

## SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-573
Application Number:	2025/284/1
Local Government Area:	Camden
Development:	Construction of a six storey hotel development comprising 137 rooms, function rooms, restaurant, basement car parking, and associated site works.
Estimated Development Cost:	\$50,735,255
Site Address(es):	10A and 12 Digitaria Drive, Gledswood Hills
Applicant:	SAG Developments Pty Ltd C/O The Planning Hub
Owner(s):	SAG Developments Pty Ltd
Date of Lodgement:	28 May 2025
Number of Submissions:	No submissions received
Classification:	<ul style="list-style-type: none"> <li>Regionally significant development</li> <li>Nominated integrated 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>Turner Road Development Control Plan 2018</li> <li>Camden Development Control Plan 2019</li> </ul>
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> <li>Assessment report</li> </ul>

	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table</li> <li>• Turner Road Development Control Plan 2007 assessment table</li> <li>• Camden Development Control Plan 2019 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):	<ul style="list-style-type: none"> <li>• Maximum building height</li> </ul>
Report Prepared By:	Jessica Mesiti, Executive Planner
Report Date:	October 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 the construction of a six storey hotel development comprising 137 rooms, function rooms, restaurant, basement car parking, and associated site works at 10A and 12 Digitaria Drive, Gledswood Hills.

The Panel is the consent authority for this DA as the estimated development cost (EDC) is \$50,735,255. 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/2025/284/1 for the construction of a six storey hotel development comprising 137 rooms, function rooms, restaurant, basement car parking, and associated site works 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 the construction of a six storey hotel development comprising 137 rooms, function rooms, restaurant, basement car parking, and associated site works at 10A and 12 Digitaria Drive, 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.

State Environmental Planning Policy (Planning Systems) 2021	The Panel is the consent authority for this DA as the development has an EDC of \$50,735,255. The EDC threshold for Council to determine the DA is \$30 million.
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 zone 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)	A contamination assessment (phase 2) was undertaken under the parent subdivision which created the subject site.

	The assessment confirmed there are no areas of environmental concern on the subject site. Council's Environmental Health Specialist has confirmed that the site is suitable for the use.
State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP)	The development is satisfactory in terms of Chapter 3 of the Sustainable Buildings SEPP in that the applicant has satisfactorily demonstrated all of the sustainability requirements.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)	The development is 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 June to 15 July 2025 and no submissions were received.

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 15m above finished ground level and the development has a maximum height of 24.59m. The contravention is assessed in detail in this report and is supported by Council staff.

The application seeks a variation to the rear setback requirements identified in the Turner Road Precinct Development Control Plan, proposing two vertical brick columns with a nil setback to the eastern property boundary. The development also proposes a portion of the south-east corner of the building varying from 380mm to 620mm from the eastern rear property boundary adjacent to an internal loading dock. The variation 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.

#### **KEY PLANNING CONTROL VARIATIONS**

<b>Control</b>	<b>Proposed</b>	<b>Variation</b>
Height of Building – 15m (maximum)	24.59m	9.59m (63.93%)
Rear setback – 2m	0m (at the closest point)	2m (100%)

## AERIAL PHOTO



## THE SITE

The site is commonly known as 10A and 12 Digitaria Drive, Gledswood Hills and is legally described as Lot 2 DP 1275480 and Lot 4 DP 1262720 and has an overall area of 3,530m<sup>2</sup>.

The site has frontage to an adjoining riparian corridor to the east. Access to the site is obtained via a private road that links Gregory Hills Drive to Digitaria Drive and directly adjoins the site to the west. A right of carriageway over this road enables access over and through adjoining Lot 2 DP1262720. The site is irregular in shape, with a curved western property boundary. No structures or vegetation exist on the subject site.

To the north of the site are South Creek and the residential suburb of Gledswood Hills. To the east is the residential suburb of Gregory Hills. To the south is developing business development and the Smeaton Grange industrial estate. To the west is business development, Camden Valley Way and the Harrington Grove and Catherine Park residential estates.

