

DATE OF DEFERRAL	Friday, 3 June 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Brian Kirk, Karen Hunt and George Briticevic
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli: Conflicted due to work by her firm for LAHC

Papers circulated electronically on 17 May 2022.

MATTER DEFERRED

PPSSWC-140 – Campbelltown – 11/2021/DA-SW at Lot 33 DP 258939, Lot 34 DP 258939, Lot 249 DP 775571, Lot 259 DP 775571, Lot 154 DP 774619, Lot 251 DP 775571, Lot 253 DP 775571, Lot 255 DP 775571, Lot 257 DP 775571 Various lots, Fullwood Place, Gould Road, Preston and Abrahams Ways and Beryl Close, Eagle Vale and Claymore – Stage 11 Claymore Renewal Project (as described in Schedule 1).

REASONS FOR DEFERRAL

The Council Assessment Report provided a generally positive assessment of this long-standing DA, however, Council is awaiting an overdue revised Water Cycle Management Plan in order to progress the application.

During the briefing the following matters were raised for attention by the Panel:

1. Contamination

The Contamination Site Assessment submitted with the DA concludes in its executive summary that:

“Further investigations works are required within inaccessible areas and building footprints ... to confirm the suitability of the site for the intended land uses ...”.

That advice would seem to be problematic given the direction in both SEPP 55 and the new Resilience and Hazards SEPP to the following effect

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—
 - ...
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and ...

The Panel assumes that while the state of contamination of the site beneath the footprints is yet to be finally determined, that with appropriate remediation of any contamination found, the site would be able to be suitably remediated to be suitable for residential development, but seeks clarification on that point.

An appropriate unexpected finds condition will still be required.

2. Delineation of the Extent of Proposed Works

The submitted plans lack a drawing that clearly delineates the extent of proposed works/land the subject of this DA. Such a drawing is essential:

- a. to include in the list of approved plans to avoid any confusion in the future as to the extent of the land that development consent applies; and
- b. to ensure that all works are consistent with the cl.34A approval/certification area for the Claymore Masterplan

3. Ecology and zoning in relation to the proposed basin

The Panel notes that the “Ecological and arboriculture review of proposed DA” dated 13 May 2022 by Michael Sheather-Reid (B. Nat Res. Hons) BAM Accredited Assessor (BAAS17085) on behalf of Campbelltown City Council [included as Attachment 3 to the Assessment Report] – includes the following:

“Based on my understanding of the Clause 34A certification it is my view that the sediment basin is not covered under the Clause 34A Certification as the certification applies to the subdivision lands only...”

It also appears to be located in the RE1 (Public Recreation) zone (Fullwood Place), albeit that the RE1 zone includes as permitted uses:

“flood mitigation works”

and

“water supply system” defined to include a water storage facility,

Those issues should be addressed in supplementary advice...

4. Street Trees

A concern has been raised that the proposed street trees lack variation and are inappropriate because they are not of a species/variety that are listed in Council’s preferred street tree planting schedule.

Council’s Tree Officer is to provide a comment/report on the acceptability and potentially resolve with the Applicant mutually acceptable street trees.

5. Acoustic Assessment

The Panel queried what mechanism is proposed to ensure that the acoustic recommendations in the acoustic report are notified to (and potentially bind) both potential buyers of the subdivided lots as potential development sites and of the ultimate retail buyers of the completed homes.

As no submissions have been received, and as the staff report advises that the application is not considered to be contentious, it is expected to be suitable for electronic determination as soon as the above matters are resolved.

The decision to defer the matter was unanimous.

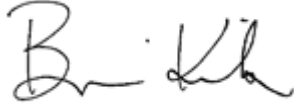
PANEL MEMBERS



Justin Doyle (Chair)



Nicole Gurran



Brian Kirk



Karen Hunt



George Britevic

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-140 – Campbelltown – 11/2021/DA-SW
2	PROPOSED DEVELOPMENT	Lot 33 DP 258939, Lot 34 DP 258939, Lot 249 DP 775571, Lot 259 DP 775571, Lot 154 DP 774619, Lot 251 DP 775571, Lot 253 DP 775571, Lot 255 DP 775571, Lot 257 DP 775571 Various lots, Fullwood Place, Gould Road, Preston and Abrahams Ways and Beryl Close, Claymore and Eagle Vale
3	STREET ADDRESS	Lot 33 DP 258939, Lot 34 DP 258939, Lot 249 DP 775571, Lot 259 DP 775571, Lot 154 DP 774619, Lot 251 DP 775571, Lot 253 DP 775571, Lot 255 DP 775571, Lot 257 DP 775571 Various lots, Fullwood Place, Gould Road, Preston and Abrahams Ways and Beryl Close, Claymore and Eagle Vale
4	APPLICANT/OWNER	Applicant: NSW Land & Housing Corporation Owner: NSW Land & Housing Corporation & Campbelltown City Council
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 11 Georges River Catchment ○ State Environmental Planning Policy (Planning Systems) 2021 ○ Claymore Urban Renewal Concept Plan approval ○ Campbelltown 2025 – Looking Forward ○ Campbelltown Local Environmental Plan 2015 ○ Part 9 – Urban Renewal Areas Airside Claymore DCP • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Campbelltown Sustainable City DCP 2015 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 10 May 2022 • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 12 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrin, Louise Camenzuli, Darcy Lound and George Griess ○ <u>Council assessment staff</u>: Alexandra Long, Belinda Borg, David Smith, Fletcher Rayner, Luke Joseph and Rana Haddad • Applicant/Council Briefing: Monday, 28 February 2022

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Karen Hunt and George Britcevic ○ <u>Applicant representatives</u>: Pat Coleman, Craig Smith, Paul Neville, Glyn Richards <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> <ul style="list-style-type: none"> ● Final briefing to discuss council's recommendation: Monday, 30 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Brian Kirk, Karen Hunt and George Britcevic ○ <u>Council assessment staff</u>: Alex Long and Fletcher Rayner ○ <u>DPE</u>: George Dojas, Mellissa Felipe and Jeremy Martin
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report