
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

**Local Planning Panel Meeting held at Campbelltown City Council
on Wednesday, 18 December 2019.**

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Minutes of the Local Planning Panel Meeting held on 18 December 2019

Present Chair Ian Reynolds
 Member Jenny Rudolph
 Member Edward Saulig
 Member Scott Lee

1. ACKNOWLEDGEMENT OF LAND

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 Demolition of a dwelling and construction of a four storey residential apartment building - 37 Cumberland Rd, Ingleburn

Executive Summary

- This development application proposes the demolition of an existing dwelling and construction of a four storey residential apartment building containing 24 units, basement car parking and associated site works at 37 Cumberland Road, Ingleburn.
 - The subject site is zoned R4 High Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
 - Under Clause 4.3 of the CLEP 2015 a maximum building height of 15m is permitted. The development proposes a maximum height of 17.895m which equates to a contravention of the standard by 19.3 percent.
 - The application was publicly exhibited and notified to adjoining properties from 22 August 2017 to 25 September 2017. Six submissions were received objecting to the proposal and one petition was also submitted with 22 signatures in opposition to the proposal.
 - An assessment under Section 4.15 of the EP&A Act has been undertaken and it is recommended to the panel that the application be refused for reasons outlined in this report.
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- The proposal is not considered to be in the public interest.

Public Address

The Local Planning Panel meeting was addressed by applicants, as listed below.

Applicant:

- Zing Ing Fam
- Meg Kong

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

Panel Considerations and Reasons for Decision

The Panel inspected the site and took note of the constrained nature of the site by virtue of the adjoining residential apartment building development approved in 2013 and thereby creating an isolated site and drainage infrastructure to the site's south western boundary.

The Panel noted that this application has had an extensive assessment history since it was submitted in 2017 and has been modified significantly during the process inclusive of a reduction of one storey and six apartments, as well as resolving waste collection and traffic management issues within the basement levels.

The Panel considered the applicants request to allow further deferral and redesign and agrees to the deferral of the application in order for the applicant to submit amended plans and information. The panel notes that the following matters could be considered in any redesign.

1. To reduce the bulk and scale of the existing proposal the basement car parking could be limited to one level only. The number of units should be limited to the number that can be serviced by the available car parking spaces within that one basement level.
2. To remove the necessity of the second level basement, waste collection could be relocated from the basement to the ground floor towards the front of the development, accessible from the side, to allow a waste truck to reverse into the property and efficiently remove waste.
3. To better integrate internal and external communal spaces, the communal room could be relocated closer to the communal open space on the roof.
4. To address the need for deep soil zones and adequate landscaping, the front and side setbacks as shown on the current plans should remain.
5. To deliver a one level basement car park consideration could be given to allowing a variation to Council's development control guideline for car space width of 2.5m under the Campbelltown Sustainable City Development Control Plan, 2015 to 2.4m which is compliant with the Australian Standard and as proposed by the applicant.

Decision of the Panel

Development Application 2238/2017/DA-RA for demolition of the existing dwelling and construction of a four storey residential apartment building containing 24 units, basement car parking and associated site works at Lot A DP 413142, 37 Cumberland Road, Ingleburn, is deferred for a period of up to 6 months from the date of this decision for amended plans to be

submitted.

Voting

The Local Planning Panel voted 4/0

4.2 Demolition of existing structures and construction of 34 two-storey dwellings at 5A-7 Old Glenfield Road, Glenfield

Executive Summary

- This application proposes the demolition of all existing structures on the site and construction of 34 dwellings. The site of the proposed development is impacted by an approved but unregistered boundary adjustment.
- The proposed development has a floor space ratio of 0.57:1, which exceeds the maximum floor space ratio of 0.45:1 that applies to the site.
- The applicant has submitted a clause 4.6 objection in respect of the proposed variation to the floor space ratio standard, and this objection is considered to be well-founded.
- The proposed development is consistent with the provisions of the Campbelltown Sustainable City Development Control Plan 2015.
- The application is recommended for approval, subject to the attached conditions.

