

## SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-245.
Application Number:	2022/492/1.
Local Government Area:	Camden.
Development:	Demolition of existing structures, tree removal, remediation of contaminated land, subdivision to create 23 industrial lots and 1 residue lot, public road construction and associated site works.
Capital Investment Value:	\$12,692,483.
Site Address(es):	43, 49, 55, 61 and 67 Turner Road and 37B and 48 Central Hills Drive, Gregory Hills.
Applicant:	Gibb Group Development Management Pty Ltd.
Owner(s):	<ul style="list-style-type: none"> <li>• Turner Road Industrial Pty Ltd.</li> <li>• Camden Council.</li> <li>• SM &amp; RP Investments NSW Pty Ltd.</li> <li>• TLPJM Pty Ltd.</li> </ul>
Date of Lodgement:	25 May 2022.
Number of Submissions:	None.
Number of Unique Objections:	None.
Classification:	<ul style="list-style-type: none"> <li>• Regionally significant.</li> <li>• Nominated Integrated development.</li> </ul>
Recommendation:	Approve with conditions.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	Council related development >\$5 million.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021.</li> <li>• State Environmental Planning Policy (Precincts - Western Parkland City) 2021.</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021.</li> <li>• Camden Development Control Plan 2019.</li> <li>• Turner Road Development Control Plan 2007.</li> </ul>
List all Documents Submitted with this Report for the Panel's	<ul style="list-style-type: none"> <li>• Assessment report.</li> <li>• State Environmental Planning Policy</li> </ul>

Consideration:	(Precincts - Western Parkland City) 2021 assessment table. <ul style="list-style-type: none"> <li>Camden Development Control Plan 2019 assessment table.</li> <li>Turner Road Development Control Plan 2007 assessment table.</li> <li>Recommended conditions.</li> <li>Proposed plans.</li> </ul>
Development Standard Contravention Request(s):	None.
Summary of Key Submission Issues:	None.
Report Prepared By:	Ryan Pritchard, Coordinator Statutory Planning Services.
Report Date:	26 April 2023.

### 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 Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections 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 type="checkbox"/>	<input checked="" 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 an industrial subdivision at 43, 49, 55, 61 and 67 Turner Road and 37B and 48 Central Hills Drive, Gregory Hills.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$12,692,483. This exceeds the CIV threshold of \$5 million for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

## SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/492/1 for an industrial subdivision 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 an industrial subdivision at 43, 49, 55, 61 and 67 Turner Road and 37B and 48 Central Hills Drive, Gregory Hills.

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 (Planning Systems) 2021.	The Panel is the consent authority for this DA as the development has a CIV of \$12,692,483. The CIV threshold for Council to determine the DA is \$5 million.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP).	The development is permitted with consent in the applicable IN1 General Industrial and RE1 Public Recreation zones, is consistent with the zones' objectives and acceptable in terms of the Western Parkland City SEPP's other matters for consideration.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	The DA was referred to Endeavour Energy for comment pursuant to the Transport and Infrastructure SEPP and the comments received have been considered.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).	Council staff have assessed a phase two detailed contamination assessment and a RAP submitted in support of the DA and are satisfied that the site will be made suitable for the development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 15 June to 12 July 2023. No submissions were received.

