditioned
2.5 Landscaping - Design Requirements	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The landscape design is considered to complement the site and the wider area.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	The proposal seeks to remove a large number of trees from the site, however the proposed landscape plan provides for a substantial increase in landscaping to the site.	Acceptable
	c) Landscape design shall add value to the quality and character of the streetscape.	The proposed landscaping is considered to significantly improve the streetscape character.	Yes
	d) A Landscape Concept Plan is required to be submitted with a development application for industrial development.	A landscape concept plan has been submitted with the application.	Yes
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan complies.	Yes
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The proposed landscaping is predominantly native.	Yes
2.7 Erosion and Sediment Control - Design Requirements	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	A sediment and control plan has been submitted for assessment and conditions of consent are included in attachment 1.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	b) Site activities shall be planned and managed to minimise soil disturbance.	The proposal is acceptable.	Yes
	c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.	The proposal complies and conditions of consent are included in attachment 1.	Yes
	d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	The proposal complies and conditions of consent are included in attachment 1.	Yes
2.8 Cut, Fill and Floor Levels	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	The applicant has submitted a cut and fill plan for the proposal. A revised cut and fill management plan conditioned is included in Attachment 1.	Yes, condition
	d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	Batters are proposed along the boundaries and generally comply with the SCDCP requirements. Conditions of consent have been included in attachment 1 with regard to batters on the site.	Yes
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	Conditions are included in Attachment 1.	Yes, conditioned
	f) No fill shall be deposited in the vicinity of native vegetation.	No native vegetation is located on the site.	N/A
2.8.2 Surface Water and Floor Level	a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual. b) All	The site is not identified as being flood affected.	N/A

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1. c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level. d) For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100mm. These heights can be reduced locally to 50mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction).		
2.9 Demolition - Design Requirements	<p>a) A development application involving demolition shall be considered having regard to the following information:</p> <ul style="list-style-type: none"> i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended); ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number); iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain; 	The proposal does not include demolition.	N/A

