
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

**Local Planning Panel Meeting held at on Wednesday, 28 September 2022
at 3.00pm.**

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Minutes of the Local Planning Panel Meeting held on 28 September 2022

Present Chair Stuart McDonald
Member Cecilia Cox
Member Glennys James
Member Lindsay Fletcher

Also Present**1. ACKNOWLEDGEMENT OF COUNTRY**

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 Mixed use development including centre-based child care facility, shop top housing, cafe tenancy and basement car parking - 10 Wickfield Circuit, Ambarvale**

Executive Summary

- Development Application 1786/2020/DA-C seeks approval for a mixed use development including a 91 place centre-based child care centre and shop top housing consisting of a retail tenancy (café), 29 units and basement car parking with 69 spaces located at 10 Wickfield Circuit, Ambarvale.
 - The site is zoned B1 Neighbourhood Centre under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as 'shop top housing' and 'centre-based child care centre', both of which are permissible with development consent in the B1 zone.
 - In accordance with Council's Community Participation Plan, the proposal was notified and placed on public exhibition from 7 August 2020 to 31 August 2021. One submission was received. The amended application was notified and placed on public exhibition from 14 January 2022 to 14 February 2022. Two submissions were received.
 - The main concerns raised in the submissions relate to construction impacts, traffic generation and landscaping along the southern site boundary.
 - The main issues identified during the assessment of the proposed development are:
 - The development exceeds the maximum permitted height (26.8 per cent non-compliance) under the provision of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The application is supported by a clause 4.6 variation request.
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- Non-compliance with Design Criteria 1 of Objective 3E-1 of the Apartment Design Guide for the required minimum dimension of deep soil zone.
 - Non-compliance with Design Criteria 1 of Objective 4E-1 for the minimum compliant balcony area and associated balcony depth of apartments A201 and A203.
 - Non-compliance with Design Criteria 1 of Objective 4G-1 for the required minimum internal storage requirements for 15 units.
- A satisfactory Detailed Site Investigation was provided in response to clause 4.6(3) of State Environmental Planning Policy (Resilience and Hazards) 2021.
 - This application has been assessed against the provisions of Section 4.15 of the EP&A Act. Having regard to these provisions, the application is recommended for approval subject to recommended conditions of consent which are listed in attachment 1.

Public Address

There was no public address.

Panel Consideration and Reasons for Decision

The Panel generally agree with the conclusions of the Council officer's assessment report.

The Panel agrees with the comments of the Campbelltown Design Excellence Panel that:

- The use mix and general building massing is a good fit for the location
- The design is an appropriate response to a sloping site
- The breach of the 9m height limit is minor in the context of the whole development
- On balance this is a thorough application which has generally addressed the ADG requirements.

The development is consistent with the objectives of the B1 Neighbourhood Centre Zone.

The development, subject to the recommended conditions of consent, will not have any unacceptable impacts on the environment or surrounding locality.

Decision of the Panel

1. The Panel resolves to support the applicant's written request under clause 4.6 of Campbelltown Local Environmental Plan 2015 to contravene the maximum height of buildings development standard in clause 4.3 of Campbelltown Local Environmental Plan 2015 as the request has demonstrated 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 the contravention. The Panel accepts that the written request has demonstrated that the development will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone in which the development is located.
2. That Development Application 1786/2020/DA-C for the construction of a mixed use development including a 91 place centre-based child care centre and shop top housing consisting of a retail tenancy (café), 29 units and basement car parking at 10 Wickfield Circuit, Ambarvale is approved subject to the conditions listed in attachment 1 of the assessment report.