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

### AERIAL PHOTOS







## THE SITE

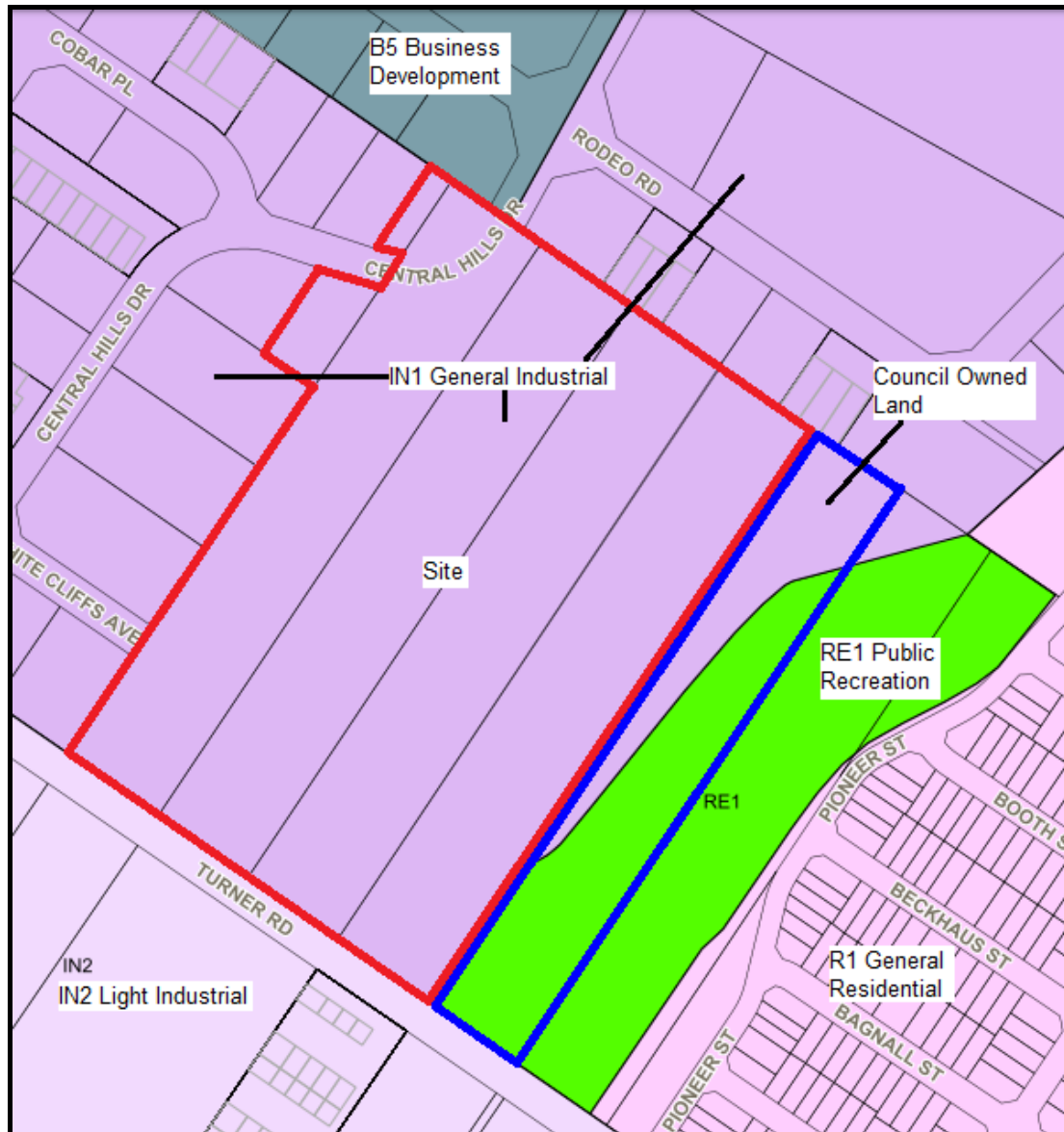
The site comprises seven properties that are commonly known as 43, 49, 55, 61 and 67 Turner Road and 37B and 48 Central Hills Drive, Gregory Hills and are legally described as lots 14, 15, 16, 17 and 18, DP 28024, lot 54, DP 1279640 and lot 21, DP 1270252. Most of the development will be located on 43, 49, 55 and 61 Turner Road with minor ancillary earthworks and drainage proposed on 37B and 48 Central Hills Drive to the north east. The construction of a public road and ancillary earthworks, drainage and vegetation removal are proposed on 67 Turner Road which is owned by Council (highlighted in blue on the above aerial photos).

The site is rectangular in shape and has a frontage of 305m to Turner Road, a depth of 385m and an area of 12ha. The site slopes from its northern to southern corner by 11.5m over 385m. The site contains several dwellings, outbuildings, dams and scattered vegetation. The Council owned part of the site contains a riparian corridor. Part of the site is mapped as bush fire prone land and is subject to biodiversity certification. The site is located within the Turner Road Precinct of the South West Growth Area.

