
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

**Campbelltown Local Planning Panel Meeting hosted at
Campbelltown Civic Centre on Wednesday 23 September 2020.**

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	2
2.	APOLOGIES	2
3.	DECLARATIONS OF INTEREST	2
4.	REPORTS	3
4.1	Demolition of dwelling and structures, construction of a multi dwelling development (five dwellings) and strata title subdivision - 19 Dan Street, Campbelltown	3
4.2	Demolition of existing dwelling and construction of a 14 room boarding house and associated parking and landscaping - 1 Koala Avenue, Ingleburn	5
4.3	Civil works and Torrens title subdivision of land to create 67 residential lots and one residue lot - Menangle Park	7
4.4	Use of building as an Out of School Hours childcare facility and associated works - St Andrew Cottage, 4 Stranraer Drive, St Andrews	9
4.5	Demolition of existing structures and construction of two storey semi-detached dwellings - 26 Brenda Street, Ingleburn.	11
4.6	Demolition of existing structures and construction of two storey semi-detached dwellings - 25 Carinda Street Ingleburn	13
4.7	Update to Operational Procedures	16
5.	REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION	17
5.1	Planning Proposal Request - Campbelltown	17

Minutes of the Local Planning Panel Meeting held on 23 September 2020

Present Chair - Ian Reynolds
 Member Jenny Rudolph
 Member Edward Saulig
 Member Helena Miller

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson .

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

Jenny Rudolph declared a conflict of interest in regards to Agenda Item 4.3.

Helena Miller declared a conflict of interest in regards to Agenda Item 4.3

The chair noted the conflicts of interest and determined that, as a result, there was no quorum for agenda Item 4.3. Accordingly, this matter would not be considered at the Panel meeting today.

4. REPORTS

4.1 Demolition of dwelling and structures, construction of a multi dwelling development (five dwellings) and strata title subdivision - 19 Dan Street, Campbelltown

Executive Summary

- This development application proposes the demolition of an existing dwelling and associated structures and the construction of a multi dwelling development, consisting of five dwellings and associated site works and strata title subdivision at Lot 13 DP 28272, 19 Dan Street, Campbelltown.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The application was notified to adjoining and surrounding residents and land owners from 12 November 2019 for 14 days. No submissions were received.
- The site is not considered suitable for the proposed development as the application fails to adequately satisfy the provisions of the CLEP 2015 and comply with a number of key requirements listed in the Campbelltown (Sustainable City) Development Control Plan 2015.
- The application fails to satisfactorily resolve critical deficiencies that were raised throughout the assessment process, specifically regarding the compatibility with the surrounding urban environment in particular the streetscape, compliance with stormwater requirements, impacts of traffic, parking and access, waste management and vegetation removal. Many of the key issues in isolation can easily be resolved, however cumulatively result in an overdevelopment of the site.
- During the assessment, it was identified that there may be a potential conflict of interest with respect to the consultant associated with this application who became an employee of the Council. Therefore the additional information submitted in regards to this application has been independently assessed.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and it is recommended to the panel that the application be refused for reasons outlined in the report.
- The proposal is not considered to be in the public interest.

Public Address

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

- Mr Iftekar Abdullah

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

Panel Considerations and Reasons for Decision

The panel inspected the site and observed the character of the surrounding area.

The panel considers that the proposed development has a number of non-compliance issues as identified in the report prepared by the independent planning consultant.

- CLEP 2015 – Non-compliance with Clause 7.13 Design Excellence (presentation to street)
- DCP 2015 – Non-compliance with Clause 2.5 Landscaping, Clause 2.10.2 and 2.10.3 Stormwater, 2.13, Security (no CPTED report), 2.15.3 Ongoing Waste Management, 3.4.1.1 Streetscape, 3.4.2 Car parking and Access, 3.7.2.4 Rear Access - Zone R3, 3.7.2.7 Private and communal open space (solar), 3.7.2.8 Presentation to Public Streets; 3.7.2.9 Landscaping and deep soil zone planting, 3.7.2.10 Multi dwelling housing and waste management.

The panel heard the representations of the applicant that they are prepared to work through the issues with Council staff with a view to submitting an amended application that is compliant, satisfactorily presents the development to the street and improves the functionality and amenity of the proposed development for future residents. Council Officers indicated that, in their view, issues of concern were capable of resolution with further discussion.

