
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Wednesday, 24 May 2023 at 3.00.

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Minutes of the Local Planning Panel Meeting held on 24 May 2023

Present Chair – Elizabeth Kinkade
Member Cecelia Cox
Member Helena Miller
Member Glennys James

1. ACKNOWLEDGEMENT OF COUNTRY

An Acknowledgement of Country was presented by the Chairperson.

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

Elizabeth Kinkade, while not a conflict of interest, disclosed the following in relation to Item 5.2:

- Alison McCabe from SJB is the Settlor for a Trust account she has not used. This aligns with her annual disclosure.
- In 1990 she worked with planners who are now with SJB and they are planning acquaintances.

4. REPORTS**4.1 Development Application for community building and open space area - 22-32 Queen Street, Campbelltown**

Executive Summary

- This application proposes the construction of a community building and communal open space area for a mixed use residential/commercial development that is proposed on the same site.
 - The proposed community building and open space area will not be publicly owned; the facilities will be owned collectively by the future owner's corporation formed by the owners of the apartments within the mixed use development.
 - The application involves a proposed exceedance of the maximum building height that applies to the part of the site that the proposed works would be located within. A written request from the applicant that seeks to justify the contravention of the maximum building height development standard was provided with the application.
 - Apart from the proposed variation to maximum building height, the proposed
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development is fully compliant with the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP), Campbelltown Local Environmental Plan 2015 (CLEP 2015) and the Campbelltown Sustainable City Development Control Plan 2015 (SCDCP).

- The application was notified to nearby and adjoining residents for a period of 28 days. No submissions were received.
- Based on an assessment of the application against section 4.15 of EP&A Act, the application has been found to be satisfactory and is recommended for approval.

Public Address

There was no public address.

Panel Consideration and Reasons for Decision

The Panel noted that this proposal is for open space and a community building associated with a much larger development on the same site. The Panel is not the consent authority for the larger development proposed and was concerned about the inability to determine the applications in conjunction with each other, in particular due to the reliance on design elements of the other application for justification. In light of this, the Panel considers that it would be more appropriate for the applications to be considered as one application or concurrently.

The section 4.6 request in part seeks to rely on the impact of overshadowing from the larger proposed development to justify the building location and therefore the height variation. There is uncertainty about what will happen on the remainder of the site with the larger development still under assessment and it is therefore considered inappropriate to justify a height variation based on matters which are uncertain

The Panel was of the opinion that while the proposal does have some very good design elements, the location of the car park ventilation stacks and their impact on the amenity of the open space areas is of concern.

Decision of Panel

- a. The Panel does consider that the applicant's written request under clause 4.6 of Campbelltown Local Environmental Plan 2015 (CLEP 2015) to contravene the maximum height of buildings development standard in clause 4.3 of CLEP 2015 is well founded as the request does not demonstrate that compliance with the development standard is unreasonable and unnecessary in the particular circumstances of the case. The variation request has not demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard as it seeks to rely on environmental impacts from the unapproved development on the remainder of the site.
 - b. Development Application 3858/2022/DA-C for the construction of a community building and open space area for a mixed use residential/commercial development at Lot 1 DP 1154928, Lot X DP 409704 and Lot 15 DP 14782, 22-32 Queen Street, Campbelltown is refused for the following reasons:
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- i. The proposal does not comply with the maximum height of buildings development in clause 4.3 of CLEP 2015 or the exceptions to maximum height of buildings provisions in clause 7.26 of CLEP 2015, and in the absence of a suitably justified and compliant request under clause 4.6 of CLEP 2015 the proposal cannot be supported.
- ii. The proposed ventilation stacks for the car park relate to an unapproved development and the design of the stacks would have an undesirable impact on the visual quality and amenity of the open space area.
- iii. The proposal relates to and is in part justified by a development that has not yet been approved and is therefore not certain.

