

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	20 November 2025
DATE OF PANEL DECISION	20 November 2025
DATE OF PANEL BRIEFING	10 November 2025
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Michael Mantei, Abha Suri
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 3 November 2025.

MATTER DETERMINED

PPSSWC-548 – Camden – DA/2025/243/1 – 100 Byron Road, Leppington - Demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all 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 listed at item 8 in Schedule 1.

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined in the Council's assessment report, in particular, the many design related issues raised in the report, giving rise to various non compliances with applicable planning controls.

At the determination meeting the Applicant's representatives submitted to the Panel that:

- There is a heavy bias to a certain form of housing in the Council's assessment report and the DA has been assessed unfairly against that form of development (namely residential flat buildings).
- The DA presented does meet the density requirement within the zone and is permissible.

The Council informed the Panel that:

- Deemed refusal proceedings have been commenced.
- The Council's Statement of Facts and Contentions was filed on 24 September 2025.
- Amended plans are to be provided by 4 December 2025.
- A section 34 conference is scheduled for 18 December 2025.
- The Council is open to a "without prejudice" meeting prior to the section 34 conference.

The Panel Chair noted that the Panel had been provided with a copy of an email from Philip Scott, on behalf of the Applicant, dated 7 November requesting a deferral of the Determination. One of the primary reasons in support of the deferral request was that the Applicant had not been given sufficient time to address the issues raised in the Assessment Report.

In response to this, the Panel Chair stated that many of the issues raised in the Assessment Report were raised in the Briefing Report for the September meeting and otherwise had been raised in the detailed Statement of Facts and Contentions filed in the Class 1 appeal. Further, in considering the merits of a deferral, the Panel was of the view that there is a fundamental divide between the Council and the Applicant on the present design issues, such that unless the Applicant is proposing to make significant changes to its design, the matters raised in the Council's Assessment Report were unlikely to be resolved by allowing further time to address the Panel on the issues raised.

Council confirms in its assessment report and repeated at the briefing that it:

- does not wish to see side by side buildings and a row of colour bond fences along Byron Rd, when Byron Rd is intended to be one of the key streets in Leppington; and
- takes issue with the fact that the occupants of the homes will have to cross the road or walk down the street to get to their car park and also takes issue with the internal layout of the number of dwellings (in particular, in relation to access to open space).

In response the Applicant's representatives stated that it would consider making some changes to the architectural plans, but did not intend to change the orientation of the houses as this is a unique feature of its DA, noting that it is clear the Council wants rear loaded garages with houses fronting Byron Rd. The Applicant is of the view that its DA provides for a "human scale form of housing" and while access to some of the units is via a footpath or shared landscaped area, this provides a "resort or retirement village" feel. Moreover, the Applicant's representatives submitted that the proposed dwellings are meant to be an entry level product to the market and directed at singles, couples/small families with less need for open space and less dependency on cars.

Ultimately, the Panel agreed with the Council that the DA cannot be approved in its present form because:

- (a) the present orientation of the lots would lead to a poor outcome to Byron Road,
- (b) The design of some dwellings leaves the private open space accessible through one bedroom only – an issue exacerbated particularly for some of the dwellings which do not have a side path.
- (c) The presently proposed parking arrangements would give the internal road system the presentation of a carpark, with poor accessibility for the dwellings.

Given that there is an appeal pending and the Court processes are available to encourage and facilitate compromise and settlement of the DA, with a conciliation conference booked before the end of the year, further deferral is not justified and refusal is appropriate.






The Panel however notes the Council's advice to the Panel that it will make its urban design expert available to meet to see if some agreement could be reached on design changes that could be accommodated. Any other relevant expert or Council officer should also be made available to confer as appropriate.

Given the time needed to have amended drawings prepared in time for the listed s 34 Conference, the Panel encourages that meeting to happen as soon as practicable.

The Panel is to be provided with a note summarising the outcome of this discussion so that the Panel can consider what role it will take in relation to the appeal proceedings.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 
David Kitto 	Michael Mantei 
Abha Suri 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-548 – Camden – DA/2025/243/1
2	PROPOSED DEVELOPMENT	Demolition of existing structures, removal of trees and vegetation, dam rewatering, remediation and subdivision creating ninety-four (94) Torrens title and ninety-one (91) community title lots with the construction of 124 attached, detached and semi-detached dwellings with road construction, drainage construction, servicing and all associated site works.
3	STREET ADDRESS	100 Byron Road, Leppington
4	APPLICANT/OWNER	Applicant: The Trustee for Crown Trust 52/Crownland Owner: Raymond Northey, Holly Behringer, Beryl Northey, Larry Northey
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Precincts - Western Parkland City) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Camden Growth Centres Precincts 2023 Camden Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Camden Development Control Plan 2019 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: 3 November 2025 Written submissions during public exhibition: 0 Email from Philip Scott: 7 November 2025
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 8 September 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Michael Mantei, Michael File <u>Council assessment staff</u>: Mitchell Anderson, Ryan Pritchard, Jamie Erken Final briefing to discuss council's recommendation: 10 November 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Michael Mantei, Abha Suri

		<ul style="list-style-type: none">○ <u>Council assessment staff:</u> Mitchell Anderson, Ryan Pritchard, Jamie Erken○ <u>Applicant representatives:</u> Philip Scott
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable