

DATE OF DETERMINATION	26 April 2023
DATE OF PANEL DECISION	24 April 2023
DATE OF PANEL MEETING	3 April 2023
PANEL MEMBERS	David Kitto (Chair), Brian Kirk, George Brticevic, Karen Hunt
APOLOGIES	Justin Doyle
DECLARATIONS OF INTEREST	Louise Camenzuli as the company she works for represents the applicant at a different site.

Papers circulated electronically on 3 April 2023.

MATTER DETERMINED

PPSSWC-263 – Campbelltown – 3142/2022/DA-SL - 33 Riverside Drive, Airs - Construction of a part two and part three storey seniors living development comprising 31 independent living units and 21 off street parking spaces including the provision of eight accessible spaces and including communal gardens, landscaping, site services, storm water infrastructure and associated ancillary site works.

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 listed at item 8 in Schedule 1.

Application to vary development standards

Following consideration of the applicant's written requests, made under cl 4.6(3) of the Campbelltown Local Environmental Plan 2015 (CLEP), that has demonstrated that:

- a) compliance with the following development standards in State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021);
 - o sections 84(2)(c)(i) and 108(2)(a) (Building Height),
 - o section 84(2)(c)(iii) (Setbacks), and
 - o section 108(2)(c) (Floor Space Ratio)
 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 implied objectives of the development standards, the Principles of the Policy listed in section 3 of SEPP (Housing) 2021 and the objectives for development in the R2 Low Density Residential; and
- c) 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 Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel approved the development application, including the Applicant's Clause 4.6 written requests (as set out above), for the reasons below and in Council's Assessment Reports.

The proposed seniors living development falls within the area of the Airds Bradbury Urban Renewal Project (ABURP), which is subject of a Concept Plan approval issued by the Minister for Planning in 2012 pursuant to Part 3A (transitional arrangements) of the EP&A Act. The ABURP comprises the long term urban rejuvenation of the Airds Bradbury public housing estate in the Campbelltown Local Government Area and the development of this land for seniors housing is envisaged as part of the Concept Plan.

This application was the subject of a Pre-DA meeting with Council and was considered by Council's Design Excellence Panel. The Council advised the Panel that the Applicant responded and developed the design having regard to the comments provided. The Panel notes that in the course of Council's consideration of this application, the proposal benefited from consultation between Applicant and Council.

The Panel considered extensive documentation including Council's Assessment Report and was briefed on two occasions by Council prior to determining the application. The Panel agrees with Council that the proposal is a well-designed response to the growing needs for seniors housing in the Airds/Bradbury area.

During the final briefing on 3 April 2023, the Panel requested additional information concerning:

1. The need for aerial pathways for Koalas as part of the Koala Linkage Strategy
2. The screening of hydrant booster valves (and the like) to Riverside Drive
3. Intertenancy apartment noise attenuation
4. Stair design and access within Building A

After consulting with the Applicant, Council provided a detailed response on 6 April 2023, addressing these matters. One additional condition is agreed to be imposed requiring service installations near the street boundary of the development (gas meter, water meter & fire hydrant and sprinkler booster valves and the like) to be enclosed in a manner that compliments the building and landscape design.

In summary, the proposal is consistent with the objectives of SEPP (Housing) 2021, SEPP 65 (Design Quality of Residential Apartment Development) and the CLEP; and generally satisfies the relevant development standards and controls. The proposal is also generally consistent with the Infrastructure Delivery Plan executed as part of the VPA for the ABURP area.

The Panel concurs with Council that the proposal has been properly assessed against relevant planning controls.

CONDITIONS

Pursuant to Clause 4.33 of the EP&A Act 1979, draft conditions were sent to the Crown on the 1 February 2023 for review. The Applicant's agreement with the draft conditions was provided to Council on 28 February 2023.

The development application was approved subject to the conditions detailed in Council's Assessment Report with one further amendment, as discussed above, to ensure the enclosure of fire hydrants and associated services.





Services and Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for service installations near the street boundary of the development (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like), the Certifying Authority is to be provided with plans indicating that all such services are enclosed in a manner that compliments the building and landscape design and in accordance with the authority and BCA requirements.

Reason: To ensure essential services are appropriately screened.

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	
David Kitto (Chair) 	Brian Kirk 
George Briticevic 	Karen Hunt 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-263 – Campbelltown – 3142/2022/DA-SL
2	PROPOSED DEVELOPMENT	Construction of a part two and part three storey seniors living development comprising 31 independent living units and 21 off street parking spaces including the provision of eight accessible spaces and including communal gardens, landscaping, site services, storm water infrastructure and associated ancillary site works.
3	STREET ADDRESS	33 Riverside Drive, Airds
4	APPLICANT/OWNER	Applicant: NSW Land and Housing Corporation 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 Housing Policy (Housing) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No 65 – Design Quality Residential Flat Buildings SEPP (Transport and Infrastructure) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 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: <ul style="list-style-type: none"> Part 9 – Urban Renewal Areas Airds Claymore Campbelltown Local Strategic Planning Statement Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 3 March 2023 Clause 4.6 variation to the State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021) Sections: <ul style="list-style-type: none"> 84(2)(c)(i) and 108(2)(a) (Building Height), 84(2)(c)(iii) (Setbacks), and 108(2)(c) (Floor Space Ratio) Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 26 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair) ○ <u>Council assessment staff</u>: Alex Long, Kristy Griffiths ○ <u>Applicant representatives</u>: Luis Valarezo, Salina Lama, Simon Mather, Erin Owens, Dan Brindle • Briefing: 7 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Brian Kirk, George Brticevic, Karen Hunt ○ <u>Council assessment staff</u>: Alex Long, Kristy Griffiths • Final briefing to discuss council's recommendation: 3 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Kitto (Acting Chair), Brian Kirk, George Brticevic, Karen Hunt ○ <u>Council assessment staff</u>: Alex Long, Kristy Griffiths
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report