

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	5 August 2019
PANEL MEMBERS	Bruce McDonald (Acting Chair), Nicole Gurran, Stuart McDonald and Lara Symkowiak
APOLOGIES	Justin Doyle and Michael Morrison
DECLARATIONS OF INTEREST	Nil

Public meeting held at Camden Council on 5 August 2019, opened at 3.00pm and closed at 3.45pm.

MATTER DETERMINED

2019WCI002 – Camden – DA2018/1478/1 AT 183 & 185 Bringelly 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse 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 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 with the following amendments –

(i) Reason for refusal no. 1 be amended to read:

1. The development application has not received concurrence from the Roads and Maritime Services and New South Wales Rural Fire Service in accordance with Section 4.13(1) of the *Environmental Planning and Assessment Act, 1979*.

(ii) The following additional reason for refusal be included in the determination:

10. Insufficient information has been submitted demonstrating that the site is suitable for residential development or can be made suitable for residential development after remediation in accordance with Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land. (Pursuant to Section 4.15(1)(a)(i) *Environmental Planning & Assessment Act, 1979*.)



Matters of particular concern to the Panel are:



- The scale and form of the development which does not result in provision of housing within a medium density environment. On that basis the proposal is considered to be inconsistent with the zone objective and would result in a development form reflecting high density development distinctly out of character with the intended form of development within this element of the Sydney Region Growth Centre.
- This high density scale and form of development located on the periphery of the Leppington Major Centre Precinct of Camden Council Growth Centre Precincts DCP and well removed from Leppington rail station is considered to not reflect the intent of the Residential Structure Figure applying to the applicable Density Band given that the density of 187 dwellings per ha. is markedly in excess of the 40 dwellings per hectare base of the density guide and is situated where the scale and form of development ought provide a transition to the lower scale of residential development in the adjoining precinct. This is a significant issue as the DCP has the purpose of ensuring the orderly and efficient development of the Precincts as envisaged by the South West Growth Centre Structure Plan and Growth Centre SEPP.
- The failure of the proposal to adequately address the provisions of SEPP 65-Design Quality of Residential Apartment Development and a number of design provisions of the Growth Centres Precinct given the substantially unconstrained characteristics of the large subject site.
- The failure of the proposal to engage the adjoining site in the provision of the roadway which is designated under The Growth Centres Indicative Layout Plan which results in amenity impact on the proposed residential structure and disorderly implementation of the Camden Growth Centre Precinct Development Control Plan.
- The unresolved potential impact on human health associated from nearby poultry and piggery facilities

Accordingly, the Panel considers it has not been demonstrated that the proposal is a suitable form of development for this site and that its approval would be in the public interest.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that they were no written submissions made during public exhibition.

PANEL MEMBERS	
 Bruce McDonald (Acting Chair)	 Nicole Gurran

 Stuart McDonald	 Lara Symkowiak
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SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI002 – Camden – DA2018/1478/1
2	PROPOSED DEVELOPMENT	Remediation of land, demolition of existing structures, tree removal, Torrens title subdivision to create three lots, construction of new roads, construction of 4 x 7 storey residential flat buildings containing 254 apartments and strata title subdivision.
3	STREET ADDRESS	183 & 185 Bringelly Road, Leppington
4	APPLICANT/OWNER	Jomon Varghese / Grand Views Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30million
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 (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 ○ State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River ○ Camden Growth Centre Precincts Development Control Plan 2011 ○ Apartment Design Guide • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Camden Growth Centre Precincts Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil

		<ul style="list-style-type: none"> 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: Consideration of the provisions of the Buildings Code of Australia 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: July 2019 Written submissions during public exhibition: At the time of writing this report, the application had not notified / advertised as there were outstanding matters Council was seeking to resolve prior to notifying the application (ie. Submission of a Remediation Action Plan and owners consent for the adjoining property for which works were proposed to be carried out). As discussed further within the main body of this report, the applicant has failed to provide the requested information and has filed a Class 1 appeal against the deemed refusal of the development application. Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil On behalf of Council – Adam Sampson and Jamie Erken On behalf of the applicant – Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site Inspection and briefing – 4 March 2019 Final briefing meeting to discuss council's recommendation, 5 August 2019, 2.00pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Bruce McDonald (Acting Chair), Nicole Gurran, Stuart McDonald and Lara Symkowiak <u>Council assessment staff</u>: Adam Sampson and Jamie Erken
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A