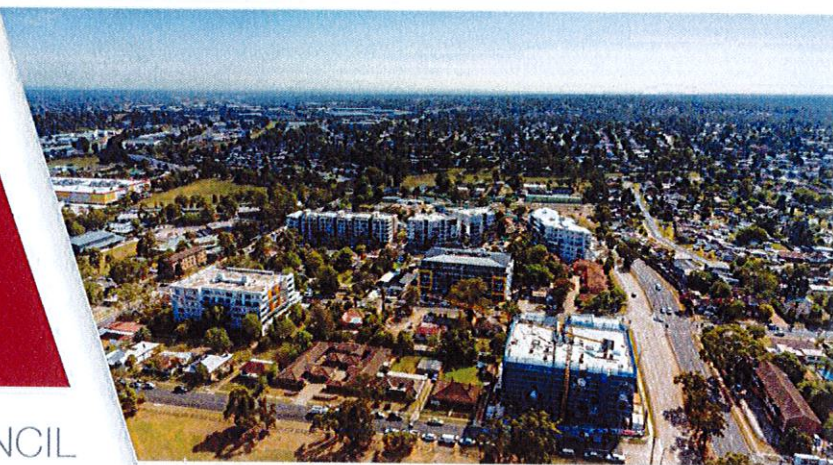


2019

CAMPBELLTOWN CITY COUNCIL



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24 July 2019

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held in Civic Centre, Campbelltown on **Wednesday, 24 July 2019 at 3.00.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. REPORTS	6
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4.4 Use and fitout of unit 7 as a sex services premises - 4 Grange Road, Leumeah	157
4.5 Multi Dwelling Housing development and strata subdivision at 5-7 Fields Road, Macquarie Fields.	204
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General Information

The role of the Local Planning Panel is to determine development applications and provide advice on planning proposals.

When the panel is considering a report relating to a development application, the panel will receive and consider verbal submissions from the applicant and from any person that made a written submission in regard to that development application (during the notification or exhibition period).

As required by the Minister's Local Planning Panels Direction, when considering a planning proposal, the role of the panel is to provide advice to Council. The panel is the first step in the evaluation process before Council and the State Government (through the Gateway process) to decide whether to support a formal public exhibition or consultation period on the proposal. It is possible that the proposal will be modified before or as part of the consideration by Council and/or through the Gateway process. The panel will consider verbal submissions made in relation to the matter from the applicant, if there is one, and from any other person. The panel will not consider written submissions tabled at the meeting, however they will be accepted and passed on to Council officers for consideration in their report to Council.

Any person who makes a verbal submission to the panel must identify themselves and must also accept that their presentation will include their images and sounds and will be webcast and stored on Council's website for future viewing. Any person who makes a verbal submission to the panel must also declare before their submission any political contributions or donations they have made over the last four years exceeding \$1,000 to any political party or candidate who contested the last Ordinary Election of Council.

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 minutes each. The chairperson has the discretion to extend the period if considered appropriate. Panel members will have the opportunity to ask you questions at the end of your submission.

Recommendations of the Panel

The reports are presented to the Local Planning Panel for its consideration and recommendation.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The panel's recommendations become public day following the Independent Hearing and Assessment Panel meeting.

Information

Should you require information about the panel or any item listed on the agenda, please contact Council's City Development department on 4645 4575 between 8.30am and 4.30pm.

The following reports are referred to the Local Planning Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Tree removal, dewatering of dams, site remediation works and bulk earthworks - Appin Road, Gilead

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Referral Criteria

Pursuant to Clause 4.8 of the *Environmental Planning and Assessment Act 1979*, the consent authority for the subject development application is the Campbelltown City Council Local Planning Panel, due to the number of unique submissions received by way of objection.

Executive Summary

- The site is an urban release area and is located at Appin Road, Gilead. The site has an area of 203.33 hectares.
- The application proposes tree removal, dewatering of dams, site remediation works and bulk earthworks.
- The site contains five land use zones under the Campbelltown Local Environmental Plan 2015, and earthworks are permitted with consent. The proposal is consistent with the applicable objectives of each zone.
- The site is bounded by Noorumba Reserve to the north, the Upper Canal and Mt Gilead to the west, Beulah to the south and Appin Road to the east.
- An Aboriginal Impact Permit was previously issued for the land under which an archaeological testing program was undertaken in consultation with Registered Aboriginal Parties.
- The land is subject to a Biodiversity Certification Agreement, and no further ecological assessments are required to be undertaken on the land.
- The proposal is consistent with the applicable controls of Campbelltown (Sustainable City) Development Control Plan 2015, and the site specific Mt Gilead Development Control Plan.
- The application was publicly notified and exhibited. Twenty-two submissions objecting to the proposed development were received.

- The application is recommended for approval, subject to the conditions in attachment 1 to this report.

Officer's Recommendation

That development application 3868/2017/DA-CW for the proposed tree removal, dewatering of dams, site remediation works and bulk earthworks at Appin Road, Gilead be approved subject to the conditions in attachment 1.

Purpose

To assist the Panel in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lots 1 - 5 DP 1240836, Lot 61 DP 752042, Appin Road, Gilead
Application No	3868/2017/DA-CW
Applicant	Lendlease Communities
Owner	Mt Gilead Pty Ltd, Lendlease Communities (Mt Gilead .3.) Pty Limited
Provisions	State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Mt Gilead Development Control Plan
Date Received	30 November 2017

History

During the time the development application was lodged with Council, Lendlease Communities (Mt Gilead .3.) Pty Limited has purchased Lot 61 DP 752042 from Stefan & Anna Dzwonnik.

Additionally, Lot 3 DP 1218887 was subdivided into five residue lots (Lots 1 - 5 DP 1240836) under development application No. 2989/2017/DA-S.

The Site

The Greater Sydney Commission rezoned the site to provide for urban development on 8 September 2017 under Amendment No. 2 of the Campbelltown Local Environmental Plan 2015.

The site is comprised of six allotments with a total land area of 203.33 hectares. The identification and site area of each lot is provided below:

- Lot 61 DP 752042: 32.37ha
- Lot 1 DP 1240836: 24.19ha
- Lot 2 DP 1240836: 23.60ha
- Lot 3 DP 1240836: 48.07ha
- Lot 4 DP 1240836: 60.43ha
- Pt Lot 5 DP 1240836: 14.67ha

The site adjoins the Noorumba Reserve and a seniors living development to the north, Mount Gilead and the Sydney Water Supply Upper Canal to the west, Beulah to the south and Appin Road to the east.

The Upper Canal and Beulah are listed as heritage items of State Significance, and Mount Gilead is listed as a heritage item of Local Significance, under Schedule 5 of the Campbelltown Local Environmental Plan 2015.

Two rural driveways provide access to the site from Appin Road, including the driveway to the Mount Gilead homestead. Appin Road is a classified road pursuant to the Roads Act 1993.

The site has been used for agricultural purposes, including the grazing of cattle, and is predominately cleared of vegetation.

Two areas of trees are located within Lot 61 and form bio-banks under the Biodiversity Certification Agreement. The remainder of the site contains scattered trees, several dams, watercourses and riparian areas (see Figure 1).

The topography of the landform is undulating. The steepest land is located in the north-western corner of the site, whereas the highest point is located in the south-eastern corner bordering Appin Road.

Several easements traverse the site, including easements for transmission lines, telecom cables, sewerage purposes and right of carriageway.

The site is mapped as being located within bushfire prone land and a mine subsidence district.



Figure 1: Aerial photo showing subject site outlined in red

The Locality

The low density residential suburbs of Rosemeadow and St Helens Park are situated approximately 1km to the north.

The urban centres of Macarthur and Campbelltown are situated approximately 6km and 8km to the north, respectively.

The Nepean River and the M5 Motorway are located to the west, and the Georges River and Wedderburn are located to the east of Appin Road.

The western side of Appin Road contains significant landholdings that have been identified as Urban Capable Land under the Greater Macarthur Structure Plan.

The future character of the locality is anticipated to change dramatically as existing rural land uses undergo transition into urban development in accordance with the Greater Macarthur Growth Area.

The NSW Roads and Maritime Services, in partnership with Lendlease, have committed to the staged upgrade of a 5.4km section of Appin Road between Gilead and the intersection of St Johns Road, Ambarvale.

Appin Road would be converted to four traffic lanes between Fitzgibbon Lane to approximately 2.5km south of Copperfield Drive, Rosemeadow.

Two intersections would be constructed to provide access to the proposed future residential housing estate at Gilead.

Fauna fencing would be provided between Noorumba Reserve and Beulah on the eastern side of Appin Road to reduce fauna road mortality.

Arboreal rope bridges would be installed adjacent to Noorumba Reserve and Beulah to enable east-west fauna connections.

The Proposal

The proposed development seeks consent for the following works:

- tree removal
- dewatering of dams
- site remediation works
- bulk earthworks

The proposal involves the removal of numerous trees and dewatering of several dams throughout the landscape.

The land subject to this application has been 'biodiversity certified' pursuant to the *Threatened Species and Conservation Act 1995*, under which no further assessment of the developments impacts on flora and fauna is required. The order conferring biodiversity

certification of Mt Gilead Stage 1 was published in the NSW Government Gazette No.70 of 5 July 2019.

The application does not propose to remove any vegetation required to be retained within the designated bio-bank areas.

The proposed site remediation works involve the implementation of a remedial action plan to remove contamination from the site in order to make the land suitable for future urban purposes.

The proposed bulk earthworks would be undertaken in four phases (see figure 2).

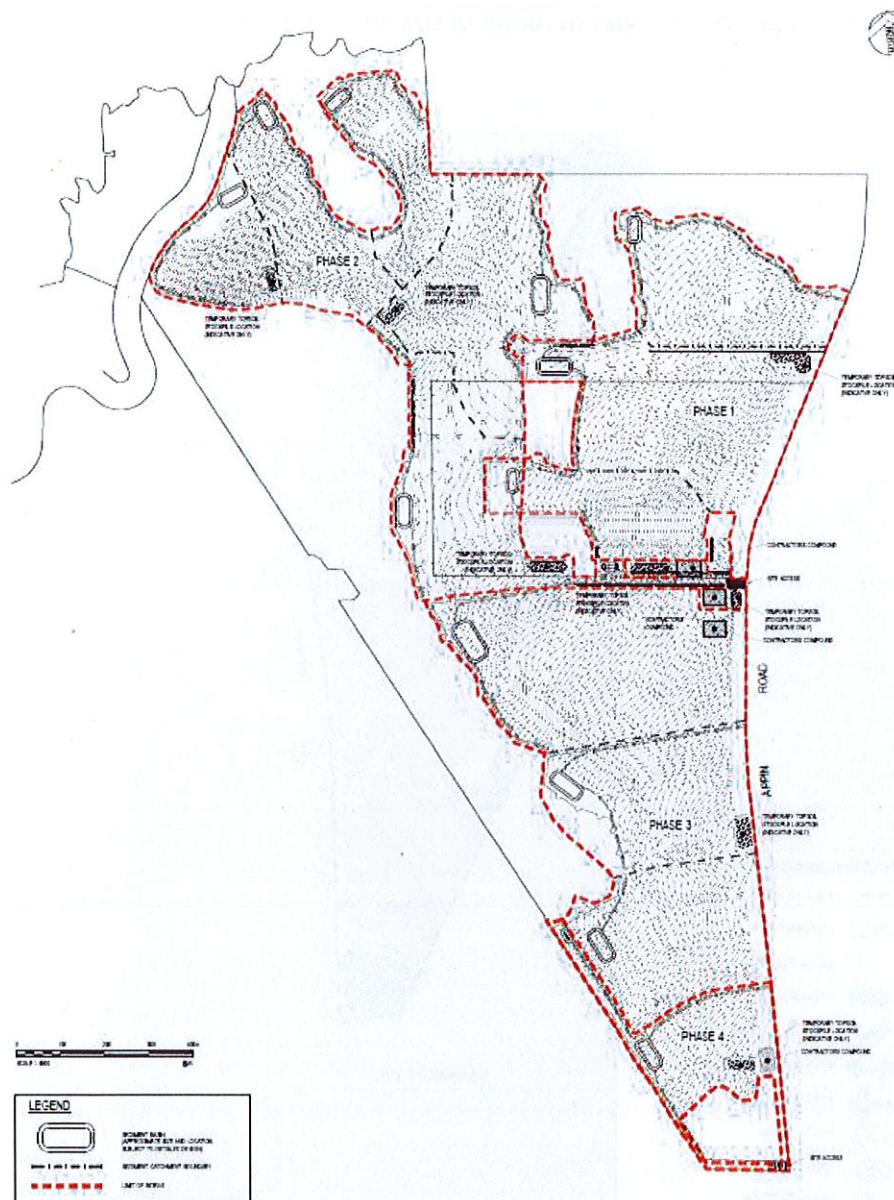


Figure 2: Bulk earthworks phasing plan

The existing landform would be re-contoured to form the necessary levels to support the future proposed infrastructure and land uses envisaged for the area under the Campbelltown Local Environmental Plan 2015 and Mount Gilead Indicative Structure Plan (see figure 3).

To achieve these levels, it will be necessary to import approximately 50,000 cubic metres of fill material to the site by truck and dog.

Vehicle access to the site would be provided from Appin Road via two existing rural driveways. The primary vehicle access point serves the Mount Gilead homestead, and secondary vehicle access point is located adjacent to the shared boundary with Beulah.

Soil would be stockpiled within designated locations, and temporary sediment basins would be formed to manage the downstream runoff of soil and water.

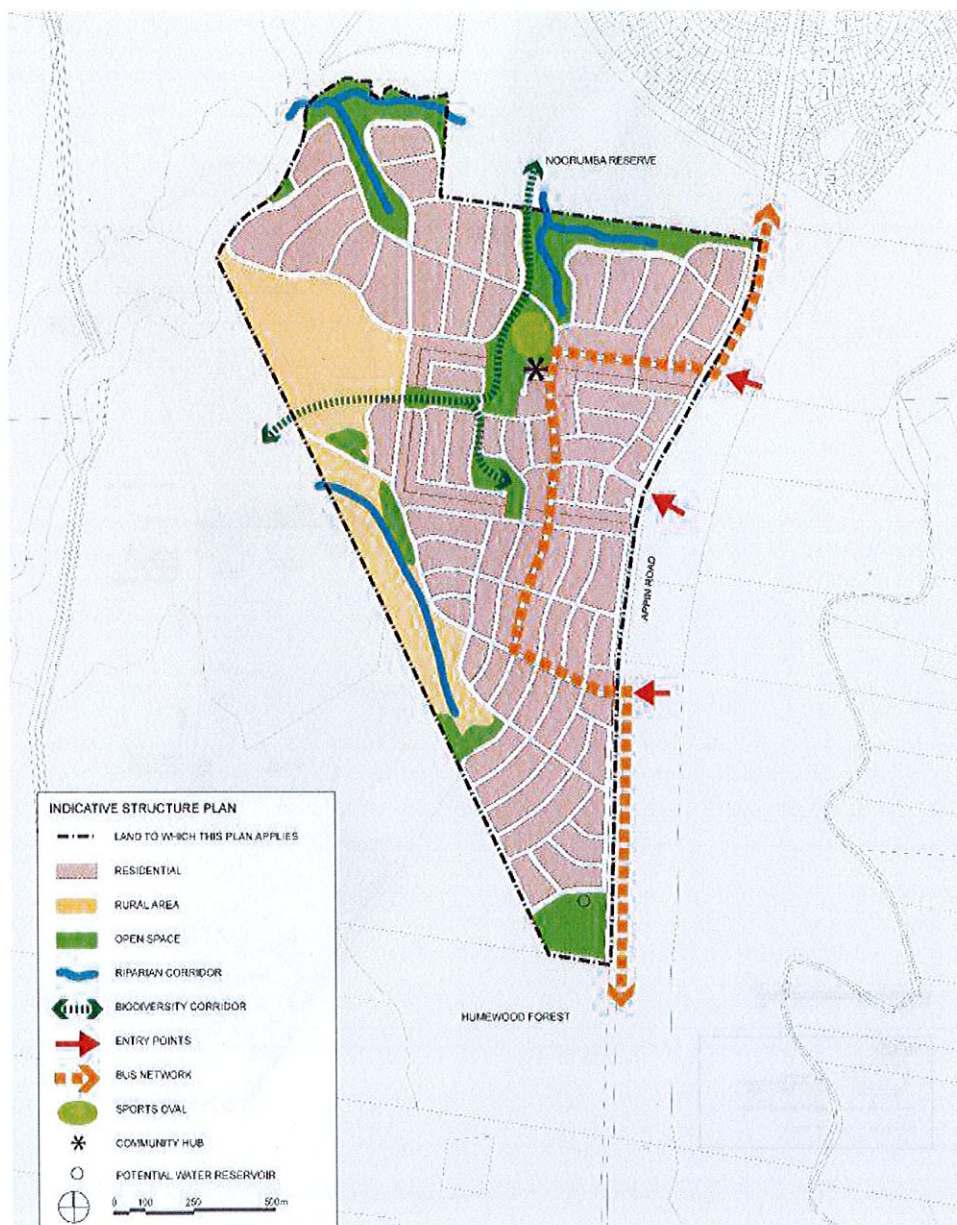


Figure 3: Mount Gilead Indicative Structure Plan

Report

1. Strategic Context

1.1. Greater Sydney Region Plan

The Greater Sydney Region Plan (GSRP) is built on a vision where most residents live within 30 minutes of their jobs, education and health facilities, services and great places and seeks to transform Greater Sydney into a metropolis of three cities. The Campbelltown LGA is located within the Western Parkland City and the Western City District.

