

## SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-426
Application Number:	2024/259/1
Local Government Area:	Camden
Development:	Construction of a seven storey mixed use development comprising one retail premises, four food and drink premises and 48 business premises with four levels of basement car parking and associated site works.
Estimated Development Cost:	\$71,048,784
Site Address(es):	38-44 Lasso Road, Gregory Hills
Applicant:	Austral 88 Pty Ltd
Owner(s):	Austral 88 Pty Ltd
Date of Lodgement:	25 June 2024
Number of Submissions:	No submissions received
Classification:	<ul style="list-style-type: none"> <li>Regionally significant development</li> <li>Integrated development</li> </ul>
Recommendation:	Approve with conditions
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development estimated development cost >\$30 million
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Precincts - Western Parkland City) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>Camden Development Control Plan 2019</li> <li>Turner Road Development Control Plan 2007</li> </ul>
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> <li>Assessment report</li> <li>State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table</li> </ul>

	<ul style="list-style-type: none"> <li>Camden Development Control Plan 2019 assessment table</li> <li>Turner Road Development Control Plan 2018 assessment table</li> <li>Applicant's request to contravene a development standard</li> <li>Recommended conditions</li> <li>Proposed plans</li> </ul>
Development Standard Contravention Request(s):	Retail shop cap
Summary of Key Submission Issues:	Nil
Report Prepared By:	Jessica Mesiti (Executive Planner)
Report Date:	March 2025

### 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 Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections 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 development at 38-44 Lasso Road, Gregory Hills.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$71,048,784. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (Planning Systems) 2021.

## SUMMARY OF RECOMMENDATION

That the Panel determine DA/2024/259/1 for a mixed use development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

## EXECUTIVE SUMMARY

Council is in receipt of a DA for a mixed use development at 38-44 Lasso Road, Gregory 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.

State Environmental Planning Policy (Planning Systems) 2021	The Panel is the consent authority for this DA as the development has an EDC of \$71,048,784.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)	The development is permitted with consent in the applicable B5 Business Development zone; is consistent with the zones' objectives; and acceptable in terms of the Western Parkland City SEPP's other matters for consideration.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)	The DA was referred to Transport for NSW for comment pursuant to the Transport and Infrastructure SEPP and the comments received have been considered.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	Council staff have assessed a Phase 1 Detailed Contamination Assessment and associated information submitted in support of the DA. Council staff are satisfied that the site is suitable for the development.
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	The development is considered satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that the

	applicant has satisfactorily demonstrated all of the sustainability requirements listed.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 11 July 2024 to 14 August 2024 and no submissions were received.

The applicant proposes a contravention to Clause 4.1E(1) (Appendix 2) of the State Environmental Planning Policy (Precincts – Western Sydney Parkland City) 2021, in respect of the retail shop cap of 2,500sqm across land subject to the B5 Business Development zone in Turner Road Precinct. The retail shop cap for the Turner Road Precinct has already been reached / exceeded and the proposed development includes 177.1sqm of retail floor area. The contravention is assessed in detail in this report and is supported by Council staff.

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

### AERIAL PHOTO



### THE SITE

The site is commonly known as 38-44 Lasso Road, Gregory Hills, is legally described as Lot 9 DP1267546, and has an overall area of 2,809m<sup>2</sup>. The site has a frontage of

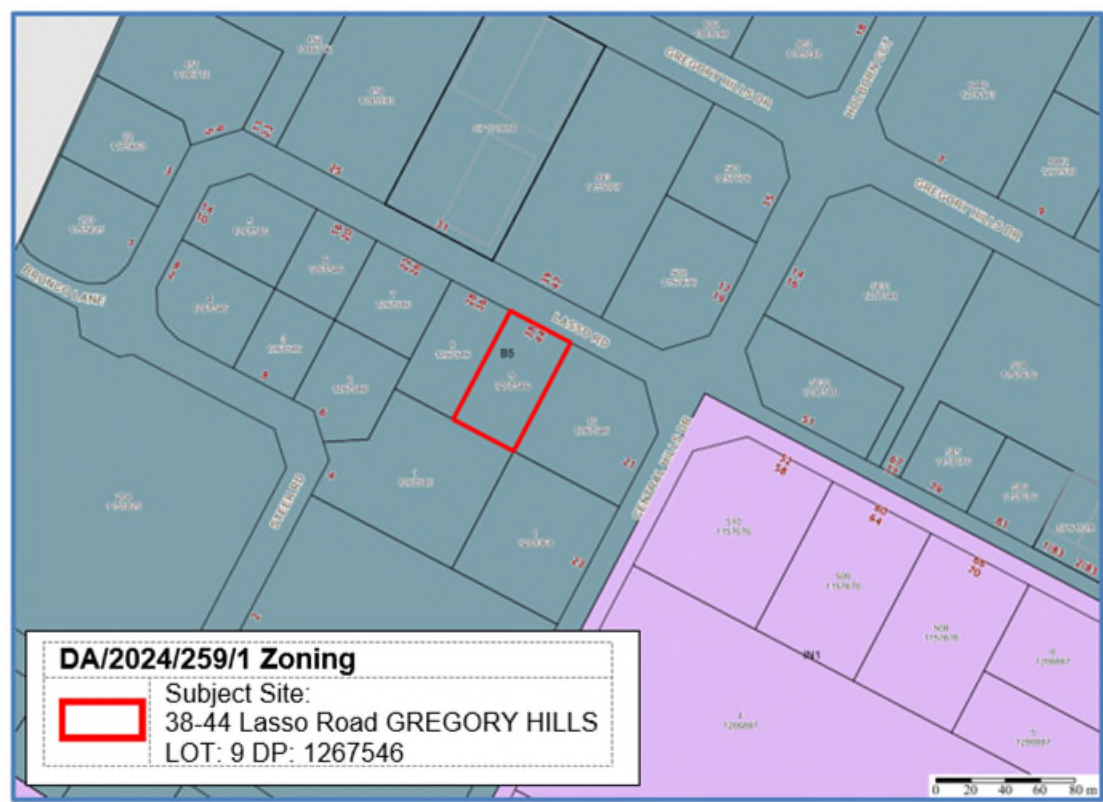
39.57 metres to Lasso Road and a depth of 71 metres. The site is rectangular in shape and has a fall of approximately 2.6 metres from the rear of the site toward Lasso Road. The front of the site adjacent to Lasso Road for the length of the frontage is battered up from the road verge. There is no vegetation or structures present on the property.

The site is located within the Turner Road Employment Area of the South-West Growth Area. The immediate surrounding area contains a range of commercial, business and industrial development.

The site is surrounded by a series of commercial lots, which are mostly vacant. Adjacent to the site opposite Lasso Road to the north is a two-storey commercial building occupied by Hoot Homes and Wisdom Homes and two x four storey commercial developments. Further to the north-east is Gregory Hills Hotel, to the south and south-west is a three storey mixed used building under construction, the Home Centre, Bunnings Warehouse and a large colourbond warehouse building occupied by GMKK Logistics. Immediately to the west is a vacant site which has approval for a six storey mixed use development.

The surrounding locality generally consists of residential neighbourhoods with Gledswood Hills to the north, Gregory Hills to the east and Oran Park and Catherine Fields to the west. To the south, new developments within the Gregory Hills Business Park continue to be erected upon recently created business and industrial lots.

**ZONING PLAN**



**HISTORY**

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

Date	Development
29 September 2020	Approval of DA/2020/433/1 for a staged subdivision to create 13 business development lots, bulk earthworks, and associated site works.

