

SYDNEY WESTERN CITY PLANNING PANEL

Panel Number:	PPSSWC-391.
Application Number:	2024/5/1.
Local Government Area:	Camden Council.
Development:	Construction of a mixed use entertainment precinct development.
Capital Investment Value:	\$147,195,000.
Site Address(es):	1 and 7-9 Providence Drive and 2 and 4 Huntington Street, Gledswood Hills.
Applicant:	Mrs Katrina Burley, FPD Planning Pty Ltd.
Owner(s):	Gledswood No. 2 Pty Ltd.
Date of Lodgement:	22 January 2024.
Number of Submissions:	107.
Classification:	Regionally significant development.
Recommendation:	Deferred commencement.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development with an estimated development cost >\$30 million.
List of All Relevant Section 4.15(1)(a) Matters:	<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 (Housing) 2021. • State Environmental Planning Policy (Sustainable Buildings) 2022. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Biodiversity and Conservation) 2021. • Turner Road Development Control Plan 2007. • Camden Development Control Plan 2019. • Apartment Design Guide (ADG). • NSW Child Care Planning Guideline (CCPG).

List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • SEPP assessment tables. • Clause 4.6 written request. • DCP assessment tables. • ADG assessment table. • CCPG assessment table. • Proposed plans. • Recommended conditions.
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • Clause 4.6 Written Request for Clause 4.3 – Maximum Height of Buildings development standard.
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • Increased traffic and danger to pedestrians and school children. • Insufficient parking. • Scale of uplift, as compared to the former approval. • Bulk, height and visual impacts. • Acoustic, privacy and amenity impacts. • Increased crime and rubbish. • Devalue of property prices.
Report Prepared By:	Annabelle Jones, Executive Planner.
Report Date:	November 2024.

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Clauses Requiring Consent Authority Satisfaction

	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for a mixed-use entertainment precinct development at 1 and 7-9 Providence Drive and 2 and 4 Huntington Street, Gledswood Hills.

The Panel is the consent authority for this DA as the estimated development cost (EDC) of the development is \$147,195,000. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2024/5/1 for a mixed-use entertainment precinct development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* by granting deferred commencement consent subject to the terms and conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a mixed-use entertainment precinct development at 1 and 7-9 Providence Drive and 2 and 4 Huntington Street, Gledswood Hills.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report and attachments.

State Environmental Planning Policy (Planning Systems) 2021.	The Panel is the consent authority for this DA as the development has an EDC of \$147,195,000 which exceeds the EDC threshold of \$30 million for Council to determine the DA.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021.	The development is permitted with consent in the applicable R1 General Residential zone (subject to partial reliance on Clause 5.3) and the B4 Mixed Use zone, is consistent with each zones' objectives, and is acceptable in terms of the SEPP's other matters for consideration.

State Environmental Planning Policy (Housing) 2021.	The development is largely consistent with the SEPP's nine Design Quality Principles and the ADG, except for some minor building separation shortfalls, which are supported on merit.
State Environmental Planning Policy (Sustainable Buildings) 2022.	<p>The applicant has submitted a valid BASIX Certificate in support of the DA that demonstrates that water, thermal comfort and energy requirements have been achieved.</p> <p>The embodied emissions attributable to the development have been quantified and NABERS compliance has been demonstrated for the non-residential components.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021.	<p>The DA was referred to Transport for NSW (TfNSW) and Endeavour Energy pursuant to the SEPP and the comments received have been considered.</p> <p>The development is consistent with the matters for consideration prescribed by the CCPG and satisfies the child care development controls prescribed in Clauses 3.22 to 3.27 of the SEPP.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021.	Development consent has previously been issued for remediation works across the site. An existing RAP remains applicable for any further unexpected finds. Subject to compliance with the RAP, the site will be suitable for future residential, child care and commercial use.
State Environmental Planning Policy (Biodiversity and Conservation) 2021.	The development is satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.
Turner Road Development Control Plan 2007.	The development is consistent with all relevant controls.
Camden Development Control Plan 2019.	The development is largely consistent with all relevant controls, except for a parking shortfall which is supported on merit.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 6 February to 4 March 2024 and 107 submissions were received. While some submissions supported elements of the proposal (such as new shops and child care facilities), all of the submissions objected to the development. The concerns raised in the submissions related to:

- Increased traffic and danger to pedestrians and school children.
- Insufficient parking.
- Scale of uplift, as compared to the former approval.
- Bulk, height and visual impacts.
- Acoustic, privacy and amenity impacts.
- Increased crime and rubbish.
- Devalue of property prices.

A copy of the submissions is **attached**. A detailed assessment of the issues raised in the submissions is included later in this report.

The application was referred to Council's Design Review Panel (DRP) in both the pre-DA phase and following DA lodgement. The key design concerns raised by the DRP consisted of:

- Non-compliant separation between buildings.
- Bulk, scale and massing, particularly at street edges.
- Relationship to low density housing in Huntington Street.
- Availability of deep soil zones for the establishment of large canopy trees.
- Solar access to ground floor communal open space.
- Unclear delineation of public versus private open spaces.
- Conflicting land uses at ground level.
- Pedestrian access through the site (east to west).
- Design of the loading dock and its relationship with future development on Lot 1.
- Confusing basement entries and layouts.

The applicant has further developed the proposal with several revisions to the plans following the public notification period and briefings with the DRP.

The key design revisions include:

- Compliant separation, except for five partial and minor balcony/PPOS non-compliances, mitigated by differing unit outlooks, privacy screens, landscape planters and compliance when measured from building wall to wall.
- Removal of one storey from Building A, and half a storey from Building J (upper level stepped in) resulting in an additional communal rooftop garden and height reductions that are more sympathetic to the two storey dwellings in Huntington Street.
- Change in mansard roof colour from dark Monument to softer Bluegum (grey).
- Deletion of basement portions to achieve compliant 7% deep soil zones.
- Reduction in height for Building A and re-design of useable landscaped areas at ground level to achieve compliant solar access to communal open space.
- Addition of street level entry stairs at both ends to enable pedestrian permeability. Re-design of building lobbies to provide direct entry at all street frontages and more obvious wayfinding.
- Rearrangement of access laneway and loading dock to improve safety and reduce acoustic impacts.

- Clear separation of residential versus commercial basement entries, and re-arrangement of parking spaces to suit logical points of entry to building.

Given that the changes made result in improved compliance to the planning controls and reduced impacts on surrounding properties, the DA did not require renotification pursuant to the Camden Community Participation Plan 2021.

The development proposes contraventions to the 16m and 18m building height standards with exceedances ranging from 99mm (0.6%) to 2.455m (13.6%). The contraventions are to accommodate roof plant and lift overruns and respond to the north-sloping topography of the site, and do not result in any useable floor area above the intended building envelope.

The Clause 4.6 written request successfully demonstrates that the non-compliances will not result in unreasonable amenity impacts to adjoining properties or the public domain, and that compliance with the controls in this instance is unreasonable and unnecessary. A copy of the Clause 4.6 written request is **attached**.

Council staff have considered the likely traffic, acoustic and economic impacts which are expected to be caused by the proposal. A detailed assessment of each these issues is contained in the DCP, likely impacts and submissions sections of this report. In summary, Council's assessment is that the proposal is not likely to have unreasonable adverse impacts on the existing traffic, acoustic or economic conditions of the area.

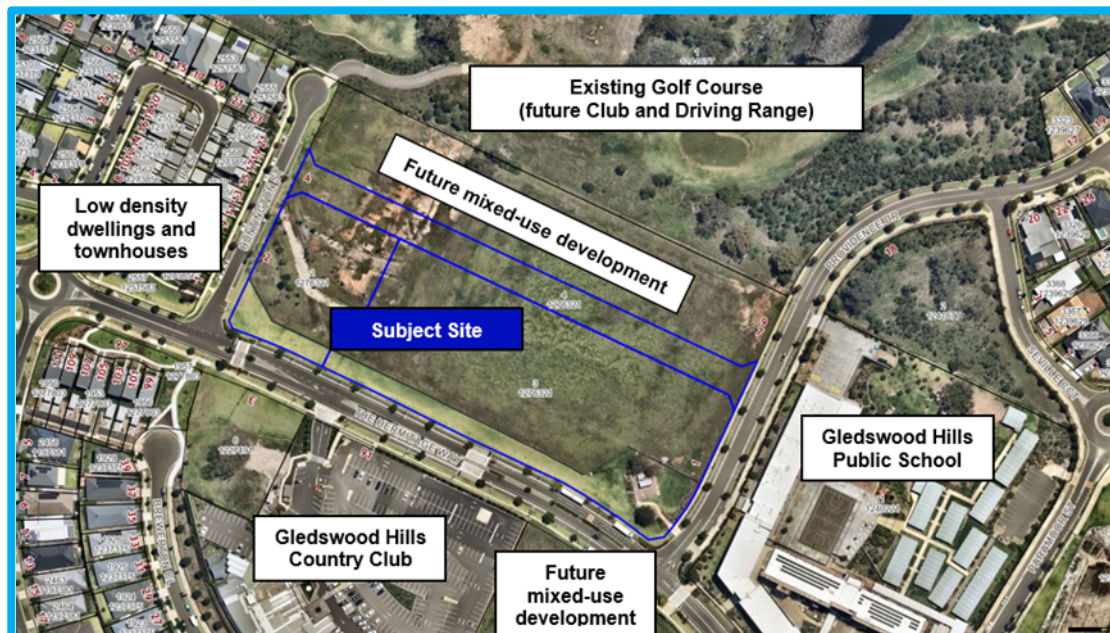
Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

SUMMARY OF PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
<u>Maximum height of buildings</u> Area O = 16m Area P = 18m	Area O = 16.99m Area P = 20.46m	0.99m (0.6%) 2.46m (13.6%)
<u>Building separation</u> Building A to J – 12m Building B to I – 12m Building B to I – 18m Building C to H – 18m Building D to G – 18m	8.5m to 13.3m 11.5m to 12.25m 14.7m 15.1m 15.4m	3.5m 0.5m 3.3m 2.9m 2.6m
<u>Ground floor PPOS (courtyard terraces)</u> Unit A-LG.03 – 15m ² and 3m depth Unit A-LG.05 – 15m ² and 3m depth Unit D-GF.02 – 15m ² and 3m depth	10.5m ² and 2.57m depth 13.9m ² and 2.47m depth 14.1m ² and 2.5m depth	4.5m ² 0.43m 1.1m ² 0.53m 0.90m

		0.5m
<u>Deep soil zone minimum width</u> All pockets of DSZ (7% of site area) to be >6m wide	68m ² pocket <6m	68m ² / 1,617m ²
<u>Shop floor space</u> Maximum 3,500m ² (combined) Maximum 500m ² (individual)	5,669.4m ² 3,051.4m ²	2,169.4m ² 2,551.4m ²
<u>Residential visitor parking</u> 24 spaces required	0 spaces	24 spaces
<u>Non-residential parking (combined)</u> 704 spaces required	518 spaces	186 spaces
<u>Service vehicle parking</u> 14 spaces required	12 spaces	2 spaces

AERIAL PHOTO



THE SITE

The overall site is legally described as Lots 1 to 4 in DP 1276321, commonly known as 1 and 7-9 Providence Drive and 2 and 4 Huntington Street in Gledswood Hills. Permanent built form and an access laneway are only proposed on Lots 2 to 4. Lot 1 is to be used for construction access, temporary parking, storage and a temporary sediment basin.

