

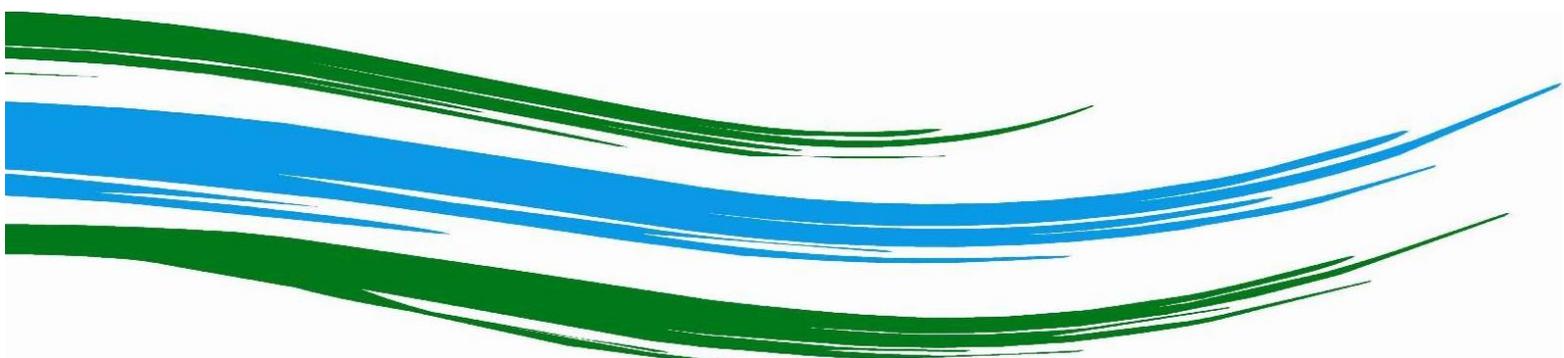


Camden Local Planning Panel

Minutes

16 December 2021

Meeting held by teleconference



CAMDEN LOCAL PLANNING PANEL

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MEETING COMMENCED AT 2.02pm

PRESENT

Michael Mantei (Chairperson); Mary-Lynne Taylor (Expert Panel Member); Grant Christmas (Expert Panel Member); and Dean Boone (Community Representative – North Ward).

ALSO IN ATTENDANCE

Manager Statutory Planning; Coordinator Statutory Planning Services; Team Leader - DA Assessment – West; Senior Town Planner; Executive Strategic Planner - Heritage, Precincts and Rural; Town Planner; Governance Officer; and Governance Administration Officer.

ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledged the traditional custodians of the land.

APOLOGIES

There were no leaves of absence to be granted.

DECLARATIONS OF INTEREST

Mr Dean Boone declared a reasonably perceived conflict of interest in relation to CLPP02 - DA/2021/535/1 - Construction of a Residential Flat Building - 88 Podium Way, Oran Park, and advised that he would take no part in the Panel's deliberation or voting in relation to the matter.

PUBLIC ADDRESS

Ms Sue Cross addressed the Panel in relation to CLPP01 - DA/2018/257/2 - Modification of Landscaping Works to Existing BP Service Station - 12 Argyle Street, Camden.

Mr David Nethercote addressed the Panel in relation to CLPP01 - DA/2018/257/2 - Modification of Landscaping Works to Existing BP Service Station - 12 Argyle Street, Camden.

Ms Glenda Davis, on behalf of Camden Residents' Action Group, addressed the Panel in relation to CLPP01 - DA/2018/257/2 - Modification of Landscaping Works to Existing BP Service Station - 12 Argyle Street, Camden.

Mr Adam Crampton addressed the Panel in relation to CLPP01- DA/2018/257/2 - Modification of Landscaping Works to Existing BP Service Station - 12 Argyle Street, Camden.

Mr Dean Boone was placed in the waiting room of the teleconference during the public address session for CLPP02, the time being 2.27pm.

Mr Wayne Perich addressed the Panel in relation to CLPP02 - DA/2021/535/1 - Construction of a Residential Flat Building - 88 Podium Way, Oran Park.

Mr Michael Rodger addressed the Panel in relation to CLPP02 - DA/2021/535/1 - Construction of a Residential Flat Building - 88 Podium Way, Oran Park.

At the conclusion of the public address session for CLPP02, Mr Dean Boone was returned to the meeting, the time being 2.43pm.