The immediately surrounding area is characterised by a child care centre to the north, riparian corridor and private hospital to the east, food and drink premises to the south and the 'Soma' mixed use development to the west. On 14 May 2025, planning approval was granted by the Department of Education to establish the Gledswood Hills High School on Lot 2 DP1262720 (9 Gregory Hills Drive, Gledswood Hills) located directly to the west of the subject site (on the opposite side of private road).

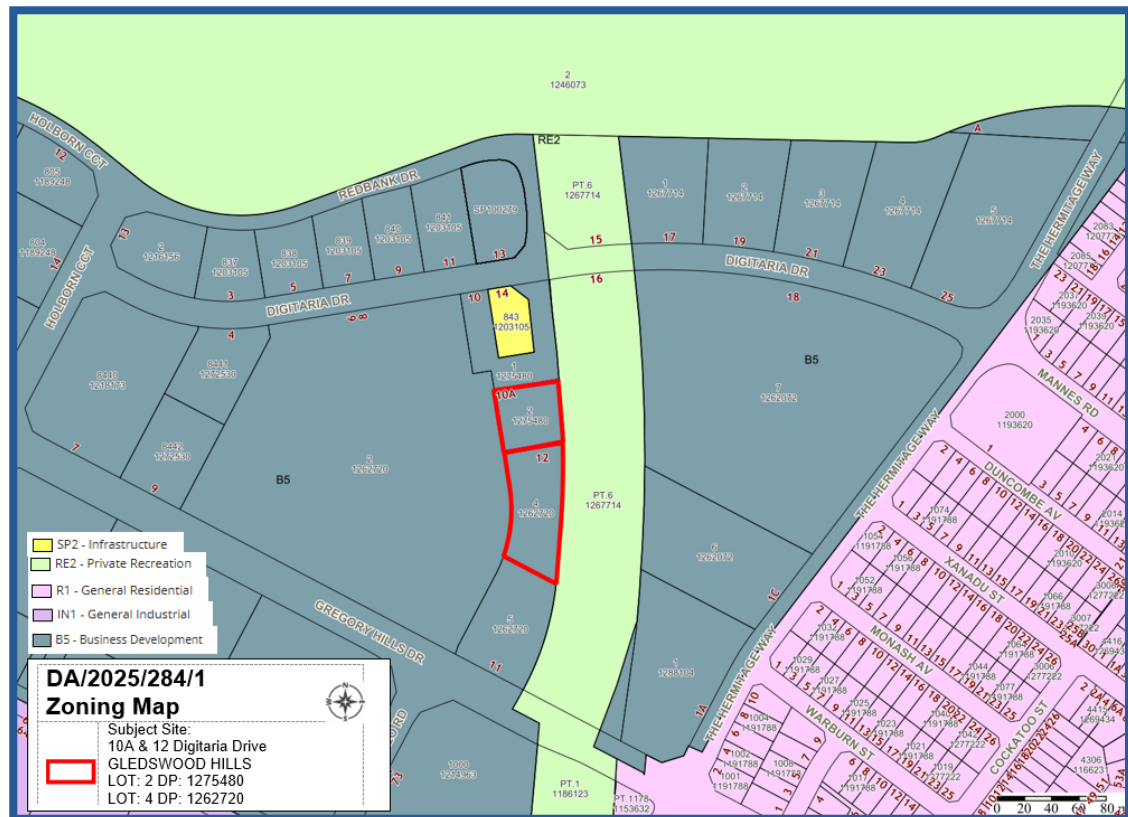
The site is located within the Turner Road Precinct of the South West Growth Centre.



The site is subject to a Concept Approval for a mixed-use development which was granted by the Sydney Western City Planning Panel on 19 December 2017 under DA/2017/45/1. The Concept Approval has been modified several times. The current application is a detailed development application for one of the hotels granted consent within the concept approval, albeit the proposed hotel is higher than that approved under the concept approval (6 storeys in lieu of 4 storeys). A recommended condition of consent requires the concept approval (DA/2017/45/13) to be modified under section 4.17 of the Environmental Planning and Assessment Act 1979 and section 67 of the Environmental Planning and Assessment Regulation 2021 to ensure the approved development is consistent with the concept approval.

