

DATE OF DETERMINATION	3 December 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurran, George Greiss and Darcy Lound
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Campbelltown City Council on Monday 3 December 2018 opened at 4.00pm and closed at 4.45pm.

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, the matters observed at site inspections listed at item 8 in Schedule 1, the written submissions in response to the development application, and the presentations to the public meeting listed at item 8 of the Schedule.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR THE DECISION

The Panel has considered Council Supplementary Assessment Report dated 19 November 2018, assessing the issues identified by the Panel in its report when resolving to defer determination of this development application at its meeting of 29 October 2018 as requiring further address. The Panel considers that these matters have now been adequately resolved such that the development application should be approved subject to the conditions recommended in the staff assessment report for the following reasons:

1. The proposed development will provide additional retail and commercial facilities, associated additional employment and additional housing supply and choice within the City of Campbelltown in a central location within the commercial centre. The site also has ready access to the metropolitan transport services available from Campbelltown Rail Station. It is considered is the proposed development is consistent with the strategic role of Campbelltown centre within the Sydney Western City Region.
2. The Panel has considered the Applicant's request to vary the development standard contained in Cl. 4.3(A) of Campbelltown LEP 2015 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case. Specifically, the variation sought responds to the need to raise the ground floor level to provide compliance with the required flood planning level, and will facilitate access to roof top communal open space and recreation rooms to encourage






positive social interaction of residents. Further the additional height will not generate unacceptable impacts on nearby premises, will not be significantly perceived in the planned context of the locality, and is consistent with the objectives of the standard and the B3 Commercial Core zone.

3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 -Remediation of Land, SEPP 65 Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP (Infrastructure) 2007. In regard to the Apartment Design Guide, the proposed residential levels provide a nil set back to adjoining property boundaries and therefore do not comply. However, this non-compliance is acceptable in this central urban context and will permit the appropriate development of those adjoining sites. Further the minor deficiency in the provision of onsite parking when assessed against the RMS Guide to Traffic Generating Development is acceptable given the sites proximity to Campbelltown Rail Station. *With regard to SEPP 55 the Panel is satisfied that having regard to the conditions of approval imposed in response to the supplementary site investigation report, the provisions of SEPP 55 are adequately satisfied.*
4. The proposal adequately satisfies the applicable objectives and provisions of Campbelltown LEP 2015 and Campbelltown (Sustainable City) DCP 2015. *In particular, having regard to the evaluation of the design of the proposed building contained in the assessment report, the additional advice provided by the applicant in response to the Panel's initial consideration of the proposal, and the conditions now imposed in regard to design modifications, the Panel considers that the development will exhibit design excellence such that CI 7.3 of the LEP is satisfied.*
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments, including the amenity or function of nearby buildings and utility of the local road system. *It is noted that Council and the Applicant have agreed to access and laneway construction arrangements utilising the adjacent rear lane and public lands used principally for carparking as a means of avoiding the demolition of the substation servicing the adjacent Council owned property which is located within the laneway.*
6. The proposed development is considered to be of acceptable form and scale consistent with the planned and emerging context and character of the central urban locality within which the site is placed.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

The decision was unanimous. The Panel recorded its determination at the meeting.

CONDITIONS

The development application was approved subject to the attached conditions of consent (Attachment 1).

PANEL MEMBERS	
	
Justin Doyle (Chair)	Bruce McDonald
	
Nicole Gurran	George Greiss
	
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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 Apartment Design Guide Campbelltown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans:

		<ul style="list-style-type: none"> • Campbelltown Sustainable City Development Control Plan 2015 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: 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 supplementary report dated 19 November 2018 • Council assessment report dated 15 October 2018 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On Behalf of the applicant –Michael Brown, Steve Zappia, Terry Bessal and Ross Nettle ○ On behalf of Council – David Smith and Emma Page
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection & Briefing – 19 March 2018 • Public Meeting – 29 October 2018 • Final briefing meeting to discuss council’s recommendation – 3 December 2018 from 3.30pm to 4.00pm • Public Meeting – 3 December 2018 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, George Greiss and Darcy Lound ○ <u>Council assessment staff</u>: David Smith and Emma Page
9	COUNCIL RECOMMENDATION	Approval
10	CONDITIONS	Recommended with council assessment report