

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday, 20 April 2021
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Sandra Hutton and Lara Symkowiak
<b>APOLOGIES</b>	Theresa Fedeli
<b>DECLARATIONS OF INTEREST</b>	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 29 March 2021.

#### MATTER DETERMINED

PPSSWC-72 – Camden – DA/2020/202/1 at 1-9 Providence Drive, Gledswood Hills - Subdivision of land to create four superlots, stratum subdivision and mixed use precinct (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 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 reasons outlined in the council assessment report.

- The Panel considers that the development is an appropriate, integrated and well documented design and land use response for this site. The development is consistent with the strategic context and statutory control objectives for the site established for the South West Growth Area and the Turner Road Precinct.
- The development provides a positive and appropriate mix of land uses and housing options that are permissible with consent and consistent with the B4 Mixed Use zone objectives. It will represent a significant contribution to the creation of an entertainment precinct as expressed within the Turner Road Precinct Development Control Plan 2019. By providing capacity for new uses in the locality including medical centre, food and drink premises, child care centre, entertainment facilities, recreation facilities, shops and business premises, will add to employment and activity within the precinct as intended. The Panel notes that the amount of business premises at ground level adjoining the public domain has been balanced with the allocation of food and drink premises and shops to certain ground level spaces, where greater activation is warranted.
- It is evident to the Panel that priority in site planning has been given to the role, form and function of various through site linkages and ground level spaces which maximise how residents, tenants, visitors and the broader public will experience and interact with the site, to lead to vibrancy and activity and social interaction. Council's assessment reports that those pedestrian oriented spaces, which includes the 'Eat Street Alley', 'The Grove Entrance Plaza', a playground, western and eastern pedestrian lane and landscape spaces between built form, will provide positive focal points and are

well designed utilising good quality materials and landscaping, surrounding by an appropriate mix of land uses and building layouts.

- It will be important that the quality of the ground level spaces is carried through detailed design, construction and ongoing operations, and that the spaces remain publicly accessible to all. The Panel considered that an additional condition of consent is required to entrench the publicly accessible outcomes espoused by the development. The applicant understood the intention but raised concerns if that condition was a blanket easement over all 'publicly accessible areas' identified in plans. As an 'open air' retail complex, the applicant identified that the areas are either an integral part of the tenants alfresco dining areas and/or to be utilised for events and festivities. As both of those promote activity and community connectivity, the applicant requested a different approach that would not hinder operations and flexibility of use of those spaces to adapt and change being to limit the installation of physical barriers that would impede public pedestrian access to the main north/south access and 'The Grove' areas, with a requirement to promote public visitation during all operating hours and/or specific requirements in the centre management plan. The Panel appreciates the applicants' position and has limited a right for pedestrian public access to the north-south shared way only (and not the areas that line that shared way), as well as a more general condition relating to public pedestrian access and public visitation,
- The Panel agrees with Council's assessment that the development is sufficiently consistent with the provisions of the DCP. Where departures are identified, such as the alternative location, details and interface of 'The Green Way' new east/west public road and the width of a through site view corridor, adequate justification has been provided in Council's assessment.
- The Panel accepts Council's assessment that the development is largely consistent with the Design Quality Principles and Apartment Design Guide as provided by State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development). The variation to communal open space provisions, by excluding communal open space in the context of the high quality public domain provided, is acceptable in these circumstances. That is particularly so given the mixed use village character and the type and embellishment of the public domain spaces proposed.
- The Panel notes that buildings heights are consistent with, the 18m maximum building height established for the mixed use precinct, and in case of the majority of buildings, lower than that standard. The density of dwelling yield is appropriate compared to yields anticipated across the wider entertainment precinct. The proposed built form and its architectural character will make a positive contribution to the precinct and the evolving character of this destination site within the wider urban area.
- Relevant considerations of crime prevention have been adopted in the design with a view to minimising offensive behaviour and offences including considerations of passive surveillance, access control, territorial reinforcement, and space management having regard to "crime prevention through environmental design" principles.
- Achievement of minimum BASIX requirements is presented and satisfied. The amendments made during the assessment process to address urban heat island effects arising from the design and its materials and colour schemes are acknowledged and form part of the recommendation. The Panel queried the benefit of battery storage to improve the performance of the solar panel installation. In this circumstance, the Panel accepts the applicant's submission that benefits of additional storage capacity is limited.
- It is noted that the existing road network has been designed to accommodate a mixed-use entertainment precinct in this location of the scale as intended. The Panel is satisfied that considerations of road network, access, traffic, parking, servicing and pedestrian safety has been adequately addressed in the assessment report and recommended conditions. No objection has been raised by TfNSW and Council is satisfied in relation to that issue.

