

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	1 December 2022
DATE OF PANEL DECISION	1 December 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Michael File and Mary-Lynne Taylor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 November 2022.

MATTER DETERMINED

PPSSWC-209 – Camden Council – DA/2021/1737/1 – Lot 804 - 808 DP1189, 248 Holborn Circuit, Gledswood Hills – Construction and use of a mixed use commercial development, lot consolidation and associated site works.

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 listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, that has demonstrated:

- compliance with cl. 4.1E, Appendix 2 (Shop land area) 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 SEPP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.1E, Appendix 2 (Shop land area) of the SEPP and the objectives for development in the B5 Business Development zone; 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 the maximum shop area development standard; and approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS






The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Inconsistency with the maximum shop area development standards that apply to the site.
- Inconsistency with the objectives of the B5 Business Development zone.
- Inconsistency with the Turner Road DCP's vision for the Turner Road Employment Area's Business Development Lands and the Gregory Hills Neighbourhood Centre.
- Negative impacts upon the hierarchy of centres in the Camden local government area and the Western City District and the setting of an undesirable precedent.
- An over-supply of retail floor space within the area which is excessive for an important employment and urban services area that should be protected and retained.
- Overdevelopment of the site and consequential built form impacts including visual impacts, overshadowing and loss of solar access and daylight.
- The extensive basement car park limits the opportunity for deep soil planting and should be amended.
- Provision of insufficient off-street car parking spaces.
- Traffic impacts.
- Noise impacts and disturbance upon existing low density residential properties to the north across South Creek.
- Lack of information regarding staging and the assessment of construction impacts.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues studies have been carried out, appropriate conditions have been imposed, and appropriate design has been undertaken.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Louise Camenzuli	 Michael File
 Mary-Lynne Taylor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-209 – Camden Council – DA/2021/1737/1
2	PROPOSED DEVELOPMENT	Construction and use of a mixed use commercial development, lot consolidation and associated site works.
3	STREET ADDRESS	Lot 804 - 808 DP1189, 248 Holborn Circuit, Gledswood Hills
4	APPLICANT/OWNER	Gregory Hills Village Centre Pty Ltd, Gledivest Pty Ltd, Christine Properties Pty Ltd, Meleven 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 (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Western Parkland City) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Draft environmental planning instruments: Draft Environment State Environmental Planning Policy (Draft Environment SEPP), Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP) Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019, Turner Road Development Control Plan 2007 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 28 November 2022 4.6 Variation to shop area Written submissions during public exhibition: 3 Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Council Briefing: 21 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Michael File and Mary-Lynne Taylor <u>Council assessment staff</u>: Ryan Pritchard and Jaime Erken Council Briefing: 17 October 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Michael File <u>Council assessment staff</u>: Ryan Pritchard and Jaime Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report