

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Friday, 4 June 2021
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Stuart McDonald and Lara Symkowiak
APOLOGIES	Paul Farrow
DECLARATIONS OF INTEREST	Louise Camenzuli: One of my Partners at Corrs Chambers Westgarth acts for the proponent or an associated entity of the proponent and I consider that this gives rise to a perceived conflict of interest.

Papers circulated electronically on 5 May 2021.

MATTER DETERMINED

PPSSWC-66 – Camden – DA/2020/211/1 at 108 and 116 Ingleburn Road, Leppington – construction of a mixed use development comprising a shopping centre with a Woolworths supermarket and BWS liquor shop, kiosks, retail business and office premises (see Schedule 1 for full description of approved 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 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 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 approve the application for the following reasons.

1. In the expanding area of Leppington where the present controls anticipate substantial residential growth the contribution of this new shopping centre with business and office premises will provide a much needed facility which will contribute to the amenity of the growing number of residents.
2. The proposal satisfactorily addresses the principles of ecological design and notably includes installation of a roof-mounted solar panel array with an output of approximately 300kW.
3. While the Panel had identified as an issue of particular interest the level of activation to Rickard Road and improved pedestrian links so as to facilitate increased connection to the future development of Leppington, amendments made during the DA process have responded sufficiently to that issue. The improved architectural presentation to Ingleburn road and activation of the southern end of the frontage to that street will assist the development's relationship with the area as Ingleburn Road increases its importance within the town centre of Leppington. Similarly, the improvements of the northern end of that frontage has improved and will notably include a treated façade with Indigenous motifs. The reduction in the prominence of the signage at the northern end of the presentation to Rickard Road is consistent with the provisions of State Environmental Planning Policy No 64 -Advertising and Signage.
4. The Panel is pleased to see the use of Indigenous motifs planned in a prominent position on the building and understands their use is to be designed in consultation with the local Indigenous community.

5. Level differences across the site have been responded to in the landscaping and design to assist the presentation of the proposal following its ultimate upgrade for Rickard Road to its final urban standard.
6. The Panel accepts the advice of the Council assessment report that the proposal is permissible noting the reliance upon Clause 5.3 (Development Near Zone Boundaries) of the Growth SEPP. In that regard, the Panel is satisfied that the development is relevantly consistent with the objectives for development in the B3 Commercial Core zone SP2 Infrastructure (Local Drainage) and SP2 Infrastructure (Classified Road) zones.
7. The completed development serves the interests of compatible land use planning, infrastructure capacity, and appropriate staging aimed at the efficient and timely development of land.
8. The DA was referred to TfNSW for comment pursuant to Clause 104(3) and 100(2) of the ISEPP given that the proposal represents a significant traffic generating development, and involves works on land reserved for the purposes of a classified road. Parts of the site are zoned SP2 Infrastructure (Classified Road) and are identified for acquisition by TfNSW or are reserved for the upgrade of Rickard Road to a classified road. Noting that more than 21 days have passed since the DA was referred to TfNSW, such that the DA may be approved without concurrence, but the Panel notes that the Council is satisfied with verbal advice from discussions with TfNSW that it raises no objection to the proposal. Notably, Council assessment staff themselves are satisfied in relation to the accessibility of the site, that the quality of pedestrian linkages will minimise the need for travel by car, and in relation to the issues of traffic safety, road congestion and parking.
9. Parking at the completed development will be well provided for with 338 off-street car parking spaces, 4 motorcycle parking spaces and 50 bicycle parking spaces.
10. The Application is supported by a phase two detailed contamination assessment, and the Panel accepts the Council's assessment that contamination has been sufficiently addressed.
11. The Panel is satisfied that flood waters flowing north west across the site will be adequately managed by the proposed civil works.
12. The proposal will add an important amenity for the area and is supportive of the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).
13. For those reasons and upon the assessment recorded in the assessment report, the DA should be approved

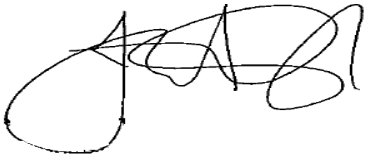

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following addition.

- The use of indigenous motifs in the proposal are to be designed or developed (or co-designed and developed) by an Indigenous artist or designer in consultation with the local indigenous community.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the supportive written submission made during public exhibition.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran



Stuart McDonald



Lara Symkowiak

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	PPSSWC-66 – Camden – DA/2020/211/1
2	PROPOSED DEVELOPMENT	Demolition of existing dwelling houses, sheds and structures, tree removal, construction of a mixed use development comprising a shopping centre with office premises, signage, construction of public roads, subdivision and associated site works.
3	STREET ADDRESS	108 and 116 Ingleburn Road, Leppington
4	APPLICANT/OWNER	Applicant: Fabcot Pty Ltd Owner: Domenic Pezzano & Victor Sherry
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 (State and Regional Development) 2011.○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006.○ State Environmental Planning Policy (Infrastructure) 2007.○ State Environmental Planning Policy No 55 - Remediation of Land.○ State Environmental Planning Policy No 64 - Advertising and Signage.○ Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.○ Draft Environmental SEPP• Draft environmental planning instruments: Nil• Development control plans:<ul style="list-style-type: none">○ Camden Development Control Plan 2019○ Camden Growth Centre Precincts Development Control Plan• Planning agreements: Nil• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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 May 2021• Council supplementary assessment report: 20 May 2021• Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• Briefing: Monday, 1 June 2020<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair) and Nicole Gurran○ <u>Council assessment staff</u>: Ryan Pritchard and Jamie Erken

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Monday, 10 May 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Stuart McDonald and Lara Symkowiak ○ <u>Council assessment staff</u>: Ryan Pritchard, Jamie Erken, David Atkin and Thang Ma
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report