

COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSWC – 524 4712/2024/DA-SL
PROPOSAL	Stage 9B Seniors Living – Construction of two buildings containing 40 independent living units and 23 car parking spaces and associated site landscaping and services.
ADDRESS	<p>Lot 3201 DP 807572 Lot 3202 DP 807572, 9 Gould Road, Claymore Lot 1100 DP 1300437 Lot 30 DP 258940 Lot 31 DP 258940 Lot 32 DP 258940</p> <p>The site comprises the proposed subdivision of existing lot 3201 DP807572 and Proposed Lots 9083 & 9091 DP 1300447 (being proposed in Stage 9 and comprising existing Lot 3202 DP807572, Part of existing Lot 1100 DP 1300437 & Parts of Existing Lots 30, 31, & 32 DP258940). The proposed development is located within Lot 1 in the proposed subdivision.</p> <p>Lot 3202 DP 807572 Claymore Neighbourhood Centre, 9 Gould Road, CLAYMORE NSW 2559</p>
APPLICANT	New South Wales Land and Housing Corporation
OWNER	New South Wales Land and Housing Corporation.
DA LODGEMENT DATE	12-Dec-2024
APPLICATION TYPE	Crown DA – the proposal is not integrated development.
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19 (1) and Section 4 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as development carried out by or on behalf of Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million.
EDC	\$29,926,371(excluding GST)
SECTION 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS	<p>Maximum building height Section 84(2)(c)(i) and 108(2)(a) of SEPP (Housing) 2021 is 9.5m. The maximum height of the building is 14 metres which occurs at the roof ridge room to Building B at RL78.9m above ground level of RL64.9m. The proposed building height is represented as a 47.37% variation to the development standard.</p> <p>Maximum FSR for the site as expressed through Section 108(c) is 0.5:1. The proposed development has an FSR of 0.54:1 which is an 8.65% variation to the control.</p>
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<p>State Environmental Planning Policies (SEPPS):</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>

	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Sustainable Buildings) 2024</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <p><u>Local Environmental Planning Policies</u></p> <ul style="list-style-type: none"> • <i>Campbelltown Local Environmental Plan 2015.</i> <p><u>Other Policies</u></p> <ul style="list-style-type: none"> • <i>Seniors Housing Design Guide.</i> • <i>Campbelltown Local Infrastructure Contributions Plan 2018.</i> • <i>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024.</i> • <i>Engineering Design for Development.</i> <p><u>Proposed Instrument that is or has been subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii)</u></p> <ul style="list-style-type: none"> • N/A <p><u>Relevant development control plan: s4.15(1)(a)(iii)</u></p> <ul style="list-style-type: none"> • <i>Campbelltown (Sustainable City) Development Control Plan 2015.</i> • <i>Campbelltown (Sustainable City) Development Control Plan 2015 – Volume 2: Site Specific DCPs: Part 9 – Urban Renewal Areas Airs/Claymore.</i> <p><u>Relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a development has offered to enter into under section 7.4: s4.15(1)(a)(iia)</u></p> <ul style="list-style-type: none"> • Claymore URA VPA. <p><u>Regulations: s4.15(1)(a)(iv) eg. Regs 6, 61, 62, 63</u> AS 2601 in respect to any demolition. Section 61</p>
AGENCY REFERRALS	N/A
TOTAL & UNIQUE SUBMISSIONS	No submissions were received through the notification period however, a petition with 277 signatures was submitted for councils' consideration on 3 July 2025.
KEY ISSUES	<ul style="list-style-type: none"> • The proposal has a maximum building height (as defined in the SEPP Housing 2021) exceeding 9.5 metres. The proposal does not comply with the maximum height requirement. • The proposal has a maximum permissible FSR that exceeds 0.5:1 (as defined in the SEPP). The proposal does not comply with the maximum FSR requirement.

