

DATE OF DETERMINATION	Wednesday, 11 May 2022
DATE OF PANEL DECISION	Tuesday, 10 May 2022
DATE OF PANEL MEETING	Monday, 2 May 2022
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Susan Budd, George Brticevic and Karen Hunt
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 April 2022.

MATTER DETERMINED

PPSSWC-147 – Campbelltown – 774/2021/DA-SW at Lot 6 DP 1232894, Lot 747 DP 259553, Lot 751 DP 259553, Lot 745 DP 255810 Riverside Drive, Airds – construction of new access road (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings 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 has unanimously determined to approve this DA for embellishments to an existing dam to establish a new parkland around a landscaped pond that will provide an important passive recreation facility adjacent to the Kevin Wheatley Playing Fields. The completed parkland will deliver upon the NSW Government Architect's Greener Places design framework for the existing and planned housing associated with the Airds Bradbury Renewal Project.

When complete, the new pond park will include:

- Creation of a koala refuge corridor landscaped with native tree species.
- A shared circuit pathway around the newly formed pond with secondary pathways providing walkers and riders a place to exercise and relax.
- Open turfed areas, ornamental gardens, shade structures and picnic facilities.
- New playgrounds and amenities to cater particularly to young families.
- A timber platform lookout and contoured seating.
- Public art installations.

By contributing to the range of spaces for recreation and play, gatherings, and picnics, walking and cycling provided throughout the Airds-Bradbury renewal area, the new facility will facilitate achievement of Planning Priority W4 of the Western City District Plan of "*Fostering healthy, creative, culturally rich and socially connected communities*" through active lifestyles with diverse available activities. The facility is also

consistent with the Campbelltown Local Strategic Planning Statement and particularly its aim to achieve a vibrant, liveable city.

The development application is reported 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.

The DA was referred to Water NSW and the Natural Access Resources Regulator having regard to the dam potentially constituting part of a 'watercourse' under the NSW Water Management Act 2000 (WM Act). The dam was however found to be an artificial channel not identified on NRAR 'Hydroline' mapping for which no WM Act approval was therefore required.

Notably, the earthworks associated with the pond project are addressed by a separate development consent already granted for bulk earthworks. The potential for contamination of the site was addressed with the assessment of that DA 2854/2020/DA-CW at which time a Detailed Site Investigation (Phase 2 Contamination Investigation) was conducted and the requirements of SEPP 55 and State Environmental Planning Policy (Resilience and Hazards) 2021 are considered therefore to have been sufficiently satisfied.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 3 Koala Habitat Protection applies to the site because it is mapped as Core Koala habitat comprising a total site area of greater than 1 hectare. However, it is reported that the site only supports a very small patch of low-quality Cumberland Plain Woodland native vegetation (0.02ha), and that the site would therefore only likely support occasional transitional habitat for a small number of individual koalas.

Given that the completed pond will remain in public ownership, and the ultimate design of the pond park will include a newly planted koala refuge corridor along the northern side of the Pond, the issue of potential impacts on the koalas in the area and the requirements of the Biodiversity Conservation Act were considered to be sufficiently addressed.

CONDITIONS

Two issues relevant to the development consent conditions were raised at the final determination meeting:

(a) Whether toilet facilities were required for the children's playground.

In relation to that issue the Panel was informed that there were facilities which would be constructed and made available during all daylight hours seven days a week at the facilities for the adjacent sporting fields. It was explained that if toilets were added to the playground it would impact on its available size and would subtract from the budget available for other public works.

The Panel accepted advice that the toilet facilities provided would on balance sufficiently address the needs of the public, but resolved that the consent conditions be supplemented by Council staff to require signage as to the availability and location of toilets to be included into the park design prior to the issue of a construction certificate.



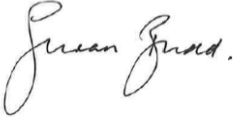


(b) The shared use and required width of the ring pathway.

The Panel was informed that the ring pathway around the pond was intended to be a shared way. The Panel proposed an additional condition to be formulated by Council staff to require the finished construction certificate design of the pathway to cater for its shared use, having regard to applicable standards prior to the issue of a construction certificate, which might require some increase in its current 2 metre design width.

The Development Application was otherwise approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Susan Budd	 George Brticevic
 Karen Hunt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-147 – Campbelltown – 744/2021/DA-SW
2	PROPOSED DEVELOPMENT	Construction of a new access road, landscape and open space infrastructure embellishment works to the new pond and surrounding parklands
3	STREET ADDRESS	Lot 6 DP 1232894, Lot 747 DP 259553, Lot 751 DP 259553, Lot 745 DP 255810 Riverside Drive, Airds
4	APPLICANT/OWNER	Applicant: Landcom Owner: NSW Land & Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Planning instruments identified in the staff report • VPA for the concept approval as amended • Consideration under 7.15 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) and relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> as discussed in the Council assessment report. • 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. • 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: 21 April 2022 • Statement of Environmental Effects and documents accompanying and lodged in support of the DA
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Tuesday, 15 June 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Susan Budd, Darcy Lound and George Griess ○ <u>Council assessment staff</u>: Alex Long and Belinda Borg • Applicant Briefing: Monday, 28 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Susan Budd, Karen Hunt and George Brticevic ○ <u>Applicant representatives</u>: Pat Coleman, Craig Smith, Paul Neville and Glyn Richards ○ <u>Department representative</u>: George Dojas and Jane Gibbs <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> • Final briefing to discuss council's recommendation: Monday, 2 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurrán, Susan Budd, Karen Hunt and George ccc ○ <u>Council assessment staff</u>: Fletcher Rayner, Alex Long
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report