Public Address

The Local Planning Panel meeting was addressed by the applicant, as listed below.

Applicant:

- Gerard Turrisi
- Charlie Zappia
- Diego Rossi

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

Panel Considerations and Reasons for Decision

The Panel inspected the site and took note of the site constraints consisting of the two major road frontages, the level of the land relative to the adjoining roads, the character of adjoining development and the apparent absence of public open space within safe walking distance of the site that does not necessitate the crossing of Glenfield Road.

The Panel considered the application and accompanying submission under section 4.6 of Campbelltown Local Environmental Plan, 2015 and agreed that the proposed floor space

ratio of 0.57:1 is an acceptable level of development having regard to the site specific controls in the Glenfield Road Urban Area DCP and the emerging and desired future character for the area.

The Panel noted the information in the assessment report reviewing the application and site under the provisions of State Environmental Planning Policy No. 55 – Remediation of Land and considered that the recommended conditions of consent were sufficient to result in the satisfactory remediation of the site.

The panel considered the development to be suitable for the site and with the exception of floor space ratio, discussed above, compliant with the relevant planning controls.

Given the scale and location of the development the panel considered it appropriate for the future residents to have some communal open space centrally located on the site. To achieve this a deferred commencement condition is necessary.

Decision of the Panel

1. Development Application 1124/2018/DA-M for the demolition of existing structures and construction of 34 dwellings is granted a deferred commencement approval subject to the following deferred commencement condition and subject to the conditions of consent in attachment 1 to the report with the amendments listed below.

Deferred commencement condition:

An amended site plan, as outlined in Condition 2, is to be provided that provides a suitable communal open space area of at least 50sqm with a minimum dimension of 6m in every direction. The deferred commencement condition shall be satisfied within 6 months of the date of this consent.

Condition 2 is replaced with the following:

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issue of a Construction Certificate:

Landscaping

- The landscaping plan shall be amended to incorporate offsets for the removal of the 30 trees from within the site to be undertaken at a ratio of 1.1. Replacement trees are to be of advanced stock (minimum 25L) and be species consistent with the Cumberland Plain Woodland community using a combination of *Eucalyptus tereticornis*, *E. molucanna*, *Corymbia maculata* and *E. crebra*.
- The landscaping plan shall be amended to include the planting of at least 15 mature trees within the Glenfield Road, Old Glenfield Road and Isabella Crescent Road reserves, to compensate for the removal of trees within the road reserve. These trees species shall be to the satisfaction of Council.
- The landscape plan and stormwater drainage plan shall both be amended to be fully consistent with the approved site/ground floor plans. In particular, all plans shall include the required 4 metre by 4 metre splay corner shown on the site plan, and this area shall be free of all structures and plantings.
- The landscape plan shall be amended to show the embellishment of the communal open space (required in the deferred commencement condition)

including both planting and facilities for residents use such as a BBQ, seating and/or play equipment to the satisfaction of Council.

Fencing

- All plans shall be amended to show that all fencing forward of the building line (ie between the buildings and the site's boundaries with Glenfield Road, Old Glenfield Road and Isabella Crescent) shall have a maximum height of 1.2 metres (ie a fencing type of FT-2 and not FT-3).

Shade structures

- Shade screening shall be provided to all windows on the western facing walls of all dwellings.

Condition 38 is deleted.

3. The panel grants delegated authority for the Director City Development to determine compliance with the deferred commencement condition.

Voting

The Local Planning Panel voted 4/0

4.3 Use of Campbelltown Sports Stadium for temporary non-sporting events

Executive Summary

This development application seeks approval for the use of a recreation facility (major) (Campbelltown Sports Stadium) for a number of temporary non-sporting events. The site is identified as Lot 2 DP 1019063 and commonly known as Campbelltown Sports Stadium at No. 12 Old Leumeah Road, Leumeah, and included both the Stadium and Athletics Track.

This development application has been assessed by an independent consultant town planner, given that the site is owned by Campbelltown City Council.