DOCUMENTS SUBMITTED FOR CONSIDERATION	<ol style="list-style-type: none"> 1. Plans 2. Access Report 3. Site Photographs 4. Preliminary Site Investigation 5. Environmental Noise Assessment 6. Arboriculture Impact Assessment 7. BCA/NCC report 8. Construction and Demolition of Waste Management Plan 9. CPTED Report 10. Design Statement 11. Environmental Impact Statement 12. Flood Impact Assessment 13. Geotech Report 14. NABERS form 15. Plan of Management 16. Performance Solution 17. Statement of Environmental Effects 18. Traffic Impact Assessment
PREVIOUS BRIEFINGS	17 March 2025
PLAN VERSION	Revision F
CONCURRENCE	Yes
RECOMMENDATION	<p>4712/2024/DA-SL be approved subject to the conditions contained in attachment 1 and;</p> <p>That the panel support the applicants request for Section 4.6 variation to vary the maximum building height and FSR provisions outlined in the SEPP (Housing) 2021.</p>
PREPARED BY	Braiden Buttigieg, Senior Town Planner
DATE OF REPORT	23 July 2025

EXECUTIVE SUMMARY

Development application (DA/4712/2024/DA-SL) seeks consent for the for the construction of one, three storey building and one, four storey building comprising 40 independent living units including landscaping, communal gardens, site services and stormwater infrastructure.

The subject site is known as 9 Gould Road, Claymore ('the site') and comprises one allotment with a south facing frontage of approximately 56 metres to Glenroy Drive and a west frontage of 90 metres to Gould Road. The site has a total area of 6,360m².

The site is in the R2 Low Density Residential zone pursuant to Section 2.2 of the Campbelltown Local Environmental Plan 2015 ('LEP'). The SEPP (Housing) 2021 permits Seniors Housing in an R2 zone.

The principal planning controls relevant to the proposal include the State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State

Environmental Planning Policy (Sustainable Buildings) 2022, Campbelltown Local Environmental Plan 2015, and the seniors housing design guide. The proposal is generally consistent with the provisions of the planning controls.

There are no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

Jurisdictional prerequisites to the granting of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated;
- Section 97 of the Housing SEPP for in relation to the consent authority considering the *Seniors Housing Design Guide*, published by the department in December 2023. Development consent must not be granted to development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in schedule 8 of the SEPP.

The application was placed on exhibition from 21 January 2025 – 13 February 2025, no unique submissions were received. A petition was submitted for councils' consideration on 3 July 2025.

The application is referred to the South Western City Planning Panel ('the Panel') as the development is '*regionally significant development*' pursuant to Section 2.19 (1) and Section 4 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as development is carried out by or on behalf of Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million.

Following a detailed assessment of the proposal against the matters of consideration under Section 4.15(1) of the EP&A Act, the proposal is supported. Pursuant to Section 4.16(1) of the EP&A Act, DA 4712/2024/DA-SL is recommended for approval subject to the attached conditions in attachment 1.

1. THE SITE AND LOCALITY

1.1 The Site

- The development site is an irregular shaped parcel of land and has a total area of 6,360m² the site has a south facing frontage of approximately 56 metres to Glenroy Drive and a west frontage of 90 metres to Gould Road. There are two community service buildings on the western portion of the site with a car park. The eastern portion of the site has one community service building, car port and car park. The existing buildings and structures on the western part of the site will be demolished and removed with the community centre buildings on the eastern part of the site retained.
- Existing development on the site consists of two community service buildings on the western portion of the site with a car park. The eastern portion of the site has one community service building, car port and car park. The existing buildings and structures on the western part of the site will be demolished and removed with community centre buildings on the eastern part of the site retained.

