

DATE OF DETERMINATION	Monday, 2 December 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Julie Savet Ward and Lara Symkowiak
APOLOGIES	Nicole Gurran, Michael Morrison, Theresa Fedeli and Paul Farrow
DECLARATIONS OF INTEREST	None

Public meeting held at Camden Council, 70 Central Avenue Oran Park on 2 December 2019, opened at 1:16pm and closed at 3.40pm.

MATTER DETERMINED

2019WCI033 – Camden Council – DA/2019/324/1 at 38-58 Somerset Avenue NARELLAN – Five Residential Flat Buildings (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

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

1. The proposed development will provide additional housing supply and choice within the Camden Local Government Area and the Sydney Western City district with ready access to the services, amenities and community facilities within the Narellan centre.
2. The proposed development (including the Contamination Assessment Review and preliminary site investigation submitted as part of the DA) subject to the conditions to be imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 (Remediation of Land), SEPP 65 Design Quality of Residential Flat Development and associated Apartment Design Guide and State Regional Environmental Plan No. 20- Hawkesbury Nepean River.
3. The proposal adequately satisfies the provisions of Camden LEP 2010 and Camden Development Control Plan 2011. It is noted that a variation to DCP 2011 relating to dwelling density is proposed, which the Panel considers is appropriate in this case given the site's location within the Narellan Centre, and because no unacceptable impacts will result. It is

relevant to note that Camden DCP 2019 which was adopted after lodgement of this application has deleted the density control, but the savings provision contained at clause 1.11 of the 2019 DCP provides that DA's such as this one made before the commencement of that DCP are to be assessed against the previously applying DCP.

4. The proposed development subject to the conditions imposed (and particularly the additional landscape condition noted below) will have no unacceptable adverse impacts on the natural or built environments including the amenity of nearby premises or the operation of the local road system.
5. The proposed development is considered to be of a scale and form consistent with that of the sector of Narellan centre in which it is located.
6. In consideration of conclusions 1-5 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment:

An additional condition requiring the Applicant to submit to the principle certifying authority prior to the issue of a construction certificate for the new buildings a plan for additional landscaping to be incorporated into the front yards or street setbacks of numbers 47, 49 and 51 Somerset Avenue directed to the obscuration of headlight glare associated with the approved development, together with evidence to the satisfaction of the certifier that the plan has reasonably taken into account the results of prior discussion with Council and the owners of those lots. However, no additional landscaping shall be required for any of those properties where evidence is provided that the owners have rejected or failed to reasonably respond to such offers in the opinion of the principle certifier.

Revised Condition 2.0 (9) to read as follows:

- (9) **Section 7.11 Contributions – Monetary** - A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
<i>Camden Contributions Plan 2011</i>	<i>Open Space Land Acquisition</i>	\$6,712 per dwelling	\$597,381.00
<i>Camden Contributions Plan 2011</i>	<i>Community Land Land Acquisition</i>	\$43 per dwelling	\$3,816.00
<i>Camden Contributions Plan 2011</i>	<i>Recreation and Community Facilities, Volunteer Emergency</i>	\$6,611	\$588,340.00

	<i>Services Facilities and Plan Preparation and Administration Services</i>	per dwelling	
<i>Contributions Plan No. 3</i>	<i>Trunk Drainage and Water Quality Facilities</i>	\$12,887 per hectare	\$10,017.00
TOTAL CASH CONTRIBUTIONS			\$1,199,554.00

A copy of the Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- The oral and written submissions, including a petition, emphasised perceived adverse impacts for the new development principally in terms of congestion at the intersection of Somerset Avenue and Campden Valley Way, as well as safety concerns with the bend at the intersection of Francis Street and Somerset Avenue.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

An issue of light spill also raised is addressed in the above condition.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Julie Savet Ward	 Lara Symkowiak

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019WCI033 – Camden Council – DA/2019/324/1
2	PROPOSED DEVELOPMENT	Demolition of the dwelling house at 40 Somerset Avenue and construction of five residential flat buildings accommodating 100 apartments, with a mix of terrace style dwellings and apartments; flexible communal rooms for residents; single level basement car park for each building incorporating a total of 141 vehicle spaces; lockable bike storage area for 34 bicycles; landscaping works including external areas and landscaped roof-top terraces for residents; basement waste bin rooms; and a new internal access road.
3	STREET ADDRESS	38-58 Somerset Avenue NARELLAN
4	APPLICANT/OWNER	Applicant: Elyard Gardens Development Pty Ltd Owner: Elyard Property Holdings 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 ○ Camden Local Environmental Planning Policy 2010 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy No 55 – Remediation of Land ○ Sydney Regional Environmentla Plan No 20 – Hawkesbury-Nepean River; and • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Camden Development Control Plan 2011 • 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"> • Council assessment report: 19 November 2019 • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – Faye Lea, Terry Laverty ○ Council assessment officer – Clare Aslanis ○ On behalf of the applicant – Rhys Brotherton, Michael Rodger, Angelo Di Martino and Tom Longworth
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 27 May 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Lara Symokwiak ○ <u>Council assessment staff</u>: Clare Aslanis, Jessica Mesiti, Stephen Pratt, Jamie Erken and Hannan Draper • Site inspection: Monday, 27 May 2019 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Nicole Gurran and Lara Symokwiak ○ <u>Council assessment staff</u>: Clare Aslanis, Jessica Mesiti, Stephen Pratt, Jamie Erken and Hannan Draper • Final briefing to discuss council's recommendation, Monday, 2 December 2019 at 12:00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Julie Savet Ward and Lara Symkowiak ○ <u>Council assessment staff</u>: Clare Aslanis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report