In accordance with the Ministers guidelines, a time limit must be placed on any deferral. In consideration of the number of design issues, the potential need to renotify the development, the impacts of Covid 19 and the upcoming Christmas period a 6 month period is considered reasonable to return the matter to the Panel.

Decision of the Panel

The development application 3503/2019/DA-M for the proposed demolition of existing dwelling and associated structures and the construction of a multi-dwelling development and strata title subdivision at 19 Dan Street, Campbelltown be deferred so that the applicant can address the issues associated with the proposed development as identified in the assessment report. The application is to be deferred for a maximum of 6 months and must be returned to the Panel for determination by the end of March 2021.

Voting

The Local Planning Panel voted 4/0

4.2 Demolition of existing dwelling and construction of a 14 room boarding house and associated parking and landscaping - 1 Koala Avenue, Ingleburn

Report Summary

- Council has received a development application for the demolition of the existing dwelling and associated structures and construction of a 14 room boarding house and associated parking at 1 Koala Avenue, Ingleburn.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). Within the R3 zoning a Boarding House is “Permitted with consent”.
- The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP), apply to the proposed development.
- The proposal was externally referred to:
 - The Department of Primary Industries in accordance with Section 91 of the *Water Management Act 2000*
 - Endeavour Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) as the proposed development would involve works within five metres of overhead power lines, and
 - The NSW Police to review the proposal from a Crime Prevention through Environmental Design perspective.
- The application was publicly notified and exhibited twice initially between 30 May 2018 and 9 July 2018 and then again, after the proposal was amended, between 17 October 2019 and 21 November 2019. In total 32 submissions and a petition were received.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and the application is recommended for approval subject to conditions.

Public Address

The Local Planning Panel meeting was addressed by an objector and the applicant, as listed below. The Panel also had the benefit of additional written submissions from Mr Anoulack Chanthivong, Member for Macquarie Fields and Ms Sonia Jones who were unable to attend the meeting.

Objectors

- Mr Barry McGregor

Applicants

- Applicant – Mr Gerard Turisi – Town Planner
 - Mr Andre Moussa –Architect (available to answer questions if required)
-

-
- Morgan Nyugen – Engineer (available to answer questions if required)

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

Panel Considerations and Reasons for Decision

The Panel inspected the site and observed the character of the surrounding area.

The Panel noted that two versions of the proposed development have been publically exhibited/notified with a total of 32 submissions and one petition being received.

Considering the location and strategic framework of the proposal, the Panel is satisfied that the proposal meets objectives of the following strategic plans:

1. Greater Sydney Regional Plan in that it satisfies the vision where most people live within 30 minutes of their jobs, education and health facilities, services and great places, noting the regional centres of Campbelltown and Liverpool are within 30 minutes of site as well as extensive employment lands.
2. Western City District Plan in that it satisfies an uplift in affordable accommodation for residents in an area accessible to both jobs and public transport.
3. Greater Macarthur 2040 (draft) - An Interim Plan for the Greater Macarthur Growth Area in that it satisfies the Ingleburn Precinct Plan which identifies the subject land was being within an area suitable for apartment buildings between three and six storeys.
4. Campbelltown Local Strategic Planning Statement in that it satisfies Planning Priority 2 - Creating high quality, diverse housing.

The proposed development is consistent with State Environmental Planning Policy (Affordable Rental Housing) 2009 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 are such that the Panel is unable to refuse the application based on the floor space ratio. Under the provisions of CLEP 2015, Clause 4.4, the floor space ratio within Zone R3 Medium Density Residential is 0.75:1.

The Panel noted concerns about the potential impacts on car parking but are unable to refuse the application on this basis as the application complies with the requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in place at the time the application was submitted. However, the Panel noted that the proposed development is

in a highly accessible location within 800m of the Ingleburn Railway Station and local bus services.

The site is suitable for the development as it is consistent with Campbelltown Local Environmental Plan 2015 and the objectives of the R3 Medium Density Residential Zone.

The Panel considers in this case that compliance with Clause 4.3 of the Campbelltown Local Environmental Plan 2015 regarding the development standard for height of buildings would be unreasonable taking into consideration the impact of flooding on the site and noting that the proposed development is consistent with development in the R3 Medium Density Residential Zone as well as the likely future character for this neighbourhood.