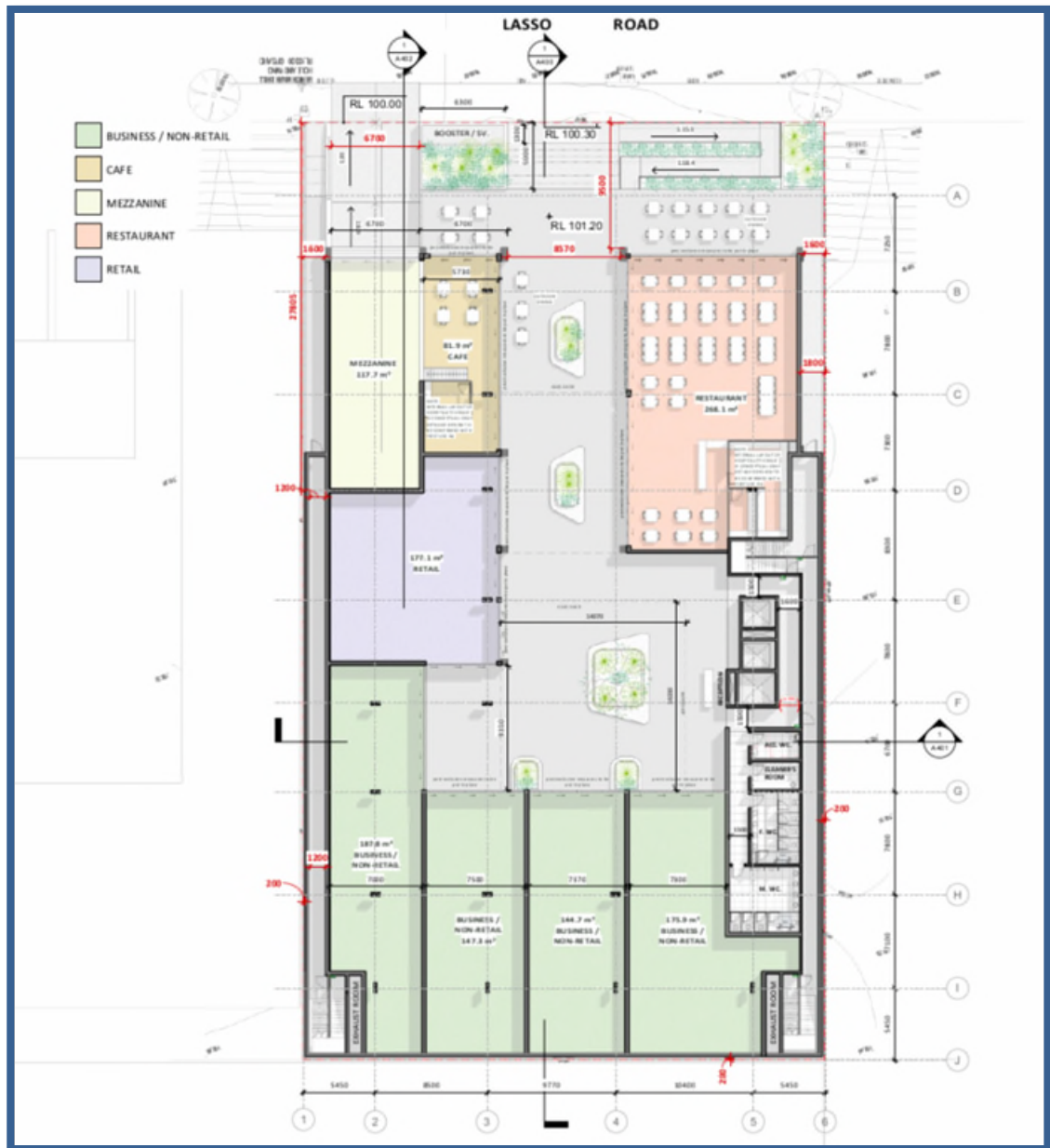
## **THE PROPOSAL**

DA/2024/259/1 seeks approval for the construction and use of a mixed use development.

Specifically, the development involves:

- Construction and use of a mixed use development comprising the following land uses:
  - 48 business premises with a combined area of 6,791.4m<sup>2</sup>,
  - four food and drink premises with a combined area of 1,173.1m<sup>2</sup>,
  - one retail premises with an area of 177.1m<sup>2</sup>, and
  - rooftop pool, sun lounges, informal seating and associated amenities.
- Construction of 252 car parking spaces within four levels of basement car park.
- Construction of 43 motorcycle spaces and 40 bicycle spaces.
- Associated site works including the construction of earthworks, drainage, services and landscaping.







**Figures 2 and 3 – Front Elevation Perspectives**

### **PANEL BRIEFING**

Council staff briefed the DA to the Panel on 16 December 2024. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:



1. *The Panel sought clarification on the intent to deliver the curved glass windows and it was advised to ensure these elements of the building are feasible as these elements are likely to be required by specified conditions of consent if they remain on the plans.*

Officer comment:

The curved glass has been retained throughout the upper floors of the building.