A DA was approved on the site on 21 February 2023 under DA/2021/1956/1 for the construction of a 90 room hotel/motel and a function room development with car parking, landscaping, civil works and associated works. DA/2021/1956/1 is proposed to be surrendered to facilitate the proposed development (if approved) and a recommended condition is included to this effect.

## ZONING PLAN





	and drink premises, six recreation facilities (indoor), two hotels, a cinema, subdivision and associated site works.
1 August 2018	Section 4.55(1A) Modified development consent issued – Modification to allow the issue of a subdivision certificate prior to the completion of the overall development
25 September 2018	Section 4.55(1A) Modified development consent issued - Modification to allow the early construction and interim operation of two approved driveways.
23 November 2018	Section 4.55(1A) Modified development consent issued - Modification to the approved subdivision layout, reduction in the size of the south west basement car park and modification of the basement extent, internal layout modifications, including a designated loading bay at the frontage of unit 10, additional at grade parking of 5 spaces adjacent to building 4 and the layout of the main basement car park amended and extended to provide for an additional 56 spaces, floor area of unit 5A, 5B, 31 and 32 modified (ground floor), inclusion of a fire tunnel through unit 5A (ground floor), unit 35 floor area modified (1st floor plan), unit 37 floor area modified (2nd floor plan) and unit 38 deleted (3rd floor plan).
21 February 2020	Section 4.55(1A) Modified development consent issued – Section 4.55 modification to an approved mixed-use development to amend the built form and layout, car parking arrangements, stormwater drainage details and related adjustments to easements and restrictions to enable each lot to be developed independently
14 January 2021	Section 4.55(1A) Modified development consent issued – Section 4.55 modification to approved concept plan for a mixed-use development to modify the subdivision layout of lot 1 into two separate lots, modify the building envelope of the business premise at the north of lot 1 to a single storey child care centre with at grade car parking and amendment to the approved road layout
23 June 2021	Section 4.55(1A) Modified development consent issued – Section 4.55 modification to an approved concept plan approval for a mixed-use development to modify the building envelope of the leisure centre on Lot 3 for use as a centre based child care centre for 112 children and at-grade car parking, and business premises and food and drink premises with basement care parking and associated subdivision
4 January 2022	Section 4.55(1A) Modified development consent issued – Section 4.55 modification to an approved concept plan for a mixed-use development to amend the built form on Lot 5 from a four storey business premises to two single storey food and drink premises with at grade car parking
17 February 2022	Section 4.55(1A) Modified development consent issued – Section 4.55 modification to an approved concept plan for a mixed-use development to reference Lot 8442 as a residue



	lot and permit the servicing of the lot as part of the later built form proposal.
9 June 2022	Section 4.55(1A) Modified development consent issued – Section 4.55(1A) modification to an approved Concept Plan for a mixed-use development to amend the layout and design of the centre based child care facility on Lot 3 amending the number of maximum children from 112 to 119 and deletion of the retail food and drink premises
22 July 2022	Section 4.55(1A) Modified development consent issued – Section 4.55 Modification to an approved concept approval for a mixed-use development to amend the approved stormwater drainage design as it relates to Lot 8441
21 February 2023	Development Consent granted for the construction of a 90 room hotel/motel and function room development with car parking, landscaping, civil works and associated works
22 February 2024	Section 4.55(1A) Modified development consent issued – Section 4.55(1) modification to a concept approval replacing part of a four storey mixed use development containing bulky good, business and food and drink premises, with a two storey centre based child care facility on Lot 8442.

### THE PROPOSAL

DA/2025/284/1 seeks approval for the construction of a six storey hotel consisting of 137 rooms, function rooms, restaurant, basement car parking and associated site works.

