
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held online on Wednesday, 23 February 2022.

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Minutes of the Local Planning Panel Meeting held on 23 February 2022

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

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 Modification Application - Entertainment Facility (Nightclub) - 218-226 Queen Street, Campbelltown**

Executive Summary

- Council has received a modification application seeking to modify a development consent for internal construction works at, and the change of use of, No.218-226 Queen Street, Campbelltown to an entertainment facility (nightclub).
- The development application was approved by the Campbelltown Local Planning Panel at its meeting on 25 November 2020. The Notice of Determination is shown in attachment 2.
- The proposed modifications are to conditions of consent relating to the hours of operation, trial period, plan of management and car parking.
- The subject site is zoned B3 Commercial Core under Campbelltown Local Environmental Plan, 2015.
- The modification application was notified from 6 July 2021 to 26 July 2021. No submissions were received.

- The modification application was referred to NSW Police on 6 July 2021 who have provided their comments which are discussed in detail in this report.
- It is recommended that the modification application be refused for the reasons listed in attachment 1.

Public Address

There was no registered speakers to address the Panel.

Panel Consideration and Reasons for Decision

The Panel has given careful consideration to the decision of the Campbelltown Local Planning Panel at its meeting on 25 November, 2020 including the reasons for the Panel's original decision to approve the development application for a nightclub but in doing so to apply the particular conditions of consent referred to in this modification application.

The Panel is mindful of the representations of the NSW Police and the need to balance the benefits of improving the night time economy of Campbelltown with the practicality of operational planning for the applicant and with the need to protect the community from undesirable social impacts.

The Panel also notes the applicant's statement that they can only obtain a 5 year fixed term lease and in those circumstances it is satisfied that condition 7 should be modified to limit the period of the consent consistent with the length of the lease. There are other suitable conditions of the consent that provide satisfactory protection to the adjoining and nearby land uses.

With reference to the applicant's requested modification to condition 10(j), the Panel is of the view that the use could continue but has modified the condition so as to ensure any noise is not audible. This would enable the business to continue in a form while rectification works are undertaken if they are required.

The Panel does not agree to the modification of trial hours in condition 2 as the Panel does not consider the condition to be unreasonable by requiring a trial period for operations after midnight in the circumstances. It follows that condition 2(b) should also be retained.

In relation to condition 11 the Panel notes the comments in the officer's report that the intent of the current condition does not seek the full resealing of the whole car park. Rather, it requires the surface deformations and pot holes to be repaired and line marking maintained to ensure car parking capacity is retained and trip hazards are minimised. On this basis the Panel finds the condition to be reasonable and in the public interest.

Decision of the Panel

Modification application 3989/2019/DA-U/A, seeking to modify the development consent for the fit out and use of premises at 218-226 Queen Street, Campbelltown as an entertainment facility (nightclub) is approved in part and refused in part and the development consent is modified in the following manner:

1. Condition 7 is modified to state:

7. Period of Consent

7. This consent will lapse 60 months from the release of the occupation certificate and commencement of the use of the premises as an entertainment facility. Written notification shall be provided to Council of the commencement date within 14 days of commencement.

2. Condition 10(j) is modified to state:

10(j). The applicant shall appoint a suitably qualified acoustic engineer to measure and verify that noise emanating from the premises, at the nearest residential boundary, is not above the ambient background noise level (with such measurement being made between 8:00 pm and closure), while entertainment is being provided on the first 3 occasions and shall make recommendations to ensure the entertainment is inaudible at the nearest residential property. The results of such measurements shall be submitted to Council and no externally audible noise associated with the public entertainment shall take place until such time as the recommendations of the suitably qualified consultant have been implemented.

Voting

4/0

The next meeting of the Local Planning Panel will be held on 23 March 2022.

Chairperson

Meeting Concluded: 3.07pm