

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-508
Application Number:	2024/624/1
Local Government Area:	Camden
Development:	Demolition of existing structures, Torrens title subdivision creating three (3) industrial lots and staged construction of three (3) warehouse buildings for general industry and warehousing uses, including bulk earthworks, private road construction, drainage construction, car parking for a total of 407 vehicles, landscaping and all associated works
Estimated Development Cost:	\$99,060,000
Site Address:	80 Hartley Road, Smeaton Grange
Applicant:	Charter Hall, c/- The Trust Company (Australia) Limited
Owner(s):	The Trust Company (Australia) Limited
Date of Lodgement:	6 December 2024
Number of Submissions:	No submissions
Classification:	Regionally significant development
Recommendation:	Approve with conditions
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development estimated development cost >\$30 million
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2019

List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> Camden Local Environmental Plan 2010 Assessment Table Camden Development Control Plan 2019 Assessment Table Applicant's written request to contravene a development standard Recommended conditions Proposed plans
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> Camden Local Environmental Plan 2010 Clause 4.3 Maximum building height
Summary of Key Submission Issues:	No submissions
Report Prepared By:	Stephen Pratt, Team Leader Development Assessment
Report Date:	May 2025

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for the demolition of existing structures, Torrens title subdivision creating three (3) industrial lots and staged construction of three (3) warehouse buildings for general industry and warehousing uses, including bulk earthworks, private road construction, drainage construction, car parking for a total of 407 vehicles, landscaping and all associated works at 80 Hartley Road, Smeaton Grange.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$99,060,000. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2024/624/1 for the demolition of existing structures, Torrens title subdivision creating three (3) industrial lots and staged construction of three (3) warehouse buildings for general industry and warehousing uses, including bulk earthworks, private road construction, drainage construction, car parking for a total of 407 vehicles, landscaping and all associated works pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the demolition of existing structures, Torrens title subdivision creating three (3) industrial lots and staged construction of three (3) warehouse buildings for general industry and warehousing uses, including bulk earthworks, private road construction, drainage construction, car parking for a total of 407 vehicles, landscaping and all associated works at 80 Hartley Road, Smeaton Grange.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (Planning Systems) 2021	The Panel is the consent authority for this DA as the development has an estimated development cost (EDC) of \$99,060,000. The EDC threshold for Council to determine the DA is \$30 million
Camden Local Environmental Plan 2010	The development is permitted with consent in the applicable E4 General Industrial zone, is consistent with the zone objectives and acceptable in terms of the Camden Local Environmental Plan's other matters for consideration. A variation to the height of building development standard requires favourable consideration to permit the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	The DA was referred to Endeavour Energy and Transport for NSW for comment pursuant to the Transport and Infrastructure SEPP. Endeavour Energy have raised no objections to the proposal subject to conditions, while Transport for NSW have indicated that the development will unlikely have a detrimental impact on the surrounding classified road network and have no make no further comments.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	The DA has been accompanied by a Detailed Site Investigation (DSI) which reveals that there are slightly elevated metals in soil and groundwater but not considered to warrant specific management. No asbestos fragments were observed during fieldwork and no asbestos containing material was present in laboratory results. Based on these results, the site is considered suitable for the proposed development. Council staff have assessed the DSI and associated information submitted in support of the DA. Council staff are satisfied with the conclusions that the site is suitable for the development subject to recommended conditions of consent.
State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)	Council staff are satisfied that the signage is consistent with the Industry and Employment SEPP's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication, will be of a high quality design and finish. Council staff have also considered the Industry and Employment SEPP's Schedule 5 assessment criteria and are satisfied that the signage is consistent with the requirements of the SEPP.
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	The development is considered satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that the applicant has satisfactorily demonstrated all of the sustainability requirements listed therein.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	The development is considered satisfactory in terms of the matters for consideration in Chapter 2 and 6 of the Biodiversity and Conservation SEPP.
Water Management Act, 2000	The Water Management Act 2000 provides for the sustainable and integrated management of water sources in NSW. Under the Act, a Controlled Activity Approval (CAA) is required for works within 40 metres of waterfront land. Controlled activity exemptions apply for a list of activities, including an activity carried out on waterfront land where the channel of the waterbody is fully concrete lined or a fully enclosed pipe. In this case, the adjoining Narellan Creek is a fully concrete-lined channel

