

DATE OF DETERMINATION	1 March 2023
DATE OF PANEL DECISION	23 February 2023
DATE OF PANEL MEETING	13 February 2023
PANEL MEMBERS	Louise Camenzuli (Acting Chair), David Kitto, John Brockhoff, Lara Symkowiak
APOLOGIES	Ashleigh Cagney
DECLARATIONS OF INTEREST	Justin Doyle declared a perceived conflict of interest having previously been engaged by the applicant to represent them.

Papers circulated electronically on 1 February 2023.

MATTER DETERMINED

PPSSWC-247 – Camden – 2022/507/1 at 36 Turner Road, Smeaton Grange – Construction of a mixed use development comprising sixty-three (63) light industry units, self-storage premises, a centre-based child care centre for eighty (80) children, take away food and drink premises, ancillary manager's office, car parking, signage, 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 and the matters observed at site inspections 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 the Camden Local Environmental Plan 2010 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3(2) (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3(2) (development standard) of the LEP and the objectives for development in the IN1 and IN2 zone; and
- c) the concurrence of the Secretary can be assumed to such variations assumed (see Planning Circular PS 20-002 issued 5 May 2020).
- d)

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 building height and approve the application for the reasons outlined in the council assessment report and for the reasons set out below.

The application seeks a variation to the maximum height of building development standard (11m), with the proposed development having a maximum height of 14.6m. The Panel is satisfied that the proposed variation arises as a result of the stepping of the building to accommodate the fall of the site. The height exceedance is concentrated in the centre of the site and will have no visible impact at street level due to the fall across the site. The FSR for the proposed development will also still be below that allowed under the LEP.

The Panel also noted that there was a 6% shortfall of car parking spaces (14 spaces) under the DCP. The parking shortfall is considered acceptable in light of the proposed food and drink premises, which has been designed to be utilised by workers/visitors to the site creating less car parking demand.



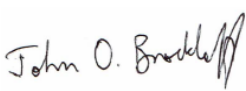

The Panel is otherwise satisfied that the matters raised at the Panel briefings on 29 August 2022 and 17 October 2022 regarding: the appropriateness of the proposed child care centre; the appropriateness of the design of the child care centre outdoor place space; provision of solar access to the child care centre; data gaps in the contamination report; exposure of the childcare centre to pollutants; compliance with the Education and Care Services National Regulations and the Child Care Planning Guidelines 2021; and the issue of the proposed height exceedance in conjunction with the proposed location of the child care centre, along with the issues raised by the referral authorities, have all been satisfactorily resolved through the provision of additional information and the proposed conditions of consent.

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	
 Louise Camenzuli (Acting Chair)	 David Kitto
 John Brockhoff	 Lara Symkowiak

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-247 – Camden – DA/2022/507/1
2	PROPOSED DEVELOPMENT	Construction of a mixed use development comprising sixty-three (63) light industry units, self-storage premises, a centre-based child care centre for eighty (80) children, takeaway food and drink premises, ancillary manager's office, car parking, signage, landscaping and associated site works.
3	STREET ADDRESS	36 Turner Road, Smeaton Grange
4	APPLICANT/OWNER	Applicant: George Antoniou Owner: Walkway Properties 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 (Transport and Infrastructure) 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. ○ Camden Local Environmental Plan 2010. ○ Draft environmental planning instruments: Nil ○ Development control plans: <ul style="list-style-type: none"> ○ Camden Development Control Plan 2019. ○ 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 ○ Education and Care Services National Regulations (2011 SI 653)
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 1 December 2022 • Clause 4.6 - Camden Local Environmental Plan 2010 & Clause 4.3 - Height of buildings. • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 14 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair) ○ <u>Council assessment staff</u>: Jamie Erken, Ryan Pritchard, Averil Flaxman • Council Briefing: 29 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Nicole Gurran, John Brockhoff, Lara Symkowiak, Ashleigh Cagney

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Averil Flaxman, Jamie Erken, Ryan Pritchard • Council & Applicant Briefing: 17 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Nicole Gurran, John Brockhoff, Lara Symkowiak ○ <u>Council assessment staff</u>: Averil Flaxman, Jamie Erken, Ryan Pritchard ○ <u>Applicant representatives</u>: George Antoniou & Tony Antoniou • Final briefing to discuss council's recommendation: 13 February 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Nicole Gurran, John Brockhoff, Lara Symkowiak ○ <u>Council assessment staff</u>: Averil Flaxman, Jamie Erken, Ryan Pritchard
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report