**SYDNEY WESTERN CITY PLANNING PANEL**

|  |  |
| --- | --- |
| Panel Number: | PPS-2018SSW033 |
| Application Number: | 2018/969/1 |
| Local Government Area: | Camden. |
| Development: | Demolition of the existing entry road, community title subdivision to create 73 lots (69 dwelling lots, three superlots for the residential flat buildings and one community lot for the park), construction of 69 dwellings and three residential flat buildings containing 90 apartments, associated earthworks, construction of local roads, drainage works, neighbourhood park / piazza, including community facilities (pool, community building, BBQ and children’s playground) landscaping works and acoustic upgrade works to Lakeside Golf Club Camden. |
| Capital Investment Value: | $72,762,086 |
| Site Address(es): | 900 Camden Valley Way & 50 Raby Road, Gledswood Hills |
| Applicant: | SH Camden Lakeside Pty Ltd C/O SJB Planning |
| Owner(s): | SH Camden Lakeside Pty Ltd & Narellan Property Holdings |
| Date of Lodgement: | 8 August 2018 |
| Number of Submissions: | Nil |
| Number of Unique Objections: | Nil |
| Classification: | Regionally significant and integrated development. |
| Recommendation: | Approve with conditions. |
| Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011): | General development capital investment value >$30 million. |
| List of All Relevant Section 4.15(1)(a) Matters: | * State Environmental Planning Policy (State and Regional Development) 2011. * State Environmental Planning Policy (Infrastructure) 2007. * 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 (Building Sustainability Index: BASIX) 2004 * Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. * Camden Local Environmental Plan 2010 * Camden Development Control Plan 2011 & 2019. |
| List all Documents Submitted with this Report for the Panel’s Consideration: | * Assessment report. * Applicant’s written request seeking to justify the contravention of a development standard. * Apartment Design Guide Assessment Table. * Camden Local Environmental Plan 2010 Assessment Table. * Camden Development Control Plan 2011 Assessment Table. * Recommended conditions. * Proposed plans. |
| Development Standard Contravention Request(s): | Camden Local Environmental Plan 2010.  Clause 4.3 - Maximum building height. |
| Summary of Key Submission Issues: | Nil |
| Report Prepared By: | Adam Sampson  Executive Planner |
| Report Date: | 25 November 2020. |

**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? |  |

**Legislative Clauses Requiring Consent Authority Satisfaction**

|  |  |
| --- | --- |
|  | **Yes** |
| Have relevant clauses 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? |  |

**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? |  |  |

**Special Infrastructure Contributions**

|  |  |  |
| --- | --- | --- |
|  | **Yes** | **No** |
| Does the application require Special Infrastructure Contributions? |  |  |

**Conditions**

|  |  |
| --- | --- |
|  | **Yes** |
| Have draft conditions been provided to the applicant for comment? |  |

**PURPOSE OF REPORT**

The purpose of this addendum report is to provide additional information to resolve the Panel’s decision to defer the matter issued to Council on the 18th November 2020.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is $72,762,086. This exceeds the CIV threshold of $30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

**SUMMARY OF RECOMMENDATION**

That the Panel accept the additional information provided within this addendum report and support the justification in the applicant’s written request lodged pursuant to Clause 4.6(3)of Camden Local Environmental Plan 2010 to the contravention of the height of buildings development standard and approve DA/2018/969/1 for demolition of the existing entry road, community title subdivision to create 73 lots (69 dwelling lots, three superlots for the residential flat buildings and one community lot for the park), construction of 69 dwellings and three residential flat buildings containing 90 apartments, associated earthworks, construction of local roads, drainage works, neighbourhood park / piazza, including community facilities (pool, community building, BBQ and children’s playground) landscaping works and acoustic upgrade works to Lakeside Golf Club Camden pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* by granting consent subject to the conditions attached to this report.

**REASONS FOR DEFERRAL**

On the 18th November 2020, the Panel agreed to defer the determination of the matter for the following reasons:

*The Panel agreed to defer the determination of the matter.*

*The Panel has reached a preliminary view that accords with the Council’s assessment that the development application is in substance compliant with applicable controls.*

*One matter that does not appear to the Panel to be sufficiently resolved is the Asset Protection Zone (APZ) required by the Council’s assessment and the Inner Protection Area of an Asset Protection Zone (IPA) required by the general terms of approval of the RFS.*

*Unless justified, suitably planned, and appropriately provided for by covenants and / or acceptable vegetation management plans, an asset protection zone should be contained within the development site and should not extend onto environmentally zoned land where bushfire mitigation work may adversely impact on preserved vegetation.*

