

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	26 October 2023
DATE OF PANEL DECISION	26 October 2023
DATE OF PANEL BRIEFING	16 October 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto
APOLOGIES	Ashleigh Cagney, Lara Symkowiak
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 October 2023.

MATTER DETERMINED

PPSSWC-325 – Camden – DA/2023/154/1 – 218 Byron Road, Leppington - Remediation of Contaminated Lands, Demolition of Existing Structures and Construction of a 296 place Centre Based Child Care Centre, Commercial Premises, basement car park, landscaping, stormwater drainage 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 briefings listed at item 8 in Schedule 1.

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

This new centre based child care facility will address what is reported to be a pressing demand for child care in the Leppington area and the areas in the South West experiencing rapid residential growth. The commercial/business premises will also add to the economic life of the area. As such it is in the public interest for the development to proceed subject to appropriate conditions of consent.

The Panel has reviewed the Council assessment report which it accepts as sufficiently comprehensive and adopts the reasons for approval outlined therein.

Specific matters considered include:

1. The Panel agrees that the construction of the new Centre will be consistent with the zone objectives of the B7 Business Park zone, which include the aim of enabling land uses that provide facilities or services to meet the day to day needs of workers in the area.
2. The Council staff report that the other matters for consideration raised by the SEPP are sufficiently well addressed.
3. Access arrangements have been found to be satisfactory noting that amended plans were required during the DA process, and basement car parking is provided for 117 vehicles.
4. The Centre has been found to sufficiently respond to the Child Care Planning Guidelines.
5. Conditions are imposed to take up the recommendations and responses from the referral authorities including Transport for NSW, noting the matters raised and considerations required by the Transport and Infrastructure SEPP.

6. A Detailed Site Investigation with Salinity Assessment and a Remedial Action Plan has been supplied and considered by Council's Specialist Support Environmental Health Officer. That officer has concluded that the site is suitable for the proposed development subject to remediation of identified asbestos impacted soils, and subsequent validation. That work is required by the conditions.

CONDITIONS

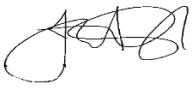


The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

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

- Discharge of stormwater into the existing railway concrete drainage channel via a retention basin and discharge control pits (an issue the Council found to have been sufficiently resolved in the civil engineering details supplied with the DA); and
- The proximity of the proposed vehicle access to the current bend in Byron Road and the proposed cross intersection in the planned road network for the proposed town centre (The Council was satisfied with the vehicular access engineering, noting amended plans were required, and a condition of consent is recommended requiring that on completion of the Byron Road upgrade the development be left in and left out as there will be a median strip limit right turns in and out of the site).

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
Justin Doyle (Chair) 	 Louise Camenzuli
 David Kitto	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-325 – Camden – DA/2023/154/1
2	PROPOSED DEVELOPMENT	Remediation of Contaminated Lands, Demolition of Existing Structures and Construction of a 296 place Centre Based Child Care Centre, Commercial Premises, basement car park, landscaping, stormwater drainage and associated site works.
3	STREET ADDRESS	218 Byron Road, Leppington
4	APPLICANT/OWNER	Applicant: Central Holdings Six Pty Ltd Owner: Leppington Projects 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 (Industry and Employment) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019 Camden Growth Centres Precinct Development Control Plan Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 9 October 2023. Written submissions during public exhibition: One (1) Total number of unique submissions received by way of objection: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 15 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Louise Camenzuli (Acting Chair), David Kitto, Ashleigh Cagney <u>Council assessment staff</u>: Mitchell Anderson, Stephen Pratt <u>Applicant representatives</u>: Michael Gheorghiu Final briefing to discuss council's recommendation: 16 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chari), Louise Camenzuli, David Kitto

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Mitchell Anderson, Stephen Pratt, Ryan Pritchard, Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report