

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 5 July 2022
DATE OF PANEL DECISION	Tuesday, 5 July 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Mary-Lynne Taylor and Juliet Grant
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli: Corrs has acted for Stockland Development Pty Limited

Papers circulated electronically on 22 June 2022.

MATTER DETERMINED

PPSSWC-208 – Camden – DA2021/1710/1 at 345-367 Bringelly Road, Leppington – Construction of two industrial warehouse (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 and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the State Environmental Planning Policy (Western Parkland City) 2021 (Appendix 5 Camden Growth Centres Precinct Plan), that has demonstrated that:

- compliance with cl. 4.3 (Height of buildings) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the State Environmental Planning Policy (Western Parkland City) 2021 (Appendix 5 Camden Growth Centres Precinct Plan); and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of buildings) of the State Environmental Planning Policy (Western Parkland City) 2021 and the objectives for development in the IN2 Light Industrial zone; and
- the concurrence of the Secretary has been assumed.

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.

In particular, the Panel notes that:





- this is the third DA lodged as part of a staged warehouse development;
- the proposal is consistent with State Environmental Planning Policy (Western Parkland City) 2021 (Appendix 5 Camden Growth Centres Precinct Plan), providing employment generating land uses and contributing to the development of the important Leppington North Precinct;
- the development is generally consistent with area specific development controls of the Camden Growth Centres Precinct Development Control Plan, specifically Section 6.0 Site Specific Controls for IN2 Light Industrial Zoned land;
- the contravention of the maximum height of building standard largely arises due to a raised finished ground level. The non-compliance will not create negative impacts for adjoining buildings, given that the majority of both buildings comply with the control and the areas of exceedance are minor. Street setbacks and separation from residentially zoned land will render the contravention largely imperceptible;
- acoustic impacts of the development have been assessed, and appropriate measures including physical acoustic barriers will minimise noise and ensure that residential zoned land is not impacted by the development;
- the DA was referred to Transport for NSW and Endeavour Energy for comment as required under State Environmental Planning Policy Transport and Infrastructure (2021). Endeavour Energy has provided a letter of support subject to recommended conditions which have been incorporated in the conditions of consent;
- the requirements of State Environmental Planning Policy Resilience and Hazards (2021) have been considered, noting that as part of a bulk earthworks approval under a previous DA for the site, the site has been remediated and is suitable for the proposed development; while a condition has been imposed, requiring quantities of dangerous goods to be stored on or transported to/from the site to be kept below the SEPP's screening threshold;
- the proposal is consistent with the provisions of State Environmental Planning Policies Industry and Employment (2021) and Biodiversity and Conservation (2021), and presents no detrimental impacts to the Hawkesbury-Nepean River system.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report and supplementary report.

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
 Juliet Grant	 Mary-Lynne Taylor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-208 – Camden- DA2021/17101
2	PROPOSED 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.
3	STREET ADDRESS	345-367 Bringelly Road, Leppington
4	APPLICANT/OWNER	Applicant: Willowtree Planning Owner: The Trust Company Ltd
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"> ○ 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 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Camden Growth Centres Precinct DCP • 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: 21 June 2022 • Supplementary Report: 4 July 2022 • Written request made under cl 4.6 (3) of the State Environmental Planning Policy (Western Parkland City) 2021 (Appendix 5 Camden Growth Centres Precinct Plan), to vary cl. 4.3 (Height of buildings) • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 7 February 2022 <ul style="list-style-type: none"> ○ Panel members: Justin Doyle (Chair), Nicole Gurrán, Mary-Lynne Taylor and Juliet Grant ○ Council assessment staff: Jamie, Mitch Anderson, Ryan Pritchard, Stephen Pratt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report dated 4 July 2022