

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	17 December 2024
DATE OF PANEL DECISION	17 December 2024
DATE OF PANEL MEETING	3 December 2024
PANEL MEMBERS	Justin Doyle (Chair), Stacey Brodbeck, David Kitto, Grant Christmas, Mary-Lynne Taylor
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by video conference on 3 December 2024, opened at 1:00pm and closed at 2:20pm

MATTER DETERMINED

PPSSWC-391 – Camden – DA/2024/5/1 – 1 and 7-9 Providence Drive and 2 and 4 Huntington Street, Gledswood Hills - Construction of a five storey mixed use development across nine buildings comprising retail and commercial uses, supermarket, cinema, gymnasium, centre-based child care centre for eighty children, entertainment uses, food and drink premises and specialty retail with shop top housing for 331 residential apartments, two level basement car parking for 917 vehicles, loading dock, private access road, public domain works, landscaping and associated site works.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters observed at the site inspections listed at item 8 in Schedule 1.

Matters raised at public meeting

At the public meeting, the Panel was addressed by two members of the public: Dhanush Naidu and Benita James.

Both live nearby and support the development.

They say the proposed shopping complex was one of the main reasons they bought in the area and indicated that it is currently inconvenient to shop at Gregory Hills, Emerald Hills, Leppington or Oran Park. While they acknowledged their neighbours' concerns about the traffic impacts of the development, they thought these issues would be mitigated largely by the "staggered" nature of the proposed activities on site.

Camden Council indicated that it did not have anything to add to its assessment report.

The Chair noted that there were over 100 submissions on the DA, and that many of these submissions were particularly concerned about the potential traffic impacts of the development.

In reply, the Council said the density of the development is in line with the strategic plans for the area and that the local street network has been designed to accommodate the traffic generated by the development as well as the other uses in the surrounding area. It noted that traffic from the development would be spread across two streets - with the residential traffic restricted to Huntington Street and the commercial traffic restricted to Providence Way - and that Transport for NSW is satisfied that the development will not adversely affect the regional road network. Council also noted that the development will provide significant upgrades to the pedestrian network in and around the site, which will improve pedestrian and vehicle safety near the school. Finally, Council indicated that it is satisfied that there is sufficient parking for the

development even though it does not comply with the relevant parking requirements, principally because people are likely to use a single trip to carry out several activities on site and because the peaks of the major traffic generating activities are likely to be staggered, allowing the parking provided to be shared efficiently between these activities.

The Applicant said it supported the recommendations in Council's assessment report and had no objections to the recommended conditions of consent. It also indicated that it had no objection to the Panel including an additional condition to ensure the provision of suitable electricity vehicle charging infrastructure and solar panels on site.

Application to vary a development standard:

After considering the written request from the applicant - made under Clause 4.6 (3) of Part 4 of Appendix 2 to *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland SEPP) to justify the contravention of the maximum height of buildings development in Clause 4.3 of the SEPP - the Panel is satisfied that the applicant has demonstrated that:

- a) Compliance with Section 4.3 Height of Buildings is unreasonable or unnecessary in the circumstances because the development:
 - is consistent with the objectives of both zones and the development standard; and
 - will not result in any significant amenity impacts to surrounding development and will maintain solar access to surrounding dwellings and public domain areas;
- b) There are sufficient environmental planning grounds to justify contravening the development standard, including that the development:
 - will deliver a high-quality, mixed-use precinct to provide improved retail, commercial, recreation and entertainment uses for the Gledswood Hills community;
 - will provide essential housing for the growing population of Western Sydney; and
 - has been designed to provide a seamless transition between the low-density development on the western side of Huntington Street and the public school on eastern side of Providence Way.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to the maximum building height development standard (see above) and approve the development application for the reasons outlined in Council's assessment report.

