



## **Clause 4.6 Variation – Height of Buildings**

Proposed Warehouse and Logistics Hub

5 and 9 Culverston Road, Minto

Lot 3 in DP 817793 and Lot 400 in DP 875711

Prepared by Willowtree Planning Pty Ltd on  
behalf of Minto Properties Pty Ltd

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### 1. Introduction

This Clause 4.6 Variation request has been prepared in support of State Significant Development Application (SSDA 7500) for the proposed Warehouse and Logistics Hub at 5 and 9 Culverston Road, Minto. The site is legally described as Lot 3 in DP 817793 and Lot 400 in DP 875711.

This Clause 4.6 Variation has been submitted to assess the proposed non-compliance with the height of buildings standard (Clause 4.3) for the four (4) proposed warehouses in accordance with the requirements of *Campbelltown Local Environmental Plan 2015* (CLEP2015) which provides the following aims and objectives:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In summary the following variations are proposed:

CLEP 2015 Clause	CLEP 2015 Development Standard	Proposed Development Non Compliance	Percentage of Variation
Clause 4.3 Height of Buildings	12m	The proposal seeks development consent for buildings with a height of 13.7m.	14.17%

In accordance with Clause 4.6 of the CLEP2015 Council is required to consider the following:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards.

### 2. The Standards Being Objected to

#### **2.1 Clause 4.3 (Height of Buildings) of the Campbelltown Local Environmental Plan 2015**

The development standard being requested to be varied is **Clause 4.3 (Height of Buildings)** of CLEP 2015 which provides as follows.

#### **4.3 Height of Buildings**

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*(1) The objectives of this clause are as follows:*

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,*
- (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,*
- (c) to provide for built form that is compatible with the hierarchy and role of centres,*
- (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Pursuant to Clause 4.6, the proposed development seeks exception to the 12m building height standard as identified in the Height of Building Maps.

The site is zoned IN1 General Industrial under the provisions of CLEP2015 where warehouse and distribution centres are permitted with development consent.

### **2.2 The objectives/underlying purpose of the clause**

A key determination of the appropriateness of a variation to a development standard is the proposal's compliance with the underlying objectives of the standard. Therefore while there is a specified numerical control for building height, the objectives and underlying purpose of the development standard are fundamental issues for consideration in the development assessment process.

Section 3 of this Clause 4.6 Variation addresses the proposed variation to the Clause 4.3 development standard.

### **2.3 Proposed variation to standards**

The proposed development seeks the construction of a Warehouse and Logistics Hub comprising four (4) warehouses with ancillary office, loading docks, car parking and outdoor storage, at 5 and 9 Culverston Road, Minto. The proposed warehouses exhibit a maximum height of 13.7m which results in a breach of 1.7m under Clause 4.3 of CLEP2015.

The breach to the height standard is provided by only the apex of the roof whilst the bulk of the development is contained within the 12m height limit.

## **3. Proposed Variation to Clause 4.3 Height of Buildings**

Pursuant to Clause 4.6 of *CLEP 2015*, exemption to the 12m building height standard applicable pursuant to Clause 4.3 of CLEP 2015. Clause 4.6(4)(ii) requires that such a request must establish that the proposed contravention is consistent with the objectives of the standard and the zone.

### **3.1 Objectives of the standard?**

The objectives of the standard as stated in the CLEP 2015 are:

- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,*

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The subject site is located within an established industrial area and is surrounded by similar industrial land uses and warehouse development. Accordingly the proposed warehouse and logistics hub on land that has been previously developed for industry is consistent with surrounding built form and land use intensity. Therefore it is considered reasonable that the warehouses achieve a maximum building height of 13.7m given this reflects existing and approved built form on surrounding sites.

The site is separated from the nearest residential development by road and rail infrastructure as well as other industrial development. Accordingly the site will not be highly visible from any sensitive residential receptors and therefore the transition to a lower building height is considered highly unnecessary. Industrial facilities buffering the subject site comprise building heights of 13.7m and therefore will screen the proposed development from view from residential areas and the public domain generally.

The site is within proximity of public open space being Pembroke Park to the south of the site. The site is however separated from this public open space by Rose Payten Drive, a drainage channel, substantial building setbacks and deep soil landscaping. Therefore the proposed additional 1.7m of height beyond the 12m limit will not cause any undue visual or amenity impacts when viewed from areas of public open space. Accordingly it is considered highly unnecessary to adhere to a lower building height.

*(b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to business centres and transport facilities,*

The proposed 13.7m building height reflects the scale of other built form within the immediate vicinity of the site including approved warehouses within the Keylink Industrial Estate to the east. Accordingly the proposed height of buildings is consistent with the established and future scale and density of development within the Minto industrial area and will positively contribute to the character and role of the area.

*(c) to provide for built form that is compatible with the hierarchy and role of centres,*

In accordance with the above, the proposed warehouses are consistent with the surrounding land uses and built form which are dominated by manufacturing, warehousing, distributions and logistics facilities operating from warehouses similar to the proposed. The site is located within an established and expanding industrial area and accordingly the proposed warehouse and logistics hub will provide a land use and development that is entirely commensurate with the hierarchy and role of this industrial area.

*(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.*

The proposed warehouses will seamlessly integrate with surrounding development and the wider industrial area. The proposed building height is consistent with surrounding development and therefore no adverse visual impact will result. Rather the provision of high quality warehouses with articulated facades to replace the existing outdated facilities on the site will result in a positive visual outcome. The provision of deep soil landscaping within all setbacks will soften the appearance of the built form and hardstand areas resulting in a further augmented visual product.