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.		
2.10.2 Stormwater – Design requirements	a) All stormwater systems shall be sized to accommodate the 100-year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development available from Council's website at www.campbelltown.nsw.gov.au).	A stormwater management plan has been provided for assessment and was reviewed by Council's Senior Development Engineer. Conditions of consent have been recommended in attachment 1.	Yes, conditioned
2.10.3 Stormwater Drainage – Design requirements	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater management plan has been provided for assessment and was reviewed by Council's Senior Development Engineer. Conditions of consent have been recommended in attachment 1.	Yes, conditioned
	b) The stormwater concept plan shall include the following information as a minimum: <ul style="list-style-type: none"> i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s. 	A stormwater management plan has been provided for assessment and was reviewed by Council's Senior Development Engineer. Conditions of consent have been recommended in attachment 1.	Yes, conditioned
2.11.2 Heritage 2.12 Retaining Walls –	a) Any development application made in respect to development on land that is: <ul style="list-style-type: none"> i) occupied by a heritage item; or 	Robin Hood Farm is located to the south of the subject site. The homestead is located several hundred	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Design requirements	<p>ii) adjoining land occupied by a heritage item; or</p> <p>iii) located within a heritage conservation area, shall provide a Statement of Heritage Impact (SHI) that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or conservation area.</p>	meters away from the proposed works. Given the distance of the proposed works from the site and significant curtilage around the site it is considered that the proposed development would not detract from the heritage significance of Robin Hood Farm.	
	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	The proposal includes a number of retaining walls on the site.	Yes, conditioned
	<p>b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <p>i) No filling shall be permitted within 2 metres of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.</p>	<p>The proposal includes filling of the site within 2m of the western boundary and will include a retaining wall within the property boundary to retain the fill. The height of the retaining wall will increase towards the rear of the site, due to the topography of the site and the grade requirements for the proposed development and associated private road.</p> <p>Council is satisfied with the proposed fill and retaining wall is appropriate on the subject site and conditions of consent are recommended to ensure the protection of the adjoining property.</p>	Yes
	c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply: i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut	Retaining walls to the southern boundary to retain excavation will be setback over 450mm to the boundary.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	The proposed retaining wall would not result in an increase of surface water flows onto adjoining properties.	Yes
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	A geotechnical report will be required for excavation on the subject site.	Yes
	g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9 metres to 1.2 metres.	Buildings are setback several metres to the side boundary	Yes
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	The proposed retaining walls are located wholly within the property boundary.	Yes
	i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	The retaining walls will be conditioned to be designed by a structural engineer.	Yes, conditioned
2.13 Security Design requirements	<p>a) Development shall be designed to:</p> <p>i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places;</p> <p>ii) minimise dead ends and other possible entrapment areas;</p> <p>iii) clearly identify and illuminate access points to buildings and designated public places; and iv) clearly differentiate between private and public space.</p>	The development is appropriately designed with clear signposting, entries and lighting to provide security at the site.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	b) External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres.	Conditions relating to external lighting are included in Attachment 1.	Yes
	c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.	The site will be fenced and landscaped.	Yes
	d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant.	The site is secured, but several tenancies will operate 24 hours.	Yes
2.14.3 Bushfire – Design requirements	c) Development applications relating to land identified on the Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment Report prepared by a suitably qualified person.	A bushfire report was provided by the applicant and has been addressed in detail elsewhere in this report.	Yes
2.15.1 Waste Management Plan – Design requirements	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	The applicant has submitted a waste management plan with the development application.	Yes
	b) Plans submitted with a development application shall detail the following (as applicable): i) the size and location of waste and recycling storage areas; ii) routes for occupants to access waste and recycling areas; iii) collection point and/or access route for collection vehicles; iv) ventilation of waste and recycling 2.15 storage areas; v)	Each warehouse has has a waste storage area which is detailed in the WMP submitted to Council. Private waste collection agreements will be required to service the site.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	location of garbage chute and service rooms; vi) bin and storage area washing facilities; and vii) occupants' disposal points for all waste streams.		
2.15.2 Waste Management During Demolition and Construction	<p>a) Waste and recyclable streams shall be stored separately on site.</p> <p>b) All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP.</p> <p>c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management or recycling facility. Details of disposal arrangements shall be specified in the WMP for each material type.</p> <p>d) Convenient and safe heavy vehicular access to waste and recycling material storage areas shall be provided.</p> <p>e) The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, NSW Environment & Protection Authority (EPA), Office of Environment and Heritage and other regulatory authority guidelines and requirements.</p>	The waste management plan addresses construction waste management.	Yes
2.15.3 On-going Waste Management	a) Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view.	Waste storage areas are provided within each warehouse.	Yes
	b) Any room(s) for storing garbage and recycling receptacles shall be located in a	No bin storage rooms are proposed.	N/A

