

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-335
<b>DA Number</b>	1398/2023/DA-U
<b>LGA</b>	Campbelltown
<b>Proposed Development</b>	Change of use to a waste management facility for scrap metal and construction of storage domes
<b>Street Address</b>	Lot 25 DP 809258 8 Noonan Road, Ingleburn
<b>Applicant/Owner</b>	Planning Bricks / Mrs Caterina Severino
<b>Date of DA lodgement</b>	20 April 2023
<b>Total number of Submissions Number of Unique Objections</b>	<ul style="list-style-type: none"> <li>• Nil</li> <li>• Nil</li> </ul>
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 6 of the Planning Systems SEPP)</b>	Particular designated development
<b>List of all relevant s4.15(1)(a) matters</b>	Environmental Planning and Assessment Regulation 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Recommended Conditions of Consent Attachment 2 – Architectural Plans Attachment 3 – Stormwater Plans Attachment 4 – Environmental Impact Statement Attachment 5 – SEARs Attachment 6 – Plan of Management Attachment 7 – Fire Report Attachment 8 – Hazardous Materials Management Attachment 9 – Noise Impact Assessment Attachment 10 – Air Quality Assessment Attachment 11 – Traffic Impact Assessment
<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	N/A
<b>Report prepared by</b>	Michelle Penna – Senior Town Planner
<b>Report date</b>	1 February 2024

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

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 summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

No

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

---

### Conditions

Have draft conditions been provided to the applicant for comment?

Yes

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

---

## 1. Executive Summary

- Particular designated development is regionally significant development for which the Sydney Western City Planning Panel (the Panel) is the consent authority. As the proposed development is considered to be designated development in that a waste management facility is proposed within 100m of a natural waterbody, the Panel is the consent authority for this development application.
- The subject development application is for the use of the site as a waste management facility for the collection, sorting, compacting and storing of scrap metal including the construction of storage domes. No demolition works are proposed.
- The subject site is zoned E4 General Industrial where waste management facilities are permissible within the zone under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- The application is compliant with all of the State Environmental Planning Policies that apply to the proposed development.
- The application is compliant with the Campbelltown Local Environmental Plan 2015 (CLEP). The proposed development is compliant with Council's Sustainable City Development Control Plan 2015 (SCDCP) with conditions of consent.
- The application was publicly exhibited and notified to nearby and adjoining residents between 25 May 2023 and 30 June 2023. During this time, Council received no submissions.
- Based on an assessment of the application against section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the application has been found to be satisfactory, and is therefore recommended for approval.

---

## 2. Site and Surrounds

The subject site is legally described as Lot 26 in Deposited Plan 809258 also known as No.8 Noonan Road, Campbelltown. An aerial photo of the site is shown below:

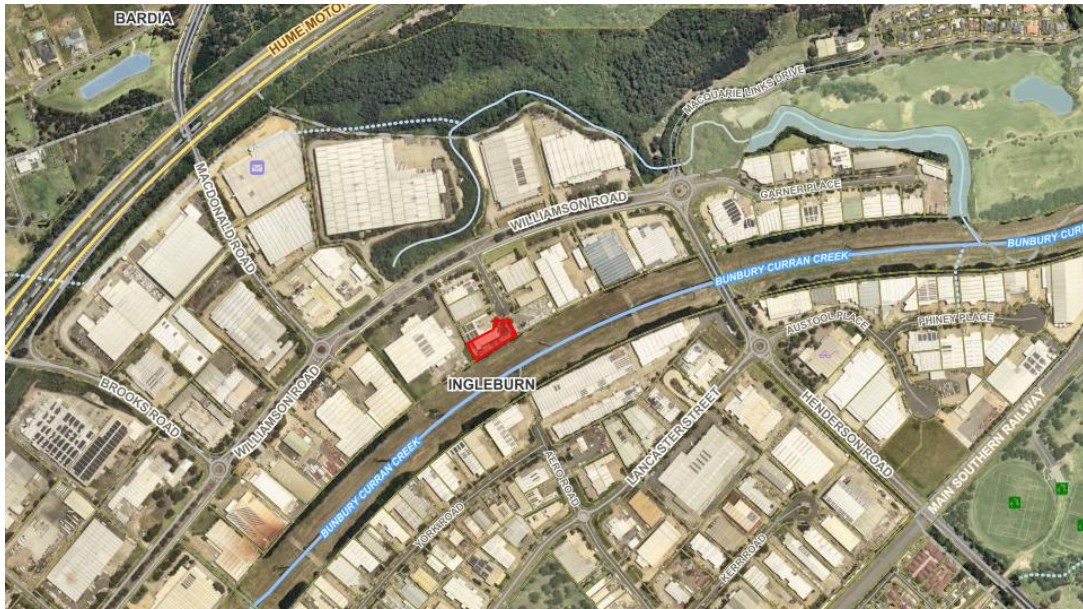


Figure 1: Locality map

The site is an irregular shaped allotment with an area of approximately 2765 m<sup>2</sup> and is located at the end of a cul-de-sac. The site adjoins Bunbury Curran Creek to the rear and industrial buildings on either side. The site has a slope from the western corner towards the eastern corner.

The site currently contains an existing brick industrial building with a metal awning located to the rear. The building has an internal warehouse space of 430.87m<sup>2</sup> with an adjacent office area of 116.6m<sup>2</sup>. There is a mezzanine level within the main warehouse area that contains two storage rooms and an office.

The site is currently being used as a scrap metal yard with majority of the site covered in scrap metal piles. There are no existing car parking spaces or loading/unloading areas located on the site. A site inspection on 27 September 2023 found vehicles parked on the road reserve area in front of the site and a truck reversed into the site for loading. The site inspection also determined that piles of scrap metal were located all over the site external to the existing building as shown below.



View from Noonan Road.

The surrounding locality consists of the industrial area of Ingleburn with the Hume Highway also in close proximity to the site. The residential suburbs of Bardia, Macquarie Links and Ingleburn are within the greater locality.

The property does not contain a heritage item and is not located within a heritage conservation area.

There is a 4m wide drainage easement located along the north eastern side boundary of the site that goes from Noonan Road to Bunbury Curran Creek.

### **Background and History**

The site is currently being used as a scrap metal yard without consent.

There have been numerous development applications approved for the site for a range of industrial uses such as well as numerous orders to cease unauthorised uses including an order to cease the current unauthorised use. The most current approval for the site is for the use as a motor vehicle repair station and associated truck wash approved on 8 July 2010.

Two Pre-Development Applications (Pre-DA) were held on 5 August 2021 and 8 February 2023, prior to the lodgement of the current development application with the following information provided:

- The proposal is designated development and therefore the Secretary's Environmental Assessment Requirements (SEARs) are required prior to the lodgement of a development application.
- Specialist reports such as a Noise Impact Assessment Report, Preliminary Hazard Report, Phase 1 and 2 Contaminated Land Assessment Report and Traffic and Parking Assessment is required to be submitted with the development application.

- All relevant planning controls within CLEP and SCDOP are required to be addressed and any variations justified.
- Any outdoor screening proposed shall be of high quality.
- Landscape plan is required detailing landscaping in the front setback area.
- Concerns are raised with vehicle access and manoeuvring on site with swept path plans required to demonstrate vehicles and trucks can enter and exit in a forward direction.
- A loading/unloading area is required to be shown given that no loading/unloading is permitted to occur from Noonan Road.
- A stormwater plan in accordance with Council's Engineering Design for Development is required.
- A Plan of Management is required to be submitted with the development application.
- The area of the drainage easement on the north eastern side is to be kept clear of all obstructions.