Specifically, the development involves:

- Basement level 1 will comprise of two function rooms, commercial kitchen, amenities, staff facilities including offices, uniform storage, cafeteria, storage rooms and building services including communications room, fire pump and tank rooms, fan and switch rooms, pool plant and OSD/CF chamber;
- Ground floor level to comprise of the hotel lobby, bar/lounge, function room, restaurant, kitchen, gym, mail and luggage room, storage rooms, amenities, drop off area, and a loading dock comprising of bin rooms, dirty and clean linen rooms and a discharge room;
- Level 1 will comprise of 30 hotel rooms, housekeeping and back of house room, lift/stair access, building services, two outdoor terraces, pool and pool bar, amenities and outdoor seating;
- Levels 2 to 5 will comprise 107 hotel rooms, housekeeping and back of house room, lift/stair access and building services.
- Construction of 5 levels of basement car parking accommodating 294 car parking spaces, 6 motorcycle spaces and 12 bicycle spaces.
- Associated site works including stormwater drainage, provision of services and landscaping.

- The proposed hours of operation are as follows:

Restaurant / Bar/ Lounge Area/ Function Rooms	7:00am to 12:00am Monday to Saturday 7:00am to 10:00pm Sunday
Pool	8:00am to 9:00pm Monday to Sunday
Pool Bar	1:00pm to 9:00pm Monday to Sunday
Hotel Gym	6:00am to 10:00pm Monday to Sunday
Reception	24 hours 7 days a week all year round.
Waste and Delivery Vehicles	7:00am and 6:00pm Monday to Saturday 8:00am and 6:00pm Sunday and Public Holidays.

## **ASSESSMENT**

### ***Environmental Planning and Assessment Act 1979 - Section 4.15(1)***

In determining a DA, the consent authority is to take into consideration the following matters which 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).
- 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 \$50,735,255. The EDC threshold for Council to determine the DA is \$30 million pursuant to Schedule 6 of the Planning Systems SEPP.

#### **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 'hotel' by the Western Parkland City SEPP.

### *Permissibility*

The development is permitted with consent in B5 Business Development zone 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 seeks to contravene the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 15m above natural ground level where sites have direct frontage to land zoned RE1 Public Recreation or RE2 Private Recreation. The development has direct frontage to land zoned RE2 Private Recreation to the east of the site and proposes a building height of 24.59 metres at the highest point (measured from the rooftop plant zone and lift overruns).

### *Contravention Assessment*

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, the applicant has requested to contravene the development standard. In summary, the applicant's request provides the following grounds for the contravention:

- The development is consistent with the objectives of the development standard in that it will not impact upon the amenity of any residential areas and will achieve an appropriate bulk and scale in the context of the surrounding commercial environment.
- The development is consistent with the objectives of the B5 Business Development zone in that it will provide a commercial, employment generating development that will not impact upon the economic strength of identified centres.
- The approved development on site already exceeds the height limit. Specifically, DA/2021/1956/1 was approved by the Camden Local Planning Panel on 21 February 2023 with a height exceedance of 2.8m (total building height of 17.8m or 18.66% variation). This DA primarily seeks to provide two additional levels (levels 4 and 5) comprising 47 additional hotel rooms which increases the building height from 17.8mm to 24.59m. The proposed design provides an improved urban design response to the site and surrounding precinct with the introduction of a recessed slab, vertical breaks in the building, and varied materials and finishes. The design breaks up the built form to reduce visual length and bulk of the development when compared to the original DA approval.
- The proposed building aligns with a number of recently approved developments in proximity to the site, notably the Camden Medical Campus (State Significant Development approval) which is situated to the north east of the site adjoining the riparian corridor. The building has an approved building height of 26.6m. The

development will allow for an appropriate transition in height from the development to the east.

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

Pursuant to Appendix 2, Section 4.6(3) of the Western Parkland City SEPP, Council staff are satisfied that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances; and,
- There are sufficient environmental planning grounds to justify the contravention of the development standard.

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 amenity of adjoining development, including solar access to dwellings, private open space and bulk and scale will be preserved, noting that the development is a considerable distance from residential land to the east. The development is not located in the immediate vicinity of any dwellings, will not impact upon any private open spaces and is considered to present a bulk and scale that compares favourably to surrounding approved developments.