This development application has been assessed against the provisions of Section 4.15 of the EP&A Act. Having regard to these provisions, the development application as lodged has been found to be satisfactory. The proposal has been found to satisfy the relevant State Environmental Planning Policies and information has been provided that demonstrates that the site is suitable for the proposed development. The proposal would also satisfy the relevant provisions of Campbelltown Local Environmental Plan 2015 and Campbelltown Sustainable City Development Control Plan 2015(SCDCP2015).

It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the nearby residences and commercial operators can be mitigated through the introduction of appropriate operational measures through the imposition of specific conditions of consent. The temporary use for events is intended to provide a community and tourism boost for the area, to increase the stadium's position as the entertainment hub of the Macarthur and greater South West Sydney area, and is considered to be an appropriate and efficient use of an existing facility which is well serviced by public transport.

The application was notified to owners of adjoining and nearby properties between 3 September 2019 and 19 September 2019 and four submissions were received, which can be adequately addressed by way of conditions of consent.

The site's location, zoning and existing land use make it suitable for the proposed development, and the proposal is in the broad interests of the general public.

Approval of the temporary uses for a trial period of two years is recommended in order to fully understand potential impacts of the non-sporting events.

Public Address

The Local Planning Panel meeting was addressed by an objector to the proposal and the applicant, as listed below.

Applicant

- Mark Berriman
- Sally Pratt

Objector

- Ray Casey

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

Panel Considerations and Reasons for Decision

The panel inspected the site and noted the truck routes and car parking locations and site boundaries.

The Panel read and took account of the objections received and the issues raised. The Panel also noted that the recommended conditions of consent provide for mitigation of the impact of the potential events.

In light of issues raised by the objector at the Panel, the Panel suggests that Council should consider the use of the vacant land fronting Leumeah Road which forms part of the Smith's Creek bypass corridor for additional event related parking on an as needs basis.

The Panel noted the long history of events held at the stadium including large scale sporting events with sporting events attracting approximately 10,000 spectators, and non-sporting events attract significantly less. The Panel also noted that there are already procedures and facilities in place for managing these events including an emergency management plan, security management plan, stadium traffic management plan and waste management plan, but these will need to be amended.

The Panel noted that the proposal will also add to the types of entertainment and services available to the community, increase the utilisation of a large public asset as well as assist in achieving the broader vision of a vibrant liveable city contained within Council's Community Strategic Plan, Campbelltown 2027.

The proposal is consistent with the relevant planning controls including the objectives of the B2 Local Centre, RE1 Public Recreation and SP2 Infrastructure (drainage) zones.

The impacts of the proposed development are able to be appropriately managed.

Decision of the Panel

Development Application 2246/2019/DA-U for the use of a recreation facility (major) (Campbelltown Sports Stadium) for up to 46 temporary non-sporting events per calendar year at Lot 2 DP 1019063, 12 Old Leumeah Road, Leumeah is approved subject to the conditions in attachment 1 to the report with the following amendments:

1. In the table to condition 1 the row referring to Appendix G is deleted
 2. In the table to condition 1 the following row is added "Campbelltown Sports Stadium – Plan of Management Version 1 – June 2019"
 3. Condition 2 is amended to replace the reference to "two years" with "five years". The following is added to condition 2 "Should it be intended to apply for a full consent following the five year trial period, any such application shall be accompanied by a draft plan of management amended in light of experience gained during the trial period."
 4. Condition 3 is replaced with the following:
"The following matters are to be addressed in the plan of management:
 - Emergency evacuation and procedures
-

- External lighting
- Noise control
- Command post and facilities
- Security and safety
- Crowd management
- Health and wellbeing plan
- Drug and alcohol management
- Fireworks
- Approved external storage of goods
- Water safety for any temporary water bodies of facilities

The Guide to Traffic and Transport Management for special events dated 19 June, 2019 shall be referred to Transport for NSW for their comment. The Campbelltown Sports Stadium Plan of Management as in force from time to time shall be publicly available on Council's website"

5. The first paragraph in condition 4 is deleted.
6. Conditions 11, 15, 16, 18, 19, 20, 26, 28, 30 and 57 are deleted and remaining conditions renumbered accordingly.
7. Condition 34 is replaced with the following:
"The event and venue shall be managed in accordance with Council' s most recent adopted procedures for large events at the Campbelltown Sports Stadium with specific regard to car parking controls and Campbelltown Sports Stadium Traffic Management Plan (CSSTMP). The CSSTMP shall not prevent access to adjoining premises".

