



# Camden Local Planning Panel

**Minutes**

**15 October 2019**

---

**Camden Council  
Administration Centre  
70 Central Avenue, Oran Park**



# CAMDEN LOCAL PLANNING PANEL

## TABLE OF CONTENTS

PRESENT .....	3
ALSO IN ATTENDANCE .....	3
ACKNOWLEDGMENT OF COUNTRY .....	3
RECORDING OF MEETING .....	3
APOLOGIES .....	3
DECLARATION OF INTEREST .....	3
PUBLIC ADDRESS .....	3
CLOSURE OF THE MEETING .....	4
CLPP01 DA/2018/599/1 - REVIEW OF DETERMINATION FOR THE DEMOLITION OF AN EXISTING DWELLING HOUSE, CONSTRUCTION OF A COMMERCIAL DEVELOPMENT AND ASSOCIATED SITE WORKS - 20 ELIZABETH STREET, CAMDEN .....	5
CLPP02 DA/2019/603/1 - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING (FORMER ST. MARK'S CHURCH) AND ASSOCIATED LANDSCAPING WORKS - 33 LUKER STREET, ELDESLIE .....	6
CLPP03 DA/2019/574/1 - TORRENS TITLE SUBDIVISION INTO 2 LOTS - 44 BEGA STREET, GREGORY HILLS .....	7

## **PRESENT**

Michael Mantei (Chairperson), Grant Christmas (Expert Panel Member), Rachel Harrison (Expert Panel Member), Dean Boone (Community Representative – North Ward).

## **ALSO IN ATTENDANCE**

Acting Director Planning and Environment, Principal Planner.

## **ACKNOWLEDGMENT OF COUNTRY**

The Chair acknowledged the traditional Custodians of the Land:

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

## **RECORDING OF MEETING**

The Chair stated that the meeting is being audio recorded by Council staff for publication on Council's website and that no other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the panel.

## **APOLOGIES**

There were no leave of absence to be granted.

## **DECLARATION OF INTEREST**

Mr Boone declared a conflict of interest in relation to CLPP02 - DA/2019/603/1 - Alterations and Additions to an Existing Dwelling (Former St. Mark's Church) and Associated Landscaping Works - 33 Luker Street, Elderslie and advised that he would take no part in the Panel's deliberation or voting in relation to that matter.

## **PUBLIC ADDRESS**

Glenda Davis on behalf of CRAG addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Jim Davis addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Charles Cowell addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Councillor Eva Campbell addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Dianne Fernance addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Robert Wheeler on behalf of the Historical Society addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Betty Yewen addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Jo O'Brien addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

David Nethercote addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Sue Cross addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Pieter Versluis addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Fletcher Joss addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Lorraine Iddon addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Luke Sheehy addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

Brendan Clendenning addressed the Panel in relation to CLPP01 - DA/2018/599/1 - Review of Determination for the Demolition of an Existing Dwelling House, Construction of a Commercial Development and Associated Site Works - 20 Elizabeth Street, Camden

### **CLOSURE OF THE MEETING**

After hearing all of the public submissions the Chair then declared the public meeting closed at 3.52pm. The Panel then proceeded to consider the items and their determinations are listed below:

**CLPP01 DA/2018/599/1 - REVIEW OF DETERMINATION FOR THE DEMOLITION OF AN EXISTING DWELLING HOUSE, CONSTRUCTION OF A COMMERCIAL DEVELOPMENT AND ASSOCIATED SITE WORKS - 20 ELIZABETH STREET, CAMDEN**

**SUMMARY**

The Panel has considered the officer's report and inspected the site of the proposed development. The panel received representations at the meeting from a number of objectors and representatives of the applicant.

The Panel acknowledges that the applicant has taken on board the reasons for refusal of the application by making amendments that substantially reduce the size and bulk of the building toward the rear of the site. However the Panel remains concerned about the significant exceedance of the 7 metre height limit in clause 4.3 of Camden LEP 2010 that still remains in the amended proposal.

The Panel considers that the purpose of the 7 metre height limit is to require buildings to be limited in bulk and scale to what typically would be two storey design.

The Panel considers that the floor space on the third level of the proposed building results in a roof form that is not consistent with the purpose of the 7 metre height limit.

The Panel acknowledges the tension between the flooding constraint and associated controls on this site, which require elevated floor levels, and the 7 metre maximum height limit. The Panel also acknowledges the tension between the approved 4 storey buildings on the former school site fronting Elizabeth Street and maintaining the 7 metre maximum height limit on other lots in this section of Elizabeth Street.

