
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.00 on Wednesday, 24 July 2024 .

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Minutes of the Local Planning Panel Meeting held on 24 July 2024

Present Chair - Ian Reynolds
Expert Member - Anthony Hudson
Expert Member - David Crofts
Community Member - Genere Arnaiz-Espanola

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 Demolition of Existing Shed and Construction of a New Shed - 14 Waterhouse Road, Airds**

Executive Summary

- A development application has been received for the demolition of an existing shed and construction of a new shed at 14 Waterhouse Road, Airds.
 - The subject site is zoned R2 Low Density Residential Zone under the provisions of the Campbelltown Local Environmental Plan 2015. Demolition of the existing shed and construction of a new storage shed is permitted within this zone. The site is currently used as a child care centre operated by KU Children Services and surrounded by residential areas with single and double storey dwellings and Reiby Juvenile Justice Centre to the northeast.
 - The land is owned by Campbelltown City Council.
 - The site contains Briar Cottage, a Federation Queen Anne style single storey cottage which has been listed as a local heritage item (Item 1) on the Campbelltown Local Environmental Plan 2015 under Schedule 5 (Environmental heritage) Part 1 (Heritage items).
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- The application was required to be notified and exhibited for 28 days starting from 3 June 2024 to 2 July 2024 in accordance with Campbelltown Council’s Community Participation Plan. No submissions were received during the notification and exhibition period.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and it is recommended that the application be approved subject to the conditions of consent listed in attachment 1.

Panel Consideration and Reasons for Decision

1. The Panel agrees with the conclusions of the Council officer’s assessment report. The Panel considers that the proposal is consistent with Campbelltown Local Environmental Plan 2015 and Campbelltown Sustainable City Development Control Plan 2015.
2. The Panel notes that the proposed replacement storage shed would not impact the heritage fabric, views or any significance of the heritage item Briar Cottage located within the property.
3. The development, subject to the conditions imposed, including condition amendments and new conditions imposed by the Panel, will not have any unacceptable impacts on the environment or surrounding locality.

Decision of the Panel

That development application 4356/2023/DA-0 for the demolition of the existing shed and construction of a new shed be approved subject to the conditions of consent in attachment 1 of the report and subject to the following amendments by the Panel:

- a) Condition 16 to appear in the “Before Building Work Commences” section of the development consent and be amended to read as follows:

Construction Work Hours

All demolition and construction work on site shall only occur on the days, and between the hours, set out below.

Additionally, prior to commencement and during construction works, the applicant shall consult with the operators of the child services facility located on the site to ensure construction activities are undertaken in a manner that will not unreasonably impact the operations of this facility having regard to child safety, noise, construction access, deliveries and the like. The applicant shall supply a mobile phone contact number to the operator of the child services facility to facilitate contact through the construction phase of the development if necessary.

Monday to Friday	7.00 am to 6.00 pm
Saturday	8.00 am to 5.00 pm
Sunday and public holidays	No Work.

Condition reason: To protect the amenities of the surrounding areas and childcare services operating within the site.

- b) New condition added within the "Before Building Work Commences" section of the development consent as follows:

Safety Management Plan

Prior to the commencement of any works, a Safety Management Plan shall be prepared and submitted to the Principal Certifying Authority for approval. The safety management plan shall include measures required to ensure the safety of all persons attending the child services facility on the site during the construction phase of the development. The Safety Management Plan shall be implemented throughout the construction phase of the development.

Condition reason: To ensure safety for all site users through the construction phase of the development.

Voting

4/4

4.2 Development Application for the construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto

Executive Summary

- A development application has been received for the construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto.
- The subject site is zone C4 Environmental Living under the Campbelltown Local Environmental Plan 2015. The proposed community facility is permissible with consent within the C4 Environmental Living zone.
- The application was publicly notified and exhibited between 28 July and 21 August 2023. 11 submissions were received in total; 6 of which are considered unique submissions.
- Based on an assessment of the application against Section 4.15 of *Environmental Planning and Assessment Act 1979*, the application has been found to be satisfactory and is recommended for approval.

