



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	14 May 2024
<b>DATE OF PANEL DECISION</b>	10 May 2024
<b>DATE OF PANEL BRIEFING</b>	29 April 2024
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt, George Brticevic
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 24 April 2024.

**MATTER DETERMINED**

PPSSWC-330 – Campbelltown – 1234/2023/DA-I

149 Airs Road, Minto

Construction and operation of a single storey warehouse comprising two tenancies, each with single storey ancillary office space and single storey light industrial building with a single storey and double storey ancillary office spaces and subdivision to create 3 Torrens title lots.

**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 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The panel determined to approve the application for the reasons outlined in the council assessment report, but requires resolution of the issues relating to the conditions discussed below.

All relevant environmental planning instruments are reported to have been satisfactorily addressed, noting in particular that while originally the proposal made little attempt to avoid or minimise the ecologically significant trees an amended BDAR was lodged which now reduces the proposed tree clearing including reducing tree removal within Council's road reserve. The arborial report submitted to support the amended design reports that the revised design should retain an additional 9 trees, 3 of which are High Retention Value, 3 of which are Medium Retention Value and 3 Low Retention Value. The proposal will directly impact around 0.80 ha of native vegetation for which offsets are to be facilitated through the BDAR process.

A previously submitted DSI has been accepted by Council as confirming the absence of contaminants of concern. The flood affectation and overland flows across the site are reported to be suitably mitigated. Barriers are proposed to mitigate noise impacts based on the recommendations of an accredited expert's report.

A heritage assessment has concluded that the significance of the nearby 'Milestone XXXI' listed as a heritage item will not be compromised.

The proposal will add a new warehouse and distribution centre to the industrial stock of Airds and will further the objective of enhancing the industrial capability of the area, creating employment for the expanding surrounding residential population. It is therefore in the public interest.

## CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- **Condition 25 Construction Certificate** amended to read as follows:  
*Prior to the commencement of any works that require a construction certificate:*
  - a. the applicant shall appoint an appointed registered certifier;*
  - b. the applicant shall obtain a construction certificate for the works; and*
  - c. when Council is not the appointed registered certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.*
- **Condition 38 Stormwater Drainage**, first paragraph, amended to read as follows:  
*A detailed stormwater drainage design plan and associated design report shall be prepared by an experienced and qualified professional civil or hydraulics engineer registered on the NER, to the satisfaction of the appointed registered certifier prior to issue of a the relevant construction certificate. The plan and report shall clearly demonstrate;*
- **Condition 41 Existing Drainage** amended to read as follows:  
*Prior to Council or the appointed Principal Certifier issuing a the relevant construction certificate, the applicant shall engage a professional civil or hydraulic engineer with experience in stormwater management and submit design details and related calculations for the analysis of the existing drainage system in Airds Road, where it is proposed to discharge stormwater from the proposed development, to determine whether the existing system has sufficient capacity to adequately convey the increased flows. A cumulative impact assessment shall be carried out, showing the impact of possible future development of other lots within the same catchment to the same level as proposed for this development, and discuss its effect on the existing stormwater management and drainage infrastructure.*
- **Condition 50 Retaining Walls** is amended to read as follows:  
*Prior to the release of a construction certificate, an engineering design and construction plan (plan) shall be prepared by a professional engineer registered on the NER with relevant qualifications and experience demonstrating compliance with council's engineering guidelines to the satisfaction of the certifier. Where compliance is not able to be demonstrated, the report must be submitted, for assessment and written approval of Council's Development Engineering Team.*

*The plan shall detail structural design, design loads, location, dimensions, material specifications of all existing and proposed retaining walls required to support development of the site. Retaining walls must be located wholly within the subject site, including associated footings and drainage, and shall be finished smoothly with no burrs, sharp edges, sides, or corners that could easily injure pedestrians.*

