

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-208.
Application Number:	2021/1710/1
Local Government Area:	Camden.
Development:	Construction of two industrial warehouse buildings for use as warehouse and distribution centres with ancillary office component, car parking, landscaping, signage and associated site works.
Capital Investment Value:	\$31,710,596
Site Address(es):	345-367 Bringelly Road, Leppington
Applicant:	Willowtree Planning
Owner(s):	The Trust Company Ltd
Date of Lodgement:	11 November 2021
Number of Submissions:	None.
Number of Unique Objections:	None.
Classification:	Regionally significant and integrated development.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	General development capital investment value >\$30 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021. • State Environmental Planning Policy (Western Parkland City) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Camden Growth Centres Precinct DCP.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • Clause 4.6 Variation Request. • State Environmental Planning Policy (Western Parkland City) 2021 assessment table.

	<ul style="list-style-type: none"> Camden Growth Centres Precinct DCP assessment table. Schedule 5 of SEPP Industry and Employment (Advertising and Signage) assessment table. Recommended conditions. Architectural plans.
Development Standard Contravention Request(s):	Clause 4.3 Maximum height of buildings.
Summary of Key Submission Issues:	Nil
Report Prepared By:	Mitch Anderson - Senior Town Planner
Report Date:	June 2022

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

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 summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for the construction of two industrial warehouse buildings for use as warehouse and distribution centres with ancillary offices, car parking, landscaping, signage and associated site works at 345 – 367 Bringelly Road, Leppington. The application is Stage 2 of the warehouse development approved under DA/2020/996/1.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$31,710,596. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1710/1 for the construction of two warehouse and distribution centres pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of two warehouse and distribution centres with ancillary offices, car parking, landscaping, signage and associated site works at 345-367 Bringelly Road Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011.	The Panel is the consent authority for this DA as the development has a CIV of \$31,710,596 which exceeds the CIV threshold of \$30 million for Council to determine the DA.
State Environmental Planning Policy – Western Parkland City (2021)	The development is permitted with consent in the applicable IN2 Light Industrial zone and is consistent with the zone objectives and acceptable in terms of the Western Parkland SEPP's other matters for consideration.
State Environmental Planning Policy – Transport and Infrastructure (2021)	<p>The DA was referred to Transport for NSW and Endeavour Energy for comment pursuant to the SEPP.</p> <p>Endeavour Energy has provided a letter with recommended conditions in support of the application.</p>

	TfNSW did not respond to the written notice within the prescribed period (21 days).
State Environmental Planning Policy – Resilience and Hazards (2021)	<p>Specific details regarding dangerous goods storage and transportation cannot be provided by the applicant at this time because the exact end users of the development are not known. A condition is recommended that requires the quantities of dangerous goods to be stored on or transported to/from the site to be kept below the SEPP's screening thresholds. A similar condition was imposed on Stage 1 of the development (as approved under DA/2020/996/1).</p> <p>A bulk earthworks approval was issued under DA/2019/879/3 where the issue of contamination was considered and a Remediation Action Plan was endorsed by Council. The site has been remediated and is suitable for the proposed development.</p>
State Environmental Planning Policy – Industry and Employment (2021)	<p>Council staff are satisfied that the proposed signage is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and way directional signage to improve vehicle manoeuvring within the site.</p> <p>Council staff have completed an assessment against the requirements of the SEPP Schedule 5 assessment criteria and are satisfied that the signage proposed is supportable.</p>
State Environmental Planning Policy – Biodiversity and Conservation (2021)	The development is consistent with the aim of the SEPP Biodiversity and Conservation (2021) in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 30 November to 13 December 2021 where no submissions were received.

The development has been assessed against the Western City District Plan; State Environmental Planning Policy (Western Parkland City) 2021; and the Camden Growth Centre Precincts Development Control Plan. The development is consistent with these planning policies in that it will provide employment generating land uses for the site and will contribute to the overall development of the Leppington North Precinct. The development is also generally consistent with the area specific development controls

of the Camden Growth Centres Precinct Development Control Plan and specifically Section 6.0 Site Specific Controls for IN2 Light Industrial Zoned land.

Two warehouse and distribution centres are proposed with Warehouse 2 having an internal area of 19,970m² while Warehouse 3 has an internal area of 14,260m². 135 off-street car parking spaces are proposed across the entire site being compliant with the Camden Growth Centres DCP controls for warehouse and distribution centres. Minor lot regrading is proposed as part of this application, noting that bulk earthworks and remediation have been completed in accordance with DA/2019/879/1.

Both warehouses are two storey and the proposed development has a maximum building height of 14.6m. The proposed development thereby contravenes the maximum height of buildings development standard (13m) prescribed under Clause 4.3 of the SEPP. A Clause 4.6 written request has been provided by the applicant to justify the 12.3% (1.6m) variation. The Clause 4.6 written request has been assessed by Council staff and is considered to be supportable on the basis that the contravention will not result in any detrimental impacts to adjoining properties and the development remains compliant with the objectives of the standard and the zone.

The applicant has submitted a traffic report in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Entry to the site is limited to Eastwood Road and the exit via Dickson Road. Heavy rigid vehicle swept path analysis have been provided to ensure that vehicles entering the site will not result in queuing or obstruction of adjoining local roads. Council staff have reviewed the report and supporting information and agree with their conclusions.

Through the assessment of the DA the applicant was required to provide an amended acoustic report that demonstrated that the nearest residential zoned land was not impacted by the proposed development. The contour plans requested clearly demonstrate noise level reductions during the night-time period (considered to be the critical sensitive period) when the recommended physical acoustic barriers are in place. Overall, the application proposed appropriate measures to ensure that acoustic noise is minimised and maintained within the site.

The applicant has submitted an adequate stormwater management strategy that, subject to the recommended conditions, will provide adequate stormwater management for site.

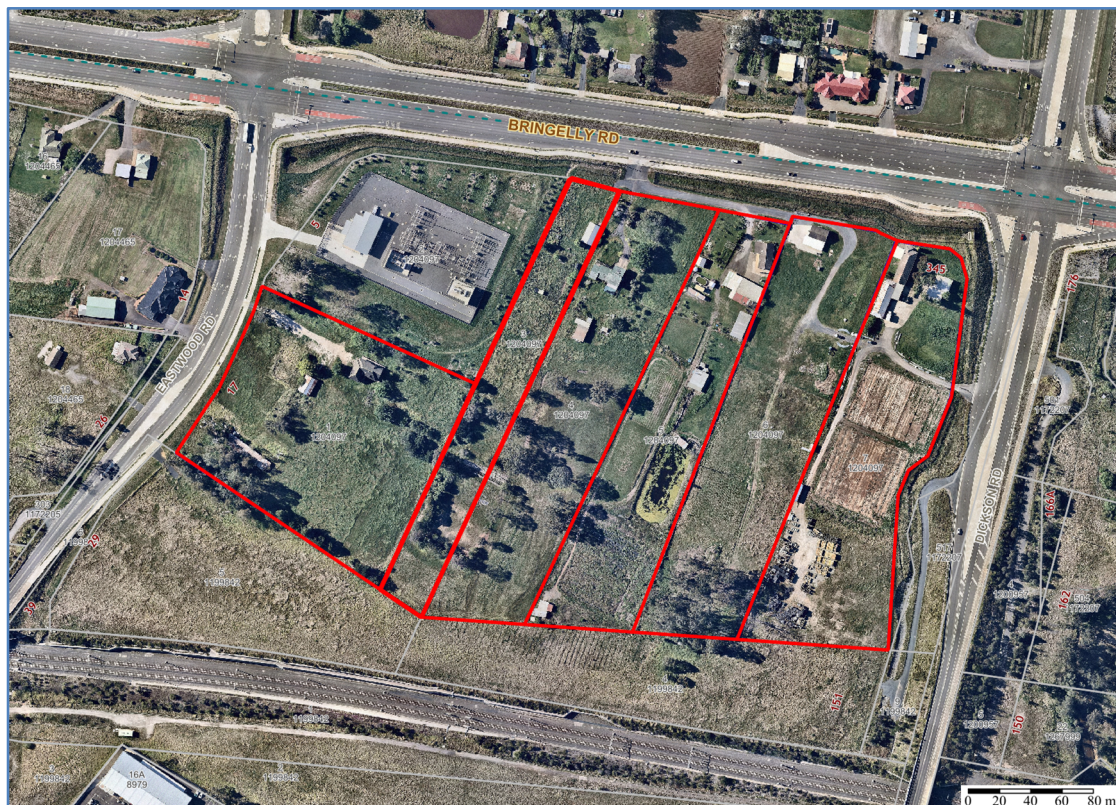
Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
13m maximum building height.	14.6m maximum building height.	1.6m (12.3%).