The GSRP identifies the need for an additional 725,000 dwellings in the period 2016-2036 within the Western City District. These additional dwellings will comprise 29 percent of the total Sydney wide dwelling growth by 2036.

The proposal is consistent with the Regional Plan as Mount Gilead is located within the Greater Macarthur Growth Area which is identified by the Plan as a land release area where new communities are to be developed, providing dwelling capacity into the medium and longer term.

1.2. Western City District Plan

The Western City District Plan (the District Plan) sets out more details with respect to the anticipated growth in housing and employment in the Western District.

The District Plan identifies future growth of an additional 184,500 dwellings to be provided in land release area and urban renewal close to existing centres. The development of Mount Gilead will assist in achieving the 0-5 year housing target of 6,800 for Campbelltown as future subdivision and dwelling house applications are lodged.

1.3. Greater Macarthur 2040 (Draft) An Interim Plan for the Greater Macarthur Growth Area

Greater Macarthur 2040 is a draft land use and infrastructure implementation plan that when finalised, will guide precinct planning within the Growth Area. The Plan is supported by strategies for major items of State and local infrastructure and includes an updated structure plan for the land release areas of South Campbelltown.

The Growth Area within the Campbelltown Local Government Area (LGA) would provide for approximately 39,000 dwellings in the land release precincts. Approximately 19,000 of these new dwellings is expected to be delivered in new land releases within the Campbelltown LGA, including the Mt Gilead Precinct.

The proposal is consistent with the draft Plan as it forms part of the Gilead precinct which has potential for up to 15,000 homes. Mt Gilead forms Stage 1 of this release with up to 1,700 dwellings planned.

1.4. Campbelltown '2027' Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan for the city of Campbelltown. The Strategic Plan addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next ten years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The development application has been assessed with regard to the desired outcomes and objectives identified within Campbelltown 2027. It is considered that the proposed development is generally consistent with the long term vision for the Campbelltown and Macarthur Region having regard to the proposed scale and impact on the locality.

2. Planning Provisions

The proposed development has been assessed against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2.1. National Parks and Wildlife Act 1974

Section 90 of the *National Parks and Wildlife Act 1974* requires an Aboriginal Impact Permit to be issued for the land.

The development application has been lodged as integrated development within the meaning of Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

The NSW Office of Environment and Heritage issued General Terms of Approval on 31 May 2019 which have been included as a condition within the draft consent.

2.2. Water Management Act 2000

Section 91 of the *Water Management Act 2000* requires a controlled activity approval to be issued for works within 40m of the top of the bank of the natural watercourses on the land.

The plans show that all works would be setback at least 40m from the top of the bank of all natural watercourses on the land.

Accordingly, the applicant has not lodged the development application as integrated development within the meaning of the *Water Management Act 2000*.

2.3. Roads Act 1993

Section 138 of the *Roads Act 1993* requires consent to connect a road (whether public or private) to a classified road.

The proposal would utilise the two existing rural driveways that provide vehicle access to and from Appin Road.

Accordingly, the applicant has not lodged the development application as integrated development within the meaning of the *Roads Act 1993*.

2.4. Rural Fires Act 1997

Section 100B of the *Rural Fires Act 1997* requires a bushfire safety authority for a subdivision of bushfire prone land for residential purposes, or development of bushfire prone land for a special fire protection purpose.

The proposed development does not involve the subdivision of land or development for a special fire protection purpose.

Accordingly, the proposed development is not considered to be classified as integrated development within the meaning of the *Rural Fires Act 1997*.

2.5. Coal Mine Subsidence Compensation Act 2017

Section 22 of the *Coal Mine Subsidence Compensation Act 2017* requires approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.

The proposed development does not involve the erection of any dwellings, roads or infrastructure on the land. The applicant advises that approval would be sought prior to the future proposed development and subdivision of land for residential purposes.

Accordingly, the applicant has not lodged the development application as integrated development within the meaning of the *Coal Mine Subsidence Compensation Act 2017*.

2.6. Fisheries Management Act 1994

Section 219 of the *Fisheries Management Act 1994* requires a permit to construct or alter a dam across a river or creek or across or around a flat, so that fish will or could be blocked or left stranded, or immature fish will or could be destroyed, or the free passage of fish will or could be obstructed.

The proposal involves the dewatering of farm dams. The applicant outlines that due to the separation from existing natural watercourses, the dams are considered to have limited potential for any viable aquatic or fish life.

The applicant's ecological consultant confirms the proposal would not impact on a waterway mapped as key fish habitat or a waterway that contains a threatened species record.

Further, the Biodiversity Certification Agreement permits the dewatering of dams as it sets aside the integrated development provisions of the *Environmental Planning and Assessment Act 1979*.

Accordingly, the applicant has not lodged the development application as integrated development within the meaning of the *Fisheries Management Act 1994*.

2.7. State Environmental Planning Policy No 55 – Remediation of Land

Pursuant to Clause 7(1) of SEPP 55, the Panel must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated
- (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

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose

The application was accompanied by a Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) prepared by Douglas Partners.

The Preliminary Site Investigation was undertaken over Lot 61 DP 752042 and the Detailed Site Investigation was undertaken over the remaining lands.

The PSI evaluates the contamination status of the site and assesses its suitability from a contamination standpoint for the proposed future residential subdivision.

The findings of the report indicate the site has a low potential for contamination, and that the site is considered suitable from an environmental perspective, for the proposed future residential land use.

While there remains potential for isolated pockets of contamination to be present on the site, this could be readily managed through the implementation of an Unexpected Finds Protocol.

The PSI identifies five areas of environmental concern within the site, four of which required further investigation.

The four areas of concern include fragments of asbestos pipe, stockpiles of silty clay filling, surface soils surrounding the timber power poles, and an asbestos cement pipe.

The findings of the DSI indicate the site could be made suitable for the proposed development subject to requirements, including the removal of asbestos containing material, offsite disposal of soils in the vicinity of the timber power poles, execution of a Remedial Action Plan (RAP), and implementation of an Unexpected Finds Protocol.

The application was accompanied by a RAP which includes a strategy to render the site suitable for the proposed future development and outlines requirements for the remediation works to be completed in an environmentally acceptable manner.

The RAP requires a validation plan to be undertaken to assess the results of post remediation testing against the remediation acceptable criteria and includes the collection of samples to be tested in a NATA registered laboratory to assess the overall quality of remediation works.

Based on the findings of the reports, it is considered the proposed site remediation works and post remediation testing make the land suitable for future urban land uses, before the land is used for that purpose.

2.8. State Environmental Planning Policy (Infrastructure) 2007

Clause 101(2) of the Infrastructure SEPP provides that the Panel must not consent to development that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
- i. the design of the vehicular access to the land
 - ii. the emission of smoke or dust from the development
 - iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land.
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The site has a frontage to Appin Road which is a classified road. Vehicle access to the site is not able to be achieved by a road other than Appin Road.

In order to manage the safety, efficiency and ongoing operation of Appin Road, a condition has been included requiring a Construction Traffic Management Plan to be approved by the NSW Roads and Maritime Services (RMS) prior to the commencement of works.

The proposed development is of a type that is not sensitive to traffic noise or vehicle emissions arising from Appin Road.

2.9. Campbelltown Local Environmental Plan 2015

The subject site contains five land use zones under the provisions of the Campbelltown Local Environmental Plan 2015. The proposal is considered to be consistent with the applicable objectives discussed below:

Zone R2 Low Density Residential

- to provide for the housing needs of the community within a low density residential environment.
- **Comment:** The proposed development would facilitate the future development of the locality to provide for the housing needs of the community within a low density residential environment.

Zone RU2 Rural Landscape

- to maintain the rural landscape character of the land
- to preserve and enhance bushland, wildlife corridors, natural habitat and water resources, including waterways, ground water and riparian land
- to protect and enhance areas of scenic value, and the visual amenity of prominent ridgelines, by minimising development and providing visual contrast to nearby urban development

Comment: The proposed development shows that minimal works would be undertaken within the RU2 zone so as to maintain the rural landscape character of the land. The proposal would preserve the trees within the zone and protect the scenic value One Tree Hill which would provide a visual contrast to the adjacent residential zone.

Zone RE1 Public Recreation

- to enable land to be used for public open space or recreational purposes
- to preserve and rehabilitate bushland, wildlife corridors and natural habitat, including waterways and riparian lands, and facilitate public enjoyment of these areas
- to preserve land that is required for public open space or recreational purposes

Comment: The proposed development would support future provision of open space and recreational activities via separate planning applications. The proposal would preserve the bush land adjacent to Noorumba Reserve and would facilitate the public enjoyment of the land with a potential future pedestrian/cycle route. The proposal would preserve land that is required for public open space and recreational purposes as shown on the Indicative Landscape Strategy within the Gilead DCP.

Zone B1 Neighbourhood Centre

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood

Comment: The proposed development would facilitate the future development of a neighbourhood centre to provide small-scale community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Zone SP2 Infrastructure - Classified Road

- To provide for infrastructure and related uses

Comment: The boundaries of the site extend past the R2 zoned land and into the SP2 zoned land. The application does not propose any works within the SP2 zoned land associated with Appin Road. Lendlease and the NSW Roads and Maritime Services would provide the required infrastructure upgrades to Appin Road under an arrangement that is separate to this development application. In this regard, the proposed development is considered to be the catalyst that generates the provision of infrastructure upgrades to Appin Road.

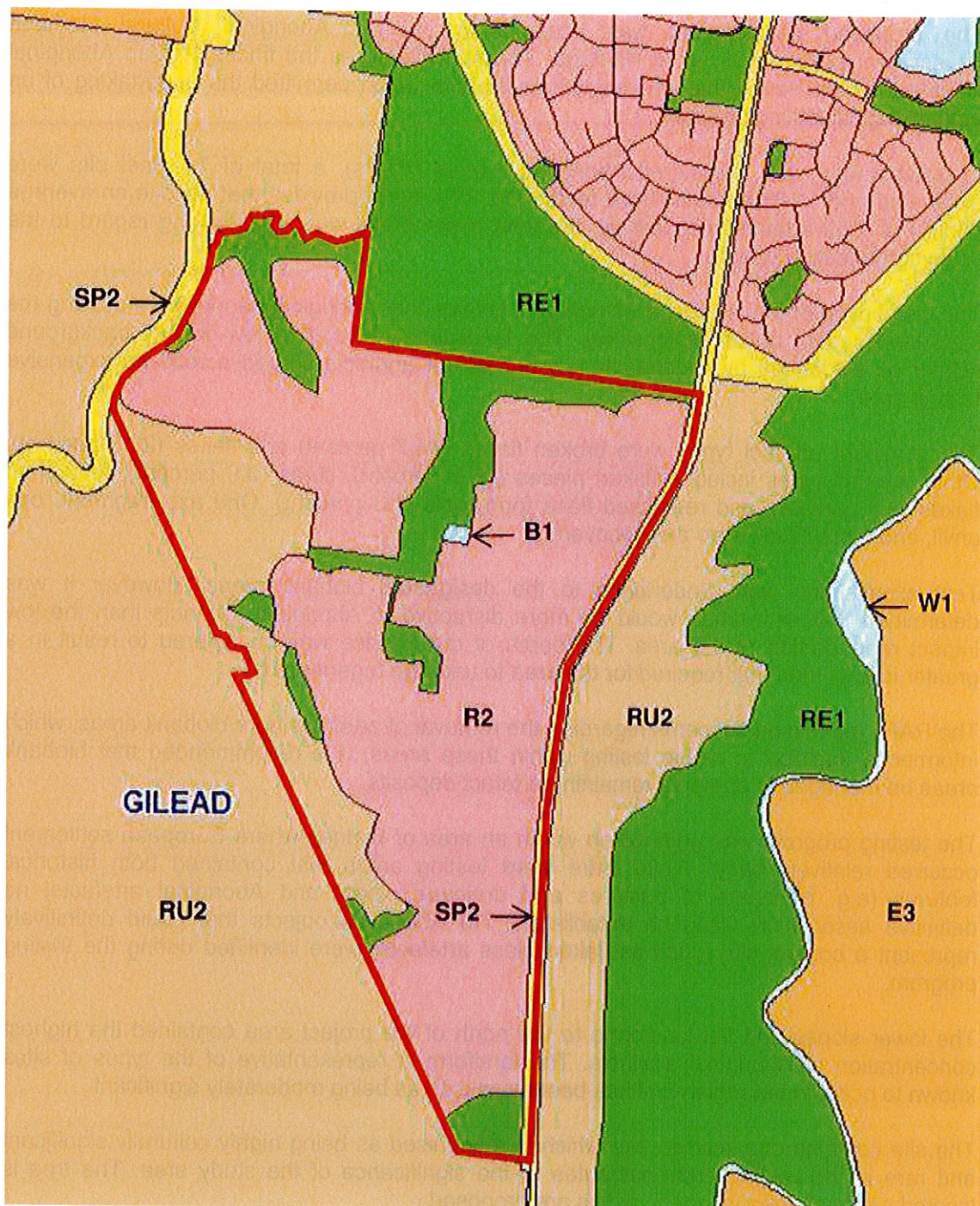


Figure 4: Extract of zoning map indicating zoning of site and locality

Heritage conservation

Pursuant to clause 5.10(2) of the LEP, development consent is required for disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.

The proposed development was accompanied by an Aboriginal Cultural Heritage Assessment prepared by Vitus Heritage. The report outlines the findings of an Aboriginal Heritage Impact Permit that was issued for the site which permitted the undertaking of an archaeological testing program.

In collaboration with Registered Aboriginal Parties (RAPs), a total of 742 test pits were excavated and 1,183 artefacts were recovered. The report provides that despite an average density of 1.59 artefacts per test pit, the total assemblage was small having regard to the scale of the testing program.

The distribution of the artefact assemblage indicates that Aboriginal people were utilising the local landscapes, but not intensively. The landscape revealed a low-density background scatter as evidenced by a generally low number of artefacts spread across an expansive testing area.

The dominant artefact types were broken flakes (44.7 percent) and flakes (26.5 percent). Other artefact types included flaked pieces (18.9 percent), cores (3.9 percent), retouched flakes (2.8 percent), and retouched flake form tools (1.3 percent). One axe fragment, one anvil, and a manuport were also recovered.

Test excavations were undertaken to the designated biobank areas. However it was determined that excavation would be more disruptive to Aboriginal artefacts than the low impact regeneration of the area. The depth of disturbance was considered to result in a greater impact than that required for the area to undergo regeneration.

The RAPs expressed concerns regarding the removal of artefacts from biobank areas, which informed a decision to cease testing within these areas. It is recommended that biobank areas be managed to preserve remaining artefact deposits.

The testing program was undertaken within an area of Sydney where European settlement occurred relatively early. While there were testing areas that contained both historical features (e.g. remnants of pastures and drainage pipes) and Aboriginal artefacts, no definitive association could be established. No Aboriginal objects that could definitively represent a contact site (such as flaked glass artefacts) were identified during the testing program.

The lower slopes and flat landforms to the north of the project area contained the highest concentration of Aboriginal artefacts. The landform is representative of the types of sites known to occur in the region and has been assessed as being moderately significant.

The site contains one scarred tree which is recognised as being highly culturally significant and rare in the region, and contributes to the significance of the study area. The tree is located within an area where no works are proposed.

The statement of significance concludes that as a whole, the landscape of the project area is predominantly of low scientific significance, with elements of moderate to high significance. The RAPs state the project area has cultural significance and is part of a broader cultural landscape steeped in social and historical values.

