
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 26 May 2021.

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Minutes of the Local Planning Panel Meeting held on 26 May 2021

Present Chair - Stuart McDonald
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 Construction of a 22 room boarding house, basement garage and associated landscaping - 55 Mahoney Drive, Campbelltown**

Executive Summary

- Council has received a development application for the demolition of the existing dwelling and associated structures and construction of a 22 room boarding house and associated parking at 55 Mahoney Drive, Campbelltown.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015. Within the R3 zone, Boarding houses are listed as Permitted with consent.
- The provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, apply to the proposed development.
- The application was publicly notified between 5 December 2019 and 30 January 2020, with a total of 39 submissions, including one petition being received.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval subject to the recommended conditions.

Public Address

The Local Planning Panel meeting was addressed by the following objectors:

- Md Musabberul Huq
- Mahammad Alauddin
- Muhammad Reza
- Adeel Ashraf

Panel members asked questions of the applicant, Mr Joseph Panetta and council staff 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 also noted that the land is within an R3 medium density residential zone and supports a variety of existing low and medium density development. The Panel is satisfied that the land is suitable for a boarding house.

The Panel noted that a total of 39 submissions were received during the exhibition period, including 1 submission with 20 signatures. Additional submissions were also received outside of the exhibition period.

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 is 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. 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 where car parking is provided in accordance with the minimum requirements set out in the SEPP, an application cannot be refused on these grounds. Further, the Panel notes that the proposal is compliant in relation to floor space ratio and building height, under the provisions of CLEP 2015.

The Panel noted concerns about the potential car parking of the proposal and also noted that the quantum of car parking is consistent with the minimum requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The Panel also noted that the proposed development is 2.3 kms from the Macarthur Train Station and that the development is located within an R3 Medium Density Residential zone which is not required to meet the 'accessible area' definition of the SEPP.

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 that under the circumstances the minor variations to development

controls under CSCDCP 2015 are justified, particularly in relation to building setbacks, and waste management, as the site has only one residential neighbour, and would be managed by a caretaker who would be responsible for the management of bins on collection day. The Panel is also satisfied with the amenity to be provided for future occupants, as well as the management of the use of the boarding house, through the presence of an onsite manager.

Decision of the Panel

That development application 3714/2019/DA-BH for the construction of a 22 room boarding house and associated basement parking at 55 Mahoney Drive, Campbelltown be approved subject to the conditions in attachment 1 as amended:

a) Condition 2 Amended Plans

- Replace reference to Principle Certifier to Councils Executive Manager Urban Release and Engagement prior to the lodgement of a Construction Certificate
- The basement car park be reconfigured to achieve 1 additional car parking space and adequate manoeuvring space for all vehicles (in particular space No.11) consistent with the relevant Australian Standard.

- b) Amend condition 22 by replacing reference to 'twenty two' car parking spaces with a minimum of 12 car parking spaces.

Voting

The Local Planning Panel voted 4/0

4.2 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 site has an area of 166.6 m².
 - The subject site is zoned R2 Low Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015.
 - This application was previously report to the Campbelltown Local Planning Panel (the Panel) meeting on 24 February, 2021 where the application was deferred for a maximum period of 3 months to allow the applicant to address issues raised by the Panel. The applicant has provided additional information in response to the previous decision of the Panel.
 - Since the previous Panel meeting, amendment No. 24 to the CLEP 2015 has been made and this amendment removed the minimum qualifying site area for dwelling houses from
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Clause 4.1C. If the application was submitted today, Clause 4.1C would not apply. However as the application was submitted before Amendment No. 24 was made, due to the operation of Clause 1.8 of the Campbelltown Local Environmental Plan 2015, the proposal does not comply with the minimum qualifying site area in Clause 4.1C. A variation request under clause 4.6 of the Campbelltown Local Environmental Plan 2015 has been made.