AERIAL PHOTO

An aerial image showing the location of the subject site is provided below:



THE SITE

The site comprises a number of properties that are commonly known 345, 349, 355, 361 and 367 Bringelly Road and 17 Eastwood Road, Leppington. The site is legally described as Lots 1, 3, 4, 5, 6 and 7 in DP 1204097 (highlighted in red).

Bulk earthworks have been completed over the site under DA/2019/879/1 (as amended) and Warehouse 1 (approved under DA/2020/996/1) which faces Bringelly Road is nearing completion (refer image 1 below).



Image 1 – Aerial image of the site indicating completed bulk earthworks and Warehouse 1 fronting Bringelly Road (source: nearmap)

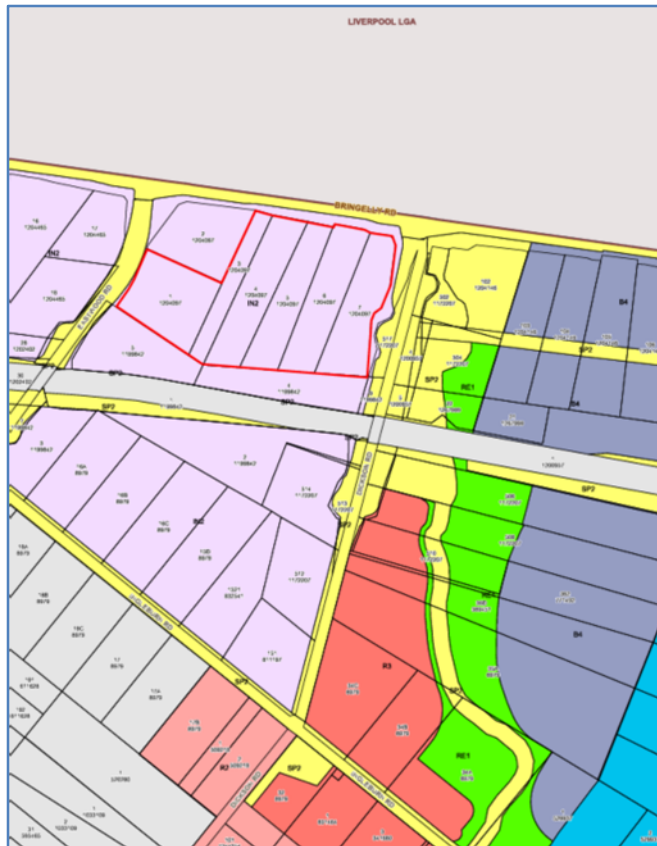
Prior to the bulk earthworks approval the site sloped from east to west. Extensive earthworks have been completed meaning the existing site levels are final and are consistent with the approved levels in DA/2019/879/1 (as amended). The subject application does not propose to modify the approved levels under the bulk earthworks DA with the exception of minor lot regrading for slab preparation.

The combination of properties that make up the entire site area is generally rectangular in shape with a frontage of approximately 260m to Bringelly Road, 260m frontage to Dickson Road and 120m to Eastwood Road. The southern boundary of the site adjoins properties 29 Eastwood Road and 151 Dickson Road.