The proposed development was reviewed by NSW Office of Environment and Heritage and General Terms of Approval have been issued requiring additional information, including an Aboriginal Impact Permit to be sought and granted prior to the commencement of works.

Arrangements for designated State public infrastructure

Pursuant to Clause 6.1(2) of the LEP, development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land

The proposed development does not involve the subdivision of land.

Public utility infrastructure

Pursuant to Clause 6.2(1) of the LEP, development consent must not be granted for development on land in an urban release area unless the Panel is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

The proposed bulk earthworks would not create demand for public utility infrastructure. The proposed development relies on the use of earth moving equipment. The proposal would establish suitable site conditions to provide public utility infrastructure to service future proposed residential allotments.

Development control plan

Pursuant to Clause 6.3(2) of the LEP 2015, development consent must not be granted for development on land in an urban release area unless a development control plan has been prepared for the land that provides for the following matters:

- (a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,

Comment: The site specific Mt Gilead Development Control Plan and the Campbelltown (Sustainable City) Development Control Plan 2015 apply to the subject land. The Gilead DCP commenced at the same time the land was rezoned for urban development.

The Gilead DCP does not provide a staging plan that outlines the timely and efficient release of urban land, or the sequencing under which infrastructure would be delivered. In this regard, the following advice was provided from the applicant's town planning consultant GLN Planning as follows:

At the time of Council's consideration of the planning proposal to rezone land the Gilead Estate as a new urban release area (now known as Figtree Hill), a suite of documents and technical reports were provided to support the planning proposal for the site. This included an Infrastructure Services Delivery Plan (ISDP), prepared by GLN Planning dated 24 June 2016.

The ISDP included a detailed staging plan addressing the managed release of urban land, the delivery of infrastructure and its sequencing. These details were subsequently relied upon by Council in rezoning Gilead Estate under Campbelltown Local Environmental Plan 2015 (Amendment No.2) and in making Part 7 Mt Gilead of Campbelltown (Sustainable City) Development Control Plan, Volume 2 Site Specific Development Controls.

Since the land has been rezoned, Lendlease have worked closely with several public authorities to ensure that satisfactory infrastructure and services are delivered in line with its planned staged urban renewal of the Gilead precinct, including new and upgraded water, sewer and power services and significant contributions towards the delivery of an upgraded Appin Road corridor.

Further, it is considered that the intent of the clause 6.3(3) requirement to include a staging plan within a DCP is to ensure that where land is fragmented or land not readily controlled by one developer, appropriate consideration is given to the roll out of development relative to infrastructure delivery. At the time of the rezoning, Council was aware that the Gilead estate was owned by two different parties (Mt Gilead Pty Ltd, land now identified as Lots 1 to 5 in DP 1240836 and S&A Dzwonnik land identified as Lot 61 in DP 752042). Whilst agreeable to working collaboratively to rezone the land for urban development, it was always intended and understood by Council that the two landholdings would be developed independently and at the same time.

To address this requirement in the masterplan, the ISDP and final land use controls, Council mandated that specific requirements were provided to each specific landholding to allow both to be developed at the same time, independent of each other. This resulted in a separate road access point to Appin Road being specifically provided for Lot 61 in DP 752042 as well as the need for Lot 61 in DP 752042 to include a catchment specific stormwater detention and quality basin at its northern boundary so that development could occur independently of the remainder of the Gilead release area. As such, it was never intended that the different landholdings required specific staging as each landowner would be responsible for their own infrastructure and service delivery.

Since purchasing Lot 61 in DP 752042 and having a registered development interest in Lots 1 to 5 in DP 1240836, Lendlease have since been able to rationalise the delivery of infrastructure to remove the redundant access point to Appin Road in line with Road and Maritime Services's request. They have also been able to redesign Basin 3 at the northern end of the site to more efficiently meet the necessary stormwater detention and quality requirements for the broader catchment and resulted in the removal of a redundant basin. This approach further removes the requirement for any specific staging plan within the DCP as Lendlease has a controlling interest in all land in the release area and can ensure the orderly roll out of infrastructure.

In view of the above, it is considered that the relevant details regarding the planned staging of the precinct and its infrastructure servicing were provided to Council to inform the making of Part 7 Gilead DCP, such that Council would have no obstruction to granting developing consent pursuant to clause 6.3(2) of the LEP.

Comment: The ISDP supported the Voluntary Planning Agreement and outlines the future staged residential subdivision of the land. The phasing plan accompanying this application shows the earthworks would be undertaken in four stages within a logical manner.

- (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists

Comment: The Gilead DCP provides an Indicative Street Network and Public Transport map which depicts collector roads, distributor streets, local streets, access points and bus

routes. The Gilead DCP provides an Indicative Pedestrian/Cycle Network which plots pedestrian/cycle routes. It is considered the Gilead DCP satisfies this requirement.

- (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain

Comment: The Gilead DCP provides an Indicative Landscape Strategy which provides for rural areas, open space and drainage areas, riparian corridors, detention and bio-retention basins, interpretive drive, landscaped green link, screen planting, One Tree Hill, sports oval, and a potential water reservoir. The Gilead DCP provides objectives to conserve riparian areas and remnant bushland.

The Gilead DCP aims to retain regional views of the hills from the west of the subdivision as well as the visual context of the landscape and its prior land uses and heritage values. The Gilead DCP aims to retain the bald character of One Tree Hill when viewed from The Old Mill with a single landmark tree.

Appendix 1 of the Gilead DCP provides an Indicative Street Tree Hierarchy with samples of suggested street trees for the public domain. The DCP requires the 'green link' to be planted with endemic native species. Whilst the Gilead DCP does not provide landscaping requirements for the private domain, Volume 1 of the Campbelltown (Sustainable City) Development Control Plan 2015 requires the submission of a landscape plan that maximises the use of drought tolerant native species.

- (d) a network of active and passive recreation areas

Comment: The Indicative Landscape Strategy provides active and passive recreation areas, including a sports oval, open space areas, One Tree Hill, riparian corridors and a landscaped green link.

- (e) stormwater and water quality management controls

Comment: Volume 1 of the Campbelltown (Sustainable City) Development Control Plan 2015 and the Engineering Design Guide for Development provide controls for stormwater and water quality management.

- (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected

Comment: The Sustainable City DCP provides controls for natural and environmental hazards, including bush fire, flooding and contamination which relate to the safe occupation of land. The Sustainable City DCP requires where relevant, roads to be designed to provide for the satisfactory evacuation of occupants in the event of an emergency.

- (g) detailed urban design controls for significant development sites

Comment: The Gilead DCP provides urban design controls for the overall development of the estate, including specific outcomes for heritage and views, street network and public transport, public open space and landscaping, residential subdivision and residential development.

- (h) measures to encourage higher density living around transport, open space and service nodes

Comment: An objective of the Gilead DCP is to provide a range of densities, lot sizes and house types. The Gilead DCP allows for a maximum of 65 lots less than 450sqm with a minimum area of not less than 375sqm. The lots must be within 200m of key amenity attractors such as the bus route, community hub and open space.

- (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses

Comment: Part 6 of the Sustainable City DCP provides controls for commercial development.

- (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking

Comment: The Gilead DCP makes provision of public facilities and services including a community hub, sports oval, open space areas and bus routes. Traffic would be managed into and out of the site via signalised intersections that form part of the upgrade works to Appin Road. The internal road network could be designed to permit on-street parking.

Earthworks

Pursuant to clause 7.1(3) of the LEP, in deciding whether to grant development consent for earthworks the Panel must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development

Comment: The proposal would disrupt drainage patterns and soil stability in the locality. The proposal involves the implementation of a soil and water management plan to mitigate detrimental impacts from arising in the locality of the development.

- (b) the effect of the development on the likely future use or redevelopment of the land

Comment: The proposal would facilitate the future development of the land for residential purposes.

- (c) the quality of the fill or the soil to be excavated, or both,

Comment: The fill would be virgin excavated natural material and the excavated soil may contain contaminants.

- (d) the effect of the development on the existing and likely amenity of adjoining properties

Comment: The proposal would impact on the amenity of adjoining properties in terms of noise, dust and vibration. The proposal would not have an unreasonable impact on the amenity of adjoining properties subject to the imposition of conditions.

- (e) the source of any fill material and the destination of any excavated material

Comment: The applicant has advised that approximately 50,000 cubic metres of fill would be imported to the site. The importation of fill would not occur all at once and occur periodically relative to the stages of development that will occur over the site as and when fill material is required. The remedial action plan states that any materials excavated and removed from the site would be disposed in accordance with *the Protection of the Environmental Operations Act 1997* to a facility, or site that is legally able to accept the material.

- (f) the likelihood of disturbing relics

Comment: An Aboriginal Heritage Impact Permit was previously issued to undertake an archaeological testing program on the land in consultation with Registered Aboriginal Parties. The NSW Office of Environmental and Heritage have reviewed the Development application and issued General Terms of Approval.

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area

Comment: The proposed works have been setback at least 40m from the top of the bank of all natural watercourses on the land. The environmentally sensitive areas would be retained and protected as biobanks.

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

Comment: The applicant proposes measures to mitigate the impacts of the earthworks including the provision of sediment basins, sediment fencing, silt arrestors, straw bale filters, stabilised access points, hydro mulch and dust suppression. A condition has been included requiring measures to be implemented to manage erosion and dust impacts in accordance with the requirements of the document titled *Managing Urban Stormwater: Soils and Construction* prepared by Landcom.

Flood planning

Pursuant to clause 7.2(3) of the LEP, development consent must not be granted unless the Panel is satisfied that the development

- (a) is compatible with the flood hazard of the land

Comment: The proposed development was reviewed by Council's hydraulic engineers and considered compatible with the flood hazard of the land.

- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties

Comment: The proposal would increase levels of storm water runoff due to the removal of vegetation from the land. The runoff would be channelled into sediment basins to manage potential flood affectation to nearby properties.

- (c) incorporates appropriate measures to manage risk to life from flood

Comment: The proposal would incorporate several temporary sediment basins, and the earthworks would be designed to direct flows into these basins.

- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses

Comment: The proposal would implement a detailed soil and water management plan to mitigate adverse impacts to the environment. The earthworks would be setback at least 40m from natural watercourses.

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

Comment: The proposal would not result in unsustainable social and economic costs to the community as a consequence of flooding due to the sites location on the periphery of the city and distance from other residential dwellings and associated infrastructure. The site is only partially affected by flooding and the applicant would incorporate measures into the design of the earthworks to manage potential impacts on downstream properties.

Salinity

Pursuant to clause 7.4(3) of the LEP, in deciding whether to grant development consent for development on land to which this clause applies, the Panel must consider the following:

- (a) whether the development is likely to have any adverse impact on salinity processes on the land

Comment: A Salinity Investigation and Management Plan prepared by Douglas Partners accompanied the application. Within Lot 61, 41% of the soil samples were non-saline, 53% were slightly saline, and 6% were moderately saline. Soil sampling undertaken on the remainder of the site indicates the land is non-saline.

- (b) whether salinity is likely to have an impact on the development

Comment: Salinity is not likely to have a significant impact on the development as no permanent structures are proposed.

- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

Comment: The Salinity Investigation and Management Plan provides strategies to mitigate the impacts of the proposed development.

Pursuant to clause 7.4(4) of the LEP, development consent must not be granted to development on land to which this clause applies unless the Panel is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact

Comment: Having regard to the strategies and recommendations contained within the Salinity Investigation and Management Plan, it is considered the proposed development will be managed to avoid any significant adverse environmental impact.

Restrictions on access to or from public roads

Clause 7.18(3) of the LEP provides that development consent may only be granted for development on land adjoining a road within Zone SP2 Infrastructure if the Panel is satisfied that:

- (a) all vehicular access to the land is by way of another road that is not within that zone,
or
- (b) there is no practicable alternative vehicular access to the land by way of another road that is not within that zone or by way of a proposed road identified in a development control plan.

Comment: The site is bound by Noorumba Reserve and a seniors living development to the north, the Upper Canal and Mount Gilead to the east, Beulah to the south, and Appin Road to the west. There are no other roads that offer vehicular access to the site, other than Appin Road. The Gilead DCP illustrates vehicle access being provided to the site from Appin Road.

Clause 7.18(4) of the LEP provides that before granting development consent that makes provision for vehicular access to or from a road within Zone SP2 Infrastructure, the Panel must take the following into consideration:

- (a) the treatment of the access and its location, and
- (b) the effect of opening the access on traffic flow and traffic safety on the road

Comment: Vehicle access to the site is proposed from two existing rural driveways from Appin Road. In order to manage the traffic flow and safety of Appin Road, a condition has been included requiring a Construction Traffic Management Plan to be approved by the NSW Roads and Maritime Services prior to the commencement of works.

Terrestrial biodiversity

Pursuant to Clause 7.20(3) of the LEP, the Panel must consider:

- (a) whether the development is likely to have:
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land; and
 - (iv) any adverse impact on the habitat elements providing connectivity on the land

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development

Comment: The subject site is mapped as containing 'biodiversity significant vegetation'. The significant vegetation is required to be retained and protected in accordance with the Biodiversity Certification Agreement. Accordingly, the proposed development would not have an adverse impact on the above considerations.

Pursuant to Clause 7.20(4) of the LEP, development consent must not be granted to development on land to which this clause applies unless the Panel:

- (a) has taken into account the objectives of this clause, and
- (b) is satisfied that the development is sited, designed, constructed and managed to avoid adverse impacts on native biodiversity or, if an adverse impact cannot be avoided:
- (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats
 - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
 - (iii) the development includes measures to offset the loss of biodiversity values

Comment: Having regard to the Biodiversity Certification Agreement, it is considered the Panel can be satisfied the proposed development is consistent with the above provisions.

2.4 Campbelltown (Sustainable City) Development Control Plan 2015

The proposed development has been assessed against the relevant development controls of the Campbelltown (Sustainable City) Development Control Plan 2015 - Volume 1 (DCP 2015).

Part 2 - Requirements Applying to All Types of Development

Part 2 of DCP 2015 contains requirements that apply to all types of development. Compliance with the relevant controls is outlined in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
2.7(a) Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	Erosion and Sediment Control Plan submitted.	Yes
2.7(c)	Catch drains or diversion banks shall	Drainage channels to divert water around	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
Erosion and Sediment Control	be designed and constructed to divert water around any area of soil disturbance.	stockpiles and into sediment basins.	
2.7(d) Erosion and Sediment Control	All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	Stockpiles are located within sediment control zones and not within drainage channels.	Yes
2.8.1(a) Cut and Fill	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	Cut and fill Management plan submitted.	Yes
2.8.1(e) Cut and Fill	All fill shall be 'Virgin Excavated Natural Material' (VENM).	Condition of consent to comply.	Yes
2.8.2(a) Surface Water	Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The proposal was reviewed by Council's hydraulic engineers and considered to be acceptable with respect to flooding and the NSW Floodplain Development Manual.	Yes
2.10.2(a) Stormwater	All stormwater systems shall be sized to accommodate the 100-year ARI event	Condition of consent to comply.	Yes
2.10.2(b) Stormwater	The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	Soil and Water Management Plan submitted. The plan provides engineering design specifications and calculations.	Yes
2.10.2(j) Stormwater	Development shall not result in water run-off causing flooding or erosion on adjacent properties.	Measures to manage run-off to not cause flooding or erosion on adjacent properties.	Yes
2.10.2(k) Stormwater	Stormwater run-off shall be appropriately channeled into a stormwater drain	Stormwater run-off channeled into sediment basins.	Yes
2.11.1(c) Aboriginal Heritage	Where it is determined that harm could occur to Aboriginal objects then an Aboriginal Heritage Impact Permit application must be made to the OEH and	The NSW Office of Environment and Heritage have issued General Terms of Approval under which an Aboriginal Heritage Impact Permit is	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	be approved prior to works occurring.	required to be sought and granted prior to the commencement of works.	
2.11.2(a) Heritage	Any development application made in respect to development on land that is adjoining land occupied by a heritage item shall provide a Statement of Heritage Impact (SHI) that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or conservation area.	The Statement of Environmental Effects has regard to the heritage items located on adjoining land, including Mount Gilead, Sydney Water Supply Upper Canal and Beulah. The proposal is not incompatible with the heritage setting of the area.	Yes
2.14.1(c) Contaminated Land	Where a site is identified by Council, Office of Environment and Heritage and/or by the initial investigation as being, or having the potential to be contaminated, a Contamination Management Plan shall be submitted with the development application.	Preliminary Site Investigation, Detailed Site Investigation and Remedial Action Plan submitted.	Yes
2.14.2(a) Salinity	A detailed Salinity Analysis and Remedial Action Plan shall be prepared and submitted with the development application if: i) the site has been identified as being subject to a salinity hazard; or ii) an investigation reveals that the land is saline.	A Salinity Investigation and Management Plan submitted. All soil samples were non-saline.	Yes
2.14.3(a) Bushfire	Development on bush fire prone land (as detailed on the Campbelltown Bush Fire Prone Lands Map) shall comply with the requirements of	The application does not involve the construction of any dwellings.	N/A

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	Planning for Bushfire Protection		
2.14.4(b) Subsidence	An applicant shall make appropriate enquiries and have plans stamped with the Mine Subsidence Board regarding any construction requirements for any type of development involving the erection of a building within a mine subsidence district prior to a development application being submitted to Council.	The application does not involve the erection of any permanent buildings. The applicant advises that Subsidence Advisory approval would be sought prior to the future proposed subdivision of land for residential purposes.	N/A
2.15(b)	Council may require a Waste Management Plan for any other development, where in Council's opinion, such a development	Waste Management Plan submitted.	Yes
2.15.2(e) Waste Management	The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, Office of Environment and Heritage and other regulatory authority guidelines and requirements	The Remedial Action Plan states that asbestos would be removed from the land in accordance with legislative requirements.	Yes
2.18(a) Upper Canal Corridor	Where major development is proposed adjacent to the Upper Canal corridor, applicants shall consult with Water NSW as part of the process of preparing the development application.	The application was notified to Water NSW. No objection was received.	Yes
2.18(j) Upper Canal Corridor	The State Heritage status of the Upper Canal shall be taken into account when designing development adjacent to the Canal corridor.	The development has been appropriately setback from the Upper Canal.	Yes
2.19(d) Electricity Easements	All proposed activities within electricity easements require approval from the	The site contains easements for transmission lines. Condition of consent to	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	relevant utility providers.	comply.	