The Panels considers other variations to development controls under CSCDCP 2015 justified, particularly in relation to building setbacks as provision of balconies on the units and

the proposed location of car parking spaces will not cause adverse impacts on the environment in relation to the development's appearance. The Panel is satisfied with the amenity to be provided for future occupants, as well as adjoining residents through the presence of an onsite manager.

Decision of the Panel

The development application 1470/2018/DA-BH for the proposed demolition of existing dwelling and associated structures and construction of a 14 room boarding house and associated parking at 1 Koala Avenue, Ingleburn be approved subject to the conditions in attachment 1 to the Council Officer's report

Voting

The Local Planning Panel voted 4/0

4.3 Civil works and Torrens title subdivision of land to create 67 residential lots and one residue lot - Menangle Park

Report Summary

- Council has received a development application for the civil works and subdivision of land to create 67 residential lots and one residue. The proposal represents Stage 2A of Dahua's development of the Menangle Park Urban Release Area and builds on/connects to the recent approval of Stage 1.
- The land was rezoned on 18 November 2017 from rural land to urban purposes, accommodating approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities.
- The subject area is zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The proposed development will involve subdivision and civil works both of which are considered to be permitted with consent in accordance with CLEP 2015. The proposed development is also consistent with the zone objectives of R2 and RE1 zones.
- The application was publicly notified and exhibited from 31 July 2018 to 14 August 2018. The exhibition was in line with the statutory requirements and the Council's notification policies. No submissions were received during this time, although, there was a letter of support that was submitted outside of this time.
- The proposal was externally referred to:
 - The Rural Fires Service for a Bushfire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997* as the site is identified as bushfire prone land.

-
- The Department of Planning, Infrastructure and Environment in accordance with Section 90 of the *National Parks and Wildlife Act 1974* as the proposal requires an Aboriginal Impact Permit.
 - The Subsidence Advisory Board in accordance with Section 15 of the *Coal Mine Subsidence Compensation Act 2017* as the site is within Campbelltown Mines Subsidence District.
 - Development of the subject land is subject to a Satisfactory Arrangement provision pursuant to Clause 6.1, of the CLEP 2015, and as such consent must not be granted for the subdivision of land unless the Secretary has certified in writing that satisfactory arrangements. Council received such notice from the Secretary, on 11 May 2020, which allows Council to determine the application.
 - The developer has offered to enter into a planning agreement with Campbelltown City Council to construct works, dedicate open space and provide monetary contributions in relation to the initial stages of the Menangle Park development. The offer is consistent with contributions that would otherwise be required under Council's Menangle Park Contributions Plan, which is now an IPART approved contributions plan and in force.
 - In accordance with Section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning's direction dated 23/02/2018, the application shall be determined by the Local Planning on Council's behalf.
 - An assessment under Section 4.15 of the EP&A Act has been undertaken and the application is recommended for approval subject to the recommended conditions.

Panel Considerations and Reasons for Decision

This matter was not considered by the Panel due to the lack of a quorum.

Noting that there were no submissions, the chairperson considered that a separate electronic meeting of the Panel should be arranged as soon as possible to address the matter.

Decision of the Panel

No decision was made on this matter due to the lack of a quorum.

Voting

No vote occurred.

4.4 Use of building as an Out of School Hours childcare facility and associated works - St Andrew Cottage, 4 Stranraer Drive, St Andrews

Report Summary

- This development application proposes the use of building as an out of school hours childcare facility and associated works at Lot 136, DP260451, St Andrew Cottage, 4 Stranraer Drive, St Andrews.
- The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015.
- The application was notified to adjoining and surrounding properties from 18 January 2019 for a period of 14 days. No submissions were received during this time.
- The application was originally referred to the Campbelltown Local Planning Panel (the Panel) meeting on 22 April, 2020 with a recommendation for refusal of the development application. The site was not considered suitable for the proposed use due to the proposal's failure to adequately satisfy the relevant requirements relating to traffic and parking, access and pedestrian safety as required in the Child Care Planning Guidelines and no works were proposed to the existing building to resolve critical deficiencies that were raised throughout the assessment process.
- The Panel noted the public interest merit of the proposal, and considered that further investigation of the traffic and parking matters was warranted before a determination is made. The Panel also noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.
- The application has been amended to include a suite of changes that address' safety, site and building access, site contamination, acoustic and privacy impacts on adjoining residential properties.
- 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 listed in attachment 1.
- The proposal is considered to be in the public interest.