Following lodgement of the development application, Council issued a request for further information on 12 September 2023. The main issues included:

- Swept path plans and a driveway long section plan is required.
- The MUSICX model is required to be provided to demonstrate that the proposed treatment devices would achieve the reduction targets of different pollutants.
- A revised Water Sensitive Urban Design report is required.
- A landscape plan is required.
- Amended plans detailing the following:
  - The required number of car parking spaces.
  - Waste storage areas.
  - Compliance with outdoor storage area requirements given that Council will not support the external storage of used unregistered motor vehicles, vehicle parts, used building materials, scrap products or other industrial waste.
  - Relocation of the loading bay as it encroaches within the required swept path plans for truck manoeuvring.
- A revised Preliminary Hazard Analysis that is prepared in accordance with the Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis (DoP 2011) and Multi-Level Risk Assessment (DoP 2011).
- A Plan of Management is required.

An additional request for information was issued on 28 February 2024 raising an issue in regard to the proposal being prohibited in accordance with Clause 6.22 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 which states that waste or resource management facilities are prohibited on flood liable land.

## Referrals

The application was referred to Council's Engineering, Environment, and Building Officers. The application was also externally referred to Transport for New South Wales and NSW Office of Water. Comments were provided from the relevant officers and additional information was required to be submitted.

## 3. Site Constraints Table

Site Constraints	Applicable to this site
Bushfire Prone Land	N
Flood Affected	Y
Overland flow affected	Y

Mine Subsidence	N
Noise Affected Property	N
Aboriginal Sensitivity Zone	N
Koala Habitat	N
Jemena Gas Line	N
Transgrid Electrical Easement	N
Easements	Y
Tree Removal	N
Biodiversity Impacts	N
Heritage Item	N

#### 4. Proposal

---

This application proposes the use of the site as a waste management facility for the storage, sorting, compacting and distribution of scrap metal items with a capacity of up to 4,800 tonnes per year. The proposed use includes the following:

- Purchasing and/or gathering scrap metal from other companies and scrap yards as well as drop offs from the public and storing on the site.
- Stripping any copper from the scrap metal items including stripping the copper from the PVC for copper cables.
- Sorting the copper into different grades.
- Compacting metal into bales for recycling and/or sale.
- Storage of metals for exporting overseas.

The use would operate Monday to Friday, 7 am – 5 pm and 7 am – 1 pm on Saturdays with no trade on Sundays or public holidays. There would be 10 staff employed as well as one contracted rigid truck driver.

Storage of scrap metals is proposed external to the building in a dome shelter structure. The dome shelter structure consists of concrete side walls and rear walls with a durable hard plastic cover in a dome shape as a roof. It is proposed to have six individual structures attached to each other along the southern boundary. The structures would be set behind the existing building and will not be visible from the street. The width of each individual structure is 6m with a length of 7m and a height of 9.2m.

The loading/unloading area is located along the north eastern side boundary. It is expected that up to 15 deliveries of scrap metal would be received each day with 90% expected to involve light vehicles and 10% to involve heavy vehicles (up to 8.8 m rigid truck). After sorting and processing on site, the scrap metal will be packed into containers or steel bins. The containers would be collected twice a week by a 19m semi-trailer with steel bins collected monthly by a 12.5 m rigid truck.

A Waste Management Plan was submitted as part of the development application. The waste management plan detailed that a 240L bin for recycling and a 1.5m<sup>3</sup> skip bin for general waste is required and will be collected by a commercial waste contractor.

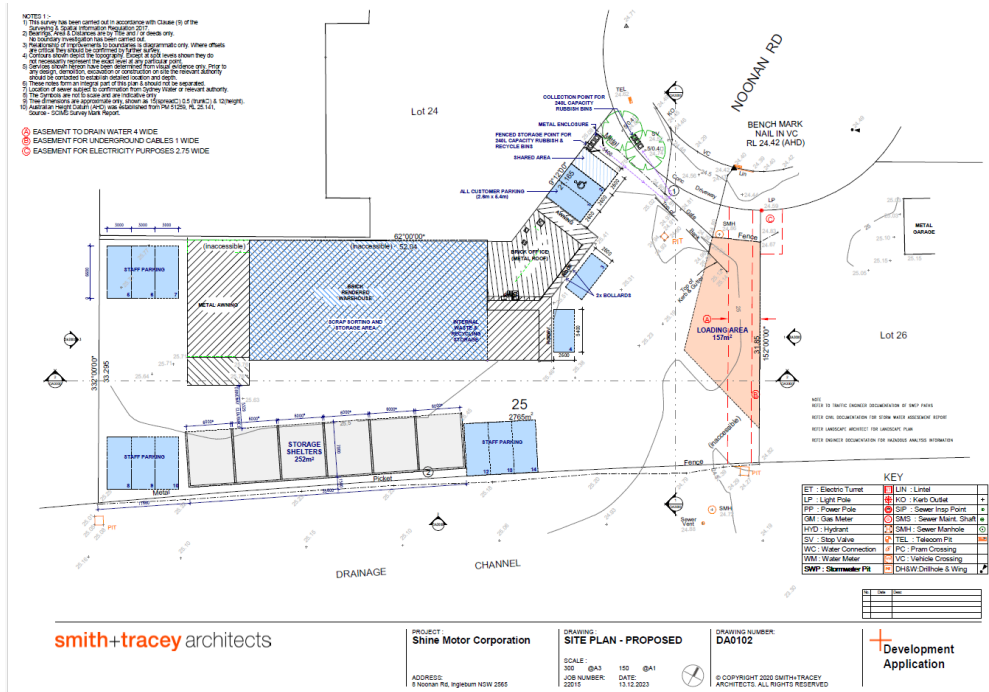


Figure 2: Site Plan



Figure 3: North Elevation

## Vision

### Campbelltown 2032

Campbelltown 2032 is the Community Strategic Plan for the City of Campbelltown. The Strategic Plan addresses 5 key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years.

The purpose of the CSP is to identify the community's main priorities and aspirations for the future and to plan an approach to achieve these goals. The CSP has been structured to address four key outcomes that Council and other stakeholders will work to achieve. These outcomes are:

- Outcome 1: Community and Belonging
- Outcome 2: Places for People
- Outcome 3: Enriched natural Environment



- Outcome 4: Economic Prosperity
- Outcome 5: Strong Leadership

Outcome 4 is the most relevant and the proposed development would assist in achieving this outcome. The proposed development provides for achieving this outcome through providing a use that would support the growth, productivity and diversity of the local economy.

## **5. Planning Assessment**

---

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters are discussed below.