Site Specific Development Control Plan: Mt Gilead Development Control Plan

Volume 2 of the DCP 2015 contains the site specific Mt Gilead Development Control Plan – (Mt Gilead DCP). Compliance with the relevant controls is outlined in the table below:

Part: 7 Mt Gilead			
Control	Requirement	Proposed	Compliance
3.1(1) Heritage and Views	Development of Mt Gilead is to be consistent with the heritage principles identified in Figure 3 Heritage Principles Plan. The following specific measures are to be incorporated into the subdivision design: ii. Retention of One Tree Hill as a grassed knoll with a single tree.	Consistent with heritage principles. One Tree Hill to be retained as a grassed knoll with a single tree.	Yes
3.3(4) Public Open Space and Landscaping	Riparian areas are to be protected and enhanced.	Works are setback from riparian areas.	Yes
3.3(6) Public Open Space and Landscaping	Significant trees are to be retained where possible. Trees proposed for removal are to be identified in each development application and the impact of their removal is to be assessed appropriately.	Significant vegetation to be retained as biobank areas.	Yes

3. Impacts on the Natural and Built Environment

In addition to the matters discussed above, the developments greatest potential impacts on the natural and built environment are likely to be flora and fauna, traffic and site access, soil and water management.

Flora and fauna – Biodiversity Certification Agreement

The proposed earthworks require the removal of native vegetation to facilitate the proposed future urban development of the land.

The Minister for the Environment, Developer, Landowners and Council, have entered into a Biodiversity Certification Agreement on the land under the *Threatened Species Conservation Act 1995*.

The agreement includes the bio-banking of vegetation, and the retirement of particular biodiversity credits under other bio-banking agreements to facilitate the proposed development.

Accordingly, developments or activities proposed to be undertaken within the certified areas do not need to undertake assessment of impacts on threatened species, populations and ecological communities, or their habitats, that would normally be required under the *Environmental Planning and Assessment Act 1979*.

The Biodiversity Certification Agreement requires the Developer to prepare and implement a Construction Environmental Management Plan to the satisfaction of Council prior to the clearing of land. The plan must include but not be limited to:

- the erection of temporary and permanent protective fencing around all areas identified for conservation to minimise any inadvertent damage
- the retention of hollow bearing trees (where possible) that potentially contain roosting and breeding habitat for threatened microbats
- the salvaging of trees or parts thereof for use as fauna habitat in other biobank sites
- providing kerb and gutter and piped stormwater management infrastructure to roads surrounding the conservation areas to ensure that stormwater will not flow into the conservation areas
- preparation of a dam de-watering plan for the removal of the farm dams
- preparation of a fauna pre-clearance protocol for the removal of all trees

With respect to the Biodiversity Certification Agreement, the proposal is not considered to have an unacceptable impact on threatened species, populations, ecological communities or their habitats, within the meaning of the *Threatened Species Conservation Act 1995*.

Traffic and site access

The application was accompanied by Traffic Advice prepared by Cardno. The advice states that during the bulk earthworks, approximately 50,000 cubic metres of fill would be imported to site for 190 days, using 16 cubic metre trucks. The importation of fill would not occur all at once and occur periodically relative to the stages of development that will occur over the site as and when fill material is required.

The advice estimates the proposal would generate approximately 33 truck movements per day (in/out) or approximately four movements during peak periods, assuming an eight hour work day. In this case, the traffic volumes associated with the bulk earthworks operations would be less than 1 percent of the traffic volume on Appin Road.

The proposed site access points are located approximately 1.2km away from each other. The majority of trucks are likely to access the site utilising the northern access point necessitating a right turn in and left turn out movement. The advice outlines the proposed access points would satisfy the relevant traffic sight distances to enable trucks and motorists to stop safely.

The advice states that having regard to the traffic flows along Appin road, the site access points warrant channelised right turn movements at the intersections in accordance with Austroads Guidelines. This arrangement would be maintained until such time that access can be achieved through service roads constructed during the Appin Road upgrade, which is likely to overlap with the bulk earthworks application.

In order to manage the safety, efficiency and ongoing operation of Appin Road, a condition has been included requiring a Construction Traffic Management Plan to be approved by the NSW Roads and Maritime Services (RMS) prior to the commencement of works.

Soil and water management

The subject site is located within the vicinity of waterways. While the proposed works are setback at least 40m from nearby waterways, there remains potential for storm water run-off to generate large scale erosion and transportation of sediment into downstream environments.

In this regard, the application was accompanied by Soil and Water Management Plan that includes details of soil analysis, rainfall data and catchment area. The plan provides calculations to demonstrate the basins have been designed with sufficient volume to contain runoff during rainfall events, and sufficient surface area and depth to allow particles to settle.

The plans show that stormwater runoff would be diverted around soil stockpiles and channeled in the sediment basins for the purpose of minimising stormwater pollution. The proposed designs and calculations were reviewed by Council's hydraulic engineers and considered to be satisfactory.

4. Social and Economic Impacts

The proposed earthworks would create the landform required to facilitate the future proposed residential subdivision of land to provide for the housing needs of the community, which would provide tangible social and economic benefits.

5. Site Suitability

The site is considered suitable for the proposed earthworks. The land is mapped as an urban release area and has been zoned to provide for future residential development.

The proposal is consistent with the significant amount of preplanning that was undertaken during the rezoning process in consultation with Council, the developer, various government agencies and specialised consultants.

It is considered there are no significant environmental features that preclude development from being undertaken on the land.

6. Public Participation

The application was publicly notified and exhibited between 23 March 2018 and 22 April 2018.

Council received 22 submissions objecting to the development. The issues of objection are summarised and discussed below.

Theme	Detail	Response
Exhibition documents	<p>The development application form was not contained within the folder of documents during public exhibition.</p> <p>The Statement of Environmental Effects refers to development application No. 2989/2017/DA-S as being under assessment, but the application did not undergo public exhibition.</p> <p>Development application No. 743/2018/DA-SW for the subdivision of land was not exhibited.</p>	<p>The development application form is available for public view at Council's civic centre on request. The application form does not assess the environmental impacts of the development.</p> <p>DA-2989/2017/DA-S did not involve more than five Torrens title allotments and was not required to be notified or exhibited.</p> <p>DA-743/2018/DA-SW was exhibited between 8 June 2018 and 13 July 2018.</p>
Exhibition period	<p>The exhibition period occurred over the school holidays when most people were away. The documents are only available at the Council building or library. Very few people would have had an opportunity to view the proposal and provide comments.</p>	<p>The application was exhibited between 23 March 2018 and 20 April 2018.</p> <p>School holidays were between 14 April 2018 and 29 April 2018.</p> <p>Despite a partial overlap with the school holidays, twenty-two submissions were received.</p>
Online documents	<p>It is unacceptable in this day and age to not have all documents accessible online. This restrictive practice requires many trips into the Council building or library at the expense of ratepayers and the environment because people are being kept in the dark about the detail of what is being proposed.</p>	<p>Council acknowledges this issue and now provides exhibition documents online.</p>
Court case	<p>The appeal to the rezoning has not been heard by the Land and Environment Court.</p>	<p>The Class 4 proceedings were been dismissed on 20 September 2018 in relation to Help Save Mt Gilead Inc v Mount Gilead (2018) NSWLEC 149.</p>
Dieback	<p>There was talk of dieback in Menangle Creek at the Council meeting in March 2018. The cause of the dieback is unexplained but salt could be a contributing factor. This should be investigated before the proposed tree removal and soil disturbance upstream of the affected area.</p>	<p>The Council report outlines the dieback is likely associated with nutrients arising from the disposal of waste water. It is noted the adjacent area contains radial spray fields.</p>
Bio-certification	<p>Bio-certification remains</p>	<p>The Biodiversity Certification</p>

Theme	Detail	Response
	undetermined.	Agreement was executed and published on the NSW Government Gazette No 70 of 5 July 2019.
Koalas	The proposal would disturb koala habitat and corridors. The South Campbelltown Koala Connectivity Study shows that Koalas exist west of Appin Road at Mt Gilead. The area should be planted with trees for Koalas, not have the few remaining trees removed for future proposed housing.	The Biodiversity Certification Agreement has treated the site as Koala habit and appropriate offsets have been secured as part of this agreement. In accordance with the agreement the trees are permitted to be removed due to the bio-banking of vegetation, and the retirement of particular biodiversity credits under other bio-banking agreements to facilitate the proposed development.
Vegetation removal	<p>The vegetation removal will adversely impact on threatened species, habitat links, migratory birds, and the amenity of the locality.</p> <p>The proposed earthworks will adversely impact on the long term health and condition of any remaining trees.</p>	<p>The Biodiversity Certification Agreement had regard to ecological communities and habits and appropriate offsets have been secured as part of this agreement.</p> <p>The Biodiversity Certification Agreement requires trees within the biobank areas to be retained and protected. Further, no trees are proposed to be removed within 40m of the top of the bank of the natural watercourses on the land.</p>
Vulnerable animals	A plan of management has not been prepared to accommodate vulnerable animals such as koalas, turtles, frogs and yabbies.	The Construction Environmental Management Plan would require a pre fauna clearance survey, dam dewatering plan and fauna relocation plan to be undertaken.
Appin Road	The Appin Road upgrade has not been determined.	<p>The Appin Road upgrade has been determined. In this regard, an REF was exhibited in November 2018. After considering submissions, the RMS announced their decision to proceed with both the Appin Road upgrade and Appin Road safety improvements projects.</p> <p>Further, the NSW Department of Planning and Environment (as previously known) has executed a Voluntary Planning Agreement with the proponent to support delivery of these works.</p>
Wildlife crossings	Wildlife crossings should be provided under and over Appin road prior to any clearing or	Arboreal rope crossings would be provided as part of the Appin Road upgrade works which form

Theme	Detail	Response
	development.	part of the approved RMS upgrade works.
Fauna fencing	Fauna exclusion fencing should be erected along Appin Road.	Fauna fencing would be provided as part of the Appin Road upgrade works.
Trucks	Adding more trucks to Appin road is not ideal. Passenger vehicles may be run down by heavy vehicles.	In order to manage the safety, efficiency and ongoing operation of Appin Road, a condition has been included requiring a Construction Traffic Management Plan to be approved by the RMS prior to the commencement of works.
Beulah	<p>The proposed southern site access point adjoins the driveway to Beulah. Access to Beulah should not be impeded and the proposed southern access point be located further north.</p> <p>The proposed southern access point will impede vision to and from Beulah, and the vehicular movements to the proposed works site will impact on the root zone of trees located adjacent to the boundary within the Beulah biobank.</p> <p>Confirmation is requested that there are no earthworks immediately adjoining the boundary.</p>	<p>The proposed use of the existing site access is considered to be acceptable and capable of being used without unreasonably impeding site access to Beulah.</p> <p>The RMS would ensure that adequate traffic sight distances would be provided and maintained throughout the development. Stabilised site access would mitigate the potential impact of vehicular movements on tree roots adjacent to the boundary.</p> <p>The Cut and Fill Plan indicates minor earthworks adjacent to the boundary.</p>
Aboriginal heritage	The proposal would impact on Aboriginal artifacts and destroy Aboriginal heritage.	The NSW Office of Environment and Heritage have issued General Terms of Approval under which an Aboriginal Heritage Impact Permit is required to be sought and granted prior to the commencement of works.
European heritage	The Statement of Environmental Effects recognises the Upper Canal as a State Heritage Item, but does not recognise any other heritage items.	The Statement of Environmental Effects acknowledges the nearby heritage items.
Heritage listing	The application should not be determined until a decision has been made to list the Mt Gilead Estate on the State Heritage Register.	The State heritage listing is under consideration by NSW Office of Environment and Heritage. It is noted the proposed limit of works partially encroaches within the proposed curtilage of the heritage item.

Theme	Detail	Response
	The remnants of the Hillsborough cottage located near the entrance gate to Mt Gilead have heritage significance to the history of Campbelltown and this has been ignored.	The former location of the Hillsborough cottage has archaeological significance. The proposed limit of works indicates the site would be retained and protected until such time that works are proposed to this sensitive item.
Erosion	The proposed vegetation removal and earthworks would cause erosion and sedimentation of waterways that flow into the Nepean River.	A soil and management plan would be implemented to mitigate erosion and sedimentation of waterways.
Drainage	The dewatering and filling of the dams would alter the drainage pattern of the land with the potential to impact on downstream receptors, such as Noorumba Reserve and the downstream heritage dam.	Stormwater runoff would be channeled in sediment basins.
Salinity	Salinity seems to be a problem on Lot 61. Disturbing the soils could make salinity worse for nearby creeks and the Nepean River in the long term. The mature deep rooted trees prevent the migration of salts to the surface and from leaching into the waterways. The application does not discuss the impact of tree removal on soil and water salinity, downstream waterways and ground water flows.	A Salinity Investigation and Management Plan was undertaken on Lot 61. The results indicate that 41 percent of the soil samples were non-saline, 53 percent were slightly saline, and 6 percent were moderately saline. The Salinity Investigation and Management Plan includes strategies to mitigate potential salinity impacts. Salinity monitoring within nearby waterways is not recommended.
Views	The proposal remove the green open space and iconic farming views of the dams and trees. The land should be preserved as an important part of early settlement history.	The proposal is consistent with the Gilead DCP which envisages the future development of the land for urban purposes.
Farming land	Concern is raised due to loss of farming land. The land should be retained for future farming activities.	An agriculture investigation was undertaken prior to rezoning of the land for urban purposes.
Infrastructure	The proposal would generate more people and traffic. There will not be enough jobs to cater for the size of the development, leading to more unemployment. Provisions need to be made for additional schools, health care facilities, child care centres, and employment lands that are necessary to sustain a new	The demand for employment, retail, community and social services, infrastructure and public transport was thoroughly considered prior to rezoning the land for urban purposes.

Theme	Detail	Response
	community. There is public transport in this area.	
Lot sizes	The future subdivision would provide tiny squished houses on small lots with narrow roads and the developer will try to exceed the maximum yield of 1700 lots.	Lot size and lot yield are not relevant to the proposed works seeking approval within this application.
Mine subsidence	The south-west corner of Lot 61 should not be developed for housing. The holder of the mining lease requested there be no housing in the subsidence area.	The applicant would seek approval from NSW Subsidence Advisory prior to the future proposed subdivision and development of the land for residential purposes.
Mining	The impact of mining activities on waterways that runs through Gilead and the role of Sydney Water in the planning process.	The site has been subject to geotechnical soil sampling. Sydney Water was involved during the rezoning of the land for residential purposes.

Conclusion

A development application has been lodged seeking consent for the tree removal, dam dewatering, site remediation works and bulk earthworks at Appin Road, Gilead.

The subject site includes five land use zones under the Campbelltown Local Environmental Plan 2015, and the earthworks are permitted with development consent.

The proposed development is consistent with the applicable zone objectives, and would facilitate the future development of the locality to provide for the housing needs of the community.

