

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 15 December 2020
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Renata Brooks
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Louise Camenzuli: One of my Partners acts for a related entity of the developer and, on that basis, I consider that there is a reasonably perceived conflict of interest.</p> <p>Theresa Fedeli: Has a conflict of duties in relation to DA/2018/969/1 – Subdivision and construction of 69 dwelling houses and three (3) residential flat buildings containing 90 apartments for 50D Raby Road, Gledswood Hills.</p> <p>Lara Symkowiak: Council has recently voted on a Voluntary Planning Agreement for this site.</p>

Papers circulated electronically on 26 November 2020.

MATTER DETERMINED

2018SSW033 – Camden – DA/2018/969/1 at 900 Camden Valley Way & 50 Raby Road, Gledswood Hills – Demolition of the existing entry road (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Camden Local Environmental Plan 2010 (LEP), that has demonstrated that:

- compliance with cl. 4.3 (maximum building height) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (maximum building height) of the LEP and the objectives for development in the R1 – General Residential and E2 Conservation zones. In this respect, the Panel notes that the proposed contravention does not result in excessive built form or dwelling height and is a consequence of the need for bulk earthworks to establish suitable site levels for access, drainage, and dwelling construction; and
- the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report.

The matter was deferred on 18 November 2020 to address matters relating to the Asset Protection Zone (APS). These matters have been resolved by clarifying that the APZ is contained fully within the development site, in accordance with the general terms of approval of the RFS. The conditions (as amended below) include a requirement for a covenant to enable access for the purpose of bushfire mitigation work, ensuring there are no adverse impacts for preserved vegetation on environmentally zoned land.

CONDITIONS

The development application was approved subject to the conditions in the addendum council assessment report, with the following amendment to condition 5.0 – Prior to Issue of a Subdivision Certificate (5), ensuring that the entirety of proposed lots be managed as an Inner Protection Area (IPA), rather than limiting this to the APZ. The full condition now reads as follows:

- (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 50 Raby Road, Gledswood Hills (Lot: 71 DP: 1261166) over the following areas in accordance with Section 88b of the 'Conveyancing Act 1919':

The asset protection zone as identified in Appendix 1, Figure 1 of the Addendum Bushfire Protection Assessment – Proposed Subdivision, Gledswood Lakeside Precinct 1 (Stage 41), prepared by Ecological Australia, Reference 20HNG_15781, dated 15th May 2020.




The Restriction on the use of the land shall prohibit the construction of any buildings within the area of the Asset Protection Zone.

The Positive Covenant shall require that the entirety of proposed lots 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.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Renata Brooks	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSW033 – Camden – DA/2018/969/1
2	PROPOSED 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.
3	STREET ADDRESS	900 Camden Valley Way & 50 Raby Road, Gledswood Hills
4	APPLICANT/OWNER	Applicant: SH Camden Lakeside Pty Ltd C/O SJB Planning Owner: SH Camden Lakeside Pty Ltd & Narellan Property Holdings
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 (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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2011 & 2019. 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 Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Addendum Report & Conditions received: Wednesday, 25 November 2020 Council assessment report: 28 October 2020 Addendum Bushfire Protection Assessment received: 18 October 2020 Panel Addendum: 18 October 2020 Camden Local Environmental Plan 2010. Clause 4.3 – Maximum building height Written submissions during public exhibition: Nil

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 22 October 2018 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Peter Sidgreaves ○ <u>Council assessment staff</u>: Adam Sampson, Nicole Magurran and Stephen Pratt • Final briefing to discuss council's recommendation: Monday, 2 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair) and Nicole Gurran ○ <u>Council assessment staff</u>: Adam Sampson, Stephen Pratt, Ryan Pritchard and Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report