

---

# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 24 June 2020

---

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF LAND	2
2.	APOLOGIES	2
3.	DECLARATIONS OF INTEREST	2
4.	REPORTS	2
4.1	Consolidation of three allotments and subdivision into two allotments - Camden Road and Hurley Street, Campbelltown	2
4.2	Demolition of a dwelling and construction of a four storey residential apartment building - 37 Cumberland Road, Ingleburn	3
5.	CONFIDENTIAL REPORTS FROM OFFICERS	7
	Nil	

---

**Minutes of the Local Planning Panel Meeting held on 24 June 2020**

---

**Present**            Chair Keith Dedden  
                         Member Mary-Lynn Taylor  
                         Member Philip Hayward  
                         Member Helena Miller

**Also Present****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   Consolidation of three allotments and subdivision into two allotments - Camden Road and Hurley Street, Campbelltown**

---

**Executive Summary**

- Development application 1545/2020/DA-S has been lodged by Campbelltown City Council and proposes the consolidation of three existing allotments in Camden Road and Hurley Street, Campbelltown and re-subdivision into two allotments. One of the existing lots contains the HJ Daley library.
- The development application is fully compliant with the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and Campbelltown Sustainable City Development Control Plan 2015.
- The consolidation and subdivision of the land may allow for the provision of a separate ground lease of the land, subject to future commercial agreements being reached and development consent being granted.
- The application is recommended for approval, subject to the attached conditions.

## **Panel Consideration and Reasons for Decision**

The panel members inspected the site individually due to Covid19 restrictions.

The panel notes that this proposed development reduces by one the number of existing lots. The subject site has suitable physical access, and is readily able to be provided with utility services.

The proposed subdivision layout does not prejudice the current operation of the library or child care centre. The panel noted that the subdivision requires no works at this stage. Any change from the existing uses to another use would require further development consent as would the future development/use of the proposed new vacant lot. The panel also observes that proposed lot 100 contains a suitable footprint for future development which enables the existing tree cover to be retained, having regard to the types of development that ordinarily occur within the B4 mixed use zone.

The panel considers that the proposed subdivision is consistent with the objectives of the B4 Mixed Use Zone.

## **Decision of the Panel**

Development application 1545/2020/DA-S for the consolidation of three existing allotments in Camden Road and Hurley Street, Campbelltown and re-subdivision into two allotments is approved subject to the conditions of consent in attachment 1.

## **Voting**

The Local Planning Panel voted 4/0

---

## **4.2 Demolition of a dwelling and construction of a four storey residential apartment building - 37 Cumberland Road, 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.
-

- The Local Planning Panel deferred the application at its meeting on 18 December 2019 for six months to give the applicant an opportunity to address the outstanding issues. Subsequently, amended plans have been submitted and are the subject of this report.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act* has been undertaken and it is recommended to the panel that the application be refused for reasons outlined in both this report and the previous report to the panel.
- The proposal is not considered to be in the public interest.

## **Panel Consideration and Reasons for Decision**

Panel members inspected the site individually due to Covid 19 restrictions.

Submissions were received from objectors to the development and it was noted that the issues raised were addressed in the assessment report. Further submissions were received from the applicant prior to the meeting which were responded to by the council staff.

It was noted that the application was deferred for up to six months by the LPP on 18 December 2019 for amended plans to be submitted which were to give consideration to reducing the bulk and scale by removing one of the two levels of proposed basement parking and limiting the number of dwelling units to that number that can be serviced by the available car parking spaces within that one basement level. Other suggested amendments, related to waste collection, the communal room, deep soil zones and the car space dimensions.

While the proposed amendments have addressed a number of the matters raised by the previous Planning Panel and include deletion of one level of basement car parking, the basement car park does not comply with parking space dimensions and manoeuvring requirements and accordingly is unsatisfactory. The Panel also supports the considerations of the Local Planning Panel that met on 18 December 2019 in relation to parking space dimensions, aisle widths and manoeuvring swept paths namely that the provisions of AS2890 should be the controlling standard and Council should give consideration to amending its Campbelltown Sustainable City Development Control Plan, 2015 accordingly. The number of units has not been reduced to reflect the number of car parking spaces that can be appropriately located within the single basement level. Further, the Panel noted that the proposal does not comply with the Apartment Design Guide deep soil planting requirement having incorrectly included areas with a minimum dimension less than 6m as prescribed by the Guide. The failure to deal with the obvious constraints of the isolated site, together with other inconsistencies with planning controls as set out in the report has led the Panel to the conclusion that the proposal is an overdevelopment of the site and should therefore be refused as recommended.