In particular, the Panel concluded that:

- The development either complies with or is consistent with the provisions of the relevant environmental planning instruments, including the requirements in the *Western Parkland SEPP 2021* and the Turner Road and Camden Development Control Plans (DCP);
- The variation to the maximum building height development standard is justified;
- The development is generally consistent with the provisions in the *Housing SEPP* that seek to improve the quality of residential apartment development, including the requirements in the Apartment Design Guide;
- The proposed child care centre complies with the relevant requirements in the *Transport & Infrastructure SEPP*;
- The variation to the shop floor space cap in the DCPs is justified as it will provide a high-quality shopping centre for Gledswood Hills without compromising the viability of other shopping centres in the Camden local government area;
- The variation to the parking requirements is justified given the particular traffic-generating characteristics of the development (see above);
- The impacts of the development are acceptable and can be suitably controlled by conditions;

- Under the conditions of a previous consent, the site can be made suitable for the development;
- The development will deliver a high-quality shopping centre for the Gledswood Hills community and provide essential housing for the growing population of Western Sydney, consistent with the strategic planning objectives for the area; and
- The development is in the public interest.

CONDITIONS




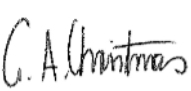

The development application was approved subject to the conditions in Council’s assessment report and the addition of Council’s standard condition for the provision of suitable electric vehicle charging infrastructure and solar panels on site.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the DA from 6 February to 4 March 2024 and received 107 submissions. These submissions raised several concerns about the DA, including:

- Increased traffic and danger to pedestrians and school children;
- Insufficient parking;
- Bulk, height and visual impacts;
- Acoustic, privacy and amenity impacts;
- Increased crime and rubbish; and
- Devaluation of property prices.

In coming to its decision, the panel considered these concerns carefully and is satisfied that they have been comprehensively addressed in Council’s assessment report and recommended conditions.

PANEL MEMBERS	
Justin Doyle (Chair) 	Stacey Brodbeck 
David Kitto 	Grant Christmas 
Mary-Lynne Taylor 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-391 – Camden – DA/2024/5/1
2	PROPOSED DEVELOPMENT	Construction of a five storey mixed use development across nine buildings comprising retail and commercial uses, supermarket, cinema, gymnasium, centre-based child care centre for eighty children, entertainment uses, food and drink premises and specialty retail with shop top housing for 331 residential apartments, two level basement car parking for 917 vehicles, loading dock, private access road, public domain works, landscaping and associated site works.
3	STREET ADDRESS	1 and 7-9 Providence Drive and 2 and 4 Huntington Street, Gledswood Hills.
4	APPLICANT/OWNER	Applicant: FPD Planning Owner: United Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Planning Systems) 2021.</i> <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021.</i> <i>State Environmental Planning Policy (Housing) 2021.</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022.</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021.</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021.</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021.</i> Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> <i>Turner Road Development Control Plan 2007.</i> <i>Camden Development Control Plan 2019.</i> Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 20 November 2024 Clause 4.6 request: Clause 4.3 - Height of Buildings Written submissions during public exhibition: 107 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Dhanush Naidu, Benita James Council assessment officer – Jamie Erken, Annabelle Jones, Stephen Pratt, Ryan Pritchard

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Katrina Burley, Murray Stewart, Sam Mustaca, Shaun Farren • Total number of unique submissions received by way of objection: 107
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 15 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Stacey Brodbeck, David Kitto, Mary-Lynne Taylor, Grant Christmas, ○ <u>Council assessment staff</u>: Annabelle Jones, Jamie Erken ○ <u>Applicant Representatives</u>: Katrina Burley, Murray Stewart, Sam Mustaca, Shaun Farren • Site inspection: 25 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Mary-Lynne Taylor, Stacey Brodbeck ○ <u>Council assessment staff</u>: Annabelle Jones, Jamie Erken • Final briefing to discuss council's recommendation: 25 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Stacey Brodbeck, David Kitto, Mary-Lynne Taylor, Grant Christmas ○ <u>Council assessment staff</u>: Annabelle Jones, Jamie Erken
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Council's assessment report