Voting

4/0

5. REPORTS FROM OFFICERS CONSIDERED IN CLOSED SESSION

5.1 Planning Proposal - Amendment of Clause 4.4 'Floor Space Ratio' - Campbelltown Local Environmental Plan 2015

Executive Summary

- Clause 4.4 of Campbelltown Local Environmental Plan 2015 (CLEP 2015) applies to the majority of land within the Campbelltown Local Government Area (LGA) and provides the relevant development standards relating to the control of the floor space ratio (FSR) of buildings.
 - At the commencement of CLEP 2015, Clause 4.4 comprised only of subclauses 4.4(1) - (2A) in their current form. Subclause 4.4(1) provides the objectives of clause 4.4, subclause 4.4(2) prescribes the maximum floor space ratio for buildings as per the Floor Space Ratio Map of CLEP 2015, and subclause 4.4(2A) is a local provision prescribing additional FSR controls for specified developments separate to the Floor Space Ratio Map.
 - Clause 4.4 was amended by Council on 29 April 2022 with the insertion of additional subclauses 4.4(2B) and 4.4 (2C), made under separate planning proposals for the Gilead Urban Release Area and Menangle Park Urban Release Area.
 - A number of issues have been identified with the effective operation of clause 4.4 (as amended), generally relating to unintended floor space ratio outcomes being permitted in certain instances as a result of the interplay of the subclauses. This is creating the potential for buildings of excessive bulk and scale that are incompatible with the desired character of their locality.
 - The amendment of clause 4.4 is recommended to streamline the operation of the clause in accordance with the clause objectives, and remove the opportunity for unintended FSR outcomes resulting from the interpretation and interplay of the subclauses. The recommended amendments to Clause 4.4 will require a separate planning proposal to be prepared and endorsed by Council to amend CLEP 2015.
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Panel Consideration and Advice

The Panel notes the report regarding clause 4.4 of Campbelltown Local Environmental Plan 2015 relating to the provision of development standards for the control of the floor space ratio of buildings.

The Panel recognises the deficiencies in the current operation of clause 4.4 generally resulting from the unintended interplay of the subclauses providing the opportunity for buildings of excessive floor space, bulk and scale.

The Panel considers the proposed amendment of the wording of clause 4.4 to have strategic merit and supports Council seeking a Gateway Determination to have clause 4.4 amended as outlined in attachment 1.

The Panel is of the view that the Planning Proposal should state that as the intention of the clause has always been clear there should be no saving provisions applied to this amendment in the CLEP 2015.

Voting

4/0

5.2 Planning Proposal - Rosalind Park

Executive Summary

- SJB Planning on behalf of Leda Holdings Pty Ltd has submitted a Planning Proposal Request (PPR) (attachment 5) seeking approval to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) that applies to land known as 33 Medhurst Road, Menangle Park, and 101 and 111 Menangle Road, Menangle Park (Pt Lot 35 DP 230946, Pt Lot 2 DP 622362, Pt Lot 3 DP 622362, Lot 58 DP 632328, Lot 1 DP 622362, Lot 1 DP 589241).
 - The PPR seeks to amend the LEP Land Zoning Map in order to nominate residential, commercial, environmental, recreational, and infrastructure spaces.
 - The PPR seeks to amend the Urban Release Area Map in order to nominate the site as an urban release area.
 - The proposal also includes the establishment of a koala corridor that will be a dedicated and fenced area in accordance with the recommendations of the Chief Scientist for the long term preservation and wellbeing of the local Koala population.
 - The PPR seeks to amend the LEP Height of Buildings Map in order to nominate maximum building heights of 10 m (R2 zone), 12 m (R3 zone) and 15 m (B4 zone).
 - The PPR seeks to amend the LEP Lot Size Map in order to nominate minimum lot sizes within residential zones. These minimum lot sizes range from 200 m² to 600 m². This was not supported by Council and in liaison with the proponent has been amended.
 - The PPR seeks to amend the Lot Size Map for Dual Occupancy Development in order to
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nominate minimum lot sizes for dual occupancy development on lots zoned R2 Low Density. The proposed size is 600 m² on general lots and 950 m² on lots identified as steeper areas. This was not supported by Council and in liaison with the proponent, has been amended to 700 m² and 950 m² on lots identified as steeper areas in this Proposal.

- The PPR seeks to amend the LEP Terrestrial Biodiversity (BIO) Map in order to reflect proposed amendments to vegetation on the site.
- The PPR seeks to amend the Land Reservation Acquisition (LRA) Map in order to reflect areas identified as classified road. The proposed LRA Map identifies the land required for road widening and upgrade of Medhurst Road.
- The PPR seeks to amend Clause 4.1 of the CLEP 2015 to insert a new sub clause. This is to provide an exception to the minimum lot sizes for land in Rosalind Park. The proposed wording was not supported by Council and an amended version was drafted in liaison with the proponent.
- The site is identified by the Greater Sydney Region Plan: A Metropolis of Three Cities, as part of the Greater Macarthur Growth Area.
- Both Greater Macarthur 2040 and the Cumberland Plain Conservation Plan (CPCP) identify large portions of the site as certified urban capable land.
- Potential mine subsidence is not considered to be an impediment to the rezoning, subject to further clarification nor are any of the other environment issues raised.
- The “negotiated” structure plan and Proposal are considered to represent a balanced planning outcome, including in principle, a superior ecological outcome to that contained in the CPCP.
- The final CPCP modification application that accompanies the PPR, is the subject of an independent application to the Department of Planning and Environment (DPE) CPCP group and is supported by Council in principal, subject to some supplementary fauna investigations and noting the preliminary ecological outcomes for Lot 1 DP 622362 which is currently the subject of a BDAR assessment.
- The principal access to the proposed urban release area is proposed via a left in – left out (LILO) interim access scenario that has a limited period of acceptable performance and requires resolution of a final access arrangement in a timely manner.
- The current transport corridor “non alignment” at the Menangle Creek crossing between the Rosalind Park and Gilead 2 urban release areas is capable of resolution and not considered an impediment to advancing the Proposal.
- The PPR is considered to exhibit sufficient site specific merit to facilitate advancement of the Proposal.
- The PPR is accompanied by Voluntary Planning Agreement (VPA) principals and a letter of irrevocable offer proposing to enter both State and Local Agreements for the provision of land and delivery of works attributable to the Proposal.

