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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Local Planning Panel Meeting held at 3.00pm on Wednesday, 27 March 2024 .**

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**Minutes of the Local Planning Panel Meeting held on 27 March 2024**

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**Present** Chair - The Hon. T Sheahan  
Member Lindsay Fletcher  
Member Glennys James  
Member Adam Novek

**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 Modification Application - Appin Road, Gilead**

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**Executive Summary**

- The site is situated within an urban release area and is located adjacent to Appin Road, Gilead.
  - On 24 August 2022 development application 2687/2018/DA-SW was approved by the Campbelltown Local Planning Panel (the Panel) for the "subdivision of land to create 138 residential lots, 3 final residue lots and associated civil works, including earthworks, construction of roads, infrastructure and acoustic fencing". In approving the application, the panel added condition 2(b).
  - The modification application seeks to amend condition 1 and delete condition 2(b) to permit the subdivision of land to create lots 1397 - 1398 and 1372 - 1379.
  - On 16 January 2024, Transport for NSW approved the Appin Road Upgrade, Mount Gilead to Ambarvale Addendum Review of Environmental Factors. The approval includes a fauna underpass adjacent to Noorumba Reserve.
  - The development as proposed to be modified is substantially the same development as
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the development for which consent was originally granted.

- The modification application was publicly notified and exhibited between 6 February 2023 and 9 March 2023. Council received 10 submissions in relation to the modification.
- The modification application is recommended for approval in accordance with the modified conditions in attachment 1 to this report.

## **Panel Consideration and Reasons for Decision**

This modification application 2687/2018/DA-SW/A satisfies relevant State legislation and State Environmental Planning Policies including the Biodiversity Conservation Act 2016, National Parks and Wildlife Act 1974, SEPP (Precincts - Western Parkland City), SEPP (Transport and Infrastructure) 2021, SEPP (Resilience and Hazards) 2021 and other relevant legislation. The modification application does not involve any changes to the integrated development conditions originally imposed. The NSW Rural Fire Services and Transport for NSW were notified of the modification application and no objection was received.

The land is subject to a Biodiversity Certification Agreement, and biodiversity certification has been conferred on the land. In accordance with the BC Act, an assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act.

The Panel acknowledges that proposed development does not involve the removal of any biodiversity significant vegetation, previously addressed by 2984/2020/DA-CW. For this reason, the Panel are not required to consider the requirements of Chapter 4 Koala Habitat Protection 2021 of SEPP (Biodiversity and Conservation) 2021 due to Clause 8.4 of the Biodiversity Conservation Act 2016.

The site has been subject to Aboriginal archaeological investigation involving registered Aboriginal parties and an Aboriginal Heritage Impact Permit has been issued for the land, and subsequently varied by Heritage NSW.

On the grounds that the application proposes works that are greater than 40 metres from a natural watercourse as determined by the NSW Office of Water, it is not integrated development and does not require referral under the Water Management Act 2000.

The Panel is satisfied the proposed development is consistent with the staging plan that applies to the land, which enables the development to be undertaken in a number of phases.

When supporting the original development application on the 24 August 2022, The Panel was conscious that the proposed development in the north east corner of the site could have compromised the most suitable outcome for the fauna underpasses adjacent to Noorumba Reserve and Beulah. The development was endorsed with a condition that excluded proposed lots 1397 - 1398 and 1372 - 1379 to form a residue lot, until such time as detailed design of the Noorumba underpass was formalised within an appropriate planning approval.

Since the original approval was issued by The Panel on 24 August 2022, Transport for NSW approved the Appin Road Upgrade, Mount Gilead to Ambarvale Addendum Review of Environmental Factors. The approval includes a fauna underpass adjacent to Noorumba Reserve.

The Panel carefully considered all written and verbal submissions including material provided for consideration at the meeting and was satisfied that all matters raised are satisfactorily addressed in the application or by way of conditions of consent. In the Panel's opinion there are no grounds to justify refusal of the application.

