

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	13 November 2023
<b>DATE OF PANEL DECISION</b>	13 November 2023
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), David Kitto, Susan Budd, Karen Hunt, George Brticevic
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Louise Camenzuli - her firm is currently acting for LAHC.

Papers circulated electronically on 31 October 2023.

#### MATTER DETERMINED

**PPSSWC-146 – Campbelltown – 535/2021/DA-SW** – Woolwash Road, Airds - Subdivision of Stage 7 to create 214 lots comprising of 207 Torrens title residential lots, 3 residue lots, 2 lots for future development, 1 lot containing an existing senior housing and 1 lot for dedication as a public road and associated civil, landscape and ancillary site works.

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

#### Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel is pleased to approve this development application which will further the long-term urban rejuvenation of the Airds Bradbury public housing estate, adding new dwellings in a quality liveable environment consistent with the Western City District Plan.

It is found to be consistent with the Airds Bradbury Urban Renewal Project (ABURP) which was granted Concept Plan approval by the Minister for Planning pursuant to Part 3A (transitional arrangements) of the EP&A Act, particularly in relation to the nature and timing of the delivery of the infrastructure.

#### ***Biodiversity Conservation (Savings and Transitional) Regulation 2017 (NSW)***

A certificate under Clause 34A, *Biodiversity Conservation Savings & Transition Regulation (S&T Regulation)* has been obtained to recognise past offsetting agreements secured as part of the concept plan approval. The certificate endorsed by the delegate of the Planning Secretary certifies that the biodiversity impacts of the proposed development were satisfactorily assessed before 25 August 2017, and that conservation measures to offset the residual impact of the proposed development on biodiversity values (after the measures required to be taken to avoid or minimise those impacts) have been secured into the future. The Panel is satisfied that the present Stage 7 project is sufficiently the same as the development anticipated for that stage in the concept approval particularly in relation to its biodiversity impacts for the certificate to have effect. The Panel is also pleased to see that 398 Street trees are proposed to be planted in the Stage 7 development under the street tree landscape master

plan.

The proposed Stage 7 work has also been assessed by the Council staff to be consistent with the masterplan, the strategic direction and priorities of the Campbelltown Local Strategic Planning Statement (LSPS), Greater Macarthur 2040, Campbelltown 2027, the infrastructure delivery plan, the Airds-Bradbury Development Control Guidelines and the anticipated street layout.

Because the application seeks approval to deliver stormwater civil works within the SP2 Infrastructure corridor it was referred to TfNSW under *SEPP Transport and Infrastructure) 2021* which concurs with the granting of consent.

The landscape plan provides for the inclusion of Koala Feed trees at northern end of the site to assist in re-establishing the koala linkage corridor as anticipated by the Airds Infrastructure Services Delivery Plan (ISDP). Conditions are included in the consent in that regard.

The proposed street layout will retain the approved street network, block pattern and key dimensions of street reserves of the approved concept plan and has been assessed to be satisfactory.

A bushfire protection assessment has been undertaken for the proposed Stage 7 development by Travers Bushfire and Ecology and (following referral) the NSW Rural Fire Service provided their General Terms of Approval dated 8 July 2021, adopted by the recommended conditions.

The DA is supported by a site-specific Detailed Site investigation report for Stages 7A, 7B & 8 authored by JBS&G, dated 29 March 2023 in relation to the potential for site contamination. The report concluded that there is no contamination risk which would prevent the site from being made suitable for the proposed redevelopment. Fragments of asbestos were encountered. The resulting risk was assessed to be low, but recommendations were made for further investigation within inaccessible areas and following demolition of existing dwellings to identify any potential impact, particularly in relation to asbestos. The recommendations are picked up in the recommended conditions. The approved development application with conditions is considered to satisfy the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021.

The Aboriginal Cultural and Heritage Assessment carried out in support of the proposed works resulted in a predicted low risk of encountering any archeologically significant objects, due to existing disturbance of the site but an unexpected finds regime will apply under the conditions.