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- The Proposal (as compiled by Council) is considered to be sufficiently consistent with “higher order” plans/policies/directions and local plans/strategies/statements and departures where evidenced appropriately justified, accordingly exhibiting satisfactory strategic merit.
 - The Proposal (as compiled by Council) is considered sufficiently robust as a rezoning proposal, to submit to the DPE accompanied by a report for a Gateway determination, acknowledging that there will be some Post Gateway refinement.
 - The Campbelltown Local Planning Panel’s advice in respect of the Proposal and its suggested progress in accordingly sought.

Panel Consideration and Advice

The Panel notes the report and the proposal to rezone the land for urban purposes and concurs with the proposed amendments to the Campbelltown Local Environmental Plan 2015, as documented in attachment 1 at Part 2 – Explanation of Provisions and Part 4 – Mapping.

The Panel acknowledges the merit of the proposed Cumberland Plain Conservation Plan (CPCP) Modification lodged by the Applicant and reproduced at attachment 4, noting it to be the product of extensive liaison with Council. With respect to Lot 1 DP 622362, it is noted that the preliminary ecological investigations which informed the Structure Plan are the subject of a supplementary BDAR assessment. The Panel discussed in detail the removal of fingers and smoothing of the boundaries and the methodology undertaken and suggested that the analysis undertaken should not be purely mathematical but should be outcomes focused. Efforts to secure the koala corridor should be prioritised. It is appropriate for some areas within the site to have multiple functions, in particular the central corridor, which can provide biodiversity as well as stormwater management and open space. The Panel considers that it would be reasonable for this area to be retained without being part of a credit offset for proposed impacts on other areas of the site with conservation value including the koala corridor.

The ownership of the CPCP land and corridor should be explored and clearly detailed prior to the finalisation of the proposal.

The Planning Proposal is located on land that is hilly which provides both opportunities and constraints. The Planning Proposal document should clearly highlight this.

The Panel was of the view that the maximum building height in the R2 zone should be 9 m rather than 10 m. The proposed 10 m height limit is considered excessive for 2 storey development and would be likely to cause solar access issues. Any development above 9 m should be justified on a case by case basis rather than by broadly permitting 10 m across the residential areas of the site.

The 15 m height limit proposed for the proposed village centre is similarly considered excessive and does not appear to be consistent with the vision proposed for the facility (i.e. to maintain and preserve the existing character of the existing Federation house and outbuildings).

The Panel further acknowledges that the short-term access scenario (left-in and left out) and “nonalignment” of the Menangle Creek proposed transport corridor crossing are matters that do

not prejudice the progress of the draft Planning Proposal but encourages the pursuit of longer-term solutions as a priority. The Panel is of the view that the interim access arrangements are problematic and the operational capacity will be inadequate and needs to be addressed as expeditiously as possible.

The Panel also acknowledges the proposed creation of a new urban community is accompanied by Voluntary Planning Agreement (VPA) principles and an Irrevocable Offer proposing to enter both State and Local Agreements for the provision of land and delivery of works attributable to the Proposal.

The variety of lots sizes and housing types proposed is important as it reflects the topography of the site. It is important that other more dense forms of housing are not allowed on this land.

The Panel supports the proposed amended minimum lot sizes in the R2 zone of 420 m² and 600 m² in mapped steep areas. The proposal to include a provision allowing a percentage of smaller lots, while supported in principle, should be clearly explained in the Planning Proposal.

Further consideration should be given to the easements that cross the land and a sustainable strategy should be prepared detailing how they will be integrated into the urban environment without prejudicing the easement functions which they perform.

The Panel is concerned that the active open space is proposed to be delivered towards the later stages of the proposed development. The Council should ensure that the parks in the early stages of the development are available at the time residents first move in, are adequate and can perform a number of open space functions to cater for the needs of the community.

The Panel appreciates and applauds the significant work undertaken by Council staff to get the proposal to this stage.

Finally, the Panel considers that the Planning Proposal exhibits both strategic and site-specific merit and should be progressed in its current form for a Gateway Determination.

Voting

4/0

The next meeting of the Local Planning Panel is scheduled for 28 June 2023.

Chairperson

Public Meeting Concluded: 4.05pm