- The site falls from south to north by approximately 9 metres which has been incorporated into the design. The natural landform of the site has been modified due to the benching for existing buildings.
- There are trees dispersed throughout the site which make an important contribution to character of the site. The design responds positively to the important trees on the site with buildings located to minimise the loss of trees.
- The site is located on a prominent corner of Gould Road and Glenroy Drive and is close to the existing bus route and is near a new park and other community facilities.
- The site is impacted by flooding and potential contamination due to identified asbestos, both which are resolved through the application



Figure 1: Staging plan of Claymore renewal project / locality.



Figure 2: Aerial image of the subject sites

1.2 The Locality

The adjoining development is best characterised as low-medium density residential development. The locality is currently undergoing a transition through the Claymore Urban Renewal Project which provides for approx. 1,490 dwellings, including Seniors Housing Units, the creation of a new town centre, a revised street layout, public areas, and upgrades to existing facilities.

The Concept Plan delivers a redevelopment of approximately 948 poorly performing townhouse / villa dwellings, with the remaining cottages to be selectively upgraded and adjoining poorly maintained open space areas to be incorporated as new and improved open space. Upon completion it is anticipated that 30% of the final yield will be retained as public housing.

The locality is in an established residential neighbourhood of Claymore currently undergoing transformation and urban renewal with new urban design and housing stock changing from a previously high concentration of social housing to a mix of private and social housing.

The site is located on a prominent corner of Gould Road and Glenroy Drive and is close to the existing bus route, new park and other community facilities.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the construction of one three storey building and one four storey building comprising 40 independent living units including landscaping, communal gardens, site services and stormwater infrastructure.

Specifically, the proposal involves:

- Demolition of the existing buildings structures on the western part of the site.
- Construction of 7 x 1-bedroom units and 33 x 2-bedroom units ranging from 53m² to 81m²
- Consent is sought for the subdivision of land to create an allotment for the proposed development. The proposed Seniors Housing development is located on lot 1 with lot 2 being the existing community facilities.
- A total of eight (8) trees will be removed.

A level-by-level description of each building within the proposed development is provided as follows;

Building A:

Ground Floor

- Storage areas;
- Waste collection room.
- Basement driveway access
- 10 vehicle parking spaces (including 2 accessible vehicle parking spaces); and
- Bicycle storage area; and
- 4 residential units with access to private and communal open space

First floor

- 8 units with open place kitchen, living and dining areas, accessible bathrooms and storage space.
- Building lobbies including stair access.
- Pedestrian access from Gould Road; and
- Access to private and communal open space.

Second floor

- 8 units with open plan kitchen, living and dining areas, accessible bathrooms and storage space;
- Building lobbies including stair access; and
- Access to private and communal open space

Building B:

Lower Ground floor

- Storage lockers:

- Plant rooms;
- Waste collection room;
- Basement driveway access
- 9 vehicle parking spaces (including 2 accessible vehicle parking spaces); and
- 2 residential units with access to private and communal open space.

Ground Floor

- 6 units with open plan kitchen, living and dining areas, accessible bathrooms and storage space
- Building lobby and stair access
- Pedestrian access from Glenroy Drive; and
- Access to private and communal open space

First floor

- 6 units with open plan kitchen, living and dining area, accessible bathrooms and storage space.
- Building lobby including stair access; and
- Access to private and communal open space

Second floor

- 6 units with open plan kitchen, living and dining area, accessible bathrooms and storage space.
- Access to private and communal open space.

Ancillary development

- Driveway access to car parking under buildings from Gould Road and 4 car parking spaces off driveway to Building B;
- Interconnected green, open, communal space.
- Pedestrian pathways and internal pedestrian circulation routes
- Stairway and ramp access.
- Seating, street furniture and feature pavilion shelter
- At grade bin store
- Landscape planters; and
- Letters boxes
- Provision of key infrastructure



Figure 3: Site plan of the subject sites



Figure 4: Artist's impression

The key development data is provided in **Table 1**.