2. *The Panel queried the feasibility of the proposed landscaping on the outside of the building given the hot climate in this part of Sydney and indicated that it would like further detail on how this landscaping will be established and maintained over the long term.*

Officer comment:

The climbing plants on the front façade have been substituted with edge planting located within planter boxes which have a minimum width of 500mm and depth of 450mm. This will respond better to the weather conditions and the direct sunlight. A condition is recommended which requires the installation of an irrigation system to the proposed edge planting to ensure they are adequately watered / maintained.

3. *The Panel indicated that further landscaping or shading may be required to reduce the heat and improve the amenity of the food and drink premises and pool area on the top storey.*

Officer comment:

Cabanas and temporary shading devices such as umbrellas have been proposed for the pool area to improve the amenity for visitors.

4. *The Panel sought further detail on the proposed access arrangements to the building, given the general public will be allowed to use the food and drink premises and pool area on the top storey.*

Officer comment:

The applicant advised that a keycard swipe system will be implemented for the businesses to grant access to pool area. The pool area may also be accessed by patrons of the food and drink premises on level 7.

5. *The Panel noted that the development will require an aquifer interference approval under the Water Management Act 2000 and confirmed that Council is seeking the general terms of this approval from the relevant water authority.*

Officer comment:

A referral was sent to Water NSW under Section 90(2) of the *Water Management Act 2000* with a supporting Geotech report. The Geotech report confirms the water table is above the basement slab level and a tanked basement system is required to be provided. WaterNSW provided their General Terms of Approval and a condition is recommended to ensure compliance with the GTAs.

6. *The Panel noted that the sustainability report commits to investigating the provision of electric vehicle charging infrastructure on site during the detailed design of the building but indicated that it is now common practice for basic electric charging infrastructure to be provided throughout the building from the outset to avoid any complications with providing this infrastructure in the future. To avoid any delays in the assessment, the Panel encouraged the Applicant to bring forward the design of this aspect of the development and include the delivery of this infrastructure in the final plans for the development.*

Officer comment:

Electric vehicles have been provided within all basement levels and solar panels have been included on the rooftop as per the recommendations of the Ecological Sustainability Report.

**DESIGN REVIEW PANEL**

The DA was briefed to the Design Review Panel (DRP) on 19 August 2024. Concerns were raised with the permissibility of the office premises, proposed building height of 39.2m, bulk and scale, visual impacts, compatibility with the streetscape, inconsistencies with Camden Centres and Employment Land Strategy and economic viability of the extensive commercial uses proposed.

Council staff requested additional information on 25 September 2024 to address the concerns raised by the DRP. Amended plans and additional information were submitted on 3 December 2024. The following amendments have been undertaken to address the comments raised:

- The proposal has been amended to reduce the height of the building from 39.2m to a maximum of 29.2m.
- The overall bulk and scale of the building has been reduced.
- The building now presents as a more symmetrical layout.
- The materials and finishes have been revised to provide a more orderly layout which flows.
- All elevations have been further articulated by introducing some side and rear setbacks, glazing and textured concrete.
- The office premises have been removed and replaced with smaller business tenancies.
- The frontage at ground level has been activated by relocating the food and drink premises to the front of the building and incorporating outdoor seating.
- The lift and amenities have been relocated to a more central and accessible location.
- The rooftop amenities and associated food and drink uses have been refined with landscaping, seating and shade structures provided.
- Additional landscaping has been provided within the front setback and on balconies to further soften and complement the built form.

The amended plans are an improved urban design outcome, which have satisfactorily addressed the comments raised by the DRP.

**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 (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the EDC of the development is \$71,048,784.

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

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

*Site Zoning*

The site is zoned B5 Business Development pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP.

*Development Characterisation*

The development is characterised as a 'mixed use development' comprising, 'business premises', 'food and drink premises' and 'retail premises' by the Western Parkland City SEPP.

*Permissibility*

The development is permitted with consent in the zones in which it is proposed pursuant to the land use table in Appendix 2 of the Western Parkland City SEPP.

*Planning Controls*

An assessment table in which the development is considered against the Western Parkland City SEPP's planning controls is provided as an attachment to this report.

