

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 11 October 2021, 11:00am -11:35am
LOCATION	Teleconference

BRIEFING MATTER(S)

PPSSWC-60 – Campbelltown City Council – 434/2020/DA-C – 158 Queen Street, Campbelltown – Demolition of structures, amalgamation of two allotments and construction of an 11-storey building comprising a 2 storey RSL club with 152 hotel rooms above

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Nicole Gurrán, Louise Camenzuli, Darcy Lound and George Griess
APOLOGIES	None
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Luke Joseph, Rana Haddad, David Smith
PLANNING PANEL SECRETARIAT	Holly McCann, George Dojas

KEY ISSUES DISCUSSED

- The briefing was convened to allow the Panel to consider progress with the assessment of the development application and the status of the concurrent planning proposal. It is useful for ease of reference and consistency to note what the Panel recorded in its briefing report from 8 February 2021. It read:

“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."

2. The Council reports that with the benefit of the response from the Council's design review panel, the DA is now largely seen as ready to be reported to the Panel for determination, with the exception that the substantial height non-compliance with the LEP development standard remains a major issue with the planning proposal yet to be determined.
3. While the planning proposal has not been resolved by June 2021 as was anticipated when this Panel was last briefed with the DA, Council advises that the Planning Proposal has now been exhibited and has received a favourable assessment in relation to the increase in height for the part of the site to which this DA relates. The proposed increase in permissible height to the part of the site fronting Cordeaux Street remains controversial. One outcome for the ultimate planning for the site to address concerns in that regard that the Council reports having been discussed during the planning proposal assessment is to increase the permissible height on the area the subject of this DA while reducing the height proposed over at least part of the site fronting Cordeaux Street.
4. As significant delay in resolution of the planning proposal in its current form is a possibility, the Panel must determine the best course moving forward. The principal options moving forward appear to be:
 - (a) Final assessment of the DA based on the current LEP controls which would require the Panel to determine whether or not the height non-compliance can be resolved through clause 4.6.
 - (b) Deferral of the DA pending resolution of the planning proposal.
 - (c) Amendment of the DA by the applicant or by condition to achieve a compliant height.
 - (d) Amendment of the planning proposal by the proponent either to exclude the increase in height across the part of the site which remains controversial, or to otherwise satisfy the Department's concerns.
 - (e) Approval of the planning proposal notwithstanding the concerns that have been raised about the increase in height fronting Cordeaux Street.
5. Importantly, Council advises that in its assessment of the planning proposal the Department has not indicated opposition to the height increase proposed for the part of the site where the proposed hotel rooms are to be constructed in the DA before the Panel, but did have concerns about the potential height impacts from the portion of the building fronting Cordeaux Street which is not affected by this DA. The ultimate fate of the planning proposal (whether it would be approved, refused, or amended) is unknown, but it is unlikely to be resolved this year.
6. Council advised that the Department may not agree to only part of the planning proposal proceeding, and did not know whether the proponent would agree to that course either.
7. The Panel requested that the Council seek advice from the Applicant and the Department as to what is to be done with the planning proposal now. The Panel agreed that it would be appropriate for the Panel Chair to be included in dialogue between the proponent and the Department if it will assist to move forward the planning for this site.
8. In the absence of any sufficient progress with the planning proposal towards resolution, the Panel may be left to determine this DA with the existing planning controls in place, possibly this year.

Planning Panels Secretariat