Any contaminated elements would be removed from the site, and the land would be remediated and made suitable for future residential purposes.

The NSW Office of Environment and Heritage have issued general terms of approval, including the requirement for an Aboriginal Impact Permit to be sought and granted prior to the commencement of works.

The proposal is consistent with the provisions regarding earthworks, flood planning, salinity, and the restrictions from Appin Road.

The proposal is consistent with the applicable controls of Campbelltown (Sustainable City) Development Control Plan 2015, and the site specific Mt Gilead Development Control Plan.

The likely impacts of the development have been considered, including environmental impacts on both the natural and built environments, as well as social and economic impacts in the locality.

The significant vegetation located on the land would be retained and protected in accordance with the Biodiversity Certification Agreement. No further ecological assessments are required to be undertaken on the land.

The site is considered to be suitable for the proposed earthworks, as the land is located within an urban release area and has been zoned to provide for future residential development.

Twenty-two submissions objecting to the proposal were received. The matters raised have been discussed within this report.

Accordingly, the development is considered appropriate for the site and the application is recommended for approval.

Attachments

1. Recommended conditions of consent (contained within this report)
2. Phasing Plan (contained within this report)
3. Civil Works Plans (contained within this report)

Reporting Officer

Executive Manager Urban Release and Engagement

ATTACHMENT 1
3868/2017/DA-CW
Recommended Conditions of Consent
GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing Number	Revision	Author	Dated
80216021-100-1000	3	Cardo	29/01/2018
80216021-100-1002	3	Cardo	29/01/2018
80216021-100-1005	4	Cardo	29/01/2018
80216021-100-1010	4	Cardo	29/01/2018
80216021-100-1011	4	Cardo	29/01/2018
80216021-100-1051	3	Cardo	29/01/2018
80216021-100-1052	4	Cardo	29/01/2018
80216021-100-1053	3	Cardo	29/01/2018
80216021-100-1054	3	Cardo	29/01/2018
80216021-100-1055	3	Cardo	29/01/2018
80216021-100-1056	2	Cardo	29/01/2018
80216021-100-1200	3	Cardo	29/01/2018
80216021-100-1201	3	Cardo	29/01/2018
80216021-100-1202	3	Cardo	29/01/2018
80216021-100-1203	3	Cardo	29/01/2018
80216021-100-1204	4	Cardo	29/01/2018
80216021-100-1205	4	Cardo	29/01/2018
80216021-100-1206	4	Cardo	29/01/2018
80216021-100-1207	3	Cardo	29/01/2018
80216021-100-1208	3	Cardo	29/01/2018
80216021-100-1209	3	Cardo	29/01/2018
80216021-100-1210	4	Cardo	29/01/2018
80216021-100-1211	3	Cardo	29/01/2018
80216021-100-1212	3	Cardo	29/01/2018
80216021-100-1213	3	Cardo	29/01/2018
80216021-100-1214	3	Cardo	29/01/2018
80216021-100-1215	3	Cardo	29/01/2018
80216021-100-1216	3	Cardo	29/01/2018
80216021-100-1217	3	Cardo	29/01/2018
80216021-100-1218	3	Cardo	29/01/2018
80216021-100-1219	3	Cardo	29/01/2018
80216021-100-1220	3	Cardo	29/01/2018
80216021-100-1221	3	Cardo	29/01/2018
80216021-100-1222	3	Cardo	29/01/2018
80216021-100-1223	3	Cardo	29/01/2018
80216021-100-1224	3	Cardo	29/01/2018
80216021-100-1225	3	Cardo	29/01/2018
80216021-100-1226	3	Cardo	29/01/2018
80216021-001-SK190	1	Cardo	9/04/2018

Associated Documentation:

- Preliminary Site Investigation: Author: Douglas Partners, Project No: 76649.11, Document No: R.001.Rev0, Dated: 20 December 2016.
- Detailed Site Investigation, Author: Douglas Partners, Project No: 76649.06, Document No: R.001.Rev0, Dated: 13 October 2016.
- Remediation Action Plan, Author: Douglas Partners, Project No: 76649.16, Document No: R.001, Dated: 1 August 2017.
- Salinity Investigation and Management Plan, Author: Douglas Partners, Project No: 76649.05, Document No: R.001.Rev0, Dated: 10 October 2016.
- Salinity Investigation and Management Plan, Author: Douglas Partners, Project No: 76649.14, Document No: R.001.Rev0, Dated: 20 December 2016.
- Preliminary Geotechnical Investigation, Author: Douglas Partners, Project No: 76649.04, Document No: 1, Dated: 20 October 2016.
- Preliminary Geotechnical Investigation, Author: Douglas Partners, Project No: 76649.13, Document No: 1, Dated: 20 October 2016.

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to Council's Executive Manager Urban Release (or equivalent), for approval, prior to the issuing of a construction certificate:

- The Limit of Works shown on the plans must not be inconsistent with the Proposed Curtilage of the Mount Gilead Estate that is under consideration for the State Heritage Register.

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

4. Compliance with EPBC Approval

Compliance is required at all times with the obligations of the approval issued under the Environment Protection Biodiversity Conservation (EPBC) Act 1999 (Mt Gilead residential development EPBC 2015/7599) dated 21 December 2018.

5. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by

Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

6. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Engineering Design for Development (as amended)* and the applicable development control plan.

7. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. the applicant shall obtain a construction certificate for the particular works;
- b. the applicant shall appoint a principal certifying authority; and
- c. the private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.

8. Construction Environmental Plan of Management

The Construction Environmental Plan of Management (CEMP) must address the environmental aspects of the development and include details of the environmental management practices and controls to be implemented on the site to ensure the works are managed in a manner to reduce adverse impacts on the environment. The CEMP must address, but not be limited to the following:

- a. The commitments and CEMP requirements as outlined in the Statement of Developers Commitments for Mt Gilead Biodiversity Certification Assessment prepared by EcoLogical Australia and dated 21 March 2019 and provided as Schedule 7 to the Biodiversity Certification Agreement - Mt Gilead Stage 1 executed on 28 June 2019.
- b. The CEMP requirements outlined in condition 10 of the approval Issued under the EPBC Act (Mt Gilead residential development EPBC 2015/7599) dated 21 December 2018.
- c. Measures to restrict access to retained vegetation and waterfront land.
- d. Measures to prevent the spread of priority and environmental weeds.
- e. Required Sediment and Erosion Control Measures/stockpile management as per Managing Urban Stormwater: Soils and Construction (Landcom, 2004) – The Blue Book.
- f. Noise control measures and hours of operation.
- g. Air quality control measures (dust).
- h. Hazardous material management protocols addressing storage, use, refueling etc.
- i. Incident and emergency response protocols.
- j. Competence, training and awareness procedures (i.e. Environmental inductions, Toolbox talks, training and awareness).
- k. Roles and responsibilities for implementing, monitoring and reviewing CEMP requirements.
- l. An overview of relevant environmental management documentation.
- m. Waste Management Procedures in accordance with the submitted Waste Management Plan.
- n. Inspection, monitoring and auditing requirements for all environmental controls and adaptive management to ensure environmental mitigation measures remain effective.
- o. Community Consultation and Liaison.

Once the CEMP has been approved in writing by Council, it must be effectively implemented within the Biodiversity Certification Assessment Area throughout the life of the development.

9. Spraygrass

All land that has been disturbed by earthworks must be stabilised with native spray grass or similarly treated to establish grass cover.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

10. Deposited Plan and 88B Instrument - Rights and Interests

Prior to Council or an accredited certifier issuing a construction certificate, the applicant must obtain written consent from the benefited lot(s), roads(s) bodies or Prescribed Authorities regarding any easements, profit à prendre, restriction or positive covenants registered on the land with respect to the approved development.

11. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, where proposed excavation and/or filling exceed 900mm in depth, or where the subject site is identified as being filled land, a geotechnical report prepared by a NATA registered laboratory shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion.

12. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

13. Construction Traffic Management Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an appropriately qualified traffic consultant, Construction Traffic Management Plans (CTMP's) for all stages of the development.

In preparing the CTMP's, the applicant shall address all relevant NSW road rules and consideration shall be given to public notification (including residents).

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and copies shall also be forwarded to Council for its records.

14. Sediment Basins

Prior to the release of a construction certificate for the relevant stage, details of the temporary sediment basins to support the associated fill is to be submitted to Council or Principal Certifying Authority.

15. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from RMS for any proposed works on public land. Inspections of these works shall be undertaken by the roads Authority at the applicant's expense.

16. Contaminated Site Assessment

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and a remedial action plan shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the Contaminated Land Management Act 1997 and shall be submitted to Council/PCA for approval.

Upon completion of the approved remediation works, a site validation report completed by a suitably qualified person shall be submitted to Council/PCA indicating that the soil on the site complies with the requirements for the use of the site as proposed.

17. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a construction certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

18. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.

An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to issue of a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

19. Endorsement of Construction Environmental Management Plan

Prior to the issue of a construction certificate, the endorsed Construction Environmental Management Plan (CEMP) by Council's Executive Manager Urban Release (or equivalent) is to be submitted to the Federal Minister for the Environment for further endorsement.

If Council is not the Principal Certifying Authority, a copy of the letter of endorsement is to be sent to Council for our records.

20. Unexpected Finds Protocol

Prior to the commencement of any on ground works, an expected finds protocol must be prepared by a suitably qualified person and submitted for the approval of Council's Executive Manager Urban Release (or equivalent).

21. Compliance with the Biodiversity Certification Agreement

Prior to the commencement of works/ issue of a construction certificate (whichever comes first) the following information is to be provided to Council's Executive Manager Urban Release (or equivalent) and written acknowledgement received:

- a. Evidence of the retirement of biodiversity credits as per Table 1 of the Biodiversity Certification Agreement – Mt Gilead Stage 1 (executed on 28 June 2019) and as specified by the Order conferring biodiversity certification – Mt Gilead Stage 1 (published in the NSW Government Gazette No.70 on 5 July 2019);
- b. Evidence of the retirement of biodiversity credits as per Conditions 3-5 of the approval issued under the EPBC Act (Mt Gilead residential development EPBC 2015/7599) dated 21 December 2018); and
- c. Evidence that the Federal Environment Minister has approved a Koala Plan of Management as per Condition 7 of the approval issued under the EPBC Act (Mt Gilead residential development EPBC 2015/7599) dated 21 December 2018).

Compliance is required at all times with the conservation obligations under the Biodiversity Certification Agreement - Mt Gilead Stage 1 (executed on 28 June 2019) and as specified by the Order conferring biodiversity certification – Mt Gilead Stage 1 (published in the NSW Government Gazette No.70 on 5 July 2019).

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

22. NSW Office of Environmental and Heritage

Prior to the commencement of any works on the land, the following items must be completed:

- A s.90 Aboriginal Heritage Impact Permit (AHIP) for the proposed works must be sought and granted prior to the commencement of works.
- The HIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- The AHIP application must include appropriate mitigation, including an archaeological salvage excavation program designed to answer research questions specific to the southern Cumberland Plain. The research questions must consider comparisons between the southern and northern Cumberland Plain, with a view to developing an Aboriginal occupational model for the southern Cumberland Plain.
- The AHIP application must include detailed management plans for all proposed conservation areas. Copies of all relevant BioBanking Agreements must also be provided.
- Long term management of Aboriginal objects must be considered as part of the AHIP application.

23. Approval for bulk earthworks/major filling operations (Use for bulk earthworks/major filling operations)

A Fill Importation Protocol is to be developed by a suitably qualified consultant and approved prior to the issue of the construction certificate. Should Council not be the Certifying Authority, then a copy of Council's written approval is to be provided to the Private Certifying Authority.

At minimum, an appropriately qualified person/s shall:

- Supervise all filling works.
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
 - Be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - Clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - Provide details of the volume of fill material to be used in the filling operations,
 - Provide a classification of the fill material to be imported to the site in accordance with the NSW Environmental Protection Authority's 'Waste Classification Guidelines' 2009, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The approved Fill Importation Protocol is to be adhered to throughout all stages of the development. If the Principal Certifying Authority or Campbelltown City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall not be carried out prior to any further approved works.

24. Site Inductions & Biocertification

Prior to the commencement of bulk earthworks for each relevant stage, an induction, conducted by a suitably qualified and experienced ecologist, shall be undertaken for all bulk earthwork contractors, identifying vegetation to be retained under the Biocertification Agreement.

25. Hillsborough site

Prior to the commencement of any works on the land, security fencing shall be erected around the former Hillsborough site to protect the archaeological remnants of the homestead during works.

26. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

27. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

28. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

29. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

30. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public road system.

31. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by RMS which adjoins the site. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

32. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

33. Site Remediation and Site Audit Process

The remediation of the site must be undertaken in accordance with the following:

- a. The site shall be remediated as part of the bulk earthworks, with regard to:
 - The approved Remedial Action Plan (RAP) prepared by Douglas Partners dated August 2017.
 - State Environmental Planning Policy No. 55 - Remediation of Land
 - National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013); and
 - The guidelines in force under the Contaminated Land Management Act 1997.
- b. The consent holder must engage an appropriately qualified and experienced supervising environmental consultant to supervise all aspects of site remediation and validation. The environmental consultant must supervise all aspects of the remediation and validation works in accordance with the approved Remedial Action Plan.
- c. A Site Auditor shall be appointed for the project prior to the commencement of any works authorised by this consent. The site auditor must be a person accredited under the Contaminated Land Management Act, 1997.
- d. Council shall be notified of the appointment of the site auditor at least 2 business days prior to the commencement of any works authorised by this consent. This notification shall include the name, contact details and accreditation details of the auditor.
- e. In addition to any powers given to the site auditor under legislation, the auditor may, under this condition of consent, order all other work on the site to cease until such work identified by the auditor is complete. Any works undertaken in breach of an order given under this condition will be taken to be works in breach of this consent.
- f. The site auditor may require modifications to the approved remediation action plan and any additional works as they see fit. Any such modifications and additional works must be completed to the satisfaction of the site auditor.
- g. The site auditor is to be retained until they issue a category "A" site audit statement for the whole site specifying that it is suitable for *day care centres, preschools, primary schools and residential, including substantial vegetable garden and poultry.*
- h. Prior to the implementation of remediation works, the site is to be established in accordance with all NSW legislative requirements including those outlined in Section 7.1 of the RAP prepared by Douglas Partners dated August 2017.
- i. Asbestos remediation works must be undertaken by an appropriately licensed asbestos remediation contractor and in accordance with *Work Health and Safety Regulation NSW 2011* and any other applicable WorkCover NSW or Safe Work

Australia regulations or guidelines. This contractor must give written notice to WorkCover NSW at least 5 days before remediation work commences.

Any person having benefit of this consent may not replace a site auditor appointed under a condition of this consent without the approval of Council. The power for Council to approve the appointment of a new site auditor is a power created by this condition and is not a reference to a need for further development consent under the EP&A Act. Council may withhold approval under this condition unless it is satisfied that the previously appointed site auditor is unwilling or unable to continue servicing the project.

34. Boundary of Works

No works are permitted to occur outside of the limit of works shown on the approved plans.

Prior to the commencement of works, the boundary of the limit of works must be appropriately demarcated via appropriate fencing and signage.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

35. Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

36. Tree Felling

Trees identified for removal are to be felled and lowered to the ground slowly to allow any resident fauna time to escape and to ensure they aren't injured by falling trees and branches. This replaces the need for pre-clearing survey and inspection. Any native fauna found that do not self-relocate are to be relocated to the regional park. This is to be done under the supervision of a qualified ecologist. If any injured fauna are found, WIRES is to be contacted immediately.

37. Stockpile and Re-use of Topsoil

Topsoil is to be stockpiled and reused. Stripping of topsoil is to be limited to the organic layer only. Topsoil is to be stockpiled in suitably sized stockpiles such that any organic matter breaks down before being spread throughout the development lots. Topsoil is to be stripped to an average depth of 150mm across the site. Once final levels have been achieved, the topsoil is to be spread as outlined below.

A preliminary topsoil balance has been undertaken across the proposed land uses across the Central Precinct. Principle assumptions within the topsoil balance include:

- Uniform stripping of 150mm of topsoil across the site;
- Placement of 500mm of topsoil on open spaces, including the riparian corridor;
- Placement of 300mm of topsoil within the road verges; and
- Placement of 100mm of topsoil within lots.

The topsoil balance is to be refined during future design stages to ensure efficiency and to facilitate appropriate growing conditions for vegetation.

38. Watercourses

All works must be must be setback at least 40 metres from the top of the bank of all natural watercourses on the land.