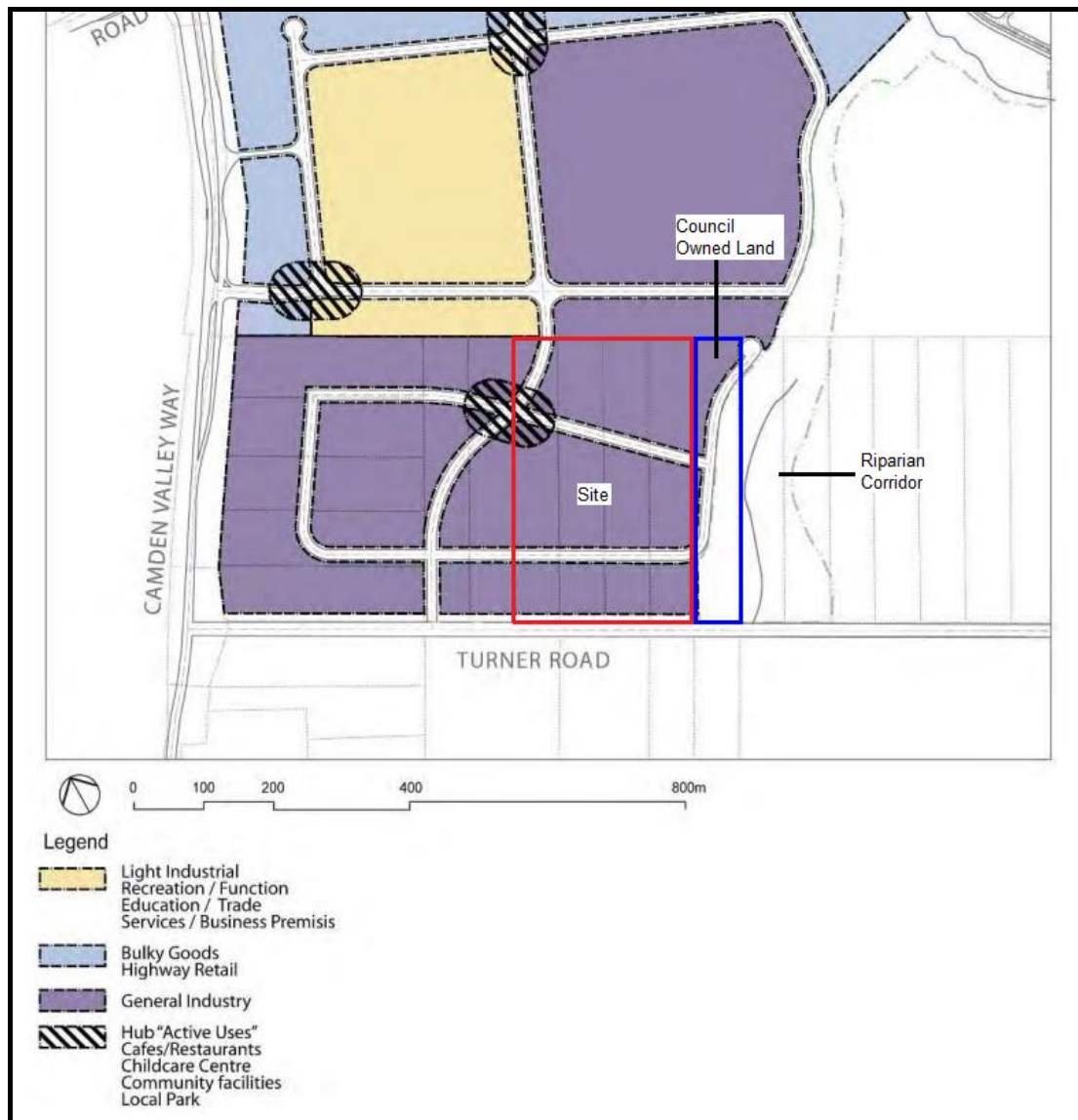
The surrounding area is characterised by developed and developing industrial developments to the north, west and south. Additional Council owned land containing another part of the aforementioned riparian corridor and low density residential development is located to the east.

To the north of the site lies the developing Gregory Hills Business Park which contains a mix of business and industrial developments. To the east lies the residential part of the suburb of Gregory Hills which is predominantly characterised by low density detached dwellings. To the south lies Turner Road and the developed Smeaton Grange industrial estate. To the west lies developing industrial land and Camden Valley Way which is a 4 lane divided arterial road.

### ZONING PLAN



## AREA MASTER PLAN



## HISTORY

There is no relevant development history for this site.

## THE PROPOSAL

DA/2022/492/1 seeks approval for an industrial subdivision.

