

DATE OF DETERMINATION	1 November 2022
DATE OF PANEL DECISION	1 November 2022
DATE OF PANEL MEETING	17 October 2022
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurrán, Michael Mantei
APOLOGIES	Lara Symkowiak
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 September 2022.

MATTER DETERMINED

PPSSWC-238 – CAMDEN – DA/2022/371/1 at 28-36 LASSO ROAD GREGORY HILLS 2557

Construction of a part four, part five storey mixed use commercial building comprising a business premises, two ancillary retail 'shop' tenancies, one ancillary restaurant tenancy (incl. one kitchen space) with a Café / Lobby, basement parking, temporary event space, landscaping 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 cl 4.6 (3) of Appendix 2 of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP) that has demonstrated that:

- compliance with cl. 4.1E(1) of Appendix 2 of the Western Parkland City SEPP 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 Appendix 2 the Western Parkland City SEPP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.1E(1) of Appendix 2 of the Western Parkland City SEPP (development standard) of the SEPP and the objectives for development in the B5 Business Development Zone; and
- the concurrence of the Secretary has been assumed pursuant to Planning Circular PS 20-002.

The Panel noted that the proposed breach of the relevant development standard is significant, but that:

- the development standard has effectively been abandoned in this location as confirmed by Council during briefing meetings;
- the existing development already breached the development standard; and
- there were no material adverse impacts arising from the breach of the relevant development standard. In particular, the proposed retail floor space will not detract from the economic strength or function of nearby centres.

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 and approve the application for the reasons outlined in the Council Assessment Report.

The Panel noted the parking shortfall of 12 spaces, but agrees with the Council assessment that the deficit in spaces is acceptable for the reasons set out in the Council's Briefing Report.

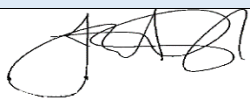



The Panel was also satisfied that the Applicant has adequately addressed the Design Review Panel's comments of 26 May 2022.

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 notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 Nicole Gurran	 Michael Mantei

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-238 – CAMDEN – DA/2022/371/1
2	PROPOSED DEVELOPMENT	Construction of a part four, part five storey mixed use commercial building comprising a business premises, two ancillary retail 'shop' tenancies, one ancillary restaurant tenancy (incl. one kitchen space) with a, a Café / Lobby, basement parking, temporary event space, landscaping and associated site works.
3	STREET ADDRESS	28-36 LASSO ROAD GREGORY HILLS 2557
4	APPLICANT/OWNER	Applicant: Michael Zomaya Owner: TREND GREGORY HILLS 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 (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Draft environmental planning instruments <ul style="list-style-type: none"> Draft Environment State Environmental Planning Policy Draft Remediation of Land State Environmental Planning Policy 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: October 2022 Clause 4.6 Variation to Floor Space Standard Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Monday, 09 May 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair) <u>Council assessment staff</u>: Jessica Mesiti Applicant Briefing: Monday, 11 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Lara Symkowiak and Michael File <u>Applicant representatives</u>: Michael Zomaya, Gemma Bassett, Chris Taylor, Rebekah Collins, Tom White

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Monday, 17 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Michael Mantei, Lara Symkowiak ○ <u>Council assessment staff</u>: Jessica Mesiti, Ryan Pritchard
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report