

<b>DATE OF DETERMINATION</b>	19 February 2018
<b>PANEL MEMBERS</b>	Bruce McDonald (Acting Chair), Nicole Gurrán, Stuart McDonald, Lara Symkowiak and Peter Sidgreaves
<b>APOLOGY</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Camden City Council on Monday 19 February 2018 opened at 1.40pm and closed at 3.00pm.

**MATTER DETERMINED**

Panel Ref – 2017SSW002 - LGA – Camden, DA1472/2016, Address – 28 Ingleburn 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 refuse 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 REFUSAL:**

1. The Panel accepts the recommendation of the planning assessment report to refuse the application and concurs with the reasons for refusal offered in support of that recommendation.
2. The Panel notes that the application seeks to vary the development standard contained in Clause 4.3(2) of SEPP (Sydney Region Growth Centres) 2006 and considers that compliance with the standard would be warranted in the circumstances of this case and there are insufficient environmental planning grounds presented to justify the contravention having regard to the context of the subject land and considers the proposed variation is inconsistent with the objective of Clause 3(1b) Height of Buildings.
3. In consideration of the assessment including the reasons supporting and recommendation for refusal the Panels has concluded that the departures from the provisions, objectives and development standards referenced in those reasons, particularly the failure to satisfy the design quality principles of SEPP 65 and the design guidelines of its associated Apartment Design Guide results in a building design which:
  - Is unsuited in its scale, intensity and presentation to the site and location on which it is proposed.

- Would provide inadequate residential amenity and on site communal open space for residents.

Accordingly the proposed development is not considered a suitable development of the site and its approval would not be in the public interest.

Further it is noted that the application includes the removal of trees from adjacent land and that while this is recognised as a minor element of the proposed development the consent to the making of the application from the relevant landowner has not been provided.

PANEL MEMBERS	
 Bruce McDonald (Acting Chair)	 Peter Sidgreaves
 Nicole Gurran	 Lara Symkowiak
 Stuart McDonald	

SCHEDULE 1		
1	<b>PANEL REF – LGA – DA NO.</b>	Panel Ref – 2017SSW002 - LGA – Camden, DA1472/2016
2	<b>PROPOSED DEVELOPMENT</b>	Construction of four (4) x seven (7) storey residential flat buildings, containing 185 residential units and two (2) basement levels containing 245 carparking spaces, landscaping and associated works on proposed Lot 3 in a resubdivision of 28 Ingleburn Road.
3	<b>STREET ADDRESS</b>	28 Ingleburn Road, Leppington
4	<b>APPLICANT/OWNER</b>	Applicant – Balintore Ingleburn Pty Ltd C/O Design Cubicle Pty Ptd Owner – – Balintore Ingleburn Pty Ltd
5	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Capital investment value >\$20million.
6	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<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 No. 55 – Remediation of Land</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <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> <li>• Camden Growth Centre Precincts Development Control Plan</li> <li>• Apartment Design Guide</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> </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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report, apartment design guide assessment table, recommended reasons for refusal, proposed plans, indicative layout plan for the site and surrounding area, precinct road hierarchy diagram and written submissions.</li> <li>• Written submissions during public exhibition: 6</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Nil</li> <li>○ On behalf of Council – Adam Sampson and Stephen Pratt</li> </ul> </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 – 27 March 2017</li> <li>• Final Briefing Meeting – 19 February 2018 from 12.48 pm to 1.20 pm.</li> <li>• Public Meeting – 19 February 2018 Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Bruce McDonald (Acting Chair), Nicole Gurrán, Stuart McDonald, Lara Symkowiak and Peter Sidgreaves</li> <li>○ <u>Council assessment staff</u>: Adam Sampson and Stephen Pratt</li> </ul> </li> </ul>

<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Refusal
<b>10</b>	<b>DRAFT CONDITIONS</b>	N/A