*Proposed Contravention*

The applicant proposes a contravention of the total retail shop cap of 2,500sqm across all land in the Turner Road Precinct. In excess of 15,000sqm of shop area has been approved in the B5 zone (either by way of DA or CDC), while the subject proposal has a total proposed shop area of 177.1sqm which further varies the development standard.

#### *Contravention Assessment*

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant's written request provides the following justification for the contravention:

- The proposed retail 'shop' tenancies will not detract from the economic strength or function of centres.
- The proposed retail 'shop' tenancies will have an overall positive impact in respect of employment generation.
- The proposed development includes an appropriate mix of ground level ancillary uses. These ancillary uses are necessary to support the operation of business premises, which represent the primary land use activity proposed for the site and represent just 2.2% of the overall proposed GFA.
- There is approximately 15,997sqm of retail floor space in the B5 zone. A series of departures have been previously endorsed as the cap for the floor space has largely been abandoned and it sits in contradiction of the large format retailing that is often sought in the B5 zone.
- Any impact to the sales revenue of retail activities across the broader precinct, albeit negligible, would be short term only.
- The proposal is in the public interest because it is consistent with the objectives of the B5 Business Development Zone.

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

Pursuant to Appendix 2, Section 4.6(4) of the Western Parkland City SEPP, Council staff are satisfied that:

- The applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, and
- The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

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

## *B5 Business Development*

1. *To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.*

The development will provide business premises, food and drink and retail premises. The proposed retail floor space is ancillary to the business premises. It will support the operation of the proposed business premises and will not impact on the viability of nearby centres.

2. *To provide for a wide range of employment generating development.*

The development will provide a range of employment generating land uses appropriate for the zone.

3. *To provide for a mix of ancillary uses to support the primary function of providing employment generating development.*

The development will provide a mix of uses that will ultimately help support other employment generating development on the site and in the zone.

4. *To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.*

Clause 4.1E(1) of Appendix 2 of the SEPP seeks to ensure that retail 'shop' floor space within the Lasso Road precinct does not impact upon the envisaged hierarchy of centres and intended function of the Turner Road precinct.

The proposed retail 'shop' tenancies would not impact on the ongoing operation or viability of any existing retail centre in the local area, or impact negatively on the existing hierarchy of centres.

The nearest existing retail centre is Gregory Hills Village Centre, some 1.5 km from the site. This centre contains 7,500sqm of retail floor space and is anchored by a full-line Woolworths supermarket as well as an ALDI. The Gregory Hills Village Centre will serve a mix of local residents and workers whereas any retail development at the subject site will primarily serve local workers.

5. *To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.*

The business premises is the primary land use proposed. The proposed retail 'shop' tenancies represent a reasonable ancillary use that will support and complement the operation of business premises floor space at the site.

- The proposed retail floor space will not detract from the economic strength or function of nearby centres.
- While it may be seen that the development standard has been abandoned as there is already a significant contravention of the retail shop cap within this precinct, much of this occurred through shops being approved under the Complying Development Certificate (CDC) processes. The additional retail floor area proposed as part of this application is minimal by comparison.



- The proposed retail 'shop' tenancies will have an overall positive impact in respect of employment generation.
- The proposed development includes an appropriate ground level ancillary retail use. The ancillary use supports the operation of business premises, which represent the primary land use activity proposed across the site.

No specific objectives are prescribed for the 'shop cap' in Clause 4.1E Appendix 2 of the SEPP, however for the reasons outlined above the proposed contravention is considered reasonable.

It is noted that the Panel may assume the concurrence of the Secretary pursuant to Planning Circular PS 20-002.

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

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

*Referral to Transport for NSW (TfNSW)*

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the Transport and Infrastructure SEPP as, pursuant to Schedule 3 of the Transport and Infrastructure SEPP, the development is classed as traffic generating development. TfNSW advised that the proposed development is unlikely to have a detrimental impact on the surrounding classified road network.

