

<b>DATE OF DETERMINATION</b>	29 October 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, George Greiss and Darcy Lound
<b>APOLOGY</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Public meeting held at Campbelltown City Council on Monday 29 October 2018 opened at 2.31pm and closed at 5.02pm.

#### **MATTER DETERMINED**

Panel Ref – 2017SSW012 - LGA – Campbelltown, DA-4204/2016, Address – 6-12 Dumaresq Street, Campbelltown SP 63212 (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 matters observed at site inspections listed at item 8 in Schedule 1.

#### **PANEL DECISION**





The Panel will defer the application.

1. The Panel is satisfied that (subject generally to the conditions recommended in the Council staff report with amendments as resolved to date between the applicant and the Council) the proposal has merit subject to satisfactory resolution of the matters identified in 4 below.
2. There are good reasons why the clause 4.6 variation to the LEP height control ought to be upheld on the basis that the Applicant has demonstrated that it would be unreasonable and unnecessary to strictly enforce that control in circumstances where:
  - a. the majority of the structure exceeding the standard will not be visible from the public domain from any nearby vantage;
  - b. the impacts of the exceedance will be negligible, given that the site is surrounded on two sides by publicly owned carpark, on a third side by a publicly owned cinema and potential development site which will not be significantly overshadowed, and on the fourth side by a public road and the commercial district;
  - c. there will be no unacceptable resulting overshadowing;
  - d. the objectives of the standard and the zoning will not be significantly compromised by the exceedance;

- e. the resulting height exceedance will not interrupt the planned height hierarchy for the Campbelltown CBD;
  - f. the flooding affectation of the site partly contributes to the exceedance; and
  - g. the additional structure will contribute a desirable facility for the residential occupants of the development.
3. It is not reasonable for the Applicant to be required to fund the relocation of parking if required within the unmarked road adjacent to the development.
  4. The development application is deferred for further assessment and later determination to resolve the following matters:
    - a. consideration of a report specifying the findings of a preliminary investigation of the land within the meaning of clause 7 of State Environmental Planning Policy No 55 – Remediation of Land.
    - b. the visual appearance of the proposed building when viewed from the Main Southern Railway line.
    - c. the design for safe and efficient access between the building carpark and Cooper Lane; and
    - d. whether a mutually agreeable arrangement is possible between the Applicant and the Council in relation to the existing electrical substation adjacent to the cinema building within the unmarked road.

Upon receipt of this information, a further report from Council, the Panel will hold another public determination meeting.

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

PANEL MEMBERS	
 <p>Justin Doyle (Chair)</p>	 <p>Bruce McDonald</p>
 <p>Nicole Gurran</p>	 <p>George Greiss</p>



Darcy Lound

#### SCHEDULE 1

1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SSW012 - LGA – Campbelltown, DA-4204/2016
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a 15 storey mixed use building comprising of 85 residential units, four levels of basement car parking, one level of retail, two levels of commercial.
3	STREET ADDRESS	6-12 Dumaresq Street, Campbelltown SP 63212
4	APPLICANT/OWNER	Applicant – Michael Brown Planning Strategies Bassal Holdings Pty Ltd and Mr Albert Bassal and Saxon Development
5	TYPE OF REGIONAL DEVELOPMENT	Development with a capital investment value of over \$20million (lodged prior to 1 March 2018)
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 65 – Design Quality of Residential Flat Development</li><li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• Apartment Design Guide</li><li>• Campbelltown Local Environmental Plan 2015</li></ul></li><li>• Draft environmental planning instruments: Nil</li><li>• Development control plans:<ul style="list-style-type: none"><li>• Campbelltown Sustainable City Development Control Plan 2015</li></ul></li><li>• Planning agreements: Nil</li><li>• <i>Environmental Planning and Assessment Regulation 2000</i>: 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 dated 15 October 2018</li><li>• Written submissions during public exhibition: 2</li><li>• Verbal submissions at the public meeting:</li></ul>

		<ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Frank Churchin</li> <li>○ On Behalf of the applicant – Terry Bassal, Michael Brown, Steve Zappia, Karim Candaten and Ross Nettle</li> <li>○ On behalf of Council – David Smith and Emma Page</li> </ul>
8	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>● Site Inspection &amp; Briefing – 19 March 2018</li> <li>● Final Briefing Meeting – 29 October 2018 from 1.00pm to 2.00pm</li> <li>● Public Meeting – 29 October 2018</li> </ul> <p>Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, George Greiss and Darcy Lound</li> <li>○ <u>Council assessment staff</u>: David Smith and Emma Page</li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>CONDITIONS</b>	Recommended with council assessment report (Attachment 1)