	and as such, the works proposed are exempt from the requirement to obtain a CAA and is therefore not nominated integrated development under the Environmental Planning and Assessment Act 1979.
Rural Fires Act, 1997	A portion of the site is located on bushfire prone land falling within Category 2 Vegetation and the associated 30 metre buffer. The proposed development does not constitute a Special Fire Protection Purpose and as such, a Bushfire Safety Authority is not required pursuant to Section 4.46 of the Environmental Planning and Assessment Act. A Bushfire Hazard Assessment accompanies the development application and concludes that the proposed development can comply with the requirement for Planning for Bushfire Protection 2019.

The DA was publicly exhibited in accordance with the Camden Community Participation Plan 2021. No submissions were received against the proposed development.

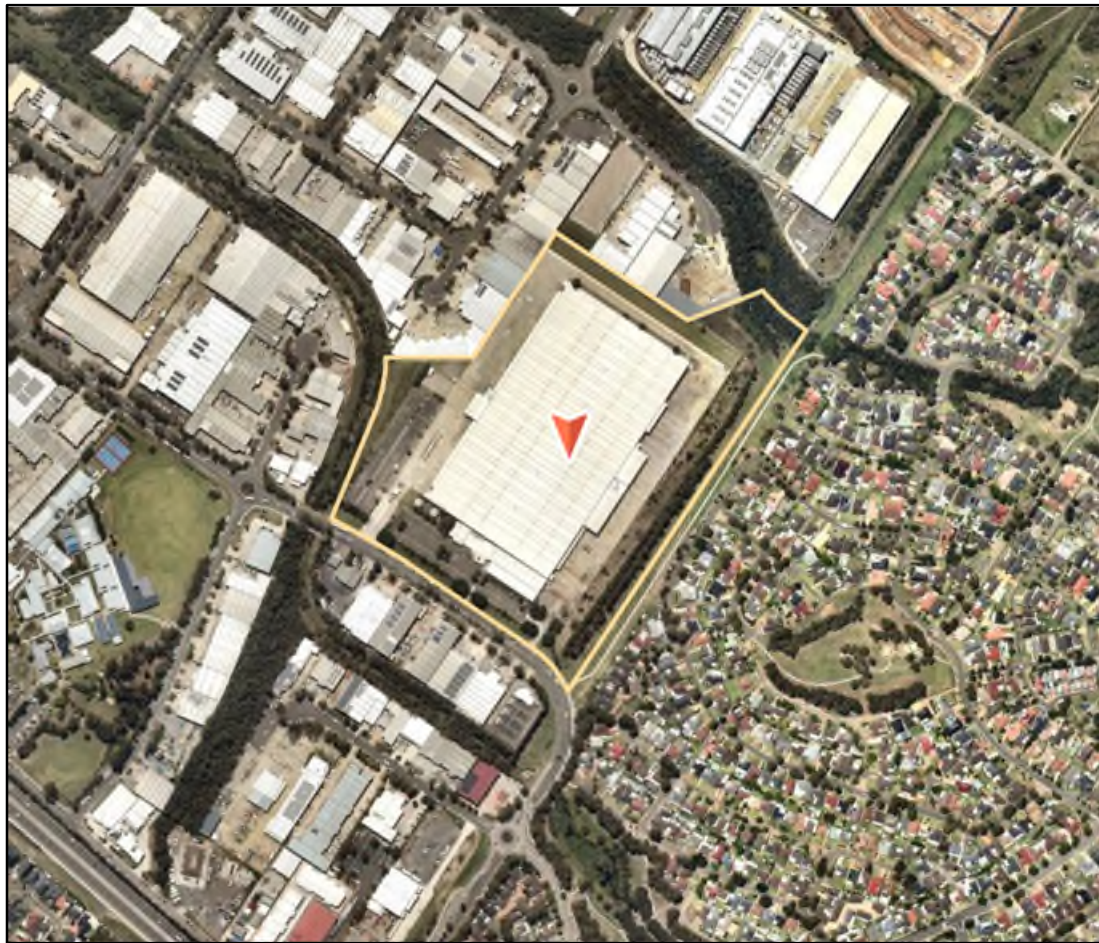
The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 11 metres above finished ground level. However, the development will have a building height of between 16.6 and 17 metres above finished ground level. The contravention is assessed in detail in this report and is supported by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the recommended conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
11 metre maximum building height	Between 14.6 and 17 metres	Between 3.6 and 6 metres (or 32.7 and 54.5%)

