

DETERMINATION AND STATEMENT OF REASONS
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	16 September 2024
DATE OF PANEL DECISION	16 September 2024
DATE OF PANEL MEETING	19 August 2024
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Brian Kirk, George Brticevic, Karen Hunt
APOLOGIES	None
DECLARATIONS OF INTEREST	Louise Camenzuli declared conflict of interest as her firm does work for Homes NSW on sites unrelated to this development

Papers circulated electronically on 16 August 2024.

MATTER DETERMINED

PPSSWC-394 – Campbelltown – 2/204/DA-CW – Fullwood Place, Claymore

Construction of landscaping and open space infrastructure embellishment works to the new Fullwood Reserve and surrounding parklands comprising civil and stormwater management works, revegetation, carpark and playing field upgrades and construction of an all abilities play area.

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 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 determined to approve the application for the reasons outlined in the council assessment report.

In doing so the panel observed that the proposed landscaping and infrastructure will deliver substantial benefits in terms of both passive and active recreation facilities and space for the occupants of the Claymore Estate renewal and the surrounding areas with enhanced tree canopy. Within that new environment, the proposed all-abilities playground including approximately 14 pieces of equipment in soft fall will provide young families a place to provide engaging play for young children.

Issues associated with the design of the associated civil infrastructure have been resolved including the proposed detention basin has been designed in accordance with the requirements of Northrop Water Cycle Management Plan.

It is reported that Contamination investigations have been undertaken for the southern and northern parts of Fullwood Reserve which concluded that “... the site could be made suitable for the intended land use subject to further investigation within areas of concern and it was recommended that a Remedial Action Plan (RAP) should be developed to facilitate appropriate remediation of asbestos impacts identified and an Asbestos Management Plan be developed to mitigate potential risk to workers/site users until remediation is undertaken”.

Issues of unexpected finds of ACM are addressed in the conditions.

It is reported that there is one registered Aboriginal site (AHIMS 52-2- 4879) consisting of an artefact scatter across a large exposure (30m x 10m) consisting of four stone artefacts (two silcrete and two indurated mudstone/tuff [IMT]), which has been affected by past ground works. Subsequent to that disturbance, further archaeological investigations have been undertaken. In particular, on 10 August 2023 a full coverage archaeological survey of the study area was carried out with representatives of relevant Registered Aboriginal Parties. Condition 3 as recommended by Council regulate sensitive work methods to allow for the potential presence of further archaeology.

The Project was approved under former NSW biodiversity legislation including the Threatened Species Act 1995 (TSA), which has since been replaced by the *Biodiversity Conservation Act 2016*. The development is however covered by a Certificate issued under Clause 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 which allows for reliance on past offsetting arrangements under the TSA and EP&A Act in association with agreements made for the Part 3A concept plan approvals. Accordingly, applying the savings provisions, this DA does not require further biodiversity assessment or approval under Part 7 of the BC Act.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report but with alterations addressing matters raised at the final determination briefing.

The panel is advised that the final set of conditions including those alterations have now been resolved by consent between the Council and the Applicant, as attached to an email from Council's Coordinator Development Assessment to the panel's secretariat dated 26 August 2024, and it is those conditions that the panel determines are to be applied to the consent granted, but with the following wording adopted for Conditions 24 for clarity:

"24. Remediation Action Plan

Prior to Council or the appointed principal certifier issuing a subdivision works certificate, an updated Remediation Action Plan (RAP) prepared in accordance with the requirements of the Contaminated Land Management Act 1997, is to be provided to the principal certifying authority (with a copy forwarded to Council for its records).

The RAP is to:






- i. be prepared by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH)
- ii. take into account the matters raised in the Detailed Site Investigation – Northern Fullwood Reserve as prepared by JBS&G dated 08 November 2023;
- iii. include an Unexpected Finds Protocol (UFP);
- iv. address data gaps within previously inaccessible areas, such as beneath the sports field and to delineate the extent of previous impacts identified including in the vicinity of S09_TP20 and within deeper fill areas within the McBarron Creek Channel; and
- v. provide for an Asbestos Management Plan (AMP) to manage and/or mitigate potential risk to maintenance workers in public areas until remediation is undertaken.
- vi. include protocols for work which will disturb the soil in the vicinity of identified contamination to ensure the protection of human health in accordance with the Guidelines.
- vii. be audited by an accredited au by a NSW EPA accredited contaminated land site auditor (see also Condition 43).

Upon completion of the remediation works, and prior to any occupation certificate issuing, a site validation report (completed by a suitably qualified person) and a site audit statement/site audit report (completed by a NSW EPA accredited contaminated land site auditor) shall be provided to the

principal certifying authority (and a copy supplied to Council for its records) confirming that the site is suitable for its proposed use in accordance with the National Environmental Protection (Assessment of Site Contamination) Measure 1999, as amended 2013 (NEPC 2013).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that the application was not required to be notified, in accordance with Council's Notification Policy.

PANEL MEMBERS	
 Justin Doyle (Chair)	 David Kitto
 Brian Kirk	 George Brticevic
 Karen Hunt	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-394 – Campbelltown – 2/204/DA-CW
2	PROPOSED DEVELOPMENT	Construction of landscaping and open space infrastructure embellishment works to the new Fullwood Reserve and surrounding parklands comprising civil and stormwater management works, revegetation, carpark and playing field upgrades and construction of an all abilities play area
3	STREET ADDRESS	Lot 1 Beryl Close, EAGLE VALE NSW 2558, Fullwood Reserve, Epidote Close, EAGLE VALE NSW 2558
4	APPLICANT/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"> 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 Campbelltown Local Environmental Plan 2015 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Campbelltown (Sustainable City) Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: In accordance with Part 9 of Council's Community Participation Plan, the proposed development was not required to be notified
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 18 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: David Kitto (Acting Chair), George Brticevic, Karen Hunt <u>Council assessment staff</u>: Alexandra Long, Karl Okorn <u>Applicant representatives</u>: Gulliver Coote Final briefing to discuss council's recommendation: 19 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Brian Kirk, George Brticevic, Karen Hunt <u>Council assessment staff</u>: Alexandra Long, Karl Okorn <u>Applicant representatives</u>: Gulliver Coote
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and as amended