Voting

4/0

4.2 Demolition of dwelling and construction of a 10 room boarding house - 1 Jaclyn Street, Ingleburn

Executive Summary

- Council is in receipt of a development application for the demolition of an existing dwelling and the construction of a 10 room boarding house at 1 Jaclyn Street, Ingleburn.
- The subject site is zoned R2 low density residential zone under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed boarding house was permitted with consent on the site at the time the development application was lodged with Council. The proposal is considered to be generally consistent with the objectives of the R2 low density residential zone.
- The application has been notified to adjoining and nearby properties between 15 April 2021 and 18 May 2021. In response, 15 submissions including one petition and one submission from a State MP were received.
- The application was referred to the Design Excellence Panel on 19 August 2021.
- Amended plans were lodged with Council on 16 December 2021, however these did not include all required information to enable a complete assessment of the proposal.
- The remaining additional information was requested from the applicant on 12 April 2022 and 18 July 2022, at the date the report was finalised no additional information had been submitted.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been undertaken and the application is recommended for refusal, for the reasons listed in attachment 1.

Public Address

There was no public address.

Panel Consideration and Reasons for Decision

The reasons for the Panel's decision are detailed in the Attachment1 with the changes identified in the decision below.

Decision of the Panel

That the Development Application for the demolition of an existing dwelling and the construction of a 10 room boarding house at 1 Jaclyn Street, Ingleburn be refused for the reasons in Attachment 1 with the following changes:

The heading to refusal reason 4 is amended to say "Development fails to demonstrate it is suitable for the site"

The following reason is added

Character of the Local Area

Pursuant to Clause 30A of the SEPP (Affordable Rental Housing) 2009, the proposed development is not compatible with the character of the local area.

Voting

4/0

5. REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION

5.1 Planning Proposal - Reclassification of Land - Campbelltown

Executive Summary

- All Council land is categorised as either community land or operational land under the *Local Government Act, 1993* (LG Act). The subject land, which includes the Campbelltown Animal Care Facility (ACF) and Kanbyugal Reserve is partly operational land and partly community land.
- The Planning Proposal (PP) seeks to reclassify a portion of land currently classified as Community land under the LG Act, to operational land.
- The PP also seeks to rezone the portion of land that is or will be Operational land from RE1 – Public Recreation to IN2 – Light Industrial under the Campbelltown Local Environmental Plan (CLEP) 2015.
- The ACF is currently situated on both Community and Operational land.
- Dual classification of land is not considered to be an orderly or efficient use of land, and unreasonably constrains the use of the land. Those parts of the Animal Care Facility located on community land are inconsistent with the plan of management for the land.
- Reclassifying a portion of the site to Operational land will increase the land's operational flexibility. Rezoning the reclassified section to the IN2 – Light Industrial Zone will align with the existing IN2 zone for the Animal Care Facility.
- The process for changing the classification of land is through an amendment to the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The process to rezone the reclassified portion of the site is also through a PP.
 - A PP has been prepared and is at attachment 1 to this report.
 - Advice on the PP is sought from the Panel.

Panel Consideration and Advice

The Panel notes the report and proposed reclassification of land at Campbelltown from community to operational land. The Panel is aware of the ongoing operation and purpose of the Campbelltown Animal Care Facility as a facility to house animals.

To ensure the public have an appropriate level of scrutiny in regards to this decision, a public hearing with an independent chairperson should be held in regards to this planning proposal, post gateway determination and public exhibition. The Panel considers the draft planning proposal to have strategic and site specific merit and is appropriate. However, the Panel advises that Council should seek:

- independent legal advice before Council decides whether to forward the Planning Proposal to the Department for Gateway approval regarding the permissibility of the boundary realignment between Kanbyugal Reserve and property No. 2 Rose Street, Campbelltown and any legal constraints that may prevent this change.
- To ensure that any amendment to the Campbelltown Local Environmental Plan 2015 results in the existing and proposed land use being permissible on the land;

The Panel is of the view that the reclassification of land would simplify the land classification of the site and would remove constraints from having a dual classification across the site. The fragmented structure presently is not considered to be an efficient or orderly use of the land. The Panel considers that the reclassification will be of benefit to the ongoing management and use of the site as a housing facility for animals.

To ensure the public have an appropriate level of scrutiny in regards to this decision, a public hearing with an independent chairperson must be held in regards to this planning proposal, post gateway determination and public exhibition.

Voting

4/0

The next meeting of the Local Planning Panel is scheduled for 26 October 2022.

Chairperson

Meeting Concluded: 3.09pm