The proposal accords with the applicable state planning instruments, Campbelltown LEP and the matters arising under s 4.15 of the EP&A Act. It is accordingly in the public interest for it to proceed for the reasons noted in the staff assessment report.

## **CONDITIONS**

The Development Application was approved subject to the conditions in the Council Assessment Report, but as updated in version 4 of the Conditions updated to the Portal following consultation between Council and Landcom and endorsed by Landcom.

The Panel approves the development with those conditions, subject to the following matters being resolved by the Council in the notice of determination:

**Condition 1**                      The Condition is updated to include reference to date and Revision no of the approved subdivision plans

**Condition 2.**                      Reword for clarity (and consistency of language in condition 28.) to read :

“The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifier (for its records) and Council (for approval), prior to the issuing of a subdivision works Certificate: .....[remainder of condition as per original].

*(As currently worded the condition says ....amended plans are to be provided to principal certifier and council for its records, for approval .....)*

**Condition 8.** Amend to provide that a project arborist **shall** be appointed etc (currently says should be appointed which is uncertain) .....[remainder of condition as per original].

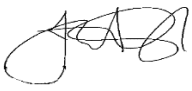




**Conditions 65. and 66** The Conditions are to clarify whether tree 350 is to be removed or retained. (Condition 65 identifies tree 350 for removal and condition 66 identifies it for retention).

**Conditions 100 and 101** Both conditions are headed Final Inspection- Works as Executed Plans. Conditions appear to be a duplication, however not in identical terms.

The Council is delegated the authority to make the amendments to the Conditions if they are agreed to by the Applicant. The Applicant should be provided with a copy of the final conditions with the above matters resolved prior to the notice of determination issuing. If the conditions amended to address those issues cannot be agreed between the Council and the Applicant, the Panel should be notified to resolve any disagreement by circulation of papers.)

#### CONSIDERATION OF COMMUNITY VIEWS

The development application was notified and publicly exhibited, but no submissions were made during the public exhibition period.

PANEL MEMBERS	
Justin Doyle (Chair) 	David Kitto 
Susan Budd 	George Brticevic 
Karen Hunt 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-146 – Campbelltown – 535/2021/DA-SW
2	PROPOSED DEVELOPMENT	Subdivision of Stage 7 to create 214 lots comprising of 207 torrens title residential lots, 3 residue lots, 2 lots for future development, 1 lot containing an existing senior housing and 1 lot for dedication as a public road and associated civil, landscape and ancillary site works.
3	STREET ADDRESS	Woolwash Road, Airds
4	APPLICANT/OWNER	Applicant: Vanessa Pretila – Landcom Owner: NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>Campbelltown Local Environmental Plan 2015</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Campbelltown (Sustainable City) Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 30 October 2023</li> <li>Written submissions during public exhibition: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: Monday, 10 May 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Sandra Hutton, George Griess, Darcy Loud</li> <li><u>Council assessment staff</u>: Alex Long, Belinda Borg</li> </ul> </li> <li>Council/Applicant briefing: 28 February 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), Susan Budd, Nicole Gurran, George Brticevic, Karen Hunt</li> <li><u>Council assessment staff</u>: Alexandra Long, Fletcher Rayner, Belinda Borg</li> <li><u>Applicant representatives</u>: Pat Coleman, Craig Smith, Paul Neville, Glyn Richards</li> </ul> </li> <li>Council Briefing: 24 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Justin Doyle (Chair), Susan Budd, David Kitto, Karen Hunt, George Brticevic</li> <li><u>Council Assessment staff</u>: Alexandra Long, Zoran Sarin</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• Final briefing to discuss council’s recommendation: 25 September 2023<ul style="list-style-type: none"><li>○ <u>Panel members</u>: Justin Doyle (Chair), Susan Budd, David Kitto, George Brticevic, Karen Hunt</li><li>○ <u>Council assessment staff</u>: Alexandra Long, Karl Okorn</li></ul></li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report