The Panel considers that the most appropriate process for resolving those tensions is by means of a strategic planning review of the controls, which the Panel understands has commenced in the form of the Urban Design Framework for the Camden Town Centre. It would be premature to determine an increase in maximum height limit of the magnitude sought in this proposal in light of that strategic planning review.

**DETERMINATION OF PANEL**

That the Panel affirms the original Panel's refusal of DA/2018/599/1 for the reasons outlined above and following reasons:

1. The applicant's written request to contravene Clause 4.3 - height of building development standard of Camden LEP 2010 fails to provide sufficient environmental planning grounds to justify the contravention having regard to the objectives of the standard nor does it demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
2. The proposal is an overdevelopment of the site because of its excessive height, bulk, scale and roof form which incorporates a third level of floor space. The height and minimal side setbacks result in a building that adversely dominates the streetscape and adjoining properties to the detriment of those properties including heritage items.

**VOTING NUMBERS**

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

*(Due to the conflict raised by Mr Boone, he left the private deliberation and took no part in the Panel's decision in the following matter)*

**CLPP02 DA/2019/603/1 - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING (FORMER ST. MARK'S CHURCH) AND ASSOCIATED LANDSCAPING WORKS - 33 LUKER STREET, ELDERSLIE**

**SUMMARY**

The Panel has considered the Council officer's report and inspected the site of the proposed development. No representations were received at the meeting.

The Panel concurs with the Council officer's assessment of the application, however there is some uncertainty about the potential impact of the proposed alterations and additions on the existing mature trees on the site. The proposal identifies these trees for retention. However the Panel considers that the Council should be furnished with a report by an Arborist engaged by the applicant, and amended plans if necessary, confirming that the proposal will not adversely impact those trees. This will need to be the subject of a deferred commencement condition in the form outlined in the determination below.

**DETERMINATION OF PANEL**

That the Panel grant deferred commencement consent to DA/2019/603/1 for alterations and additions to an existing dwelling (former St. Mark's church) and associated landscaping works at 33 Luker Street, Elderslie, subject to the conditions recommended in the Council officer's report and the following deferred commencement condition:

- (1) **Protection for Existing Trees** – A report prepared by a Level 5 Arborist and amended drawings if necessary must be submitted to and approved by Council that details measures necessary to ensure the protection of existing trees on-site in accordance with AS 4970 Protection of Trees on Development Sites.

**REASONS FOR DETERMINATION**

1. The development is, subject to the recommended conditions, consistent with the objectives of the applicable environmental planning instruments, being Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River, State Environmental Planning Policy No 55 - Remediation of Land; State Environmental Planning Policy (Building and Sustainability Index: BASIX); and Camden Local Environmental Plan 2010.
2. The development is, subject to the recommended conditions, consistent with the objectives of the Camden Development Control Plan 2011.
3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
4. The development is, subject to the recommended conditions, unlikely to have any unreasonable adverse impacts on the natural or built environments.
5. 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 determination (Mr Boone having declared a conflict of interest and taking no part in the determination).

### **CLPP03 DA/2019/574/1 - TORRENS TITLE SUBDIVISION INTO 2 LOTS - 44 BEGA STREET, GREGORY HILLS**

## SUMMARY

The Panel has considered the officer's report and inspected the site of the proposed development. No representations were received at the meeting.

The Panel is satisfied that the proposed variation is justified for the reasons outlined in the Council officer's report and satisfies the requirements of clause 4.6 Camden LEP 2010.

## DETERMINATION OF PANEL

That the Panel approve DA/2019/574/1 for a two lot Torrens title subdivision at 44 Bega Street, Gregory Hills subject to the conditions attached to the Council officers' report.

## REASONS FOR DETERMINATION

1. The Panel has considered the written request to vary Camden Local Environmental Plan 2010 in relation to the minimum lot size development standard. The variation satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of this case.
2. The development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Sydney Region Growth Centres), State Environmental Planning Policy No 55 - Remediation of Land, Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River and Camden Local Environmental Plan 2010.
3. The development is, subject to the recommended conditions, consistent with the objectives of the applicable development control plans, being the Turner Road Precinct Development Control Plan 2007 and Camden Development Control Plan 2011.
4. The development, subject to the recommended conditions, is unlikely to have any unreasonable adverse impacts on the natural or built environments.
5. 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 determination.