Heavy vehicles and truck movements servicing the site are to only enter via the Old Leumeah Road entrance and only exit via Pembroke Road (in a forward direction) in accordance with the Campbelltown Sports Stadium – Heavy Vehicle Delivery Route plan.

Vehicular access over the private road through the tennis club private road on Lot 1 DP 1019063 is not permitted for any vehicles.

The stadium operator shall consult with the Wests Leagues Club in regard to traffic management shall occur whenever there are any alterations to traffic and parking arrangements.

Voting

The Local Planning Panel voted 3/1

4.4 Supplementary Report: Use and fit out of unit 7 as a sex services premises - 4 Grange Road, Leumeah

Executive Summary

- Development Application 1361/2016/DA-C for the use and fit out of unit 7, 4 Grange Road, Leumeah as a sex services premises was considered by the Campbelltown Local Planning Panel on 24 July 2019.
- The Panel deferred the determination of the development application for a period of twenty eight days from 26 July 2019 for the applicant to provide owner's consent from the Owners Corporation to permit the necessary site improvements to address safety and security concerns inclusive of details of a lighting plan and surveillance measures and directional signage. The Panel decision also stated that in the event that owner's consent as outlined above is not provided by 23 August 2019 then the application will be determined by the Panel by electronic means including reasons for the decision.
- On 26 August 2019 the Applicant advised that a request for a by-law was being sought for the proposed security measures. On 16 October 2019 the Applicant advised that the by-law was rejected by the Owners Corporation.
- The applicant has failed to provide owner's consent from the Owners Corporation.
- It is recommended to the Panel that the application be refused, subject to the recommended reasons of refusal in attachment 1.

Panel Considerations and Reasons for Decision

On 26 August 2019 the Applicant provided an electronic copy of a security plan with proposed security measures and an application for by-law works. Owner's consent from the Owners Corporation was not provided with the additional material. The Applicant provided the following justification for the lack of owner's consent:

We will need to request an extension from the LPP as we were unable to gain 25% of unit entitlement votes to call for an Extra Ordinary General Meeting.

I am waiting to hear back from Strata as to the next steps as we cannot put the security plan forward to the Owners Corporation if they do not call a General Meeting.

Please note that the Applicant did provide the necessary Security and Lighting Plans requested in the decision made by the LPP. And has made the offer to pay any difference in Insurance premium for the building if it does increase due to change of Lot Use.

The applicant has failed to provide the owner's consent from the Owners Corporation to permit the necessary site improvements to address safety and security concerns inclusive of details of a lighting plan, surveillance measures and directional signage within 28 days of the date the minutes were published on Council's website being 23 August 2019.

Decision of the Panel

- A. Development Application 1361/2016/DA-C for the use and fitout of unit 7, 4 Grange Road, Leumeah as a sex services premises is refused for the following reason:
 - 1. The application is not valid as owners consent has not been provided for the works proposed on, and use of, land under the control of the body corporate of the strata scheme.

- B. The Panel delegates to Council officers the determination of all future development applications and applications to modify a development consent that would normally be required to be reported to the Panel but which are invalid by reason of a lack of owners consent.

Voting

The Local Planning Panel voted 4/0.

The open session of the Panel Meeting concluded at 4.45pm and the Panel then adjourned to consider the business and information presented to the Panel during its hearing.

The next meeting of the Local Planning Panel will be held on Wednesday 26 February 2020 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Ian Reynolds
Chairperson