The development site (Lots 2 to 4) has a width of 250m, a depth of 90m and a combined area of 23,070m² (2.3ha). There is approximately 3m to 10m of fall from the southern frontage to the far north-western corner.

The site has already undergone clearing, bulk excavation and remediation of a former demolished hotel area under previous DAs, including DA/2016/1180/2 and

DA/2019/215/1. An existing Remediation Action Plan (RAP) still applies to the site for unexpected finds of further contamination. The land is currently vacant with no permanent buildings, although there is a temporary take-away coffee kiosk occupying the south-eastern corner, which is to be removed as part of the proposal.

The site is within the Turner Road precinct of the South West Growth Area which was rezoned in 2007. The surrounding land uses consist of a golf course to the north, low-density dwellings to the west and north-east, Gledswood Hills Country Club to the south-west, vacant commercial land to the south and Gledswood Hills Primary School to the east, which currently has approximately 1,020 enrolments.

300m to the west, is the intersection of The Hermitage Way with Camden Valley Way (a four-lane sub-arterial classified road). Narellan Town Centre is 4.5km to the south, the Turner Road employment area is 1.5km to the south, the Gregory Hills neighbourhood centre is 2km to the south-east, and the Emerald Hills neighbourhood centre is 2.5km to the north-east.

SITE PHOTOGRAPHS

Huntington Street and existing dwellings:



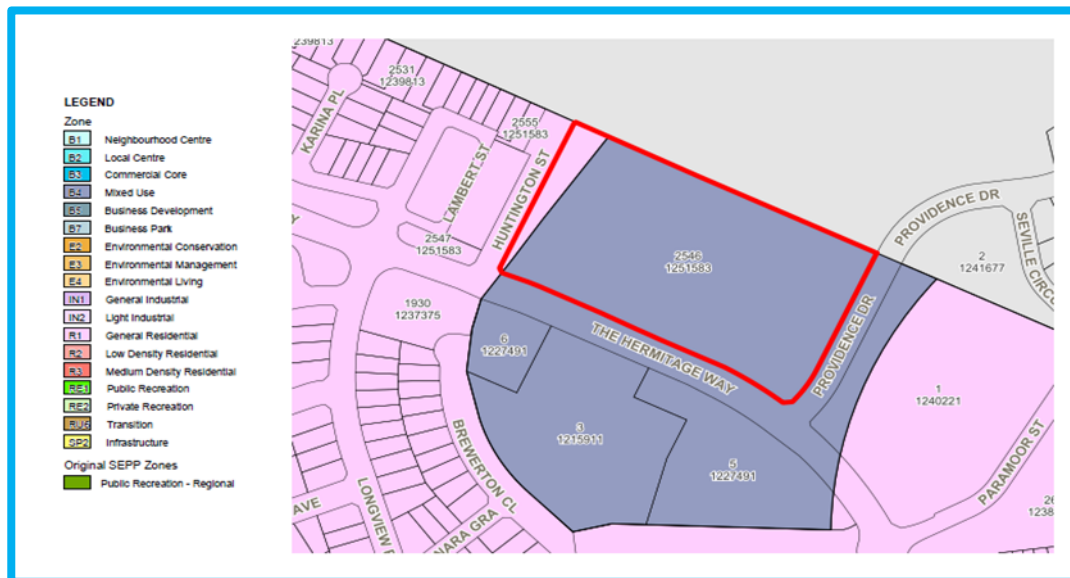
The Hermitage Way, country club and coffee kiosk:



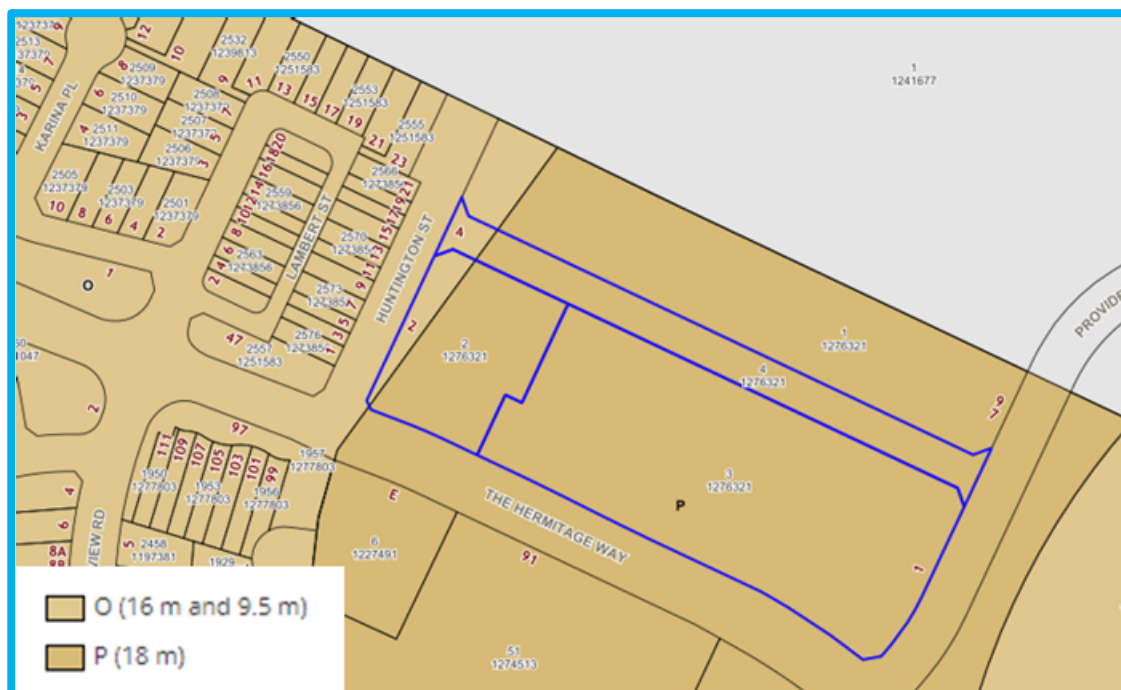
Providence Drive and public school:



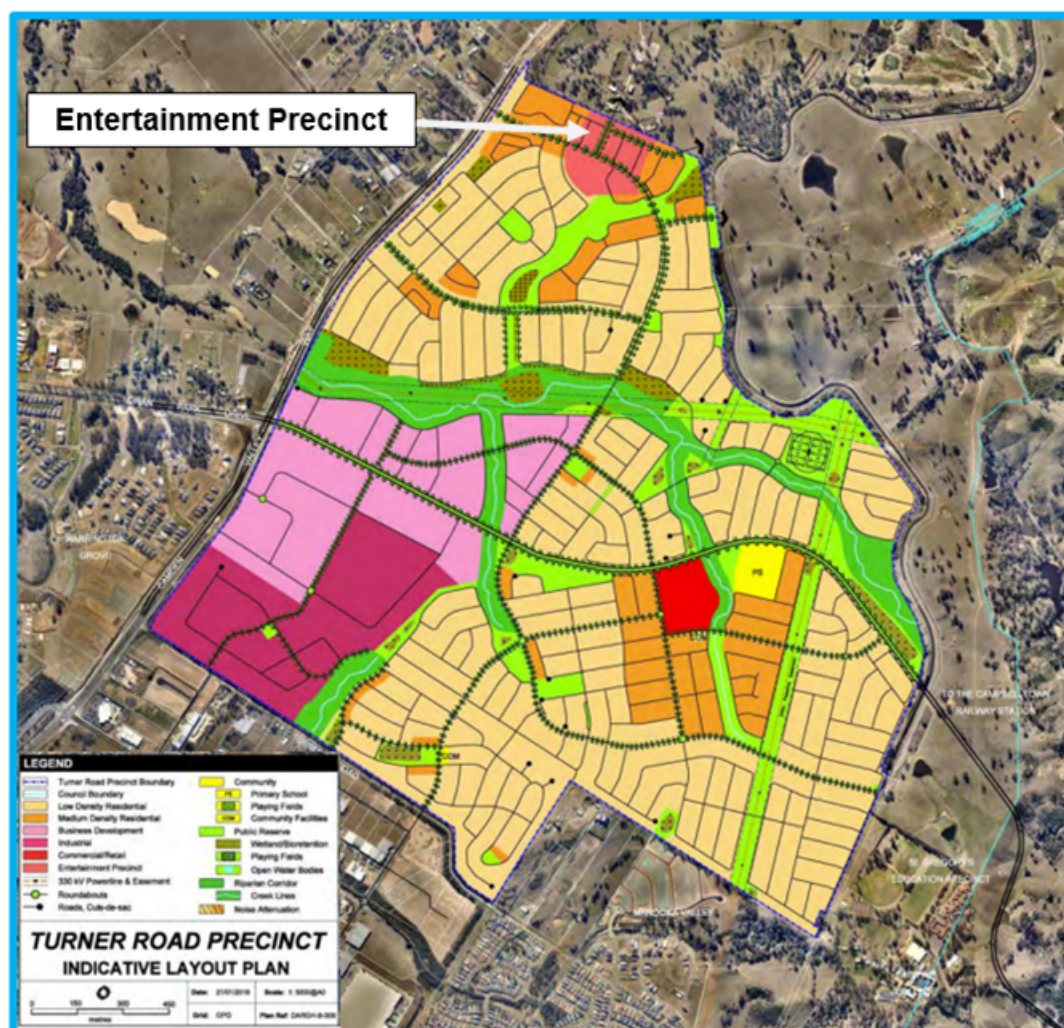
ZONING PLAN



HEIGHT OF BUILDINGS CONTROLS



AREA MASTER PLAN



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
28 January 2014	DA/2013/854/1 granted consent for the remediation of land.
19 January 2016	DA/2015/1230/1 granted consent for subdivision to create the entertainment precinct superlot and surrounding roads.
16 June 2016	DA/2016/407/1 granted consent for the demolition of motel buildings, tennis court and swimming pool.
20 December 2016	DA/2016/1180/1 granted consent for bulk earthworks and associated site works.
12 March 2020	DA/2019/215/1 granted consent for remediation of unexpected finds and bulk earthworks.
18 November 2020	DA/2020/587/1 granted consent for a temporary shipping container café with landscaping and site works.
20 April 2021	DA/2020/202/1 granted consent for subdivision and construction of a mixed use development comprising 12 buildings, 63 shop top housing apartments, grocer, 80 place

	child care centre, aquatic centre, cinema, medical building, retail and commercial suites, food and beverage outlets, roads, signage, landscaping and associated site works.
28 October 2021	Four lot subdivision approved under DA/2020/202/1 was registered.

