
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 22 February 2023 .

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Minutes of the Local Planning Panel Meeting held on 22 February 2023

Present Chair - Elizabeth Kinkade
 Member Mary-Lynne Taylor
 Member Florencio Cuaresma
 Member Lindsay Fletcher

Also Present

1. **ACKNOWLEDGEMENT OF COUNTRY**

An Acknowledgement of Land was presented by the Chairperson .

2. **APOLOGIES**

Nil

3. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

4. REPORTS

4.1 Development Application for restoration of heritage-listed former CBC Bank, demolition of commercial building and construction of eight storey commercial building with basement parking

Executive Summary

Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the Minister's for Planning and Public Spaces Local Planning Panels Direction, this application is to be determined by the Campbelltown Local Planning Panel (the Panel) as it involves the demolition of buildings on land that is listed on the State Heritage Register.

Executive Summary

- The land on which this development application relates to, is known as the former CBC Bank land.
 - The CBC Bank is a listed item of heritage on the State Heritage Register.
 - The proposal comprises two main components, being the restoration of the former CBC Bank building to its original condition (reason for the lands heritage listing), the demolition of more recent buildings that exist on the rear of the land, and the construction of an eight storey commercial building at the rear of the land.
 - Under Section 57 of the *Heritage Act*, when a listing on the State Heritage Register applies to a building, place or land, a person must not carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct except in pursuance of an approval granted by the Heritage Council of New South Wales.
 - The development is deemed to be Integrated Development, as it requires approval of the Heritage Council of New South Wales.
 - The application has been submitted to the Heritage Council of NSW, and it has granted its General Terms of Approval to the development application.
 - As the proposed development is on land that is listed as an item of heritage, the Campbelltown Local Planning Panel (the Panel) is the determination authority.
 - The new building proposed to be built at the rear of the land, exceeds the lands maximum building height by 8 per cent. A Clause 4.6 objection has been submitted in support of this non-compliance. Given that the magnitude of the proposed variation is less than 10 per cent, this is not a reason why the application has been referred to the Panel and the variation could have (but for the heritage matter) been determined under delegation at Council officer level.
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- The proposed development application does not comply with the numerical car parking requirements of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP). An alternative car parking rate has been used to calculate car parking demand, and a letter of offer has been submitted by the applicant to enter into a Voluntary Planning Agreement with Council.
- Apart from the proposed variations to maximum building height and car parking, the proposed development is fully compliant with the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP), Campbelltown Local Environmental Plan, 2015 (CLEP 2015) and the SCDCP.
- The application was publicly exhibited and notified to nearby and adjoining residents for a period of 31 days. Two submissions were received, which are addressed later in this report. The submissions raise important matters however do not prevent the approval of the application.
- Based on an assessment of the application against section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the application has been found to be satisfactory and is recommended for approval.

Public Address

The panel was addressed by:

- Andrew Cowan and Virginia Lloyd objecting to the application.
- Andrew Hobbs and Ken Hollyoak applicant in support of the application

Panel Consideration and Reasons for Decision

The Panel notes that this proposal is for the restoration of the State listed heritage item “former Commercial Banking Company of Sydney” building and for the construction of a commercial building which will add to the economic vitality and employment opportunities within the Campbelltown City Centre whilst preserving city and state heritage.

The Panel agrees that the development adequately addresses the comments of the Campbelltown Design Excellence Panel and presents an appropriate design response for the site. The Panel has considered the 4.6 variation on the maximum height of the building and considers that the height variation has enabled a smaller footprint which has reduced the impact on the heritage listed building.

The Panel supports the approach to the restoration and preservation of the State Heritage Listed former CBC Bank and notes that Heritage NSW has provided their General Terms of Approval.

In regard to the number of car parking spaces physically provided on site, the Panel notes the constraints of the heritage item and that the location is in a heavily pedestrianised precinct where vehicles crossing the footpath needs to be minimised. Therefore the number of car parking spaces proposed to be constructed is considered to be an appropriate design outcome for the site.

The potential impacts of the development on adjoining commercial uses in regards to car parking is considered an important consideration. Having considered the site constraints and opportunities to restore the state heritage item, the Panel agrees that the parking rate in the Campbelltown (Sustainable City) Development Control Plan 2015 should not be applied to this

particular development as it does not reflect a contemporary standard for a metropolitan centre or consider the heritage item. The approach adopted in the Council officer's report of applying the rate used in Penrith is considered to be an appropriate car parking rate to be applied to the development. The Panel noted that the proposed Voluntary Planning Agreement is based on a net lettable floor area which does not directly mirror the Penrith controls. In this instance, the use of net lettable floor area was considered acceptable in order to respond to the constraints of this site and to assist with the restoration of the state heritage item.

