

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	5 November 2024
DATE OF PANEL DECISION	4 November 2024
DATE OF PANEL MEETING	28 October 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Louise Camenzuli
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 October 2024.

MATTER DETERMINED

PPSSWC-410 - Campbelltown - 584/2024/DA-SL - 3 Old Menangle Road, Campbelltown

Demolition of existing structures and construction and operation of a 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 briefings and the matters listed at item 8 in Schedule 1.

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 (CLEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 Building Height is unreasonable or unnecessary in the circumstances because; and
- there are sufficient environmental planning grounds to justify contravening the development standard as

the height of the building is commensurate in scale to the Rydges building to the west of the development, (having regard to site levels) and provides an appropriate transition from Park Central to the south-west and the CBD core to the north east. The recession of the top level of the building also reduces any amenity impacts from ground level and the adjoining developments. The additional height also has only marginal solar impacts on the adjacent arts centre after 3pm.

The numerical height exceedances vary due to the topography of the site, with the primary exceedances resulting from the lift overrun and screening. The Panel is satisfied that the exceedances are justified in the context of the site and that strict compliance with the height control is therefore unnecessary in the circumstances.

Development application

The Panel determined to Choose an item. 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 building height; and approve the application for the reasons outlined in the Council Assessment Report.

The proposed development was reviewed by the Campbelltown Design Excellence Panel (the Panel) on two separate occasions (one prior to the lodgement of the application and one following its lodgement). The last occasion was at the Panel's meeting of 30 May 2024, the minutes of which are attached. The Panel raised only minor matters at its most recent meeting, which have been fully addressed by subsequent amendments to the proposed development as well as recommended conditions of consent. One outstanding matter at the Panel meeting though was the treatment of the southern façade of the building, which the Panel considered could be enhanced by the installation of public art or similar. A variation to draft condition 5 is proposed to address this. This will also facilitate better integration with the local heritage buildings (Quondong building). The Panel also queried whether anything more could be done to activate the street front, but there are limitations to doing this as a consequence of flood planning controls.

The Panel carefully considered the one detailed submission on the proposed development and was satisfied that the matters raised in that submission have been appropriately addressed through design changes and the proposed conditions of consent. One matter, which was raised by the submission and the Panel is the location of this development in an entertainment precinct. While the Panel is satisfied that the development is appropriate in the precinct, it requested an additional condition be imposed relating to disclosure in the management statement for the development of this fact and the potential noise that may arise from events held at the park or in the club from time to time, as set out below.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amendment to condition 5 to vary the requirement for a cantilevered awning to instead require the installation of public art on the southern façade.

The condition now reads:

5. Amended plans

The development is to incorporate the following amendments and the amended plans are to be submitted to Council for the written approval of Council's Manager Development Assessment, prior to the issuing of a construction certificate:

Heritage-inspired public art shall be created along the southern elevation of the ground floor of the building to enhance the heritage character of Quondong Cottage and provide a visual feature that contributes to the site's cultural context and activates the blank wall.

Condition reason: To ensure that the design advice provided by the Campbelltown Design Excellence Panel is fully implemented into the development.

- New condition 9 to require that incoming residents of the proposed development are notified that the building is located in an entertainment precinct and that events may be held on a regular basis in the park and the club.

The condition now reads:

9. Notification to incoming residents

All incoming residents are to receive written notification informing them of the site's location within the surrounding cultural precinct and a description of its characteristics including the holding of events.




Condition reason: To ensure that incoming residents are aware of the local entertainment precinct, reducing the likelihood of future complaints regarding noise and activity.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Inappropriate location
- Parking concerns
- Bulk and overshadowing impacts
- Waste management
- Use of Emily Cottage
- Pedestrian and Accessibility
- Traffic congestion

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Kitto
 Louise Camenzuli	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-410 - Campbelltown - 584/2024/DA-SL
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction and operation of a seniors housing development.
3	STREET ADDRESS	1-3 and 20-22 Old Menangle Road, Campbelltown (Lots 3 and 4 DP 193040, Lot 61 DP 997095, Part Lot 10 DP 1134526)
4	APPLICANT/OWNER	Applicant: Premise/Campbelltown Catholic Club Ltd Owner: Campbelltown Catholic Club Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts—Western Parkland City) 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 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: 23 October 2024 Clause 4.6 variation requests: Maximum Building Height Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 13 May 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Karen Hunt, George Brticevic <u>Council assessment staff</u>: Luke Joseph, Karl Okorn <u>Planning Panels Team</u>: Renah Givney Final briefing to discuss council's recommendation: 28 October 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli <u>Council assessment staff</u>: Luke Joseph, Karl Okorn <u>Applicant representatives</u>: Paul Hume, William Hua Tran and Doug Southwell

		<ul style="list-style-type: none">○ <u>Planning Panels Team</u>: Renah Givney
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and as amended