Table 1 : Key Development Data

Control	Proposal
Site area	6,360m ²
GFA	3,455m ²
FSR (retail/residential)	0.54:1 - representing an 8.65% variation to the maximum permissible FSR of 0.5:1 stipulated in the SEPP (Housing) 2021.
Section 4.6 Requests	Yes – Building height and FSR.
No of apartments	40
Max Height	14 Metres - representing a 47.37% variation to the maximum permissible height of 9.5m stipulated in the SEPP (Housing) 2021.
Landscaped area	3256m ² (51.48%)
Car Parking spaces	19 spaces
Setbacks	Building A: 6.2m (front) 13m (side) Building B: 8.3m (front)
Solar access	Solar access SEPP SPD: 32/40 units Solar access POS: 35/40 Units No Solar access: 04 / 40 units

2.2 Background

A pre-lodgement meeting was held prior to the lodgement with the applicant on 13 September 2024 where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Building Height
- Site Contamination
- An arboriculture impact assessment
- Retaining walls
- Traffic, Parking, Manoeuvring
- Water Cycle, Stormwater Management and Water Quality Treatment Strategy
- Site Restrictions

- Flooding
- Waste

These previous issues are now resolved.

2.3 Site History

The site has had 4 previous approvals. These approvals are as follows:

- 2924/2017/DA-C – Construction of a community facility with associated car parking, stormwater works and landscaping. This application was approved on 13 December 2018.
- 2924/2017/DA-C/A – Modification to increase height of the floor by 250mm. This modification application was approved on 31 October 2019.
- 3820/2019/DA-A – Installation of a pylon sign with digital LED sign Panel. This application was approved on 11 May 2020.
- 2413/2023/DA-SW – Subdivision creating 198 Torrens title allotments being 193 residential lots (88 in Stage 9 and 104 in stage 10) one residue lot for Claymore Community Centre, one lot being for Fullwood Reserve (part), one drainage reserve, one lot for a public road and one residue lot adjacent to Glenroy Drive and including associated site, civil and street tree landscape works including the removal of 321 trees. This application was approved by the Southwestern City Planning Panel on 30 July 2024.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters are of relevance to the development application and include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not defined as Integrated Development (s4.46), Designated Development (s4.10) or requiring concurrence/referral (s4.13)

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2024*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Campbelltown Local Environmental Plan 2015*

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in **Table 3**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

Table 3 : Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply
State Environmental Planning Policy (Biodiversity & Conservation) 2021	The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6.	Yes
State Environmental Planning Policy (Housing) 2021	Chapter 3: Diverse Housing Secondary dwellings, Group Homes, Co-living housing, build-to-rent housing, Housing for Seniors and people with a disability, short-term rental accommodation, manufacture home estates and caravan parks. Section 97(1) In determining a development application for the purposes of seniors housing, a consent authority must consider the <i>Seniors Housing Design Guide</i> , published by the Department in December 2023. Section 97(2) Development consent must not be granted to	Yes

	<p>development for the purposes of seniors housing unless the consent authority is satisfied the design of the seniors housing demonstrates that adequate consideration has been given to the design principles for seniors housing set out in Schedule 8.</p> <p><i>See further discussion in attachment 2 of this report.</i></p>	
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <ul style="list-style-type: none"> Section 2.19(1) declares the proposal regionally significant development pursuant to Section 4 of Schedule 6. Crown development is development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has an estimated development cost of more than \$5 million. 	Yes
SEPP (Resilience & Hazards)	<p>Chapter 4: Remediation of Land.</p> <ul style="list-style-type: none"> Section 4.6 - Contamination and remediation have been considered in the Contamination Report and the proposal is satisfactory subject to conditions. It is recommended that further investigation is undertaken within building footprints following demolition of site structures and where asbestos impact has been identified, to characterise and confirm the presence and extent of asbestos or other impacts. It is recommended that a Remedial Action Plan is prepared to facilitate appropriate remediation of identified contamination, and if required, it is updated if impacts are identified once recommended additional investigations are complete. Furthermore, standard development controls including an Unexpected Finds Protocol are recommended to be implemented to address any potential unexpected contamination encountered during future works. 	Yes
SEPP (Sustainable Buildings) 2022	No compliance issues identified subject to imposition of conditions on any consent granted.	Yes
LEP	<ul style="list-style-type: none"> Section 2.3 - Permissibility and zone objectives. Permissibility under the SEPP (Housing) 2021. Section 2.6 Subdivision - consent requirements Section 2.7 - Demolition that requires development consent. Section 4.1 - Minimum subdivision lot size - complies 	No Variation via Section 4.6