Mr Andrew Osborne addressed the Panel in relation to CLPP04 - DA/2021/285/1 - Internal and External Alterations to Repair Fire and Water Damage in the Whiteman's Building - 76-100 Argyle Street, Camden.

Mr Richard Healey-Finlay addressed the Panel in relation to CLPP04 - DA/2021/285/1 - Internal and External Alterations to Repair Fire and Water Damage in the Whiteman's Building - 76-100 Argyle Street, Camden.

Mr Andrew Osborne addressed the Panel in relation to CLPP05 - DA/2021/847/1 - Change of Use to an Indoor Recreation Facility (24-Hour Gym) Including Fit Out and Signage - Suites 1 and 3, 76-100 Argyle Street, Camden.

CLOSURE OF THE MEETING

After hearing all of the public submissions the Chair then declared the public meeting closed at 2.53pm. The Panel then went into private deliberation to consider the items and their determinations are listed below:

CLPP01 DA/2018/257/2 - MODIFICATION OF LANDSCAPING WORKS TO EXISTING BP SERVICE STATION - 12 ARGYLE STREET, CAMDEN

PANEL DETERMINATION

The Panel is aware that there are several breaches of the approved landscape design on the site. This is made clear in the Council officer's report and reiterated by objectors. The landscape design was an integral part of the original approval and it is unfortunate that the design has not been implemented.

The proposed modification seeks to redress, in part, the breaches of the original approved landscape plan. The Panel notes that the applicant will be required by conditions recommended by Council officers to plant two additional street trees and an advanced jacaranda onsite, to partly compensate for the mature trees removed without approval.

The Panel proposes to impose an additional condition to ensure the ongoing health of trees to be planted by additional conditions of this modification approval.

The Panel approves modification application DA/2018/257/2 for the modification to landscaping works for the approved BP Service Station at 12 Argyle Street, Camden subject to the modified conditions attached to the Council officer's report as well as the following condition:

- 1.0 (2d) *Street Tree Establishment and Maintenance Period – The applicant must maintain the street trees and Jacaranda as well as all protective guards and stakes in good health and working order for a period of 12 months commencing from the installation date.*

At the completion of the 12 months establishment and maintenance period all street trees plantings and the Jacaranda must, in the opinion of Council's Coordinator of Urban Forest Services, have signs of healthy and vigorous growth, and all protective guards and stakes must be in an undamaged, safe and functional condition.

REASONS FOR DETERMINATION

1. The Panel is satisfied that the development as modified is now substantially the same development as the development for which the consent was originally granted.

2. The modification is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 - Remediation of Land; State Environmental Planning Policy No 33 – Hazardous and Offensive Development; State Environmental Planning Policy (Infrastructure) 2007; Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River; and Camden Local Environmental Plan 2010.
3. The modification is consistent with the objectives of Camden Development Control Plan 2019.
4. The landscape design as amended by the modified conditions of consent is considered to be of an appropriate form for the site and the character of the locality in the context of the approved development.
5. The modification is unlikely to have any unreasonable adverse impacts on the natural or built environment.
6. In consideration of the aforementioned reasons, approval of the modification is in the public interest.

VOTING NUMBERS

The Panel voted 4-0 in favour of the recommendation.

The Panel discussed and voted on CLPP02 last in the order of business. Mr Dean Boone retired from the teleconference during discussion of CLPP02, the time being 3.50pm.

CLPP02 DA/2021/535/1 - CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING - 88 PODIUM WAY, ORAN PARK

PANEL DETERMINATION

The applicant's representative made a representation to the Panel requesting an amendment to draft condition 1.0 (2) a) the effect of which was to allow the applicant flexibility to determine how the carpark is to comply with AS 2890.1. The Panel does not agree to such an amendment as it is too uncertain. The Panel has determined to impose the condition as recommended by Council officers. The Panel notes the applicant may make an application under section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* if an alternative design is proposed.

The Panel has been provided with further agreed conditions following representations made to Council officers by the applicant since publication of the Panel agenda. The Panel agrees to impose those agreed conditions as outlined below.