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	position that provides convenient access for residents, maintenance and waste collection staff. Bin storage rooms shall complement the development and not be visibly obtrusive when viewed from any public place.		
	c) A waste collection point shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.	Private waste collection will service each warehouse, each warehouse has ample space and loading areas to provide for waste collection.	Yes
	i) Where it is intended that collection vehicles are to drive onto private property to collect waste and recycling, the development shall be designed to provide for: i) the safe and efficient service of the development with minimal need to reverse; ii) adequate clearance to accommodate waste collection by a heavy rigid vehicle, in accordance with the dimensions detailed in Table 2.15.2. iii) vehicles to enter and exit in a forward direction; iv) pavement construction that is sufficient to withstand a heavy rigid collection vehicle of 24 tonnes gross vehicle mass.	The site is designed for heavy rigid vehicles and can therefore service heavy rigid waste trucks.	Yes
2.15.7 Vehicle Turning Circles	<p>a) Turning circles and clearances to kerbs, existing buildings or other obstructions shall be designed to accommodate the largest collection vehicle that could service the property (heavy rigid class in most cases).</p> <p>b) Any turning circle considerations shall also include allowances for driver steering error (manoeuvring</p>	The site is designed for heavy rigid vehicles.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	<p>clearance) and overhangs. Better practice design always requires vehicle entry and exit from a development with the vehicle travelling in a forward direction.</p> <p>c) Where there is a requirement for collection vehicles to turn at a cul-de-sac head within a development, the design shall incorporate either a bowl, T- or Y-shaped arrangement.</p> <p>d) Vehicles shall not be required to make more than a three-point turn. e) Vehicle turning circles can be reduced from those in the Table 2.15.3 by using mechanical turntable (or similar) equipment (subject to Council approval).</p>		
2.17.1 Approval Required Prior to Working On or Over Public Land	a) Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	Recommended conditions are included in Attachment 1.	Yes, conditioned
2.21 Acoustic Privacy	<p>a) Development shall comply with any relevant provisions in the following documents. The event of an inconsistency between the noise related controls in this plan and the documents below, the documents below prevail to the extent of the inconsistency. i) The NSW Noise Policy for Industry (NPfI) ii) The NSW Road Noise Policy iii) The NSW Development Near Rail Corridors and Busy Roads - Interim Guideline iv) Association of Australasian Acoustical Consultants Guideline for Child</p>	A noise and vibration assessment was provided with the application the report concludes that the site can be treated to ensure noise levels comply.	Yes

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
	Care Centre Acoustic Assessment		
	<p>b) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant will be required in cases where the consent authority is not satisfied that a development will:</p> <p>i) Achieve a satisfactory level of acoustic amenity for occupants within the existing noise environment; and</p> <p>ii) Produce noise only at levels that will not exceed the relevant noise criteria.</p>	Council is satisfied the measures outlined in the report will ensure the development complies and conditions of consent have been included in attachment 1.	Yes, conditioned

The proposal is generally consistent with Part 2 of the SCDCP2015 and as such should be positively considered in this regard.

Part 7 – Industrial Development

The following table is an assessment against Part 7 of the Campbelltown (Sustainable City) Development Control Plan 2015.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Part 7 Industrial Development			
7.2.1 Building Design	<p>a) Building design shall incorporate the following features to assist in the reduction of the perceived bulk and mass of development:</p> <p>i) provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses;</p> <p>ii) articulate architectural details around doors, windows front facades, roofs and entrances;</p> <p>iii) articulate walls through the use of texture, colour, material changes, shadow lines and other facade treatments, at least every 15 metres; and</p>	The proposed building design includes a combination of masonry and sheet metal finish. The proposed masonry area does not achieved the required 50% of the frontage to the warehouses, but the ratio of masonry and metal façade to the Stennett Road frontage to warehouse 5 is considered to be sufficient to provide a high quality facade for industrial development.	Yes

	iv) at least 50% of the total surface area of the front elevation to be constructed of masonry material.		
	b) Buildings located on corner allotments shall be designed to address both street frontages.	The site is not located on a corner.	N/A
	c) Buildings shall be predominantly single storey (excluding basements, mezzanines and offices).	The warehouses are predominantly single storey, with the exception of the office areas, which is acceptable.	Yes
	d) Mezzanines shall not comprise an area of more than 50% of the gross floor area of the ground floor of the respective unit.	No mezzanine areas are proposed.	N/A
	f) Offices shall not comprise more than 30% of the gross floor area of the respective unit.	The office areas do not exceed 30% of the respective warehouse.	Yes
	g) No building shall rely upon a required path of egress (as defined within the BCA) over adjoining private land.	The development does not rely upon egress upon adjoining land.	Yes
	h) No building or structure shall be erected within a right of carriage way or easement.	No easement are located within this part of the site.	Yes
	i) A schedule of proposed colours, materials and finishes shall accompany all development applications for new industrial buildings.	A schedule of materials and finishes was provided.	Yes
	j) The main entry to the building shall be easily identifiable from the street and directly accessible from the front of the building or driveway in the case of a multi-unit complex.	The main entry of each warehouse is identifiable.	Yes
7.2.2 Building Setbacks	a) Industrial development shall be setback by: iii) 10 metres from any other public road. Excluding any required road widening.	The development is setback 10m from Stennett Road.	Yes
7.2.3 Fences	a) Industrial fencing shall be a maximum 2.4 metres in height.	Fencing is 2.1m high.	Yes
	b) All fencing in industrial developments shall be of recessive colours, palisade design, or plastic coated and framed chain wire with a maximum height of 2.4 metres, unless required as part of an acoustic solution.	Palisade fencing is proposed to the front setback and chain wire fences to the side and rear fences.	Yes
	c) The use of sheet metal fencing is not permitted unless required as	No sheet metal fencing is proposed.	N/A