### **5.1 Section 4.15(1)(a)(i) The provisions of any environmental planning instrument**

---

#### **5.1.1 Environmental Planning and Assessment Regulation 2021**

Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* includes development that can be considered to be designated development. Of relevance to this development application is Clause 45 Waste Management Facilities or Works. This clause sets out the criteria is for designated development for waste management facilities or works as follows:

(1) *Development for the purposes of a waste management facility or works is designated development if—*

(a) *the facility or works dispose of solid or liquid waste by landfilling, thermal treatment, storing, placing or other means, and*

(b) *the waste —*

(i) *includes a substance classified in the ADG Code or medical, cytotoxic or quarantine waste, or*

(ii) *comprises more than 100,000 tonnes of clean fill in a way that, in the consent authority's opinion, is likely to cause significant impacts on drainage or flooding, or*

#### **Example—**

*Clean fill includes soil, sand, gravel, bricks or other excavated or hard material.*

(iii) *comprises more than 1,000 tonnes per year of effluent or sludge, or*

(iv) *comprises more than 200 tonnes per year of other waste material.*

(2) *Development for the purposes of a waste management facility or works is designated development if—*

(a) *the facility or works sorts, consolidates or temporarily stores waste at a transfer station or material recycling facility for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse, and*

(b) *the facility or works—*

(i) *handle substances classified in the ADG Code or medical, cytotoxic or quarantine waste, or*



- (ii) have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or
  - (iii) have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material.
- (3) Development for the purposes of a waste management facility or works that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials is designated development.
- (4) Development for the purposes of a waste management facility or works is designated development if the facility or works are located—
  - (a) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area of State significance, or
  - (b) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or
  - (c) in a drinking water catchment, or
  - (d) in a catchment of an estuary where the entrance to the sea is intermittently open, or
  - (e) on a floodplain, or
  - (f) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.
- (4A) Despite subsection (4)(f), development for the purposes of waste or resource transfer stations carried out by or on behalf of a public authority is not designated development if the development is carried out—
  - (a) within 500m of a residential zone or 250m of a dwelling not associated with the development, and
  - (b) under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 5A.
- (5) This section does not apply to—
  - (a) development comprising or involving the use of effluent or sludge if—
    - (i) the dominant purpose is not waste disposal, and
    - (ii) the development is carried out in a location other than a location specified in subsection (4), or
  - (b) an artificial waterbody located on relevant irrigation land, or

(c) development comprising or involving waste management facilities or works specifically referred to elsewhere in this Schedule.

(6) In this section—

**waste management facility or works** means a facility or works that—

(a) stores, treats, purifies or disposes of waste, or

(b) sorts, processes, recycles, recovers, uses or reuses material from waste.

The subject site is within 100m of a natural waterbody and is therefore considered to be designated development. The Department of Planning, Industry & Environment issued the Secretary's Environmental Assessment Requirements on 14 January 2022 which raised the following key issues:

- Strategic and statutory context.
- Suitability of the site.
- Waste management.
- Noise and vibration.
- Hazards and risk.
- Fire and incident management.
- Air quality and odour.
- Soil and water.
- Traffic and transport.
- Visual impacts.

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

Schedule 6 of the Planning Systems SEPP lists particulate designated development such as waste management facilities that meet the requirements for designated development under the provisions of the *Environmental Planning and Assessment Regulations 2021* as regionally significant development. As the proposed waste management facility is within 100 m of a natural waterbody, it is considered to be designated development. Pursuant to section 2.15 of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel is the consent authority for regionally significant development and is therefore the consent authority for this development application.

### 5.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards)(RH SEPP) aims to provide a state-wide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

The RH SEPP requires the consent authority to consider whether the subject land of any development application is contaminated. An assessment of Clause 4.6 of the RH SEPP is provided below.

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

Requirement	Action	Response
Clause 4.6	a. Check if the DA proposes a new childcare centre,	The proposal is for a use only and does not propose a

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

Requirement	Action	Response
1. Is the development for a <b>change of use</b> to a sensitive land use or for residential subdivision?  <b>Sensitive land use</b> include residential, educational, recreational, childcare purposes or hospital.	residential accommodation or residential subdivision.  b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.	childcare centre, residential accommodation or residential subdivision.
<b>Clause 4.62.</b> Is Council aware of any previous investigation or orders about contamination on the land?	a. Is there any property information for any evidence of contamination information?	A search of Council's records for evidence of potentially contaminating activities was undertaken. No previous approved uses of the site were found to be potentially contaminating land activities.
	b. Check for contamination information and planning certificates linked to the property.	A search of planning certificates linked to the property was undertaken. No evidence was found of contaminating land activities having occurred on the land.
<b>Clause 4.6</b> 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	a. Check the approval for any potentially contaminating uses have been approved on the site.	A search of previous contaminated land uses approved on the site was undertaken. No evidence was found of approved contaminated land activities having occurred on the land.
<b>Clause 4.6</b> 4. Has the land previously been zoned for potentially contaminating uses?	a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.  NB: if the proposal is industrial then you should answer no to this question.	The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 4(a) – General Industry.
<b>Clause 4.6</b> 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).	The site could not be accessed to determine whether there were any signs of contamination due to the current unauthorised use as a scrap metal yard.

A Hazardous Materials Management Register (HMMR) prepared by JMB Environmental Consulting, dated 9 May 2022 was submitted as part of the development application. The HMMR submitted stated that the areas of the site that were accessible for review did not contain any hazardous materials in quantities that would be harmful to human health. Notwithstanding, there were several areas of the site that were inaccessible for review of any hazardous materials due to the scrap metal currently existing on the site. The SEARs that were issued requested that a preliminary screening completed in accordance with the RH SEPP was required and that should the preliminary screening indicate that the proposal is potentially hazardous, a Preliminary Hazard Analysis must be prepared in accordance with Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011).

Given that the initial HMMR did not provide a thorough assessment across the whole site due to several areas being inaccessible, the applicant was requested to provide a Preliminary Hazard Analysis. The applicant had asked that this be a condition of consent given the time it would take to engage an appropriate consultant and for them to prepare the report. It is considered that a condition of consent be applied for this issue to be addressed prior to the issue of a construction certificate.

#### **5.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021**

The aim of State Environmental Planning Policy (Transport and Infrastructure) 2021 (TI SEPP) is to facilitate the effective delivery of infrastructure across the site and applies to the subject site.

Clause 2.48 sets out provisions relating to development in proximity to electricity infrastructure, and in certain circumstances requires notice to be given to the relevant electricity supply authority. The proposal does not include undergrounding or relocation of existing electricity infrastructure and is not within the vicinity of electricity infrastructure and therefore this clause does not apply.

Clauses 2.98 and 2.99 require the consent authority to notify the rail authority and consider any responses received for works likely to impact on rail safety and involves ground penetration within 25m of a rail corridor. The subject site is not located near a rail corridor and therefore these clauses do not apply.

Clause 2.100 sets out provisions relating to the potential impact of rail noise or vibration on non-rail development, which apply to development for a residential use, place of public worship, hospital or an educational establishment or childcare centre. The proposal is for an industrial use and therefore this clause does not apply.

Clause 2.119 relates to development with frontage to a classified road. Noonan Road is not a classified Road and therefore this clause does not apply.

Clause 2.122 sets out provisions relating to traffic generating development, as defined within Schedule 3 of the TI SEPP. Development for the purpose of a waste or resource management facility of any size or capacity is defined as 'traffic generating development'. As the application is for a waste management facility, the proposal was referred to Transport for NSW (TfNSW), who reviewed the proposal and advised that there was no objection to the proposed development.

Division 23 Waste or resource management facilities states that development for the purpose of waste or resource management facilities may be carried out with consent in a prescribed zone.

Clause 2.152 states that the E4 General Industrial zone is a prescribed zone and is therefore permissible with consent.

#### **5.1.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021.**

Chapter 6 - Water Catchments applies to the subject site as it falls within the Georges River Catchment area. This chapter aims to ensure that development has regard to minimising adverse impacts in regard to water quality and quantity, flooding, on-site domestic sewerage systems and stormwater management.

