

DATE OF DETERMINATION	Monday, 12 April 2021
PANEL MEMBERS	Louise Camenzuli (Acting Chair), Sue Francis and Grant Christmas
APOLOGIES	Justin Doyle and Nicole Gurran
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 March 2021.

MATTER DETERMINED

PPSSWC-123 – Camden – DA/2020/1012/1 at 47 Ingleburn Road, Leppington – Demolition of existing structures and construction of three (3) 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.

Application to vary a development standard

The applicant made a written request under cl 4.6 (3) of the Growth Centre SEPP.

As the Panel determined to refuse the application for the reasons set out below, it was not necessary to determine the merits of the clause 4.6 variation request.

The Panel notes that it was asked by the Applicant at the Panel Briefing on 9 April 2021 to express a position on the merits of the clause 4.6 variation request should the Panel determine to refuse the application. The Panel has considered that request and formed the view that it would be inappropriate to comment on the merits of such a request in the context of a development application it has not seen that responds to the reasons for refusal set out below. At best, the Panel can only advise the Applicant that such an application may be supportable, but the application, in addition to the design, transition and streetscape presentation matters, which were discussed at the 9 April briefing, would also need to deal with the distance of the site from transport infrastructure.

Development application

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

While the Panel considers a residential flat building to be a suitable use of the site and consistent with the objectives of the R3 zone, the Panel determined to refuse the application, generally for the reasons outlined in the council assessment report.

In particular, the Panel was concerned that insufficient information had been submitted in relation to a number of matters, including, but not limited to, traffic modelling information requested by TfNSW, stormwater management, demonstration of compliance with various Apartment Design Guideline matters (including solar access, ventilation and internal amenity) and the proposed upgrade of Ingleburn Road and Byron Road. In this regard, the Panel considers it is imperative that the Applicant, the Council and TfNSW

confer without any further delay on the appropriate planning and legal mechanism that will be required to achieve the upgrade and /or road widening to the southern side of Ingleburn Road.

While the Applicant indicated at the Panel Briefing on 9 April that it had not been afforded the opportunity to submit additional information to the Council in response to a number of the grounds of refusal, the Council advised the Panel that this position had been taken given the materiality of the changes to the proposed development that would need to be made to address the Council's concerns. The Panel accepted that the changes required to address the matters raised in the Council's Assessment Report would, in a number of respects, result in material changes to the ultimate built form of the proposed development.

The Panel considered whether the matters to which insufficient information related could be conditioned, but formed the view that this was not appropriate in all of the circumstances (such as demonstration of satisfactory acoustic impact, which may require enclosed wintergardens, fundamentally changing the built form of the apartments).




The Panel was informed that owner's consent from the southern adjoining neighbour for proposed road works over 76 Byron Road, Leppington was obtained prior to the Briefing on 9 April 2021 and this was not a reason for refusal.

As a general comment, the Panel notes that, for a development in a greenfields area, it is desirable that minimum open space requirements be met on the ground plane, with appropriate solar access to common space areas, and that green space on roof tops should be provided as additional open space and not to meet minimum requirements.

For the Applicant's consideration as part of any future development application, the Panel also noted that the western and eastern boundaries of the site do not appear to have deep soil planting and that the site plans could easily accommodate this given required setbacks.

CONSIDERATION OF COMMUNITY VIEWS

There were no submissions for or against the application following exhibition of the development application in January 2021.

PANEL MEMBERS	
 Louise Camenzuli (Acting Chair)	 Sue Francis
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-72 – Camden – DA/2020/1012/1
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of three (3) residential flat buildings comprising 115 apartments with basement car parking, landscaping, road construction, drainage works, servicing and associated site works.
3	STREET ADDRESS	47 Ingleburn Road, Leppington
4	APPLICANT/OWNER	Applicant: Ajay Parasher Owner: 47 Developments 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 (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. 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 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: 29 March 2021 The clause 4.6 variation request prepared by Tudor Planning and Design dated December 2020. Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Wednesday, 3 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Nicole Gurran (Acting Chair), Louise Camenzuli, Sue Francis and Grant Christmas <u>Council assessment staff</u>: Adam Sampson, Stephen Pratt, Ryan Pritchard and Jamie Erken

		<ul style="list-style-type: none"> Applicant Briefing: Friday, 9 April 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Louise Camenzuli (Acting Chair), Sue Francis and Grant Christmas <u>Applicant representatives</u>: Michael Gheorghiu, Shashwat Kumar, Godfrey Ndlovu, Michael Cortis-Jones, Ray Rosen, Ajay Parasher, Angela Parasher and Vasili Conomos <u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues Final briefing to discuss council's recommendation: Friday, 9 April 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Louise Camenzuli (Acting Chair), Sue Francis and Grant Christmas <u>Council assessment staff</u>: Adam Sampson, Ryan Pritchard
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A