	part of acoustic solution and is appropriately screened with landscaping.		
	d) All fencing in industrial developments shall be setback a minimum of 3.0 metres from property boundaries addressing a primary and/or secondary street.	The palisade fence is 3m from the front boundary.	Yes
	e) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	The site is not a corner lot.	N/A
	f) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	The fencing location is acceptable, subject to conditions to retain tree 5.	Yes, conditioned
	g) Details for fencing shall be submitted with the development application.	Fencing details will be provided prior to the issue of a Construction Certificate.	Yes, conditioned
7.3 Car Parking & Access	a) Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	The car park will be designed in accordance with Australian Standards.	Yes, conditioned
	b) For that part of the gross floor area occupied by office areas, lunch rooms and any associated office storage areas, car parking shall be provided at a rate of one space per 35sqm.	Office areas: 1864sqm = 53 spaces	Yes
	c) For that part of the gross floor area occupied by uses other than office areas, lunch rooms and any associated office storage areas, car parking rates shall be provided in accordance with the following: i) a minimum of two (2) spaces (per unit), plus ii) one space for every 100sqm of gross floor area for buildings up to 2000 square metres; plus iii) One space per 250sqm for that part of the building exceeding 2000 square metres in gross floor area.	7 units: 14 spaces Office: 53 spaces Warehouses: 5: 20 + 69 = 89 spaces 6: 20 + 56 = 76 spaces 7: 20 + 39 = 59 spaces Total required: 291 spaces Total proposed: 272 spaces (on plan).	No, see discussion below.
	d) Despite clause 7.3.1 c) ii), any proposed factory unit development (regardless of the overall combined	Proposal is considered to be warehouses due to the large size of the development.	N/A

	floor area), shall provide parking at a rate of one space per 100 sqm.		
	e) In addition to clauses 7.3.1 (b) & (c), one car parking space shall be provided for every 300sqm of outdoor storage space.	No outdoor storage is proposed.	N/A
	f) Mezzanine areas that are exclusively used for storage purposes shall be excluded from the calculation of total gross floor area for the purpose of calculating the required number of car parking spaces, providing that the mezzanine areas: i) are not divided into smaller spaces by internal walls; and ii) Have no external windows.	The proposal does not include mezzanines.	N/A
	g) In addition to clause 7.3.1 (c), motor vehicle industries shall provide a minimum of three (3) car parking spaces per work bay/hoist	No motor vehicles repairs are proposed at the site.	N/A
	h) Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point movement to exit the site in a forward direction.	The site has sufficient access.	Yes
	i) No car parking spaces shall be designed in a stacked configuration.	No stacked parking is proposed.	Yes
	j) No required car parking spaces shall be created as a separate strata or Torrens title allotment.	Parking is not located on a separate lot.	N/A
	k) Each site shall have a: i) Maximum of one ingress and one egress for heavy vehicles (combined or separated). ii) Each site may have an additional ingress/egress for cars (and other light vehicles).	Sufficient access is proposed.	Yes
	l) A minimum of 10% of the required car parking spaces, including disabled spaces, shall be located within close proximity to the main pedestrian entry to the building.	Accessible parking spaces will be provided in accordance with the BCA, which is considered to be acceptable.	Yes
	m) Electric vehicle charging stations must be located behind the building line	No electric vehicle charging is proposed.	N/A
7.3.2 Loading and Unloading	a) Each industrial factory/unit shall be provided with a loading bay.	Each warehouse has several loading bays.	Yes
	b) Provision shall be made for all loading and unloading to take place	The proposal complies.	Yes

