

CAMPBELLTOWN CITY COUNCIL

Minutes

Local Planning Panel Meeting held Wednesday, 30 May 2018.

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Recording of Meetings

The Chair advised that private electronic recording of the Local Planning Panel meeting and the use of electronic media during the meeting proceedings is not permitted. This includes: devices such as laptops, mobile phones, tape recorders and video cameras.

Webcast Notice

The Chair advised that the Local Planning Panel meetings are recorded and webcast live in line with provisions under the *Environmental Planning and Assessment Act 1979* No. 203. This notice is made as required under Section 18 of the *Privacy and Personal Information Protection Act 1998* (PPIPA). The webcasts are publically available for viewing on Council's website.

Workplace Health and Safety

The Chair advised those present that in the unlikely event of a fire, Council staff would provide directions of how to evacuate from the premises and all present should follow those directions.

Political Donations

All members of the public addressing the panel must declare prior to commencing their address any political contributions or donations that have been made over the past four years exceeding \$1000 to any political party or candidate that contested the last Campbelltown City Council election in 2016.

Minutes of the Local Planning Panel Meeting held on 30 May 2018

Present Member Ian Reynolds
 Member Jenny Rudolph
 Member Cecilia Cox
 Member Helena Miller

Also Present Executive Manager Urban Centres
 Coordinator CBD
 Coordinator Planning and Engagement
 Senior Town Planner
 3 Administration Officers
 Independent expert planner

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson.

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

Helena Miller declared a conflict of interest in regard to agenda item 4.5 and left the meeting during discussion of and deliberation on this item.

Helena Miller also declared a potential perceived non-pecuniary, non-significant conflict of interest in regard to agenda item 4.4. The chair ruled that this conflict was not significant and did not relate to the development application before the panel and therefore did not preclude Helena from participating in discussion on, and determination of, this item.

4. REPORTS

4.1 Modifications of Development Consent - General Procedures

Executive Summary

The purpose of this report is to consult with the Campbelltown Local Planning Panel (LPP) and seek clear delineation on which occasion an application to modify an existing consent should be referred to the LPP for its determination.

The ministerial direction that directs which types of applications will be forwarded to the LPP for determination provides a level of flexibility in relation to applications to modify an existing development consent that was either determined by the LPP or met the criteria to be determined by the LPP.

Some modifications to a development consent are minor in nature and have little bearing on the impact of a development. Delaying such modifications until the meeting of an LPP can have an unreasonable impacts on an applicant in some circumstances.

There will also be cases where the proposed modification relates to a matter raised objected to through the public notification process, or which otherwise materially alters the original proposal, and therefore it may be considered appropriate that such a modification is dealt with in a public forum by the LPP.

Clear delineation on which types of modification applications require reporting to the LPP for determination, is therefore required.

Panel Considerations and Reasons for Decision

To efficiently manage the processing of application to modify a consent and increase the efficiency of the process for the applicant.

Decision of the Panel

That an application for the modification of a development consent for a kind of development that is to be referred to the panel for determination, be reported to the panel for its determination unless the application meets the following criteria, in which case the application can be determined by the General Manager or their delegate.

1. The modification is to correct a minor error, misdescription or miscalculation under Section 4.55(1) of the *Environmental Planning and Assessment Act 1979*
2. The modification is one of minimal environmental impact in the opinion of Council under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and if notification is required of such an amendment, no submissions by way of objection have been received.
3. The modification application is made under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and:
 - i. the modification does not result in an increase in the non-compliance of the proposal with a development standard in an environmental planning instrument;
or

- ii. the modification does not result in a proposal failing to comply with a development standard in an environmental planning instrument when the current consent complies; or
 - iii. the modification does not result in an increase in the non-compliance of the proposal with the provisions of a Development Control Plan; or
 - iv. any written objections received in response to the public notification of the modification application only reaffirms previous objections that were considered and dealt with under the original development application and/or does not detail the concern with the proposed change. In all cases where a submission by way of objection relevant to the modification itself is made, the modification shall be referred to the panel for consideration and determination.
4. The modification is made under section 4.56 (modification of Land and Environment Court consent) of the *Environmental Planning and Assessment Act 1979* and would satisfy the criteria for a modification under points 1, 2 and 3 above, had the application been determined by the Council or Local Planning Panel instead of by the Land and Environment Court.

