

DETERMINATION AND STATEMENT OF REASONS
 SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	8 December 2023
DATE OF PANEL DECISION	8 December 2023
DATE OF PANEL BRIEFING	27 November 2023
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Karen Hunt, George Brticevic
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict of interest as my firm acts for the applicant.

Papers circulated electronically on 27 November 2023.

MATTER DETERMINED

PPSSWC-314 – Campbelltown – 39/2023/DA-C – Lot 13 Willowdale Drive, Denham Court - Construction and operation of a 121-place child care centre and associated site works and subdivision into 2 Torrens titled allotments.

PANEL CONSIDERATION AND DECISION

Having 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, the panel has unanimously determined to approve the development application pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. The proposal will comply with the objectives of the B2 Local Centre zoning identified by SEPP (Precincts— Western Parkland City) 2021, where a centre-based child care facility and business identification signage are permitted with consent.
2. The proposal has been assessed to be consistent with the provisions for a centre-based child care facility under State Environmental Planning Policy (Transport and Infrastructure) 2021 and the associated Child Care Planning Guidelines.
3. While the site is identified as bushfire prone land, and a child care centre is classified as a special fire protection purpose for which Section 100B of the Rural Fires Act 1997 (RFS Act) requires a bushfire safety authority, NSW Rural Fires Service has issued a bushfire safety authority for the proposal.
4. While the site is located close to a high-pressure gas pipeline the DA was referred to Jemena under the provisions of SEPP (Transport and Infrastructure) 2021 who has recommended conditions included in the Council recommendation.
5. The variations of the proposal to the Campbelltown Growth Centre Precincts Development Control Plan with regards to zero side setbacks, floor to ceiling height, signs and car park trees, and the departures from the controls for fencing, driveways and landscaping under Campbelltown (Sustainable City) Development Control Plan 2015 have been assessed to be acceptable by Council staff, and the development remains consistent with the overall objectives of those provisions and the Plans read as a whole.

6. The application was accompanied a Preliminary and Detailed Site Investigation Report (DSI) prepared by Alliance Geotechnical & Environmental Solutions. The findings of the DSI indicate that there is no unacceptable land contamination, or human health and ecological exposure risks, such that the site is suitable for the proposed use.

7. The requirements of the applicable planning instruments including SEPP (Resilience and Hazards) 2021, SEPP (Industry and Employment) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Precincts—Western Parkland City) 2021 and SEPP (Transport and Infrastructure) 2021 have been considered and seen to be satisfied by the proposal if carried out in accordance with the conditions.





8. The provision of additional childcare for Denham Court will aid the increasing residential population and is both consistent with the Western Sydney District Plan and the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report

CONSIDERATION OF COMMUNITY VIEWS

The application was publicly notified from 3 February 2023 and 24 February 2023. No submissions objecting to the proposed development were received.

PANEL MEMBERS	
Justin Doyle (Chair) 	George Brticevic 
David Kitto 	Karen Hunt 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-314 – Campbelltown – 39/2023/DA-C
2	PROPOSED DEVELOPMENT	Construction and operation of a 121-place child care centre and associated site works and subdivision into 2 Torrens titled allotments.
3	STREET ADDRESS	Lot 13 Willowdale Drive, Denham Court
4	APPLICANT/OWNER	Applicant: Stockland Development Pty Ltd Owner: Stockland Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Precincts—Western Parkland City) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Campbelltown Growth Centres Development Control Plan 2013 ○ Campbelltown (Sustainable City) Development Control Plan 2015 • Planning agreements: <ul style="list-style-type: none"> ○ East Leppington Voluntary Planning Agreement • 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: 4 December 2023 • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 3 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Kitto (Acting Chair), Karen Hunt, George Brticivec ○ <u>Council assessment staff</u>: Kristy Griffiths, Zoran Sarin ○ <u>Applicant representatives</u>: Rennie Rounds, Meredith Pearce, Matthew Hyams • Final briefing to discuss council’s recommendation: 4 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Karen Hunt, George Brticivec ○ <u>Council assessment staff</u>: David Timmins, Karl Okorn
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the council assessment report
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