Pursuant to Section 2.122 of the Transport and Infrastructure SEPP, Council staff have assessed the accessibility of the site, including the efficiency of people and freight movement to and from it, traffic safety, road congestion and parking implications of the development. The development is considered to be acceptable in terms of these matters in that:

- (a) safe and efficient access to the site will be provided via the proposed access driveways,
- (b) pedestrian linkages through the development will help facilitate pedestrian movement,
- (c) the development's scale and design will not result in any unreasonable adverse traffic safety or road congestion issues, and
- (d) the car parking is compliant with the minimum DCP with a surplus provided.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. The Resilience and Hazards

SEPP also provides a Statewide planning approach to the remediation of contaminated land.

### *Contaminated Land*

Section 4.6 of the Resilience and Hazards 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.

The applicant has submitted a Phase One Contamination Assessment and supporting information as part of the DA. This assessment found the site to be suitable for the development from a contamination perspective. Council staff have reviewed the assessment, agree with its findings and are satisfied that the site is suitable for the development.

A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

### State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainable buildings, and record accurate data about the sustainability of buildings.

The development is considered satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that:

- the development has been designed to enable the sustainability measures listed in Section 3.2,
- the embodied emissions attributable to the development have been quantified,
- the applicant has provided evidence that the development will incorporate the infrastructure necessary for the development to not use on-site fossil fuels after 1 January 2035,
- the applicant has submitted a NABERS commitment agreement that demonstrates the development is capable of achieving the standards for energy and water use specified in the Sustainable Buildings SEPP, and
- the applicant has detailed the method under Section J of the Building Code of Australia that will be used to demonstrate the development is capable of achieving the standards for energy use specified in the Sustainable Buildings SEPP.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result 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 environmental planning instruments that are applicable to the development.

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

The development control plans that apply to the development are:

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

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

Turner Road Development Control Plan 2018 (Turner Road DCP)

An assessment table in which the development is considered against the Turner Road DCP is provided as an attachment to this report.

***(a)(iiia) 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***

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

***(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***

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

Visual Impacts

It is considered that the development will positively contribute to the character of the area. The development is well articulated and incorporates a range of building setbacks, heights, materials, finishes and landscaping that provide a high degree of visual interest.

The site is not subject to a maximum building height development standard and buildings in the surrounding area generally vary between 2 and 6 storeys in height (both approved and constructed).

At seven storeys, the proposed development is one storey taller than the six storey mixed use development that was approved on the adjoining site (26-36 Lasso Road) by the Sydney Western City Planning Panel.

The additional floor is considered reasonable for the follow reasons:

- The proposed building has a street wall height that compares favourably to the adjoining approved building at 26-36 Lasso Road.
- The upper level is recessed from the outer edges of the building with a large courtyard and swimming pool located in the northern corner of this floor.
- The proposed development is well articulated with a central lightwell and front lightwell extending through all floor of the building.
- Extensive landscaping is proposed on all levels which softens and adds interest to the overall appearance of the development.
- The massing provides for an upper level restaurant, courtyard and pool with good amenity and outlook without impacting negatively on adjoining properties or the streetscape of Lasso Road.
- As pointed out above, the site is not subject to a maximum building height development standard and the area consist of building (approved and constructed) of varying heights.

#### Traffic Impacts

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the development will not have a significant impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

All other likely impacts have been assessed in other sections of this report.

#### ***(c) the suitability of the site for the development***

As demonstrated by the assessment, the site is considered to be 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 11 July 2024 to 14 August 2024 and no submissions were received.

#### ***(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 assessment, the development is consistent with the public interest.

### **EXTERNAL REFERRALS**

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

<b>External Referral</b>	<b>Response</b>
WaterNSW	General Terms of Approval and recommended conditions provided.
Transport for NSW	No objection and no recommended conditions.
Camden Police Area Command.	No response received.

Conditions that require compliance with the external referral recommendations are recommended.

### **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 approval subject to the conditions attached to this report.

### **RECOMMENDATION**

**That the Panel:**

- i. **support the applicant's request pursuant to Appendix 2, Section 4.6(3) of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 to contravene to Clause 4.1E(1) of Appendix 2 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021, and**
- ii. **approve DA/2024/259/1 for a mixed use development at 38-44 Lasso Road, Gregory Hills subject to the 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 retail shop cap standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Section 4.1E(1) 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 B5 Business Development zone.

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 (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 Camden Development Control Plan 2019.
4. Subject to the recommended conditions, the development is considered to be of an appropriate scale and form for the site and the character of the locality.
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.