
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3:07 pm on Wednesday, 24 February 2021.

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Minutes of the Local Planning Panel Meeting held on 24 February 2021

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

The Chair noted that Jenny Rudolph had advised of her intention to resign from the Panel as a result of potential conflicts which could arise from her appointment to a position in the Public Sector. The Chair thanked her for her service to the Panel, the Council and the community of Campbelltown and wished her well in her future role.

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

4. REPORTS**4.1 Construction of a single storey dwelling and associated works - 1
 Denfield Circuit, St Helens Park**

Executive Summary

- This development application proposes the construction of a single storey dwelling house, and associated works at Lot 8177 DP 881519, 1 Denfield Circuit, St Helens Park.
 - The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015.
 - The site has an area of 166.6 sqm which is less than the minimum qualifying site area of 500 sqm under clause 4.1C of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) for a residential dwelling in an R2 zone. The shortfall is 333.4 sqm which equates to a contravention of the development standard by 66.67 per cent.
 - In accordance with Council's Community Participation Plan, the application was notified to adjoining and surrounding properties for a period of 21 days. Two submissions
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objecting to the proposal were received including a 42 signature petition received outside the notification period.

- The site is not considered suitable for the proposed development by reason of its inability to achieve a high level of residential amenity for its occupants and the adverse streetscape impact, as discussed throughout this report.
- A deemed refusal appeal has been submitted to the NSW Land and Environment Court in regards to this application. This does not prevent the Local Planning Panel determining the application.
- 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 the reasons outlined in this report and listed in attachment 1.

Public Address

The Local Planning Panel meeting was addressed by Robyn McKeon (objector) and James Forsyth (applicant).

Panel members asked questions of both the objector and the applicant that were responded to directly at the meeting.

Panel Considerations and Reasons for Decision

The Panel understands the history of the creation of Lot 8177 Bayton Place and how it has resulted in the land being an isolated site of 166 sqm within a low density residential area where the current minimum development standard of 500 sqm applies to residential lots.

The Panel is of the view that it would be reasonable for a dwelling on a lot of this size and dimension not to strictly comply with all aspects of the LEP and DCP given that the original purpose of the lot at time of subdivision was to provide vehicular access to 1 Denfield Circuit from Bayton Place

Nevertheless, in consideration of the Clause 4.6 variation request to vary the development standard, the argument submitted did not justify that the proposal was in the public interest.

In response to questions from the Panel it appeared that there have not been exhaustive discussions on alternate outcomes for the property between the applicant and the adjoining owner, including potential sale of the land to an adjoining owner.

The Panel is of the view that discussions should continue between adjoining owners on Bayton Place and the applicant concerning the sale of the isolated site, supported by an appropriate land valuation, and that written evidence be supplied to Council by the applicant to indicate the outcome of those discussions.

The Panel came to the view that even though alternative outcomes for the site appear not to have been exhausted, the building in its current form did not warrant approval. The members of the Panel had a split view on whether the application should be refused or deferred as requested by the applicant.

The Panel took the view that if the matter was to be deferred then the current design needed substantial modification in order to result in an appropriate residential use and built form on the site as well as addressing sensitivity to the streetscape noting the site's elevation and resulting prominent position on Bayton Place.

The Panel also took the view that the deferred application would need to be accompanied by an appropriately justified Clause 4.6 development standard variation request.

Decision of the Panel

Development Application 2225/2020/DA-DW for the construction of a single storey dwelling and associated site works at Lot 8177 DP 881519, 1 Denfield Circuit, St Helens Park be deferred for a maximum period of 3 months to address the issues raised in the Panel considerations and reasons for decision.

Voting

3/1

The dissenting view was to refuse the application for the reasons outlined in the Council officer's report.

4.2 Change of use to community facility, alterations to premises, car parking and associated works - 19 Parliament Road, Macquarie Fields

Executive Summary

- This development application proposes a change of use to a community facility, alterations to the premises (ground floor), car parking and associated works at Lot 1 DP 602021 and Lot 2 DP 622979, 19 Parliament Road, Macquarie Fields.
- The subject site is zoned B1 Neighbourhood Centre under the provisions of the Campbelltown Local Environmental Plan 2015.
- In accordance with Council's Community Participation Plan, the application was notified for a period of 21 days. No submissions were received.
- 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 approved for reasons outlined in this report.
- The proposal is considered in the public interest as the use would contribute to the provision of support services for the community.

Public Address

The Local Planning Panel meeting was addressed by Omar Ahmed (applicant's representative).