	<ul style="list-style-type: none"> • Section 4.3 - Height of Buildings - variation justified. • Section 4.4 - Floor Space Ratio - variation justified. • Section 5.21 - Flood Planning. - Council has considered the requirements of this section and is satisfied. • Section 7.1 - Earthworks - Council has considered the requirements of this section and is satisfied. • Section 7.4 - Salinity - Council has considered the requirements of this section and is satisfied. • Section 1.10 - Essential Services are available and adequate. 	
DCP	<p>Volume 1, Part 2 - Requirements applying to all types of development</p> <p>Volume 1, Part 19 Seniors Living and Housing for People with a Disability.</p> <p>Volume 2, Site specific DCP's, Part 9 Urban Renewal Areas</p> <p>Airds Claymore DCP.</p>	Yes

Consideration of the relevant SEPP's are outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 applies to land in the Georges River and Hawkesbury-Nepean Catchments. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- (b) the impact on water flow in a natural waterbody will be minimised.

The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6 of the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 ('Sustainable Buildings SEPP') applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No. 1777677M prepared by Eco Engineering Group Pty Ltd dated 13 December 2024. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the SEPP (Sustainable Buildings) 2022.

State Environmental Planning Policy (Housing) 2021

Chapter 3, Part 6 applies to applications for seniors housing and people with a disability.

Attachment 2 summarises each section of the SEPP along with a discussion of council's assessment.

State Environmental Planning (Planning Systems) 2021

The proposal is *regionally significant development* pursuant to Section 2.19(1) as the proposal meets the criteria in Clause 4 Schedule 6 – being Crown Development over \$5 million. Accordingly, the Sydney Western City Regional Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been considered in the assessment of the development application. Section 4.6 Hazards and Resilience SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation (PSI) has been prepared for the site.

Based on the findings of this and previous investigations at the site, it is concluded that the site can be made suitable for the intended land use subject to further investigation upon demolition of existing structures.

It is recommended that a remedial action plan is prepared to facilitate appropriate remediation of identified contamination.

Standard conditions include an unexpected finds protocol to address any potential unexpected contamination encountered during future works.

Section 4.6 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* has been satisfied.

Campbelltown Local Environmental Plan 2015

The relevant local environmental plan applying to the site is the Campbelltown Local Environmental Plan 2015 ('the LEP').

Zoning and Permissibility

The site is located within the R2 Low Density Residential Zone pursuant to Section 2.2 of the LEP.