AERIAL PHOTO

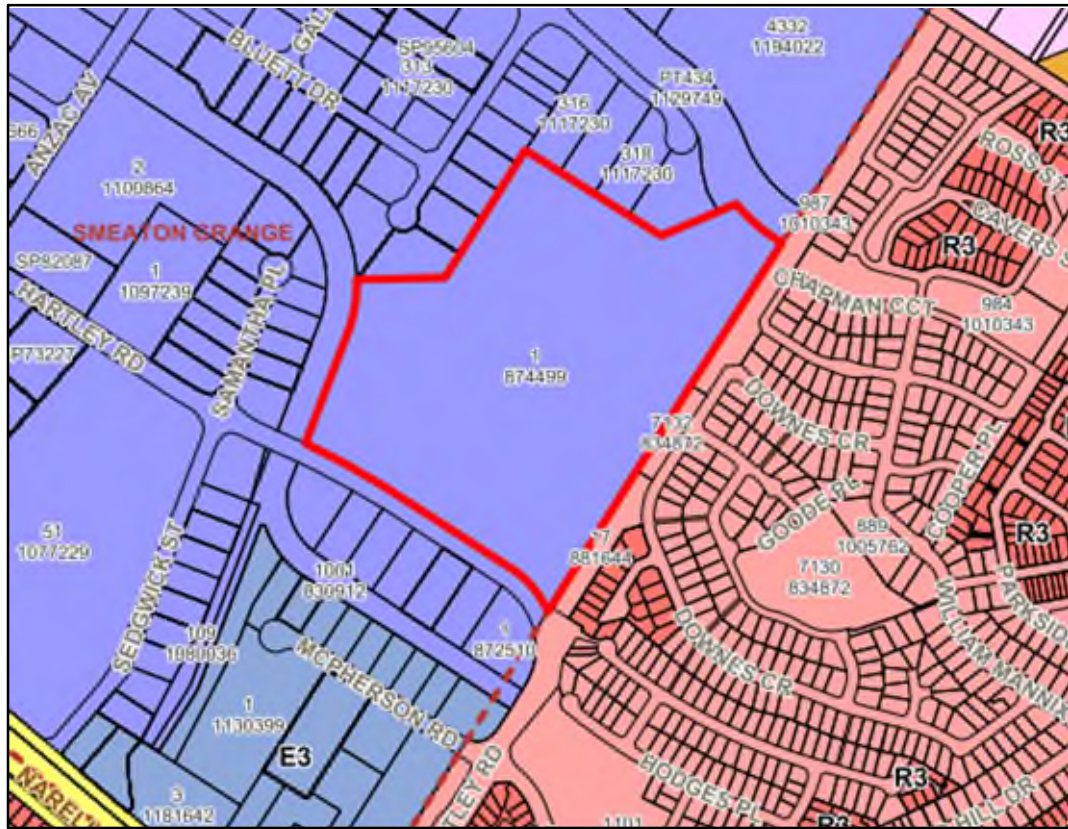


THE SITE

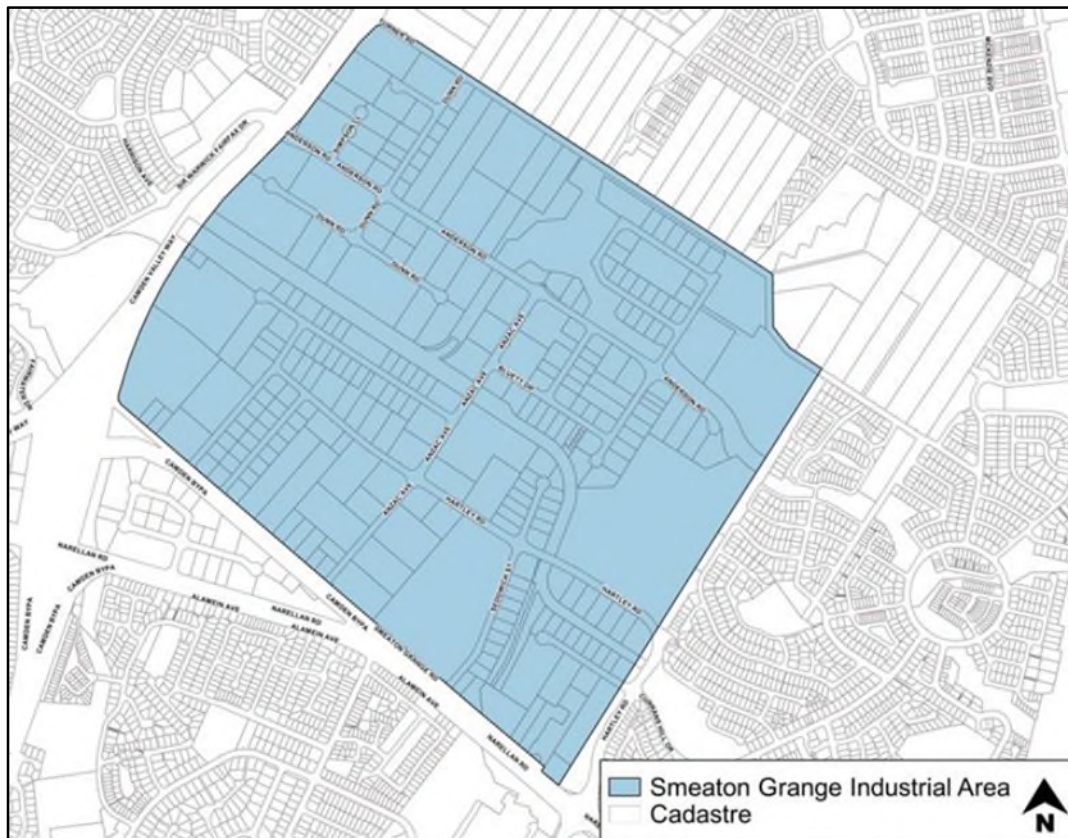
The subject site is located within the Smeaton Grange Precinct, on the northern side of Hartley Road. Smeaton Grange is the principal area for industrial employment generation in Camden, providing a mix of lot sizes suitable for a broad range of industrial uses. The site is situated within close proximity to the commercial centre at Mount Annan, with bus stops located along Hartley Road providing access to the surrounding suburbs.

To the north of the site, directly adjoining the subject land is the Kenny Creek and further industrial development. To the south of the site is Hartley Road and on the opposite side of Hartley Road is further industrial development. To the west along the boundary of the site is a drainage reserve and further west there is more industrial development. To the east of the site is a public walkway and the residential neighbourhood of Currans Hill, comprising low-density residential development approximately 35 metres from the site's property boundary.

ZONING PLAN



AREA MASTER PLAN



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
23 February 1998	Approval of DA/1997/260/1 for the construction of a warehouse/distribution centre.

THE PROPOSAL

DA/2024/624/1 seeks approval for the demolition of existing structures, Torrens title subdivision creating three (3) industrial lots and staged construction of three (3) warehouse buildings for general industry and warehousing uses, including bulk earthworks, private road construction, drainage construction, car parking for a total of 407 vehicles, landscaping and all associated works.