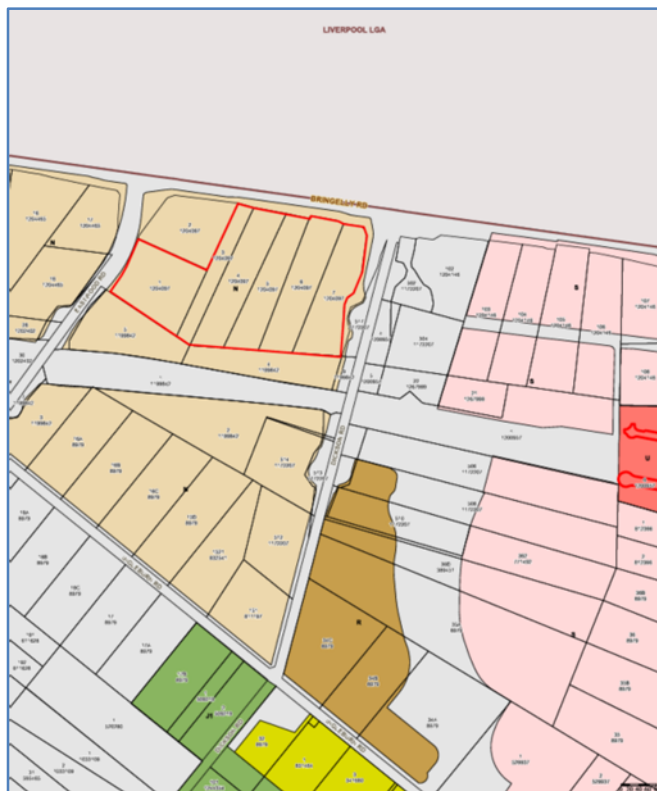
The site is not mapped as bush fire prone land and is located within the Camden Growth Centre Precinct of the South West Growth Area. The surrounding area predominantly consists of IN2 Light Industrial zoned land on the western side of Dickson Road. On the eastern side of Dickson Road there is a mixture of zonings, the closest adjoining land is zoned SP2 Drainage and RE1 Public Recreation zoned land which preserves and follows the existing Riparian Corridor which sits between the subject site and the B4 Mixed Use Zoned area further to the east.

The nearest residentially zoned land is located on the southern side of the railway corridor bridge (in excess of 200m from the subject site) and on the opposite side of Bringelly Road (in Liverpool Local Government Area).