THE PROPOSAL

DA/2024/5/1 seeks approval for the construction and use of a mixed-use development for the Turner Road Entertainment Precinct.

Specifically, the development involves:

- Removal of three trees and demolition of existing coffee kiosk, road pavement, kerb/lintels, drains, one existing pedestrian crossing, parking bays and footpaths.
- Construction of a mixed-use entertainment precinct across nine buildings ranging in height from 4 to 5 storeys.
- The following uses are proposed:

Basement 2 (lower) – cinema, services, plant, pump out tanks, parking spaces, residential waste storage and private storage.

Basement 1 (upper) – cinema, services, plant, rainwater tanks, parking spaces and child care centre entry foyer with dedicated child care parking.

Lower ground floor – cinema, supermarket, specialty retail, commercial and food and drink premises, gymnasium, child care centre and five residential apartments facing Huntington Street.

Ground Floor – central ‘eat street’ with restaurants, bars, retail premises, child care centre, landscaped open spaces with a water feature and playground, pedestrian walkways, access to the below retail uses and residential apartments.

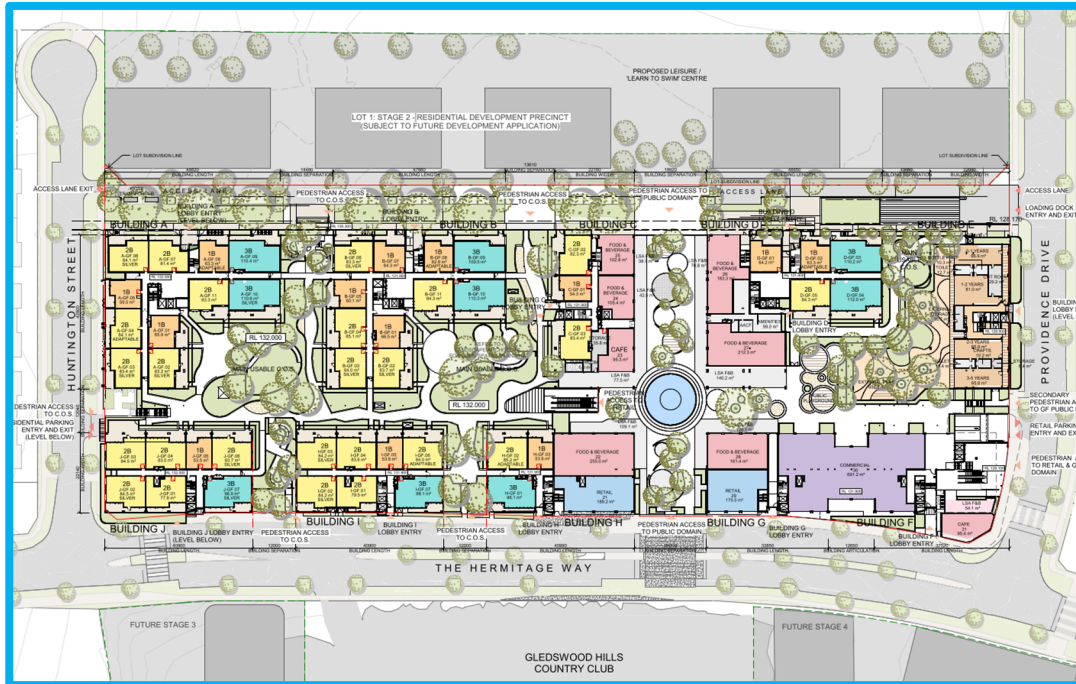
Levels 1 and 2 – residential apartments.

Level 3 – residential apartments and a communal rooftop garden on Building A.

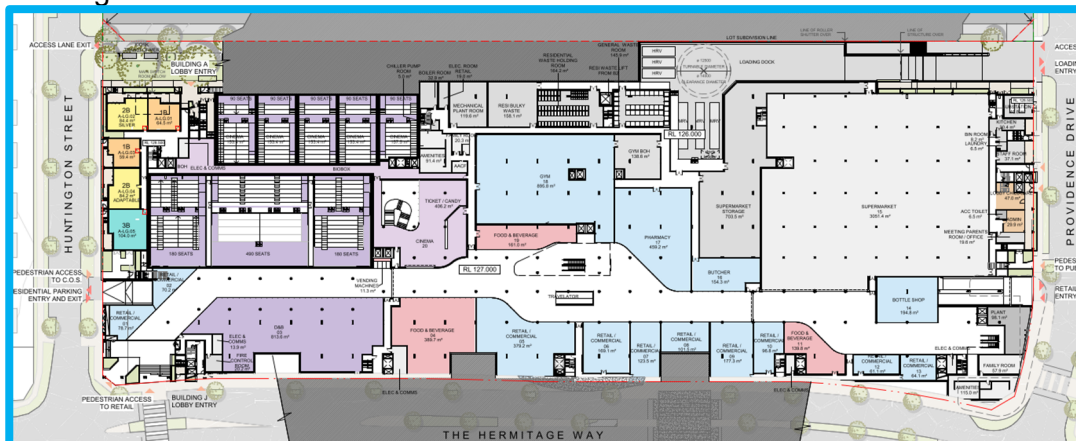
Level 4 – residential apartments and communal rooftop gardens on Buildings D and F.

- Construction of a new private access laneway (for public use), loading dock and public domain works.
- 917 car parking spaces, 7 motorbike and 127 bicycle spaces.
- Services, landscaping and associated site works.
- Varying hours of operation, as outlined in the recommended consent conditions.

Ground floor:



Lower ground floor:



North-western view from Huntington Street of access laneway and Building A:



Corner of Huntington Street and The Hermitage Way. Existing speed hump to be converted to a new pedestrian crossing:



Central north-south axis (eat street) viewed from The Hermitage Way:



Corner of Providence Drive and The Hermitage Way:



North-eastern view from Providence Drive of Building E including child care centre, loading dock and access laneway:



Central 'heart' water fountain in 'Eat Street':



Elevator access down to lower ground shops from East Street, looking west with glazed atrium above:



PANEL BRIEFING

Council staff briefed the Panel on the DA on 15 April 2024. The main issues raised by the Panel related to the DRP's advice on site layout, building design and traffic. These issues have been assessed in detail throughout this report, and in the supporting assessment tables **attached**.

ASSESSMENT

Environmental Planning and Assessment Act, 1979 – Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Planning Systems) 2021

This SEPP identifies that the proposed development is regionally significant.

The Panel is the consent authority for this DA as the estimated development cost (EDC) of the development is \$147,195,000. The threshold for Council to determine the DA is \$30 million, pursuant to Schedule 6 of the SEPP.

State Environmental Planning Policy (Precincts - Western Parkland City) 2021

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.

Site Zoning

The site is zoned B4 Mixed Use and R1 General Residential pursuant to Appendix 2, Section 2.2 of the SEPP.

Land Use Definitions

The development is defined as a 'mixed use development' comprising 'shops', 'commercial premises', 'entertainment facility', 'recreation facility (indoor)', 'centre-based child care facility', 'food and drink premises', 'shop top housing', 'residential flat building' (lower ground units near Huntington Street not directly above shops) and a 'road'.

Permissibility

The development is permitted with consent in the zones in which it is proposed pursuant to the land use table and Clause 5.3 – 'Development near zone boundaries' in Appendix 2 of the SEPP. The reliance upon Clause 5.3 for the permissibility of any minor commercial encroachments into the R1 portion of the site is acceptable, due to the existing subdivision layout.

Planning Controls

An assessment table in which the development is considered against the SEPP's planning controls **attached**.

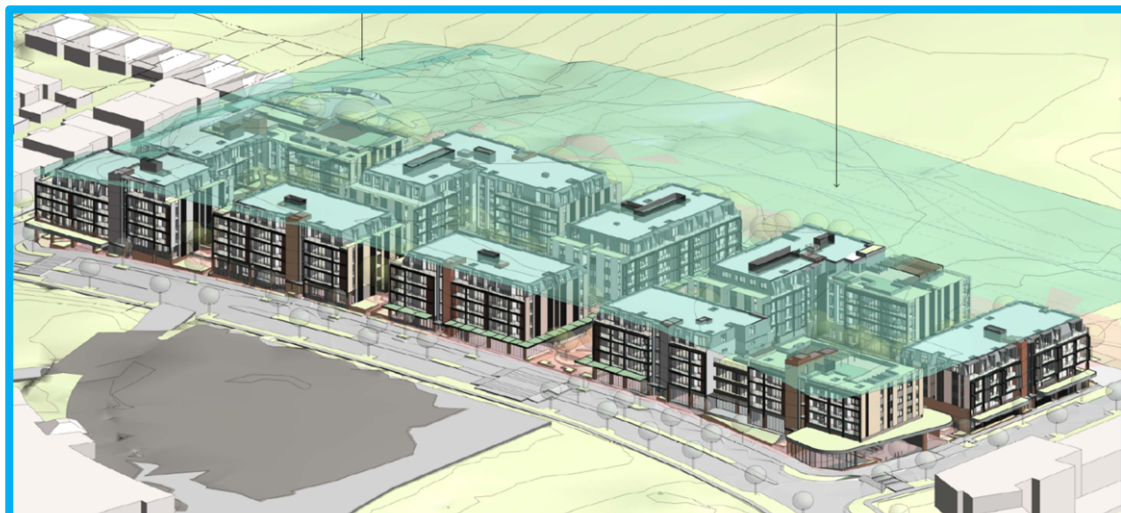
Proposed Contravention

The applicant proposes contraventions to two separate height of buildings (HOB) development standards that apply to the site. The development standards limit buildings to a maximum height of 16m above finished ground level in the western triangular portion (R1 zoned area); and 18m for the remaining eastern portion of the site (B4 zoned area).