Voting

The Local Planning Panel voted 4/0.

4.2 Campbelltown RSL Planning Proposal - 158 to 168 Queen Street, Campbelltown

Property Description	158 - 168 Queen Street, Campbelltown
Applicant	Think Planners Pty Ltd
Owner	Cabra-Vale Ex-Active Servicemen's Club Ltd and Campbelltown RSL
Provisions	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions SEPP 55 – Remediation of Lands SEPP 64 – Advertising and Signage SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Educational Establishments and Child Care Facilities) 2017 SEPP (Affordable Rental Housing) 2009 SEPP (Infrastructure) 2007 SEPP (State and Regional Development) 2011 SEPP (Vegetation in Non-Rural Areas) 2017 Greater Sydney Region Plan Western City District Plan Glenfield to Macarthur Urban Renewal Precinct Campbelltown Community Strategic Plan 2017 – 2027 Campbelltown Residential Development Strategy 2014 Re-imagining Campbelltown Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	14 March 2018

Executive Summary

- On 14 March 2018, Think Planners Pty Ltd submitted a planning proposal request to Campbelltown City Council seeking an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015) in relation to the following sites: 158-168 Queen Street, 1 Carberry Lane and 3 Cordeaux Street, Campbelltown
- The submitted proposal seeks an amendment to the CLEP 2015 Height of Building Map as follows:
 - 158 – 168 Queen Street, Campbelltown from 32m to 85m
 - 1 Carberry Lane, Campbelltown from 32m to 85m
 - 3 Cordeaux Street, Campbelltown from 32m to 85m
- The purpose of the amendment is to facilitate a mixed use development for the three sites over four buildings, which would incorporate commercial/retail space, residential apartments, additional club space and a hotel
- The draft planning proposal would enable Campbelltown RSL to revitalise their landholdings and allow for the ongoing functions of the Club
- A merit assessment of the draft planning proposal, by Council officers indicates that the proposal has strategic merit for the reasons outlined in this report, particularly the following:
 - consistency with the objectives and requirements of the Greater Sydney Region Plan and Western City District Plan

-
- the proposed amendment would facilitate the desired future vision and functioning of the site which would be consistent with local planning strategies
 - additional housing stock in close proximity to existing transport hubs.

Public Address

The Local Planning Panel was addressed by Mr Byrnes.

Panel members asked questions that were responded to directly at the meeting.

Panel Considerations and Reasons for Decision

1. To help Council ensure that the planning proposal fits within the strategic future context of the Campbelltown City Centre, contributes appropriately to the future economic, social and environmental sustainability of the City Centre and complements the heritage values of surrounding sites.
2. To ensure that the planning proposal can be considered within the context of an agreed appropriate strategic framework for the future development of the City Centre including appropriate overall, and street wall heights.
3. The Panel considers that in the current context the proposed height appears to be excessive in absence of further justification and feasibility.

Decision of the Panel

1. That the Campbelltown Local Planning Panel acknowledges the strategic justification for potentially increasing permissible building heights within the Campbelltown City Centre however considers that prior to the submission of the planning proposal for Gateway determination the following matters be addressed:
 - a. appropriate heights for the site, and the wider Town Centre Precinct, be determined and justified in the context of the implementation of Council's 'Reimagining Campbelltown Strategy' and the Glenfield to Macarthur Urban Renewal Corridor Strategy. This should include detailed consideration of the Queen Street frontage, including appropriate heights and integration with surrounding desired built form outcomes arising from the 'Re-imagining Campbelltown Strategy'.
 - b. Noting that the site forms part of the commercial core of the Campbelltown City Centre, assessment of the impact of the proposal on the future development of the City Centre both in terms of commercial and residential floor area capacity.
 - c. Impact on heritage items.
 - d. Impact of traffic and parking on the site and on the broader road and transport network.
 - e. Clarification of proposed staging of the future development and consequent impacts on the Campbelltown City Centre.
 - f. Options for provision of affordable housing and other potential public benefits which may be provided by way of a voluntary planning agreement (VPA).
 - g. Sustainability measures as a potential inclusion in the LEP.
2. Consideration should also be given to supporting the implementation of any VPA outcomes by reference to a "Satisfactory Arrangements" clause for the provision of necessary infrastructure in the LEP.