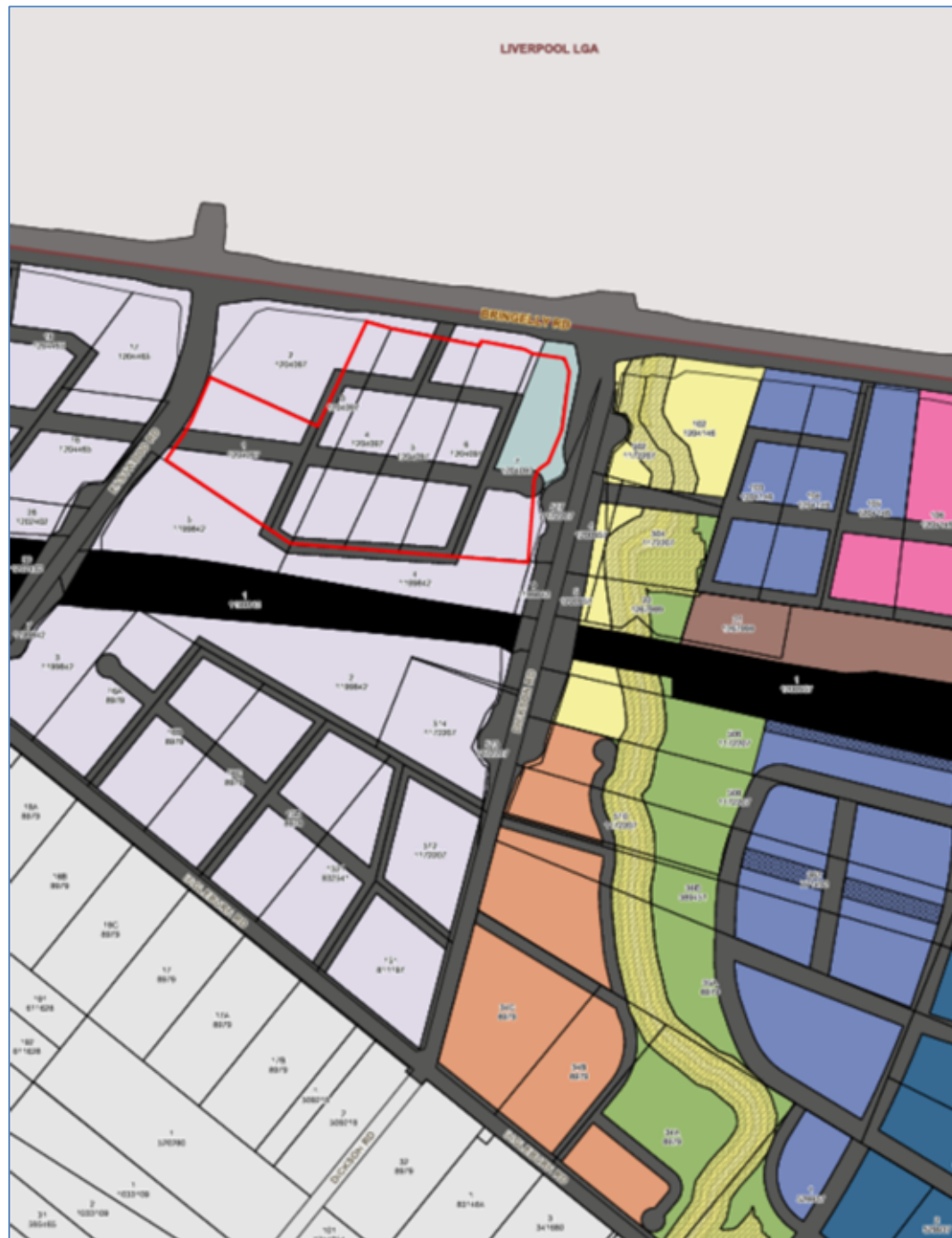
ZONING PLAN



HEIGHT OF BUILDINGS MAP



LEPPINGTON NORTH ILP



HISTORY

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

Date	Development
20 November 2019	Approval of DA/2019/879/1 for the demolition of existing structures, site remediation, bulk earthworks, construction of retaining walls, establishment of site levels and construction of private access roads for future industrial development.
07 August 2020	Approval of Section 4.55(1A) modification application (DA/2019/879/2) to correct a minor error in Condition 1.0(2) regarding a plan reference for bulk earthworks details.
14 December 2020	Approval of DA/2020/996/1 for the construction of an industrial building and use as a warehouse and distribution center, car parking, landscaping and associated site works.
12 April 2021	Approval of Section 4.55(1A) modification application (DA/2019/879/3) to amend the land remediation methods.

THE PROPOSAL

DA/2021/1710/1 seeks approval for the construction of two warehouse and distribution centres with ancillary offices, car parking, landscaping, signage and associated site works.

Specifically, the development involves:

- Construction of two x two-storey warehouse buildings with a maximum height of 14.6m.
- Provision of 135 off street car parking spaces, with 79 car parking spaces provided for Warehouse 2 and 56 car parking spaces provided for Warehouse 3.
- Installation of associated business identification signage and directional signage including:
 - Two (2) pylon signs measuring 3,000mm (height) x 845mm (width);
 - Three (3) pylon signs (Truck Entry) measuring 1,500mm (height) x 1,500mm (width); and
 - Two (2) pylon signs measuring 1,500mm (height) x 1,500mm (width).
- Associated landscaping works are proposed which includes perimeter landscaping around each of the warehouses as well as landscaping providing separation between Warehouse 2 and Warehouse 3. In total 108 trees are proposed to be planted.
- The development proposes to operate 24 hours 7 days a week.
- Minor cut and fill is proposed for lot regrading and slab preparation.
- Construction of hardstand truck parking and loading/unloading areas for the distribution centre.