Specifically, the development involves:

- Staged Torrens title subdivision of the site into three (3) allotments, resulting in the following allotment areas:
 - Lot 1 (Warehouse 1 and private road) - 43,944sqm;
 - Lot 2 (Warehouse 2) - 51,174sqm; and
 - Lot 3 (Warehouse 3) - 72,029sqm.
- Private road construction from Hartley Road, providing direct access to each allotment;
- Works within the road reserve to relocate the right turn slip lane in alignment with the new private road;
- Demolition and removal of all existing buildings and structures;
- Demolition and relocation of existing vehicle crossings and re-establishment of three (3) revised vehicle crossings from Hartley Road, for truck entry/exit and car entry/exit from the Site;
- Earthworks involving cut and fill;
- Tree removal;
- Provision of infrastructure;
- Staged construction and operation of one (1) general industry building with the private road and two (2) warehouse buildings across the three (3) allotments, comprising the following:
 - Two (2) warehouse buildings (Warehouse 1 and 2) and one (1) general industry building (Warehouse 3) located on three (3) allotments (Lot 1, 2 and 3) with a maximum building height of 17m; and
 - A total GFA of 65,628sqm, including:

- Warehouse 1: 16,871sqm (including 1,666sqm of ancillary office)
- Warehouse 2: 20,288sqm (including 1,666sqm of ancillary office)
- Warehouse 3: 24,046sqm (including 1,091sqm of ancillary office)
- The general industry building (Warehouse 3) is to be used by an operator who designs and manufactures a wide range of ground control products for the Australian mining and tunnelling industry including stiffening bolts, ground anchors, beams and trusses. Their operations on the site would involve the manufacturing and storage of products through the use of primarily plate presses, product-forming machinery and welding operations. Operations will also include the manufacturing of standing support, ventilation control devices and specialty products supporting the mining and tunnelling industries.
- Car parking is proposed at grade level, comprising:
 - 109 spaces for Warehouse 1;
 - 112 spaces for Warehouse 2; and
 - 186 spaces for Warehouse 3.
- The earth mound and noise attenuation fence located along the site's eastern boundary will be retained as existing.
- The proposed development staging is as follows:
 - Stage 1: Demolition, earthworks, servicing, retaining wall construction, the construction of Warehouse Building No. 3 and the construction of the private road.
 - Stage 2: Construction of Warehouse Building No. 1 or 2.
 - Stage 3: Construction of Warehouse Building No.1 or 2.
- Proposed subdivision staging is as follows:
 - Stage 1: Subdivision of Lot 3 with right of carriageway over the private road alignment to provide vehicular access for the rear lot to Hartley Road, creation of easements over the services within the private road to service Lot 3 with the creation of a residue over the remainder of the property.
 - Stage 2: Subdivision of the residue lot created in Stage 1

PANEL BRIEFING

Council staff briefed the DA to the Panel on 31 March 2025. The following provides an outline of the key issues discussed and the Panel's observations for Council's consideration:

Key Issues

- The applicant is currently undertaking the demolition of existing structures through a complying Development Certificate (CDC) process;
- There is an existing acoustic and landscape mound adjacent to the residential area within riparian corridors to the north and east;
- The proposed development will retain three driveways with minor changes to the existing configuration;

- The site is zoned E4 General Industrial and the proposed development is permissible with Council's development consent; and,
- The height of building standard is 11 metres and all three buildings exceed the maximum height. A Clause 4.6 variation has been submitted and will need to be carefully considered.

Panel Observations

- Further planting along the mound to improve the landscaping treatment of the site from Downes Crescent might be considered, along with recessive colours for the warehouse to improve the aesthetics of the warehouse buildings;
- Council to consider the proposed arrangement for solar panels and EV infrastructure and appropriate conditions of consent;
- Council to consider the outcome of further swept path and safety analysis; and
- The application may be suitable for electronic determination.

Where required, these matters will be discussed in greater detail in relevant sections of this planning report.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021.
- Camden Local Environmental Plan 2010.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the EDC of the development is \$99,060,000. The EDC threshold for Council to determine the DA is \$30 million pursuant to Schedule 6 of the Planning Systems SEPP.

Camden Local Environmental Plan 2010

Site Zoning

The subject site is zoned E4 General Industrial pursuant to the relevant provisions of the Camden Local Environmental Plan 2010.

Development Characterisation

The development is characterised as a 'warehouse and distribution centre' and 'general industry' by the Camden Local Environmental Plan 2010.

Permissibility

Warehouses and distribution centres and general industry are permissible uses with Council's consent in the E4 General Industrial zone.

Planning Controls

An assessment table in which the development is considered against the Camden Local Environmental Plan 2010 planning controls is provided as an attachment to this report.