An issue regarding permissibility of the use on the site was raised given that Clause 6.22 states that development for the purposes of waste or resource management facilities is prohibited on flood liable land within the Georges River Catchment. The subject site is considered to be flood liable land.

Notwithstanding, the applicant obtained legal advice to the effect that despite Clause 6.22, the proposed development is permissible as Clause 6.3 - Relationship with other environmental planning instruments of the BC SEPP states that Chapter 2 of the Transport and Infrastructure State Environmental Planning Policy prevails to the extent of any inconsistency with Chapter 6 of the BC SEPP. Council had the legal advice peer reviewed which determined that the use was permissible within the zone despite the site being flood liable land.

In this regard, a condition of consent has been applied for additional information to be submitted in regard to the potential flood impact of the development prior to the issue of a construction certificate.

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

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (WPC SEPP) applies to all land in a growth centre. Pursuant to WPC SEPP, the subject site is located within the Greater Macarthur Growth Area and is therefore subject to the provisions of the WPC SEPP.

Pursuant to Part 3.4, Section 3.21(1) of the WPC SEPP, until provisions have been specified in a Precinct Plan or in Section 3.11 with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following:

- *whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,*
- *whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,*
- *whether the proposed development will result in further fragmentation of land holdings,*
- *whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in Section 3.11,*
- *whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,*
- *whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,*

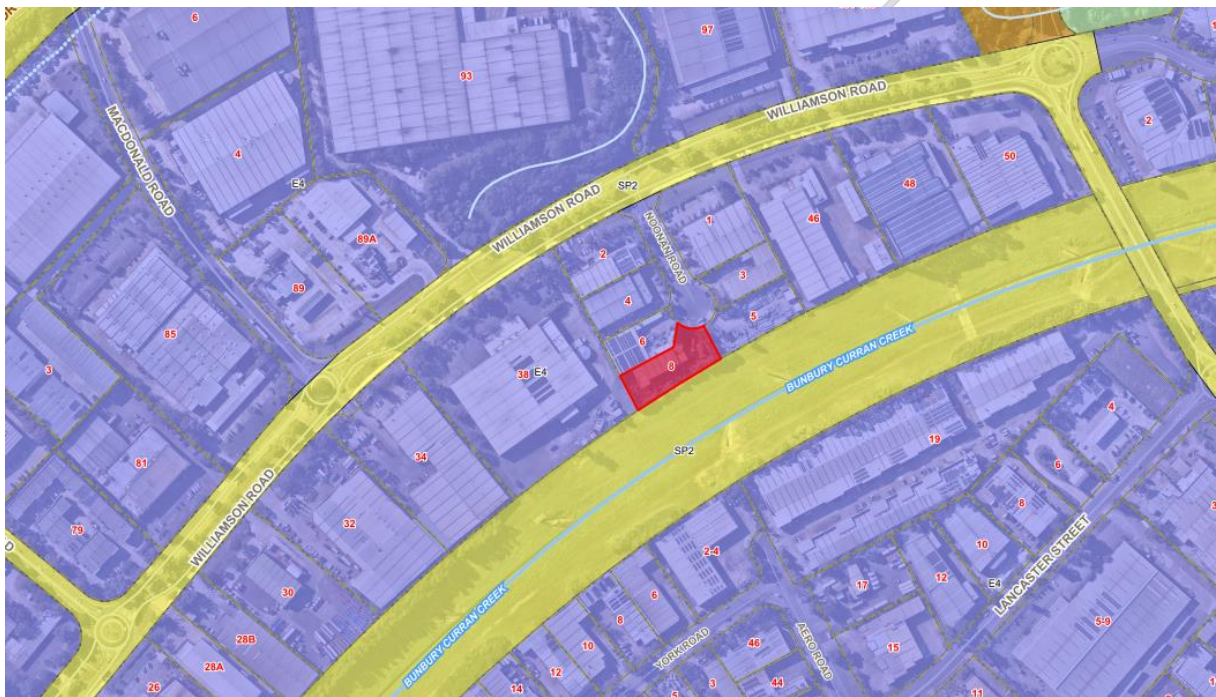
- *in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.*

The proposal will contribute to the local economy within Campbelltown through employment as a result of the use and the proposed development is not considered to preclude the future industry and innovation land uses identified in the relevant growth centre structure plan.

As such, it is considered that the development is consistent with the provisions of Chapter 3, Section 3.21(1) of the WPC SEPP.

### 5.1.7 Campbelltown Local Environmental Plan 2015

The site is zoned E4 General Industrial under the Campbelltown Local Environmental Plan 2015 as shown below.



Source: SSA

The zone provisions for E4 General Industrial are:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To enable non-industrial land uses that are compatible with and do not detract from industrial and warehouse uses or impact on the viability of existing centres.*
- *To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.*
- *To facilitate diverse and sustainable means of access and movement.*
- *To maximise public transport patronage and encourage walking and cycling.*

It is a requirement of CLEP that the proposed development must have regard to the objectives of the zone. The proposed development would satisfy the need for a range of industrial land uses to be provided.

The proposed development is defined as a **waste or resource transfer station** which is defined as:

*'Waste or resource transfer station means a building or place used for the collection and transfer of waste materials or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.'*

**Waste or resource transfer stations** are a type of waste or resource management facility which is prohibited in the E4 General Industrial zone. Notwithstanding, they are made a permissible use under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021.

#### **Clause 4.3      Height of buildings**

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject site has a height limit of 19m. The proposed storage domes have a maximum height of 9.2m and as such complies with this development standard.

#### **Clause 5.21      Flood Planning**

This clause aims to minimise the flood risk to life and property associated with the use of land, allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, avoid adverse or cumulative impacts on flood behaviour and the environment and enable the safe occupation and efficient evacuation of people in the event of a flood. The subject site is affected by flooding with appropriate conditions have been applied to ensure that the development would not have any adverse flooding impacts.

#### **Clause 7.1      Earthworks**

The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Earthworks are not required as the proposal is for a use and does not involve any excavation works.

#### **Clause 7.4 Salinity**

Pursuant to Clause 7.4 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- b. if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- c. if that impact cannot be minimised—the development will be managed to mitigate that impact.*



The proposed development has been designed to minimise the disturbance to the existing ground levels, where possible. Additionally, a condition has been recommended that the design and construction of any structures within the site shall be in accordance with any geotechnical provisions.

#### **Clause 7.10 Essential Services**

This clause ensures that development consent is not granted to development unless the consent authority is satisfied that essential services such as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services and the supply of natural gas are available. All required essential services are either existing or will be constructed for the proposed development and is therefore considered to be satisfactory.

#### **5.1.8 Campbelltown (Sustainable City) Development Control Plan 2015**

Campbelltown (Sustainable City) Development Control Plan 2015 applies to the subject land. The aims of the SCDCP are:

- *Ensure that the aims and objectives of the CLEP are complemented by the Plan;*
- *Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;*
- *Facilitate innovative development of high quality design and construction in the City of Campbelltown;*
- *Ensure that new development maintains or enhances the character and quality of the natural and built environment;*
- *Ensure that new development takes place on land that is capable of supporting development;*
- *Encourage the creation of safe, secure and liveable environments;*
- *Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and*
- *Provide for the design requirements for a variety of housing within the City of Campbelltown.*

It is considered that the development is generally consistent with the relevant aims of the SCDCP as it would facilitate development on land that is capable of supporting the development.