- Various vehicle types are proposed to utilise the future warehouse and distribution centres with the maximum length vehicle being B-doubles (up to 26m). Entry into the site is limited to left in via Eastwood Road and left out via Dickson Road.
- Both warehouses are to consist of a mixture of metal cladding in monument, shale grey and cosmic colour. Along each elevation there is a small section of precast concrete panelling in a natural finish colour that adds complexion to the mixture of colours. Ancillary offices have been positioned to enhance and articulate the corner treatments of each building. The offices are clad with contemporary materials drawn from a palate of terracotta and metal cladding and glass.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 7 February 2022. The panel were advised of the Clause 4.6 variation proposed to the 13m height standard to permit the proposed ridge height of 14.6m (12.3% variation). The new building proposed under this application is proposed to tie in with the existing ground levels approved for the Warehouse 1 building located to the north which is nearing completion.

The Panel advised Council that no other matters were of substantial concern and the application could be referred for electronic determination.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

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

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

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Western Parkland City) 2021.
- State Environmental Planning Policy (Traffic and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP identifies development that is State significant and regionally significant development. The Panel is the consent authority for this DA as the CIV of the development is \$31,710,596 million. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of the SRD SEPP.

State Environmental Planning Policy (Western Parkland City) 2021

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

Site Zoning

The site is zoned IN2 Light Industrial pursuant to Appendix 1, Clause 2.2 of the SEPP.

Development Characterisation

The development is characterised as a 'warehouse and distribution centre' under the SEPP Western Parkland City (2021) – Appendix 5 Camden Growth Centre Precincts.

Permissibility

'Warehouse and Distribution Centres' are permitted with consent in the IN2 Light Industrial Zone in which it is proposed pursuant to the land use table in Appendix 5 of the Western Parkland City SEPP.

Planning Controls

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

Proposed Contravention

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 13m above finished ground level, while the proposed development will have a maximum height of 14.6m above finished ground level.

Contravention Assessment

Approval of the application is therefore reliant on favourable consideration of a variation request pursuant to Clause 4.6 of the SEPP. The objectives of the clause include:

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

Consent must not be granted to development that contravenes a development standard unless the consent authority has considered a written request that demonstrates:

- (a) That compliance with the standard is unreasonable or unnecessary in the circumstances, and,*
- (b) There are sufficient environmental grounds to justify contravening the development standard.*

Pursuant to Appendix 5, Clause 4.6(3) of the Western Parkland City SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant's written request provides the following justification for the contravention:

- the development is consistent with the objectives of the development standard in that it will not impact upon the amenity of any residential areas and will achieve an

appropriate bulk and scale in the context of the surrounding commercial environment.

- the development is consistent with the objectives of the IN2 Light Industrial zones in that it will provide a wide range of light industrial, warehouse and related land uses that will create additional employment opportunities to support the viability of the industrial centres.
- The variation to the height standard for Warehouse 2 is mostly contained to the small peaked section area of the roof with the majority of the building complying with the 13m height control. A small portion of the exceedance is outside of the roof area on the south east elevation where there is a step down in existing ground level.
- The variation to the height standard for Warehouse 3 is wholly contained to the roof pitch with majority of the building complying with the 13m height control.
- The minor extent of the contravention (up to 12.3% for parts of the proposed warehouse distribution centre), combined with setbacks from public roads and spaces and significant separation from any residential zoned land will render the additional height virtually imperceptible from most viewpoints.
- The minor breach in building height will not impact the desired future character of this industrial centre where its envisaged there will be in future a range of varying building heights which may be higher than 13m given its locality to Leppington Rail Way Station which is surrounded by mapped maximum building heights of 21-24m in height.
- The variation in height is minor in nature and the increased height would not be greatly perceived when viewed from the public domain.
- The proposed contravention does not result in any unacceptable amenity impacts (visual bulk, privacy or overshadowing) for occupants of adjoining development.