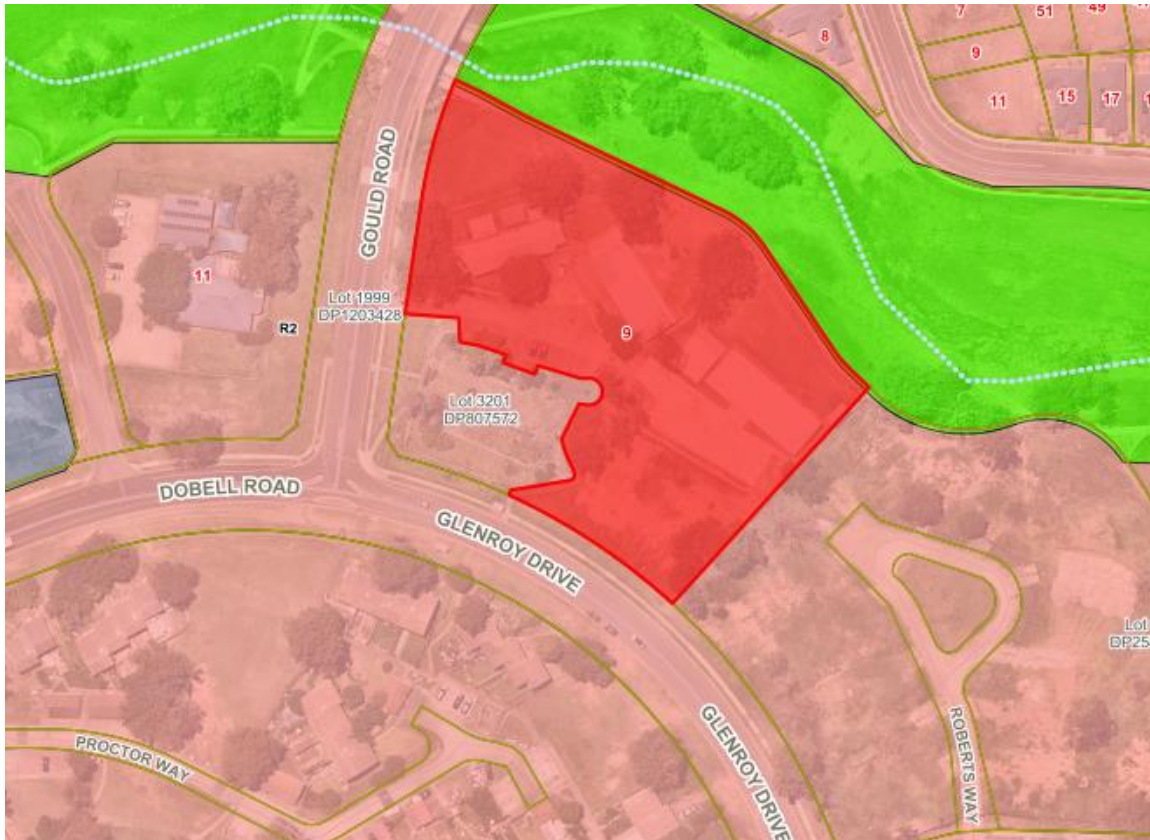


Figure 5: Zoning Map

The proposal satisfies the definition of Seniors Housing contained within the Seniors Housing Design Guide which is a permissible use in an R2 zone pursuant of section 79 of the SEPP (Housing) 2021.

General Controls and Development Standards

The SEPP (Housing) 2021 contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are listed as attachment 2.

It is noted in councils' assessment that the applicant seeks a variation to the housing SEPP. Specifically relating to the maximum building height standard and FSR

