



DATE OF DETERMINATION	15 December 2023
DATE OF PANEL DECISION	12 December 2023
DATE OF PANEL BRIEFING	4 December 2023
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt, George Brticevic
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 4 December 2023.

MATTER DETERMINED

PPSSWC-323 – Campbelltown – 4606/2022/DA-C – 381 St Andrews Road, Varroville - Construction of an Educational Establishment, New Driveway, Carparking, Landscaping & Removal of Trees over Four (4) Stages.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Landscaping

In its initial review of the development, the panel said additional landscaping should be provided to soften the car park, improve the amenity of the site, and minimise visual impacts on the Campbelltown Scenic Hills.

In response to these comments, the applicant submitted revised Landscaping Plans for the development that included additional landscaping. However, these plans were not provided to the panel for review with Council's assessment report and recommended conditions.

After the final briefing, Council provided updated plans of the development to the panel showing the proposed landscaping. The panel has reviewed these plans and is satisfied that the revised Landscaping Plans are a substantial improvement compared to the original plans and will result in high quality landscaping being provided across the site.

Amenities

The panel queried whether the development would contain sufficient toilets for students, particular senior students. Council pointed to the revised plans for the development, which identified the proposed amenities for all students on site, indicating that it was satisfied that these amenities were satisfactory.

Application to vary a development standard

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

- a) compliance with cl. 4.3 (height of buildings) 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 (height of buildings) of the LEP and the objectives for development in the C3 Environmental Management zone; 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 decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to the building height development standard and to approve the application for the reasons outlined in Council's assessment report.

In particular, the panel concluded that:

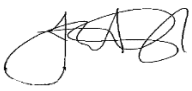

- The development is permissible with development consent in the C3 Environmental Management zone;
- The development is consistent with the provisions of the relevant environmental planning instruments, including the requirements in *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the *Campbelltown Local Environmental Plan 2015*, and the relevant controls in the *Campbelltown (Sustainable City) Development standard Control Plan 2015*;
- The exceedance of the building height development is justified and consistent with the objectives of the C3 Environmental Management zone and development standard;
- The Rural Fire Service has provided its general terms of approval for the development, which have been incorporated into the recommended conditions;
- Jemena and the APA Group are satisfied that the development will not have any unacceptable impacts on the gas pipeline easement on site;
- Water NSW is satisfied the development will have no adverse impacts on the Upper Canal, a State-listed heritage item to the north of the site;
- The impacts of the development are acceptable and can be suitably controlled with the recommended conditions;
- The site is suitable for the development;
- The development will provide high quality education facilities to support the growing population in Campbelltown, consistent with the strategic planning objectives for the area; and
- The development is in the public interest.




CONDITIONS

The development application was approved subject to the conditions in Council's assessment report.

CONSIDERATION OF COMMUNITY VIEWS

The panel notes there no written submissions received during the public exhibition of the development application and therefore no community views to consider.

PANEL MEMBERS	
Justin Doyle (Chair) 	Louise Camenzuli 

David Kitto 	Karen Hunt 
George Brticevic 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-323 – Campbelltown – 4606/2022/DA-C
2	PROPOSED DEVELOPMENT	Staged Development - Construction of an Educational Establishment, New Driveway, Carparking, Landscaping & Removal of Trees over Four (4) Stages.
3	STREET ADDRESS	381 St Andrews Road, Varroville
4	APPLICANT/OWNER	Applicant: BKA Architecture Pty Ltd Owner: Serbian Orthodox Diocese Aged Care and Education Property Fund Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities 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 (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 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 Local Infrastructure Contributions Pan 2018 • Planning agreements: Nil • 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: 4 December 2023 • Clause 4.6 variation Building Height • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 24 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt, George Brticevic ○ <u>Council assessment staff</u>: Melanie Smith ○ <u>Applicant representatives</u>: Mark Khoury

		<ul style="list-style-type: none"> • Final briefing to discuss council’s recommendation: 4 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, David Kitto, Karen Hunt, George Brticevic ○ <u>Council assessment staff</u>: Melanie Smith, Karl Okorn
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report