39. Disposal of Contaminated Soils/Waste

All transport of waste and disposal of materials must be conducted in accordance with the requirements of the Protection of the Environment and Operations (POEO) Act (1997). All required licences and approvals required for disposal of the material will be obtained prior to removal of the materials from the site. Transport of Spoil must also be via a clearly delineated, pre-defined haul route.

Removal of waste materials from the site shall only be conducted by a licensed contractor holding the appropriate licence, consent or approvals to dispose of waste materials according to the classification outlined in the NSW EPA *Waste Classification Guidelines (2014)* and with appropriate approvals obtained from the EPA, if required.

All contaminated soils/waste removed from the sit must be disposed of in accordance with Section 7.7 of the approved REAP prepared by Douglas partners dated August 2017.

40. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

41. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.

42. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

43. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

44. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

45. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a. Undertaken in accordance with Council's *Specification for Construction of Subdivisional Roads and Drainage Works (as amended)*, Australian Standard AS 3798 *Guidelines for Earthworks for Commercial and Residential Development (as amended)*, and the approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with Australian Standard AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and Australian Standard AS 3798.

46. Revegetation

Revegetation in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of the earthworks.

47. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with Australian Standard AS 1742.3. Council may at any time and without prior notification make safe any such works that are considered to be unsafe and recover all reasonable costs incurred from the applicant.

48. Compliance with Relevant Authority's Specifications

All design and construction work shall be in accordance with:

- a. Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*;
- b. Council's *Engineering Design for Development (as amended)*;
- c. Council's applicable development control plan;
- d. *Soils and Construction (2004) (Bluebook)*; and
- e. Relevant Australian Standards and State Government publications.

49. Imported 'waste-derived' fill material

The only waste-derived fill material that may be received at the development site is:

- a. virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and

- b. any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

50. Long Term Stockpiling

To reduce the need for long term stockpiles, fill must only be imported on site in association with the relevant stage of fill works. Siltation fencing must be provided around stockpile locations in accordance with Council's Engineering Design Guide and the Landcom "Blue Book". In addition, Stockpiles must be covered by Geofabric at all times except when soil is being extracted from them. Stockpiles and sedimentation and erosion measures must be inspected by a suitability qualified person a weekly basis.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: Under this subheading, for the purpose of issuing an occupation certificate, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

51. Contaminated Land

Prior to the principal certifying authority issuing a final compliance certificate, the applicant shall ensure by way of soil testing by a N.A.T.A. registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council.

52. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing a final compliance certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)*.

The applicant shall **also** submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five (5) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3.m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.

- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts
		Include textures from materials
		Include files from data links
		Include photometric web files
		Bind external references
		The drawing is not to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

53. Restoration of Public Roads

Prior to the principal certifying authority issuing a final compliance certificate, any restoration of the public road pavement required as a result of the development shall be carried out to the satisfaction of the relevant authority at the applicant's expense.

54. Public Utilities

Prior to the principal certifying authority issuing a final compliance certificate, any adjustments to public utilities required as a result of the development shall be completed to the satisfaction of the relevant authority at the applicant's expense.

55. Works on Public Land

Prior to the principal certifying authority issuing a final compliance certificate, the applicant shall obtain written confirmation from the relevant Authority advising that any works carried out on public land have been completed satisfactorily.

56. Council Fees and Charges

Prior to the principal certifying authority issuing a final compliance certificate, the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

57. Site validation

Upon the completion of remediation works for the relevant stage, the site is to be validated in accordance with Section 8 of the RAP prepared by Douglas Partners dated August 2017. A copy of the Validation Report must be submitted to Council or the relevant certifying authority certifying that:

- a. the remediation and validation of the site has been undertaken in accordance with the RAP that has been prepared for the site.

- b. the land has been remediated and is suitable for residential use.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 3. Salinity

Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Council's *Engineering Design for Development (as amended)* and the applicable development control plan.

Advice 4. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 5. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS





Cardno
Shaping the Future

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Tel: 02 9496 7700 Fax: 02 9439 5170
Web: www.cardno.com.au

LENLEASE COMMUNITIES

GILEAD

**MDP BULK EARTHWORKS
DEVELOPMENT APPLICATION**





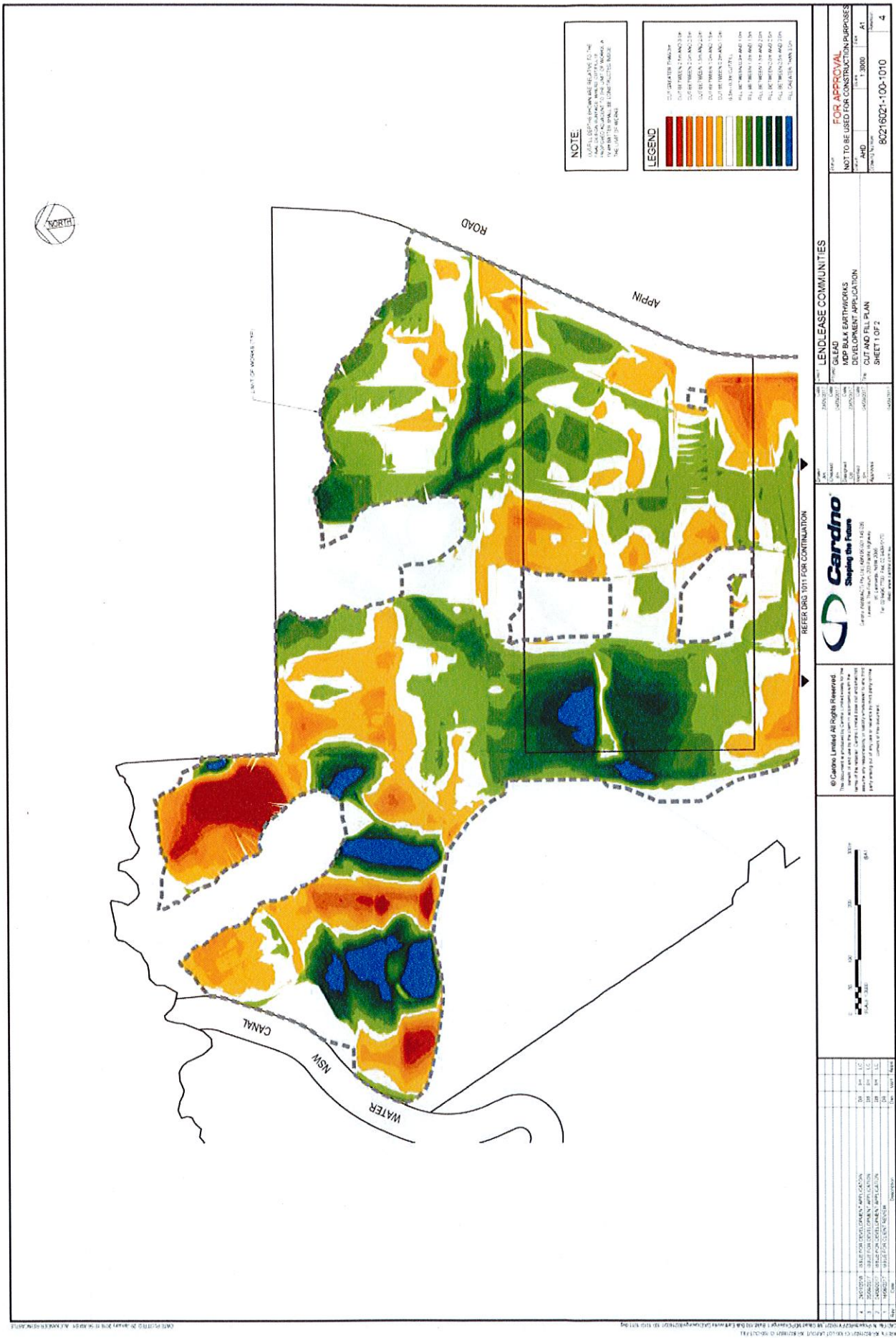



LOCALITY PLAN
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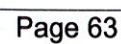
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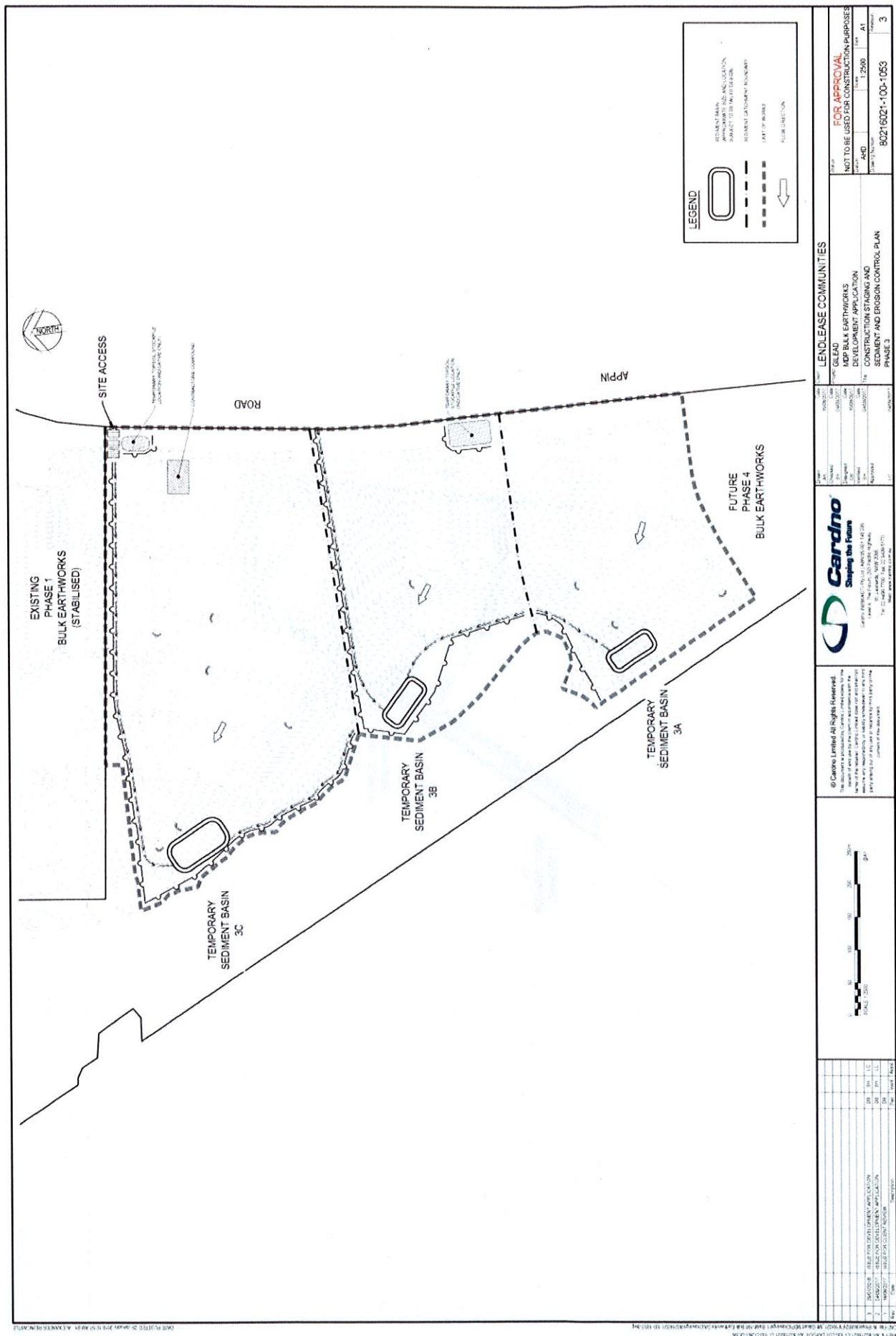