The Panel:

- i. supports the applicant's written request lodged pursuant to Appendix 1, Clause 4.6(3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to contravene the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
- ii. approves DA/2021/535/1 for a residential flat building at 88 Podium Way, Oran Park subject to the conditions attached to the Council officer's report with the following amendments:

- Deletion of Condition 2.0 (2) – Easement for Access.
- Remove references to coving in Condition 2.0 (13) – Car Park Noise Control.
- Deletion of Condition 2.0 (19) – Section 7.11 – Works in Kind.
- Insert the words “If private waste collection is to be used,” at the start of Condition 5.0 (20) – Waste collection.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the zone in which the development is to be carried out.
2. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development; State Environmental Planning Policy (Sydney Region Growth Centres) 2006; State Environmental Planning Policy No 55 - Remediation of Land; Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River; and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
3. The development is consistent with the objectives of Oran Park Development Control Plan 2007 and Camden Development Control Plan 2019.
4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
6. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel voted 3-0 in favour of the recommendation.

CLPP03 DA/2020/484/1 - SUBDIVISION OF STAGE 6C TO CREATE 41 RESIDENTIAL ALLOTMENTS AND THREE SUPERLOTS, CONSTRUCTION OF PUBLIC ROADS AND ESSENTIAL SERVICES AND ASSOCIATED SUBDIVISION WORKS INCLUDING LANDSCAPING AND CIVIL WORKS - 4 BATTERSBY AVENUE, ORAN PARK

PANEL DETERMINATION

The Panel notes an error in the Council officer’s report on page 184 of the agenda where it is stated that a restriction under section 88b is to be imposed on adjoining lots 6305 to 6313 prohibited rear loaded garages or side access via road 6.11. Council officers have advised the Panel that rear loaded garages will be permitted via road 6.11.

The Panel approves DA/2020/484/1 for the subdivision of Stage 6C to create 41 residential allotments and three superlots and the construction of local roads with associated site works including drainage and civil works, subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene the minimum lot size development standard prescribed under clause 4.1 of the Growth Centres SEPP. The Panel considers that compliance with the standard is unnecessary in the circumstances and that, despite the contravention to the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and there are sufficient environmental planning grounds to justify the contravention.
2. The development is consistent with the relevant objectives contained in Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and all other applicable environmental planning instruments.
3. The development is generally consistent with the relevant matters contained in the Camden Growth Centres Development Control Plan.
4. The proposed subdivision is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. The proposed subdivision is consistent with all relevant heritage related matters relating to Oran Park House as contained in the applicable environmental planning instruments and Camden Growth Centres Development Control Plan.
6. In consideration of the aforementioned reasons, the proposed subdivision is a suitable and planned use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel voted 4-0 in favour of the recommendation.

CLPP04 DA/2021/285/1 - INTERNAL AND EXTERNAL ALTERATIONS TO REPAIR FIRE AND WATER DAMAGE IN THE WHITEMAN'S BUILDING - 76-100 ARGYLE STREET, CAMDEN

PANEL DETERMINATION

The Panel considers the proposed development to be a good heritage outcome for the existing building and Camden main street.

The Panel approves DA/2021/285/1 for internal and external alterations to repair fire and water damage in the Whiteman's building at 76-100 Argyle Street, Camden, subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No. 55 - Remediation of Land; Sydney Regional Environmental Plan No. 21 (Hawkesbury-Nepean River); and Camden Local Environmental Plan 2010.

2. The development is consistent with the objectives of Camden Development Control Plan 2019.
3. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
4. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel voted 4-0 in favour of the recommendation.

CLPP05 DA/2021/847/1 - CHANGE OF USE TO AN INDOOR RECREATION FACILITY (24-HOUR GYM) INCLUDING FIT OUT AND SIGNAGE - SUITES 1 AND 3, 76-100 ARGYLE STREET, CAMDEN

PANEL DETERMINATION

The Panel considers the proposed use and works necessary to accommodate the use satisfactorily retain the heritage significance of this heritage item.

The Panel approves DA/2021/847/1 for a change of use to an indoor recreation facility (24-hour gym), including fit out and signage in ground floor Suites 1 and 3 of the Whiteman's building at 76-100 Argyle Street, Camden subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 - Remediation of Land; Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River); and Camden Local Environmental Plan 2010.
2. The development is consistent with the objectives of Camden Development Control Plan 2019.
3. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
4. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel voted 4-0 in favour of the recommendation.

MEETING CONCLUDED 4.05PM