### **Decision of Panel**

That Modification Application 2687/2018/DA-SW/A which seeks to amend condition 1 (amended to include plans of subdivision that reinstate lots 1397 - 1398 and 1372 - 1379. Note that Lots 1372 - 1379 are proposed to be recognised as Stage 1C-2) and amend condition 2(b) to permit the subdivision of land to create lots 1397 - 1398 and 1372 - 1379, to read as follows.

2(b) Continuous Koala exclusion fencing shall be provided along the northern side of lot 1398 and on the northern side of the road opposite 1372 - 1380. Detailed plans shall be submitted to Council prior to the issue of a Construction Certificate and endorsed by Council's Manager Development Assessment.

### **Voting**

4/0

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## **4.2 Development Application for new mobile phone network monopole (24m high) and associated equipment and landscaping - 22 Hume Street, Campbelltown**

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### **Executive Summary**

- A development application was lodged on 25 August 2023 for the installation of a new mobile phone network monopole (24 m high) and associated equipment and landscaping, at 22 Hume Street, Campbelltown.
- The subject site is within the RE1 Public Recreation zone.
- In accordance with the Campbelltown Community Participation Plan 2018, the application was publicly exhibited and notified for 28 days to nearby neighbours between 20 September 2023 to 19 October 2023 and 2 submissions were received. One for objection and one for general comment.
- It is recommended to the panel that the application be approved, subject to the recommended conditions in attachment 1.

The Panel notes that the site and planning controls are suitable for the proposed telecommunications facility which will improve coverage and quality of telecommunications services in the locality.

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The development, subject to the conditions imposed, will not have any unacceptable impacts on the environment or surrounding locality. The Panel generally agrees with the conclusions of the Council officer's assessment report

### **Decision of Panel**

That development application 2839/2023/DA-D for the installation of a new mobile phone network monopole (24 m high) and associated equipment and landscaping be approved subject to the conditions of consent in attachment 1 of the report.

### **Voting**

4/0

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## **4.3 Development Application for Demolition of dwellings and construction of residential flat building - 26-32 Iolanthe Street, Campbelltown**

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### **Executive Summary**

- A development application has been received for the demolition of the existing structures and the construction of an 8 storey residential flat building.
- The subject site is zone R4 High Density Residential under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed residential flat building is permissible with consent within the R4 High Density Residential Zone.
- The application was publicly notified and exhibited from 14 November 2022 to 15 December 2022. During this time one objection was 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 considers that the clause 4.6 request submitted by the applicant adequately justifies the proposed variation to the Height Standard in Clause 4.3 of the CLEP 2015 given the minor nature of the departure from 26m to 28.33m.

The proposed height is considered to be reflective of the intended scale of development within the R4 High Density Zone. The proposed development is in the public interest as it will facilitate the redevelopment of the site to deliver additional housing in the locality.

The Panel agrees that strict application of the standard is unnecessary and unreasonable in the particular circumstances of the case and that sufficient environmental planning grounds exist to warrant variation of the standard.

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The proposed development is consistent with the R4 High Density Residential zoning and the relevant controls and objectives of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, the Apartment Design Guide, Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015.

The matters raised in the submissions, being noise, traffic, parking and overshadowing have been satisfactorily addressed in the Council planning report. The impacts of the proposal are consistent with the desired future character of the Campbelltown City Centre.

### **Decision of Panel**

- a. The Panel supports the applicant's written request under clause 4.6 of CLEP 2015 to contravene the maximum height of buildings development standard in Clause 4.3(1) of CLEP 2015 as the request has demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and 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.
- b. That Development Application 3400/2022/DA-RA for the demolition of existing structures and construction of an 8 storey residential apartment building containing 72 apartments and 2 levels of basement car parking at 26-32 Iolanthe Street, Campbelltown be approved subject to the conditions listed in attachment 1 of the report with the following changes.

Condition 68 wording amended delete word "regraded" and include "re constructed".

Delete conditions 78 and 80.

### **Voting**

4/0

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The next meeting of the Local Planning Panel will be held on 24 April 2024 via Teams.

### **Chairperson**

Meeting Concluded: 4.45pm