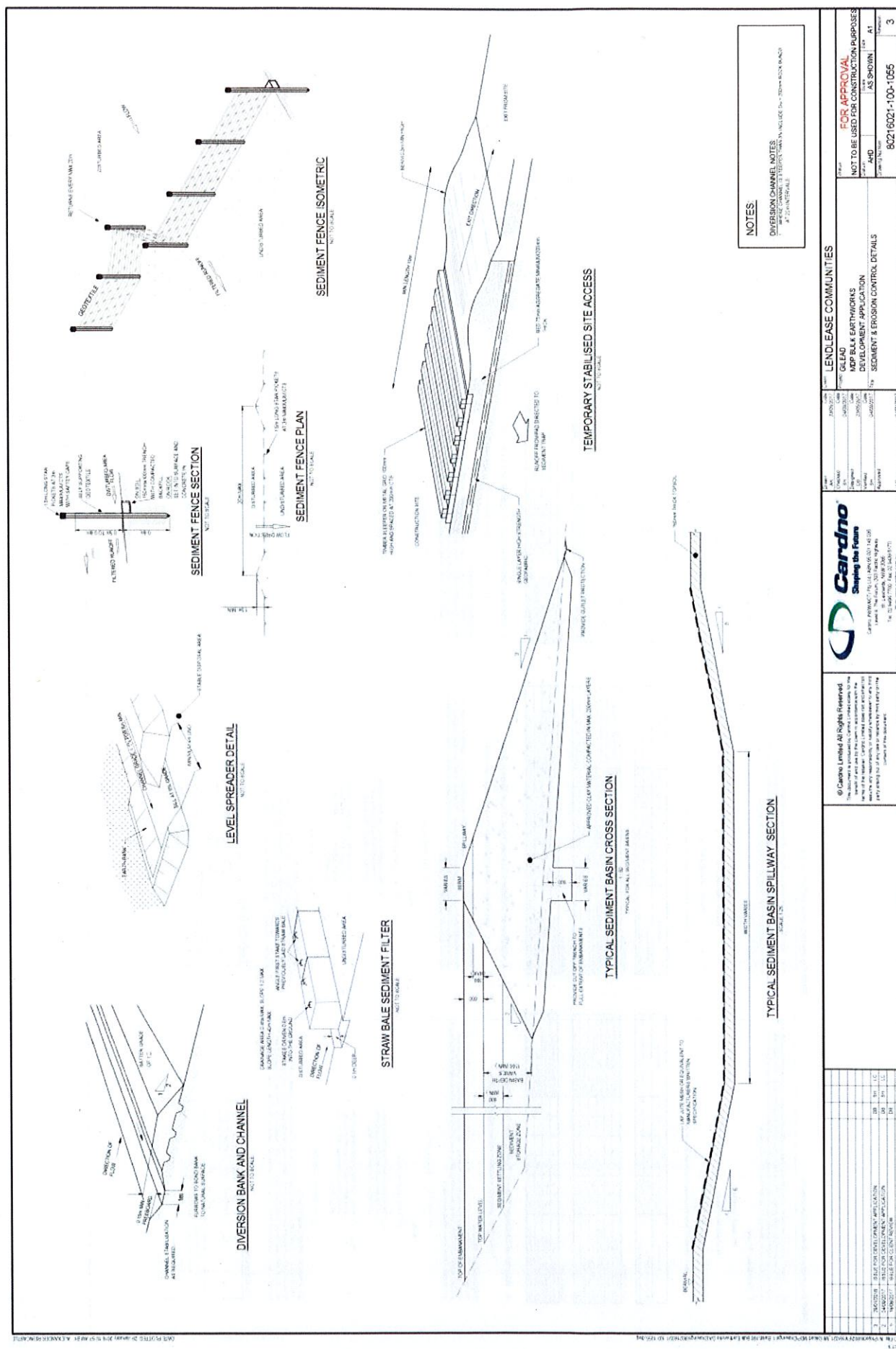


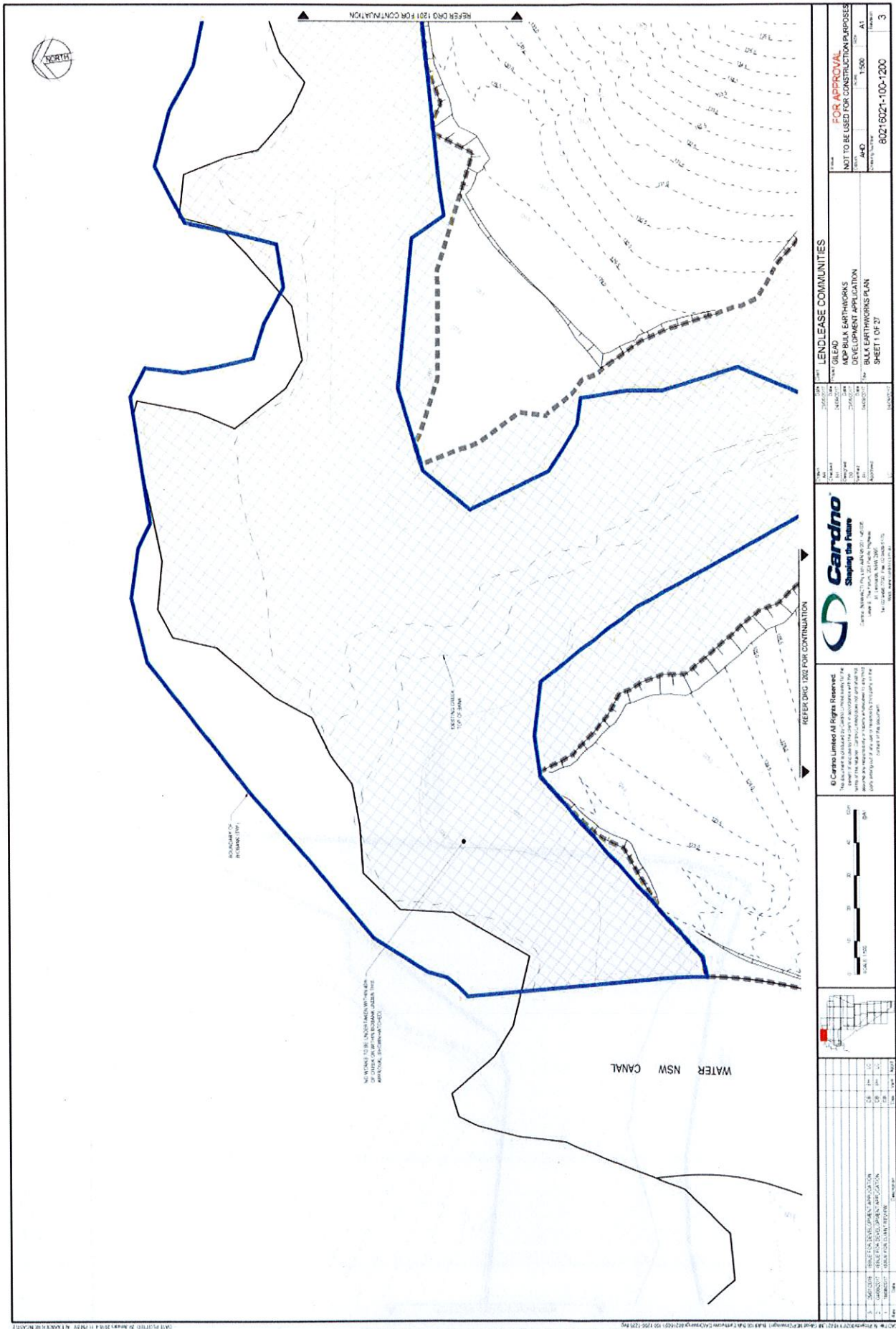




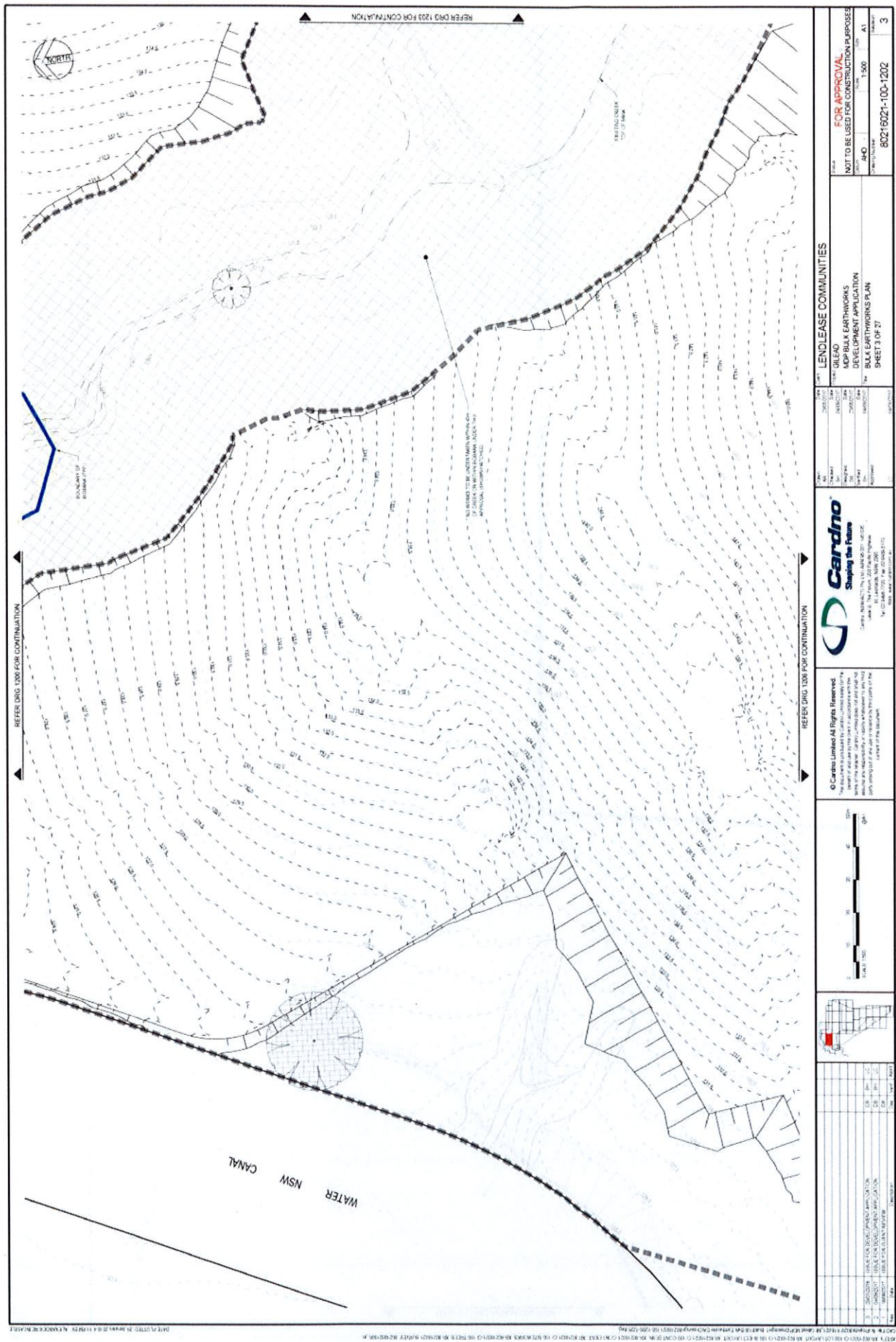


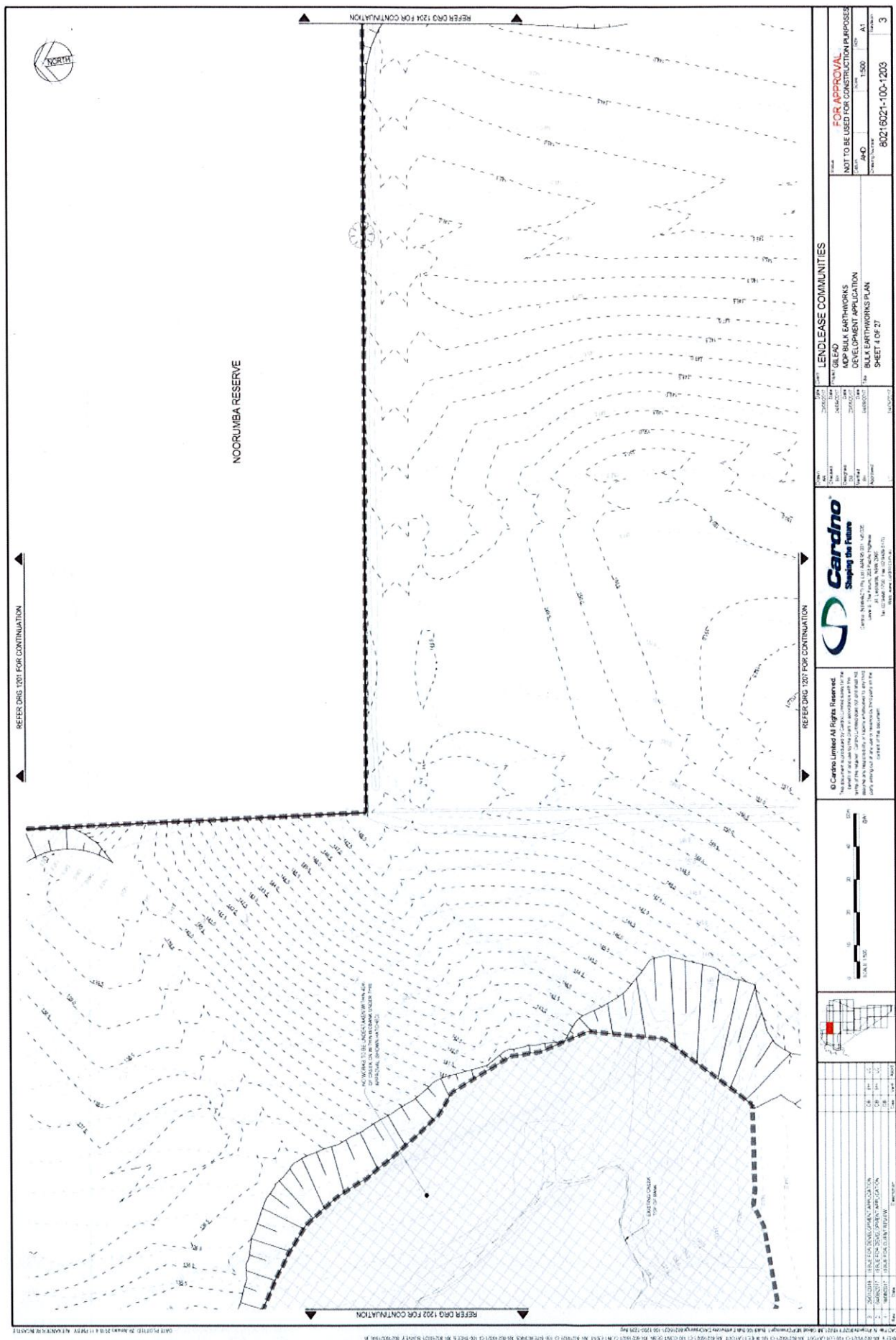


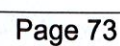






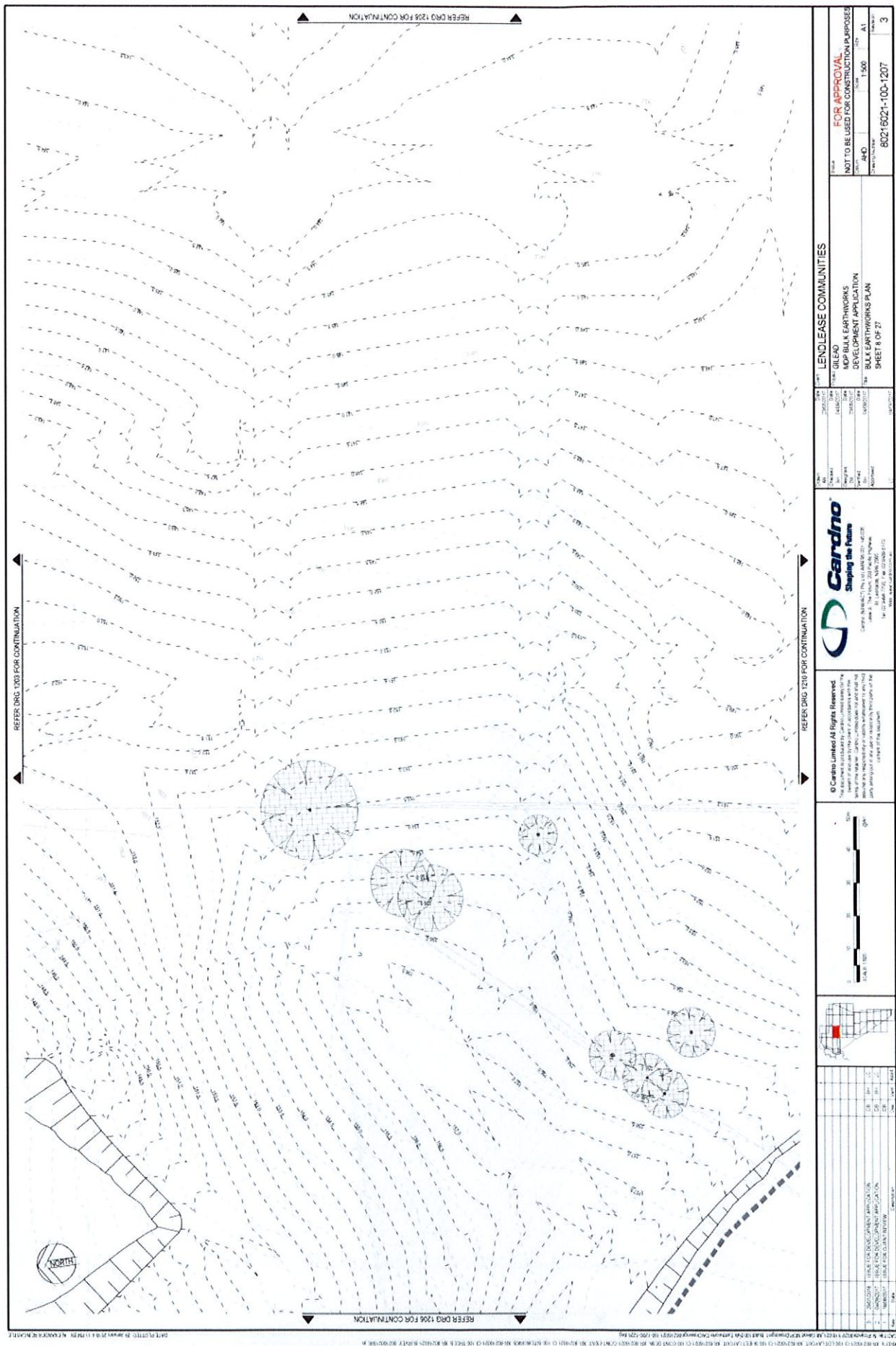




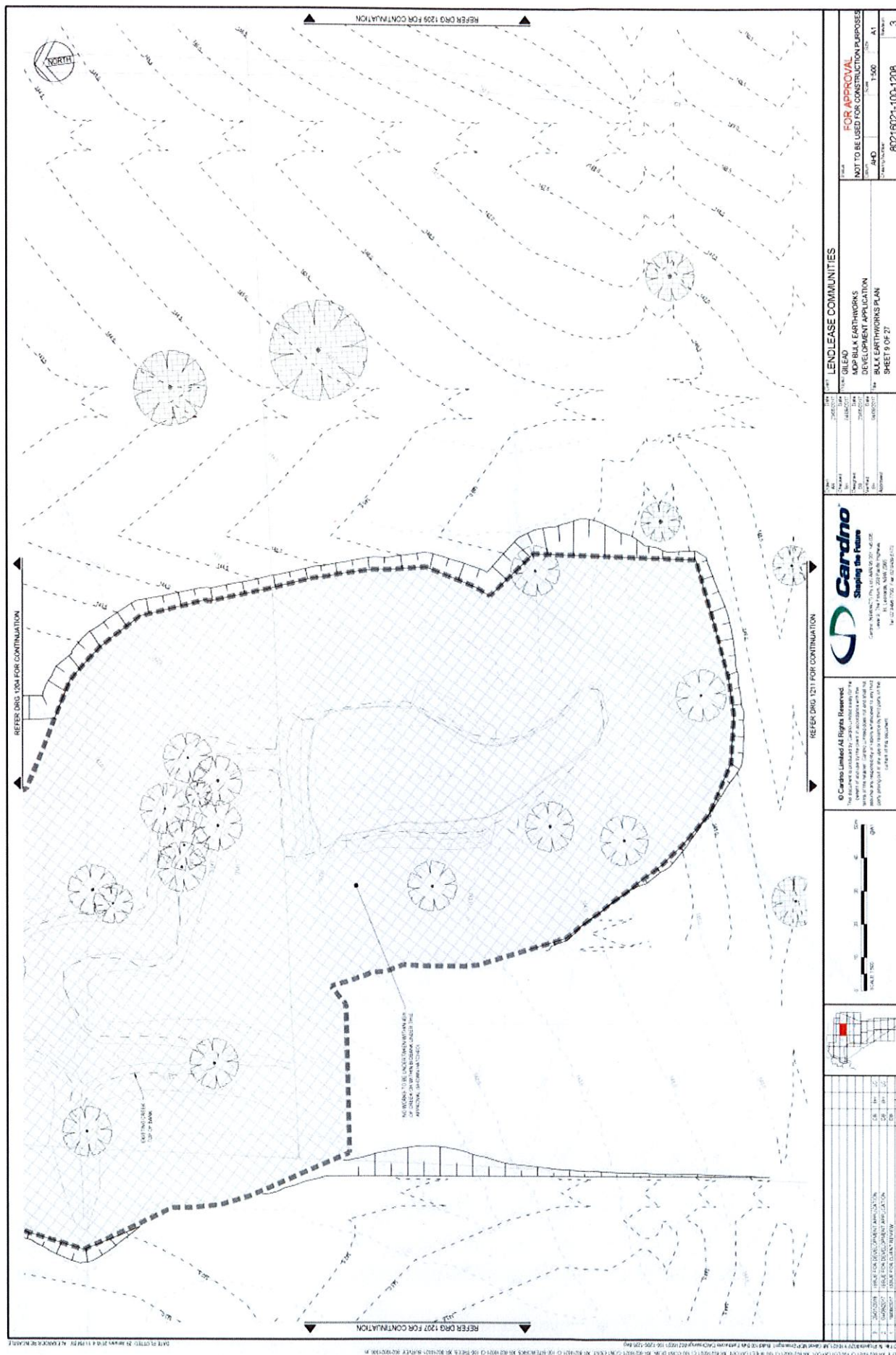