The development will have a maximum height of 16.99m above finished ground level in the 16m HOB area; and a maximum height of 20.455m in the 18m HOB area.

There are 10 individual non-compliances between these two contraventions, with contraventions proposed for all buildings except for Building A, which is fully compliant. The extent of contraventions is summarised in the table below, and also indicated on the height plane diagram that follows.

Building	Maximum height proposed (m)	Maximum extent of variation (m)	Maximum extent of variation (%)
Building A (16m HOB)	15.599m	Complies – no variation proposed	N/A
Building A (18m HOB)	16.565m	Complies – no variation proposed	N/A
Building B (18m HOB)	18.586m	0.586m (Plant)	3.3%
Building C (18m HOB)	19.271m	1.271m (Plant)	7.06%
Building D (18m HOB)	20.239m	2.239m (Plant)	12.4%
Building E (18m HOB)	18.686m	0.686m (Plant)	3.8%
Building F (18m HOB)	19.303m	1.303m (Lift overrun)	7.2%
Building G (18m HOB)	19.624m	1.624m (Plant)	9.02%
Building H (18m HOB)	18.536m	0.536m (Plant)	2.9%
Building I (18m HOB)	19.418m	1.418m (Plant)	7.9%
Building J (18m HOB)	20.455m	2.455m (Plant)	13.6%
Building J (16m HOB)	16.099m	0.099m	0.6%



Contravention Assessment

Pursuant to Appendix 2, Section 4.6(2) of the Western Parkland City SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standards. In summary, the applicant's written request provides the following justification for the contravention:

- the development is consistent with the objectives of the development standard in that it will not impact upon the amenity or solar access of the surrounding properties and will achieve an appropriate height transition in the context of the surrounding environment.
- the development is consistent with the objectives of the R1 General Residential and B4 Mixed Use zones in that it will provide a mix of residential, recreational, entertainment, commercial and employment generating development, in line with

the strategic intent for the Gledswood Hills Entertainment Precinct; and will not impact upon the viability of existing centres.

- the minor and partial extent of the contraventions (up to 13.6%) for the required plant and lift overruns, and to respond to the sloping topography of the site, will render the additional height virtually indistinguishable.
- the proposed non-compliances do not result in any useable floor space above the 16m or 18m height controls.

A copy of the applicant's written request is provided as an **attachment** to this report.

Pursuant to Appendix 2, Section 4.6(3) of the SEPP, Council staff are satisfied the applicant's written request has adequately demonstrated that:

- compliance with the development standards is unreasonable or unnecessary, and
- there are sufficient planning grounds to justify the contravention of the development standards.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:
 - (a) *To preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale.*

The proposal does not result in any significant amenity impacts to surrounding development and maintains solar access to surrounding dwellings and public domain areas.

- (b) *To provide for a range of residential building heights in appropriate locations that provide a high quality urban form.*

The proposal provides a transition to surrounding buildings at both ends and is considered appropriate for the existing and emerging character of Gledswood Hills.

- (c) *To facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas.*

The proposal will deliver a high-density mixed-use precinct to provide improved retail, commercial, recreation and entertainment uses for the Gledswood community, while minimising impacts to surrounding properties through appropriate building siting and heights.

- (d) *To provide appropriate height controls for commercial and industrial development.*

The proposal provides an appropriate height transition with reduced building heights at both ends of the development and stepping in the upper levels to reduce bulk and scale.

- the development is consistent with the objectives for development within the zones in which the development is proposed to be carried out:

R1 General Residential

1. *To provide for the housing needs of the community.*

The proposal will provide 331 new dwellings and increase housing supply in the area.

2. *To provide a variety of housing types and densities.*

The proposal will enhance housing choice/diversity and improve affordable housing options.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal provides a range of services and amenities to support the existing and future community, including a supermarket, child care centre, retail premises and local businesses.

4. *To support the well being of the community, including the educational, recreational, community religious and other activities and, where appropriate neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.*

The proposal will provide a range of facilities within walking distance including high quality public domain areas, a playground, a child care centre and spaces to foster social interactions.

5. *To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.*

This objective is not relevant to the subject proposal.

6. *To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.*

This objective is not relevant to the subject proposal.

7. *The provide for a variety of recreational uses within open spaces.*

This objective is not relevant to the subject proposal.

B4 Mixed Use

1. *To provide a mixture of compatible uses.*

The proposal includes a mix of residential, recreational, entertainment and commercial uses consistent with the vision for the Gledswood Hills Entertainment Precinct.

2. *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

The proposal includes a variety of integrated uses which are accessible on foot, bicycle or via local bus services, and will generate public domain upgrades that encourage increased walking and cycling through the precinct.

3. *To encourage development that supports or complements the primary office and retail functions of the Neighbourhood Centre Zone and the Local Centre Zone.*

The proposal includes a mix of uses that will provide Gledswood Hills with its own 'centre' to meet the needs of the community.

4. *To encourage development providing services to the surrounding community.*

The proposal will deliver a new mixed-use precinct providing new jobs, services, housing and entertainment uses to support the surrounding area.

5. *To permit development that adds to the vitality and diversity of commercial and retail centres while not prejudicing their principal function.*

The proposal will provide a mixed-use precinct that will meet the demand for retail, commercial and entertainment services and provide a significant number of job opportunities for the local community.

In summary, the application has demonstrated that the proposed contraventions to the maximum height of buildings controls are justified in that:

- The proposal delivers a mixed-use entertainment precinct that was envisioned for the area, increased housing and employment opportunities.
- The height contraventions are partial and minor, limited to rooftop equipment that do not cause additional overshadowing impacts, or facilitate additional storeys of livable floor area.
- The architectural design of the development has been refined to reduce height and achieve full compliance for most parts of the buildings, follow the natural ground level and step in the upper levels to ensure a positive relationship to the surrounding residential and school developments in the vicinity.

Consequently, it is recommended that the Panel support the proposed height contraventions to the Western Parkland City SEPP.

State Environmental Planning Policy (Housing) 2021

This SEPP aims to improve the design quality of residential apartment development and provides an assessment framework known as the Apartment Design Guide (ADG) for assessing good design.

The SEPP requires consideration of any DA for residential accommodation achieving compliance with the SEPP's nine design quality principles, including the advice obtained from a DRP and compliance with the ADG. A copy of the ADG assessment

for the proposed development is **attached**, with assessment of the application demonstrating that the development is largely compliant. The development's assessment against the SEPP's nine design quality principles is as follows:

Principle 1: Context and Neighbourhood Character

The site forms part of the Turner Road Entertainment Precinct which is identified in the DCP and Camden Employment Lands Strategy (CELS) as a neighbourhood centre. The proposal will provide a variety of entertainment, recreational and residential premises with supporting retail, commercial and child care facilities that are conducive to the desired neighbourhood character.

The development has been revised to positively address the context and character of each street interface. Compatible residential functions are provided on ground level at the western end, and the child care centre has been located to the east, in proximity to the existing primary school. The central heart of the ground floor plane (including main pedestrian entry from The Hermitage Way) and lower ground levels contain most of the food and beverage and entertainment uses, with pedestrian connections provided in all directions into and throughout the site.

Vehicular access has been designed to avoid heavy vehicles entering and exiting directly from/onto The Hermitage Way, which is one of the main thoroughfares through Gledswood Hills. Residential basement entry to the west has been separated from the commercial customer and service dock entries to the east.

Principle 2: Built Form and Scale

The proposed buildings adapt their height to the surrounding context, create minimal overshadowing on adjacent properties and take advantage of northern solar access. Many apartments are likely to benefit from district views of the golf course to the north and the Blue Mountains to the west.

The upper levels have been reduced or stepped in to provide a more sympathetic response to natural ground levels, as experienced along The Hermitage Way and the two side streets. The buildings are stratified horizontally into three 'sections' including taller floor to ceiling heights at ground level to support adaptability, rhythmic residential layers and balconies in the mid-section, and upper penthouse levels with larger balconies, mansard roofs and communal rooftop gardens to reduce bulk.

Principle 3: Density

There are no maximum density or floor space ratio controls applicable to the site, therefore the density achievable is determined by the building envelope created by the height and setback standards / controls contained in the SEPP and DCP. Only minor and partial non-compliances are proposed to maximum height and building separation controls.

The scale and density of the development is not inconsistent with the aims or planning controls for the entertainment precinct. The residential density proposed will support the viability of the entertainment functions, which are vital for the precinct.

Principle 4: Sustainability

The proposal achieves compliant solar access, natural ventilation and deep soil zones consistent with the ADG, and compliance with BASIX and NABERS

requirements for sustainable buildings. The entire precinct is walkable, with each open space area connected via wide pedestrian corridors, excluding the open space provided near the external child care centre play area. Bicycle racks exceeding the minimum requirements are also proposed in the basement levels to promote alternative and sustainable transport options.

Principle 5: Landscape

The communal and public open space areas have been designed with a high quality of design elements including landscaped planters, structural climbing vine features, seating opportunities, shading, a combination of paved surfaces including a water feature and playground to provide recreational and social interaction opportunities. The communal rooftop gardens will also provide additional amenity for apartment residents.

The design of the access laneway has been improved to provide a meaningful pocket of deep soil zone landscaping. A condition is recommended for additional seating to be added to this area to capitalise on the amenity provided by natural shade trees, and to act as supplementary open space for residents of the subject, and future development on Lot 1.