#### **Part 2 - Requirements Applying to all Types of Development**

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed below:

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>2.2 Site Analysis</b>	a) A Site Analysis Plan shall be lodged with the development application for all development involving the construction of a building and the Torrens title subdivision of land.	A site analysis plan was submitted.	Yes
<b>2.3 Views and Vistas</b>	a) Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.	The proposed development does not affect any important views and/or vistas.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The proposed development does not affect important views and/or vistas.	Yes
	c) The opportunity to create new view/ vista corridors shall be taken wherever possible and appropriate.	The proposal does not create new view corridors.	Yes
<b>2.4.1 Rainwater Tanks</b>	a) In addition to satisfying BASIX, residential development is encouraged to provide a rainwater tank for new buildings	Proposal is for use only and therefore a rainwater tank is not required.	N/A
	b) A rainwater tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX. The rainwater tank shall have a minimum capacity in accordance with Table 2.4.1.	Proposal is for use only and therefore a rainwater tank is not required.	Yes
	c) All rainwater tanks shall comply with AS3500 (as amended) - National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water's	Proposal is for use only and therefore a rainwater tank is not required.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	Guideline for Rainwater Tanks on Residential Properties.		
	d) The rainwater tank incorporated in new commercial and industrial development exceeding 5,000sqm shall be connected to the plumbing in the building to provide water for toilets.	Proposal is for use only and therefore a rainwater tank is not required.	Yes
	f) Above ground water tanks shall be located behind the primary or secondary building line.	Proposal is for use only and therefore a rainwater tank is not required.	Yes
<b>2.4.4 Light Pollution</b>	a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	No information on external lighting has been provided however a condition of consent has been applied to ensure appropriate lighting is provided.	Yes
<b>2.5 Landscaping – Design Requirements</b>	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	A landscape plan was provided however is required to be amended to provide grass only along the side boundary where the easement exists.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	There are two existing trees in the north western corner of the site that are to be retained.	Yes
	c) Landscape design shall add value to the quality and character of the streetscape.	New landscaping has been proposed that will add positively to the streetscape.	Yes
	d) A Landscape Concept Plan is required to be submitted with a development application for industrial development.	A landscape plan was provided however is required to be amended to provide grass only along the side boundary where the easement exists.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	All new landscaping species and details are provided on the landscaping plan.	Yes
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	Native species are proposed for new landscaping works.	Yes
<b>2.7 Erosion and Sediment Control – Design Requirements</b>	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	An erosion and sediment control plan was submitted with appropriate conditions of consent applied.	Yes
	b) Site activities shall be planned and managed to minimise soil disturbance.	An erosion and sediment control plan was submitted with appropriate conditions of consent applied.	Yes
	c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.	N/A	N/A
	d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	No stockpiles are proposed within any sediment control areas or overland flow paths.	Yes
<b>2.8 Cut, Fill and Floor Levels</b>	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A cut and fill plan was not required as the proposal is for a use only.	N/A

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	c) Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	A cut and fill plan was not required as the proposal is for a use only.	N/A
	d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 12H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	A cut and fill plan was not required as the proposal is for a use only.	N/A
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	A cut and fill plan was not required as the proposal is for a use only.	N/A
	f) No fill shall be deposited in the vicinity of native vegetation.	A cut and fill plan was not required as the proposal is for a use only.	N/A
<b>2.8.2 Surface Water and Floor Levels</b>	a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The site is flood prone land with appropriate conditions of consent applied. No material is proposed to be stored along the flow path where the existing easement is.	Yes
	b) All development on land affected by stormwater flow from mainstream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.	The proposal is for a use only. The screen structures will be at the appropriate floor levels.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level.	Not applicable.	N/A
	d) For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100mm. These heights can be reduced locally to 50mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction).	Not applicable.	N/A
	f) Any solid fence constructed across an overland flow path shall be a minimum 100mm above the finished surface level of the overland flow path.	No solid fencing is proposed.	Yes
<b>2.10.2 Stormwater – Design requirements</b>	a) All stormwater systems shall be sized to accommodate the 100-year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development.	An indicative stormwater plan is submitted and has been reviewed by Council's Development Engineer.	Yes
	b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	The stormwater design has been undertaken by a suitably qualified person.	Yes
	c) Water quality control structures shall be located generally offline to creek paths or other watercourses. Major detention storages shall not be located on areas of	Not applicable.	N/A

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	native vegetation or within riparian areas.		
	d) Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads.	All stormwater from the site is proposed to drain to the existing easement along the north eastern side boundary.	Yes
	e) Safe passage of the Probable Maximum Flood (PMF) shall be demonstrated for major systems.	A condition of consent has been applied for this information to be submitted.	Yes
	f) A treatment train approach to water quality shall be incorporated into the design and construction of major systems.	Not applicable.	N/A
	g) A major/minor approach to drainage is to be taken for stormwater flows. Generally, the piped drainage system shall be sized to accommodate the difference between the 100-year ARI flow and the maximum safe overland flow, with minimum requirements as set out in section 4 of Council's Engineering Design Guide for Development	Existing stormwater management will be used.	Yes
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/ device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width	Stormwater will be disposed via the existing drainage easement.	Yes



**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility.		
	i) All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times	All drainage infrastructure would maintain public safety at all times.	Yes
	j) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	A condition of consent has been applied to ensure there are no adverse impacts.	Yes
	k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development	Stormwater will be disposed of via the existing drainage easement.	Yes
<b>2.10.3 Stormwater Drainage – Design requirements</b>	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations / fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater concept plan was submitted.	Yes
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed	The submitted concept plan contains the relevant information.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	easements, site contours and overland flow path/s.		
<b>2.12 Retaining Walls – Design requirements</b>	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	Retaining walls are not proposed.	N/A
	b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply: i) No filling shall be permitted within 2 metres of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.	Retaining walls are not proposed.	N/A
	c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply: i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.	Retaining walls are not proposed.	N/A
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	Retaining walls are not proposed.	N/A
	e) Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant	Retaining walls are not proposed.	N/A

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	parties to Council's satisfaction.		
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	A dilapidation report is not required as construction is not proposed.	N/A
	g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9m to 1.2m.	Retaining walls are not proposed.	N/A
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	Retaining walls are not proposed.	N/A
	i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	Retaining walls are not proposed.	N/A
	j) Any retaining wall(s) proposed on land designated as being bush fire prone must be constructed of non-combustible materials.	The site is not bushfire prone land.	N/A
<b>2.13 Security – Design requirements</b>	a) Development shall be designed to: i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; ii) minimise dead ends and other possible entrapment areas; iii) clearly	The site is fenced and will have suitable measures in place for safety and security.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	identify and illuminate access points to buildings and designated public places; and iv) clearly differentiate between private and public space		
	b) External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres.	A condition of consent will be applied to ensure that external lighting will be provided.	Yes
	c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention	Suitable landscaping and fencing is provided for security.	Yes
	d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant.	This site will be secured outside of business hours.	Yes
<b>2.14.3 Bushfire -Design requirements</b>	a) Development shall be designed and located so as to minimise the risk of loss of life or property from bushfire.	The site is not bushfire prone land.	N/A
	b) Development on bush fire prone land (as detailed on the Campbelltown Bush Fire Prone Lands Map) shall comply with the requirements of Planning for Bushfire Protection, (NSW Rural Fire Service) as amended.	The site is not bushfire prone land.	N/A
	c) Development applications relating to land identified on the Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment	The site is not bushfire prone land.	N/A

