

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	14 March 2022
DATE OF PANEL DECISION	14 March 2022
DATE OF PANEL MEETING	Monday, 28 February 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran and Susan Budd
APOLOGIES	Noni Ruker
DECLARATIONS OF INTEREST	Louise Camenzuli: Declared a COI as she considered there may be a perceived conflict of interest as her firm has recently acted for LAHC.

Papers circulated electronically on 14 March 2022.

MATTER DETERMINED

PPSSWC-170 – Campbelltown City Council – 1308/2021/DA-SL at Lot 33 Julius Road Rosemeadow (DP 700703, Lot 34 DP 700703 - future lot 194 as per Part 5 Activity Determination) – Construction of a part two storey and three storey seniors housing development (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 briefings listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of written requests from the applicant, made under Cl 4.6 (3) of the Campbelltown Local Environmental Plan 2015 (LEP), that have demonstrated that:

- compliance with the development standards in clauses 40(4)(a) and (b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“the Seniors Housing SEPP”) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standards

For the reasons set out in the ‘Reasons for Decision’ below, the Panel is satisfied that:

- the applicant’s written requests adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of the building height development standard in Clause 4.3 of the Campbelltown LEP 2015 and the objectives of the building height development standard in clause 40(4)(a) of the Seniors Housing SEPP; the objectives of the number of storeys development standard in clause 40(4)(b) of the Seniors Housing SEPP and the objectives for development in the R2 Residential zone.
- the concurrence of the Secretary has been assumed.

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variations to building height and number of storeys and approve the application for the reasons outlined in the Council Assessment Report, and as outlined below:

The Panel generally agreed with the assessment and balance of considerations in the Council Assessment Report noting the development site is located within the Rosemeadow Renewal Area and the proposed use is consistent with the Part 5 Activity Determination which requires the site to be wholly developed for the purposes of seniors housing.

The built form is well designed and provides an appropriate response to the future lower density development to the north and south of the site through increased setbacks and a transition to a two-storey built form at the interface with the lower density residential allotments.

The primary frontage of the proposed development is setback a generous 21 meters from Copperfield Drive comprising a deep soil landscaped area within the site of 6 metres and the drainage reserve of 15 metres. The deep soil landscaping provided is significantly in excess of relevant development standards for seniors housing development of this type and will soften the built form when viewed from the public domain and adjacent properties.

Notwithstanding that elements of the built form exceed the height and number of storeys development standards, the bulk and scale of the proposal is considered to be compatible with the objectives of the R2 zone, the emerging character of the Rosemeadow Renewal Area and expected future development on adjoining sites including the low density residential allotments to the north and future medium density townhouses to the south. Amenity impacts to the residential allotments to the north, and future townhouse development to the south are considered acceptable and an acceptable level of solar access to the future townhouse development to the south is able to be maintained.

The proposal is generally compliant with SEPP 65 and ADG guidelines, and the Panel agrees that the minor non-compliances are acceptable on merit.

The Panel has considered the requirements of clause 7 of SEPP 55 and is satisfied that the land will be suitable for the proposed seniors housing use following remediation, and that appropriate conditions of consent have been imposed to ensure the site will be remediated to the relevant standard prior to commencement of the approved use.




The proposed development will make an important contribution to the redevelopment of the Rosemeadow Urban Renewal Area and is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with an amendment to Condition 23 to require remediation works to be carried out prior to issue of a Site Audit Statement.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-170 – Campbelltown City Council – 1308/2021/DA-SL
2	PROPOSED DEVELOPMENT	Construction of a seniors housing development comprising of 45 self-contained units and basement car parking.
3	STREET ADDRESS	Lot 33 DP 700703, Lot 34 DP 700703 (future lot 194 as per Part 5 Activity Determination)
4	APPLICANT/OWNER	NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development 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 (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 14 February 2022 Clause 4.6 variation to Clause 40(4)(a) and to Clause 40(4)(b) of SEPP (Housing for Seniors or People with a Disability) 2004 Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Friday, 12 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Sue Francis, Nicole Gurran, Darcy Lound and George Griess <u>Council assessment staff</u>: Emma Page and Rana Hadda Final briefing to discuss council's recommendation: Monday, 28 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Susan Budd

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Fletcher Rayner, Emma Page, Alex Long, Belinda Borg, Rana Haddad
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report