Public Address

The Local Planning Panel meeting was addressed by the applicant and their representatives as listed below:

- Applicant - Ms Deborah Moran
- Applicant's planner - Mr Tim Cooper

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

Panel Considerations and Reasons for Decision

The Panel members noted the previous decision of the Panel in regards to this application.

The site is located adjacent to complementary land uses and therefore in this context the site has locational merit and the proposal has public interest merit.

It was also noted that the previous Panel at its meeting on 22 April, 2020 addressed the site's and the existing building's non compliances with the Child Care Planning Guidelines and the Campbelltown (Sustainable City) Development Control Plan 2015. The Panel acknowledged the application has been revised to address a number of issues previously raised, namely relating to safety, site and building access, site contamination (SEPP 55) and acoustic and privacy impacts on adjoining residential properties.

The development application proposes a significant shortfall to the minimum car spaces required to service the proposed childcare centre. The previous Panel decision noted that strict compliance with the parking and traffic requirements should not have determining weight for this application.

The applicant spoke in support of the officer's recommendation however raised concerns and sought clarification relating to conditions 2, 3, 8, 11 and 29 of the recommended conditions of consent.

The Panel considered the arguments for amendments provided by the applicant and determined to modify the proposed conditions as detailed in the decision below. In particular the Panel was of the view that condition 11 that limited the consent to an 18 month trial period was not reasonable given the arrangements that are in place in regards to potential complaints set out in condition 3, as amended by the Panel, which includes detailing the nature of potential rectification works if required.

Decision of the Panel

Development Application 4618/2018/DA-C for the use of building as an out of school hours childcare facility and associated works at Lot 136, DP 260451, 4 Stranraer Drive, St Andrews is approved subject to recommended conditions of consent contained in attachment 1 to the Council Officer's report, with the following amendments:

1. Condition 2 is amended by deleting the words "(6-12 years)"
2. Condition 3b is deleted
3. Condition 3d is amended by adding the word "climbable" before the word "play"
4. Condition 3f is amended by adding point "(v) for the purposes of this clause rectification may include the closure of windows and doors during activities which generate significant noise and installation and use of mechanical ventilation if required."
5. Condition 3i is amended by adding "in accordance with the recommendations of the acoustic report prepared by PKA Acoustic Consulting dated 19 July, 2020"
6. Condition 8b is amended by replacing the delivery hours with "9.00am to 3.00pm"
7. Condition 11 is deleted
8. Condition 29 is deleted
9. Condition 52b is amended by the deletion of these words "a. measures that will provide satisfactory ventilation for the proposed use to operate when all external doors are closed"

Voting

The Local Planning Panel voted 4/0

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 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.

Panel Considerations and Reasons for Decision

The Panel inspected the site and observed the character of the surrounding area including a number of similar development's that have been constructed in the neighbourhood.

The Panel considers that the proposed development is consistent with the objectives of the R2 Low Density Residential Zone.

The Panel received advice that Amendment No. 24 to Campbelltown Local Environmental Plan 2015 is with the Department of Planning, Industry and Environment for finalisation and that if this amendment had been made prior to lodgement of the subject application clause 4.1C would not apply.

The Panel reviewed the applicant's written request made under Clause 4.6 of the Campbelltown Local Environmental Plan, 2015 and concluded that the 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.

The Panel was of the view that if satisfactory justification is provided as determined above, condition 10 of the recommended conditions of consent at attachment 1 should be amended by replacing "fixed translucent glazing shall be used in any part of the following windows within 1.7 metres of the floor level" with "Fixed privacy screens shall be provided to the following windows to protect the privacy of adjoining properties" This amendment would protect neighbouring privacy but also allow appropriate ventilation to the affected rooms.

Decision of the Panel

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.

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.

Panel Considerations and Reasons for Decision

The Panel inspected the site and observed the character of the surrounding area including a number of similar development's that have been constructed in the neighbourhood.

The Panel considers that the proposed development is consistent with the objectives of the R2 Low Density Residential Zone.

