



DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	27 November 2024
DATE OF PANEL DECISION	20 November 2024
DATE OF PANEL BRIEFING	18 November 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 15 November 2024.

MATTER DETERMINED

PPSSWC-335 – Campbelltown – 1398/2023/DA-U – 8 Noonan Road, Ingleburn

Change of use from motor vehicle repair station and truck wash to a waste management facility, using the existing warehouse for scrap metal recycling.

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.

On 13 May 2024, the Panel deferred the determination of the development application to give Council and the Applicant more time to address the potential hazards, land contamination and water-related impacts of the development.

Hazards

The Applicant has now submitted a preliminary hazards analysis of the development, which concludes the development will meet all relevant safety requirements and is therefore not classified as offensive or hazardous development.

Condition 13 of the recommended conditions prohibits the storage of flammable or combustible liquids on the site.

Land contamination

The Applicant has now submitted both a preliminary and detailed site investigation of potential land contamination. These investigations conclude that the site can be made suitable for the development provided the abandoned underground petroleum storage system is decommissioned.

Condition 33 of the recommended conditions requires this to be done prior to the issue of a construction certificate.

Water-related impacts

To address the relevant requirements in Chapter 6 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, the Applicant submitted additional information to Council including a:

- Flood Risk Report;
- Floodwater Contamination Statement; and
- Stormwater Management Plan.

The flood characteristics of the site are summarised in the figure below and are largely confined to the driveway and storage area of the site.



The Applicant has proposed mitigation measures to protect the water quality of the adjoining creek, ensure the development will not impede the natural recession of floodwaters in the area, and prevent material stored onsite from being washed offsite in significant flood events.

Council's engineer is satisfied with the additional information and proposed mitigation measures subject to the imposition of suitable conditions on the development.

The recommended conditions contain several conditions specifically directed to controlling the potential water-related impacts of the development, including conditions 21, 22, 23, 24, 29, 35, 37, 44, 46, 51, 53 and 60.

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 above and in Council's assessment report and subject to the recommended conditions.

In particular, the panel concluded that:

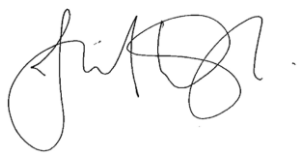

- The development either complies with or is consistent with the provisions of the relevant environmental planning instruments, including the requirements in Part 6.2 of the *Biodiversity and Conservation SEPP*, *Campbelltown Local Environmental Plan 2015* and Council's *Sustainable City Development Control Plan 2015*;
- The development will regularise unlawful development on site and bring it up to modern standards;
- The development is not integrated development based on the advice of DPI – Water;
- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- With the remediation required under the recommended conditions, the site can be made suitable for the development;
- Suitable arrangements are in place to provide infrastructure and services to the development;
- The development will provide essential waste recycling services to support the development of Western Sydney, consistent with the strategic planning objectives for the area; and
- The development is in the public interest.

CONDITIONS

The development application was approved subject to Council's recommended conditions.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development application from 25 May to 30 June and received no submissions.

PANEL MEMBERS	
	
Justin Doyle (Chair)	Louise Camenzuli

A handwritten signature in black ink, appearing to read 'D. Kitto', with a horizontal line underneath the name.

David Kitto

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-335 – Campbelltown – 1398/2023/DA-U
2	PROPOSED DEVELOPMENT	Change of use from motor vehicle repair station and truck wash to a waste management facility that use the existing warehouse for scrap metal yard.
3	STREET ADDRESS	8 Noonan Road, Ingleburn
4	APPLICANT/OWNER	Applicant: Smart Planning and Design Pty Ltd Owner: Shine Motor Corporation/Caterina Severino
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Campbelltown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Campbelltown Development Control Plan 2015 Campbelltown 2032 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations <p>The public interest, including the principles of ecologically sustainable development</p>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 22 April 2024 Council Addendum assessment report received: 15 November 2024 Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 10 July 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karen Hunt, George Brticevic <u>Council assessment staff</u>: Michelle Penna, David Smith, Zoran Sarin <u>Applicant representatives</u>: Emma Breen, David Klingberg

		<ul style="list-style-type: none"> • Briefing - Deferral: 29 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karen Hunt, George Brticevic ○ <u>Council assessment staff</u>: Michelle Penna, Karl Okorn ○ <u>Applicant representatives</u>: Emma Breen, David Klingberg • Final briefing to discuss council's recommendation: 18 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli ○ <u>Council assessment staff</u>: Michelle Penna, Karl Okorn; Rad Blagojevic ○ <u>Applicant representative</u>: Julie Horder
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report