Principle 6: Amenity

The proposed apartments' internal layouts and designs are fully compliant with the ADG's design criteria in terms of room depths and sizes, access to natural light, cross flow ventilation and internal storage. All ground floor apartments are provided with terraces that have direct street access. Upper levels have appropriately sized balconies for private open space and shared access to communal open space areas and convenience and recreational amenities, including a supermarket and a child care centre.

Principle 7: Safety

The proposed centre and publicly accessible open space areas will be activated and vibrant with varying uses to produce an environment that is safe and secure, with plenty of passive surveillance opportunities. Clear and designated pedestrian routes provide legible and defined pathways throughout the development. Controlled access will be provided to each building via secured lobbies and lifts. Secure resident parking and storage areas will be provided in the proposed basement levels. Conditions for detailed lighting and CCTV plans are also recommended to improve safety. The child care centre has been designed with secure access points and child safe boundary fences, gates, locks, and opportunities for supervision.

Principle 8: Housing Diversity and Social Interaction

A mix of one, two and three bedroom apartment types are proposed, including over thirty 'adaptable' dwellings and >20% of units meeting the Liveable Housing Guidelines silver level universal design features that can be easily modified to cater for residents with accessibility concerns. Disabled parking spaces have been conveniently located near lifts. The precinct is currently dominated by low-density detached dwellings, offering little variety in higher density living options. The proposed apartments will offer housing at differing price points and provide a more sustainable dwelling-to-land ratio, minimising urban sprawl. The ground and lower ground floor uses will provide opportunities to foster social interactions.

Principle 9: Aesthetics

A mix of vertical, horizontal and projecting façade treatments will accent the structural layers of the building forms. A wide variety of materials including seven different brick finishes, high proportions of glazing and feature/dormer window, glazed and solid balconies, perforated privacy screens overhanging awnings into the public domain at street level. Conditions are recommended to provide public art and more colour to each building entry, to provide even more visual interest and wayfinding.

State Environmental Planning Policy (Sustainable Buildings) 2022

This SEPP aims to encourage the delivery of sustainable buildings and minimise the consumption of energy, greenhouse gas emissions, and potable water.

The applicant has submitted a valid BASIX certificate in support of the DA that demonstrates that the minimum water, thermal comfort and energy requirements have been achieved. NABERS documents have also been provided for the non-residential components of the development which confirm that the embodied emissions attributable to the development have been quantified, and that the water and energy use will achieve compliant ratings.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP aims to facilitate the effective delivery of infrastructure across the State.

Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the SEPP as, pursuant to Schedule 3, the development is classed as 'traffic generating development' in that it proposes:

- ≥200 car parking spaces
- ≥300 dwellings
- ≥2,000m² of shop area
- ≥200 vehicle movements per hour in the morning and afternoon peaks

TfNSW has reviewed the application and advised that the traffic generation from the development aligns with the Strategic West Growth Centre traffic generation and is unlikely to have a detrimental impact on the surrounding classified road network. TfNSW raised no objection to the development and recommended no specific conditions.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour Energy for comment pursuant to Section 2.48 of the SEPP as the development is located near existing underground cables and proposes two new padmount substations to be located on the lower ground floor.

Endeavour Energy noted that 'prudent avoidance' should be undertaken to place new electrical infrastructure in a safe location (with respect to the child care centre) but raised no objections to the development. Endeavour Energy also recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour Energy's technical guidelines and requirements is recommended. This will ensure the minimum fire resistance levels (FRLs) are

provided to the padmount substation room, to ensure suitability for any adjacent use, be that for child care, residential or commercial.

Child care centre

The application has been assessed against the SEPP's child care centre controls which aim to facilitate the effective delivery of educational establishments and early education and care facilities across the state.

The SEPP requires consideration of any development application for an early education and care facility to meet the applicable criteria of the NSW Child Care Planning Guideline (CCPG), including satisfying each of the non-discretionary development standards.

A copy of the assessment of the child care centre's assessment is included in the **attached** SEPP and CCPG assessment tables, with the assessment revealing that the proposed 80 place child care centre is fully consistent or capable of complying with the SEPP's non-discretionary standards, minimum areas for internal and external play space (m²) and other design controls in the CCPG. Conditions are recommended for further details to be provided at the construction certificate stage to ensure compliance.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP provides a State-wide planning approach to the remediation of contaminated land.

Chapter 4 of the SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

Several development consents have been issued for remediation works across the development site. A remediation action plan for unexpected finds across the entertainment precinct site was granted consent subject to DA/2019/215/1 to ensure that the site will be rendered suitable for future land use, thereby posing no unacceptable risk to human health or the environment.

Subject to remediation works being completed and validated, the site is considered suitable for future commercial, residential and child care development. Conditions are recommended to ensure the remediation is completed prior to issue of any construction certificate for the subject proposal.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the Chapter 6 of the SEPP and all its planning controls. Subject to further information being provided as outlined in the recommended conditions, there will be no detrimental impacts on the Hawkesbury-Nepean River system because of the development. Appropriate erosion, sediment

and water pollution control measures have been proposed as part of the development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

There are no draft SEPPs relevant to the assessment of this application.

(a)(iii) the provisions of any development control plan

The development control plans (DCP) that apply to the development are:

- Turner Road Precinct Development Control Plan 2018
- Camden Development Control Plan 2019

An assessment against the relevant DCP controls is included in the tables **attached**.

The development proposes variations for two main matters, being shop floor space and parking, which are summarised below.

Shop floor space

Part 2.5 'Hierarchy of Centres and Employment Areas' of the DCP prescribes shop caps of 3,500m² (combined) and 500m² (individual). ***Shops*** are specifically defined, therefore the other commercial, child care, gym, food and drink and cinema premises do not contribute to the shop cap calculation.

The proposal contains a maximum shop area of 5,669.4m², including the supermarket of 3,051.4m², which is the only individual shop that exceeds the 500m² cap.

The objectives of the caps are to ensure an equal distribution of retail floorspace is provided across the Turner Road precinct, and that the viability of other retail centres in the local government area (LGA) is not undermined. The Camden Centres and Employment Lands Strategy (CELS) also identifies the Gledswood Hills entertainment precinct as a centre of approximately 3,500m².

The submitted economic impact assessment (EIA) has been revised at the request of Council staff to include consideration of the CELS and ensure the economic impacts of the development have been properly considered.

The revised EIA has reviewed all the additional retail development in the pipeline for the local area including the expansion of commercial sites in Emerald Hills, Leppington, Oran Park and beyond (as noted in the CELS). The EIA demonstrates that even with the delivery of each of these centres, there will still be an undersupply of retail floorspace in the region to cater for the population growth expected.

The report also notes that the previous mixed-use approval (DA/2020/202/1) containing three cinema screens, a supermarket floorplate of 754m² and 68 residential apartments (in addition to a swim centre and other ancillary uses) would not have been viable, as supermarkets generally require a floorplate of ≥3,000m². Demand for cinemas has reduced, however cinemas that do remain viable contain a

minimum of five screens and are co-located with retail, food and drink uses and higher density housing.

The proposal includes 331 new dwellings which are permissible in the zone(s) and will contribute to the viability of the entertainment precinct. The apartment mix will increase housing diversity and affordability by providing varying housing options at price points for smaller households, downsizers or first home buyers.

The shops will provide convenient facilities for both existing and future residents, and significant employment opportunities in the short-term during construction and in the longer-term operational phases.

Overall, the economic implications for the site and surrounding area are expected to be positive.

Consequently, it is recommended that the variations to the shop caps be supported.

Car Parking

1. Non-residential parking

The non-residential uses including supermarket, specialty retail, commercial, food and beverage, gym, child care and cinema uses generate a combined parking demand of 704 parking spaces, as per the rates in Camden DCP 2019. 518 non-residential parking spaces have been provided for non-residential uses, resulting in a commercial shortfall of 186 spaces (26%).

The traffic report has outlined the following reasons as justification for the shortfall:

- The DCP's car parking rates apply to each single use, as if being calculated for developments on a standalone basis.
- This does not recognise that on shared sites, different uses generate different times of peak demand for parking and multi-purpose trips, therefore not all spaces for all uses are required to be occupied at once. Provision of parking strictly in accordance with full demand for each use/rate would likely result in an *over-supply* of parking, and an inefficient use of land.
- For example, peak cinema visits are typically in the evenings, whereas general commercial and retail uses peak in the day but drop off in the evenings (except for Thursday night shopping). Similarly, child care centres and gyms have a distinct AM and PM peak but are quiet/steady throughout the middle of the day. These fluctuations result in the different use 'peaks' coinciding at different times of the day, ensuring that full demand for all uses at the one time does not occur.
- Mixed use sites also generate visits for multiple uses at once, further reducing parking demand per use. For example, cinemas and supermarket customers also combine visits with food and beverage premises. Similar relationships exist for child care centres and cafes, retail and business, and the like.

Council's traffic engineer has reviewed the traffic report and confirmed that the extent of multi-purpose trips assumed is not unreasonable.

In addition, the Transport for NSW' Guide to Traffic Generating Development was updated on 4 November 2024, which results in the industry accepted traffic generation and parking rates for each use being *less* than the rates that have informed the current assessment.

2. Residential visitor parking

Based on the mix of apartment types and bedrooms proposed, the Turner Road DCP requires 357 residential parking spaces. In contrast, the Camden DCP requires 399 residential spaces for the same bedroom mix. As the Turner Road DCP is more specific for this site, it is appropriate to apply the car parking rate provided in that plan. 399 residential spaces have been provided, therefore there is a surplus of 42 residential spaces provided.

Both DCPs require 66 residential visitor spaces based on 331 units. 66 spaces minus the surplus of 42 residential spaces equals a residential visitor parking shortfall of 24 spaces.

The traffic report states that it is reasonable to consider that some residential visitors will visit the site for multi-purpose trips (i.e. visiting residents, but also visiting the on-site entertainment, food and beverage or retail premises). Therefore, there is justification for the 518 non-residential spaces to absorb demand from residential visitor parking. Council staff support this concept / variation.

3. Service vehicle parking

Based on the mix of non-residential uses proposed, the Camden DCP requires a total of 14 service vehicle parking spaces. A total of 12 vehicle parking spaces are provided (HRV, MRV and SRV). Conditions are recommended for a detailed Dock Management Plan to optimise servicing requirements and for the Local Traffic Committee to review the option of providing an on-street short-term delivery bay with appropriate line-marking and timed sign-posting.

