
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 25 August 2021.

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Minutes of the Local Planning Panel Meeting held on 25 August 2021

Present Chair – Hon. Terence Sheahan
 Member Philip Hayward
 Member Scott Lee
 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 Boarding House - 6 Donaldson Street, Bradbury**

Executive Summary

- A development application has been received for the demolition of an existing dwelling and associated structures and construction of a 2 storey boarding house comprising of 9 double lodger rooms, one communal room, ancillary parking, removal of 10 trees and associated works at 6 Donaldson Street, Bradbury.
 - The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). A Boarding House is “Permitted with consent” within this zone.
 - The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) apply to the proposed development.
 - The proposal was referred to:
 - Endeavour Energy in accordance with clause 45 of State Environmental Planning Policy (Infrastructure) as the proposed development would involve works within 5 m of overhead power lines
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- The NSW Police Force
- Sydney Water
- The application was publicly notified and exhibited from 16 November, 2020 until 14 December, 2020. In total, 15 unique submissions and 16 form letters were received.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and it is recommended that the application be refused for the reasons outlined in attachment 1.

Public Address

The Local Planning Panel meeting was addressed by

Deborah Sheehy (objector)
Scott Wolstenholme (objector)
Rebecca Watson (objector)

and George Mourad and Melissa Rodrigues (applicants).

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 is of the view that the application has significant shortcomings, particularly including non-compliance with the maximum height of building requirements under Clause 4.3 of the Campbelltown Local Environmental Plan, 2015 (CLEP 2015) noting that no request has been submitted under Clause 4.6 of the CLEP 2015.

The Panel noted the proximity of the site to the bus stop however no information was provided by the applicant to demonstrate that a safe and accessible path of travel suitable for pedestrians exists. This is exacerbated by the narrow width of Donaldson Street and lack of a footpath leading to a conflict between parking, traffic and pedestrian use.

The proposal falls short of many of the expected standards for a boarding house development as detailed in the Campbelltown (Sustainable City) Development Control Plan 2015.

The Panel notes the matters raised in community submissions.

The Panel noted that the Council's Design Excellence Panel (DEP) expressed concern over the design of the proposed development, lack of adequate landscaping and the poor amenity provided for future residents.

The proposed development is not consistent with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) and Draft State Environmental Planning Policy (Housing) (Draft Housing SEPP). The provisions of ARHSEPP are such that that the application fails to provide satisfactory information, including plans to pedestrian infrastructure to allow the proper consideration of whether the path of travel from the site to the nominated bus stop can be safely walked by a pedestrian. Moreover, the application has failed to comply with the

Draft Housing SEPP in its requirements pertaining to the minimum area for communal living area and open space, the number of bicycle parking spaces and has not provided a design that is compatible with the character of the local area.

The Panel noted concerns about the extensive cut and hard stand areas proposed to accommodate the driveway and on-site parking and vehicle manoeuvrability issues. The development has failed to provide adequate landscaping and communal open space to provide good amenity for residents and the neighbouring properties that adjoin the land. The Panel also noted that the proposed development has not been able to demonstrate satisfactory compliance with matters pertaining to obtaining owners consent for boundary retaining walls, retaining wall setbacks, vehicular access, stormwater, solar access, vegetation removal and acoustic levels.

The opportunities and constraints of the site have not been considered in the design of the proposed development and as a result, the development proposal is not considered suitable for the subject site.

Decision of the Panel

Development Application 3569/2020/DA-BH for the demolition of an existing dwelling and associated structures and construction of a 2 storey boarding house comprising of 9 double lodger rooms, one communal room, ancillary parking and associated works at 6 Donaldson Street, Bradbury is refused for the reasons listed in attachment 1 with the deletion of reason 10 and the modification of reason 1 by the addition of the following words:

“This is exacerbated by the narrow width of Donaldson Street and lack of a footpath leading to a conflict between parking, traffic and pedestrian use.”

Voting

The Local Planning Panel voted 4/0

4.2 Boarding House - 4 Donaldson Street, Bradbury

Executive Summary

- A development application has been received the demolition of an existing dwelling and associated structures and construction of a 2 storey boarding house comprising of 9 double lodger rooms, one communal room, ancillary parking, removal of one tree and associated works at 4 Donaldson Street, Bradbury.
 - The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). A Boarding House is “Permitted with consent” in this zone.
 - The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP), apply to the proposed development.
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- The proposal was referred to:
 - Endeavour Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) as the proposed development would involve works within 5 m of overhead power lines.
 - The NSW Police Force
 - Sydney Water
- The application was publicly notified and exhibited from 16 November 2020 to 14 December 2020. In total, 15 unique submissions and 10 form letters were received.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and it is recommended that the application be refused for the reasons outlined in attachment 1.