	wholly within the designated loading area.		
	c) No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	Conditions of consent will be included in Attachment 1.	Yes, conditioned
	d) Each industrial building/unit having a gross floor area : iii) more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.	Heavy vehicle access is provided.	Yes
	e) Heavy rigid vehicle swept turning paths shall be provided demonstrating that a heavy rigid vehicle can enter and exit the site in a forward direction for all industrial sites.	The applicant has provided a traffic report with swept path diagrams.	Yes
	f) Where it is proposed to service the site with articulated vehicles exceeding 12.5m in length, swept turning paths are to be provided for that vehicle type.	The applicant has provided a traffic report with swept path diagrams.	Yes
7.3.3 Access for People with Disabilities	a) Industrial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	The proposal has accessible facilities and lifts to each warehouse.	Yes
7.4 Landscaping	a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for the industrial development.	A landscape plan has been provided.	Yes
	b) Landscaping shall be provided to a minimum depth of 50% of the following required setback area located: i) along the full width of each street frontage (other than vehicle driveways); and ii) along the full width of setbacks from adjoining open space, residential and/or commercial areas.	The proposed landscaping complies.	Yes
	c) The first three (3) metres of all required street front landscaped area (as measured from the street boundary) shall be planted of advanced canopy trees that are:	The proposed landscaping is acceptable.	Yes

	i) a minimum of two (2) metres in height with a minimum 400 litre pot size at the time of planting; ii) of native species; and iii) planted / placed every 10 metres.	400 litre pot sizes will be provided to landscaping in the front setback.	
	d) Side boundary landscaping of a minimum of one (1) metre width shall be provided between the street boundary and the building line	The site is not a corner lot.	N/A
7.5 Outdoor Storage	a) No outdoor storage shall occur without development consent.	The proposal does not include outdoor storage and the consent will be conditioned accordingly.	Yes, conditioned
	b) Outdoor storage areas shall not be located between the primary or secondary street boundary and any building on the allotment.	The proposal does not include outdoor storage.	N/A
	c) Outdoor storage areas shall be adequately screened from public view	The proposal does not include outdoor storage.	N/A
	h) No above ground tanks or other storage facilities shall be erected within a required setback.	Above ground tanks are located behind the front building line.	Yes
7.6 Industrial Waste Management	a) Industrial development shall make provision for an enclosed on site waste and recycling facility that has adequate storage area to accommodate the waste generated from the development.	Each warehouse has a waste storage area within each unit.	Yes
	b) Any industrial premises that generates more than 20% of total waste generated by the development or 50 litres or 50 kg (whichever is the lesser) of meat/ seafood product shall be collected daily or refrigerated awaiting collection.	The tenancies are unoccupied.	N/A
	d) All industrial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.	A condition of consent will be included in Attachment 1.	Yes, conditioned
	e) Despite Clause 7.6. d) above, the design of the building shall provide for the collection system to be undertaken by Council at the time the development application is submitted to Council.	The site can be serviced by a Council waste truck.	Yes
7.7.1 Liquid Storage	a) The storage and handling of flammable and combustible liquids shall be in accordance with Australian Standard	The proposal is for the use of the tenancies as warehouses. Conditions of consent have been included	Yes, conditioned