Subject to these measures, the site is considered capable of catering for all necessary services vehicles.

Consequently, it is recommended that the Panel also support these proposed variations to the DCP.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The site is subject to the Gledswood Hills Voluntary Planning Agreement (third deed of variation) executed between Council and SH Camden Valley Pty Limited, dated 12 January 2018 (VPA). Insufficient information has been provided to demonstrate that the obligations of the VPA are novated to the new landowner (subject applicant). Therefore a condition is recommended to ensure development contributions are paid in accordance with the Turner Road Development Contributions Plan. Should further evidence be obtained, an application to modify the consent to apply the alternate monetary contribution rates outlined in the VPA, may be sought.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Traffic and road safety

Transport for NSW has advised that the traffic volumes from the development align with volumes anticipated for the Turner Road precinct at the strategic planning stage. Since rezoning in 2007, no additional land has been re-zoned within the Turner Road Precinct that would increase the overall traffic generation anticipated. Further assessment of various issues surrounding traffic generation rates are discussed ahead in the submissions section of this report. Conditions are recommended for extensive upgrades to the public domain and surrounding road infrastructure including the provision of wider footpaths, additional pedestrian crossings and a review of speed limits to ensure that pedestrian and cyclist safety is maintained, particularly during the peak school drop off and collection periods.

Acoustic impacts

Noise attenuation measures will be provided during construction operations, and as part of the permanent built form to ensure compliant acoustic amenity is maintained for existing and future residents, and the adjacent primary school. Acoustic impacts will be controlled by the proposed building siting's (i.e. placement of noisy uses centrally within the complex, as opposed to the outer perimeter closer to existing sensitive land uses), acoustic glazing/linings, wintergardens for balconies, restricted hours of operation for individual premises and back-of-house loading and service deliveries. Conditions are also recommended for tenancy-specific acoustic assessments for individual food and beverage tenancies at ground level which may result in additional construction and operational requirements. Several conditions are recommended to ensure all the required acoustic mitigation measures are incorporated into the development.

As demonstrated by the assessment and subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is suitable for the development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 6 February to 4 March 2024 and 107 submissions were received.

The following discussion addresses the issues raised in the submissions.

Traffic Generation

1. *The development will create unacceptable congestion on the surrounding narrow single lane roads. The traffic assessment by JMT consulting relies on outdated traffic surveys/estimates from 2016 and doesn't reflect the increase in housing in the estate. There are also inconsistencies in the traffic report regarding traffic generation rates. 0.29 vehicles per apartment is not representative of families/adults in the area. Should be one vehicle per adult. 2021 census data shows that the average household contains 1.8 vehicles.*

Officer comment: The zoning and indicative layout plans for the Turner Road DCP always identified a mixed-use development being provided on this site. While the Gledswood Hills estate has developed over time, no additional land has been rezoned that would result in significant increases to the overall density achievable within the precinct. Similarly, the building envelope controls for height and setbacks have not changed. Therefore, the overall density (and subsequent baseline traffic generation) is considered to remain consistent with what was expected.

The 2016 transport assessment by Aecom/Mausell revised development yields for the Entertainment Precinct and predicted 618 vehicles in the AM peak and 1,159 vehicles in the PM peak. The reduced traffic generation rates contained in the traffic report for this proposal were based on more recent industry-accepted rates outlined in either the RMS' previous *Guide to Traffic Generating Development* or recent surveys for comparable land uses also prepared by TfNSW. The 0.29 vehicles per apartment, is correct, and is specific to apartments, not an 'average household', which may relate to the context of detached dwellings as the average type of residence.

Further, the RMS' *Guide* was significantly updated on 4 November 2024. The new rates in the updated *Guide* are less than the rates outlined in the current traffic report, for all land use types. For example, the residential apartment rate reduces from 0.29 vehicles per hour to 0.19. Similar reductions apply to the other land uses. Therefore, the total traffic generation is expected to be much less than the peaks from the previous transport studies.

2. *The cumulative impacts from traffic entering the golf course, further residential subdivisions, and future residential developments immediately surrounding the site haven't been properly considered in the traffic report.*

Officer comment: As noted above, the traffic studies that informed the design of the local street network within the precinct were designed assuming the precinct had been fully developed.

3. *Comparisons to Sydney Metro areas such as Barangaroo South Precinct, the Coogee Bay Hotel Precinct and Harbourside Darling Harbour and East Village are not appropriate comparisons for the low-density environment of Gledswood Hills.*

Officer comment: Council staff noted dissimilar comparisons to more urban environments. The revised traffic report has deleted reference to more urban scale developments and instead refers to seven comparable examples provided from RMS surveys.

4. *The right turn intersection from Camden Valley Way into The Hermitage Way already transitions from two lanes into one, causing congestion in The Hermitage Way. This development will exacerbate this issue and increase the likelihood of accidents. Insufficient space for vehicle queuing appears to have been provided for the retail basement parking accessed from the eastern boundary, near the school in Providence Drive.*

Officer comment: TfNSW have confirmed that no adverse impacts are expected on the servicing of the Camden Valley Way classified road and Hermitage Way intersection. The transition of two lanes into one is a common measure and vehicles need to navigate accordingly. This is evident on most interchanges, bridges and roads that have been constructed within Sydney and surrounds.

5. *There is insufficient public transport infrastructure existing in the area to service the site. Due to the lack of train stations nearby, there will be full reliance upon cars. The scale of this development would be better suited to a commercial centre that is due to have a train station, such as Oran Park or Leppington.*

Officer comment: It is noted that the site is not in proximity to Leppington train station or the planned Oran Park or Narellan train stations. However, the roads surrounding the site contain existing bus routes that provide regular services to other centres. As demand increases, the servicing frequency and route locations can be adjusted to suit the growing population. There are good quality local pedestrian paths and regional cycle paths surrounding the site providing cycleway connections to Leppington Strain Station and Narellan.

6. *The existing bus routes are not direct to train stations, therefore many residents still rely on cars. The surrounding streets are already congested from the school, country club and general suburb access. The provision of 917 parking spaces in the two level basement is not sufficient for the proposed retail/residential mix.*

Officer comment: This concern is noted, however the entertainment precinct was always going to rely primarily on car transport, given its location relative to local train stations. As outlined above and in this report, Council staff are satisfied that the residential parking provisions are fully compliant; and that the shortfalls for non-residential parking rates are sufficiently justified due to many visitors likely to combine multi-purpose trips (visit more than one land use, such as cinema + food and beverage; or child care centre + café, etc); and each land use having different peak times for visitation. The development has provided a reasonable extent of off-street parking within Basements 01 and 02, in addition to the on-street parking that will be made available in all four perimeter roads, including the new access laneway. The justification provided for shared parking for multi-purpose trips and differing peak visitations for each use is commonly accepted for mixed use developments. It is also noted that the TfNSW's *Guide to Traffic Generating Development* rates have now reduced per land use.

7. *There is already insufficient on-street parking for parents dropping off and picking up children near the school, resulting in speeding, double parking and illegal u-turns. Residential vehicles already cannot exit existing driveways in surrounding streets during school drop off and pick up times. The surrounding streets were recently rendered inaccessible to emergency service vehicles due to parking*

congestion, resulting in 'No parking' restrictions being put in place during 8am to 9:30am and 2:30pm and 4pm on school days. The existing crossing supervisors in The Hermitage Way are often hurled abuse and working in dangerous conditions due to existing traffic congestion and frustration of road users. Concerns are raised regarding safety for children and elderly people walking and riding bikes in the area, particularly during peak drop off and pick up times due to increased traffic, and the loading bay and entrances opposite the school. There are already frequent traffic accidents and delays on The Hermitage Way. Insufficient traffic calming measures have been proposed.

Officer comment: Conditions are recommended for several critical public domain upgrades to improve vehicular and pedestrian safety around the site. These include:

- increased footpath widths around the whole perimeter.
- conversion of speed hump in The Hermitage Way to a formalised crossing.
- relocation of existing 4m wide crossing to align with the north-south axis.
- provision of new crossings in Providence Drive and Huntington Street (near existing pram prams).
- new time parking restrictions (to be reviewed).
- new speed limits (to be reviewed).
- preparation of a detailed dock management plan which limits hours for dock servicing outside of peak school times, and night times.
- a traffic compliance report which considers all technical standards, including sightlines for each driveway.

8. *How will the residents for this development be restricted from using the additional commercial/shopping centre parking to cater for their true demand? It's also not clear if the commercial parking includes demand generated by staff of the businesses, or is just for customers. There is already a lack of on-street parking in the area.*

Officer comment: The basement car park designs have been revised to separate the residential from the retail / commercial & child care parking areas. All residential parking will enter via Huntington Street, with controlled access points in and out (such as kerb blisters, boom gates, swipe cards, speed humps etc). Conditions are recommended for these details to be shown on the detailed construction certificate plans and assessed further in a traffic compliance report.

9. *Insufficient temporary parking for service vehicles, household deliveries and uber drivers has been provided.*

Officer comment: There are 3 x MRV, 3 x HRV and 6 x SRV (tradie) service vehicle spaces provided within the basement. The 6 x SRV spaces will operate via an online booking system. The non-residential parking spaces will be able to absorb temporary short stays for food-delivery services and the like. However, a condition is recommended for the LTC to consider line-marking and signposting a temporary short-term parking bay for Uber drivers and the like (5 – 15 minute stays), subject to a merits review.

10. *Resident-only parking permits should be issued for existing residents in the surrounding streets to ensure residents have priority access to parking spaces*

near their homes. Non-resident visitors should only be allowed to park in the area for limited durations, enforced by parking enforcement officers and infringement notices/fines/penalties.

Officer comment: Residential parking permits are not currently offered in this LGA. Parking for residential dwellings outside of this site should be provided on each individual dwelling site, in accordance with the car parking requirements contained in the DCP.

- 11. No new pedestrian crossings have been proposed for Huntington Street, and the exact location for the new pedestrian crossing in Providence Drive is unclear on the plans.*

Officer comment: Conditions are recommended for an updated public domain works plan that requires additional pedestrian crossings in both Huntington Street and Providence Drive. Further details of designs will be required to be submitted to Council prior to the consent becoming operational. This will ensure a safe continuous path of travel is provided for pedestrians and cyclists along Hermitage Way.