Building Height

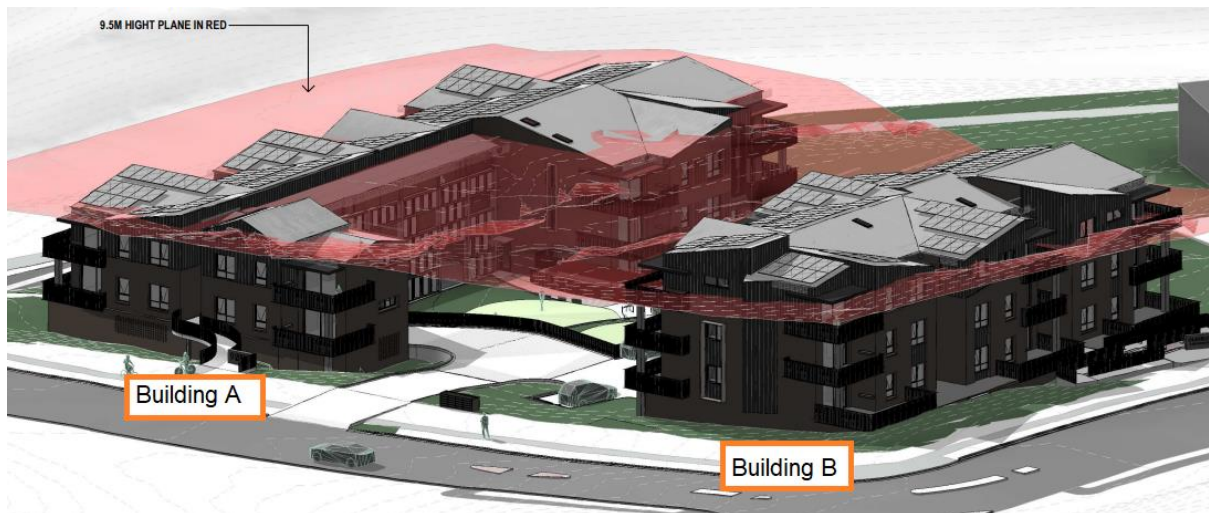


Figure 6: Height plane diagram

Maximum building height specified under section 84(2)(c)(i) and 108(2)(a) is 9.5m. The maximum height of the proposed building is 14 metres which occurs at Building B and the applicant is seeking a variation of 47.3% to the standard.

As shown above in **Figure 6**, both buildings A and B exceed the maximum height of building standard however, building "A" generally represents a percentage variation of 16% and building "B" represents a percentage variation at its largest point of 47.3%, to a smaller portion of the building at a further distance from the southern and western boundary.



Figure 7: Height Plane at Glenroy Drive

Figure 7 illustrates the built form when viewed from Glenroy Drive where the building height is generally compliant with a small portion of the building's roof slightly over the maximum height as the height non-compliance is concentrated in the rear south-western corner. Further, the development benefits from increased setbacks from street frontages providing the opportunity for landscaping to soften the appearance of the building and reduce its bulk and scale when viewed from the street.

The variation is appropriate given the sites prominent corner location and riparian corridor located to the northern side, which support a more articulated and elevated built form. The increased height will enhance the streetscape while maintaining sensitive interfaces through generous setbacks, landscaping, and increased buffer to the adjoining future low-density residential to the east (Stage 9) . The variation allows vertical circulation and under croft parking without compromising amenity, privacy, or ecological values – consistent with the design objectives of the Housing SEPP 2021.

Council is satisfied that the applicant has demonstrated the following matters that are required to be demonstrated under Section 4.6(3) of CLEP 2015:

- (i) compliance with the development standard is unreasonable or unnecessary in the circumstances. and
- (ii) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Floor Space Ratio

Section 108(2)(c) of the Housing SEPP provides non-discretionary development standards for independent living units relating to FSR. The proposed development has an FSR of 0.54:1 which is an increase or variation of 0.04:1 or 8.6%. However, if the total FSR were to be calculated across the broader site, including not just the subject lot but the lot associated with the existing community facility (lot 2) and adjoining open space / riparian lands, the FSR would be compliant. Given the context of the site and the adjoining lots which are wither not occupied by buildings or have a much lower FSR, the non-compliance is not likely to be visually apparent, and the variation is recommended for approval.

Council is satisfied that the applicant has demonstrated the following matters that are required to be demonstrated under Section 4.6(3) of CLEP 2015:

- (iii) compliance with the development standard is unreasonable or unnecessary in the circumstances. and
- (iv) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(b) Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Part 2 Requirements Applying to All Types of Development.*
- *Part 19 Seniors Living and Housing for people with a disability Campbelltown (Sustainable City) Development Control Plan 2015.*
- *Part 9 Urban Renewal Areas Airds Claymore DCP – Volume 2*

The application is generally consistent with the DCP.