- In accordance with Council's Community Participation Plan, the original application was notified to adjoining and surrounding properties for a period of 21 days commencing on 24 August, 2020. Two submissions objecting to the proposal were received. The amended application and plans were notified to adjoining owners on 19 April 2021, for a period of 21 days. In response, one submission, 12 identical form letters, two additional form letters with additional concerns added and 3 petitions with a combined 62 signatures were received all objecting to the application.
- 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 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 Panel was addressed by Robyn McKeon, James Forsyth, Patrick Duffy, Michael Brown and Mathew Taylor.

Panel Considerations

The Panel inspected the site and the surrounding area.

The Panel acknowledged the site history which resulted in the site becoming an isolated lot of 166 sqm within a low density residential area.

The Panel noted that the applicant had taken steps to offer the parcel of land for sale to the neighbour, and that an agreement had not been reached.

It was observed that changes had been made to the application to address some of the issues raised by the Panel when the application was previously considered.

The Panel formed the view that the proposal result in an appropriate residential use and built form on the site respond sensitively to the streetscape and neighbourhood character noting the site's elevation and resulting prominent position on Bayton Place.

The Panel was concerned about the amenity for future residents and at the functional limitations of the access to the site. The Panel considered that the issues of solar access, private open space, car parking and waste management combined resulted in an application that fell short of the level of amenity reasonably expected for a dwelling house.

It was noted that the Campbelltown Local Environmental Plan, 2015 (CLEP 2015) had been amended since the matter had previously been considered by to the Panel and as a result there was no longer a development standard within Clause 4.1C of the CLEP 2015 that applied to the development, and therefore recommended reason for refusal no. 1 should be deleted.

Decision of the Panel

That 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 refused for the reasons detailed in attachment 1 with the following amendments:

- a) Refusal reason 1 is deleted and the reasons renumbered.
- b) Refusal reason 3 is amended by adding after the word streetscape "and neighbourhood character"
- c) The following additional reason is added: "The submitted BASIX certificate is inconsistent with the development proposal. The amended proposal has included the provision of 2 skylights and the removal of the window serving the former bedroom 2 and an amended BASIX certificate has not been provided."

Voting

The Local Planning Panel voted 4/0

4.3 Construction of licensed premises (pub) with basement car parking and associated site and landscaping works - Lot 175 Barbula Road, Denham Court

Executive Summary

- Council is in receipt of a development application for the construction of a licensed premises (pub) with basement car parking and associated site and landscaping works.
 - The land is situated within the Southwest Growth Centre, and is located on the corner of Camden Valley Way, Willowdale Drive and Barbula Road, Denham Court. The site has a total land area of 5,918 m², and is a vacant allotment.
 - The site is zoned B4: Mixed Use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).
 - The application was notified and publicly exhibited for a period of 21 days, in accordance with Council's Community Consultation Policy between 16 September 2020 and 7 October 2020. Council received 1 submission objecting to the proposed development.
 - Referral to the NSW Roads and Maritime Services (RMS) is required pursuant to clause 104 of State Environmental Planning Policy (Infrastructure) 2007, as the proposal is traffic-generating development which is adjacent to a classified road.
 - An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to the
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recommended conditions.

Public Address

The Panel was addressed by the applicant's planning consultant, Mr James Lidis who made a submission requesting amendments to the draft conditions of development consent, and responded to the questions.

Panel Considerations and Reasons for Decision

The Panel inspected the site and observed the character of the surrounding area. The Panel also noted that the land is within a B4 zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which permits the use as a Food and drink premises. The Panel is satisfied that the land is suitable for a pub.

The Panel noted that 1 submission was received during the exhibition period.

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

- Greater Sydney Regional Plan in that it satisfies the vision of supporting investment and business activity in local centres to support the day-to-day access to goods and services where people live and work.
- Western City District Plan in that it satisfies the important part of local community life and social connectors that provide essential access to day-to-day goods and services close to where people live.
- Campbelltown Local Strategic Planning Statement in that it satisfies Planning Priority 1 – Creating a great place to live, work, play and visit.

The proposed development is consistent with State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and State Environmental Planning Policy (Infrastructure) 2007. The proposed use for a pub is consistent with the applicable zone objectives and would facilitate a use currently not available within the Willowdale estate.