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

This objective is not relevant as no residential buildings are proposed.

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

The development will facilitate a higher density neighbourhood and town centre environment that is spatially well separated from all residential areas.

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

The proposal comprises a commercial development of an appropriate height having regard to the minimal impact in overshadowing and visual privacy and provides an acceptable bulk and scale. The scale of the hotel building is considered suitable and comparative in height (or lower) than other buildings approved within the immediate locality.

To the north east of the site on the opposing (eastern) side of the riparian corridor at the corner of Digitalia Drive and The Hermitage Way, development consent has been granted to a State Significant Development (Camden Medical Campus SSD 7387), with an approved maximum building height of 26.6m (6 storeys). Adjacent to this SSD approval a 22.2m high mixed use development, comprising a private hospital, has been approved at the corner of The Hermitage Way and Gregory Hills



Drive. Further, on 1 December 2022, the Sydney Western City Planning Panel approved a mixed use commercial development at 14 Holborn Circuit (approximately 470 metres to the west of the site) with building heights ranging from two to six storeys (with a maximum building height of 24.5m).

- 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 additional hotel and function rooms which are currently lacking in the Local Government Area and will increase the diversity of employment options, recreation, leisure and business opportunities, whilst complementing existing uses within the precinct.

The proposed development introduces a use that does not impact upon the viability of nearby centres but rather strengthens them by creating hotel accommodation to allow guests to stay in the Local Government Area. The function room space also allows the holding of corporate and private events.

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

The development will facilitate employment within the hospitality field, with the development requiring bar and restaurant staff, cleaners, catering staff, corporate event and function facilitators.

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

The development provides hotel accommodation that is currently lacking in the Camden Local Government Area and provides ancillary recreation and function room space to enable corporate and private events to be held on site. These activities support nearby businesses through the need to train staff, acquiring food, materials and other supplies, technological support and equipment and servicing, maintenance and trade assistance associated with the upkeep of the hotel.

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

The development does not include the retailing of any food, clothing or convenience shopping.

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 proposed development facilitates a range of uses on site, including hotel accommodation, a swimming pool and pool bar area for the recreation of hotel guests and several function rooms to allow corporate and private events to be held. The use is considered to complement other uses within the precinct as it

will allow guests to stay in the Local Government Area and in the immediate Turner Road Precinct and thus enabling further interaction with other businesses within the precinct.

- It is noted that much of the surrounding B5 zone is not subject to any height of buildings development standard. This site is subject to the development standard due to its frontages to land zoned RE2 Private Recreation (the South Creek tributary).

This particular height standard originates from the initial rezoning of the precinct when a blanket 12m height of buildings development standard was applied to the entire B5 zone. At that time the purpose of Section 4.3(5) was to allow for higher buildings (up to 15m) if they had frontage to Gregory Hills Drive, Camden Valley Way or land zoned RE1 or RE2. The Western Parkland City SEPP was subsequently amended by the (then) Department of Planning, Industry and Environment on 1 April 2010 which removed the blanket 12m maximum height of buildings development standard. However, at the time the Department failed to remove Section 4.3(5). Contrary to the original intent of Section 4.3(5), the subject standard now has the reverse effect of allowing buildings of unlimited height in the middle of the business development lands and a maximum height of 15m along major roads and corners around its perimeter. This is considered to be an anomaly in the Western Parkland City SEPP.

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, the development is classed as traffic generating development. TfNSW raised no objections to the proposed development and identified that the development is unlikely to have a detrimental impact on the surrounding road network.

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

#### *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.

Contamination assessment (Phase 2) was undertaken under the parent subdivision which created the subject site. The assessment confirmed there are no areas of

environmental concern on the subject site. Council's Environmental Health Specialist has confirmed that the site is suitable for the use.

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 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 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:

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

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.