*The Panel has resolved that determination of the DA should be deferred until these matters can be investigated further. Some amendment to the design might be necessary to resolve them.*

*If they can be suitably resolved to the Council and the applicant’s mutual satisfaction within the general terms of approval of the RFS, then the matter would then seem appropriate for electronic determination.*

**RESOLUTION OF DEFERRAL MATTERS**

The applicant has agreed to amend the application and accept the full width of the required 8m wide asset protection zone (APZ) wholly within the residential zoned portion of the development site. As such, the adjoining E2 Environmental Conservation zoned portion of land (Camden Lakeside Golf Course) will not be burdened or impacted by the creation of the APZ.

The 8m wide APZ will burden the rear of residential lots 6 – 11 and partially burden lot 12. The imposition of this APZ within the residential portion of the lots will remain consistent with the issued Bush Fire Safety Authority by the New South Wales Rural Fire Service, as condition 1 requires that the residential lots to be managed as an inner protection area (IPA). The 8m APZ will be required to be maintained as an (IPA) in perpetuity, with no structures other than Class 10b structures constructed within the 8m APZ.

The assessing officer of the issued Bush Fire Safety Authority, has advised Council that their interpretation of the site plans provided in the bush fire consultant’s report was that the 8m asset protection zone (APZ) was on the subject site, and not on the adjacent golf course and assumed that this APZ was within the future residential lots of the proposed development. Based on this explanation from the New South Wales Rural Fire Service Officer, the issued Bush Fire Safety Authority conditions do not require amendment and can apply to the amended proposal to create the 8m wide APZ wholly within the residential portions of land for lots 6 – 12.

All residential lots, with the exception of Lot 11 have rear setbacks greater than 9m to accommodate the APZ within the rear of the lot. Lot 11 marginally fails, with a rear setback ranging from 7.488m to 7.934m. As an IPA is measured to the external face of the wall, Lot 11 will require minor design amendments to achieve the full 8m width of the APZ. Given the additional distance required to achieve the full 8m width is minor, it is considered reasonable to impose a condition requiring that the dwelling house design upon Lot 11 be amended to achieve a full 8m APZ within the rear of the site.

**AMENDED CONDITIONS**

As a result of the 8m APZ now being fully contained within the development site, the following conditions are recommended to be imposed and amended.

Addition of the Following Conditions

1. **– General Conditions of Consent**

1.0(3) **Modified Documents and Plans** – The development shall be modified as follows:

1. The footpath on the southern side of Road 03 shall be extended to the east and meet the share path within the future Providence Drive subject to DA/2010/967.
2. The rear setback to the dwelling house upon Lot 11 shall be amended to achieve a minimum setback of 8m at any point upon the western façade to achieve a minimum 8m Asset Protection Zone within the Lot.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of the Subdivision Works Certificate.

Modification of the Following Condition

**5.0 – Prior to Issue of a Subdivision Certificate**

5.0(5) **Asset Protection Zones** – Prior to the issue of the Subdivision Certificate, a positive covenant and restriction on the use of land shall be created upon the full width of Lots 6 – 12 to create an 8m wide Asset Protection Zone commencing from the western property boundary, to be maintained as an Inner Protection Area in perpetuity.

The Restriction on the use of the land shall prohibit the construction of any buildings within the area of the Asset Protection Zone, other than Class 10b structures constructed within the specific 8m Asset Protection Zone.

The Positive Covenant shall require the area of the Asset Protection Zone to be managed as an Inner Protection Area (IPA) as outlined in Section 3.2 and Appendix 4 of ‘Planning For Bush Fire Protection 2019’ and the ‘NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

The name of the authority empowered to release, vary or modify the instrument shall be Camden Council.

**RECOMMENDED**

**That the Panel:**

1. support the justification in the applicant’s written request lodged pursuant to Clause 4.6(3)of Camden Local Environmental Plan 2010 to the contravention of the height of buildings development standard, and
2. approve DA/2018/969/1 fordemolition of the existing entry road, community title subdivision to create 73 lots (69 dwelling lots, three superlots for the residential flat buildings and one community lot for the park), construction of 69 dwellings and three residential flat buildings containing 90 apartments, associated earthworks, construction of local roads, drainage works, neighbourhood park / piazza, including community facilities (pool, community building, BBQ and childrens playground) landscaping works and acoustic upgrade works to Lakeside Golf Club Camden subject to the conditions attached to this report.