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

The following planning agreement/s has been entered into under Section 7.4 of the EP&A Act:

- **Claymore URA VPA**

The proposal does not trigger the Claymore URA VPA, and the proposal does not trigger the delivery of any development contribution items listed in schedule 3 of the VPA.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

Conditions are recommended to ensure adequate erosion and sediment control during works, therefore ensuring the development does not result in adverse impacts on the natural environment. Significant landscaping is proposed and results in a significant improvement on current site conditions. The development also includes the installation of solar panels, which reduces dependency on the energy grid and results in an energy efficient building.

The proposed development represents a contemporary architectural form that contributes to design excellence in the broader locality. The building incorporates varying materials and architectural design elements including vertical and horizontal offsets in the wall surfaces to ensure it is suitably articulated, thereby having a positive impact on the built environment.

Having regard to social and economic impacts generated by the development, a Seniors Housing development will contribute to the provision of housing choice within the Campbelltown locality to meet the housing needs of the local community.

Any demolition and construction phases of the development will have minor flow on economic benefits for the locality through the generation of employment.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed development is of a scale and design that it is suitable for the site. The proposal responds well to site conditions in terms of its size, shape, topography and relationship to adjoining developments.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

3.4 Section 4.15(1)(d) - Public Submissions

No formal submissions were received throughout the notification period. A petition with 277 signatures was submitted for councils' consideration on 3 July 2025. Please see additional discussion in section 4.3 of the report.

3.5 Section 4.15(1)(e) - Public interest

Section 4.15(1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application. In this regard, the proposal is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community.

The development will provide for a variety of housing choices, social support, security, nourishment, peace of mind and health and wellbeing.

Accordingly, it is considered that approval of the proposed development would be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application was not referred to any agencies for comment/concurrence/referral as required by the EP&A Act.

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table : Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	No objections, subject to recommended conditions	Yes
Flood	No objections	Yes
Traffic	No objections, subject to recommended conditions	Yes
Building	No objections, subject to recommended conditions	Yes
Health	No objections, subject to recommended conditions	Yes
Waste	No objections, subject to recommended conditions	Yes

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 21 January 2025 until 13 February 2025 . No submissions were received throughout the notification period.

On 3 July 2025, council received a petition with 277 signatures from local residents. Their views are that the site would be better served if it was redeveloped into a community village hub rather than seniors housing. In the petition the following requests were made;

- Preserve the 9 Gould Road site for the development of the Amaroo Village Hub, ensuring it remains a key community asset.

- Reject the current housing development proposal that would eliminate the critical space.
- Create a vibrant, inclusive hub that addresses the diverse needs of the Claymore community.

It is important to note that existing community services will be relocated to the adjoining building which is newly built for community purposes on the eastern part of existing Lot 3202 in DP807572. This new and upgraded facility was approved by council in 2017 and enables the demolition of the existing community centre buildings to occur and allows for the construction of the new seniors housing development. Council is therefore satisfied that the proposed development does not result in a loss of vital community space.

Subclause (3) of Schedule 1, part 1, division 3 of the EP&A 1979 states that a submission made after the end of the period specified in subclause (1) or (2) is not a submission for the purposes of the Act, the regulations or an environmental planning instrument.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning control and the key issues identified in this report, it is considered that the application can be supported.

6. RECOMMENDATION

That the Development Application DA No 4712/2025/DA-SL for the construction of one, three storey building and one, four storey building comprising 40 independent living units including landscaping, communal gardens, site services and stormwater infrastructure at 9 Gould Road, Claymore be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment 1. And the panel support the applicants request for a Section 4.6 variation to section 84(2)(c)(i) and 108(2)(a) and section 108(2)(c) of the SEPP (Housing) 2021.

The following attachments are provided:

- Attachment 1: Draft Conditions of Consent
- Attachment 2: SEPP Housing compliance table
- Attachment 3: Campbelltown (Sustainable City) Development Control Plan 2015 compliance table.
- Attachment 4: Architectural Plans
- Attachment 5: Landscape Plans
- Attachment 6: Stormwater Plans