*Maximum horizontal gap between retaining wall and boundary fence is limited to 50mm. Boundary fences preferably should be located immediately over the top of the retaining wall, eliminating any horizontal gaps.*

*Plans shall be signed and certified by both geotechnical and structural engineers, as being fit for purpose, have a design life of 50 years and be in accordance with all relevant Council requirements.*

*Construction of retaining walls and associated drainage work and must not compromise the structural integrity of any existing structures on neighbouring properties.*

- **Condition 82 Imported 'waste-derived' fill material** amended to read as follows:

*Imported 'waste-derived' fill material*

*The only fill material that may be received at the development site is:*

- a) Excavated natural material (ENM) or virgin excavated natural material (VENM) within the meaning of the Protection of the Environment Operations (POEO) Act 1997; and*
- b) Any other waste-derived material that is the subject of a resource recovery exemption under cl.51A of the POEO (Waste) Regulation 2005, and that has been approved in writing by Council's Executive Manager Planning and Development.*

*Each load of Council approved engineered fill material received at the development site entrance gate must be accompanied by documentation confirming the source and stockpile the load was obtained from, date of stockpile testing (6 months maximum from time of entry to site), details demonstrating compliance with relevant Council and the POEO Act exemption conditions for waste derived material.*

*All loads received to the site of Excavated Natural Material (ENM) must be accompanied with certification demonstrating compliance with the relevant conditions of the NSW Environmental Protection Authority's Excavated Natural Material Order 2014 and Excavated Natural Material Exemption 2014 with evidence to be submitted to Council for record keeping.*

*The principal site supervisor/superintendent shall monitor and manage each load at the single site entry/exit gate and shall not accept or permit entry or exit of any non-compliant load. Confirmation of compliance for each load entering or exiting the site is the responsibility of the applicant, developer, and site supervisor/superintendent and records of all movements in and out of the site and associated loads shall be maintained and submitted to Council for record keeping, and to the appointed registered certifier as part of any occupation/subdivision certificate application.*

- **Condition 88 Creation of Allotment** is deleted.

- **New condition to read as follows:**

***Electric charging***

*Electric vehicle charging stations shall be provided for the development with amended plans to be submitted to the appointed Principal Certifier for approval prior to the issue of a construction certificate.*






- **New condition to read as follows:**

***Solar Panels***

*The development is to incorporate Photovoltaic Electricity (solar power) for energy use. In this regard, all works associated with the installation and use of the proposed photovoltaic electricity system shall be conducted in accordance with the requirements of the State Environmental Planning Policy (Transport and Infrastructure) 2021, including the requirement for the system to not involve mirror lenses to reflect or concentrate light.*

### 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)	 Louise Camenzuli
 David Kitto	 Karen Hunt
 George Brticevic	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-330 – Campbelltown – 1234/2023/DA-I
2	PROPOSED DEVELOPMENT	Construction and operation of a single storey warehouse comprising two tenancies, each with single storey ancillary office space and single storey light industrial building with a single storey and double storey ancillary office spaces and subdivision to create 3 Torrens title lots
3	STREET ADDRESS	149 Airds Road, Minto
4	APPLICANT/OWNER	Applicant: Urbis Owner: The Trust Company (Australia) Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</li> <li>State Environmental Planning Policy (Industry and Employment) 2021</li> <li>Campbelltown Local Environmental Plan 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Campbelltown Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 23 April 2024</li> <li>Applicant response: 26 April 2024, 1 May 2024</li> <li>Council response: 1 May 2024</li> <li>Written submissions during public exhibition: nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Kick Off Briefing: 29 May 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), David Kitto, Karen Hunt, George Brticevic</li> <li><u>Council assessment staff</u>: Michelle Penna, David Smith</li> <li><u>Applicant representatives</u>: Anais Sarkissian, Holly Rhoades, Fei Chen, Emma William</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 29 April 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt, George Brticevic</li> <li><u>Council assessment staff</u>: Michelle Penna</li> </ul> </li> </ul>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report