Proposed Contravention – Height of Buildings

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 11 metres above finished ground level. However, the proposed building height of the three proposed warehouses will exceed the maximum height as follows:

- Warehouse 1 – 14.6 metres
- Warehouse 2 – 14.6 metres
- Warehouse 3 – 17 metres

Contravention Assessment

Pursuant to Section 4.6(3) of the Camden Local Environmental Plan 2010 (CLEP 2010), the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant's request provides the following grounds for the contravention:

- The development is consistent with the objectives of the development standard in that the proposed development will be compatible with the bulk and scale of the existing and future character of the locality, the proposal will deliver a mix of industrial unit sizes accommodating a range of different uses and the height variation is required to accommodate modern racking systems to facilitate the needs for future end users of the building.
- The proposed development is also of high-quality design that will not result in any adverse impacts to the detriment of residential amenity on surrounding residential development, and will achieve an appropriate bulk and scale in the context of the surrounding environment;
- The development is consistent with the objectives of the E4 General Industrial zone in that it will provide three buildings for warehousing and general industrial uses, will allow for a wider range of land uses given that the existing building to be demolished was purpose built, will therefore encourage wider employment opportunities and is designed to ensure minimal impact on surrounding residential areas;

- The height of building development standard is unreasonable and unnecessary in the circumstances of this case on the basis that the building provides a built form that capitalises on the location of the site at the entrance to this industrial precinct, the height exceedance will not adversely alter the industrial character of the locality as large buildings are well established and part of the existing industrial precinct;
- Existing mitigation measures in the form of landscaping and earth mounding to the east of the property will result in a minor change when viewed from residential areas to the east of the site and therefore mitigate any visual impacts;
- The environmental planning grounds to justify the departure from the building height standard are acceptable given that the proposal is consistent with the underlying objectives and purpose of the standard and the land use zone, a portion of the non-compliance is brought about by the need to introduce fill to provide consistent ground levels across the site, the building heights proposed along the street frontage will assist with creating a human scale and achieving greater consistency with the existing streetscape;
- The existing warehouse located on the property which will be demolished to accommodate the proposed development is 12.1 metres in height and already exceeds the height of building development standard. The proposed development is considered to be more sympathetic, and through the use of landscaping and more contemporary colours and finishes, will contribute more positively to the overall character and appearance of the locality; and,
- Having regard to the above, the variation request is well founded and should be favourably considered to permit the proposed development.

A copy of the applicant's request is provided as an attachment to this report.

Pursuant to Section 4.6(3) of the Camden Local Environmental Plan 2010, development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances; and,
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:
 - (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*

While the proposed development exceeds the height of building development standard, it is considered that the bulk and scale of the development as proposed is consistent with the existing and desired future character of the locality.

- (b) *to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

It is considered that the proposed industrial development will be a high quality architectural design. The proposal incorporates a complementary colour and finishes palette to provide visual interest while minimising any perceived bulk and scale. Landscaping treatments on the perimeter of the site and Hartley Road frontage will also assist to soften any visual impacts of the development.

(c) *to minimise the adverse impact of development on heritage conservation areas and heritage items.*

The subject site is not nominated as a heritage item or located within a heritage conservation area and as such, the proposed development will have no adverse impact on heritage conservation areas or heritage items.

- the development is consistent with the objectives for development within the zone in which the development is proposed to be carried out:

E4 General Industrial

1. *To provide a range of industrial, warehouse, logistics and related land uses.*

The development will provide the type of land uses encouraged by the objective of this zone by creating three buildings capable of accommodating warehousing and other general industrial uses.

2. *To ensure the efficient and viable use of land for industrial uses.*

As noted in the paragraph above, the proposed development seeks consent for the creation of three buildings for warehousing and general industrial uses. The existing building to be demolished was purpose built, is no longer viable and is to be replaced with buildings that are capable of accommodating a range of alternative warehousing and industrial uses.

3. *To minimise any adverse effect of industry on other land uses.*

The proposed development is unlikely to have any adverse impact on adjoining industrial land uses. While the development site has industrial development on its northern, southern and western perimeters, the development is designed to locate buildings away from property boundaries as required by DCP controls, provides suitable vehicular access to allow the movement of cars and service vehicles around the site and to ensure that the movement of traffic in the local road system is not compromised.

