

DATE OF DEFERRAL	Wednesday, 10 February 2021
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Darcy Lound and George Griess
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 December 2020.

MATTER DEFERRED

PPSSWC-60 – Campbelltown City Council – 434/2020/DA-C at Lot 1 DP 558320 and Lot 5 DP 1167855, 158 Queen Street, Campbelltown – Demolition of existing structures and construction of an 11 storey building (as described in Schedule 1)

REASONS FOR DEFERRAL

The present DA scheme proposes a building with a height of 43 metres. That height exceeds the current maximum building height fixed by the Height of Buildings Map applying under clause 4.3 of Campbelltown LEP 2015 for the site of 32 metres by approximately one third.

The Panel noted the advice of the assessment staff that, on merit, the proposed additional height of the proposal described by the DA plans was unlikely to lead to adverse amenity impacts on surrounding properties, to compromise the adjacent public domain, or adversely affect the significance of nearby heritage items. The assessment report also stated that apart from the issue of height and a residual access issue discussed below, the proposed development is generally consistent with the provisions of the Campbelltown Local Environmental Plan 2015 and Campbelltown Sustainable City Development Control Plan 2015.

Furthermore, the Campbelltown Precinct Plan prepared by the Department of Planning, Industry and Environment has recommended that maximum indicative heights for high rise development be removed so that appropriate heights can be determined at the detailed planning stage. That has not yet occurred however.

The difficulty presently facing the DA is that the stated objective of the height control fixed by clause 4.3 is to “nominate a range of building heights that will provide a transition in built form and land use intensity across all zones”. The ‘transition in built form’ which would be generated from the proposed height is different from that which would result from the LEP height standard.

There is a pending planning proposal to increase the permitted height for the site so as to permit a building with the height of the proposal, while at the same time increasing the height permitted on the remainder of the site to 85 metres (with frontages at 1 Carberry Lane and 3 & 11 Cordeaux Street). It received a positive Gateway determination, but it has not yet been exhibited.

The Panel accepts and agrees with the observation in the assessment report that:

“The locality is undergoing a significant period of change consistent with the site’s location within the Campbelltown CBD and proximity to Campbelltown train station. This offers future residents’ significant convenience and results in land that is prime for redevelopment for mixed-use development.”

For that reason, the planning proposal would seem to in line with the future direction for this site and its immediate locality.

The clause 4.6 request to vary the height standard made with the development application emphasises the changing nature of the locality and the pending planning proposal stating:

“... the site is part of a larger block which is subject to a Planning Proposal, currently in the Pre-Exhibition stage, which is aligned with the recommendations of the Department of Planning and Environment’s Greater Macarthur Growth Area Implementation Plan and the Campbelltown Precinct. The planning proposal seeks to permit development up to 85m in height.”

The DA invokes s.3.39 which permits a DA to be made and assessed, which proposes prohibited development if there is at the same time a pending planning proposal to amend the applicable controls to permit it.

The Council staff advise that the planning proposal is anticipated to be resolved by June 2021.

On balance, the proposed variation of the height limit is substantial and largely relies upon changes to the surrounding context of the site and associated policy direction which are the subject of the present planning proposal process. Given the instrument has not yet been exhibited, but that processing the proposal is not anticipated to take long, the best course seems to be to let that process conclude.

In the meantime, there are two matters that could be usefully further considered.

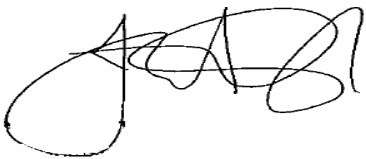
During the assessment period the proposal was referred to Council’s Design Excellence Panel (DEP) who made a number of recommendations. The present scheme represents a response to those recommendations. The panel would be assisted by the DEP being given an opportunity to confirm whether the resulting amended plans have adequately responded to its recommendations. Advice from the DEP on that subject would be appreciated.

The remaining issue relates to the proposal to utilise the small frontage of the site to Anzac Lane for the purposes of vehicular access. Provision to manoeuvre a heavy vehicle onto and off the site is tight, and intersects with likely use of that frontage by pedestrian traffic. The issue appears to be manageable, but again the Panel would be assisted by further consideration of that issue before determination, and confirmation from the Council’s traffic engineer that it has been adequately resolved.

With those matters resolved, and if the planning proposal is adopted, the DA is then likely to be suitable for electronic determination.

On that basis the Panel resolves to defer the determination of the DA with the expectation that it will determine the matter electronically if the LEP changes advanced in the planning proposal are adopted.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli



Nicole Gurrán



Darcy Lound



George Griess

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-60 – Campbelltown City Council – 434/2020/DA-C
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of an 11 storey building comprising a RSL club on the ground and first floors and a nine-storey hotel above the club containing 152 hotel rooms
3	STREET ADDRESS	Lot 1 DP 558320 and Lot 5 DP 1167855, 158 Queen Street, Campbelltown
4	APPLICANT/OWNER	Think Planners Pty Ltd – Applicant Cabra-Vale Ex-Active Servicemen's Club Ltd – Owner
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy 55 – Remediation of Land - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Campbelltown Local Environmental Plan 2015 - Draft Campbelltown Local Environmental Plan 2015 – Amendment No. 24 - Draft environmental planning instruments: Nil - Development control plans: - Campbelltown (Sustainable City) Development Control Plan 2015 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - 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	- Council assessment report: 23 December 2020 - Clause 4.6 seeking to justify the proposed contravention of the maximum building height standard, - Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: Monday, 13 July 2020 <u>Panel members</u>: Nicole Gurran (Acting Chair), Louise Camenzuli, Clare Brown, George Greiss and Darcy Lound <u>Council assessment staff</u>: Luke Joseph and Rana Haddad - Final briefing to discuss council's recommendation: Monday, 8 February 2020 <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Darcy Lound and George Griess <u>Council assessment staff</u>: Luke Joseph, David Smith, Cathy Kinsey, Hasan Kaysed, Javed Ali Shaikh and Rana Haddad

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report