Panel Consideration and Reasons for Decision

The Panel is not satisfied that the application has demonstrated a development outcome that is consistent with the character of the area. In particular the impact of the location of the proposed colorbond fencing on the property boundaries combined with the need for improved landscape screening and softening of the development led to this conclusion.

The Panel is also not satisfied that the acoustic study has adequately documented the

assumptions underlying the modelling and addressed potential construction and operational noise impacts of the development.

Decision of the Panel

1. That development application 2467/2023/DA-C for construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto, be deferred for further consideration subject to:
 - a) the submission of revised plans to reflect the rural character of the area. For example setting the new fencing back from the boundary (or a suitable alternative bushfire fire management to the fence) and incorporating appropriate landscaping between the fencing and property boundary and further consideration of the need for any fencing on the western side of the access handle driveway in consultation with the adjoining owner. This should be integrated with a general review of the landscaping plan to increase the screening and softening of the development from neighbouring properties.
 - b) In relation to the acoustic assessment further details are required including:
 - Updated modelling based on the current plans, ie with no basement carparking. This modelling should be undertaken following the modification of landscape plans and the proposed colorbond fence (or alternative fire management solution) as per the request of the Panel above,
 - The documentation of the parameters used to undertake the modelling including building construction and operation, whether all openings are open or closed etc,
 - The impact of bump in / bump out operations associated with special events (particularly the likely time of day of bump in bump out), as well as general waste collection and delivery times
 - Re-examination of the proportion and number of cars, including the timing of exit that would leave the site, following the completion of an event (eg ball game matches, community gatherings etc)

Voting

4/0

4.3 Construction of advertising signages as part of business rebranding - 24 Blaxland Road Campbelltown

Executive Summary

- A development was lodged on 20 February 2024 for construction of advertising signage as part of business rebranding at 24 Blaxland Road, Campbelltown.
 - The subject site is within E3- Productivity Support zone.
 - In accordance with the Campbelltown Community Participation Plan 2018, the application
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was publicly exhibited and notified for 28 days to nearby neighbours between 13 June 2024 to 11 July 2024 and 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 application be approved, subject to recommended conditions in attachment 1.

Panel Consideration and Reasons for Decision

1. The Panel agrees with the conclusions of the Council officer's assessment report. The panel considers the proposal complies with relevant provision under State Environmental Planning Policy (Industry and Employment) 2021- Chapter 3 Advertising and Signage, Campbelltown Local Environmental Plan 2015 and is consistent with the objectives of the E3 Productivity Support zone.
2. The Panel considers that the proposal is consistent with Campbelltown Sustainable City Development Control Plan 2015.
3. The Panel considers that the proposal has demonstrated that there would be no social, economic and visual impacts on the neighbouring tenancies as a result of the proposed development.
4. The Panel considers it does not have the power to determine the application pursuant to the Minister's Local Planning Panel Direction of 6 May 2024 (Schedule 1, second (b) - advertising signage).

Decision of the Panel

The Panel considers the proposed signage worthy of approval subject to conditions set out in attachment 1. However, noting the provisions of Schedule 1 of the Minister's Local Planning Panel Direction of 6 May 2024, the Panel is of the view that it does not have the power to determine the application and in circumstances remits the application back to Council staff to determine.

Voting

4/0

4.4 Construction of a single storey dwelling - 102 Amundsen Street, Leumeah

Executive Summary

- Council has received a development application for the construction of a single storey dwelling.
 - The subject site is zoned R2 Low Density Residential under the Campbelltown Local
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Environmental Plan 2015.

- The development application was not notified as notification was not required by the Campbelltown Community Participation Plan.
- It is recommended that the application be approved, subject to conditions.

