
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held via Microsoft Teams on Wednesday, 24 August 2022 at 3.00pm.

ITEM	TITLE	PAGE
1.	ACKNOWLEDGEMENT OF COUNTRY	2
2.	APOLOGIES	2
3.	DECLARATIONS OF INTEREST	2
4.	REPORTS	2
4.1	Subdivision of land to create 138 residential lots, 3 final residue lots and associated civil works, including earthworks, construction of roads, infrastructure and acoustic fencing	2

Minutes of the Local Planning Panel Meeting held on 24 August 2022

Present Chair - The Hon. T Sheahan
Member Philip Hayward
Member Scott Lee
Member Lindsay Fletcher

Also Present**1. ACKNOWLEDGEMENT OF COUNTRY**

An Acknowledgement of Land was presented by the Chairperson.

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

4. REPORTS**4.1 Subdivision of land to create 138 residential lots, 3 final residue lots and associated civil works, including earthworks, construction of roads, infrastructure and acoustic fencing**

Executive Summary

- The land is situated within an urban release area and is located along Appin Road, Gilead. The land comprises 2 allotments with a total land area of 54.16 hectares.
 - The application proposes the subdivision of land to create 138 residential lots, 3 final residue lots and associated civil works, including earthworks, construction of roads, infrastructure and acoustic fencing.
 - The land contains 3 land use zones under the Campbelltown Local Environmental Plan 2015 (CLEP 2015), and the land may be subdivided with development consent. The proposal is consistent with the applicable objectives of each zone.
 - General Terms of Approval have been issued from the NSW Rural Fire Service (NSW RFS) and Subsidence Advisory NSW (SA NSW). Concurrence has been provided by Transport for NSW (TfNSW).
-

-
- The application involves a variation to the Campbelltown (Sustainable City) Development Control Plan (SCDCP) with respect to subdivision design.
 - The application was publicly notified and exhibited from 30 November 2018 to 29 January 2019. Sixty-six submissions objecting to the proposed development were received.
 - The land is subject to a Biodiversity Certification Agreement (BCA), and biodiversity certification has been conferred on the land under Part 7AA of the *Threatened Species Conservation Act 1995* (TSC Act).
 - In accordance with the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (BCSTR), the biodiversity certification is taken to be biodiversity certification conferred on the specified land under Part 8 of the *Biodiversity Conservation Act 2016* (BC Act).
 - In accordance with the BC Act, an assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act.
 - The land is subject to State and Local Voluntary Planning Agreements which have been executed and registered against the relevant land titles.
 - The Secretary has certified that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land.
 - The application is recommended for approval in accordance with the recommended conditions in attachment 1 to this report.

Panel Considerations and Reasons for Decision

The proposed development, subject to the recommended conditions, satisfies relevant State legislation and State Environmental Planning Policies including the Biodiversity Conservation Act 2016, National Parks and Wildlife Act 1974, SEPP (Precincts – Western Parkland City), SEPP (Transport and Infrastructure) 2021, SEPP (Resilience and Hazards) 2021 and other relevant legislation. As the proposal involves subdivision, approval under the Rural Fires Act 1997 and Coal Mine Subsidence Compensation Act 2017 has also been issued.

The land is subject to a Biodiversity Certification Agreement, and biodiversity certification has been conferred on the land. In accordance with the BC Act, an assessment of the likely impact on biodiversity of development on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act

The Panel acknowledges that proposed development does not involve the removal of any biodiversity significant vegetation, previously addressed by 2984/2020/DA-CW. For this reason, the Panel are not required to consider the requirements of Chapter 4 Koala Habitat Protection 2021 of SEPP (Biodiversity and Conservation) 2021 due to Clause 8.4 of the Biodiversity Conservation Act 2016.

The site has been subject to Aboriginal archaeological investigation involving registered Aboriginal parties and an Aboriginal Heritage Impact Permit has been issued for the land, and subsequently varied by Heritage NSW.

On the grounds that the application proposes works that are greater than 40 metres from a natural watercourse as determined by the NSW Office of Water, it is not integrated development and does not require referral under the Water Management Act 2000.

The Panel is satisfied the proposed development is consistent with the staging plan that applies to the land, which enables the development to be undertaken in a number of phases.

The Panel notes the Appin Road upgrade is supported by a Review of Environmental Factors which identifies and addresses the road safety concerns of Appin Road. Further review of the TfNSW REF is likely to accommodate an amended scope of works to the State VPA to include fauna underpasses adjacent to Noorumba Reserve and Beulah.

In this regard, the Panel is conscious that the proposed development in the north east corner of the site may compromise the most suitable outcome. Therefore, it is considered prudent to exclude proposed lots 1397 - 1398 and 1372 - 1379 to form a residue lot, until such time as detailed design of the Noorumba underpass is formalised within an appropriate planning approval. The Panel notes that, this may impact on the length of the acoustic wall which is a matter for the applicant to consider.

The Panel notes that there are no heritage controls applicable to the site and that the homestead at Mount Gilead is located on another site. The remnants of the Hillsborough Cottage near the entrance gates to Mt Gilead have archaeological significance. As noted in the Council Officers report, the site of the former cottage would be retained and protected from subdivision works with fencing.

The Panel considered Clauses 5.10, 6.2, 6.3, 7.1, 7.2, 7.4, 7.5, 7.18 and 7.20 of Campbelltown Local Environmental Plan 2015 as addressed in the Officer's report and considers that the relevant requirements have been satisfied.

The provision of water and sewerage services to the site is the subject of an endorsed preferred waste water servicing strategy by Sydney Water for the urban release area, which includes the construction of 2 sewer pump stations and a pressurised rising main from the sewer pump stations to an existing manhole situated in Copperfield Drive, Rosemeadow which forms part of the broader gravity network serviced by the Glenfield Sewage Treatment Plant.

Consideration of the above matters were contained in public submissions, both written and verbal. Two additional submissions were also received after publication of the officers assessment report which have all been received by the Panel and considered.

The Panel carefully considered all written and verbal submissions including material provided for consideration at the meeting and was satisfied that all matters raised are satisfactorily addressed in the application or by way of conditions of consent. In the Panel's opinion there are no grounds to justify refusal of the application.

Decision of the Panel

1. That Development Application 2687/2018/DA-SW for the proposed subdivision of land to create 138 residential lots, 3 final residue lots and associated civil works, including earthworks, construction of roads, infrastructure and acoustic fencing at Appin Road, Gilead be approved subject to the conditions attached to the assessment report; amended as follows:

- a. Amend condition 2, to insert after a, b: An amended Plan of Proposed Subdivision that excludes proposed lots 1397-1398 and 1372 - 1379 from Stage 1 C, to form a consolidated residue lot, until such time as detailed design of the Noorumba underpass is formalised within an appropriate planning approval.
2. That an application for the modification of Development Application 2687/2018/DA-SW, for a kind of development that is to be referred to the Panel for Determination, be reported to the Panel for its determination unless the application meets the criteria determined by the Panel at its meeting on 30 May 2018, in which case the application can be determined by the General Manager or her delegate.

Voting

4/0

The next meeting of the Local Planning Panel will be held on 28 September 2022.

Chairperson

Meeting Concluded: 3:46pm