The site is surrounded by existing and approved warehouses exhibiting similar heights and therefore the proposed development will be in no way visually intrusive but rather will integrate with surrounding development. Further, the site is separated from the nearest residential areas by roads

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and other warehouses and therefore will not be visible from these residential areas. Given the significant separation and buffering of the subject site from sensitive land uses no adverse visual or amenity impact will arise. Specifically the proposed development will not cause any view loss, privacy intrusion or overshadowing to the public domain or any residential land uses.

#### **3.2 Objectives of the zone**

The proposal is consistent with the IN1 zone objectives in that:

- *To provide a wide range of industrial and warehouse land uses.*

The proposed Warehouse and Logistics Hub retains an industrial land use that is consistent with the the IN1 zoning and the established industrial character of the area.

The proposed built form, including responds to the needs of the suture tenants and is capable of accommodating a range of warehousing and freight operations.

- *To encourage employment opportunities.*

The proposed development will generate significant employment during construction and operation phases including 500-600 operational jobs and 300 construction jobs. Accordingly the proposed development is considered integral to supporting the local economy.

The proposed built form, including the 13.7m building height, has been specifically designed to meet the needs of employment-generating activities.

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

The subject site is surrounded by industrial development and therefore the proposed built form and land use are highly compatible with surrounding sites.

The site is separated from the nearest residential development by road and rail infrastructure as well as other industrial development. Accordingly the site will not be visible from any sensitive residential receptors and therefore the transition to a lower building height is considered highly unnecessary. Industrial facilities adjacent the subject site comprise building heights of 13.7m and therefore will sufficiently screen the proposed development from view from residential areas.

- *To support and protect industrial land for industrial uses.*

The proposed warehouse and logistics hub will preserve the industrial use of the site thereby supporting the role of industry, the local economy and the local population through the provision of significant employment.

The proposed built form, including the 13.7m building height, has been specifically designed to meet the needs of employment-generating activities.

- *To provide for a range of facilities and services to meet the day-to-day needs of workers in the area.*

The proposed warehouse and logistics hub will provide significant employment generation and therefore will support the local population and workforce through the provision of employment.

- *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.*

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The proposal does not relate to any non-industrial land uses.

- *To ensure that any commercial, retail or other non-industrial development is not likely to adversely affect employment generating activities or opportunities.*

The proposed relates to industrial development and will provide significant employment generation.

- *To facilitate diverse and sustainable means of access and movement.*

The subject site is within a highly accessible location being serviced by existing road infrastructure. The internal vehicular areas of the site have been designed in accordance with all relevant Council policies, RMS Guidelines and Australian Standards to ensure the provision of a functional, safe and efficient movement network.

The proposed additional building height will in no way affect any vehicular access points or movement networks.

### **3.3 Establishing if the Development Standard is Unreasonable or Necessary**

Compliance with this standard would be unreasonable given the desired industrial character of the site conveyed by the IN1 zoning of the subject site. The proposed building height departure will have no undue material impact on the streetscape or surrounding sites and is consistent with the existing and desired character for the area.

The proposal exhibits a building height of only 1.75m above the building height limit with only the apex of the roof of each warehouse affected by this additional height. The proposed development is highly compatible with the established industrial character of the site and its surrounds uses in terms of built form and land use.

Furthermore the built form proposed for the site clearly demonstrates the feasibility of developing the site in accordance with relevant environmental planning framework and providing a high-quality, desirable development on the site whilst preserving neighbouring amenity. The proposal is consistent with the controls of Campbelltown Development Control Plan (CDCP2015) and significantly increase the amenity and useability of the site whilst not resulting in any unacceptable impacts.

It is considered that the Clause 4.6 Variation is well founded in this case for the following reasons:

- The proposed warehouses are consistent with the existing and desired industrial character of the site and the surrounding area.
- The development will significantly augment the employment-generating use of the site through the provision of high quality warehousing and logistics facilities to accommodate a range of related uses.
- The proposed warehouses are highly compatible with surrounding development and the environmental planning framework in terms of visual appearance, scale, design and land use.
- The proposed development will not affect any residential areas or sensitive land uses and will not compromise the amenity of any adjoining sites.
- The proposal will support the continued role of industry in Western Sydney.

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### ***3.4 Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard***

The variation to the development standard for height of buildings is considered well founded in this instance as:

- The proposed development is consistent with the underlying objective or purpose of the standard as demonstrated in **Section 3.1**.
- The proposed development is consistent with the development standards of CLEP2015 and the controls of the CDCP2015.
- The proposed development will not exhibit any adverse visual impact and will not adversely impact on the amenity of adjoining sites in relation to solar access, privacy or views.
- The proposed development is compatible with the established industrial character of the site and its surrounds.

## **4. Conclusion**

It is requested that the NSW Department of Planning & Environment (DP&E) support the proposed variation to Clause 4.3 of the CLEP 2015 for the following reasons:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- The proposed warehouses will support the use of the site for employment-employment generating activities and therefore will positively contribute to the local and regional economies by supporting the role of industry, providing significant employment and providing facilities for end-users.
- No unreasonable environmental impacts are introduced as a result of the proposal.
- There is no public or material benefit in maintaining strict compliance with the standards.

Given the above justification provided above this Clause 4.6 Variation is well founded and should be favorably considered by DP&E.