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	Report prepared by a suitably qualified person.		
	d) All 'Asset Protection Zones' shall be provided within the boundary of the subject land. National Parks, Crown Reserves, water catchments, easements, Council managed reserves, riparian corridors other private land shall not be considered as part of asset protection zones unless approved by the NSW Rural Fire Service.	The site is not bushfire prone land.	N/A
	e) Adequate water reserves for fire fighting shall be available and accessible on site as specified in Planning for Bushfire Protection, as amended. Hazard reduction (burning or mechanical) proposals shall be in accordance with the Campbelltown Bush Fire Risk Management Plan and the Bush Fire Environmental Assessment Code.	The site is not bush fire prone land.	N/A
	f) Any development proposing the removal of native vegetation for APZ purposes shall investigate the environmental impact of the removal of that vegetation	The site is not bushfire prone land and therefore no vegetation is being removed for APZ purposes.	Yes
<b>2.15.1 Waste Management Plan – Design requirements</b>	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A waste management plan was submitted with the application.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	b) Plans submitted with a development application shall detail the following (as applicable): i) the size and location of waste and recycling storage areas; ii) routes for occupants to access waste and recycling areas; iii) collection point and/or access route for collection vehicles; iv) ventilation of waste and recycling 2.15 storage areas; v) location of garbage chute and service rooms; vi) bin and storage area washing facilities; and vii) occupants' disposal points for all waste streams	The plans demonstrate where the waste storage areas would be located as well as the collection point.	Yes
<b>2.15.2 Waste Management During Demolition and Construction</b>	a) Waste and recyclable streams shall be stored separately on site.	Demolition is not proposed.	N/A
	b) All storage areas /containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP	Demolition is not proposed.	N/A
	c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management or recycling facility. Details of disposal arrangements shall be specified in the WMP for each material type	Demolition is not proposed.	N/A
	d) Convenient and safe heavy vehicular access to waste and recycling material storage areas shall be provided	Demolition is not proposed.	N/A

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	e) The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, NSW Environment & Protection Authority (EPA), Office of Environment and Heritage and other regulatory authority guidelines and requirements.	Demolition is not proposed.	N/A
<b>2.15.3 On-going Waste Management</b>	a) Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view.	The waste storage area is located within the existing building.	Yes
	b) Any room(s) for storing garbage and recycling receptacles shall be located in a position that provides convenient access for residents, maintenance and waste collection staff. Bin storage rooms shall complement the development and not be visibly obtrusive when viewed from any public place.	The waste storage area will be constructed as required.	Yes
	c) A waste collection point shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.	The waste collection point has been demonstrated on the plans.	Yes
	d) The path for wheeling bins between waste storage area(s) and the collection vehicle shall be free of steps or kerbs and have a maximum gradient of 1V:8H.	Path of travel is free of steps and has an appropriate gradient.	Yes



**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	e) For safety and ease of manoeuvrability, the distance required for residents, building managers and caretakers to wheel bins to their collection point shall be the minimum achievable.	The distance and path of travel is acceptable.	Yes
	f) Where the bin-carting route from the storage area to the collection point exceeds the maximum distance or gradient, or a large number of bins need to be moved around the site, a dock leveller, bin lift or tow tug device may be used.	No applicable.	N/A
	g) Where any such device listed above is proposed to be used, details of the device and its proposed operation must be provided. This information must demonstrate that the device can be used safely by a nominated competent person, and that the use of the device will not conflict with other activities to be carried out on the site (such as vehicle access).	Not applicable.	N/A
	h) The maximum travel distance between any storage area/point and the collection point for all bins shall be 30 metres.	Travel distance is less than 30m.	Yes
	i) Where it is intended that collection vehicles are to drive onto private property to collect waste and recycling, the development shall be designed to provide for: i) the safe and efficient service of the development with minimal need to reverse; ii) adequate clearance to accommodate	Sufficient access and manoeuvring areas have been provided.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	waste collection by a heavy rigid vehicle, in accordance with the dimensions detailed in Table 2.15.2. iii) vehicles to enter and exit in a forward direction; iv) pavement construction that is sufficient to withstand a heavy rigid collection vehicle of 24 tonnes gross vehicle mass.		
	j) Where bins are to be collected from the kerbside, at least 1.5m of clear and unobstructed footpath area per dwelling must be provided within the confines of the site's frontage (not impeding driveways or neighbouring lots) to allow for the presentation of bins and kerbside clean up material.	An unobstructed footpath area is available.	Yes
	k) The bin storage area must be located in a position that does not require any bins to be transported through any habitable room to reach the collection point.	Bins are not required to be transported through any habitable room.	Yes
	l) A development must be designed in a manner that allows for servicing by Council's waste collection vehicles, regardless of the intended servicing arrangements.	Council's waste collection vehicles can access the site adequately.	Yes
<b>2.15.7 Vehicle Turning Circles</b>	a) Turning circles and clearances to kerbs, existing buildings or other obstructions shall be designed to accommodate the largest collection vehicle that could service the property (heavy rigid class in most cases).	Sufficient access and manoeuvring areas have been provided.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	b) Any turning circle considerations shall also include allowances for driver steering error (manoeuvring clearance) and overhangs. Better practice design always requires vehicle entry and exit from a development with the vehicle travelling in a forward direction.	Sufficient access and manoeuvring areas have been provided.	Yes
	c) Where there is a requirement for collection vehicles to turn at a cul-de-sac head within a development, the design shall incorporate either a bowl, T- or Y-shaped arrangement.	Sufficient access and manoeuvring areas have been provided.	Yes
	d) Vehicles shall not be required to make more than a three-point turn.	Sufficient access and manoeuvring areas have been provided.	Yes
	e) Vehicle turning circles can be reduced from those in the Table 2.15.3 by using mechanical turntable (or similar) equipment (subject to Council approval).	Sufficient access and manoeuvring areas have been provided.	Yes
<b>2.15.9 Bin Storage Areas</b>	a) The design of the bin storage areas shall be considered early in the design process so that they can be successfully integrated into the overall design of the development and are convenient for all users.	Bins are to be stored in the waste storage room internally to the existing building.	Yes
	b) Sufficient areas/space shall be made available within the property boundary to store the range of bins for the quantity of waste, recycling and organics (and other materials where appropriate) likely to be	Bins are to be stored in the waste storage room internally to the existing building.	Yes

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	generated between collections.		
<b>2.17 Work On, Over or Near Public Land</b>	a) Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	No works are proposed on, over or near public land.	Yes
<b>2.17.2 Working Near Public Land</b>	a) Notwithstanding clause 2.17.1 a) a hoarding or fence shall be erected between the work site and a public place where: i) the work involved in the development is likely to cause pedestrian or vehicle traffic in a public place to be obstructed or altered; and/or ii) the building involves the enclosure of a public place in accordance with Work Cover requirements	If hoarding or fencing is required, it will comply.	Yes
<b>2.19 Development Near or on Electricity Easements</b>	a) Wherever possible electrical easements are to be located within open space corridors.	Electrical easements are not required.	Yes
	c) Restrictions apply to planting and erection of raised public domain elements (such as light poles) and are identified in the Mains Maintenance Instruction MMI 0015 - Management of Endeavour Energy's electrical easements (Endeavour Energy, 2011) or as revised for design requirements.	Electrical easements are not required.	Yes
	d) All proposed activities within electricity easements require approval from the	Electrical easements do not exist on the site.	N/A

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Part 2 Requirements Applying to all Types of Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
	relevant utility providers. Applicants shall consult with these agencies and obtain the relevant approvals prior to submitting a DA to Council		
	e) Evidence of approval from the relevant utility provider shall be submitted with the DA.	Not applicable.	N/A

The proposal is generally consistent with Part 2 of the SCDCP 2015 and as such should be supported subject to conditions of consent.