Public Address

The Local Planning Panel meeting was addressed by

Deborah Sheehy (objector)
Scott Wolstenholme (objector)
Rebecca Watson (objector)

and George Mourad and Melissa Rodrigues (applicants).

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 noted the proximity of the site to the bus stop however no information was provided by the applicant to demonstrate that a safe and accessible path of travel suitable for pedestrians exists. This is exacerbated by the narrow width of Donaldson Street and lack of a footpath leading to a conflict between parking, traffic and pedestrian use.

The proposal falls short of many of the expected standards for a boarding house development as detailed in the Campbelltown (Sustainable City) Development Control Plan 2015.

The Panel notes the matters raised in community submissions.

The Panel noted that the Council's Design Excellence Panel (DEP) expressed concern over the design of the proposed development, lack of adequate landscaping and the poor amenity provided for future residents.

The proposed development is not consistent with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) and Draft State Environmental Planning Policy (Housing) (Draft Housing SEPP). The provisions of ARHSEPP are such that that the application fails to provide satisfactory information, including plans to pedestrian infrastructure to allow the proper consideration of whether the path of travel from the site to the nominated bus stop

can be safely walked by a pedestrian. Moreover, the application has failed to comply with the Draft Housing SEPP in its requirements pertaining to the minimum area for communal living area and open space, the number of bicycle parking spaces and has not provided a design that is compatible with the character of the local area.

The Panel noted concerns about the extensive cut and hard stand areas proposed to accommodate the driveway lack of adequate landscaping, on-site parking and vehicle manoeuvrability issues. The development has failed to provide adequate landscaping and communal open space to provide good amenity for residents and the neighbouring properties that adjoin the land. The Panel also noted that the proposed development has not been able to demonstrate satisfactory compliance with matters pertaining to obtaining owners consent for boundary retaining walls, retaining wall setbacks, vehicular access, stormwater, solar access, vegetation removal and acoustic levels.

The opportunities and constraints of the site have not been considered in the design of the proposed development and as a result, the development proposal is not considered suitable for the subject site.

Decision of the Panel

Development Application 3566/2020/DA-BH for the demolition of an existing dwelling and associated structures and construction of a 2 storey boarding house comprising of 9 double lodger rooms, one communal room, ancillary parking, removal of one tree and associated works at 4 Donaldson Street, Bradbury is refused for the reasons listed in attachment 1 with the deletion of reason 9 and the modification of reason 1 by the addition of the following words:

“This is exacerbated by the narrow width of Donaldson Street and lack of a footpath leading to a conflict between parking, traffic and pedestrian use.”.

Voting

The Local Planning Panel voted 4/0

4.3 Boarding house - 17 Donaldson Street, Bradbury

Executive Summary

- A development application has been received for the demolition of an existing dwelling and associated structures and construction of a 2 storey boarding house comprising of 9 double lodger rooms, one communal room, ancillary parking, removal of 2 trees and associated works at 17 Donaldson Street, Bradbury.
 - The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). A Boarding House is “Permitted with consent” within this zone.
 - The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP), apply to the proposed development.
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- The application was publicly notified and exhibited from 7 June 2021, until 6 July 2021. In response, 7 unique submissions and 3 form letters 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 refused for the reasons outlined in attachment 1.

Public Address

The Local Planning Panel meeting was addressed by

Deborah Sheehy (objector)
Scott Wolstenholme (objector)
Rebecca Watson (objector)

and George Mourad and Melissa Rodrigues (applicants).

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 noted the proximity of the site to the bus stop however no information was provided by the applicant to demonstrate that a safe and accessible path of travel suitable for pedestrians exists. This is exacerbated by the narrow width of Donaldson Street and lack of a footpath leading to a conflict between parking, traffic and pedestrian use.

The proposal falls short of many of the expected standards for a boarding house development as detailed in the Campbelltown (Sustainable City) Development Control Plan 2015.

The Panel notes the matters raised in community submissions.

The Panel noted that the Council's Design Excellence Panel (DEP) expressed concern over the design of the proposed development, lack of adequate landscaping and the poor amenity provided for future residents.

The proposed development is not consistent with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) and Draft State Environmental Planning Policy (Housing) (Draft Housing SEPP). The provisions of ARHSEPP are such that that the application fails to provide satisfactory information, including plans to pedestrian infrastructure to allow the proper consideration of whether the path of travel from the site to the nominated bus stop can be safely walked by a pedestrian. Moreover, the application has failed to comply with the Draft Housing SEPP in its requirements pertaining to the minimum area for communal living area and open space, the number of bicycle parking spaces and has not provided a design that is compatible with the character of the local area.

