

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	7 December 2023
<b>DATE OF PANEL DECISION</b>	7 December 2023
<b>DATE OF PANEL BRIEFING</b>	4 December 2023
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, David Kitto
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Lara Symkowiak and Ashleigh Cagney both have a conflict of interest as they voted on the matter.

Papers circulated electronically on 27 November 2023.

#### MATTER DETERMINED

PPSSWC-363 – Camden – DA/2023/455/1 – 50 Heath Road, Leppington - Construction of a two (2) storey teaching facility, increased student and staffing numbers, civil and stormwater works, 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 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 the State Environmental Planning Policy (Precincts-Western Parkland City) 2021 (SEPP) that has demonstrated that:

- compliance with cl. 4.3 Height of buildings 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. 4.3 Height of buildings of the SEPP and the objectives for development in the R2 Low Density Residential 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 building height; and approve the application for the reasons outlined in the council assessment report, replicated as follows:

1. *The Panel has considered the written request to contravene State Environmental Planning Policy (Precincts - Western Parkland City) 2021 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 and the objectives for development within the R2 Low Density Residential.*
2. *The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.*
3. *The development is consistent with the objectives of the Camden Growth Centres Development Control Plan 2023 and Camden Development Control Plan 2019.*
4. *The proposed development is not inconsistent with the concept approval / master plan approved for the site.*
5. *The development is of an appropriate scale and form for the site and the character of the locality.*
6. *Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.*
7. *For the above reasons, the development is a suitable use of the site and its approval is in the public interest.*



The Panel also further considered the traffic management matters raised at the initial briefing. While the Panel was satisfied that the traffic and additional parking requirements for this stage of the development can be adequately managed, the Panel is concerned to ensure that the Applicant is on notice that the likely significant increase in traffic arising from the sizeable uplift in student numbers (200 to 690) will need to be carefully managed to avoid complaints. In this regard, the Panel notes the intention to increase the pick-up window by 10 minutes to now be between 2.50 and 3.10pm. The Panel will want to hear further in due course on the effectiveness of these arrangements in considering any DA for the next stage of the development, which it understands proposes to increase numbers by circa 200 more students, with the requisite increase in teaching staff.

#### **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.

<b>PANEL MEMBERS</b>	
Justin Doyle (Chair) 	Louise Camenzuli 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-363 – Camden – DA/2023/455/1
2	PROPOSED DEVELOPMENT	Construction of a two (2) storey teaching facility, increased student and staffing numbers, civil and stormwater works, landscaping and associated site works.
3	STREET ADDRESS	50 Heath Road, Leppington
4	APPLICANT/OWNER	Applicant: PM Projects Owner: Anglican Schools Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021.</li> <li>State Environmental Planning Policy (Precincts - Western Parkland City) 2021.</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021.</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>State Environmental Planning Policy (Industry and Employment) 2021.</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Camden Growth Centres Development Control Plan 2023.</li> <li>Camden Development Control Plan 2019.</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 30 November 2023</li> <li>Clause 4.6 variation to the 9m height limit (0.043m exceedance).</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Preliminary Briefing: 23 October 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Louise Camenzuli (Acting Chair), David Kitto</li> <li><u>Council assessment staff</u>: Jamie Erken, Jessica Mesiti</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant representatives</u>: Penny Smith, Nick Mentis, Michael Newton, Amy Cropley, Louise Popowitz, Dave Bryant</li> <li>• Final briefing to discuss council's recommendation: 4 December 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Lara Symkowiak, Ashleigh Cagney</li> <li>○ <u>Council assessment staff</u>: Stephen Pratt, Ryan Pritchard, Jamie Erken</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report