
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 25 September 2019.

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Minutes of the Local Planning Panel Meeting held on 25 September 2019

Present Chair - Ian Reynolds
Member Mary-Lynn Taylor
Member Jenny Rudolph
Member Cecilia Cox

Also Present

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson.

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

Mrs Taylor declared that the applicant for agenda item 4.3, being a town planning firm, is currently dealing with members of her employer but she is not involved in those matters and has had no discussions with the applicant about the matter before the panel. The chair did not consider the nature of the interest to disqualify Mrs Taylor from participation in the matter.

Ms Rudolph declared that a member of her employer in Victoria is currently working for Qube, who is the applicant for agenda item 4.2, however she is not involved in those matters and has had no discussions with the applicant about the matter before the panel. The chair did not consider the nature of the interest to disqualify Ms Rudolph from participation in the matter.

There were no other Declarations of Interest made at this meeting.

4. REPORTS

4.1 Demolition of existing dwelling, boundary adjustment and construction of two semi-detached dwellings and associated site works - No. 2 Albert Street, Ingleburn.

Executive Summary

- This development application proposes the demolition of existing dwelling, boundary adjustment and construction of two semi-detached dwellings and associated site works at 2 Albert Street, Ingleburn.
 - The subject site is zoned R2 – Low Density Residential under the provisions of the Campbelltown Local Environmental Plan (CLEP 2015).
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- The subject site comprises two existing Torrens titled allotments with a total site area of 449.64m². Under Clause 4.1C of the CLEP 2015 semi-detached dwellings require a minimum site area of 700m² and as such the proposal does not comply with this clause. The site is 250.36m² less than the minimum qualifying site area required for semi-detached dwellings within an R2 Zone, and equates to a contravention of this clause by 35.76 percent.
- Under to Clause 4.4 of the CLEP 2015 a maximum floor space ratio (FSR) of 0.60:1 is allowable on each of the subject sites. The development proposes an FSR of 0.724:1 (Lot 1) and 0.685:1 (Lot 2) which equates to a contravention of the standard by 20.6 percent and 14 percent respectively.
- The application was notified to adjoining and surrounding properties from 7 June 2017 for 14 days. No submissions were received.
- The site is not considered suitable for the proposed development due to the proposal's failure to comply with the minimum requirements for the location of a driveway in proximity to an un-signalised intersection.
- The application has failed to satisfactorily resolve critical deficiencies that were raised throughout the assessment process, specifically regarding to the traffic safety and if approved, would lead to an unacceptable reduction in future occupant and public safety in proximity to the adjacent intersection.

Panel Considerations and Reasons for Decision

The panel considers the proposal to be inconsistent with the objectives of the R2 Low Density Residential zone listed in Campbelltown Local Environmental Plan 2015. The panel considers that the proposal does not include satisfactory access arrangements to the site, and the Panel was not satisfied that the applicant's written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 of the Campbelltown Local Environmental Plan 2015. The submitted proposal does not provide satisfactory amenity for the potential residents.

The Panel noted redevelopment potential of the site is possible and the applicant has not provided sufficient evidence demonstrating the proposal is the best and only opportunity for the site. The Panel further noted alternative development opportunities may be available that would not adversely impact the existing surrounding traffic environment and would potentially provide better amenity for future occupants.

The Panel considers the proposed development is unsuitable for the site and agrees with the reasons for refusal as recommended by Council officers.

Decision of the Panel

That Development Application 1698/2017/DA-M for the demolition of the existing dwelling, boundary adjustment and construction of two semi-detached dwellings and associated site works at Lots 1 and 2, Section B, DP 1704, No. 2 Albert Street, Ingleburn be refused for the reasons outlined in attachment 1.

Voting

The Local Planning Panel voted 4/0.

