



DATE OF DETERMINATION	1 August 2023
DATE OF PANEL DECISION	1 August 2023
DATE OF PANEL BRIEFING	24 July 2023
PANEL MEMBERS	Louise Camenzuli (Acting Chair), David Kitto, Brian Kirk
APOLOGIES	None
DECLARATIONS OF INTEREST	Justin Doyle declared a conflict of interest as he does work for the applicant Pacific Planning. Karen Hunt and George Brticevic both declared conflicts having previously voted on the matter at council in their capacity as councilors.

Papers circulated electronically on 17 July 2023.

MATTER DETERMINED

PPSSWC-261 – Campbelltown – 2278/2022/DA-RA - 32 Queen Street, Campbelltown - Construction of a mixed use development incorporating:

- Five towers across two podiums containing 558 apartments - Ground floor commercial premises - Five levels of basement car parking - Internal access roads.

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 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (height of buildings) (development standard) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the MU1 Mixed Use zone; and
- c) the concurrence of the Secretary has been provided.

Development application

The panel determined to approve 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.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments. At the determination meeting on 24 July 2023, the Applicant raised a concern with the proposed drafting of condition 16, with potential consequences for other flood related conditions, which went to engineering related matters and finished level heights.

As these matters required further engineering advice, the Panel directed the Applicant and the Council to see whether the matters raised by the Applicant could be resolved with the Council's engineer. The Panel was subsequently provided with an email on 27 July 2023 with agreed amendments to various conditions.

Specifically, the following amendments have been made:

1. Replacement of draft condition 16 with the following condition:

Finished Floor Levels and Finished Building Height Levels

The finished floor level for all habitable dwellings is to be a minimum of 500 mm above the 1% Annual Exceedance Probably flood level.

The finished floor level of the commercial retail tenancies along the frontage of Queen Street shall be constructed to 59.55 m AHD.

The maximum constructed building heights shall not exceed the heights nominated in the table below:

<i>Building</i>	<i>Maximum Building Height</i>
<i>Tower A</i>	<i>48.45 metres</i>
<i>Tower B</i>	<i>47.95 metres</i>
<i>Tower C</i>	<i>57.1 metres</i>
<i>Tower D</i>	<i>53.45 metres</i>
<i>Tower E</i>	<i>49.95 metres</i>

2. Deletion of condition 98 and replacement with new condition 37B under **Prior to Construction Certificate** section of the consent as follows:

Pre-Construction Flood Study

Prior to the issue of any Construction Certificate, the applicant shall prepare a post-development flood study having regard to potential overland flow impacts from the eastern site boundary, and submit the flood study to Council for approval. The flood study shall indicate minimum finished floor levels required to achieve the freeboard prescribed by the Campbelltown (Sustainable City) Development Control Plan 2015 (Volume1, Part 2), for all retail and commercial tenancies adjacent to proposed Road 1 (RW-01) and Road 2 (RE-02).

The Construction Certificate shall incorporate the finished floor levels included in the flood study endorsed by Council.

3. Insertion of conditions 37A:

Services and Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for works above ground slab level, the Principal Certifier is to be provided with plans demonstrating that all services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) will be enclosed in a manner that compliments the design of the building and is in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened and to ensure that the development achieves Design Excellence as required by Clause 7.13 of the Campbelltown Local Environmental Plan 2015)

- 4. Revision of condition 122 (now Condition 121 due to renumbering) to include reference to works required at Condition 56:

Compliance Certificate

All the works on public area (including all works approved under the relevant Section 138 application as required by condition 56) in relation to the development shall be completed as per the Council approved plans. A compliance certificate, approving the works as constructed, shall be obtained from Council prior to the Principal Certifier issuing an occupation certificate.




The Panel agrees with these variations to the above conditions and is otherwise satisfied that the matters raised at the two previous briefings and submissions have been satisfactorily addressed through the course of the assessment of the application and by way of conditions of consent. In particular, the Panel notes that while there are some non-compliances with the site-specific Development Control Plan (in particular in relation to access, the loading dock and the number of storeys), sufficient information has been provided to justify these non-compliances. The development is also ADG compliant.

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:

- The height of the proposed development
- Increased occupancy

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
Louise Camenzuli (Acting Chair) 	David Kitto 
Brian Kirk 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-261 – Campbelltown – 2278/2022/DA-RA
2	PROPOSED DEVELOPMENT	Construction of a mixed use development incorporating: - Five towers across two podiums containing 558 apartments - Ground floor commercial premises - Five levels of basement car parking - Internal access roads
3	STREET ADDRESS	32 Queen Street, Campbelltown
4	APPLICANT/OWNER	Applicant: Aland/Campbelltown 88 Development Pty Ltd Owner: The Trustee for Supa 88 Unit Trust and The Trustee for Campbelltown 88 Unit Trust
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 (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development ○ 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 • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	<ul style="list-style-type: none"> • Council assessment report: 12 July 2023 • Clause 4.6 variation requests – Building Height • Written submissions during public exhibition: 2 • Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 26 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair) ○ <u>Council assessment staff</u>: Luke Joseph, David Smith ○ <u>Applicant representatives</u>: Andrew Stacey, David Hamilton, Jacob Yammine, Miguel Cobo • Assessment Briefing: 7 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), Brian Kirk, George Brticevic, Karen Hunt ○ <u>Council assessment staff</u>: Rebecca Ferns

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Andrew Stacey, David Hamilton, Jacob Yammine, Miguel Cobo, Ryan Lane, Matt Daniels, James Matthews ● Council/Applicant Briefing: 6 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: David Kitto (Acting Chair), Brian Kirk, Greg Woodhams ○ <u>Council assessment staff</u>: Rebecca Ferns, Luke Joseph, David Smith ○ <u>Applicant representatives</u>: Andrew Stacey, David Hamilton, Ryan Lane, Aaron Brazzale ● Final briefing to discuss council's recommendation: 24 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli (Acting Chair), David Kitto, Brian Kirk ○ <u>Council assessment staff</u>: Luke Joseph, David Smith ○ <u>Applicant representatives</u>: David Hamilton, Andrew Stacey, Matt Daniel, Ryan Lane, James Matthews
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report