
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00pm on Monday, 30 October 2023.

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Minutes of the Local Planning Panel Meeting held on 30 October 2023

Present Chair - Stuart McDonald
Member Glennys James
Member Mary-Lynne Taylor
Member Florencio Cuaresma

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 Review Application - Construction of a community building and open space area for a mixed use residential/commercial development - 22-32 Queen Street, Campbelltown**

Executive Summary

- This application proposes a review of the Panel's decision on 24 May 2023 to refuse consent to development application 3858/2022/DA-C, which proposed the construction of a community building and communal open space area for a mixed use residential/commercial development. The mixed use residential/commercial development has since been approved on the same site.
 - The reasons for the Panel's refusal of the application have been addressed in part by the approval of the mixed use residential/commercial development on the site by the Sydney Western City Planning panel, and in part by amended documentation supplied by the applicant.
 - 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
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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 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 21 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.

Panel Consideration and Reasons for Decision

1. The Panel concurs with the recommendations in the Council's assessment report.
2. The Panel is satisfied that the application is generally consistent with the concept development application approval.
3. Subject to the conditions of consent the Panel is satisfied that approval of the application is in the public interest, noting that there were no public submissions.

Decision of the Panel

The decision of the Panel in relation to 3858/2022/DA-C is presented below:

- a. The Panel now considers 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 demonstrate that compliance with the development standard is unreasonable and unnecessary in the particular circumstances of the case.
- b. The variation request has demonstrated that there are sufficient environmental planning grounds to justify the contravention of the development standard.
- c. Upon review the Panel determined to approve 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, subject to the recommended conditions of consent including condition 16A contained in the Council Officer's supplementary report to the Panel dated 30 October 2023.

Voting

4/0

4.2 Modification of consent for partial demolition of heritage-listed dwelling and construction of child care centre including alterations and additions to the dwelling as part of the childcare centre - 111 Oxford Road, Ingleburn

Executive Summary

- This application proposes modifications to an approved child care centre development that was approved by the Panel in February 2020. The Panel was the consent authority for the development application because it involved the (partial) demolition of a heritage item.
- The application seeks approval for numerous modifications to the approved plans that have already been constructed, and seeks to increase the number of children to be cared for at the centre from 110 to 120.
- Condition 1A of the development consent, which limits the number of children at the centre to 110, was imposed by the Panel and is proposed to be modified. The Panel is therefore the consent authority for this application.
- The proposed development is fully compliant with the provisions of the relevant State Environmental Planning Policies and the Campbelltown Local Environmental Plan 2015 (CLEP 2015). Proposed variations to the Campbelltown Sustainable City Development Control Plan 2015 (SCDCP) are discussed within this report and are considered to be justified.
- The application was notified to nearby and adjoining residents for a period of 21 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.

Panel Consideration and Reasons for Decision

The Panel notes that the modification application seeks retrospective approval for unauthorised building works not in accordance with the development consent. The Panel has been advised by the Council that it is not legally possible to give retrospective consent to these works. As a result the Panel defers further consideration until such time as the status of the unauthorised building works is resolved to the Council officers' satisfaction.

Decision of the Panel

1. The Panel resolves to defer its consideration of this application pending the resolution of the unauthorised building works to the satisfaction of the Council. This will require the applicant submitting all necessary documentation to the Council's satisfaction within 21 days of this decision of the Panel.
 2. Upon the above resolution the application be reported again to the Panel with an appropriate supplementary report and recommendation within 14 days from the date of receipt of all the information from the applicant.
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3. The Panel will consider the determination of the application by electronic means on receipt of satisfactory documentation within the time frames specified above.

Voting

4/0

The next meeting of the Local Planning Panel will be held on 22 November 2023 via Teams.

Chairperson

Meeting Concluded: 3.22 pm.