	1940 - The Storage and Handling of Flammable and Combustible Liquids and the Environment Protection Authority publication, "Bunding and Spill Management" (as amended).	in Attachment 1 for the storage of Flammable and Combustible materials.	
	b) All above ground liquid storage facilities, including waste shall be in a covered bunded area that is constructed of impervious materials.	No liquid storage is proposed.	N/A
	c) Above ground tanks shall be contained in a bunded area that: i) is at least 110% of the volume of the tank or the largest tank, where a group of tanks are enclosed; and ii) walls shall be at least 250mm in height.	No liquid storage is proposed.	N/A
	d) The bunded area of drum storage facilities shall be able to contain 25% of the total volume of all drums and shall have a minimum capacity of at least 400L. Walls shall be at least 250mm in height.	No liquid storage is proposed.	N/A
7.7.2 Air Quality	a) Any development that is likely to or capable of generating levels of air emissions exceeding the requirements of the Protection of the Environment Operations Act 1997 shall demonstrate appropriate measures to mitigate against air pollution.	The proposed use of the site for warehousing is not anticipated to result in emissions that would contravene the PE0Act 1997.	N/A
7.7.3 Noise	a) Any development that is likely to or capable of generating levels of noise exceeding the requirements of the Industrial Noise Policy (published by the Office of Environment and Heritage) shall demonstrate appropriate measures to mitigate against noise pollution.	The applicant has submitted a noise and vibration impact assessment report and relevant conditions of consent have been included in Attachment 1.	Yes
7.7.4 Stormwater and Drainage	a) All activities with the potential to pollute the stormwater system from a system failure shall be carried out within a covered and bunded area sited, designed and constructed to Council's satisfaction.	The proposed use is not anticipated pollute the stormwater system, the proposal includes measures to mitigate stormwater pollution.	Yes, conditioned
	b) Liquid waste and waste water shall either be: i) recycled on site; ii) treated and discharged to the sewer in accordance with a trade	No liquid waste or waste water measures are proposed.	N/A

	waste licence issued by Sydney Water; or iii) collected, stored in a covered, bunded area and collected by the Office of Environment and Heritage; and iv) discharged to a licensed waste management facility.		
	c) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	The proposal includes stormwater management measures to ensure stormwater run off and would not affect adjoining properties.	Yes
	d) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development available at Council's website at www.campbeltown.nsw.gov.au	The stormwater system will connect to Council assets and conditions have been recommended to comply with Council's Standards.	Yes, conditioned
	e) Where applicable, the development shall incorporate the creation of an appropriate easement to manage stormwater in accordance with Council's Engineering Design Guide for Development available at Council's website at www.campbeltown.nsw.gov.au .	An easement is not required.	N/A
7.9 Industrial Unit/s	a) Each industrial unit proposed on land zoned IN1 General Industrial under the CLEP shall have a minimum LFA of 400 square metres.	Each warehouse exceeds 400m ² .	Yes

Car Parking

The proposed development included 272 car parking spaces, detailed on the plans. The proposal is calculated as requiring 291 parking spaces for the proposed development. The proposal has a shortfall of 19 car parking spaces on the site. The applicant has provided justification for the shortfall in parking on the site in stating that the proposal complies with the RMS guidelines for traffic generating development.

Given the overall size of the proposed warehouses and site, it is considered that a reduced parking rate is acceptable as the proposal provides 272 car parking spaces to service the 7 warehouses and the overall 6.5% shortfall in car parking is considered to be a nominal amount. Overall the proposal would still satisfy the objectives for car parking outlined in Part 7.3 of the Campbelltown (Sustainable City) Development Control Plan 2015, and as such the proposed car parking variation is supported.

Pert 11 – Vegetation and Wildlife Management

The proposed development includes the removal of 69 trees and the retention of one tree. The trees are predominantly native, with only 2 exotic tree species proposed for removal. The trees are planted and are large sized trees. 31 of the trees are considered to be high quality trees (30 to be removed) and 39 of the trees are considered to be poor quality or young trees to be removed.

The proposed development will remove 69 trees from the site and the proposal includes the planting of 81 trees on the site, 14 of which will be 400 litre pot size advanced stock.

The proposal is considered to provide adequate replacement planting within the site, to compensate the proposed tree removal. The proposed tree removal and replacement is supported.

5.3 Section 4.15(1)(a)(iia) The provisions of any Planning Agreement

The proposed development is not subject to the provisions of a planning agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979.