3. Subject to recommendation No.1, the Council consider the inclusion of a standard building setback from the Queen Street interface with the objective of maximising solar penetration into Queen Street at ground level, and to ensure a distinct visual openness along Queen Street.
4. Any planning proposal should include 11 Cordeaux Street being the isolated site (existing solicitor's building) on the corner of Cordeaux Street and Carberry Lane.

Voting

The Local Planning Panel voted 4/0.

4.3 Demolition of existing structures, consolidation of two lots and construction of a five storey residential flat building with 24 units, communal roof terrace and two levels of basement parking - 10 - 12 Palmer Street, Ingleburn

Property Description	10-12 Palmer Street, Ingleburn
Application No	1576/2017/DA-RA
Applicant	Designcorp Australia Pty Ltd
Owner	Ms Rhonda Saba
Provisions	State Environmental Planning Policy 55- Remediation of Land State Environmental Planning Policy (Infrastructure 2007) State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown Local Environmental Plan 2015
Other Provisions	Campbelltown 2027
Date Received	19 May 2017

Executive Summary

- The application proposes the demolition of existing structures, consolidation of 2 lots and construction of a 5 storey residential flat building with basement parking at 10-12 Palmer Street, Ingleburn.
- The application does not comply with Clause 4.3 of the Campbelltown Local Environmental Plan 2015 (CLEP) as the height of the proposed building exceeds the maximum building height. The variation sought is 1.3 per cent of the development standard. A request has been made under Clause 4.6 of the CLEP to approve the application even though it does not comply with the maximum height standard.
- The proposal otherwise generally complies with, SEPP 65, the Apartment Design Guide, the Campbelltown Local Environmental Plan 2015, and is generally in accordance with Campbelltown (Sustainable City) Development Control Plan 2015.
- The application was notified to nearby and adjoining neighbours and two submissions were received, one of which includes a petition with ten signatures.
- It is recommended to the Panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.

Public Address

The Local Planning Panel was addressed by Mr El-Sabbagh and Mr Brynes.

Panel members asked questions that were responded to directly at the meeting.

Panel Considerations and Reasons for Decision

- The proposed development is consistent with the zoning of the subject site.
- The proposed development is consistent with the desired future character of the R4 zone.
- The proposed development is consistent with the relevant controls and objectives of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, the Apartment Design Guide, Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015.
- The proposed development results in minimal adverse impacts on the surrounding residential properties with regard to solar access, privacy and amenity.
- Pursuant to Clause 4.6 of the CLEP 2015, the proposed variation to the Height Standard in Clause 4.3 of the CLEP 2015 is justified given the minor nature of the departure which allows for improved residential amenity.

Decision of the Panel

1. That the Local Planning Panel allow the proposed Clause 4.6 variation of 1.3 per cent to the Height of Building development standard and approve development application 1576/2017/DA-RA proposing demolition of existing structures, consolidation of 3 lots and construction of a five storey residential flat building with basement parking at 10-12 Palmer Street, Ingleburn subject to the conditions in attachment 1 and the following additional condition:

That implementation of the tree retention measures during construction are undertaken in accordance with the Arborist report prepared by Redgum Horticultural dated 11 May 2017.

2. Within the context of Council's, current work program relating to reviewing development contributions city wide, Council consider the cumulative impacts of traffic loadings from an R4 style development across the Ingleburn Precinct and if warranted develop a funding strategy for any required works.

Voting

The Local Planning Panel voted 4/0.

4.4 Construction of a multi-dwelling housing development comprising of four dwellings and subdivision into four strata title allotments - 35 Fleming Drive, Campbelltown

Property Description	Lot 3129 DP 1201509 35 Fleming Drive Campbelltown
Application No	2310/2017/DA-RS
Applicant	Urbanstock
Owner	D Timmins
Statutory Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Campbelltown Local Environmental Plan 2015
Other Provisions	Campbelltown 2027 Community Strategic Plan University of Western Sydney Development Control Plan 2008
Date Received	24 July 2017

Executive Summary

- The application proposes the construction of four dwellings and strata subdivision into four lots.
- The development comprises two small lot houses and two studios with four garages.
- The proposal generally complies with the Campbelltown Local Environmental Plan 2015 and is generally in accordance with Campbelltown (Sustainable City) Development Control Plan 2015, Part 5 Volume 2 The University of Western Sydney Development Control Plan.
- The application was notified to adjoining and nearby land owners. Council received one submission that is addressed in this report.
- The assessment of the application was outsourced to an external independent town planning consultant.
- The independent town planning consultant recommends the panel approve the application subject to the recommended conditions of consent in attachment 1.

