

<b>DATE OF DETERMINATION</b>	Monday, 20 December 2021
<b>DATE OF PANEL DECISION</b>	Monday, 20 December 2021
<b>DATE OF PANEL MEETING</b>	Monday, 13 December 2021
<b>PANEL MEMBERS</b>	Louise Camenzuli (Acting Chair), Nicole Gurran and Sue Francis
<b>APOLOGIES</b>	George Griess and Ben Gilholme
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 9 December 2021.

#### **MATTER DETERMINED**

PPSSWC-178 – Campbelltown City Council – 2036/2021/DA-C at Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden and Kellicar Roads, Campbelltown – Removal of 2 trees and construction of a four storey health service facility (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 and the matters observed at site inspections listed at item 8 in Schedule 1.

At the panel briefing on 13 December 2021, there were five outstanding issues.

1. Provision of Sydney Trains' concurrence pursuant to clause 86 of the Infrastructure SEPP as a consequence of excavation of the stormwater pipes in the rail corridor. This concurrence was provided on 10 December 2021, subject to the imposition of certain deferred commencement and operative consent conditions, which have been imposed as part of the amended set of conditions received by the panel on 14 December 2021.
2. Advisory comments received by Transport for NSW, which have been incorporated into the proposed consent conditions to the extent appropriate in the context of the development application before the Council for assessment and the panel for determination. In particular, a deferred commencement consent condition has been imposed which requires the submission of the intersection design, as agreed by Transport for NSW.
3. A request for an amendment to condition 32 to permit early works pending the final intersection design, for which the panel had no objection. Condition 32 has been updated in the set of conditions received on 14 December 2021 to incorporate this amendment.
4. The provision of amended stormwater plans, now referenced in the updated set of conditions received on 14 December 2021.
5. Finally, the Panel considered the outstanding notations of unregistered plans of proposed road acquisition of parts of Camden Road affecting the site, which Transport for NSW has indicated by letter dated 19 October 2021 to the Council that it has abandoned. The relevant part of the land affected is proposed to be used for parking and drainage purposes and does not affect any part of the proposed building itself. While the notations remained on title at the time of determination of the application, Council has written to Transport for NSW on 10 December 2021 requesting formal removal of the notations and the panel understands this will occur in the near future.

#### **Application to vary a development standard**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Campbelltown Local Environmental Plan 2015 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the B4 zone; and
- c) the concurrence of the Secretary has been assumed.

Specifically, the Panel was satisfied that the height exceedance, which is confined to a small portion of the photovoltaic array, parapet and building, is minor in nature (exceeding the height limit by 549mm only), and that there are sufficient planning grounds to support the contravention of the maximum building height development standard in this instance.

#### **Development application**

The Panel determined to accept the recommendation to approve the development application, subject to deferred commencement consent conditions, 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 variation to building height; and to accept the recommendation to approve the development application, subject to deferred commencement conditions, for the reasons outlined in the council assessment report and as set out above.

#### **CONDITIONS**

The development application was approved subject to the draft deferred and operative consent conditions uploaded to the planning portal on 14 December 2021.

#### **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	
 Louise Camenzuli (Acting Chair)	 Nicole Gurran
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-17 – Campbelltown City Council – 2036/2021/DA-C
2	PROPOSED DEVELOPMENT	Removal of 2 trees and construction of a four storey health service facility
3	STREET ADDRESS	Lot 1 DP 883417 and Lot 1 DP 1003625, corner Camden and Kellicar Roads, Campbelltown
4	APPLICANT/OWNER	Applicant: Erilyan Pty Ltd Owner: Campbelltown City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
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 (State and Regional Development) 2011</li> <li>○ Roads Act 1993</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy 55 - Remediation of Land</li> <li>○ State Environmental Planning Policy No 64 – Advertising and Signage</li> <li>○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</li> <li>○ Campbelltown Local Environmental Plan 2015</li> <li>○ Campbelltown 2027</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>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: 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: 9 December 2021</li> <li>• Clause 4.6 Variation – Building Height</li> <li>• All documents on the Planning Portal</li> <li>• Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Monday, 1 November 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, George Griess and Darcy Lound</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Ellise Mangion, Rana Haddad and David Smith</li> <li>• Final briefing to discuss council's recommendation: Monday, 13 December 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Nicole Gurrán and Sue Francis</li> <li>○ <u>Council assessment staff</u>: Ellise Mangion, David Smith and Rana Haddad</li> <li>○ <u>Consultant representatives</u>: Donna Clarke – Landmark Planning</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	As uploaded to the planning portal on 14 December 2021.