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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

Local Planning Panel Meeting held at 3.00 pm on Wednesday, 24 March 2021 .

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**Minutes of the Local Planning Panel Meeting held on 24 March 2021**

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**Present** Chair - Stuart McDonald  
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 Review of Determination - Demolition of a dwelling and construction of a four storey residential apartment building - No.37 Cumberland Road, Ingleburn**

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**Executive Summary**

- This report relates to a request to review the decision of the Campbelltown Local Planning Panel at its meeting on 24 June 2020 to refuse an application for a residential apartment building at 37 Cumberland Road, Ingleburn.
  - The development application proposes the demolition of an existing dwelling and construction of a 4 storey residential apartment building containing 20 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 Campbelltown Local Environmental Plan 2015, a maximum building height of 15 m is permitted. The development proposes a maximum height of 17.8 m which equates to a contravention of the standard by 19.3 per cent.
  - The request for review of the determination was publicly exhibited and notified to
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adjoining properties from 29 October 2020 to 30 November 2020. One submission was received objecting to the proposed development.

### **Public Address**

There were no speakers in regards to this matter.

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

The Panel reviewed the previous reasons for refusal and the commentary provided when the application had previously been considered.

The Panel acknowledges that the applicant has now made significant alterations to the proposal in response to the issues raised.

The Panel considered that the development as now proposed is consistent with the objectives of the zone and compatible with surrounding development.

The Panel also considered that the applicant has provided an appropriate Clause 4.6 variation request that addresses all necessary matters and justifies that there are sufficient environmental planning grounds to support the variation.

The Panel considered that the proposed development would not adversely impact upon neighbouring properties in terms of overshadowing and overlooking and was of a scale commensurate with the adjoining development.

The Panel considered that that the previous reasons for refusal have been satisfied and as such the proposed development should be approved.

The Panel considered that the issues raised by the objector have been considered.

### **Decision of the Panel**

After conducting a review of the previous decision of the Panel to refuse development application 3233/2020/DA for the demolition of the existing dwelling and construction of a four storey residential apartment building including the consideration of amended plans, the Panel, pursuant to section 8.4 of the *Environmental Planning and Assessment Act, 1979* is of the view that the determination should be changed to one of approval. The Panel:

- Has considered the applicant's written request under clause 4.6 to vary the maximum height of buildings standard and 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 maximum height of buildings development standard and the objectives of the R4 residential zone.
- Grants consent to development application 3233/2020/DA for the demolition of the existing dwelling and construction of a four storey residential apartment building containing 20 units, basement car parking and associated site works at 37 Cumberland Road Ingleburn subject to the conditions in attachment 1.

## Voting

The Local Planning Panel voted 4/0

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### **4.2 Demolition of dwelling and structures and construction of multi dwelling development (4 dwellings) and strata subdivision - 19 Dan Street, Campbelltown**

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#### **Executive Summary**

- This development application proposes the demolition of an existing dwelling and associated structures and the construction of a multi dwelling development, consisting of four dwellings and associated site works and strata title subdivision at Lot 13 DP 28272, 19 Dan Street, Campbelltown.
- The subject site is zoned R3 Medium Density Residential under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The application was notified to adjoining and surrounding residents and land owners from 12 November 2019 for 14 days. No submissions were received.
- The application was reported to the Campbelltown Local Planning Panel on 23 September 2020 with a recommendation for refusal. The Panel resolved to defer the determination of the application to allow the applicant opportunity to resolve the issues by way of amendments to the plans.
- Further amended plans were submitted to Council on 29 October 2020 and 19 February 2021 which addressed the remaining key issues, which included the reduction of the number of dwellings from 5 to 4 and the provision of a second visitor parking space.
- The site is now considered suitable for the proposed development as the amended plans and documentation adequately satisfy the provisions of the CLEP 2015 and comply with a number of key requirements listed in the Campbelltown (Sustainable City) Development Control Plan 2015.
- During the assessment, it was identified that there may be a potential conflict of interest with respect to the consultant associated with this application who became an employee of the Council. Therefore the additional information submitted in regard to this application has been independently assessed.
- An assessment of the amended plans under Section 4.15 of the EP&A Act has been undertaken and it is recommended to the panel that the application be approved, subject to 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 notes that the application was reported to the Local Planning Panel meeting on 23 September 2020 with a recommendation for refusal as the application failed to satisfactorily resolve critical deficiencies that were raised throughout the assessment process, specifically regarding the compatibility with the surrounding urban environment in particular the streetscape, compliance with stormwater requirements, impacts of traffic, parking and access, waste management and vegetation removal.

The Panel resolved to defer the determination for 6 months so that the applicant could address the issues associated with the proposed development.

The Panel has reviewed the plan amendments provided on 19 February 2021 and notes that the number of dwellings has been reduced from 5 to 4 dwellings and includes a second visitor space. The Panel considers that the revised proposal addresses the issues raised when the matter was previously reported.

The proposed development is permissible with consent in the R3 Medium Density Residential zone and considered to be consistent with the objectives of the zone.

The Panel considers the proposed development is suitable for the site taking into account the recommended conditions of consent.

## **Decision of the Panel**

Development application 3503/2019/DA-M proposing the demolition of the existing dwelling and associated structures and the construction of a multi dwelling development, consisting of four dwellings and associated site works and strata title subdivision at Lot 13 DP 28272, 19 Dan Street, Campbelltown is approved subject to the conditions detailed in attachment 1.

## **Voting**

The Local Planning Panel voted 4/0

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## 5. REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION

### 5.1 Planning Proposal – Macquarie Fields

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#### Executive Summary

- Council, at its ordinary meeting of 13 February 2018 supported a Planning Proposal Request (PPR) to rezone land on the eastern side of Evelyn Street from E4 Environmental Living to R2 Low Density Residential with a 500 m<sup>2</sup> minimum lot size and a maximum building height of 8.5 m.
- A Gateway Determination was issued on 24 May 2018. In order to assemble the required technical assessments, a Gateway extension was issued on 5 April 2019, with 24 February 2020 established as the time frame for concluding the LEP amendment.
- Public exhibition and statutory consultation occurred from 21 May 2019 to 21 June 2019.
- Due to ongoing updates to supporting technical studies after exhibition, the Gateway extension date lapsed. The Department of Planning, Industry and Environment has advised that a Gateway extension would not be supported due to recent reforms limiting Gateway timeframes to a maximum of 2 years.
- This report recommends that the Panel provide its advice, to support Council making a new request for the issuing of a Gateway Determination, to enable finalisation of the Planning Proposal.

#### Panel Consideration and Advice

That the Campbelltown Local Planning Panel:

1. Notes that the Planning Proposal appears to predate the Minister for Planning Local Planning Panels Direction regarding Planning Proposals, as it was prepared and adopted by the Council prior to the 1 June 2018.
2. Acknowledges the Council officer advice to the Panel that the Planning Proposal may be re-submitted for a fresh gateway approval (which was previously attained) without the need to be updated or subject to a new Council resolution.
3. Has considered the updated strategic planning context, as outlined in the Council officer report, in the period since the Planning Proposal was adopted by the Council and obtained Gateway approval, and in particular the Terrestrial Biodiversity Mapping contained in the Draft Campbelltown Local Environmental Plan 2015.
4. The Panel is of the opinion that the Planning Proposal should be updated to reflect the current strategic planning context and re-examine the Proposal's merits before being re-issued for Gateway approval.

4. That the owners be advised of its advice.

**Voting**

4/0

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The next meeting of the Local Planning Panel is scheduled for 28 April 2021.

**Chairperson**

Meeting Concluded: 3.16 pm