*Proposed Variation – Rear Setback*

Part B3 – Controls for the Turner Road Employment Area specify that development of land adjoining riparian corridors or open space land shall have a minimum setback to the boundary of the riparian corridor or open space land of 2m.

The majority of the development is setback at least 2m from the eastern adjoining riparian corridor with the midpoint of the bow of the curved eastern elevation setback approximately 12m. The development proposes a two point encroachment with a nil setback from brick columns that extend from the ground floor to the first floor which contain stair access. In addition, a portion of the south-east corner of the development along the ground floor is setback 1.85m for a span of 25 metres. This span of wall adjoins the internal loading dock.

The proposed variations to the rear setback control are considered appropriate in this instance, with the brick columns considered minor point encroachments and which assist in supporting and framing either side of the first floor infinity pool. In respect to the span of wall at the south-east corner of the building, consideration of this variation was made within the assessment of the Section 4.55(1A) for the concept approval subject to DA/2017/45/5, which granted consent to an amended building envelope for the hotel and approved a span of wall along the adjoining eastern property boundary.

The interface of the south-east corner of the development adjoining internal service areas (loading dock) is considered appropriate, proposing a blank wall finished in dark brown bricks in a patterned configuration with adjoining landscape planters which create green wall.





*Approved ground floor / envelope of the hotel subject to DA/2017/45/1 (as amended)*

Consequently, it is recommended that the Panel support this proposed variation to the Turner Road DCP.

Camden Development Control Plan 2019 (Camden DCP)

#### *Planning Controls*

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

***(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***

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.

#### Traffic Impacts

The applicant has submitted a traffic report in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative 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.

The DA was referred to Transport for NSW (TfNSW) as the proposal is identified as traffic generating development. TfNSW raised no objections to the proposed development and identified that the development is unlikely to have a detrimental impact on the surrounding road network.

#### Bush Fire Impacts

The site is mapped as bush fire prone land along the riparian corridor frontage which renders the proposed hotel as a special bush fire protection purpose pursuant to Section 100B(6)(d) of the *Rural Fires Act 1997*. Therefore, the development is classed as integrated development and the DA was referred to the NSW Rural Fire Service (RFS) for approval.

The RFS issued a Bush Fire Safety Authority (containing bush fire protection related conditions) for the development. Compliance with the Bush Fire Safety Authority is a recommended condition of consent.

#### Water Management Act

Department of Planning and Environment – Water (DPE Water)

The DA referred to DPE Water under Section 91(2) of the *Water Management Act 2000* as the proposed works are within 40m of a natural watercourse which is located within the adjoining riparian corridor.

DPE Water issued their General Terms of Approval (GTAs) which requires the applicant to obtain a controlled activity approval before the commencement of works. Compliance with the GTAs is a recommended condition of consent.

WaterNSW

The DA was referred to WaterNSW under Section 90 of the *Water Management Act 2000* as the proposed works including the excavation and construction of five levels of basement car parking, necessitating the extraction and dewatering of groundwater from the water table.

WaterNSW issued their GTAs which require the applicant to obtain a Water Supply Work approval before the commencement of any dewatering activity. Compliance with the GTAs is a recommended condition of consent.

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 25 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 11 June to 15 July 2025 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>
NSW Rural Fire Service	No objection and General Terms of Approval and a Bush Fire Safety Authority granted.
Department of Planning and Environment - Water	No objection and General Terms of Approval granted.
WaterNSW	No objection and General Terms of Approval granted.
Transport for NSW	No objection and no recommended conditions.
Sydney Water	No objection and conditions recommended.
Camden Police Area Command.	No response provided.

Conditions that require compliance with the Bush Fire Safety Authority and 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 the height of buildings development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland City) 2021; and**
- ii. **Approve DA/2025/284/1 for the construction of a six storey hotel development comprising 137 rooms, function rooms, restaurant, basement car parking, and associated site works at 10A and 12 Digitaria Drive, Gledswood 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 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.**
  2. **The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**
  3. **The development is consistent with the objectives of the Turner Road Development Control Plan 2007 and Camden Development Control Plan 2019.**
  4. **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.**