Specifically the development involves:

- demolition of existing structures and remediation of contaminated land,
- removal of the following trees and vegetation:
  - 163 trees from the biocertified area of 43, 49, 55 and 61 Turner Road,
  - 4 trees from the Turner Road road reserve,



- a 1,914m<sup>2</sup> mix of regrowth juvenile, early mature and semi-mature trees from the biocertified area of 67 Turner Road (the Council owned land), and
- 0.08ha of Cumberland riverflat forest and 0.04ha of Cumberland shale plains woodland from 67 Turner Road (the Council owned land),
- subdivision to create 23 industrial lots ranging in area from 1,001m<sup>2</sup> to 7,476m<sup>2</sup> and 1 residue lot (proposed lot 24),
- the construction of public roads linking to the adjoining public road system including the 'missing link' of Central Hills Drive, and
- associated site works including the construction of earthworks, retaining walls, drainage, services and landscaping.

### PANEL BRIEFING

Council staff briefed the DA to the Panel on 20 June and 7 November 2022. The following discussion provides an assessment of how the issues raised by the Panel at the briefings have been addressed:

1. *Contamination has been found on the site and will need to be addressed in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021.*

#### Officer comment:

The site is contaminated with asbestos and thermotolerant coliforms that will require remediation. The applicant has submitted a remediation action plan (RAP) in support of the DA that proposes to remediate this contamination by off-site removal. The RAP has been reviewed and is supported by Council staff.

2. *Approval is required to impact Aboriginal objects.*

#### Officer comment:

The site contains two Aboriginal object sites containing silcrete, basalt and partial flakes and tuff that will be totally and partially harmed respectively. The DA was referred to Heritage NSW for approval and general terms of approval have been granted. A standard condition is recommended to ensure that the development complies with the general terms of approval.

3. *Biodiversity impacts must be considered.*

#### Officer comment:

Most of the site is subject to biodiversity certification, except for a small sliver of proposed lot 23 along its eastern boundary and all of proposed residue lot 24 (the remaining Council owned land). This area is mapped as having high biodiversity value and it is proposed to remove 0.08ha of Cumberland riverflat forest and 0.04ha of Cumberland shale plains woodland from it. The applicant has submitted a biodiversity development assessment report in support of the DA and proposes to offset the biodiversity impacts by retiring 3 ecosystems credits consistent with



the *Biodiversity Conservation Act 2016*. A standard condition is recommended to ensure that this occurs.

4. *Workable sites for future industrial developments must be created which should not involve the creation of significant batters.*

Officer comment:

The applicant has submitted amended plans in support of the DA that introduce additional retaining walls and limit the extent of the proposed battering to a reasonable degree. It is accepted that some further sculpting of the lots can be supported during the design of future industrial developments thereon and that this can easily be accommodated on lots of the sizes proposed. It is noted that industrial lots do not need to be completely flat and that non-building elements such as landscaped areas, driveways and car parks can be located on more sloping areas if required. Council's engineer has reviewed the amended plans and is satisfied that the proposed mix of retaining walls and batters is a balanced response to the competing demands of providing relatively flat lots on a sloping site whilst complying with Council's engineering specifications for the design of public roads and drainage.

5. *Flooding impacts must be carefully considered.*

Officer comment:

The site is subject to flooding and the applicant has submitted a flood report in support of the DA. The report concludes that the development will:

- not have any adverse impacts upon the 1% annual exceedance probability flood event,
- have slight adverse impacts on the probable maximum flood (PMF) levels to the south of Turner Road however these are considered to be negligible when compared to the existing depth of floodwater at those locations in the PMF event,
- have no adverse impacts upon flood hazard conditions outside the study area, and
- provide sufficient freeboard consistent with Council's Flood Risk Management Policy.

Council's engineer has reviewed the report and agrees with its findings.

## **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 (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

#### State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$12,692,483. The CIV threshold for Council to determine the DA is \$5 million pursuant to Schedule 6 of the Planning Systems SEPP.

#### State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

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 IN1 General Industrial and RE1 Public Recreation pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP.

#### *Development Characterisation*

The development is characterised as 'demolition', 'drainage', 'earthworks', 'roads' and the subdivision of land by the Western Parkland City SEPP.

#### *Permissibility*

'Drainage', 'earthworks' and 'roads' are permitted with consent in the IN1 and RE1 zones pursuant to the land use table in Appendix 2 of the Western Parkland City SEPP.

The subdivision of land is permitted with consent pursuant to Appendix 2, Section 2.6 of the Western Parkland City SEPP.

