

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	21 April 2022
DATE OF PANEL DECISION	20 April 2022
DATE OF PANEL MEETING	Monday, 4 April 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Susan Budd, Karen Hunt and George Brticevic
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli: Her law firm acts for Stocklands

Papers circulated electronically on 30 March 2022.

MATTER DETERMINED

PPSSWC-205 – Campbelltown – 3312/2021/DA-I at Lot 1 DP 1092198 and Lot 26 DP863617, 35-47 Stennett Road, Ingleburn – Construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Application to vary a development standard

The Panel has considered the applicant's written request made under cl 4.6 (3) of the Campbelltown Local Environmental Plan 2015 (LEP) to permit a departure from the development standard recorded by Clause 4.3 Height of Buildings in the determination of the DA. Specifically, the proposed warehouse 6 will exceed the maximum height control by 12.1% per cent.

The Panel is satisfied that it is in the public interest to grant the request, and that the request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP. The Panel is further satisfied there are sufficient environmental planning grounds identified and established in the written request to justify contravening the development standard such that compliance is unreasonable or unnecessary in the circumstances.

The development as proposed will be consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the IN1 General Industrial zone in which the building is located for the reasons set out in the staff assessment report. Of principal relevance from the zone objectives, the height exceedance will not result in undesirable impacts on other land uses. The building at the proposed height will still be complementary to the streetscape and character of the area in which the development is to be located. The visual impact of the building will still be satisfactory, and the additional height will not disrupt views, result in unacceptable loss of privacy or solar access to existing development.

Taking those matters into account, it is in the public interest to allow the height exceedance.

The concurrence of the Secretary is assumed (see Planning Circular PS 20-002 issued 5 May 2020).

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council Assessment Report.

To the south of the site the State Heritage listed Robin Hood Farm is located, which is also a local heritage item. While the presentation of a large industrial warehouse within the visual catchment from that item is not ideal, it will not significantly change that outlook which is already out over the wider Ingleburn industrial area. The Panel considered whether additional vegetative screening should be required, but on balance concluded taking into account the bushfire issue, that it would not be justified. Notably, there is ample area within the heritage item to introduce screening if that should be deemed to be necessary by those managing that item.

While accepting the assessment of the Council staff in general, issues were raised in relation to the proposed consent conditions at the final briefing which led to additional feedback and some amendment to the recommended Conditions which had accompanied the assessment report.

An additional bushfire condition was added to require compliance with *AS 3959 Construction of buildings in bushfire-prone areas*. While the Applicant's objection to provision of a footpath over the development's frontage was not upheld, the timing of its provision was moved to prior to O.C. Following standard practice, the requirement for an APZ was required to be supported by a restriction as to user registered on title prior to occupation.

The Panel was informed by Council staff that the amount of the Section 7.12 contributions had been reviewed and confirmed to be correct in the amended conditions.

At the Panel's invitation the applicant agreed to include solar panels on the building rooftop to improve the ecological performance of the building in the form of a 99kw system per warehouse.

The Panel delayed its decision to obtain the TfNSW referral response. Council's own assessment is that the proposed traffic generation is consistent with that anticipated in the industrial area with no significant impact anticipated.

In relation to traffic issues the Panel considered the response from TfNSW and agreed with the Council assessment that the proposed industrial use in an existing industrial area will only result in a minor increase to existing flows traffic flows and that appropriate conditions have been imposed to mitigate potential impacts. The performance of the Campbelltown Road/Williamson Road intersection is a wider network issue and a development of the proposed use and scale will not impact on that intersection performance to an extent that it would be reasonable to tie any intersection upgrade to this development.

CONDITIONS

The Development Application was approved subject to the conditions recommended in the Council Assessment Report but updated to address the matters raised by the Panel at the determination briefing.

The final version of the Conditions to be adopted are those attached in the email from Council's Senior Development Planner to the Panel Secretariat sent at 10:57am 7 April 2022. Additionally, to address concerns raised in the TfNSW letter dated 11 April 2022, the Panel resolved to adopt the following council condition:

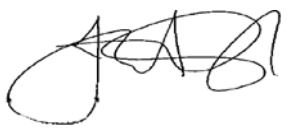

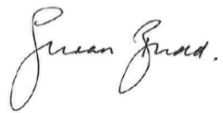


Traffic measures

'No stopping' signs are to be provided for 165m along Access Road 1 and vehicles exiting the site from Access Road 1 shall be left turn only to travel in a westerly direction back to Williamson Road.

All traffic measures shall be installed prior to the issue of any Occupation Certificate

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Susan Budd	 Karen Hunt
 George Brticevic	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-205 – Campbelltown – 3312/2021/DA-I
2	PROPOSED DEVELOPMENT	Construction of three warehouse buildings with ancillary offices, amenities, loading areas and car parking
3	STREET ADDRESS	Lot 1 DP 1092198 and Lot 26 DP863617, 35-47 Stennett Road, Ingleburn
4	APPLICANT/OWNER	Applicant: Mr Cameron Gray Owner: The Trust Company Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <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 2027 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Campbelltown (Sustainable City) Development Control Plan 2015 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 4 April 2021 • Height of Building Clause 4.3 of the Campbelltown Local Environmental Plan • Council memo: 14 April 2022 • Written submissions during public exhibition: 0

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Applicant Briefing: Monday, 14 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Susan Budd, Karen Hunt, George Brticevic <u>Applicant representatives</u>: Cameron Gray, Chris Demertze <u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues Final briefing to discuss council's recommendation: Monday, 4 April 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Susan Budd, Karen Hunt, George Brticevic <u>Council assessment staff</u>: David Smith, Rana Haddad and Elise Mangion
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report