

DATE OF DETERMINATION	19 March 2018
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán, George Greiss and Darcy Lound
APOLOGY	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Campbelltown City Council on Monday 19 March 2018 opened at 1.02 pm and closed at 2.16pm.

MATTER DETERMINED

Panel Ref – 2017SSW037 - LGA – Campbelltown, DA-493/2016, Address – Lots 1 and 2 SP 41598, 263 Queen Street, Campbelltown (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.

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 decision was unanimous.

REASONS FOR THE DECISION

The principal reason for refusal of the application is that the application constitutes Integrated Development under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it proposes development of land listed on the State Heritage Register. As the letter from the Heritage Council of NSW advises that it will not grant its approval which is required in order for the development to be lawfully carried out, the Panel is bound by the terms of s.4.47 of the EP&A Act to refuse the DA.

In any event, the Panel considers the reasons stated by the Heritage Council of NSW for refusing to grant its approval are well founded and are equally relevant to assessment of the development application under the EP&A Act.

Having considered the Council Assessment Report and associated material, including the Applicants request to substantially exceed the height of building standard which was contained in Draft Campbelltown LEP 2014 (which had been exhibited prior to lodgement of this application and which is now contained in Campbelltown LEP 2015), the Panel concurs with the recommendation to refuse the application and the reasons offered in support of that recommendation.

While concurring generally with the reasons supporting the recommendation for refusal contained in the assessment report, the Panel *considers the central reasons warranting refusal* are;

1. The proposed building represents an over development of the subject land resulting in a building that does not achieve design excellence.
2. The scale and design of the proposed building provides an unacceptable relationship with the on-site and adjacent heritage items and involves basement works with potential to result in damage to the onsite heritage item.
3. The proposed development is of a scale and form highly inconsistent with the existing and planned scale of development in this sector of Campbelltown CBD.
4. The height of the proposed building would negatively impact on views of the Campbelltown City Centre from both within the Centre and from the surrounding semirural setting, because of substantial inconsistency with the height of buildings in its immediate and broader contexts in the currently applicable instruments.
5. The proposal fails to adequately satisfy the design quality principles of SEPP 65 Design Quality of Residential Flat Development.
6. There are significant unresolved pedestrian and vehicular traffic issues associated with the development.

Accordingly the proposed development is not considered a suitable development of the site of the site and approval would not be in the public interest.

PANEL MEMBERS	
	
Justin Doyle (Chair)	Bruce McDonald
	
Nicole Gurrán	George Greiss
	
Darcy Lound	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2017SSW037 - LGA – Campbelltown, DA-493/2016,
2	PROPOSED DEVELOPMENT	Restoration of existing heritage-listed former CBC Bank building, demolition of existing commercial building at the rear of the site, construction of a 21 storey building at the rear of the site incorporating two levels of commercial tenancies and 101 residential apartments over 19 levels and four levels of basement car parking.
3	STREET ADDRESS	Lots 1 and 2 SP 41598, 263 Queen Street, Campbelltown
4	APPLICANT/OWNER	Applicant – Michael Brown Planning Strategies Owner – Auchenflower Investments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Development with a capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • Heritage Act 1977 • State Environmental Planning Policy 65 – Design Quality of Residential Flat Development • Apartment Design Guide • Campbelltown (Urban Area) Local Environmental Plan 2002 • Draft Campbelltown Local Environmental Plan 2014 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • Campbelltown Sustainable City Development Control Plan 2014 • 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 assessment report, architectural and landscape plans, statement of environmental effects and addendum, statement of heritage impact, conservation management plan, conservation schedule of works, clause 4.6 objection, traffic, access and parking assessment and written submissions. • Written submissions during public exhibition: 26 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Jeff McGill, Kay Hayes (on behalf of Campbelltown and Airds Historical Society)

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Mr Michael Brown ○ On behalf of Council – Luke Joseph
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site Inspection – 19 March 2018 ● Final Briefing Meeting – 19 March 2018 from 12.30pm to 1.00pm ● Public Meeting – 19 March 2018 <p>Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Bruce McDonald, George Greiss and Darcy Lound ○ <u>Council assessment staff</u>: Luke Joseph and David Smith
9	COUNCIL RECOMMENDATION	Refusal
10	CONDITIONS	N/A