The Panel notes the applicant's concerns in regards to condition 82 and consider that this condition as listed in Attachment 1 limiting construction to a 12 month period is unreasonable. Accordingly the Panel has deleted the first paragraph of this condition noting that the impacts of construction will be addressed through the Construction Management Plan required by condition 47.

The Panel is concerned that the independent use of the multi-purpose space on basement level 2 would add to car parking demand for the site and therefore considers that a condition limiting the use of this space to ancillary uses for the tenants of the building is considered reasonable and has been added to the consent.

The development, subject to the conditions imposed, will not have any unacceptable impacts on the environment or surrounding locality. The Panel generally agrees with the conclusions of the Council officer's assessment report.

Decision of the Panel

- a. The Panel supports the applicant's written request under clause 4.6 of Campbelltown Local Environmental Plan 2015 (CLEP 2015) to contravene the maximum height of buildings development standard in clause 4.3 of CLEP 2015 as the request has demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify the contravention. The Panel accepts that the written request has demonstrated that the development will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone in which the development is located
 - b. Development Application 3263/2021/DA-C for the restoration of the existing heritage listed former CBC Bank Building, demolition of the existing commercial building at the rear of the land, and construction of an 8 storey commercial building with basement car parking at Lots 1 and 2, SP 41598, 263 Queen Street is approved subject to the conditions listed in Attachment 1 with the following amendments:
 - i. The following additional condition is added to the consent as condition 1A:

1A The multipurpose room and gymnasium in Basement Level 2 shall only be used as an ancillary use in conjunction with the use of the tenancies within the building and shall not be used as a separate and independent use.
 - ii. The first paragraph of Condition 82 is deleted.
 - c. The Panel strongly encourages Council to complete a timely update to the car parking rates within the Campbelltown (Sustainable City) Development Control Plan, 2015.
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Voting4/0

5. REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION**5.1 Planning Proposal - Varroville**

Executive Summary

- This report discusses a Planning Proposal Request (PPR) to modify minimum lot size requirements for an area generally known as The Mount Carmel Precinct, along St Andrews Road, Varroville.
 - The PPR specifically relates to four lots with land addresses of 210 Spitfire Drive and 193, 247 and 345 St Andrews Road, Varroville.
 - The PPR seeks to modify the minimum lot size requirements to facilitate the future creation of 4 lots ranging in size from 3.626 hectares (ha) to 124.061 hectares.
 - The total land area of the site is 143.4 hectares.
 - The land is currently zoned C3 Environmental Management under the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and the PPR makes no proposed changes to the existing zoning.
 - The PPR is considered to demonstrate sufficient strategic and site specific merit, by supporting the long term viability and continuity of well-established existing community and religious orders including a the Mount Carmel Catholic College, a Catholic high school, together with a separate kindergarten, church, monastery, priory and retreat centre.
 - The PPR continuation of uses on the site are a key public benefit providing educational opportunities for children, community recreation and faith based gathering and accommodation for priests and nuns in the priory and monastery.
 - As the site forms part of the Scenic Hills Landscape Unit, it is subject to range of environmental protection provisions in Part 7 of CLEP 2015.
 - Innova Capital has lodged the PPR on behalf of The Trustees of the Discalced Carmelite Fathers and the Catholic Education Office for the Diocese of Wollongong.
 - The Panel is requested to provide its advice and commentary as to whether it deems the PPR and subsequent Planning Proposal (PP) to have sufficient planning merit to allow it to progress further through the Gateway process.
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Panel Consideration and Advice

The Panel notes the report and the proposal to vary the minimum lot size provision to acknowledge the prevailing significant uses and facilitate their long term sustainable use (through appropriate funding and ownership opportunities), based on new allotments that reflect relevant curtilages.

The Panel concurs that a variation to the minimum lot size map that facilitates the Planning Proposal objective of limited subdivision and precludes further subdivision, is the preferred planning approach.

Additionally, the Panel acknowledges the sensitivity of the landscape of The Scenic Hills and nearby development, but is of the view that this sensitivity will not be imperilled by an appropriately documented and assessed future procedural subdivision application.

Importantly, the significant proposed residue allotment will retain a 100 hectare minimum subdivision area.

Finally, the Panel considers that the Planning Proposal exhibits both strategic and site specific merit and should be progressed in its current form for a Gateway Determination.

Voting

4/0

The next meeting of the Local Planning Panel is scheduled for 22 March 2023.

Chairperson

Public Portion of the Meeting concluded at 3.28pm.