4.2 Subdivision of land to facilitate the shortening of Culverston Road and the construction of a new cul-de-sac head - 2 and 5 Culverston Road, Minto

Executive Summary

- Council and the owner of 2 and 5 Culverston Road have entered into a Deed of Agreement for the closure of part of Culverston Road to enable the sale of this land from Council to the site owner.
- This application proposes the subdivision of land and construction of a new cul-de-sac head to facilitate the sale of this land from Council to the owner of 2 and 5 Culverston Road.
- The applicant has submitted a clause 4.6 objection in respect of the proposed minimum lot size variation, as one of the proposed lots is less than the applicable minimum lot size of 4,000sqm, having an area of only 417sqm. This objection is considered to be well-founded.
- The proposed subdivision is generally consistent with the provisions of the Campbelltown Sustainable City Development Control Plan 2015, and where inconsistent, is considered to be justified.
- The application is recommended for approval, subject to the attached conditions.

Panel Considerations and Reasons for Decision

The panel considers the proposal to be consistent with the objectives of the IN1 General Industrial zone listed in Campbelltown Local Environmental Plan 2015.

The panel considers the proposal to be a logical reconfiguration of boundaries providing for greater efficiency of use of the land.

The Panel was satisfied that the applicant's written request to vary the minimum lot size standard in the Campbelltown Local Environmental Plan 2015 adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6 of the Campbelltown Local Environmental Plan 2015. The Panel noted the proposed lot that does not comply with the minimum lot size map will be transferred to Council and then dedicated as public road.

The Panel considers the proposed development is suitable for the site and agrees with the recommended conditions of consent with condition 29 amended as discussed in the meeting.

Decision of the Panel

That Development Application 736/2017/DA-SW for the subdivision of land to facilitate the shortening of Culverston Road and the construction of a new cul-de-sac head be approved subject to Council's proposed conditions of consent with condition 29 modified by replacing the words "the proposed right of carriageway" with the words "proposed Lot 50 from the new cul de sac, in accordance with Council's arrangements.

Voting

The Local Planning Panel voted 4/0.

4.3 Planning Proposal Request 2152/2017/E-LEPA: Lot Size Amendment Wedderburn

Executive Summary

- Council is in receipt of a Planning Proposal Request (PPR) relating to four adjacent allotments in Wedderburn, seeking to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to reduce the minimum lot size for subdivision/dwellings from 10 hectares to one hectare.
- An earlier PPR relating to part of the site and requesting a similar amendment to CLEP 2015 was withdrawn in late 2016 due to significant bushfire risk concerns, including advice from the New South Wales Rural Fire Service (NSW RFS) that additional residential development in the Wedderburn locality should not be supported.
- At its meeting on 21 June 2016, Council adopted a policy position to not resource or initiate any actions to rezone land at Wedderburn for additional residential development given the limited suitability of the area for such purposes.
- NSW Planning Direction 4.4 Planning for Bushfire Protection requires the endorsement of the NSW RFS for any planning proposal that is not consistent with the Planning for Bushfire Guidelines. The NSW RFS has reviewed the subject PPR and has advised that it is not consistent with the Planning for Bushfire Guidelines, and should not be supported given the significant bushfire risk.
- Advice from the Campbelltown City Council Local Planning Panel to assist Council's determination of the matter is requested in accordance Section 2.19 of the EP&A Act.

Public Address

The Local Planning Panel meeting was addressed by the applicant Mr David Haskew.

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 landscape character and surrounding pattern of rural development in the locality. The Panel also noted the topography and

challenge of accommodating further subdivision given limited access, bushfire risk and potential impact on existing native vegetation. The panel considered the applicant's suggestion that the matter be deferred to enable further modification. Having regard to the history of the matter, the Panel did not support this proposition.

The Panel also received advice from Council officers in relation to the report considered by Council on 21 June 2016 regarding a post exhibition report on Campbelltown Local Environmental Plan 2015 which articulated the adopted position of Council in relation to the subject site.