Panel Consideration and Reasons for Decision

1. The Panel agrees with the conclusions of the Council officer's assessment report. The Panel notes the proposed development is consistent with the objectives of the R2 Low Density Residential zone under the Campbelltown Local Environmental Plan 2015 and complies with the applicable planning controls under the Campbelltown (Sustainable City) Development Control Plan 2015.
2. The proposed development, subject to conditions imposed, will not have any unacceptable impacts on the environment or surrounding locality.

Decision of the Panel

The development application 1926/DA-DW for the construction of a single storey dwelling at 103 Amundsen Street Leumeah be approved subject to the conditions of consent in attachment 1.

Voting

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4.5 Campbelltown Local Planning Panel Operations Guideline

Executive Summary

- At its meeting on 26 February 2020, the Campbelltown Local Planning Panel considered a report on Operational Procedures and resolved to adopt the plan for publication on Council's website.
- Following the Council's formal re-appointment of the Campbelltown Local Planning Panel, it is again recommended the Operation Guideline be endorsed by the Panel for its second term.

Panel Consideration and Reasons for Decision

The Panel notes the Operational Procedure and Code of Conduct for Planning Panels.

Decision of the Panel

That the Campbelltown Local Planning Panel note the Operational Procedure and Code of

Conduct for Planning Panels attached to this report.

Voting

4/4

4.6 Processes and Delegations - Land and Environment Court related matters and modifications

Executive Summary

- The membership of the Campbelltown Local Planning Panel has just been refreshed and therefore it is appropriate that the Panel review their position on Land and Environment Court related matters and modifications.
- The Local Planning Panels Direction provides guidance on the matters to be considered by a Local Planning Panel.
- The Local Planning Panels Direction indicates that arrangements should be made on the determination pathway for an application to modify a development consent under section 4.55 (Modification of consents—generally) of the *Environmental Planning and Assessment Act, 1979*, and flexibility with the determination pathway for an application to modify a development consent under 4.56 (Modification by consent authorities of consents granted by the Court) of the *Environmental Planning and Assessment Act 1979*.
- This report seeks the views of the Campbelltown Local Planning Panel on Councils proposal that the determination of an application to modify a development consent under section 4.55(1), 4.55(1A) and 4.56 of the *Environmental Planning and Assessment Act 1979* be undertaken by Council staff unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards set out in the Local Planning Panels direction.
- Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* provides that the council is to be the respondent to an appeal but is subject to the control and direction of the Panel in connection with the conduct of the appeal.
- Land and Environment Court appeals can be cumbersome, requiring decisions to be made by the applicant and respondent within a very short time frame (sometimes within the period of a 15min adjournment), but also appeals can extend over many months, and sometimes beyond the period of appointment for a Local Planning Panel. The Department of Planning, Industry and Environment advises that each Local Planning Panel should have a clear process for management of appeals against the decision of the panel.
- Section 2.20(8) of the *Environmental Planning and Assessment Act 1979* enables the Panel to delegate any of its functions to the General Manager or other staff of the Council.
- To enable the timely and efficient handling of Land and Environment Court appeals, this report recommends that the Campbelltown Local Planning Panel delegate the function of the management of Land and Environment Court appeals to the General Manager of Campbelltown City Council or their delegate.

- To enable the timely and efficient handling of minor modifications application types, including 4.55(1) and 4.55(1A), this report recommends that the Campbelltown Local Planning Panel delegate the determination functions of these modifications to the General Manager of Campbelltown City Council or their delegate.

Panel Consideration and Reasons for Decision

The Panel agrees with the recommendations of the Council officer's report.

Decision of the Panel

1. That the Campbelltown Local Planning Panel support the position that all applications to modify a development consent under section 4.55(1), 4.55(1A) and 4.56 of the Environmental Planning and Assessment Act, 1979 be determined by the General Manager of Campbelltown City Council, or their delegate, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.
2. That the Campbelltown Local Planning Panel delegate its functions as referred to in Part 8 Division 8.3 Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* to the General Manager, or their delegate.

Voting

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The next meeting of the Local Planning Panel will be held on 28 August 2024.

Chairperson

Meeting Concluded: 3.12 pm.