5.4 Section 4.15(1)(a)(iv) The provisions of the Regulations

The proposal does not contravene the Environmental Planning and Assessment Regulations.

5.5 Section 4.15 (1)(b) The Likely Impacts of the Development

Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- *Access & transport and traffic*
- *Heritage*
- *Flora and fauna*
- *Waste*
- *Noise and vibration*
- *Earthworks*
- *Site design and internal design*
- *Construction*
- *Built Form*

Access & transport and traffic

The proposed development includes the construction of an access road on Lot 26 which is zoned SP2, the proposal also includes a vehicular access for small vehicles which services the car park at the front of the site. Separate consent has been obtained for the construction of the vehicular access to the eastern part of the development under development consent 2159/2021/DA-CW.

Heritage

The site adjoins Robin Hood farm which is a State Heritage item. The proposed works are not considered to impact the item or the surrounding curtilage of the item. The buildings are located several hundred metres from the proposed development. The proposed works are not considered to obstruct views to the heritage item from the public domain and would be

consistent with industrial development located along the southern part of Stennett Road. The proposal is not considered to detract from the heritage significance of the adjoining site and the proposal is therefore supported.

Flora and fauna

The applicant has submitted an Arborist report and Biodiversity Development Assessment Report in support of the proposed tree and vegetation removal from the site. The proposal will remove 69 predominantly native trees, which have for the most part, been planted on the site. The wider site is predominantly cleared with the exception of planted garden beds located to the front setback of the site. The report concludes:

The proposed development will result in the removal of 0.583 ha of native vegetation within the subject land for the development footprint. The development will retain a large hollow-bearing remnant tree which contains the most important biodiversity values, representing retention of 0.031 ha of Cumberland Plain Woodland, with 0.013 ha removed.

Following consideration of all the above aspects, the residual unavoidable impacts of the proposal were calculated consistent with BAM by using the BAMC Version 50. A total of 1 ecosystem credit was calculated for *Phragmites australis* and *Typha orientalis* coastal freshwater wetlands of the Sydney Basin Bioregion.

The Cumberland Plain Woodland on the site is degraded and does not require offsets.

The proposed tree removal and impacts as a result of the proposed development are considered to be acceptable and the proposed development is supported.

Waste

The applicant has submitted a waste management plan which was reviewed by Council's Waste Officer and is supported subject to conditions of consent. Each tenancy has a designated waste storage area and the site will be serviced by a private waste contractor. The proposed waste measures are support for construction and operation and conditions of consent are recommended in Attachment 1.

Noise and vibration

The applicant has provided a report in support of the proposed development, the noise and vibration impact assessment prepared by PWNA dated 26 October 2021 concludes:

External noise emissions from the site have been assessed and detailed in accordance with the NSW Environmental Protection Authorities Noise Policy for Industry. The future design and treatment of all building services associated with the project can be acoustically treated to ensure all noise emissions from the site comply with the EPA NPfI criteria. Details of the equipment and associated acoustic treatments will be provided as part of the CC submission of the project.

An assessment of additional traffic noise generated by vehicles using the site has been undertaken and calculated noise levels comply with the requirements of the EPA's Road Noise Policy.

A construction noise and vibration assessment of the expected construction activities required to be used to complete the project has been undertaken and mitigation measures to be applied during the construction stage of the project. Subject to the undertaking these management measures, the project will have acceptable noise levels during the construction period.

The recommendations included in the report have been included as conditions of consent in attachment 1.

Earthworks

The proposed development included substantial cut and fill to create level building platforms on the site. The development will include 67, 800 m³ of cut and 127, 000 m³ of fill. A total of 2,900m³ will be imported as fill to the site, the remainder of the fill will be sourced from a stockpile approved as part of development consent 2484/2021/DA-I for excavation works.

