

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	24 July 2024
DATE OF PANEL DECISION	24 July 2024
DATE OF PANEL BRIEFING	8 July 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Brian Kirk, Karen Hunt and George Brticevic
APOLOGIES	Louise Camenzuli
DECLARATIONS OF INTEREST	None

Briefing held by videoconference on 8 July 2024, opened at 2:30pm and closed at 4:00pm.

Papers electronically circulated on 3 July 2024.

MATTER DETERMINED

PPSSWC-396 – Campbelltown – 1/2024/DA-ID at 50 Airds Road (Lot 5022 DP 1012382), Minto

Construction of a warehouse and distribution facility comprising two (2) separate buildings, each containing two (2) warehouses, each warehouse with a mezzanine office level, two (2) basement carparking areas, demolition of existing structures, tree removal, civil works and landscaping (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The development has been assessed by Council staff to be sufficiently compliant with the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) which applies to the whole of the Campbelltown Local Government Area.

One issue considered was the requirement that Clause 7.2.2(a) of the SCDCP stipulates that industrial development is to be setback 30 metres from the main southern railway corridor. The setback of the proposal is a minimum of 25 metres, with most of the building allowing a 26.72 metre setback.

The Panel accepts the advice of Council that the proposal nonetheless meets the objectives of that standard by providing adequate separation to prevent conflict with the corridor. The application is reported to have been referred to both relevant rail authorities (Sydney Trains and the Australian Rail Track

Corporation (ARTC)), who reviewed the application and issued their concurrence. Conditions of concurrence will be implemented through the conditions.

Clause 7.2.2(b) of the SCDCP allows for a reduction in the standard if various requirements are met, including screening vegetation and the approval of relevant authorities. While the area is not entirely free of “easements or constraints” with landscaping works encroaching well into a 22.5m wide easement for stormwater, drainage and electricity transmission purposes, Endeavour Energy who benefits from the easement has also concurred with the granting of consent.

In any event, Endeavour Energy will retain its rights under the Registered Easement.

Council has also assessed that Clause 7.3.1(b) and (c) of the SCDCP imposes a car parking requirement for the proposed development of 200 car parking spaces, whereas only 184 car parking spaces are proposed.

However, the RMS Guide to Traffic Generating Developments (2002) suggests a car parking rate of 1 space per 300sqm for warehouses, which would equate to a requirement calculated by Council staff of only 85 spaces for the proposed development. The Panel places significant weight on the RMS standard, and the results of surveys of comparable developments which support the proposed parking as being acceptable.

The Panel otherwise recognises the attempt to achieve a high standard of design particularly adjacent to the centre of the development where access is principally afforded. The design has attempted to retain a sense of engagement with the street and allows good amenity for future occupants.

The Panel notes that a Detailed Site Investigation report was submitted which concluded that the site is suitable for the proposed development and land use, and that the recommendations of the DSI report have been included as conditions of consent. The Panel accepts the conclusions of that report.

The Panel otherwise concurs with the Council staff assessment report, and are pleased to approve this development which should contribute to the economic health of the Minto area.

CONDITIONS

At the determination briefing there were conditions recommended in the Council Assessment Report which were contested by the Applicant.

At the invitation of the Panel further conferral has occurred between Council staff and the Applicant and the Panel is informed that the Conditions posted on the Portal on 12 July 2024 are agreed.

The Panel approves the development application subject to those conditions.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

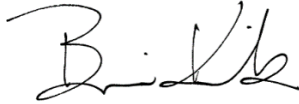
PANEL MEMBERS



Justin Doyle (Chair)



David Kitto



Brian Kirk



Karen Hunt



George Brticevic

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-396 – Campbelltown – 1/2024/DA-ID
2	PROPOSED DEVELOPMENT	Construction of a warehouse and distribution facility comprising two (2) separate buildings, each containing two (2) warehouses, each warehouse with a mezzanine office level, two (2) basement carparking areas, demolition of existing structures, tree removal, civil works and landscaping
3	STREET ADDRESS	50 Airds Road, Minto Lot 5022 DP 1012382
4	APPLICANT/OWNER	<u>Applicant</u> : ESR Investment Nominees 3 (Australia) Pty Ltd <u>Owner</u> : ESR Investment Nominees 3 (Australia) Pty Ltd as trustee of PAIP N Airds Road Trust (ABN31 945 001 649)
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Campbelltown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Campbelltown (Sustainable City) Development Control Plan 2015 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 5 July 2024 Written submissions during public exhibition: None Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Luke Joseph On behalf of the applicant – Grace Macdonald (ESR)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing – 6 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karen Hunt and George Brticevic <u>Council assessment staff</u>: Luke Joseph and Karl Okorn Final Briefing – 8 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, Karen Hunt and George Brticevic <u>Council assessment staff</u>: Luke Joseph and Karl Okorn <u>On behalf of applicant</u>: Grace Macdonald (ESR)

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report