4. *To encourage employment opportunities.*

The demolition of an existing purpose built warehouse building to accommodate the construction of three new warehouse buildings that are capable of accommodating a range of different warehousing and general industrial uses will encourage further employment opportunities in this locality.

5. *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

There are no non-industrial land uses proposed as part of this development application.

6. *To enable non-industrial land uses that are compatible with, and do not detract from, the surrounding industrial and warehouse land uses.*

As noted above, there are no non-industrial land uses proposed as part of this development application.

7. *To minimise the impacts of development on surrounding residential or other sensitive land uses.*

Proposed warehouse buildings are separated from the nearest residential properties by building setbacks together with an existing earth mound that is landscaped. Visual impact on these residential properties has been demonstrated to be minor. Further, recommended conditions of consent address potential impacts through the construction phase and the ongoing use of the development. It is considered that the proposed development will not have any significant impact on residential properties located to the east of the site.

- The proposal will deliver a mix of industrial unit sizes capable of accommodating a range of different uses. The height contravention is primarily brought about to provide a relatively level platform (by the introduction of fill in parts of the site towards its rear) and to accommodate modern racking systems that require additional heights to facilitate the needs for future tenants of the building. Through the use of existing and proposed landscaping, and more contemporary colours and finishes, the development is expected to make a positive contribution to the locality.
- It is anticipated that the proposed development will not result in any adverse impacts on residential amenity having regard to the separation of the buildings from the nearest residential properties.
- The bulk and scale of the development is consistent with that of the surrounding industrial environment. Existing landscaping and earth mounding to the east of the property will result in a minor change when viewed from residential areas to the east of the site.
- For the above reasons, maintaining the building height standard would be unreasonable and unnecessary in the circumstances of this case and the environmental planning grounds to justify the departure from the building height standard are acceptable as the proposal does not hinder the underlying objectives and purpose of the standard and the objectives of the land use zone.

Having regard to the above commentary, it is recommended that the Panel support this proposed contravention to the height of building development standard in Camden Local Environmental Plan 2010 to permit the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Referral to Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as the site is traversed by an existing electrical

easement. Endeavour raised no objections to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

Referral to Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the Transport and Infrastructure SEPP as, pursuant to Schedule 3 of the SEPP, the development is classed as traffic generating development. TfNSW have indicated that the development is unlikely to have a detrimental impact on the surrounding classified road network and make no further comments in relation to the proposal. No conditions are required to be included as part of any development consent issued.

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

The Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land. In this regard, Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

The applicant has submitted a Phase 2 Detailed Site Investigation (DSI) in support of the DA. Based on the investigation results, the site contains some slightly elevated metals in the soil and ground water and Perfluorooctane Sulfonate (PFOS) in the groundwater but each is not considered to require management. This assessment concludes that the site to be suitable for the development from a contamination perspective.

Council staff have reviewed this assessment, agree with its findings and are satisfied that the site is suitable for the development.

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP)

The Industry and Employment SEPP aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The proposed development includes the installation of a number of proposed signs as detailed in the Signage Details Plan. The following signs are proposed as part of this application:

- One non-illuminated business identification pylon sign measuring 12 metres in height and 3.6 metres in width;
- One non-illuminated vehicular directional totem sign measuring 1.2 metres in height and 0.99 metres in width;
- Four non-illuminated vehicular directional car park entry signs measuring 1.5 metres in height and 0.4 metres in width;
- Five non-illuminated vehicular directional totem signs measuring 2.0 metres in height and 0.99 metres in width;

- Two internally illuminated business identification wall signs for Warehouse 1 and Warehouse 2 measuring 12 metres in height and 3.6 metres in width; and
- Seven wall signs.

Section 3.6 of the Industry and Employment SEPP requires the consent authority to be satisfied that signage is consistent with the objectives as set out in Section 3.1(1)(a) of the SEPP and the assessment criteria specified in Schedule 5 of the SEPP.

