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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 28 April 2021.

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ITEM	TITLE	PAGE
1.	<b>ACKNOWLEDGEMENT OF LAND</b>	<b>2</b>
2.	<b>APOLOGIES</b>	<b>2</b>
3.	<b>DECLARATIONS OF INTEREST</b>	<b>2</b>
4.	<b>REPORTS</b>	<b>2</b>
4.1	Demolition of dwelling and construction of 3 attached dwellings - 116 Ingleburn Road, Ingleburn	2
4.2	Increase student numbers from 600 to 690 - 10 Benham Road, Minto	4
5.	<b>CONFIDENTIAL REPORTS FROM OFFICERS</b>	<b>5</b>
5.1	Planning Proposal - Menangle Park	5

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**Minutes of the Local Planning Panel Meeting held on 28 April 2021**

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**Present**            Chair Ian Reynolds  
                         Member Cecilia Cox  
                         Member Scott Lee  
                         Member Helena Miller

**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     Demolition of dwelling and construction of 3 attached dwellings - 116 Ingleburn Road, Ingleburn**

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**Executive Summary**

- The development application proposes the demolition of the existing dwelling and construction of three two storey attached dwellings at 116 Ingleburn Road, Ingleburn.
  - The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
  - Under Clause 4.1C of the CLEP 2015, a minimum site area of 1000sqm is required with a minimum subdivision area of 300 m<sup>2</sup> each lot. The development is proposed on existing lots that have an area of 224.7 m<sup>2</sup> each with a total site area of 674.1 m<sup>2</sup> which equates to a contravention of the standard by 25 per cent.
  - A request has been made under section 4.6 of the CLEP 2015 in regards to the non-compliance with the minimum qualifying site area requirement and is considered satisfactory.
  - The land is within the locality of Ingleburn where similar development applications have been approved due to the size and shape of existing narrow lots
  - As part of its LEP Review (Amendment No 24 to the CLEP 2015), Council has prepared and
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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. The making of this amendment is imminent.

- The development application was publicly exhibited and notified to adjoining properties from 18 December, 2020 to 5 February, 2020. 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 that the application be approved subject to the conditions in attachment 1.
- The proposal is considered to be in the public interest.

### **Public Address**

There were no speakers in regards to this matter.

### **Panel Considerations and Reasons for Decision**

- The Panel considered that the proposed development was consistent with the objectives of the zone and is compatible with surrounding development which included a number of similar developments.
- The Panel considered the amended Clause 4.6 variation for the minimum qualifying site area and a majority of the panel formed the opinion that, in the circumstances, it satisfied the legislative requirements and demonstrated that there are sufficient environmental planning grounds to support the proposal particularly as there is an LEP amendment that is imminent that will exclude existing narrow lots at Ingleburn from the operation of Clause 4.1C.
- The Panel considered that the proposed development would not adversely impact upon neighbouring properties or the environment.
- The approval of the application is considered to be in the public interest

### **Decision of the Panel**

1. The Panel has read the applicant's amended written request under clause 4.6 to vary the minimum qualifying site area standard in clause 4.1C of the Campbelltown Local Environmental Plan, 2015 and the majority considers that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard. The panel is satisfied that the development is in the public interest because it is consistent with the objectives of the development standard and the objectives of the R2 zone.
  2. Consent is granted to development application 3859/2019/DA-M for the demolition of the existing dwelling and construction of three two storey attached dwellings at Lots 27, 28 and 29, Section A, DP 1704, 116 Ingleburn Road, Ingleburn subject to the conditions in
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attachment 1

## **Voting**

The Local Planning Panel voted 3/1

The dissenting view was that the submitted section 4.6 variation request did not provide sufficient justification based on the tests established by the NSW Land and Environment Court.

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## **4.2 Increase student numbers from 600 to 690 - 10 Benham Road, Minto**

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### **Executive Summary**

- This development application proposes an increase in student numbers from 600 students to 690 students at Al-Faisal College, located at 10 Benham Road, Minto.
- The subject site is zoned B1 Neighbourhood Centre under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed development is permitted with consent under clause 35(1) of the State Environmental Planning Policy (Educational Facilities and Child Care Centres) 2017 (SEPP Education) as the site is within a prescribed zone.
- The application as originally lodged was notified and exhibited from 1 August 2019 to 21 August 2019. A total of 12 unique submissions were received, 2 in support and 10 provided in objection to the proposed development. The main matters raised in the submissions relate to concerns of student safety during peak pick-up and drop-off times and traffic impacts associated with the increase in student numbers.
- This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Having regard to these provisions, the application is recommended for refusal. The recommended reasons for refusal are listed in attachment 1.

### **Public Address**

Mr Jeff Mead and Ms Sonali Luthra addressed the panel and responded to questions.

### **Panel Considerations and Reasons for Decision**

In reviewing this matter the Panel inspected the access and egress points from the site and the surrounding street and environment.

The Panel considered the issues raised by the objectors and the concerns of the Councils engineers.

The Panel considers the proposed increase in student numbers will add to traffic and safety issues surrounding the development and is not satisfied that these issues have been

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adequately addressed in the application.

The Panel notes the submissions in support of increasing student numbers at the school. It appears that this issue may be ongoing and likely to become more significant over time. This would be best dealt with by the school developing a short, medium and longer term strategy to accommodate increase demand including potentially on an alternative/additional site in consultation with the Council.

### **Decision of the Panel**

Development Application 1625/2019/DA-U for the increase in the maximum number of students from 600 students to 690 students at 10 Benham Road, Minto is refused for the reasons outlined in attachment 1.

### **Voting**

The Local Planning Panel voted 4/0

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## **5. CONFIDENTIAL REPORTS FROM OFFICERS**

### **5.1 Planning Proposal - Menangle Park**

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#### **Executive Summary**

- Premise (Australia Pty Ltd) has submitted a Planning Proposal Request (attachment 3) that applies to land known as Lots 1,2 and 3 DP 713646, Property No. 60 Menangle Road Menangle Park (Glenlee Estate).
  - The Planning Proposal Request seeks to rezone the land from RU2 Rural Landscape to part E2 Environmental Conservation, part E3 Environmental Management, part E4 Environmental Living and part RE1 Public Recreation, and reduce the existing building height of 8.5 m to 5.0 m in respect of the proposed development precincts and establish minimum lot sizes ranging from 600 m<sup>2</sup> to 2,000 m<sup>2</sup> and residue minimum lot sizes of 2 ha and 5 ha for elements of the revised curtilage.
  - The proposal demonstrates strategic and site specific merit, by providing for under supplied housing type in a manner that fulfils the draft Campbelltown Housing Strategy and objectives and principles of the Local Strategic Planning Statement, in a manner that respects the environmental sensitivities of the site including its unique heritage.
  - The proposed zoning and dedication of the significant ridge for public open space and ongoing conservation strategy of the important heritage elements and setting of the State Significant holding are a key public benefit.
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- As the site forms part of the Menangle Park Urban Release Area, future subdivision would be dependent upon development of adjoining lands to provide the necessary lead-in services.
  - The Campbelltown Local Planning Panel (the Panel) is requested to provide its advice and commentary as to whether it deems the Planning Proposal Request to have sufficient planning merit to allow it to progress further through the Gateway process.
  - 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 and heritage specialist upon making a request in accordance with the Operational Guideline, held at 3:45 pm to 4:10 pm after closure of the Ordinary meeting. The briefing covered the following issues:
    - The history and significance of the State Heritage Item
    - Existing and future use of the homestead
    - Significance of the curtilage in respect of areas 4 (Northern Bowl) and 5 (Southern Corner)
    - How future development would be controlled
    - How the proposed benefits of the voluntary planning agreement would be delivered for the Homestead
  1. That Campbelltown City Council Local Planning Panel considers that the proposal has sufficient strategic and site specific merit in regard to the values of the Glenlee House (State Heritage Item), natural environment, dwelling diversity, open space provisions and consistency with relevant requirements of the Regional and District Plans to warrant progressing to the Gateway stage and advises the Council that it supports the Planning Proposal Request to amend the Campbelltown Local Environmental Plan 2015 as outlined in the Officer's report proceeding to Gateway provided that:
    - a. The proposal includes an appropriate mechanism or control to limit dwelling size and provide for an adequate landscape setting for dwellings and ancillary development;
    - b. A development control plan is prepared prior to exhibition of the planning proposal which reflects the recommendations for precinct based development controls as outlined in the Heritage Impact Statement for area 4 (Northern Bowl) and area 5 (Southern Corner). In addition, further controls should be included in relation to building footprints, clustering of buildings and maximum number of buildings on lots within area 5 (Southern Corner).
    - c. The homestead and southern pastures grouping be consolidated into a single E3 Environmental Management zone with an associated amendment to the minimum lot size map to support consolidation into a single holding.
  2. The Panel noted the planning proposal request is not supported by a formal offer to enter into a voluntary planning agreement, and consider the applicant should commit to
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submitting a formal irrevocable offer that addresses land dedication and conservation actions in perpetuity prior to consideration of the matter by Council.

### **Voting**

4/0

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The next meeting of the Local Planning Panel is scheduled for 26 May 2021.

### **Chairperson**

Meeting Concluded: 3.43pm