**Part 7 – Industrial Development**

The following table is an assessment against the relevant controls within Part 7 of the Campbelltown (Sustainable City) Development Control Plan 2015.

<b>Campbelltown (Sustainable City) Development Control Plan 2015</b>			
<b>Part 7 Industrial Development</b>			
<b>Part</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
<b>7.2.3 Fences</b>	a) Industrial fencing shall be a maximum 2.4 metres in height.	No change to existing front fencing is proposed.	Yes
	b) All fencing in industrial developments shall be of recessive colours, palisade design, or plastic coated and framed chain wire with a maximum height of 2.4 metres, unless required as part of an acoustic solution.	No change to the existing fencing is proposed.	Yes
	c) The use of sheet metal fencing is not permitted unless required as part of acoustic solution and is appropriately screened with landscaping.	Colourbond fencing is not proposed.	Yes
	d) All fencing in industrial developments shall be setback a minimum of 3.0 metres from	Fence is not setback 3m from the property boundary.	No

	property boundaries addressing a primary and/or secondary street.		
	f) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	The proposal complies.	Yes
	g) Details for fencing shall be submitted with the development application.	Fencing details provided on the plans.	Yes
<b>7.3 Car Parking &amp; Access</b>	a) Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	The car parking spaces will be designed to comply with AS2890.	Yes
	b) For that part of the gross floor area occupied by office areas, lunch rooms and any associated office storage areas, car parking shall be provided at a rate of one space per 35sqm.	Total spaces required: 12 spaces Total proposed: 13 spaces	Yes
	c) For that part of the gross floor area occupied by uses other than office areas, lunch rooms and any associated office storage areas, car parking rates shall be provided in accordance with the following: i) a minimum of two (2) spaces(per unit), plus ii) one space for every 100sqm of gross floor area for buildings up to 2000 square metres; plus iii) One space per 250sqm for that part of the building exceeding 2000 square metres in gross floor area.	Total spaces required: 12 spaces Total proposed: 13 spaces	Yes
	e) In addition to clauses 7.3.1(b) & (c), one car parking space shall be provided for every 300sqm of outdoor storage space.	1 space for outdoor storage.	Yes

	f) Mezzanine areas that are exclusively used for storage purposes shall be excluded from the calculation of total gross floor area for the purpose of calculating the required number of car parking spaces, providing that the mezzanine areas: i) are not divided into smaller spaces by internal walls; and ii) have no external windows	Existing mezzanine areas are used for storage.	Yes
	h) Sufficient space shall be provided on site so that no vehicle shall be required to make more than a three-point movement to exit the site in a forward direction.	Traffic Impact Assessment provided with swept path plans showing no more than a three-point turn.	Yes
	i) No car parking spaces shall be designed in a stacked configuration.	Stacked parking is not proposed.	Yes
	j) No required car parking spaces shall be created as a separate strata or Torrens title allotment.	The proposal complies.	Yes
	k) Each site shall have a: i) Maximum of one ingress and one egress for heavy vehicles (combined or separated). ii) Each site may have an additional ingress/egress for cars (and other light vehicles).	One entry and exit driveway is provided.	Yes
	l) A minimum of 10% of the required car parking spaces, including disabled spaces, shall be located within close proximity to the main pedestrian entry to the building.	1 disabled space is provided.	Yes
	m) Electric vehicle charging stations must be located behind the building line.	The proposal does not include EV stations.	N/A
<b>7.3.2 Loading and Unloading</b>	a) Each industrial factory/unit shall be provided with a loading bay.	One loading bay is proposed external to the existing	Yes

		building and along the north eastern side boundary.	
	b) Provision shall be made for all loading and unloading to take place wholly within the designated loading area.	All loading/unloading can occur within the proposed loading/unloading area.	Yes
	c) No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	No loading/unloading will take place within car park areas, roadways, pedestrian aisles or landscaped areas.	Yes
	d) Each industrial building/unit having a gross floor area: i) up to 400 square metres shall provide a loading area to allow for a small rigid vehicle to manoeuvre on site. ii) more than 400 square metres, but up to 1500 square metres shall provide a loading area to allow for a medium rigid vehicle to manoeuvre on site; and iii) more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.	The proposal includes manoeuvring for heavy rigid vehicles with swept path plans provided.	Yes
	e) Heavy rigid vehicle swept turning paths shall be provided demonstrating that a heavy rigid vehicle can enter and exit the site in a forward direction for all industrial sites.	Swept path plans have been provided.	Yes
	f) Where it is proposed to service the site with articulated vehicles exceeding 12.5m in length, swept turning paths are to be provided for that vehicle type.	Swept path plans have been provided.	Yes
<b>7.3.3 Access for People with Disabilities</b>	a) Industrial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	Can comply and will be conditioned.	Yes



<b>7.4 Landscaping</b>	a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for the industrial development.	A landscape plan was submitted.	No
	b) Landscaping shall be provided to a minimum depth of 50% of the following required setback area located: i) along the full width of each street frontage (other than vehicle driveways); and ii) along the full width of setbacks from adjoining open space, residential and/or commercial areas.	Landscaping has been provided to the front setback area.	Yes
	c) The first three (3) metres of all required street front landscaped area (as measured from the street boundary) shall be planted of advanced canopy trees that are: i) a minimum of two (2) metres in height with a minimum 400 litre pot size at the time of planting; ii) of native species; and iii) planted /placed every 10 metres.	Three canopy trees are proposed within the front setback area.	Yes
	d) Side boundary landscaping of a minimum of one (1) metre width shall be provided between the street boundary and the building line	Landscaping is proposed along the north eastern side boundary.	No
<b>7.5 Outdoor Storage Areas</b>	a) No outdoor storage shall occur without development consent.	Development consent to be obtained as part of this development application.	Yes
	b) Outdoor storage areas shall not be located between the primary or secondary street boundary and any building on the allotment.	Outdoor storage is proposed behind the main building line.	Yes
	c) Outdoor storage areas shall be adequately screened from public view	The outdoor storage area is screened by domed structures that are located behind the main building line.	Yes

	d) Goods and materials stored shall not be stacked higher than an approved screening structure.	Storage of materials is not able to be stored higher than the storage domes.	Yes
	e) Screen fencing and structures shall be constructed of high quality materials that complement the buildings located on site.	Screen fencing is not proposed. Each dome structure is constructed of high quality materials.	Yes
	f) All outdoor storage areas shall be sealed and drained to the storm water system in accordance with any environmental management requirements.	Outdoor storage areas are located on existing hardstand areas.	Yes
	g) Notwithstanding any other provision of this Plan, no external storage of used unregistered motor vehicles, vehicle parts, used building materials, scrap products or other industrial waste shall be permitted.	Proposal does include the outdoor storage of unregistered motor vehicles, vehicle parts, used building materials, scrap products or industrial waste.	No
	h) No above ground tanks or other storage facilities shall be erected within a required setback.	Above ground tanks are not proposed.	Yes
	i) Goods shall be stored above the flood planning level.	A condition has been applied to ensure that materials are stored above the flood planning level.	Yes
<b>7.6 Industrial Waste Management</b>	a) Industrial development shall make provision for an enclosed on site waste and recycling facility that has adequate storage area to accommodate the waste generated from the development.	A waste storage area is proposed in the existing building.	Yes
	c) Adequate provision shall be made for the screening and storage of all industrial waste behind the front building setback.	Waste storage area cannot be seen from public property.	Yes
	d) All industrial premises shall hold evidence of a contract	Can be conditioned.	Yes