The Panel noted concerns about the filling of the site and hard stand areas proposed to accommodate for the driveway, on-site parking and issues with vehicle manoeuvrability. The development has failed to provide adequate landscaping and communal open space to provide good amenity for residents and the neighbouring properties that adjoin the land. The Panel also

noted that the proposed development has not been able to demonstrate satisfactory compliance with matters pertaining to obtaining owners consent for boundary retaining walls, retaining wall setbacks, vehicular access, stormwater, solar access, vegetation removal and acoustic levels.

The opportunities and constraints of the site have not been considered in the design of the proposed development and as a result, the development proposal is not considered suitable for the subject site.

However this application may not be clearly within the criteria for determination by the panel and therefore we advise Council to refuse the application.

Decision of the Panel

The application is returned to Council for determination with a recommendation from the Panel that the application be refused for the reasons listed in Attachment 1 to the report with the deletion of reason 9 and the modification of reason 1 by the addition of the following words:

“This is exacerbated by the narrow width of Donaldson Street and lack of a footpath leading to a conflict between parking, traffic and pedestrian use”.

Voting

The Local Planning Panel voted 4/0

4.4 Processes and Delegations - Land and Environment Court related matters

Executive Summary

- At its Ordinary Meeting of Council on 8 June 2021, Council resolved to update its Local Planning Panel representatives for the next 3 year period. It is therefore appropriate that the Panel review their position on Land and Environment Court related matters.
 - The Local Planning Panels Direction provides guidance on the matters to be considered by a Local Planning Panel.
 - The Local Planning Panels Direction includes guidance on the determination pathway for an application to modify a development consent under section 4.55 (Modification of consents—generally) of the *Environmental Planning and Assessment Act, 1979*, (EP&A Act), and flexibility with the determination pathway for an application to modify a development consent under 4.56 (Modification by consent authorities of consents granted by the Court) of the EP&A Act.
 - This report seeks the views of the Campbelltown Local Planning Panel (the Panel) on Councils proposal that the determination of an application to modify a development consent under section 4.56 of the EP&A Act be undertaken by Council staff unless the
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modification meets the criteria for conflict of interest, contentious development or departure from development standards set out in the Local Planning Panels direction.

- Section 8.15(4) of the EP&A Act provides that the council is to be the respondent to the appeal but is subject to the control and direction of the Panel in connection with the conduct of the appeal.
- Land and Environment Court appeals can be cumbersome, requiring decisions to be made by the applicant and respondent within a very short time frame (sometimes within the period of a 15min adjournment), but also appeals can extend over many months, and sometimes beyond the period of appointment for a Local Planning Panel. The Department of Planning, Industry and Environment advises that each Local Planning Panel should have a clear process for management of appeals against the decision of the panel.
- Section 2.20(8) of the EP&A Act enables the Panel to delegate any of its functions to the General Manager or other staff of the Council.
- To enable the timely and efficient handling of Land and Environment Court appeals, this report recommends that the Campbelltown Local Planning Panel delegate the function of the management of Land and Environment Court appeals to the General Manager of Campbelltown City Council or their delegate.

Public Address

There was no public address.

Panel Considerations and Reasons for Decision

The Panel agree with the recommendation in the report.

Decision of the Panel

1. The Panel supports the position that all applications to modify a development consent under section 4.56 of the *Environmental Planning and Assessment Act, 1979* be determined by the General Manager of Campbelltown City Council, or their delegate, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.
2. That Campbelltown Local Planning Panel delegate its functions as referred to in Part 8 Division 8.3 Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* to the General Manager of Campbelltown City Council, or their delegate.

Voting

The Local Planning Panel voted 4/0

5. CONFIDENTIAL REPORTS FROM OFFICERS

5.1 Planning Proposal - Signage as Exempt Development under Campbelltown Local Environmental Plan 2015

Executive Summary

- A Planning Proposal has been prepared seeking to amend the local exempt development provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015) to permit common forms of small scale advertising signs to be erected at Council sports fields and road side bus shelters without development consent.
- The proposed exempt development criteria would control the location, scale and design of small scale advertising on Council owned sports fields and road side bus shelters to ensure these forms of advertising signage are appropriately managed with no adverse environmental impacts.
- The inclusion of these sign types in the local exempt development provisions of CLEP 2015 would also streamline the existing Council approval process for the placement of these particular sign types by removing the need for development consent.

Panel Considerations and Advice

The Panel recommend that the Planning Proposal attached to the report proceed as recommended in Part 6 on page 496 of the Agenda.

The Panel commends the Council for seeking to simplify the planning process for signage.

The Panel recommends that Council make sure there is clear direction set for any delegated staff member who will be making the decision as to whether the proposed signs meet the listed criteria.

The next meeting of the Local Planning Panel will be held on 22 September 2021.

Chairperson

Meeting Concluded: The public section of the meeting closed at 4.05pm