

<b>DATE OF DETERMINATION</b>	23 October 2017
<b>PANEL MEMBERS</b>	Bruce McDonald (Acting Chair), Lindsay Fletcher, Peter Sidgreaves and Clare Brown
<b>APOLOGIES</b>	Nicole Gurran, Stuart McDonald and Lara Symkowiak
<b>DECLARATIONS OF INTEREST</b>	Clare Brown advised her company Urbis is undertaking an audit of Council facilities and she had no involvement in this project. However she has no involvement in this application and accordingly does not have an actual or potential conflict of interests in this matter.

Public meeting held at Camden City Council on Monday 23 October 2017 opened at 12.00 pm and closed at 12.30pm.

#### **MATTER DETERMINED**

Panel Ref – 2016SYW102 - LGA – Camden, DA-2016/422/1, Address – 76 Rickard Road, Leppington (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 meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The decision was unanimous.

#### **REASONS FOR THE DECISION**

1. The proposed development will add further supply and choice of housing within the Sydney Western City District and the Camden local government area in a location specifically planned for residential apartments and with ready access to Leppington rail station and the future amenities and services that will be available from Leppington Major Centre. The proposal also makes provision for the reservation of land required to upgrade Rickard Road as planned.
2. The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3(2) of Appendix 9 of SEPP (Sydney Region Growth Centres) 2006 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed minor variations will not generate unacceptable impacts on nearby premises and remain consistent with the objectives of the standards.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Sydney Region Growth Centres) 2006, SEPP 55 – Remediation of Land, SEPP (Infrastructure) 2007, SEPP (Vegetation in Non-Rural Areas) 2007 and Deemed SEPP No. 20 – Hawkesbury Nepean River.

4. The proposal adequately satisfies the applicable provisions and objectives of Camden DCP 2011 and Camden Growth Centre Precincts DCP and associated Indicative Layout Plan.
5. Subject to the conditions imposed the proposed development will be provided with adequate services consistent with the timing of construction. Further it is noted that payment of a Special Infrastructure Contribution is required.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the local ecology, or riparian systems, the operation of the local road system or the development potential of adjacent land and makes provision on site for rural fire protection.
7. In consideration of conclusions 1-6 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

### CONDITIONS





The development application was approved subject to the conditions in the Council Assessment Report with the following amendments –

Condition 1.0 (1) – delete the following words – General Terms of Approval

Condition 1.0 (19) – is amended to include reference to the owner's requirement to remove the radiant heat barrier when no longer required

Condition 1.0 (20) is modified to include reference to Roads 1 and 2

Condition 1.0 (27) – is amended to require removal of the radiant heat barrier when no longer required

PANEL MEMBERS	
 Bruce McDonald (Acting Chair)	 Clare Brown
 Lindsay Fletcher	 Peter Sidgreaves

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYW102 - LGA – Camden, DA-2016/422/1
2	PROPOSED DEVELOPMENT	Demolition of existing structures, tree removal, remediation of contaminated land, public road construction, subdivision, construction of 6 four storey residential flat buildings containing a total of 216 apartments, basement car parks and associated site works
3	STREET ADDRESS	76 Rickard Road, Leppington

4	APPLICANT/OWNER	NLI Byron Development Pty Ltd / Mr D D'Agostino and Mrs MC Dumycz
5	TYPE OF REGIONAL DEVELOPMENT	Capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Camden Development Control Plan 2011</li> <li>Camden Growth Centre Precincts Development Control Plan</li> <li>Apartment Design Guide</li> </ul> </li> <li>Planning agreements: Nil</li> <li><i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report, apartment design guide assessment table, recommended conditions, proposed plans, correspondence from the Roads and Maritime Services, Sydney Water and the Camden Local Area Command, indicative layout plan for the site and surrounding area, Precinct road hierarchy diagram, applicant's written request to vary a maximum building height development standard, three dimensional building height plan diagram and written submissions.</li> <li>Written submissions during public exhibition: 2</li> <li>Verbal submissions at the public meeting:</li> </ul>

		<ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Jim Murray and Ben Pomroy</li> <li>○ On behalf of Council – Ryan Pritchard, Stephen Pratt, Kate Drinan, Nicole McGurran, Daniel Streater</li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>● Briefing Meeting – 27 March 2017</li> <li>● Site Inspection – 23 October 2017</li> <li>● Final Briefing Meeting – 23 October 2017 from 11.00 am to 11.30 am</li> <li>● Public Meeting – 23 October 2017</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Lindsay Fletcher, Peter Sidgreaves and Clare Brown</li> <li>○ <u>Council assessment staff</u>: Ryan Pritchard, Stephen Pratt, Kate Drinan, Nicole McGurran, Daniel Streater</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Submitted with report