- 12. The development will generate increased demand for existing Bus Route 841 and the existing bus stops will require upgrades to include shelters and be compliance with BCA accessibility standards and guidelines.*

Officer comment: As bus shelters are typically provided by Council under the Oran Park and Turner Road Contributions Plan, this is something that Council can consider implementing once the development has been constructed, and there is sufficient demand for use.

- 13. Due to the parking lanes/street design of Huntington Street, residents must already place their bins directly on the street carriageway, not the kerb/verge. This is likely to minimise available road area and conflict with vehicles entering the basement car park for the entertainment precinct.*

Officer comment: Council's planning and waste strategy teams have reviewed this concern in detail. Once the development has been constructed, Council will need to manage waste collection in the most efficient manner. This will likely require the residents in Huntington Street to return to placing their bins for collection in Lambert Street, where not occurring already. Residents will be notified of any specific changes to waste collection requirements in due course.

- 14. There are already potholes in the surrounding streets, the additional traffic will further degrade the roads. Council's assets team keeps a schedule of maintenance works due to local streets.*

Officer comment: Any potholes will be managed via Council's assets maintenance program.

- 15. SI NSW requested heavy vehicle movements on Providence Drive be restricted during school peak drop off and pick up periods. Insufficient information has been provided to confirm that the surrounding road network can handle the*

development. For example, insufficient swept paths for heavy vehicles entering via The Hermitage Way and Providence Drive have not been provided.

Officer comment: The surrounding local streets fronting the site and within the existing subdivision have already been designed to accommodate HRVs. The revised traffic report includes some additional swept paths, however, conditions are also recommended for further swept paths to be provided, particularly given the new crossing required in Providence Drive.

The acoustic report prohibits loading trucks entering the site from 10pm to 6am. A recommended condition also requires the developer to consult with the school to determine additional day time restrictions for vehicle movements peak school times (for example, the 40km/hour times) for both the construction stage, and for permanent operations. These agreements will need to be outlined in the detailed Site Management Plan and the Dock Management Plan.

16. *Construction traffic impacts have not been properly assessed, particularly for the school. Strict CMP conditions will be required to address conflicts with school's peak traffic and buses, work zone locations, pedestrian and cyclist safety, traffic controllers for construction vehicle entry and exit, etc. Consultation with the Department of Education is required during the preparation of any CMP.*

Officer comment: Conditions are recommended do address this matter.

Acoustics

17. *Construction noise, vibration and dust impacts have not been properly assessed for both residents and the school. It's not clear what EPA construction noise guidelines and mitigation measures are required or proposed. For example, whether any periods of respite will be provided during the school day to limit impacts on learning. (i.e. modification of standard work hours conditions may be required). Consultation with the Department of Education is required during the preparation of any Construction Management Plan (CMP).*

Officer comment: Conditions are recommended to ensure that the Construction Management Plans prepared for the site address all necessary requirements to ensure operations do not impact on the amenity of surrounding land uses.

18. *Council should offer financial compensation to local residents due to the likely extended noise impacts during the construction period.*

Officer comment: Recommended conditions aim to ensure that the construction impacts are minimised.

19. *The development will create ongoing noise impacts around the site, that Council will not be able to address later, except by way of imposing rules and conditions (such as noise limits and restricted operating hours) on businesses, which will make them unviable.*

Officer comment: Conditions are recommended outlining which future tenancy fit-outs will require site-specific acoustic assessments. Other conditions are recommended to ensure the construction measures that are known now, are implemented, including acoustic glazing and restricted hours of operation.

20. *The acoustic report does not consider noise impacts to residential dwellings further down (all the way along) The Hermitage Way caused by traffic to and from the site.*

Officer comment: The sensitive noise receivers map is in line with industry standards. Extent of sensitive noise receivers considered:



21. *The acoustic report refers to outdated traffic modelling reports.*

Officer comment: Recent site-specific noise monitoring has been undertaken to determine background noise levels. Even if older traffic surveys were relied upon, the background noise levels at that time would have been *lower* than what they are now. Therefore, by using those estimates, the baseline levels are more *conservative* than what they would be now in terms if any required attenuation treatments.

22. *The acoustic and traffic reports don't consider the existing heavy vehicles already using the surrounding streets, as well as via Gledswood Hills Drive.*

Officer comment: The acoustic report widely considered impacts on all nearby sensitive receivers. The report confirms that the acoustic glazing will achieve compliance for all dwellings internally, but the predicted road traffic noise levels will marginally exceed the maximum noise criteria of 57dB(A) target by up to 2dB(A) for external balconies/private open space. The report notes that this will not be discernible and doesn't take into account the increase in EVs.

23. *The acoustic report has incorrectly applied the sensitive noise receiver criteria for schools as 55db(A) externally and 45db(A) internally with receiver windows open; however the 'NSW Department of Education's EFSG Design Checklist – Acoustics' requires a maximum internal noise level (dbLAeq) of 35 for primary school teaching spaces. Therefore, the proposal doesn't comply and may adversely impact educational outcomes due to increased noise.*

Officer comment: The NSW EPA's Noise Policy for Industry 2017 (assessed in the acoustic report) appropriately covers noise impacts on schools and recommends a maximum internal amenity noise level of 35db(A).

The report confirms that the loading dock and mechanical plant will emit maximum of 33db(A) on the school generally and 23db(A) internally, and 53db(A) to external play areas.

The child care centre will emit 35db(A) onto the school.

Noise levels from general traffic associated with the development will be <2b(A) above existing levels, which is negligible.

The ground level external food and beverage (and licensed) premises will reach peak noise levels in the evenings, when the school is not operating.

Therefore, no aspects of the proposal appear to exceed the maximum internal amenity criteria of 35db(A) for the school.

A maximum of 45db(A) during the construction phase is permitted on schools. Conditions for a Noise and Vibration Management Plan for the construction phase are recommended to ensure compliance.

Noise impacts *from* schools are not considered to be 'offensive noise'. Notwithstanding, the main noise sources would be the outdoor play areas, which are shielded by the two storey built form. Adverse noise impacts are not expected to be caused by the adjoining school, onto residents of the subject proposal.

Built form including density, bulk and scale, setbacks, overshadowing, privacy and visual impacts

24. *The Turner Road DCP anticipated approximately 4,000 new dwellings within the precinct. Based on census data, it is estimated that there are already over 4,300 dwellings. This DA will make this closer to 5,000 dwellings. This was not the intention of the DCP.*

Officer comment: The DCP set a *minimum* dwelling target of 4,000 dwellings. There is no maximum density target to comply with.

25. *As there are no FSR controls applicable to the site, any increase to the building height controls are not justified. Roof and plant services are integral to the proposal and should not be an excuse to justify the height exceedance for increase in yield.*

Officer comment: The Clause 4.6 written request satisfactorily addresses and justifies the contraventions to the building height development standard. In summary, despite the contravention, the development will remain consistent with the objectives of the height standard as there will be no increase overshadowing or reduced amenity caused by the breaching components. The quality of the architectural materials and detailing is considered satisfactory and not likely to cause adverse visual impacts. The heights have been revised to 'step down' from the centre, providing a more sympathetic response to the existing street characters. Similarly, the development will remain compliant with the zone

objectives and achieve the strategic aims for the mixed-use entertainment precinct.

26. *9 x 5 storey buildings will look very out of place for this location, towering high on the hill in the middle of the estate, adversely impacting the skyline. The development will be an eyesore monstrosity and will ruin the look and feel of Gledswood Hills.*

Officer comment: The development is generally consistent with the DCP's desired ground floor plane of RL132 and the SEPP's maximum building height control of 18m for the site. The buildings have also been sited to achieve compliance with the ADGs building separation controls. The critical north-south axis will be separate by 20m, enabling a further view 'funnel' to be designed on Lot 1 to the north, as required by the DCP. The proposed architectural design and detailing is considered to be of a high standard, using a varied and robust materials palette.

27. *Buildings A, J, E and F have 0m building setbacks along Huntington Street and Providence Drive. There is insufficient building separation for the dwellings/buildings on both sides of each street. The 0m setback will also create adverse visual impacts.*

Officer comment: The DCP requires 0m setbacks around the perimeter of the site to define the street edges for an urban context, and the proposal is fully compliant with respect to building setbacks from the street, and adjoining properties.

28. *The development will create cumulative overshadowing impacts on Gledswood Hills Public School between 2pm and 3pm during the winter solstice. The Educational Facilities Standards and Guidelines require at least 70% of school spaces including outdoor spaces receive direct sunlight between 9am and 3pm in mid-winter.*

Officer comment: The extent of overshadowing expected on the public school between 2pm and 3pm is minimal, and only likely to impact parts of the western façade for 1 hour in mid-winter. The impacts are considered reasonable.

29. *The balconies and windows on the eastern side of Buildings E and F will overlook Gledswood Hills Public School and may give rise to child safety concerns. Increased boundary setbacks, architectural screening devices and frosted glazing should be provided to ensure privacy for students.*

Officer comment: Buildings E contains five storeys above natural ground level with a child care centre on the lower two levels. Building F contains four storeys with the corner entrance to the shopping centre at the lower level. >20m of building separation will be provided between the facades of the subject proposal and the school. The school's built form provides a further, solid, barrier from the external play areas that might be visible from the upper levels of Buildings E and F. The school playgrounds are located to the north and east of the school buildings. Views across the street and into the school buildings/classrooms are not considered to facilitate risks to child privacy or safety. The minimum building setbacks have been achieved, as required by the DCP and the ADG. Fixed and mobile privacy screening devices have been proposed to the eastern building's

facades and balconies. Frosted glass to living and habitable spaces within private apartments is not required by any relevant planning controls, and is considered unreasonable and unnecessary.

30. *The Clause 4.6 variation request was not available for public viewing on Council's DA tracker.*

Officer comment: The Clause 4.6 written request has been revised during the assessment of the application and the submission of amended plans. The most up-to-date version, which aligns with the plans recommended for approval, is provided as an **attachment** to this report.

