

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	None
DECLARATIONS OF INTEREST	Louise Camenzuli: Firm acts for LAHC

Papers circulated electronically on 14 March 2022.

MATTER DETERMINED

PPSSWC-191 – Campbelltown City Council – 2635/2021/DA-SL at Lot 5047 in DP 1072685 (20 Karingal Place); Lot 3214 in proposed DP 1234063 (comprising part of Lots 5045 and 5046 in DP 1072685 at 22- 24 Karingal Place); Lot 3215 in proposed DP 1234063 (comprising part of Lots 5069 and 5070 in DP 1072685 at 47-49 Creigan Road); and Lot 5068 in DP 1072685 (55 Creigan Road). Construction of a part 2 and part 3 storey seniors living 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

The proposal includes applications to depart from the strict application of 3 development standards in relation to the proposal.

They are:

- (a) The proposal does not comply with the accessible gradient development standard under clause 26 of the SEPP in relation to the path of travel to retail and commercial services, community services and recreation facilities that must be located at a distance of not more than 400 metres from the site of the proposed development
- (b) The proposal does not comply with the development standard for height applying under clause 40(4)(a) of the Seniors SEPP which requires that the height of all buildings in the proposed development must be 8 metres or less whereas the proposal has a maximum building height (as defined in the SEPP) of 9.6 m.
- (c) The proposal does not comply with the related development standard for height applying under 40(4)(b) of the Seniors SEPP which requires that a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height whereas the development is 3 storeys in that location.

Development consent may however be approved having regard to clause 4.6 of the Campbelltown LEP, which provides (subject to that clause) for consent to be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

The Panel is satisfied that the applicant's written requests made in relation to each departure are sufficient to justify departure from each of the three development standards.

The Panel is satisfied that it is in the public interest to grant the requests, and that the requests adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP.

There are sufficient environmental planning grounds identified and established in the written requests to justify contravening each development standard such that requiring compliance is unreasonable or unnecessary in the circumstances for the reasons set out in the clause 4.6 requests and the Council assessment report.

In particular, the development as proposed will be consistent with the R2 Low Density Residential zone, notwithstanding that the proposed use is prohibited in that zone under the LEP, and is supportive of the following objectives of the zone:

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

The high architectural quality of the building at the proposed height will be a dramatic positive enhancement to the streetscape and character of the area in which the development is to be located. The building presents a high degree of architectural sophistication, and its visual impacts (including the proposed third storey of the proposal) are well managed.

The additional height is well setback from adjoining development, and will not impact adversely on any adjacent property. The additional height will not disrupt views, result in unacceptable loss of privacy or cause adverse solar access to existing development.

While there may be a breach of the gradient requirements of clause 26 of the SEPP for the path of travel to the bus stops on St John's Road for a time when the development is expected to be completed, the development will comply with the gradient requirements over its full length except for a small section that has a slope of 1:11.8 over a distance of 18 metres on completion of the Campbellfield Avenue extension. This is only marginally greater than the 15 metres allowed for grades up to 1:12. There are also new closer bus routes expected to be established as the Airds Bradbury Urban Renewal Project progresses.

The concurrence of the Secretary is assumed (see Planning Circular PS 20-002 issued 5 May 2020).

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, number of storeys and gradient for the path of travel; and approve the application for the reasons outlined in the Council Assessment Report.

The development provides an important contribution to the rejuvenation of the Airds Bradbury public housing estate by providing well designed seniors housing, which is compliant with ADG and SEPP 65 requirements and supported by the Design Review Panel.

The proposed **seniors living development** represents a high level of architectural and urban design and should result in a strong contribution to the Airds streetscape. The Panel agrees with the Council assessment that the proposal when completed will "reinforce the extension of Campbellfield Avenue in

order to achieve a landmark design signifying the importance of seniors housing to the Urban Renewal Project.”

The report of Council's Design Excellence Panel following its meeting held 29 October 2021 supported the proposal subject to a number of urban design suggestions which have generally been adopted or adequately responded to in the resolved plans submitted for approval.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is sufficiently addressed, noting that the conditions include requirements that address the conclusions of the detailed site investigation report has been prepared by GeoEnviro Consultancy Pty Ltd. dated January 2021.

The Panel accepts the Council’s assessment of the project in relation to ecology of the area and the site against the relevant legislation and controls, and particularly that *“Given the disturbed and cleared nature of the proposal site, it is unlikely that the proposal will significantly impact a local koala population or any local threatened species that may have used the area or the Eucalyptus globoides as a foraging resource.”*

As noted above, while the development does not comply with the development standards for height applying under the Seniors SEPP, the development none-the-less meets the substantive objectives of those standards, noting that adjoining development is being redeveloped by the applicant through a considered integrated scheme. Council has assessed the resulting floor space ratio to be appropriate.

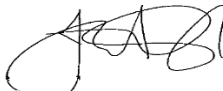


The proposal is consistent with the Planning Priorities of the Western City District Plan and particularly Planning Priority W3 - " Providing services and social infrastructure to meet people's changing needs" and **Planning Priority W1** “Planning for a city supported by infrastructure”. In that regard, the Panel observes that the proposal is consistent with the Concept Plan approval issued by the Minister for Planning (the Minister) for the Urban Renewal Project which specifically identified this site as suitable for seniors units.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report which the Panel notes the Applicant has agreed to following negotiation with the Council staff.

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-191 – Campbelltown City Council – 2635/2021/DA-SL
2	PROPOSED DEVELOPMENT	Construction of a part 2 and part 3 storey seniors living development comprising 31 independent living units, 31 basement parking spaces including the provision of communal gardens, landscaping, site services, stormwater infrastructure, site remediation works and associated ancillary site works.
3	STREET ADDRESS	<p>Lot 5047 in DP 1072685 (20 Karingal Place);</p> <p>Lot 3214 in proposed DP 1234063 (comprising part of Lots 5045 and 5046 in DP 1072685 at 22- 24 Karingal Place);</p> <p>Lot 3215 in proposed DP 1234063 (comprising part of Lots 5069 and 5070 in DP 1072685 at 47-49 Creigan Road); and</p> <p>Lot 5068 in DP 1072685 (55 Creigan Road)</p>
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 (Housing for Seniors or People with a Disability) 2004 ○ State Environmental Housing Policy (Housing) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy No 65 – Design Quality Residential Flat Buildings ○ EP&A Act Regulations 2000 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ State Environmental Planning Policy (Koala Habitat Protection) 2021 ○ 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 ○ Campbelltown (Sustainable City) Development Control Plan 2015 – Volume 2: Site Specific DCPs: Part 9 – Urban Renewal Areas Airds Claymore • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000: 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 Environmental Planning and Assessment Act 1979 or regulations

		<ul style="list-style-type: none"> • The public interest, including the principles of ecologically sustainable development • Concept Plan for the Airds Bradbury Urban Renewal Project
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report • Clause 4.6 variation request for Clause 40(4)(a) and Clause 40(4)(b) of SEPP (Housing for Seniors or People with a Disability) 2004 • Material submitted with the development application including the Statement of Environmental Effects. • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Applicant briefing Friday, 10 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Sue Francis ○ <u>Council assessment staff</u>: Belinda Borg and Alex Long ○ <u>Applicant representative</u>: Cameron Yates, Daniel Covarrubias, BBC Planner, Robert Puflett, Fouad Habbouche and Emmanuel Igbokwe <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> • Final briefing to discuss Council's recommendation: Monday, 28 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran and Susan Budd. ○ <u>Council assessment staff</u>: Fletcher Rayner, Emma Page, Alex Long, Belinda Borg, Andrew MacGee
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report