
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Campbelltown Local Planning Panel

Campbelltown Local Planning Panel Meeting held electronically to consider further information requested at the Campbelltown Local Planning Panel meeting held on Wednesday 23 September 2020.

These minutes were published on 23 October, 2020.

This electronic meeting considered additional information in regards to two development applications at Ingleburn, as listed in turn below, in response to the panel's deferral of these items at the Campbelltown Local Planning Panel meeting held on 23 September, 2020. The item numbers below (4.5 and 4.6) reflect the agenda item numbers from the Panel agenda on 23 September, 2020 for ease of reference. These were the only two items considered at this subsequent meeting.

4.5 Demolition of existing structures and construction of two storey semi-detached dwellings - 26 Brenda Street, Ingleburn.

Report Summary

- This development application proposes the demolition of existing structures and construction of two 2 storey semi-detached dwellings at No. 26 Brenda Street, Ingleburn.
 - The subject site is zoned R2 – Low Density Residential under the provisions of the CLEP 2015.
 - The proposed development generally complies with the CLEP 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015).
 - The subject site comprises two existing Torrens titled allotments with a total site area of 449.6sqm. Under Clause 4.1C of the CLEP 2015 semi-detached dwellings require a minimum site area of 700sqm and as such the proposal does not comply with this clause. The site is 250.4sqm less than the minimum qualifying site area required for
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semi-detached dwellings within an R2 Zone, and equates to a contravention of this clause by 35.77 percent.

- The application was notified to adjoining and surrounding properties from 24 July 2019 to 8 August 2019 for 14 days. No submissions were received.
- An assessment under Section 4.15 of the EP&A Act 1979 has been undertaken and it is recommended to the panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.
- The land is within the locality of Ingleburn where Council have previously approved similar development applications and resolved to amend the CLEP 2015 to facilitate the development of existing narrow lots in Ingleburn without the need for a variation request to the CLEP 2015 under Clause 4.6
- As part of its LEP Review (Amendment No 24 to the CELP 2015), Council has prepared and exhibited an amendment to Campbelltown Local Environmental Plan to address this matter. In this regard, it is proposed to include a new subclause to provide an exception for the minimum qualifying site area for the land identified in Ingleburn that reads:
 - 4.1C (4) Despite subclause (2) and (3) the minimum qualifying site area identified in Column 3 and 4 does not apply to land identified as 'Ingleburn Narrow Lots' in the Clause Application Map.
- The above draft Amendment to the CLEP is currently with the NSW Department of Planning, Industry and Environment for finalisation.

In the meantime, a Clause 4.6 variation request is required in order for Council to formally consider a variation to the Clause 4.1C development standard. Hence, this application has been reported to the Local Planning Panel for determination.

- The proposal is considered to be in the public interest.
- At the Campbelltown Local Planning Panel Meeting on 23 September, 2020 the following decision was made:

The development application 2184/2019/DA-M for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at No. 26 Brenda Street, Ingleburn is deferred until Friday 9 October 2020 in order for a clause 4.6 justification (to vary the minimum qualifying site area of 700sqm development standard for semi-detached dwellings under Clause 4.1C of the CLEP 2015) to be submitted to the Panel of an acceptable standard for consideration. The justification shall comply with the legislation and case law and demonstrate that:

- *Compliance with the development standard for minimum qualifying site area in clause 4.1C is unreasonable or unnecessary in the circumstances of the case*
- *There are sufficient environmental planning grounds to justify contravening the development standard, and*
- *The proposal is in the public interest.*

The application is also deferred for the submission of amended external colour plans showing the correct elevation of the dwellings which shall also be provided by Friday 9 October, 2020.

If a satisfactory clause 4.6 justification has not been provided by Friday 9 October, 2020 then the application is to be refused on the grounds that insufficient justification has been provided pursuant to Clause 4.6 of the CLEP 2015 to enable consent to be granted to the application.

If and when the required information is provided, it shall be forwarded to the Panel for consideration with a view to an electronic determination.

A further clause 4.6 justification was provided by the applicant on 8 October, 2020 and forwarded to the Panel members for consideration on 9 October, 2020. Additionally a revised external colour plan showing the correct elevations for the dwelling was also provided by the applicant and forwarded to the Panel on 9 October, 2020.

Panel Considerations and Reasons for Decision

The Panel reviewed the revised external colour plan showing the correct elevations and considered it to be satisfactory.

The Panel reviewed the revised written request provided by the applicant made under Clause 4.6 of the Campbelltown Local Environmental Plan, 2015 and concluded that the revised request does not sufficiently justify the contravention of the minimum qualifying site area standard in Clause 4.1C of the Campbelltown Local Environmental Plan 2015 having regard to accepted tests established by the relevant legislation and case law.

Accordingly, despite the merits of the proposal, the only decision the Panel is able to make is to refuse the application.

Decision of the Panel

A. Development Application No. 2184/2019/DA-M for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at 26 Brenda Street, Ingleburn, is refused for the following reasons:

1. The subject site does not satisfy the minimum site area for attached dwellings of 700sqm required by Clause 4.1C of the Campbelltown Local Environmental Plan, 2015.
2. The applicant has not provided a satisfactory justification using the provisions of Clause 4.6 of Campbelltown Local Environmental Plan, 2015 and therefore has not demonstrated that compliance with the development standard for minimum qualifying site area in clause 4.1C is unreasonable or unnecessary in the circumstances of the case, nor that there are sufficient environmental planning grounds to justify contravening the development standard.