Economic Impacts

31. *There is already sufficient, or over-supply of commercial, retail, cinema, child care and medical developments in the area. A small number of convenience stores and cafes is all that is required. Emerald Hills, Gregory Hills, Willowdale, Narellan, Smeaton Grange and the Oran Park Podium extensions provide enough retail supply, and these are all only a 5 to 10 minute drive from Gledswood Hills.*

Officer comment: Evidence has not been provided to support this claim. The proposed land uses are permissible in the B4 zone and align with the strategic intent of the site. The submitted EIA has reviewed the provision of retail and commercial floor space (existing and proposed) in the locality and confirmed that it will still be insufficient to meet demand for the population growth anticipated in the region.

32. *We certainly do not need another cinema, with the increase in online streaming. The surrounding cinemas at Narellan Town Centre, Dumeresq Street and Macarthur Square in Campbelltown and at Edmonson Park do not appear to be at capacity daily, and always have available movie times and seats. The proposal doesn't even include a community hall, which would be of much more benefit for the community.*

Officer comment: Cinemas are a permitted entertainment use for the precinct within the relevant planning documentation. The EIA notes that overall demand for cinemas has decreased over the years, but the cinemas that have remained viable are the ones that have multiple screens (to provide variety in session offerings) and are co-located with extensive retail and food and beverage premises. Whilst there is no dedicated community hall, the ground floor 'eat street' includes a publicly accessible playground and seating options that will foster community socialisation and interactions.

33. *The excessive scale of the development seems to be an example of revenue being the primary driver for both the developer and Council, with little consideration of the long-term impacts on the community of the LGA.*

Officer comment: The proposed scale of the development is permitted in the relevant environmental planning instruments and planning controls that apply to the land.

34. *The Economic Impact Assessment (EIA) states that the indicative floorspace target of 3,500m² for the entertainment precinct as identified in the Camden*

Employment Land Strategy (CELS) is insufficient to facilitate its actual delivery. The development proposal of 17,300m² of non-residential floor space, 358 apartments and 926 car spaces is over 5 times the size of what was originally contemplated. The EIA states that the proposed supermarket of 3,000m² is required, because the former supermarket floorspace of 750m² could not attract major or smaller supermarket chains. However, the EIA does not assess that within a 2.25km radius from the site, there are already 2 x Woolworths and 2 x Aldi supermarkets. Specific impacts to and from these existing supermarkets has not been considered.

Officer comment: Refer to the DCP variations section of this report, for a detailed assessment of the economic impacts expected by the development.

35. *The development will not create affordable housing, as similar 2 bedroom apartments are already selling in Oran Park for \$780k. This is a money grab with no consideration of the community.*

Officer comment: The development has not been proposed as affordable housing but will increase the availability and variety of different housing typologies in the Gledswood Hills estate. The mix of one, two and three bedrooms apartments will provide a variety of price points for purchasers.

36. *The development will decrease property values for current homeowners and deter prospective buyers due to the scarcity of parking and increased traffic noise in the area.*

Officer comment: No evidence has been provided to support this claim and regardless this is not a valid matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. Parking provision and road traffic noise have been considered in the assessment of the DA and found to be satisfactory.

37. *The developer entity 'United Development Management Pty Ltd' yields no matching results on the ABN lookup. They also don't have an iCirRT rating to demonstrate transparency, trustworthiness, experience, track record, financial stability and regulatory compliance. There is a risk that they might not be able to deliver a development of this magnitude. The community should not be burdened by a potentially abandoned construction site or defect-riddled development.*

Officer comment: Development consents are tied to the land and not the applicant. The person acting on the consent will be required to construct the development in accordance with the development consent and relevant standards.

School capacity

38. *The increase to 358 apartments will result in estimates of up to 700 new school students (2 children per apartment). Gledswood Hills public school has already undergone a major extension and is still over capacity, and will not be able to cater for any of the additional families who will move into the entertainment precinct. Many students have already been pushed into temporary demountables and overpopulated classrooms and split lunchbreaks to cater for the overcrowded*

student population. A further increase is not fair to existing children or staff. There is a lack of high schools in the area, with many students already having to travel to other high schools, such as Oran Park High School. There is also an absence of any alternate private schools in the Gledswood Hills precinct.

Officer comment: The total number of residential apartments has reduced from 358 to 331 during the assessment of the DA. The development proposes an apartment mix of 69 x 1 bedroom units (21%), 211 x 2 bedroom units (64%) and 52 x 3 bedroom units (15%). It is unlikely that all units, especially those with one and two bedrooms will be able to accommodate families with two children.

The School's Infrastructure submission provided an alternate calculation of demand for up to approximately 150 children that might be generated by the development. The school facilities provided in the area is a matter for the State government to monitor and respond to.

Miscellaneous

39. *Most people who bought/built in Gledswood Hills were sold a different dream of a small scale, boutique/heritage/village feel for the entertainment precinct by the previous developer, and under the previously approved DA consent. Support should not be given for this DA purely out of fear that the entertainment precinct that was promised for years won't be delivered. This feels like the residents are being blackmailed to support high-density housing apartments in order to finally get the village.*

Officer comment: The proposed development is envisaged by the Turner Road Precinct DCP, which identifies this site on the ILP for the purpose of an entertainment precinct. The DCP lists several vision and development objectives for the Entertainment Precinct, which include "To support the provision of a variety of recreation, entertainment, residential and support uses within the precinct" and "To create a mixed use entertainment, leisure, support retail and amenity services and residential precinct focused around and adjacent to the Entertainment Precinct". The development satisfies key planning controls and matters for consideration and proposes a development that is functional and legible, accessible and connected to adjoining development through the connectivity of pedestrian pathways, visually interesting and of high architectural merit and will likely become a focal point and a destination to arrive at for social interaction.

40. *In addition to the formal written submissions received, Council should review the additional comments on the 'Gledswood Hills Community Facebook' page, which reflect widespread community concerns about this development.*

Officer comment: Council staff note that the proposal has attracted local media coverage and additional comments on social media (both positive and negative). The DA was notified/exhibited in accordance with the Camden Community Participation Plan 2021 and the submissions received have been considered as part of the assessment.

41. *The large increase in residents and commercial tenancies will impact the overall cleanliness of the estate, with more rubbish pollution.*

Officer comment: Generally, excess waste and litter generation results from poor human behaviour and the inadequacy of disposal areas to remove waste. The subject application provides waste facilities in accordance with Council's Waste Management Guideline. These calculations have been used to inform the minimum number and size of waste bins, storage room sizes and operational procedures to ensure all uses within the site remain serviced appropriately. The shopping plaza will provide internal and external waste bins within all publicly accessible areas. A condition is recommended for the waste bins to be demonstrated on the landscape plans for the external public open space areas to minimise litter leaving the site.

42. *The development will result in an increase in renters in the estate. Places with higher rental locations have higher cases of crime and rubbish dumping in the area.*

Officer comment: None of the residential components of the development have been proposed as 'affordable rental housing' under the Housing SEPP. Regardless, private home ownership versus rental tenure for housing is not a relevant consideration under Section 4.15 of the EPA Act. Council staff have completed an assessment of the proposal against the NSW Safer-by-Design and 'Crime Prevention through Environmental Design' (CPTED) principles and found that the proposal achieves a high level of compliance by maximising passive surveillance, providing access controls and delineating public versus private boundaries.

43. *We need to preserve and enhance existing green spaces and safeguard these assets for future generations.*

Officer comment: This site was never planned to be utilised as a 'green' public recreation area, as there are other areas with higher environmental amenity and vegetation that have been capitalised for this purpose. The proposed landscaping scheme includes a doubling of the existing street trees and high quality internal landscaping in accordance with the ADG's minimum requirements.

44. *The impacts and displacement of local wildlife (such as snakes, amphibians, insects, turtles and birdlife) and native flora and fauna have not been considered. We already experience regular loss of bird life because people don't slow down or aren't aware that ducks are about. This will only worsen with the increased traffic volumes.*

Officer comment: The site is not mapped as containing any significant flora or fauna values. There is no evidence to suggest that the proposed development will have any impacts on significant flora and fauna.

45. *Stormwater and impacts on existing flood evacuation routes do not appear to have been properly assessed.*

Officer comment: The site itself is not flood affected. The local roads have already been designed to accommodate safe access routes for when low lying areas as part of the South Creek water system become inundated.

46. *Given the scale of the proposal, upfront confirmation should be provided for the servicing capacity of existing utility networks, and the extent of upgrades required, to ensure service delivery to the school is not affected.*

Officer comment: The application was referred to the critical water, sewer and electrical authorities for assessment. Approval has been recommended with conditions requiring further detailed assessment prior to the issue of a construction certificate. No capacity concerns have been raised. The proposal includes the construction of new padmount substations to ensure adequate electrical supply. Minor augmentations may be required to existing water and sewer infrastructure which will be detailed prior to works commencing. Conditions are recommended for compliance.

47. *An 80 place child care centre will not even properly service the number of apartments in the proposed development, let alone service existing demand for child care in the surrounding area, some of which have 18-24 month waitlists.*

Officer comment: There is no minimum or maximum size limit for child care centres, nor is there a requirement that it be large enough to service the apartments in the development. The centre that has been proposed is co-located near the existing school to maximise convenience for family drop-offs and will provide an additional service to the local area.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act, 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Transport for NSW	No objections and no specific conditions recommended.
Endeavour Energy	No objections and conditions recommended.
Sydney Water	No objections and conditions recommended.
Camden Police Area Command	No response received.

A standard condition is recommended for compliance with the requirements contained in all relevant external referral responses.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental*

Planning and Assessment Act, 1979 and all relevant instruments, plans and policies. The DA is recommended for deferred commencement approval subject to the terms conditions attached to this report.

RECOMMENDATION

That the Panel:

- i. **support the applicant's written request lodged pursuant to Appendix 2, Section 4.6(3) of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 to the contravention of the height of buildings development standards in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021, and**
- ii. **approve DA/2024/5/1 for a mixed-use development at 1 Providence Drive, 7-9 Providence Drive, and 2 and 4 Huntington Street, Gledswood Hills subject to the terms and conditions attached to this report for the following reasons:**
 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 B4 Mixed Use and R1 General Residential zones.**
 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 (Housing) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**
 3. **The development is consistent with the objectives of the Turner Road Development Control Plan 2018 and the Camden Development Control Plan 2019.**
 4. **The development is of an appropriate scale and form for the site and the desired character of the entertainment precinct.**

- 5. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**