

| | |
|---------------------------------|---|
| DATE OF DETERMINATION | 11 May 2023 |
| DATE OF PANEL DECISION | 10 May 2023 |
| DATE OF PANEL BRIEFING | 1 May 2023 |
| PANEL MEMBERS | Justin Doyle (Chair), David Kitto, Louise Camenzuli, Michael Mantei |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | As council is the owner of the land, all Councillors have a conflict of interest in the matter. |

Papers circulated electronically on 26 April 2023.

MATTER DETERMINED

PPSSWC-245 – Camden – DA/2022/492/1 - 43 Turner Road, Gregory Hills - Demolition of existing structures, tree removal, remediation of contaminated land, subdivision to create 23 industrial lots, public road construction and associated site works.

PANEL CONSIDERATION AND DECISION

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

Development application

The Panel determined to approve the development application pursuant to section 4.16/4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the development application for the reasons outlined in the Council Assessment Report which the Panel agrees provides an accurate summary of the subdivision proposal, and the relevant considerations arising under s.4.15 of the EP&A Act, and for the following additional reasons:

1. The development is consistent with the objectives of the applicable IN1 General Industrial and RE1 Public Recreation zone in which it is permissible with development consent.
2. The Panel accepts the conclusions and recommendations of the detailed phase two contamination assessment and RAP which supported the DA which advises that with the proposed remediation works, the site will be made suitable for the development proposed.
3. The proposed site layout is generally consistent with the detailed masterplan for the area.
4. While the earthworks proposed with the development are significant across the site they are sufficiently resolved in the civil engineering design to the Council's satisfaction.
5. The assessment requirements of Part 7 of the Biodiversity Conservation Act 2016 are sufficiently addressed, and the proposal to retire 3 credits has been assessed to satisfy the conclusions of the amended BDAR submitted in March 2023 to account for a small area of non-biocertified vegetation on proposed industrial lot 23. While the Panel queries whether the road which leads to the impact on the bushland could have been positioned so as to avoid the impacts on the non-certified portion of the bushland, the panel accepts the conclusion of the BDAR that the impacts which will result are not serious or irreversible.





6. An Aboriginal cultural heritage assessment (ACHA) has been undertaken. While a desktop assessment identified two previously registered AHIMS Sites; TR-1 (AHIMS #52-2- 3557) and GHSN (AHIMS #52-2-3873), within the study area, and two areas of sensitivity; TR PAD 01 and TR PAD 02, have been previously identified through archaeological survey, the ACHA (involving 39 test pits placed in a systemic grid across all areas of registered AHIMS site extents and identified archaeological sensitivity), identified no further artefacts. Furthermore, the two previously registered AHIMS sites were not found to possess any historic, aesthetic, social or spiritual significance. Consultation with Aboriginal stakeholders has been completed in accordance with the Consultation Requirements. The ACHA recommends a number of measures be adopted in undertaking the development, including importantly that before any works occur, an application must be made to Heritage NSW and be granted an Aboriginal Heritage Impact Permit (AHIP) to destroy TR-1 (AHIMS #52-2- 3557) and the portions of GHSN (#52-2-3873) that will be impacted by the proposed works. The general terms of approval from Heritage NSW also require a s.90 Aboriginal Heritage Impact Permit (AHIP) to be obtained prior to the commencement of works. The application for the AHIP must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010), and consider the long term management of Aboriginal objects. Provision is also made for Heritage NSW to be contacted in relation to any Aboriginal objects discovered during the work. The Panel is therefore satisfied that issues of Aboriginal heritage have been sufficiently addressed.
7. The development will provide additional industrial capacity for Western Sydney and consequently additional employment. The development will be compatible with the industrial character of adjoining land to the west, north and south, but with an adequate buffer to the Gregory Hills residential land to the east. In that way, it is consistent with the objectives of the Western Sydney District Plan and the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment 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)  | David Kitto  |
| Louise Camenzuli  | Michael Mantei  |

| SCHEDULE 1 | | |
|------------|---|---|
| 1 | PANEL REF – LGA – DA NO. | PPSSWC-245 – Camden – DA/2022/492/1 |
| 2 | PROPOSED DEVELOPMENT | Demolition of existing structures, tree removal, remediation of contaminated land, subdivision to create 23 industrial lots, public road construction and associated site works. |
| 3 | STREET ADDRESS | 43 Turner Road, Gregory Hills |
| 4 | APPLICANT/OWNER | Applicant: Gibb Group Development Management Pty Ltd Owner: Camden Council |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Council related development over \$5 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 (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. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019. Turner Road Development Control Plan 2007 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 26 April 2023 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Kick Off Briefing: 20 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair) <u>Council assessment staff</u>: Emily Langford, Ryan Pritchard, Jaime Erken <u>Applicant representatives</u>: James Sierakowski, Gordon Kirkby, Matthew Thiselton, Nathan Tenaglia, Alex Heath Council Briefing: 7 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Ashleigh Cagney <u>Council assessment staff</u>: Ryan Pritchard, Jessica Backo |

| | | |
|----|------------------------|--|
| | | <ul style="list-style-type: none">• Final briefing to discuss council’s recommendation: 1 May 2023<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Michael File, Michael Mantei○ <u>Council assessment staff</u>: Ryan Pritchard, Jamie Erken○ |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |