

DETERMINATION AND STATEMENT OF REASONS
SYDNEY SOUTH WEST PLANNING PANEL

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| DATE OF DETERMINATION | 1 May 2017 |
| PANEL MEMBERS | Sheridan Dudley (Chair), Bruce McDonald, Stuart McDonald |
| APOLOGIES | Nicole Gurran, Darcy Lound, George Greiss |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Campbelltown City Council on Monday 1 May 2017, opened at 3:43 PM and closed at 4:45 PM.

MATTER DETERMINED

2016SYW032 – Campbelltown – 3510/2015/DA-MP AT Macquarie Field House, Campbelltown Road, Glenfield (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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was Unanimous.

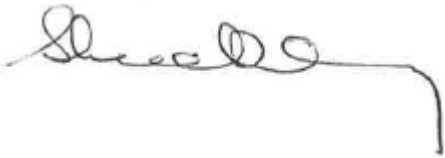


REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. Based on the detailed analysis contained in the Council assessment report the Panel considers that the proposal is inappropriate development of the subject land as it would have an unacceptable negative impact on the visual and physical qualities of the environmental heritage of the subject property by causing a major change of land use and landscape character, as it provides inadequate arrangements for access and the provision of essential service infrastructure and as it fails to comply with the provisions of the NSW Heritage Act 1977 and applicable State and local Planning instruments.
Accordingly the Panel concludes that approval of the proposal is not in the public interest.
2. In regard to noncompliance with required planning provisions the Panel considers;
 - a. The proposed development fails to adequately satisfy the provisions of the Heritage Act 1977 as the proposal has failed to secure the approval of the Heritage Council of NSW and accordingly pursuant to the requirements of the Act cannot be carried out.
 - b. The proposal fails to satisfy the provisions of Sec 91(A)(4) of the EPA Act as it constitutes Integrated Development and the Heritage Council of NSW, being the integrated approval body in this matter has not given its approval.
 - c. The proposed development is not permitted under the terms of Campbelltown 112 – Macquarie Field House Local Environment Plan, being the applicable LEP at the time the application was lodged.

- d. The proposal fails to satisfy the provisions of Draft Campbelltown LEP 2014 by not providing satisfactory arrangements for the provision of access and essential service infrastructure to the resulting residential allotments which would result in the disorderly development of land.
- e. The proposal is considered to not satisfy the provisions of SEPP 55 – Remediation of Land in that it has not adequately demonstrated that the site is suitable or can be made suitable for the proposed use.

The Panel considers that the reasons supporting recommendations by both Heritage Council of NSW and Council's assessment that the application be refused are valid and support the Panel's decision.

| PANEL MEMBERS | |
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| Sheridan Dudley (Chair) | Bruce McDonald |
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| Stuart McDonald | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | 2016SYW032 – Campbelltown – 3510/2015/DA-MP |
| 2 | PROPOSED DEVELOPMENT | Concept Master Plan for Residential Subdivision of Macquarie Field House |
| 3 | STREET ADDRESS | Lot 1 DP 612265, Lot 1 DP 828871 Macquarie Field House, Campbelltown Road, GLENFIELD |
| 4 | APPLICANT/OWNER | Gentle (Macquarie) Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | General development over \$20 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Heritage Act 1977 Threatened Species Conservation Act 1995 Water Management Act 2000 State Environmental Planning Policy 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Campbelltown Local Environmental Plan 112 – Macquarie Field House Draft environmental planning instruments: Draft Campbelltown Local Environmental Plan 2014 Development control plans: <ul style="list-style-type: none"> Development Control Plan 63 – Macquarie Field House Campbelltown Sustainable City Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 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: 18 April 2017 Written submissions during public exhibition: 8 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Phil Hayward, Mick Walls On behalf of the applicant – Sarah Horsfield, Fiona Binns |
| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Site Inspection conducted on 1 May 2017 Final Briefing Meeting conducted on 1 May 2017 |
| 9 | COUNCIL RECOMMENDATION | Refusal |
| 10 | DRAFT CONDITIONS | None provided as recommended for refusal |