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# CAMPBELLTOWN CITY COUNCIL

## Minutes Summary

**Local Planning Panel Meeting held at 3.00pm on Wednesday, 23 October 2024.**

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**Minutes of the Local Planning Panel Meeting held on 23 October 2024**

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**Present**            Chairperson- Ian Reynolds  
                         Expert Member - Rod Logan  
                         Expert Member - Janette Murrell  
                         Community Member - Adam Novek

**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    Bulk earthworks to regrade the site for future development, vegetation clearance, demolition structures and environmental conservation measures across the Menangle Park Urban Release Area**

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**Executive Summary**

Council is in receipt of a development application for bulk earthworks, vegetation clearance, demolition works, and the implementation of environmental conservation measures to protect retained areas of Elderslie Banksia Scrub Forest.

Menangle Park was rezoned as part of a Planning Proposal submitted to Council on behalf of UrbanGrowth NSW in December 2011. This Planning Proposal was gazetted on 18 November 2017, and rezoned 507 ha of land to accommodate approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities. Under a Planning Proposal finalised on 29 April 2022, lot yield was increased to 4,525, the town centre was relocated, and amendments were made to land use zoning and development standards.

The land subject to this application is zoned R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, E1 Local Centre, RE1 Public Recreation, E4 General Industrial, RU2 Rural Landscape and SP2 Infrastructure under the provisions of Campbelltown Local Environmental Plan 2015.

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The proposed development will involve earthworks, vegetation removal and environmental

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protection works, all of which are permitted with consent in the relevant zones under CLEP 2015. The proposed development is also consistent with the relevant zone objectives.

Under the Campbelltown Community Participation Plan, the application was publicly exhibited for 31 days between 11 August and 31 September 2022. The revised DA package received 2 August 2024 was not publicly exhibited, as there was no significant change to the proposed development, and the overall footprint of the development was reduced.

The application was referred to the relevant external agencies and concurrence bodies, all of which raised no objection to the proposed development subject to conditions of consent.

The developer, Dahua Group Australia, has offered to enter into a planning agreement with Campbelltown City Council to manage environmental conservation areas subject to this application.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and, having regard to those matters, it is recommended the application be approved, subject to conditions.

### **Panel Considerations and Reasons For Decision**

- The Panel notes the importance of Menangle Park Release Area in addressing the pressing need for housing, as well as delivering commercial, recreational, infrastructure and industrial land in the locality.
- The ecological assessment submitted with the Development Application sets out mitigation measures to offset impacts on threatened species, ecological communities and their habitats and has been supported by the *Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science*.
- The Panel notes that no public submissions were received and the project is supported by Council and all government agencies that reviewed the application.
- The project will facilitate much-needed housing supply, stimulate local economic growth, and enhance community infrastructure, ultimately benefiting the broader area.

### **Decision of the Panel**

That Development Application 3574/2019/DA-CW for bulk earthworks to regrade the site for future development, vegetation clearance, demolition structures and environmental conservation measures across the Menangle Park Urban Release Area is approved subject to the conditions of consent in attachment 1 to the Council report.

### **Voting**

4/0

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## 4.2 Construction and operation of a community facility with associated car parking, landscaping and civil works at 121A Eagleview Road, Minto

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### Executive Summary

On 24 July 2024 a previous Panel initially considered a report recommending approval of the original proposal. That Panel resolved to defer their determination of the Development Application for the following reasons:

- 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)“

The previous report was provided in attachment 1 to the current Council report.

### Panel Considerations and Reasons For Decision

The Panel convened for todays meeting has considered the Council Officer's report and this includes the previous Panel's reasons for deferral.

## Decision of the Panel

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. Evidence demonstrating the operator is registered as a not for profit organisation and its purpose.
- b. Further detail demonstrating the proposed activities and use of the premises satisfies the definition of a *community facility* as defined in the Campbelltown Local Environmental Plan 2015.
- c. An amended bushfire strategy that does not incorporate a colorbond perimeter fence, prepared by a suitably qualified bushfire expert.

The applicant is provided with 28 days to address the above items and supply Council with the required additional information following which the Panel will give further consideration to the proposal and make a determination by electronic means.

## Voting

4/0

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## 4.3 Modification of consent - hours of operation - Raby Indoor Cricket Centre

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### Executive Summary

- This Section 4.55(1A) application proposes to modify the approved hours of operation of the indoor cricket centre at the Raby Sports Complex.
- The proposed development is fully compliant with the provisions of the Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015.
- The application is not required to be publicly notified under the Campbelltown Community Participation Plan.
- 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 Considerations and Reasons For Decision

The Panel notes the application is not required to be publicly exhibited under Council's Community Participation Plan. However, the existing conditions limiting operating hours were originally included by the Panel noting that the documentation submitted with the development application was unclear in relation to operating hours

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## Decision of the Panel

That application 323/2022/DA-C/A to modify the approved hours of operation of the indoor cricket centre at Raby Sports Complex is deferred to allow Council time to publicly exhibit the proposed extended operating hours of the facility.

The outcomes from the public exhibition shall be reported back to the Panel for consideration via electronic means.

## Voting

4/0

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### **4.4 Demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision - 6-8 Palmer Street, Ingleburn**

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#### **Executive Summary**

- A development application has been received for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision.
  - The subject land is zoned R4 High Density Residential under the Campbelltown Local Environmental Plan 2015. The proposed development is permissible in the zone.
  - The application was publicly notified and exhibited between 31 January 2023 and 28 February 2023. During this period 3 submissions objecting to the proposal were received.
  - The application was presented to Campbelltown Local Planning Panel on 27 February 2024 with a recommendation for refusal. The Panel's decision was to defer the application to allow the applicant to provide supplementary information and redesign addressing the recommended refusal items with the application to be presented again to the Panel at a later date.
  - The application was again presented to Campbelltown Local Planning Panel on 26 June 2024 with a recommendation for approval. The Panel's decision was to support the requested height exceedance of the building and to further liaise with Council to confirm flood storage and management matters.
  - The application was most recently presented to Campbelltown Local Planning Panel on 28 August 2024. However, the application was removed from the agenda to allow for additional discussions with the applicant to resolve flooding and stormwater management on the site.
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## Panel Considerations and Reasons For Decision

- The Panel has considered the Clause 4.6 variation on the maximum building height and considers that the height variation to be reflective of the intended scale of development within the locality. 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.
- The proposed development is consistent with zoning of the site 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 Panel considers that the proposal has demonstrated that there would be no adverse flood impacts on the adjoining properties as a result of the proposed development and that there is sufficient information submitted to ensure that acceptable disposal of stormwater can be achieved.
- The Panel acknowledges the concerns expressed in the submissions opposing the proposal, which encompass issues such as privacy, noise, traffic congestion, parking availability, overdevelopment, overpopulation, dust, potential health impacts, and overshadowing. Following review of the mitigation measures proposed to address these concerns, the Panel is satisfied that the proposed development will not result in unreasonable adverse impacts on the adjoining properties or broader community.

## Decision of the 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.
- b) That development application 151/2023/DA-RA for demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision at 6-8 Palmer Street, Ingleburn be approved subject to the conditions in attachment 1 of the report.

## Voting

4/0

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The next ordinary meeting of the Local Planning Panel will be held on 27 November 2024 via Teams

**Chairperson**

Meeting Concluded: 4.47pm