B, In the event that the applicant chooses to submit an application for a review of the determination under Division 8.2 of the Environmental Planning and Assessment Act, 1979 the Panel delegates the decision on the determination of that request to the Council's Director City Development.

Voting

The Local Planning Panel voted 4/0

4.6 Demolition of existing structures and construction of two storey semi-detached dwellings - 25 Carinda Street Ingleburn

Report Summary

- This development application proposes the demolition of existing structures and construction of two 2 storey semi-detached dwellings at No. 25 Carinda Street, Ingleburn.
 - The subject site is zoned R2 – Low Density Residential under the provisions of the CLEP 2015.
 - The proposed development generally complies with the CLEP 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015).
 - The subject site comprises two existing Torrens titled allotments with a total site area of 449.6sqm. Under Clause 4.1C of the CLEP 2015 semi-detached dwellings require a minimum site area of 700sqm and as such the proposal does not comply with this clause. The site is 250.4sqm 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 35.77 percent.
 - The application was notified to adjoining and surrounding properties from 24 July 2019 to 8 August 2019 for 14 days. No submissions were received.
 - 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 approved, subject to the recommended conditions of consent detailed in attachment 1.
 - The land is within the locality of Ingleburn where Council has previously approved similar development applications and has resolved to amend the CLEP 2015 to facilitate the development of existing narrow lots in Ingleburn without the need for a variation request to the CLEP 2015 under Clause 4.6
 - As part of its LEP Review (Amendment No 24 to the CLEP 2015), Council has prepared and exhibited an amendment to Campbelltown Local Environmental Plan to address this matter. In this regard, it is proposed to include a new subclause to provide an exception for the minimum qualifying site area for the land identified in Ingleburn that reads:
 - 4.1C (4) Despite subclause (2) and (3) the minimum qualifying site area identified in Column 3 and 4 does not apply to land identified as 'Ingleburn Narrow Lots' in the Clause Application Map.
 - The above draft Amendment to the CLEP 2015 is currently with the NSW Department of Planning, Industry and Environment for finalisation.
 - In the meantime, a Clause 4.6 variation request is required in order for Council to formally consider a variation to the Clause 4.1C development standard. Hence, this application has been reported to the Local Planning Panel for determination.
 - The proposal is considered to be in the public interest.
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- At the Campbelltown Local Planning Panel Meeting on 23 September, 2020 the following decision was made:

The development application 2184/2019/DA-M for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at No. 26 Brenda Street, Ingleburn is deferred until Friday 9 October 2020 in order for a clause 4.6 justification (to vary the minimum qualifying site area of 700sqm development standard for semi-detached dwellings under Clause 4.1C of the CLEP 2015) to be submitted to the Panel of an acceptable standard for consideration. The justification shall comply with the legislation and case law and demonstrate that:

- *Compliance with the development standard for minimum qualifying site area in clause 4.1C is unreasonable or unnecessary in the circumstances of the case*
- *There are sufficient environmental planning grounds to justify contravening the development standard, and*
- *The proposal is in the public interest.*

If a satisfactory clause 4.6 justification has not been provided by 9 October, 2020 then the application is to be refused on the grounds that insufficient justification has been provided pursuant to Clause 4.6 of the CLEP 2015 to enable consent to be granted to the application.

If and when the required information is provided, it shall be forwarded to the Panel for consideration with a view to an electronic determination.

A further clause 4.6 justification was provided by the applicant on 8 October, 2020 and forwarded to the Panel members for consideration on 9 October, 2020.

Panel Considerations and Reasons for Decision

The Panel reviewed the revised written request provided by the applicant made under Clause 4.6 of the Campbelltown Local Environmental Plan, 2015 and concluded that the revised request does not sufficiently justify the contravention of the minimum qualifying site area standard in Clause 4.1C of the Campbelltown Local Environmental Plan 2015 having regard to accepted tests established by the relevant legislation and case law. In all other aspects the proposed development had merit.

Accordingly, despite the merits of the proposal, the only decision the Panel is able to make is to refuse the application.

Decision of the Panel

A. Development Application No. 2183/2019/DA-M for the demolition of existing structures and construction of two 2 storey semi-detached dwellings at 25 Carinda Street, Ingleburn, is refused for the following reasons:

1. The subject site does not satisfy the minimum site area for attached dwellings of 700sqm required by Clause 4.1C of the Campbelltown Local Environmental Plan, 2015.
 2. The applicant has not provided a satisfactory justification using the provisions of Clause 4.6 of Campbelltown Local Environmental Plan, 2015 and therefore has not demonstrated that compliance with the development standard for minimum qualifying site area in clause 4.1C is unreasonable or unnecessary in the
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circumstances of the case, nor that there are sufficient environmental planning grounds to justify contravening the development standard.

B, In the event that the applicant chooses to submit an application for a review of the determination under Division 8.2 of the Environmental Planning and Assessment Act, 1979 the Panel delegates the decision on the determination of that request to the Council's Director City Development.

Voting

The Local Planning Panel voted 4/0

Ian Reynolds

Chairperson