The proposal also includes retaining walls to the west and south of the site and internal to the site to the east of the proposed warehouses. The retaining walls will be conditioned to ensure the retaining walls are designed by a structural engineer. Overall the retaining walls are considered to be appropriate for the proposed development and would not be visible within the streetscape with the exception of the retaining wall on the western boundary, which will be somewhat visible from Stennett Road. A condition of consent has been included in Attachment 1 to ensure the retaining walls are masonry finish.

The proposed gradients for the batters on the site are considered to be acceptable and are consistent with the gradients approved on batters over the remainder of the site in stages 1 and 2.

Site design and internal design

The proposed design of the development provides for 3 warehouses, hardstand areas and parking, private road, and landscaping to the site. The site will be terraced between warehouses 5 and 6& 7 to reduce the level of cut on the site. The design of warehouse 5 provides for vehicle parking at the front of the site and loading bays to the rear of the site with spate access.

Warehouse 6 and 7 are accessed via the private road and have vehicular access for heavy vehicles and cars. The warehouses have appropriate access to loading facilities.

Overall, the design is suitable for the subject site and provides for industrial development consistent with the SCDP 2015 and CLEP 2015.

Construction

The construction phase of the development has the potential to generate short term environmental impacts through the generation of dust, noise and vibration.

Conditions of consent have been recommended to manage the proposed works, including the installation of erosion and sediment control measures prior to works commencing on site.

Built Form

The proposed development are single storey warehouse buildings that are constructed with precast concrete and colourbond materials. Overall the building is considered to be of high quality design for an industrial development. The warehouses are suitably located on the site and ample landscaping is provided in the front setback to provide visual relief.

Social, economic and environmental impacts

Having regard to social and economic impacts generated by the development, the development will provide for employment during the construction phase of the development. The proposed warehouses will contribute to the provision of employment opportunities within the Campbelltown Local Government Area and the business operation will contribute to the local economy.

5.6 Section 4.15(1)(c) The suitability of the development

Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 requires Council to assess the suitability of the site for the proposed development.

It is considered the proposed development is of a scale and design that it is suitable for the site. The proposal responds well to site conditions in terms of its size, shape, topography and surrounding development.

The proposed development involves a large amount of cut and fill on the site to create level building platforms for each warehouse and associated parking and access. It is considered given the scale of the site, the level of cut and fill is acceptable and will be managed with conditions of consent.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

5.7 Section 4.15(1)(d) Any Submissions

Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 requires Council to consider submissions.

The development application was notified for a period of 21 days from 22 November 2021 to 14 December 2021, and no submissions were received to the proposed development.

5.8 Section 4.15(1)(e) Public Interest

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development has demonstrated that the site is suitable for the proposed development.

It is considered that the proposal is in the interest of the public.

6.0 Developer Contributions

The application was referred to Council's contributions officer for comment. A condition of consent has been included in Attachment 1 for development contributions to be paid in accordance with the Campbelltown Local Infrastructure Contributions Plan 2018.

7.0 Conclusion

The subject development application (3312/2021/DA-I) proposing the construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking at 35-47 Stennett Road, Ingleburn (Lot 1 DP 1092198 and Lot 26 DP863617) has been assessed under the heads of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposed development is consistent with the general intent of Campbelltown 2027 which outlines the long term vision for the Campbelltown and Macarthur Region. The proposed use is permissible within the IN1 General Industrial zoning and is generally in support of the zone objectives.

One of the proposed warehouses exceeds the maximum permissible height of building control in Clause 4.3 of the CLEP 2015. The application has provided a request under Clause 4.6 of the CLEP 2015 that the application be approved despite the non-compliance with this control. The clause 4.6 request satisfies the requirements of Clause 4.6 and demonstrates that compliance with the control is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to support the variation.

In assessing the Development Application against the development standards and objectives outlined in the Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015, the proposal is supported for approval subject to the recommended conditions of consent in attachment 1.

8.0 Recommendation

- 1.** That 3312/2021/DA-I for the construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking at Lot 1 DP 1092198 and Lot 26 DP863617, 35-47 Stennett Road, Ingleburn be approved subject to the conditions in attachment 1.