- The Panel is satisfied that the proposed child care centre is consistent with the relevant matters raised by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
- The Panel is satisfied that the site is considered suitable for the proposed uses following proposed remediation, noting the relevant conditions of consent also recommended in that regard.
- The associated works including stormwater management, landscaping and signage strategy, as well as the development staging is clear and assessed as satisfactory by Council.
- Overall, whilst the form of development is new to the area, the development is consistent with the form, density, land use mix and outcomes anticipated by statutory planning controls and will provide a human scale destination village hub with quality public domain that will enhance the locality, in a location identified for that purpose.

## CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments to protect elements of public accessibility being:

- New Condition in Part 6.0 (Prior to Issue of an Occupation Certificate):
  - (25) **Public Pedestrian Access** - The north/south pedestrian dominated 'shared way' connecting from The Hermitage Way to the new public road 'The Greenway' shall be the subject of an appropriate registered right of public access (pedestrian). A s88B (Conveyancing Act 1919) instrument shall be prepared nominating Council as party to the instrument and submitted to Council for approval and endorsement. Evidence of registration of the right of way and s88B instrument must be provided to Council prior to the issue of the relevant Occupation Certificate/s and once the shared way has been constructed.
- New Condition in Part 9.0 (Ongoing Use):
  - (34) **Public Accessibility** - No physical barrier that impedes public pedestrian access shall be installed at any time to the eastern and western laneway. Public visitation to and through those areas identified as publicly accessible on approved plans is to be promoted during all operating hours.

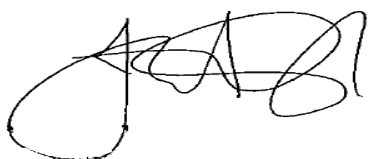
## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Increased traffic and danger to pedestrians and school children
- Height of development and visual impact on the streetscape
- Aesthetics of the area
- Pressure on parking
- Attraction of unwanted people to the area, crime and security
- No need for additional units/apartments, proposed businesses and medical centres and childcare facilities within Gledswood Hills
- Increased garbage/litter
- Undesirable precedent for future development
- The risk of a poor quality build
- The potential for reduced property prices.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment arise.

**PANEL MEMBERS**

A handwritten signature in black ink, appearing to be 'JD', with a large loop on the left and a horizontal line across the middle.

Justin Doyle (Chair)

A handwritten signature in blue ink, appearing to be 'Sandra Hutton', with a stylized 'S' and a horizontal line at the end.

Sandra Hutton

A handwritten signature in black ink, appearing to be 'Lara Symkowiak', with a large 'L' and a stylized 'S'.

Lara Symkowiak

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-72 – Camden – DA2020/202/1
2	PROPOSED DEVELOPMENT	Subdivision of land to create four superlots, stratum subdivision of superlot No. 3 to create 5 stratum lots, construction of 340 car parking spaces within basements, at grade and undercroft car parking spaces, construction of 12 buildings to create a mixed use precinct consisting of a grocer, an 80 place childcare centre, aquatic centre and gymnasium, cinema, medical building, commercial suites and individual tenancies for food and beverage outlets and other retail business', shop top housing comprising 63 apartments in three separate buildings with a mix of 27 x one bedroom, 34 x two bedroom and 2 x three bedroom dwellings, construction of a public road and pedestrian dominated shared way and public domain works, business identification signage, landscaping and associated site works.
3	STREET ADDRESS	1-9 Providence Drive, Gledswood Hills
4	APPLICANT/OWNER	Applicant: SJB Planning (NSW) Pty Ltd Owner: SH Camden Valley Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007.</li> <li>○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> <li>○ State Environmental Planning Policy No 55 - Remediation of Land.</li> <li>○ State Environmental Planning Policy No 64 - Advertising and Signage</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River</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> <li>○ Turner Road Precinct 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> </ul>

		<ul style="list-style-type: none"> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 29 March 2021</li> <li>• Written submissions during public exhibition: 7</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: Monday, 1 June 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair) and Nicole Gurran</li> <li>○ <u>Council assessment staff</u>: Adam Sampson, Jamie Erken and Ryan Pritchard</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: Friday, 9 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair) and Sandra Hutton</li> <li>○ <u>Council assessment staff</u>: Adam Sampson, Stephen Pratt and Ryan Pritchard</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report