An assessment of the proposal against these matters concludes that the proposal signage is acceptable in that the signage is compatible with the existing and future character of the locality, does not disrupt or dominate the skyline, is of a suitable scale having regard to the streetscape and landscape, is integrated with the buildings and simple in design to minimise clutter, will assist with wayfinding within the site and does not pose safety concerns for the public.

State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainable buildings, and record accurate data about the sustainability of buildings.

The development is considered satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that:

- the development has been designed to enable the sustainability measures listed in Section 3.2,
- the embodied emissions attributable to the development have been quantified,
- the applicant has provided evidence that the development will incorporate the infrastructure necessary for the development to not use on-site fossil fuels after 1 January 2035,
- the applicant has submitted a NABERS commitment agreement that demonstrates the development is capable of achieving the standards for energy and water use specified in the Sustainable Buildings SEPP, and
- the applicant has detailed the method under Section J of the Building Code of Australia that will be used to demonstrate the development is capable of achieving the standards for energy use specified in the Sustainable Buildings SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP contains various planning controls relating to the clearing of native vegetation across NSW, provisions to support water quality objectives for the Sydney drinking water catchment and provisions to protect the environment of the Hawkesbury-Nepean River System. Of relevance to this matter is Chapter 2 – Vegetation in non-rural areas and Chapter 6 – Water Catchments.

The development is considered satisfactory in terms of the matters for consideration in Chapter 2 of the SEPP. The proposal was supported by a Biodiversity Development Assessment Report which concluded that the proposal will not result in any significant

impact on any threatened species, populations or communities. The proposal is also considered satisfactory with respect to Chapter 6 of the Biodiversity and Conservation SEPP as there will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

Council's Sustainability Officer has reviewed the documentation provided with the development application and advised that the site was previously cleared for agriculture. Landscaping of the site with native species was undertaken in the early 2000s as part of the previous development of the site. Given the short age of the planting, habitat is identified as being limited.

The removal of the fig trees is identified as a potential loss of habitat for the Grey-headed Flying Fox. A Test of Significance has been undertaken where it was concluded that the habitat is not considered of importance, is small in relation to opportunistic foraging, The area of vegetation to be removed is small in area and the assessment concluded the proposal is considered unlikely to significantly impact on the Grey-headed Flying Fox.

It is considered that the biodiversity impacts are minimal given the age of the vegetation and mitigation of any impacts will be achieved through compensatory landscaping being proposed as part of this development. Council staff concur with the assessment with respect to biodiversity considerations subject to the imposition of conditions on any consent issued.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft environmental planning instruments that are applicable to the development.

(a)(iii) the provisions of any development control plan

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

All other likely impacts have been assessed in other sections of this report.

(c) *the suitability of the site for the development*

As demonstrated by the assessment, the site is considered to be suitable for the development.

(d) *any submissions made in accordance with this Act or the regulations*

The DA was publicly exhibited in accordance with Camden Community Participation Plan 2021 and no submissions were received.

(e) *the public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Transport for NSW	No objections, with no recommended conditions
Endeavour Energy	No objection and conditions recommended

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDATION

That the Panel:

- i. support the applicant's written request pursuant to Section 4.6(3) of the Camden Local Environmental Plan 2010 to contravene the height of buildings development standard in Section 4.3 of the Camden Local Environmental Plan 2010 to permit the proposed development; and**

- ii. approve DA/2024/624/1 for the demolition of existing structures, Torrens title subdivision creating three (3) industrial lots and staged construction of three (3) warehouse buildings for general industry and warehousing uses, including bulk earthworks, private road construction, drainage construction, car parking for a total of 407 vehicles, landscaping and all associated works at 80 Hartley Road, Smeaton Grange, subject to the conditions attached to this report for the following reasons:
1. The Panel has considered the written request to contravene Camden Local Environmental Plan 2010 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Section 4.3 of the Camden Local Environmental Plan 2010 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard in Section 4.3 of the Camden Local Environmental Plan 2010 and the objectives for development within the E4 General Industrial zone.
 2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being Camden Local Environmental Plan 2010, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.
 3. The development is consistent with the objectives Camden Development Control Plan 2019.
 4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
 5. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
 6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.