



DATE OF DETERMINATION	7 August 2025
DATE OF PANEL DECISION	7 August 2025
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Stacey Miers, Joshua Cotter, Isabella Wisniewska
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared a conflict as they act on behalf of the Applicant.

Papers circulated electronically on 23 July 2025.

MATTER DETERMINED

PPSSWC-524 – Campbelltown City Council – 4712/2024/DA-SL – 9 Gould Road Claymore 2559 – Subdivision of site into 2 lots and construction of two buildings on one of the lots including 40 seniors housing units, 23 car parking spaces and landscaping.

PANEL CONSIDERATION AND DECISION

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

Application to vary a development standard:

The Panel considered the Applicant’s written requests under cl 4.6 (3) of the *Campbelltown Local Environmental Plan 2015* to vary the height and floor space ratio (FSR) development standards in Sections 84(2), 108(2)(a) and 108(2)(c) of *State Environmental Planning Policy (Housing) 2021*, and is satisfied that the Applicant has demonstrated that:

- a) compliance with development standards is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

In particular, the Panel noted that the variations were supported by Council’s Design Excellence Panel and is satisfied that the design of the buildings is an appropriate response to the corner location adjacent to two collector roads as well as the existing benching on site; that it will facilitate disabled access on-site and minimise the removal of existing mature trees; and that it will have minimal impact on the amenity of the surrounding development.

Finally, the Panel is satisfied that the development will provide high-quality seniors housing, consistent with the desired future character of the area.

Development application

The Panel determined to approve the development application (DA) 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 relevant building height and FSR development standards; and approve the DA for the reasons outlined in Council’s assessment report.

In particular, the Panel concluded that:

- The development is consistent with the approved Part 3A concept plan for the redevelopment of the Claymore housing estate
- The development is consistent with the provisions of the relevant environmental planning instruments, including *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 (Transport and Infrastructure) 2021*, *State Environmental Planning Policy (Sustainable Buildings) 2022* and the *Campbelltown Local Environmental Plan 2015*
- The proposed variation to the height and floor space ratio development standards in *State Environmental Planning Policy (Housing) 2021* (see above) are justified
- The design of the seniors housing has adequately addressed the design principles in Schedule 8 of *State Environmental Planning Policy (Housing) 2021* in accordance with the requirement in Section 97 of the SEPP
- The impacts of the development are acceptable and can be suitably controlled with the revised conditions
- With the remediation required under these conditions, the site will be made suitable for the development in accordance with the requirement in Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021*
- The proposal will provide high-quality housing for seniors in Western Sydney, consistent with the strategic objectives of the approved Part 3A concept plan and Housing SEPP
- The development is in the public interest.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the DA from 21 January 2025 – 13 February 2025 and received no submissions.

However, on 3 July 2025, Council received a petition from local residents with 277 signatures opposing the housing development on site, saying the land should be kept for community use and the expansion of the adjoining Amaroo Village Hub.

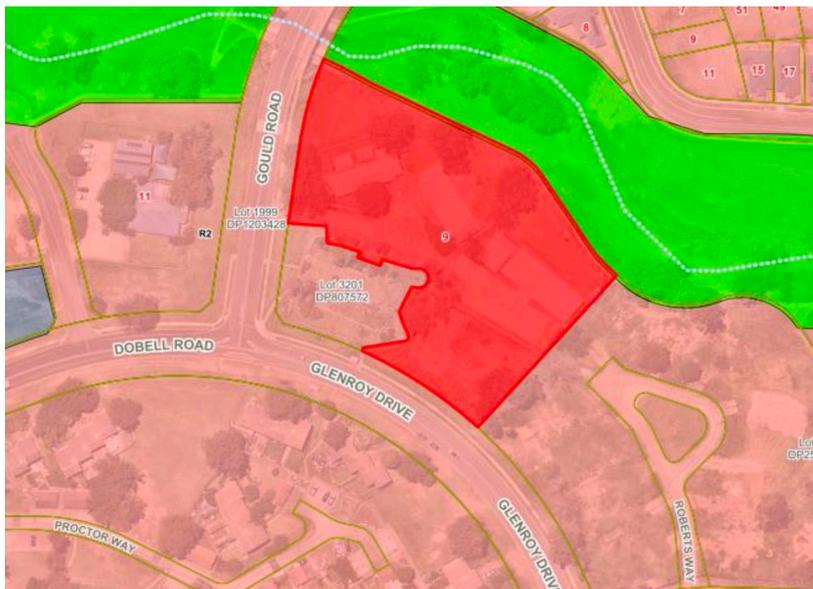
While the Panel has a policy of holding public meetings prior to determining DAs where there is significant public interest, this policy applies to situations where more than 10 objections are received during the public exhibition period and not to when a petition is made nearly five months after the exhibition period has closed.

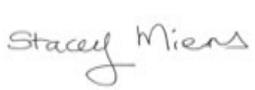
Notwithstanding this, the Panel has considered the matters raised in the petition carefully which concern the preference of a section of the public that the site of the DA be retained for a community use rather than seniors housing. Given that the use proposed in the DA is permissible in the zone, and is consistent with the planning for that use in the concept plan, there is no scope for this Panel to revisit those land use policy decisions of NSW Land and Housing Corporation as the land owner. Notably, the Panel was advised that past community use of this specific portion of the site is to be relocated into available adjacent buildings. Accordingly, a public meeting to address the issues from the petition would not assist the Panel in making the planning decision before it under s 4.15 of the EP&A Act, and Panel is therefore satisfied that the DA can be determined by electronic circulation of papers.

In this regard, the Panel notes that the proposed housing development in the DA is consistent with the strategic planning for the land, including the:

- Part 3A concept plan for the redevelopment of the Claymore housing estate, which was approved by the then Minister for Planning in 2013
- *Campbelltown Local Environmental Plan 2015*, which zones the site for low density residential development (see figure below), not community use.

Further, the Panel notes that under the *Environmental Planning and Assessment Act 1979* the DA must be generally consistent with the approved Part 3A concept plan for the land, which is the case here.



PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Stacey Miers 	Isabella Wisniewska 
Joshua Cotter 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-524 – Campbelltown City Council – 4712/2024/DA-SL
2	PROPOSED DEVELOPMENT	Construction of two buildings containing 40 independent living units and 23 car parking spaces and associated site landscaping and services.
3	STREET ADDRESS	9 Gould Road Claymore 2559
4	APPLICANT/OWNER	Applicant/Owner: NSW Land and Housing Corporation (LAHC)
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 (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 • Draft environmental planning instruments: Claymore URA VPA • Development control plans: <ul style="list-style-type: none"> ○ Campbelltown 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 July 2025 • List any clause 4.6 variation requests here <ul style="list-style-type: none"> ○ Height of buildings variation of 47.37% with a maximum height of 14m ○ FSR variation of 8.65% at 0.54:1 • List any council memo or supplementary report received: 3 July 2025 <ul style="list-style-type: none"> ○ Council received a petition with 277 signatures for consideration objecting to the current proposal • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0 • Petition received by Council with 277 signatures from local residents.
8	BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 17 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Isabella Wisniewski ○ <u>Council assessment staff</u>: Braiden Buttigieg, Kha Huynh, Karl Okorn ○ <u>Applicant representatives</u>: Gulliver Coote, Natalia Celedon, Matt Overton, Brian Hollis
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the Council Assessment Report
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