## **Decision of the Panel**

That Development application 2238/2017/DA-RA for the 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 be refused for the following reasons:

1. The proposed development is inconsistent with the following design quality principles in State Environmental Planning Policy No.65:
-

## Schedule 1 Design Quality Principles

- a. Density – the proposed density results in significant car parking requirements. The car parking has not been designed to comply with the requirements of the Campbelltown (Sustainable City) Development Control Plan, 2015 (SCDCP) and AS2890.
  - b. Amenity- the proposed basement design is considered to deliver poor amenity to the residents.
2. The proposed development does not meet the design criteria and objectives for the following sections of the Apartment Design Guide:
- 3E Deep Soil, sufficient deep soil planting has not been provided for the proposed development (noting that the minimum dimension of 6m has not been met).
  - 3J Bicycle and Car Parking, as the proposal does not meet the objective with regard to a well organised and logical car parking layout.
  - 4E Private open space and balconies, several balconies do not meet the minimum size outlined in the design criteria.
  - 4G Storage, the plans do not demonstrate storage is provided in accordance with section 4G of the ADG.
3. The proposed development is inconsistent with Campbelltown Local Environmental Plan 2015 with respect to the following:
- The proposal is inconsistent with the aims (g) and (o) with regard to development design and suitability of the land in Clause 1.2 of the plan.
  - Clause 7.1 Earthworks as the proposal includes excessive excavation which is adjacent to Council infrastructure, and given that the impact of the excavation on the concrete lined channel has not been adequately addressed.
  - Clause 7.13 as the proposal is not considered to satisfy (4) (d) (viii) with regard to vehicular access, circulation and requirements nor subclause (4)(d)(xi) in regards to deep soil areas and the quality and integration of landscaping.
4. The proposed development is inconsistent with Campbelltown (Sustainable City) Development Control Plan 2015 with respect to the following:
- a. Section 2.7 Erosion and Sediment Control as the proponent has not submitted an adequate erosion and sediment control plan.
  - b. Section 2.8 Cut and Fill as the proponent has not submitted a cut and fill management plan in support of the proposed development.
  - c. Section 2.10 Stormwater as an updated stormwater management plan has not been provided to reflect the updated plans.
  - d. Section 2.12 Retaining Walls as a Structural Engineer's report has not been
-

- 
- provided with regard to measures to protect Council's Assets and adjoining properties.
- e. Section 2.13 Security as a crime prevention plan has not been provided to Council.
  - f. Section 3.5.1 Fencing (b) and 5.4.2 (b) (vii) as the proposed side fences (basement walls) on the boundary exceed 2.1m in height and result in blank walls on the boundary.
  - g. Section 5.4.4 (a) as the applicant has not demonstrated the proposal is designed to achieve compliance with the control with regard to acoustic privacy.
  - h. Section 5.5.1 (a) as the proposal does not achieve the required street frontage.
  - i. Section 5.5.2 Setbacks (a) (ii) the basement podium does not comply with the 6m setback to the side and rear boundaries.
  - j. Section 5.5.3 General Requirements for Residential Flat Buildings as follows:
    - i. the proposal does not comply with deep soil planting.
    - ii. storage sizes and allocation is not detailed on the basement plans.
  - k. Section 5.5.4 car parking and access as follows:
    - i. as the basement design relating to parking spaces 30, 31 and 32 and associated aisle widths do not comply with AS2890
    - ii. as the proposed car parking spaces have not been designed to accommodate standard sized cars and do not achieve the Council's standard minimum width of 2.5m.
    - iii. as the Traffic Impact report does not consider all items in Appendix 12, including, but not limited to, cumulative impacts, risk analysis and assessment and sight lines.
    - iv. as the swept path plans demonstrate vehicles overlapping with vehicles parked in other spaces.
  - l. Section 5.5.7 (a) as the ground level courtyards are not provided with a privacy screen.
  - m. planting to offset the proposed tree Part 11 Vegetation and Wildlife Management as the proposal does not provide sufficient removal.
5. The proposed development is inconsistent with the following objectives of the Campbelltown (Sustainable City) Development Control Plan 2015:
- Facilitate innovative development of high quality design and construction in the City of Campbelltown;
  - Ensure that new development takes place on land that is capable of supporting the proposed development;
  - Encourage the creation of safe, secure and liveable environments;
6. The plans do not demonstrate that the proposed waste hardstand area provides
-

enough clearance for the waste vehicle without touching the underside of the balcony above.

7. The proposed basement access and parking is considered to result in an unacceptable impact on the built environment.
8. Insufficient information has been provided to demonstrate the proposal will not have an unacceptable geotechnical impact on the adjoining stormwater drainage channel.
9. The Panel is of the view that the proposal presents an over development of the site and is therefore not in the public interest.

## **Voting**

The Local Planning Panel voted 4/0

---

### **5. Confidential Reports from Officers**

Nil

The open session of the Panel Meeting concluded at 4.02pm 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 22 July 2020 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Keith Dedden  
**Chairperson**