A copy of the applicant's written request is provided as an attachment to this report.

Pursuant to Appendix 5, Clause 4.6(4) of the Western Parkland City SEPP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 5, Clause 4.6(3) of the Western Parkland City SEPP; and
- the development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:

Clause 4.3 Height of Buildings

(a) to establish the maximum height of buildings,

The development has a maximum height of 14.6m being 1.6m above the 13m maximum building height standard. The applicant has submitted a Clause 4.6 written request that demonstrates that the height standard is unreasonable and unnecessary in the particular circumstances of the case.

(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The proposal is not surrounded by any residential zoned land and will therefore not have any impact in terms of solar access to buildings or open space of residential dwellings.

(c) to facilitate higher density development in and around commercial centres and major transport routes.

The development proposes a further stage of two storey warehouses and distribution centres continuing on from the Stage 1 Warehouse and Distribution Centre approved under DA/2020/996/1. The proposed development will ensure light industrial land use is prevalent contributing to further employment opportunities around major centres and transport routes.

- the development is consistent with the objectives for development within the zone in which the development is proposed to be carried out:

IN2 Light Industrial

1. To provide a wide range of light industrial, warehouse and related land uses.

The development proposes two warehouse and distribution centres which will allow for a range of industrial related land uses to take place on the site.

2. To encourage employment opportunities and to support the viability of centres.

The development will provide a mix of industrial and warehouse uses that will ultimately help support other employment generating development on the site and in the zone.

3. To minimize any adverse effect of industry on other land uses.

The development has no adverse effects on adjoining land uses or zones as it is primarily surrounded by IN2 Light Industrial zoned land. The site is not located within close proximity to any residentially zoned land, with the nearest residential zoned land being in excess of 200m from the site. The development is respective of the adjoining SP2 Drainage and RE1 Public Recreation land to the east of the development which provides a transition from the B4 Mixed Use zoned land to the east.

4. To enable other land uses that provide facilities or services to meet the day to day needs of works in the area.

The proposed development will provide a range of uses, including warehouse and distribution centre operations that will complement other employment generating land uses on the site and within the zone.

Council has the assumed concurrence of the Director General of the Department of Planning and Environment. In this regard, the contravention of the development standard does not raise any matter of significance for State or regional environmental planning. To the extent that there is any public benefit in maintaining the development standards, that benefit is not of determinative weight, noting compliance with Clause 4.6(1) and the matters raised above.

Consequently, it is recommended that the Panel support this proposed contravention to the SEPP Western Parkland City (2021).

State Environmental Planning Policy - Transport and Infrastructure (2021)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Clause 2.121 of the SEPP Traffic and Infrastructure (2021) as the development is Traffic Generating Development under the SEPP.

TfNSW requested additional information in the form of swept paths for the manoeuvre of heavy vehicles exiting off Bringelly Road into Dickson Road and the same for vehicles exiting Eastwood Road onto Bringelly Road. The applicant provided this additional information and the revised swept paths were re-referred to TfNSW for comment. TfNSW did not make any further comments within the prescribed period (21 days). Council's Traffic Section has reviewed this additional information and found it to be satisfactory.

Pursuant to Clause 2.121(4) of the SEPP, Council staff have considered:

- the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips;
- the potential to minimise the need for travel by car; and
- any potential traffic safety, road congestion and parking implications of the development.

The development is considered to be acceptable in terms of these matters.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Clause 2.48 of the SEPP as the site contains an existing pad mounted electrical substation. Endeavour raised no objections to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

State Environmental Planning Policy – Resilience and Hazards (2021)

Chapter 3 of the SEPP requires the consent authority to assess whether or not the development stores or requires the transport of dangerous goods above its screening thresholds. If any of the SEPP thresholds are breached, the consent authority must then determine whether or not the development is hazardous or offensive by considering the measures proposed to reduce the impact of the dangerous goods.

