
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held via Microsoft Teams on Wednesday, 27 July 2022 at 3.00pm .

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	2
2.	APOLOGIES	2
3.	DECLARATIONS OF INTEREST	2
4.	REPORTS	2
4.1	Development Application for alterations and additions to dwelling for use as a 72-place centre-based child care facility - 66 Kittyhawk Crescent, Raby	2
4.2	Development Application for alterations and additions to existing McDonalds restaurant - 64 Harold Street, Macquarie Fields	6
4.3	Development Application for bulk earthworks, retaining walls, drainage works and vehicular entry and exit points - 68 Blaxland Road, Campbelltown	7

Minutes of the Local Planning Panel Meeting held on 27 July 2022

Present Chair - Elizabeth Kinkade
Member Scott Lee
Member Lindsay Fletcher
Member Cecilia Cox

Also Present**1. ACKNOWLEDGEMENT OF COUNTRY**

An Acknowledgement of Country 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 Development Application for alterations and additions to dwelling for use as a 72-place centre-based child care facility - 66 Kittyhawk Crescent, Raby**

Executive Summary

- This development application proposes alterations and additions to an existing dwelling for use as a 72-place centre based child care facility at 66 Kittyhawk Crescent, Raby.
 - The subject site is zoned C4 Environmental Living under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and the proposed centre-based child care facility is permitted with consent in the zone.
 - In accordance with Council's Community Participation Plan, the development application was originally notified to adjoining owners from 20 October to 10 November 2020. A total of 24 unique submissions were received and a petition with 69 signatures.
 - When further information was received on the 9 June 2021 and 16 June 2021, the application was renotified to adjoining owners from 2 August 2021 to 23 August 2021. A total of 13 submissions were received.
 - The main concerns raised in submissions relate to noise impacts, vehicular safety accessing the site, unacceptable traffic generation and the development not being
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consistent with the character of the streetscape.

- Council's engineers have considered the safety of vehicle movements to and from the site and advised that sufficient sight distance is provided. The safety and adequacy of internal vehicle and pedestrian movements is also considered satisfactory as well as the traffic generated from the proposed development on the local traffic network.
- It is considered that the building form, scale and setbacks are compatible with the existing streetscape setting.
- Clause 4.6(2) of State Environmental Planning Policy (Resilience and Hazards) 2021 is satisfied subject to a recommended condition of consent for either a site audit statement or a certificate from a certified occupational hygienist to be issued demonstrating by way of a clearance certificate that all works involving the demolition of asbestos containing materials and/or lead paint have been completed and that all hazardous wastes generated and any existing lead paint have been satisfactorily disposed of prior to the release of the occupation certificate.

Public Address

The Panel was addressed by Edward Seghabi, Panayiota (Penny) Kollias and Andre Moussa in support of the application.

Panel Consideration and Reasons for Decision

The proposed development is permissible with development consent in the C4 Environmental Living Zone and is not inconsistent with the objectives for development in that zone. The proposal is also consistent with the other planning provisions within the Campbelltown Local Environmental Plan 2015.

The application complies with the State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 and the Childcare Planning Guideline. The Panel has considered the non-compliant side setback of the proposed facility having regard to the character of other development in the locality and does not consider the non-compliances to cause any significant amenity impacts to the adjoining residential development or the Kittyhawk Crescent streetscape.

The Panel was concerned about the impacts of the proposal on neighbours and considered that changes are required to the plans to address these concerns. Particularly, the landscaping plan needs to be amended to include the area between the acoustic fence and the north western (rear) boundary. It was further considered that the impacts could be reduced by increasing the setback of the car parking spaces from the western property boundary. It was also considered that the reasons provided for the removal of tree 1, being impact on sewerage, were not sufficient to justify its removal. The amended plans should be provided before the consent is operative and therefore a deferred commencement consent should be issued.

One Panel member was of the view that a deferred commencement consent should not be issued, and instead the application should be refused on the basis that the current design will have unreasonable impacts on streetscape, neighbours and character of the area. This Panel member was of the view that the applicant could use the provisions of Division 8.2 of the *Environmental Planning and Assessment Act, 1979* to provide amended plans or alternatively exercise their rights of appeal.

The Panel also considered the need for the pedestrian access ramp and how it connected to the broader pedestrian network. It was considered that a footpath connecting this ramp to the existing footpath in Hurricane Drive should be provided.

Decision of the Panel

Development application 3259/2020/DA-C for alterations and additions to an existing dwelling for use as a 72-place centre based child care facility at 66 Kittyhawk Crescent, Raby, is granted a deferred commencement consent, with a 6 month time limit to satisfy the deferred commencement requirements. The deferred commencement requires the following to be satisfied and shown on the plans prior to the consent becoming operational:

- a) A 1.2 metre wide pedestrian path is to be included at the front of the 7 visitor spaces to facilitate safe access from the visitor car parking area to the entrance of the centre. The pedestrian path is to be separated from the designated loading zone by fixed bollards.
 - b) Fixed bollards are required to be provided on the pedestrian path adjacent to the south eastern elevation of the facility, adjoining the loading bay area.
 - c) A 5,000 L rainwater tank is required within the setback of the facility from the north eastern property boundary, behind the front building line of the child care facility.
 - d) Location of the 1.8 metre high side property boundary fencing is to be clearly shown on the south western property boundary adjoining the car parking area only. The fencing is not to extend beyond the bin storage area to the north-west and staff car parking space no. 1 to the south west. For the part of the fence that is greater than 0.6 metres in height, an open style fence is required except for the parts of the fence that are pillars or columns. The maximum height of the fencing is to be measured from existing ground level.
 - e) Landscape plan is required to include the following:
 - i. Driveway width on the Landscape plan to be amended to include a 7 metres driveway width.
 - ii. Aisle widths to be consistent with the architectural plans.
 - iii. Additional landscaping to be provided adjoining the retaining walls in the location shown on the stamped plans. The species selection is required to be a screen planting variety.
 - f) The staff pedestrian path on the western side of the building is to be removed from the plans. The staff car parking spaces located adjacent to the western boundary shall be relocated correspondingly by increasing the setback between these spaces and the western side property boundary. The landscaping plan shall be amended by increasing the amount of landscaping between these parking spaces and the western boundary. This condition does not include any reduction in the landscaping shown along the south western wall of the building.
 - g) The landscaping plan shall be amended to include the area between the acoustic fence and the northern property boundary and to retain tree 1 (as referred to in the Basic Tree Assessment prepared by Monaco Designs PL).
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- h) An amended plan shall be provided for the access ramp at the front of the premises that shows a reduced impact on the streetscape by providing a greater separation between the ramps accompanied by increased landscaping.
- i) A traffic calming device shall be provided on the exit driveway close to the front property boundary. If required, an amended stormwater plan shall be provided to facilitate this.
- j) The plans shall be amended to include the construction of a 1.2 m wide concrete footpath constructed between the vehicular access and the existing pedestrian footpath in Hurricane Drive.

Additionally, the following changes are made to the conditions in attachment 1 that will apply to the consent once operational:

1. Condition 1 is modified by adding the following notation: "except as modified in response to the deferred commencement conditions."
2. Condition 2 is amended to state:
 2. A 1.2 m wide concrete footpath shall be constructed between the vehicular access and the existing pedestrian footpath in Hurricane Drive prior to the release of the Occupation Certificate. Details shall be included in the application for a S.138 permit.
3. The following additional condition is added to the consent:

A suitably qualified acoustic consultant shall undertake monitoring of the centre when it is operating when 34 2-3 year olds are in the outdoor play area and separately when 20 3-5 year olds are in the outdoor play area. This shall occur within 3 months of the release of the Occupation Certificate. The consultant shall submit a report to Council providing the outcome of this monitoring with 14 days of undertaking the monitoring. The report shall either verify that the centre is complying with the required noise standards or provide a list of works required to achieve that standard. Where works are required, a time period for the completion of those works shall be nominated within the report.

Voting

3/1

4.2 Development Application for alterations and additions to existing McDonalds restaurant - 64 Harold Street, Macquarie Fields

Executive Summary

- A development application was lodged on 17 January 2022 for alterations and additions to the existing McDonalds restaurant at No.64 Harold Street, Macquarie Fields.
- The subject site is zoned B2 Local Centre under the provisions of Campbelltown Local Environmental Plan 2015. Commercial premises are permissible with consent in the zone.
- The application was publicly notified between 20 January 2022 and 10 February 2022. No submissions were received.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* Act has been undertaken and it is recommended that the application be approved subject to conditions of consent listed in attachment 1.

Public Address

The Panel was addressed by Rachel McNeil who was in support of the application.

Panel Consideration and Reasons for Decision

The proposed development is permissible with development consent in the B2 Local Centre Zone and is not inconsistent with the objectives for development in that zone. The proposal is also consistent with the other planning provisions within the Campbelltown Local Environmental Plan 2015. The proposal is consistent with the Campbelltown (Sustainable City) Development Control Plan, 2015.

The Panel considered that the proposed development would not adversely impact upon neighbouring properties in terms of traffic and car parking as there is no intensification of the use

Decision of the Panel

Development application 3/2022/DA-C for alterations and additions to an existing McDonald's restaurant at 64 Harold Street, Macquarie Fields is approved subject to the conditions listed in attachment 1.

Voting

4/0

4.3 Development Application for bulk earthworks, retaining walls, drainage works and vehicular entry and exit points - 68 Blaxland Road, Campbelltown

Executive Summary

- The Development Application (DA) subject of this report, seeks development consent for the carrying out of bulk earthworks and the construction of retaining walls, drainage works and associated vehicular access points.
- The DA relates to land legally described as Lot 2412 in Deposited Plan 1252979, known as 68 Blaxland Road, Campbelltown (the Site).
- The Site is owned by Campbelltown City Council.
- The Applicant is Premise NSW Pty Ltd.
- The Site is zoned IN2 Light Industrial Zone under the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The DA was publicly notified and exhibited between 3 March, 2022 and 1 April, 2022. 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 DA be approved subject to the conditions of consent listed in attachment 1.

Public Address

There was no public address in regards to this item.

Panel Consideration and Reasons for Decision

The proposed development is permissible with consent in the IN2 Light Industrial zone and is not inconsistent with the objectives of the zone. The proposed development is also consistent with the relevant controls and objectives of Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015.

The Panel notes that the future use and development of the site would be subject to a further development application and would be subject to further assessment at that time.

Decision of the Panel

Development application 3467/2021/DA-C for the carrying out of bulk earthworks and the construction of retaining walls, drainage works and associated vehicular access points at 68 Blaxland Road, Campbelltown is approved subject to the conditions listed in attachment 1.

Voting

4/0

The next meeting of the Local Planning Panel will be held on 24 August 2022

Chairperson

Meeting Concluded: 3.31pm