The Panel received advice that Amendment No. 24 to Campbelltown Local Environmental Plan 2015 is with the Department of Planning, Industry and Environment for finalisation and that if this amendment had been made prior to lodgement of the subject application clause 4.1C would not apply.

The Panel reviewed the applicant's written request made under Clause 4.6 of the Campbelltown Local Environmental Plan, 2015 and concluded that the 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.

The Panel was of the view that if satisfactory justification is provided as determined above, condition 10 of the recommended conditions of consent at attachment 1 should be amended by replacing "fixed translucent glazing shall be used in any part of the following windows within 1.7 metres of the floor level" with "Fixed privacy screens shall be provided to the following windows to protect the privacy of adjoining properties" This amendment would protect neighbouring privacy but also allow appropriate ventilation to the affected rooms.

Decision of the Panel

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.

Voting

The Local Planning Panel voted 4/0

4.7 Update to Operational Procedures

Report Summary

- The Campbelltown City Council Local Planning Panel adopted Operational Guidelines at its meeting on 26 February 2020.
- On 30 June 2020, the Minister for Planning and Public Spaces issued updated Local Planning Panels Directions dealing with operational procedures and modification of development consents to take effect from 1 August 2020.
- On the grounds that the Panel has already provided delegation in relation to the modification of development applications, this report only addresses consequential amendments arising from the Operational Procedures Direction.

Panel Considerations and Reasons for Decision

The procedure will help efficiently manage how the Campbelltown City Local Planning Panel is to operate.

The Panel requested clarification of section D9(ix) that the timeframe in which information is to be provided for assessment by the Panel.

Decision of the Panel

That the Campbelltown City Local Planning Panel supports the adoption by Council of the Amended Campbelltown Local Planning Panel Operational Guidelines for publication on Council's website with an addition to section D9(ix) to say "specifying the timeframe in which the matter is to be returned to the Panel".

Voting

The Local Planning Panel voted 4/0

5. REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION

5.1 Planning Proposal Request - Campbelltown

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on a Planning Proposal Request that Council has received.

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

- Mr Bob Chambers of BBC Planners
- Mr Jonathan Knapp of SJB

Panel Considerations and Reasons for Decision

The Panel notes the explanation by Mr Chambers and Mr Knapp that the proposal is based on the Ministerial Direction in regards to the Campbelltown Precinct Plan November 2017 in the Glenfield to Macarthur Urban Renewal Corridor Strategy.

However the Panel also noted that there are a number of other strategic plans that post-date the Corridor Strategy including the Western City District Plan March 2018. These later strategic plans provide for and envisage alternate strategic outcomes for the site and the proposal is not consistent with these.

The planning proposal, Urban Design Study and associated precinct plan relates to a 2.84ha site within a broader 17.6 hectare precinct and does not integrate with or reflect the vision for the broader precinct and is not compatible with that vision.

In addition, the Western City District Plan requires Council to retain and manage industrial and urban services lands and protect them from residential uses.

The Panel were of the view that:

- a) The planning proposal lacks site specific merit as the proposal is surrounded by significant employment lands, creating the potential for undesirable land use conflict.
 - b) There is insufficient supporting evidence of employment generation for the site and an analysis of potential adverse impacts on adjoining employment lands.
 - c) There is sufficient capacity within the Campbelltown Local Government Area for additional dwellings to meet housing targets in land already zoned for high density residential or mixed use development.
 - d) The proposal could compromise the revitalisation of the Campbelltown City Centre and residential development opportunities identified in the Re-imagining Campbelltown City Centre Masterplan 2020.
 - e) The site is not well located to existing open space within a 200 metre radius, and services and facilities required for high density residential development.
 - f) The proposal is isolated in nature and is not part of a wider endorsed strategy of renewal as envisaged by the proponent that is required for the efficient and orderly development of urban land in a regional centre.
-

Advice of the Panel to Council

The Panel does not consider that the planning proposal request has demonstrated that it has strategic or site specific merit and therefore recommends that Council not proceed with a request for a Gateway determination for this proposal.

Voting

The Local Planning Panel voted 4/0

The open session of the Panel Meeting concluded at 4.28pm and the Panel then adjourned to consider the business and information presented to the Panel during its hearing.

Ian Reynolds
Chairperson