Decision of the Panel

1. That the Campbelltown City Council Local Planning Panel (the Panel) not support the Planning Proposal Request (PPR) relating to four adjacent allotments in Wedderburn, seeking to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to reduce the minimum lot size for subdivision/dwellings from 10 hectares to one hectare.
2. That the Panel further advise Council that it considers the PPR has insufficient strategic merit to advance to Gateway Determination stage, having regard to the following:
 - i. The Panel considered the verbal submission by the Applicant, noted the matters raised and had regard to such representation in making its decision.
 - ii. The PPR is not consistent with the Planning for Bushfire Guidelines or NSW Planning Direction 4.4 - Planning for Bushfire Protection which requires the endorsement of the NSW RFS for any planning proposal that is not consistent with the Planning for Bushfire Guidelines.
 - iii. The PPR is not consistent with the Council Policy Position not to resource or initiate any actions to rezone land at Wedderburn for additional residential development given the character and limited suitability of the area for such purposes. No material was presented to the Panel to suggest that Council's policy position was inappropriate in the circumstances.
 - iv. The PPR does not adequately address the significant constraints of the locality for additional residential development, including limited road access, ecological sensitivities, high bushfire risk, potential contamination and absence of reticulated water or sewer.
 - v. The PPR does not demonstrate the feasibility of delivering and managing a community safe refuge to mitigate bushfire threat, including the inherent risk of maintenance and operation of such a facility.
 - vi. The PPR is inconsistent with the following objectives of the Campbelltown 2027 Community Strategic Plan:
 - 2.5: Plan for and ensure that development in our city is sustainable and resilient
 - 4.3: Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Voting

The Local Planning Panel voted 4/0

4.4 Modification of development consent - industrial warehouse building for storage of fibre insulation batts - 55 Stennett Road, Ingleburn

Executive Summary

- A section 4.55(2) modification application was lodged with Council on 10 August 2018 seeking to modify the development consent 3241/2015/DA-I for the construction of an industrial warehouse building for use as storage of fibre insulation batts.
- The subject site is located within an established industrial area.
- The proposed development generally complies with CLEP 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 except for the building height.
- The proposed building has a height of 14.96m which is 24 percent greater than the maximum height of building standard in Clause 4.3 of the CLEP 2015. The application was supported by a requested under Clause 4.6 of CLEP 2015 to approve the application even though it contravenes the standard. The clause 4.6 request is considered to be well founded.
- The modification application was not required to be notified.
- It is recommended that the application to modify the consent be approved.

Public Address

The Local Planning Panel meeting was addressed by the applicant Mr Michael Brown and Mr Angus Brien.

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

Panel Considerations and Reasons for Decision

The panel considers the proposal to be in keeping with the surrounding industrial environment.

The Panel considers that the proposal is substantially the same development as that originally approved.

The panel considers the modified proposal to remain consistent with the objectives of the IN1 General Industrial zone listed in Campbelltown Local Environmental Plan 2015.

The Panel was satisfied that the applicant's explanation of the height of the development and

the Panel considers the height of the building is acceptable and consistent with the scale of existing development.

The Panel considers the proposed modification is suitable for the site and agrees with the recommended conditions of consent.

Decision of the Panel

That the Application to modify development consent 3241/2015/DA-I/A for an industrial warehouse building for storage of fibre insulation batts at 55 Stennett Road, Ingleburn, be approved subject to the modified conditions of development consent detailed in attachment 1 with the following alterations:

1. The heading for condition 1A is amended to say "Amendments". Condition 1A is also amended by adding the following point:
 - e. The reference to "future loading docks" shall be removed from the plan
2. The words "(as amended)" are deleted from condition 10A
3. An additional condition 43A is added as follows:

43A Positive Covenant - Stormwater

A covenant or other instrument under the Conveyancing Act 1919 is to be placed on the Certificate of Title of the subject property. The covenant/instrument shall require the stormwater infrastructure to be maintained in accordance with approved design and kept free of any structures or materials that could prevent the free flow of water. This covenant/instrument shall detail that the implementation and management of the stormwater system through the property shall be the responsibility of the land owner (Council is neither responsible nor liable to any damages caused as a result of any flooding of the property). The wording of the covenant/instrument is to be approved by Council prior to its creation. Evidence of the creation of the covenant is to be submitted to Council prior to issue of any Occupation Certificate for the development under the Environmental Planning and Assessment Act 1979. The covenant shall not be able to be revoked or modified without the prior approval of Council. Any costs associated with the covenant are to be borne by the person with the benefit of this consent.

Voting

The Local Planning Panel voted 4/0.

The open session of the Panel Meeting concluded at 3:45pm 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 23 October 2019 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Ian Reynolds
Chairperson