Demolition is permitted with consent pursuant to Appendix 2, Section 2.6A 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.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

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

*Referral to Endeavour Energy (Endeavour)*

The DA was referred to Endeavour for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the site contains low voltage overhead service conductors coming from power poles within the Turner Road road verge.

Endeavour raised no objections to the development and recommended compliance with a number of technical conditions. A condition requiring compliance with Endeavour's requirements is recommended.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land.

Section 4.6 of the Resilience and Hazards 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. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The applicant has submitted a phase two detailed contamination assessment and a RAP in support of the DA. The site is contaminated with asbestos and thermotolerant coliforms and the RAP proposes to remediate it by off-site removal. Council staff have reviewed the RAP, agree with its recommendations and are satisfied that the site will be made suitable for the development. A standard condition is recommended to ensure that the RAP is complied with.

A standard contingency condition is recommended that requires any additional contamination found during works to be managed in accordance with the RAP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of it.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

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

The development control plans that apply to the development are:

- Camden Development Control Plan 2019.
- Turner Road Development Control Plan 2007.

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Turner Road Development Control Plan 2007 (Turner Road DCP)

An assessment table in which the development is considered against the Turner Road DCP is provided as an attachment to this report.

***(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 Regulation 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.



### Riparian Corridor Impacts

A riparian corridor is located on 67 Turner Road which is owned by Council. The corridor is zoned RE1 Public Recreation and the development proposes vegetation removal and the construction of a drainage outlet within it. The vegetation removal has been assessed elsewhere in this report and is supported as the applicant will retire 3 ecosystem credits consistent with the *Biodiversity Conservation Act 2016*. The DA was referred to the Department of Planning and Environment - Water for approval and general terms of approval have been granted.

### Bush Fire Impacts

Part of the site is mapped as bush fire prone land and the applicant has submitted a bush fire report in support of the DA. The report recommends several bush fire mitigation measures including the management of the entire site as an inner protection area, fire hydrants and technical requirements for gas services. Council staff have reviewed the report, agree with its recommendations and consider that potential bush fire impacts can be adequately managed. A condition is recommended to ensure compliance with the report.

### Construction Noise, Vibration and Air Quality Impacts

The applicant has submitted a noise and vibration impact report and an air quality assessment in support of the DA. The report and assessment model potential construction noise, vibration and air quality impacts and recommends management controls including works hours, avoiding the colocation of noisy equipment working simultaneously, regular compliance checks and dust suppression. Council staff have reviewed the report and assessment, agree with their recommendations and consider that potential noise, vibration and air quality impacts can be adequately managed. A standard condition is recommended to ensure compliance with the report and assessment.

### Traffic Impacts

The applicant has submitted a traffic report in support of the DA. The report demonstrates that the development will not have an unreasonable adverse impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and agree with its conclusions.

### Proposed Lot 1

There is no minimum lot size development standard that applies to the site. Proposed lot 1 will have an area of 1,001m<sup>2</sup> which is less than standard industrial lots that typically have a minimum area of 2,000m<sup>2</sup>. The creation of a lot with this area is unavoidable as it is the inevitable result of constructing the missing link of 'Central Hills Drive'. The applicant has submitted a statement from the owners of 37B Central Hills Drive which will adjoin lot 1 to the west advising that they intend to purchase lot 1 and amalgamate it with 37B Central Hills Drive. This will result in a larger lot with an area of 1,790.9m<sup>2</sup> which is considered reasonable for future industrial development. A condition is recommended that requires a restriction be imposed on lot 1 that prohibits it from being developed unless the lot is first consolidated with 37B Central Hills Drive.

All other likely impacts have been assessed in other sections of this report.

**(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 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 15 June to 12 July 2023. 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
Department of Planning and Environment - Water.	No objection and general terms of approval granted.
Heritage NSW.	No objection and general terms of approval granted.
Endeavour Energy.	No objection and conditions recommended.

**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.

**RECOMMENDATION**

**That the Panel approve DA/2022/492/1 for an industrial subdivision at 43, 49, 55, 61 and 67 Turner Road and 37B and 48 Central Hills Drive, Gregory Hills subject to the conditions attached to this report for the following reasons:**

- 1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**

- 2. The development is consistent with the objectives of Camden Development Control Plan 2019 and the Turner Road Development Control Plan 2007.**
- 3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.**
- 4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**