

<b>DATE OF DETERMINATION</b>	Friday, 17 April 2020
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli and Nicole Gurran
<b>APOLOGIES</b>	Theresa Fedeli and Lara Symkowiak
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held by Teleconference Call on Friday, 17 April 2020, opened at 2:32pm and closed at 2:54pm.

**MATTER DETERMINED**

PPSSWC-63 – Camden Council – DA2017/1193/2 at 1-5 Main Street, Mount Annan – Modification of an approved multi-dwelling (as described in Schedule 1)

**PANEL CONSIDERATION AND DECISION**

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

**Development application**

The panel determined to approve the s.4.56 modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**




- The modifications proposed in the s.4.56 application will not substantially alter the development approved by the Land and Environment Court on 21 August 2019 for a two storey multi-unit housing development on the subject site, and does not increase the number of lots.
- The proposed modifications are (a) clarification and adjustment of the approved staging (including the number of lots to be completed at each stage), (b) adjustments to lot sizes (which are reported not to exceed a 5% change for any one lot), and (c) staging of the payment of developer contributions in line with the staging of construction. Those changes are all reasonable modifications without any significant environmental impact, that do not result in any conflict with applicable planning instruments.
- The modifications proposed have been assessed by Council staff and found to be acceptable.

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submissions made during public exhibition and heard from Mr Bryson who orally addressed the panel. His issues of concern included:

- Staging the development will delay overall construction period and create prolonged impacts on neighbouring residential properties by reason of noise and visual impacts
- Delaying payment of contributions should not be permitted
- Amendments to lot sizes should not be supported
- Court approval should be adhered to as proposed changes will set a precedent for further future changes

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. When the relevant aspects of the application were explained to Mr Bryson at the meeting, he advised the meeting that he was generally satisfied with the modifications.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-63 – Camden Council – DA/2017/1193/2
2	PROPOSED DEVELOPMENT	Modification of an approved multi-dwelling housing development containing 139 dwellings and associated community title subdivision
3	STREET ADDRESS	1-5 Main Street, Mount Annan
4	APPLICANT/OWNER	Sunland No. 35 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>a) State Environmental Planning Policy (State and Regional Development) (SEPP SRD) 2011</li> <li>b) Camden Local Environmental Plan (CLEP) 2010</li> <li>c) State Environmental Planning Policy (Infrastructure) (ISEPP) 2007</li> <li>d) State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River (SREP 20)</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Camden Development Control Plan 2019</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 20 March 2020</li> <li>• Written submissions during public exhibition: 13</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Brett Lyons</li> <li>○ Council assessment officer - Nil</li> <li>○ On behalf of the applicant – Ivor Dacic</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council’s recommendation, Friday, 17 April 2020 1:45pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Theresa Fedeli and Lara Symkowiak</li> <li>○ <u>Council assessment staff</u>: Stephen Pratt</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report