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

Panel Considerations and Reasons for Decision

The Panel considered the applicant's response that the primary use of the premises was for community facilities and associated cultural activities. The Panel noted that the consent was for an initial 2 year period as it was linked to the lease of the carpark land. The Panel was of the view that the carpark is unlikely to be used in isolation however this was a future matter for Council and the applicant.

The Panel considered that the use was consistent with the objectives of the zone and compatible with surrounding development.

The applicant requested an extension of the hours of operation to include the time between 7.00 pm and 9.00 pm. The Panel noted that this was not part of the submitted application and therefore the application was not notified on this basis. As a result, the Panel could not agree to this request. Any extension to the hours of operation should be sought through an application to modify the consent.

Decision of the Panel

1. That development application 2135/2020/DA-C for the use of the ground floor of 19 Parliament Road, Macquarie Fields be approved subject to the conditions of consent attached to the Council report with the following amendments:

Condition 1A is added:

1A. The Plan of Management shall be updated to reflect the conditions of consent, particularly sections 5 (noise and sound control) and 6 (traffic control), and provided to Council for approval prior to the commencement of the use of the premises"

Condition 18 is amended by adding the words "in addition to the garaged car parking space" after the words "Seven (7) car parking spaces"

2. That if any applications are made to modify this consent in regards to the hours of operation (Condition 16) or the duration of the consent (Condition 11) the Panel delegates the determination of any such application to Council officers to determine.

Voting

4/0

5. REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION

5.1 Planning Proposal – Kearns and Varroville

Officer's Recommendation

That the Campbelltown Local Planning Panel provide its advice and commentary as to whether the Planning Proposal Request should be advanced through the Gateway process.

Panel Consideration and Advice

1. The Panel received a briefing from the applicant upon making a request in accordance with the Operational Guideline, held at 2:33 pm to 2:55 pm prior to commencement of the Ordinary meeting. The briefing covered the following issues:
 - The history and significance of the Scenic Hills
 - The need to develop an overall delivery strategy to secure the environmental, scenic and cultural values for the community
 - The viability of the current use (golf course)
 - The delivery and implementation approach and potential public benefits – it was acknowledged that these had not yet been formalised or formally discussed with Council
 - The financial feasibility of a community scheme in maintaining both the infrastructure and the environmental assets within the community title structure
 - The public access linkage from Raby Road and the advantage of a continuous RE1 zone to ensure clear delineation of public and private land so as to create a publicly accessible corridor along the length of the Scenic Hills over time.
2. Prior to commencement of deliberation, the Panel Chair queried the agenda and report title for the site as being within the suburb of Kearns. Upon confirmation by staff, it was clarified the site is located partly with the suburbs of Kearns and Varroville.
3. The Panel notes the "northern part" of the proposal (north of the scenic lookout located approximately at the midpoint of the site) demonstrated potential for some site-specific merit given that it:
 - a. generally respects one of the Council's "Scenic Hills" policy aims of shielding any development from the existing urban area in Campbelltown
 - b. potentially would contribute to the retention and management of significant vegetated land in the Scenic Hills achieved through the E2 Environmental Conservation zone within a community title subdivision
 - c. proposes to dedicate land to the community by rezoning land RE1 Public Recreation and thereby provides for public access which does not currently exist, noting that the masterplan requires access to proposed RE1 Public Recreation land through a future community title estate and that this has the potential to create ongoing access, liability and maintenance issues that will render Council somewhat limited in its ability to resolve.

4. The "southern part" of the proposal does not demonstrate strategic and site-specific merit given that it is conceived in isolation from existing and potential future land uses in the vicinity, potential adverse visual impact and to permit the efficient and orderly development of the land.
5. The proposal in an amended form, permitting development on the northern part of the subject land, and inclusive of the Council officer recommendations, would better demonstrate strategic merit and tangible community benefits by way of a continuous RE1 Public Recreation Zone commencing at Raby Road, thence along the ridgeline and terminating at the midpoint lookout.
6. It is considered the presentation of future proposals for limited development in the Scenic Hills is probable, and in this regard, it would be desirable for the Council to develop a more detailed delivery strategy that supports provision for public access, dedication of land and scenic and environmental protection in consultation with landowners to secure implementation of Council's policy aim for the Scenic Hills. This should be considered holistically across the Scenic Hills and not just for this one site.

Voting

4/0

The next meeting of the Local Planning Panel is scheduled for 24 March 2021.

Chairperson

Meeting Concluded: 3.50pm