Condition 6.0(16) is recommended that requires the quantities of all dangerous goods to be stored on or transported to/from the site to be kept below the SEPP screening thresholds. Should the dangerous goods quantities ultimately need to exceed the SEPP screening thresholds a Section 4.55 modification application can be lodged to assess and address the exceedance.

Based on the above, the development is not considered to be hazardous or offensive development as defined by Chapter 3 of the SEPP.

Chapter 4 of SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. The applicant has completed remediation works approved under DA/2019/879/1 (as amended) and Council staff are satisfied that the site is suitable for the development. A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

Based on the above, the subject site is not considered to be contaminated land as defined by Chapter 4 of the SEPP.

State Environmental Planning Policy – Industry and Employment (2021)

The SEPP aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The SEPP requires the consent authority to be satisfied that signage is consistent with the objectives of SEPP and the assessment criteria specified in Schedule 5.

Council staff are satisfied that the signage is consistent with SEPP 64's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and directional signage will be of a high-quality design and finish. Council staff have also considered Schedule 5 assessment criteria and are satisfied that the signage is consistent with it.

State Environmental Planning Policy – Biodiversity and Conservation (2021)

Chapter 9 of the SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of Chapter 9 of the SEPP and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures are proposed as part of the subject application.

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

Draft Environment State Environmental Planning Policy (Biodiversity and Conservation) 2021

The development is consistent with the SEPP Biodiversity and Conservation 2021 in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

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

Camden Growth Centre Precincts Development Control Plan 2019

Planning Controls

An assessment table in which the development is considered against the Camden Growth Centres Precinct DCP is provided as an attachment to this report. A minor variation to Section 6.3 of the DCP is proposed that is further addressed below:

Landscaping of Front Setbacks

All setbacks should be landscaped and maintained in accordance with the landscape provisions in Clause 6.3. The proposed development does not fully landscape the front setback areas to the Dickson Road frontage. In this regard, a landscape depth varying between 2.5 and 8.8 metres to Dickson Road is proposed in front of the car parking areas.

It should be noted that the area of the frontage between the front boundary and the building that is not fully landscaped is a fire access road, which is required to meet Building Code of Australia requirements. The applicant contends that while not strictly meeting this control, substantial landscape planting is proposed between the warehouse building and adjacent roads and total landscaped areas through the development site approach 4,000sqm which will provide a suitable landscape treatment.

Given the extensive road frontage, the elevated nature of the site and the prominence and length of the proposed built form, particularly when viewed from Dickson Road, careful consideration has been given to the landscape treatment to ensure that the visual impact of the building is minimised. The site contains an irregular shaped verge area between Dickson Road and the property boundary which actually results in an increased soft landscaping area between Dickson Road and Warehouse 2.

A setback of at least 35m is shown between Dickson Road and Warehouse 2 on the proposed landscape plan which includes 30 trees and ground coverings along the entire boundary making up for the shortfall in landscape setback from the property boundary to the building. With consideration of the above justification, the variation to landscaping of front setbacks is considered supportable given the numerical landscaping setback is achieved when the increased verge area is taken into consideration.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

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

The *Environmental Planning and Assessment Regulations 2021* prescribes several matters that are addressed in the conditions attached to this report.

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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 30 November to 13 December 2021 where no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

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

External Referral	Response
Transport for NSW.	No response received within 21 days.
Endeavour Energy.	No objection subject to conditions.

Conditions that require compliance with external referral recommendations are included in the recommended conditions.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel:

- i. support the applicant's written request lodged pursuant to Appendix 5, Clause 4.6(3) of State Environmental Planning Policy (Western Parkland City) 2021 to the contravention of the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Western Parkland City) 2021; and**
- ii. approve DA/2021/1710/1 for the construction of two industrial warehouse buildings for use as warehouse and distribution centres with ancillary office component, car parking, landscaping, signage and associated site works at 345-367 Bringelly Road, Leppington subject to the conditions attached to this report.**