	with a licensed collector for garbage and recycling collection.		
	e) Despite Clause 7.6. d) above, the design of the building shall provide for the collection system to be undertaken by Council at the time the development application is submitted to Council.	Waste can be serviced by Council if required.	Yes
<b>7.7.1 Liquid Storage</b>	a) The storage and handling of flammable and combustible liquids shall be in accordance with Australian Standard 1940 - The Storage and Handling of Flammable and Combustible Liquids and the Environment Protection Authority publication, "Bunding and Spill Management" (as amended).	Storage of flammable and/or combustible goods are not proposed.	N/A
	b) All above ground liquid storage facilities, including waste shall be in a covered bunded area that is constructed of impervious materials.	Liquid waste storage are not proposed.	N/A
<b>7.7.3 Noise</b>	a) Any development that is likely to or capable of generating levels of noise exceeding the requirements of the Industrial Noise Policy (published by the Office of Environment and Heritage) shall demonstrate appropriate measures to mitigate against noise pollution.	A Noise Impact Assessment was submitted in support of the proposal detailing noise levels not to exceed the Industrial Noise Policy. In addition, all processing of material will occur within the building.	Yes
<b>7.7.4 Stormwater and Drainage</b>	a) All activities with the potential to pollute the stormwater system from a system failure shall be carried out within a covered and bunded area sited, designed and constructed to Council's satisfaction.	Activities proposed would not have the potential to pollute the stormwater system.	Yes
	b) Liquid waste and wastewater shall either be: i) recycled on site; ii) treated and	Liquid waste or wastewater is not proposed.	N/A

	discharged to the sewer in accordance with a trade waste licence issued by Sydney Water; or iii) collected, stored in a covered, bunded area and collected by the Office of Environment and Heritage; and iv) discharged to a licensed waste management facility.		
	c) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	Can be conditioned.	Yes
	d) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development available at Council's website at <a href="http://www.campbeltown.nsw.gov.au">www.campbeltown.nsw.gov.au</a>	Stormwater runoff will be managed on the site prior to disposal into Council's system.	Yes
	e) Where applicable, the development shall incorporate the creation of an appropriate easement to manage stormwater in accordance with Council's Engineering Design Guide for Development available at Council's website at <a href="http://www.campbeltown.nsw.gov.au">www.campbeltown.nsw.gov.au</a> .	Existing easement is proposed to be used.	Yes

The proposed development generally complies with Council's Sustainable City Development Control Plan 2015 with exception to the materials to be stored externally to the building. A variation is requested and detailed below.

#### Outdoor storage of materials.

The proposed development includes the external storage of unregistered motor vehicles, vehicle parts and scrap metal. The objectives of Council's external storage controls are:

- *To ensure that outdoor storage areas are appropriately accommodated on site.*
- *To reduce the visual impact of outdoor storage areas on the streetscape and surrounding areas.*

The proposed development includes storage domes to be constructed to contain the external storage of material within the structure as opposed to scrap metal piles on the site. These storage domes will ensure that material would not be viewed from the street and would contain

all the material in the structures in the one place. The storage domes would ensure that the materials to be stored can be accommodated on the site as well as ensuring that the quantity of material to be stored on the site would not be more than the storage domes could contain. The storage domes would allow functional storage of the material in an orderly manner.

In the circumstances of this case, it is considered that the variation for the materials to be stored externally to the building within storage domes be supported.

## **6. Planning Assessment**

---

### **6.1 Section 4.15(1)(a)(iia) The provisions of any Planning Agreement**

The proposed development is not subject to the provisions of a planning agreement pursuant to Section 7.4 of the EP&A Act.

### **6.2 Section 4.15(1)(a)(iv) The provisions of the Regulations**

The proposal does not contravene the *Environmental Planning and Assessment Regulation 2021*.

### **6.3 Section 4.15(1)(b) The likely impacts of the Development**

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- Flooding
- Access and manoeuvring
- Environmental impacts
- Social and economic impacts

#### **Flooding**

Council's records indicate that the subject site is affected by the PMF. Council's Development Engineer has reviewed all the information submitted as part of the proposal and has provided conditions of consent to ensure that the proposed development would not have any flood impacts on the adjoining properties.

#### **Access and manoeuvring**

Swept path plans have been submitted as part of the application demonstrating that a heavy rigid vehicle can access the site and make no more than a three-point turn to leave in a forward direction. A Traffic Impact Assessment has been submitted in support of the application that concludes that vehicles can enter and leave the site in a forward direction, the number of car parking spaces provided is sufficient, the design of vehicle and parking areas is considered to be appropriate, and the proposed use would not have an adverse impact on the local traffic network. It was further concluded that the proposed use could be supported in this regard.

#### **Environmental Impacts**

A Noise Assessment Report and Air Quality Assessment was submitted in support of the proposed use demonstrating that there would be no adverse noise or air pollution impacts as a result of the proposed development.

### **Social and economic impacts**

Having regard to social and economic impacts generated by the development, the development will positively contribute to employment opportunities due to the construction of the buildings and would contribute to the economy through the proposed warehouse and distribution use.

#### **6.4 Section 4.15(1)(c) The suitability of the development**

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development.

It is considered that the proposed development is suitable for the subject site given the compliance with Council's LEP and SCDCP as well as the relevant State Planning Policies.

#### **6.5 Section 4.15(1)(d) Any submissions**

Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* requires Council to consider submissions.

The application was publicly exhibited and notified to nearby and adjoining residents between 25 May 2023 and 30 June 2023. During this time, Council received no submissions.

#### **6.6 Section 4.15(1)(e) Public interest**

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone and therefore is therefore considered to be in the public interest.

### **Referrals**

#### *Fire Safety Officer*

The proposed development was referred to Council's Fire Safety Officer. Council's Fire Safety officers provided conditions to be applied to the consent ensuring that the building is to be upgraded in accordance with the current fire safety provisions.

#### *Development Engineer*

The proposed development was referred to Council's Development Engineer, who reviewed the proposed development and recommended conditions of consent.

#### *Transport for NSW*

The application was referred to Transport for NSW for review and raised no objection to the proposal and provided no comments.

#### *Department of Planning and Environment – Water*

The application was referred to Department of Planning and Environment – Water for review. No issues were raised as the proposal does not involve carrying out a work, removing or depositing material on waterfront land, or carrying out an activity that would affect the quantity or flow of water in a water source.

## **7. Conclusion**

The subject development application 1398/2023/DA-DE, which proposes approval for the use of the site as a waste or resource management facility at No.8 Noonan Road, Ingleburn has been assessed against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

In assessing the development application against the development standards and objectives, with appropriate conditions the proposal satisfies the matters for consideration under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## **Officer's Recommendation**

That 1398/2023/DA-DE, that proposes the use of the site as a waste or resource management facility at No.8 Noonan Road, Ingleburn be approved subject to conditions.

DRAFT