The Panel noted concerns about the potential noise impact on the adjoining residential property and is satisfied that the implementation of a Plan of Management would address the potential social and operational impacts of the pub.

The Panel is satisfied the likely impacts of the development have been considered, including environmental, social and economic, and notes the site has been strategically zoned to provide for a commercial use at the interface of the Willowdale estate, that would be complimentary to existing commercial used within the local centre.

The Panel noted the applicant's request via written submission dated 25 May 2021 to include a new condition as part of the consent that allows a separate construction certificate for the early commencement of site excavation and levelling works to occur. The Panel supported this request as reflected in the decision of the Panel.

Decision of the Panel

1. That development application 2306/2020/DA-C for the construction of licensed premises
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(pub) with signage, basement car parking and associated site and landscaping works at Lot 175 Barbula Road, Denham Court be approved subject to the conditions in attachment 1 with the following amendments:

a) Condition 2 Amended Plans

- Replace reference to Principal Certifier to Councils Executive Manager Urban Release and Engagement prior to the lodgement of a Construction Certificate
- Insert a third dot point that requires the 2.4 metre high acoustic barrier to be relocated to be wholly within the site and not aligned with the north east property boundary. Further detailed amended plans are to be provided for approval that detail:
 - i. the location of the barrier setback from the site boundary to allow significant landscape planting to the north to soften the impact of the structure when viewed from the north and adjacent house at property No. 88 Indigo Crescent;
 - ii. the materials and finishes of the proposed acoustic barrier; and
 - iii. appropriate articulation and extent of the acoustic barrier to ensure it performs its required purpose (acoustic attenuation) without resulting in unnecessary visual impact.

b) Condition 16 (Extending Trading Hours) is amended in the following manner:

- Modification of the condition name to delete reference to 'Extending'.
- Modification of the condition to replace references to 'Code of Practice and Security Management Plan' with 'Plan of Management'.
- Modification of that part of the condition starting with 'in this respect', to read as follows: the applicant shall not otherwise amend the Plan of Management without the written approval of Council and the NSW Police Service, prior to trading beyond midnight on any day. The Plan shall be amended to require the provision and implementation of an automatic cut-off device which prevents the operation of any and all music devices between the hours of midnight and 7am on any day.

c) Condition 20 (Hotels) is amended in the following manner:

- Condition 20h is deleted.
- Condition 20l is deleted.
- Condition 20k is amended to, 'the use of the premises shall be in accordance with current Liquor and Gaming NSW standard clauses for acoustics within licenced venues.

a) Condition 26 (Plan of Management) is amended to be registered prior to the issue of an occupation certificate, and renumbered.

b) Condition 34 (Drainage Easement) is amended to be registered prior to the issue of an occupation certificate, and renumbered.

- c) Condition 49 has been amended to include the wording 'Prior to the commencement of the works associated with the footpath and vehicular crossings'.
 - d) Condition 115 (Packaged Foods) is deleted.
 - e) Condition 118 (Operation Management Plan) is amended to replace the word 'noise management plan' with 'Plan of Management'.
 - f) Condition 121 (Ventilation) is amended to replace the word 'markets' with 'Pub'.
2. To support a separate construction certificate for earthworks, the conditions be amended to specify conditions required prior to the issue of a construction certificate for earthworks and prior to the issue of a construction certificate for building work.

Voting

The Local Planning Panel voted 4/0

4.4 Demolition of existing structures and construction of 3 attached dwellings - 13 Albert Street, Ingleburn

Due to an amendment to Campbelltown Local Environmental Plan, 2015 this matter no longer meets the criteria for referral to the Campbelltown Local Planning Panel and therefore was withdrawn from the meeting for determination by Council officers.

5. CONFIDENTIAL REPORTS FROM OFFICERS

Nil

The next meeting of the Local Planning Panel will be held on 23 June, 2021 via Microsoft Teams.

Chairperson

Meeting Concluded: 4.48pm