

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 June 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Lara Symkowiak and Peter Sidgreaves
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Camden Council on 18 June 2018, opened at 12.08pm and closed at 12.14pm.

MATTER DETERMINED

Panel Ref – 2017SSW040 – LGA – Camden – DA709/2017 AT 35 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 meetings 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 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous.

REASONS FOR THE DECISION

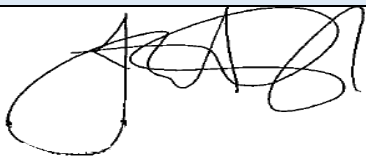




The reasons for the decision of the Panel were:

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 proposed building height for the northern building element of 13.5 metres will result in a non-compliance with the development standard for height contained in Cl. 4.3(2) of SEPP (Sydney Growth Centres) 2006, through both wall height and the lift over run. There are also lesser height breaches arising principally from the lift overruns of the other three building elements. No sufficient planning grounds have been presented to justify the contravention of the height control having regard to the context of the subject land. Given that this is a greenfield site with few constraints, the Panel considers the variation is inconsistent with the objective of Cl. 39 1(b) Height of Buildings.
3. In its consideration of the Camden Growth Centre DCP, Council staff raise concerns about the means of providing adequate access and egress to the completed development if the connecting roads have not been constructed, and the potential for the development to

obstruct the access easement relied upon for temporary access to the approved residential subdivision at the rear. The Panel were of the view that this issue also required further attention.

4. The Panel also considered that the proposed open space was not of satisfactory quality due to the extent of paving and its location above an excavated garage.
5. In consideration of the assessment, including the reasons supporting the recommendation for refusal the Panel 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 guidelines of its associated Apartment Design Guide, results in a building 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 approval would not be in the public interest.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Bruce McDonald	 Lara Symkowiak
 Peter Sidgreaves	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SSW040 – LGA – Camden – DA709/2017
2	PROPOSED DEVELOPMENT	Construction of three (3) four (4) storey residential flat buildings, containing 97 residential units, two levels of basement carparking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, Leppington.
3	STREET ADDRESS	35 Ingleburn Road, Leppington
4	APPLICANT/OWNER	Sunshine Property Developers Pty Ltd C/-Ghazi Al Ali Architects Sunshine Property Developers Pty Ltd
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 (State and Regional Development) 2011 ○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River ○ Camden Development Control Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Camden Growth Centre Precincts Development Control Plan ○ Apartment Design Guide • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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</i>

		<i>Planning and Assessment Act 1979</i> or regulations <ul style="list-style-type: none"> 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: 18 June 2018 Written submissions during public exhibition: 0 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of the applicant – Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing meeting – 24 July 2017 Final briefing meeting to discuss council’s recommendation, 18 June 2018 – 11.40am to 12.05pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Lara Symkowiak and Peter Sidgreaves <u>Council assessment staff</u>: Stephen Pratt, Adam Sampson and Nicole Magurran
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A