Public Address

The Local Planning Panel was addressed by Mr Timmins.

Panel members asked questions that were responded to directly at the meeting.

Panel Considerations and Reasons for Decision

The panel questioned the applicability of the definition of 'studio apartments' in the assessment of the application and whether the proposed 'studios' should be characterised (and assessed) as another form of housing under the relevant LEP/DCP.

The panel considers that an amended report is required to adequately assess the application in light of the above.

Decision of the Panel

The Panel requests Council's independent planner reconsider the legal definitions applicable to the forms of housing proposed in the application, particularly studio apartments, and that the matter be deferred pending submission of an amended assessment report.

Voting

The Local Planning Panel voted 4/0.

Having declared an interest in regard to Item 4.5, Ms Miller left the Chamber and did not take part in discussion nor vote on this item.

4.5 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury

Executive Summary

- Clause 4.1A of the Campbelltown Local Environmental Plan, 2015 places a limit of how many dwellings can be located on particular sites at Airds/Bradbury, Claymore and Western Sydney University (Macarthur Heights Estate).
- Both the Airds/Bradbury and Claymore redevelopment sites are subject to approval under the former Part 3A of the *Environmental Planning and Assessment Act, 1979*. These approvals make the provisions of the Campbelltown LEP 2015 redundant insofar as they apply to the approved development. Therefore the clause should not apply to these areas.
- As for the Western Sydney University site, the cap on the number of dwellings for the site was originally set to minimise the traffic impact on surrounding roads and intersections. A more recent traffic review has identified that there is capacity for additional dwellings. Further, there has been, and will be, additional dwellings constructed on this site due to changes in legislation that enable additional dwellings to be approved as complying development. This makes it difficult to determine when the cap would be reached, exactly how many dwellings will be constructed and leaves the potential that lots would be created on which no dwelling could legally be approved due to the cap and operation of Clause 4.1A.
- In these circumstances, it is appropriate to remove Clause 4.1A from Campbelltown Local Environmental Plan, 2015.

Panel Considerations and Reasons for Decision

- Regarding Macarthur Heights, the Panel was of the view that the proposal would not result in major impacts on the surrounding road network given works which have occurred since the imposition of the caps and in view of forecast additional road works on the broader regional network
- The proposal to remove the maximum housing yield on Macarthur Heights would:
 - facilitate the delivery of additional housing stock within close proximity to Macarthur Square, and the Macarthur Railway Station.
 - provide certainty to the development industry and prospective landowners, in terms of their ability to be able to develop their residential land for housing;
- Regarding Claymore and Airds/Bradbury the proposal would increase the efficiency and certainty of new dwelling approvals
- The proposal is consistent with Council's Local Planning Strategy 2013 and Residential Development Planning Strategy 2014.
- The proposal to remove the maximum cap for housing yield within the urban renewal precincts would:
 - not result in any significant increase in the number of dwellings beyond what is identified under the VPA for Airds/Bradbury and the draft VPA for Claymore
 - provide certainty to prospective landowners, in terms of their ability to develop their residential land for housing.

Decision of the Panel

That the Campbelltown Local Planning Panel recommend to the Campbelltown City Council:

1. That pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* the draft Planning Proposal to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015 be supported by the Council and forwarded to the Department of Planning and Environment for a Gateway Determination.

Voting

The Local Planning Panel voted 3/0.

At the conclusion of the discussion regarding Item 4.5, Ms Miller returned to the Chamber for the remainder of the meeting.

The open session of the Panel Meeting concluded at 4:17pm and the Panel then adjourned to consider the items of business and information presented to the Panel during its hearing.

The next meeting of the Local Planning Panel is scheduled for 27 June 2018 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Ian Reynolds
Chairperson