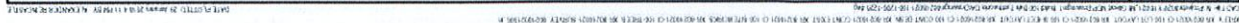


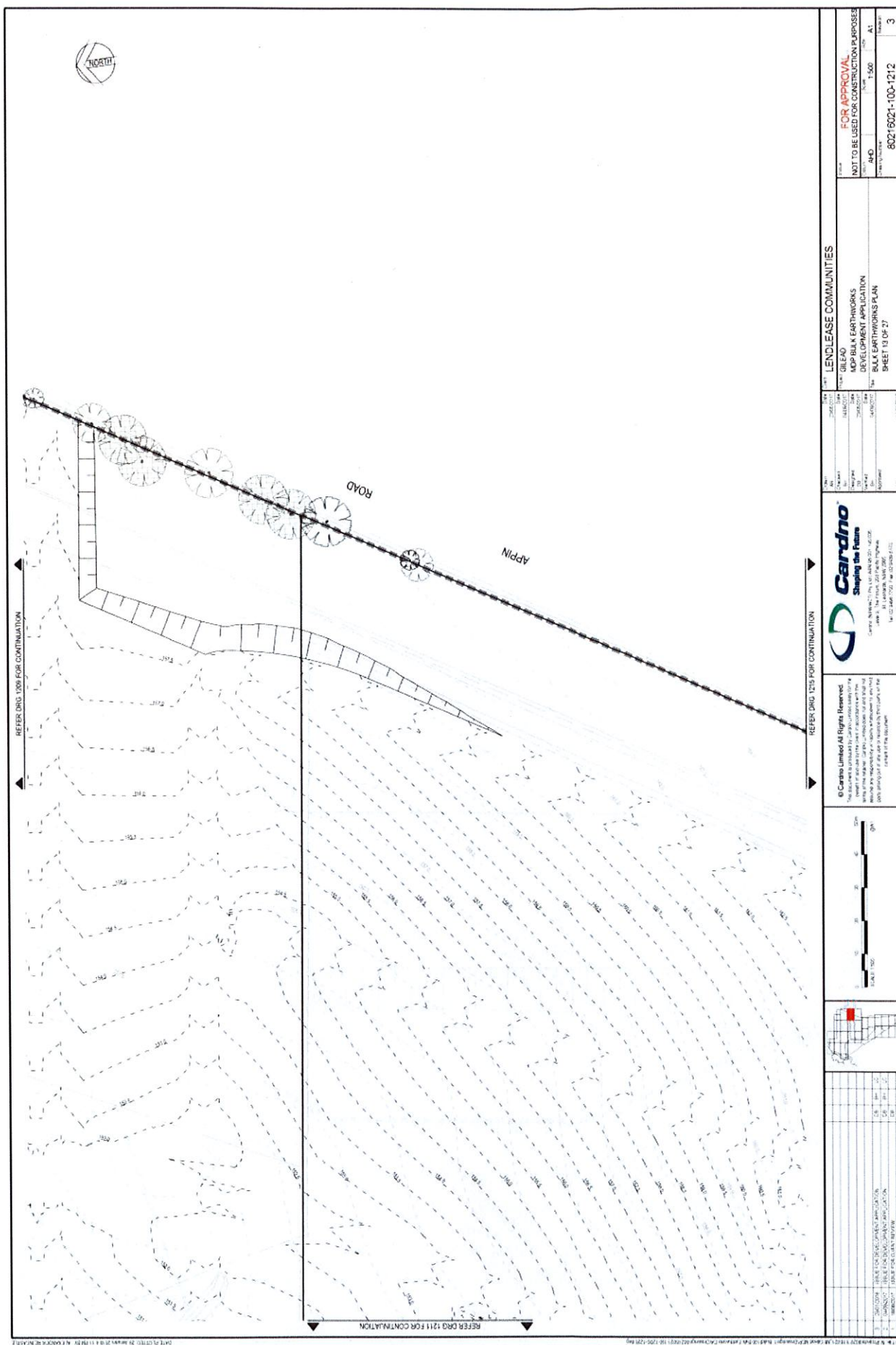
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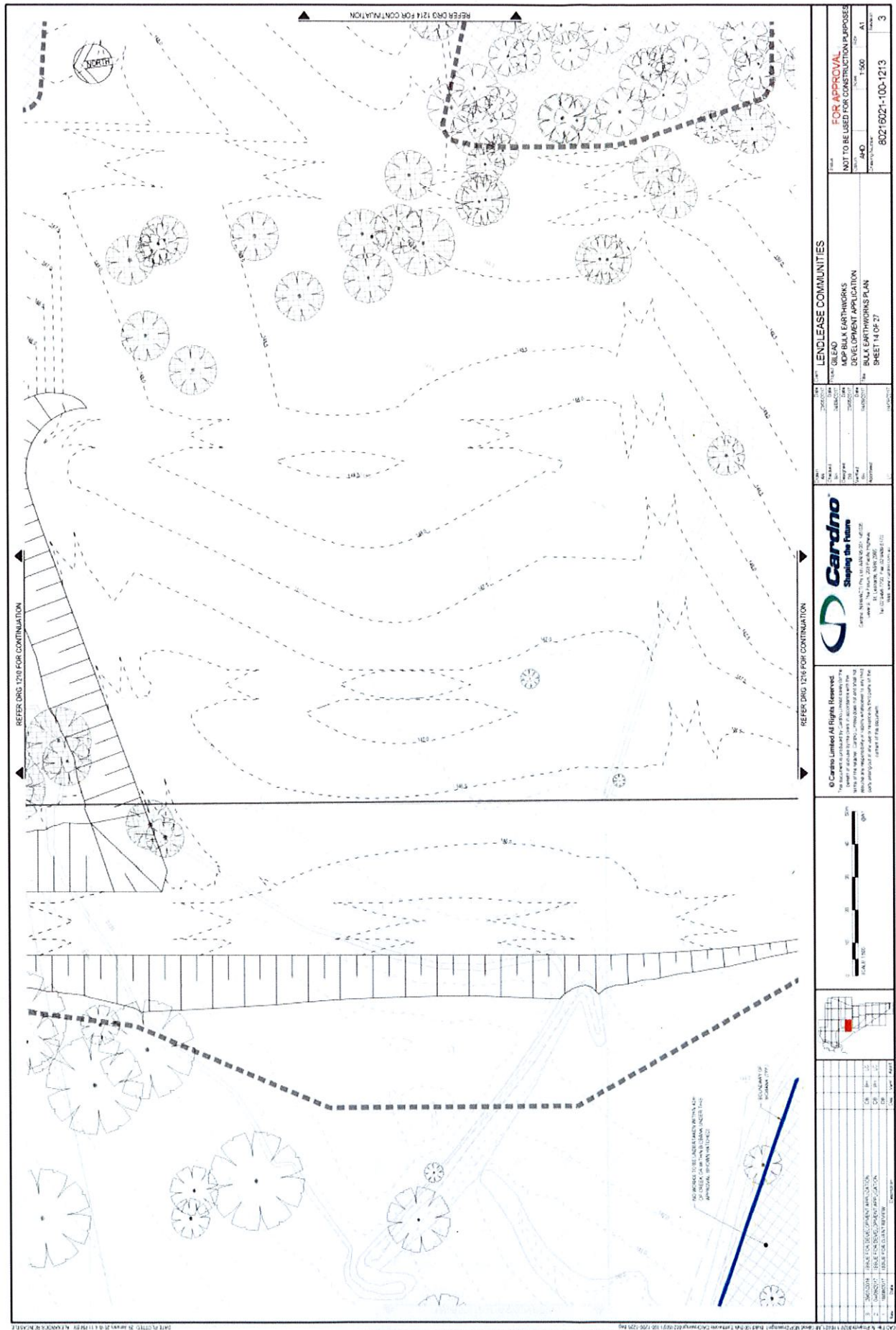






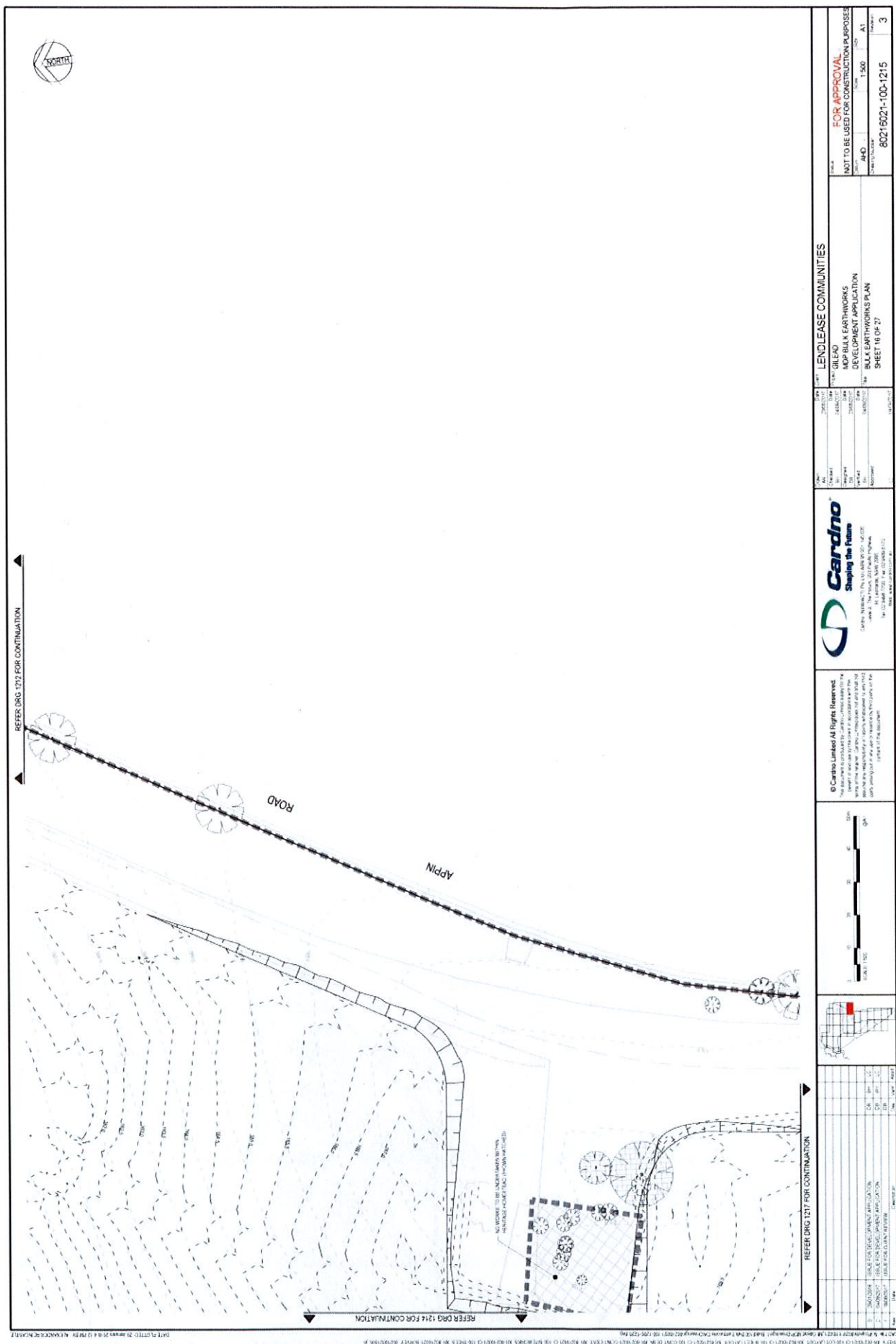


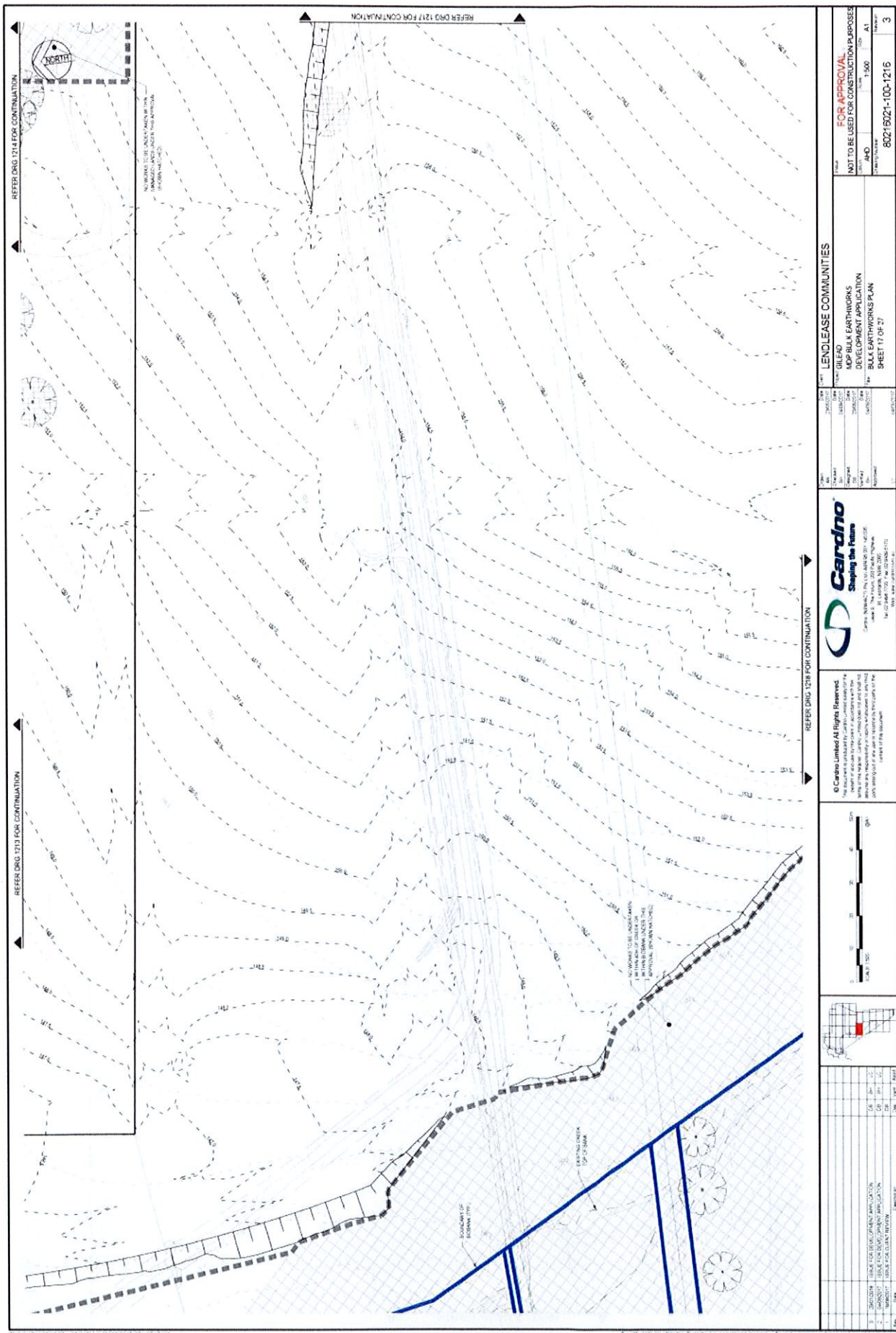


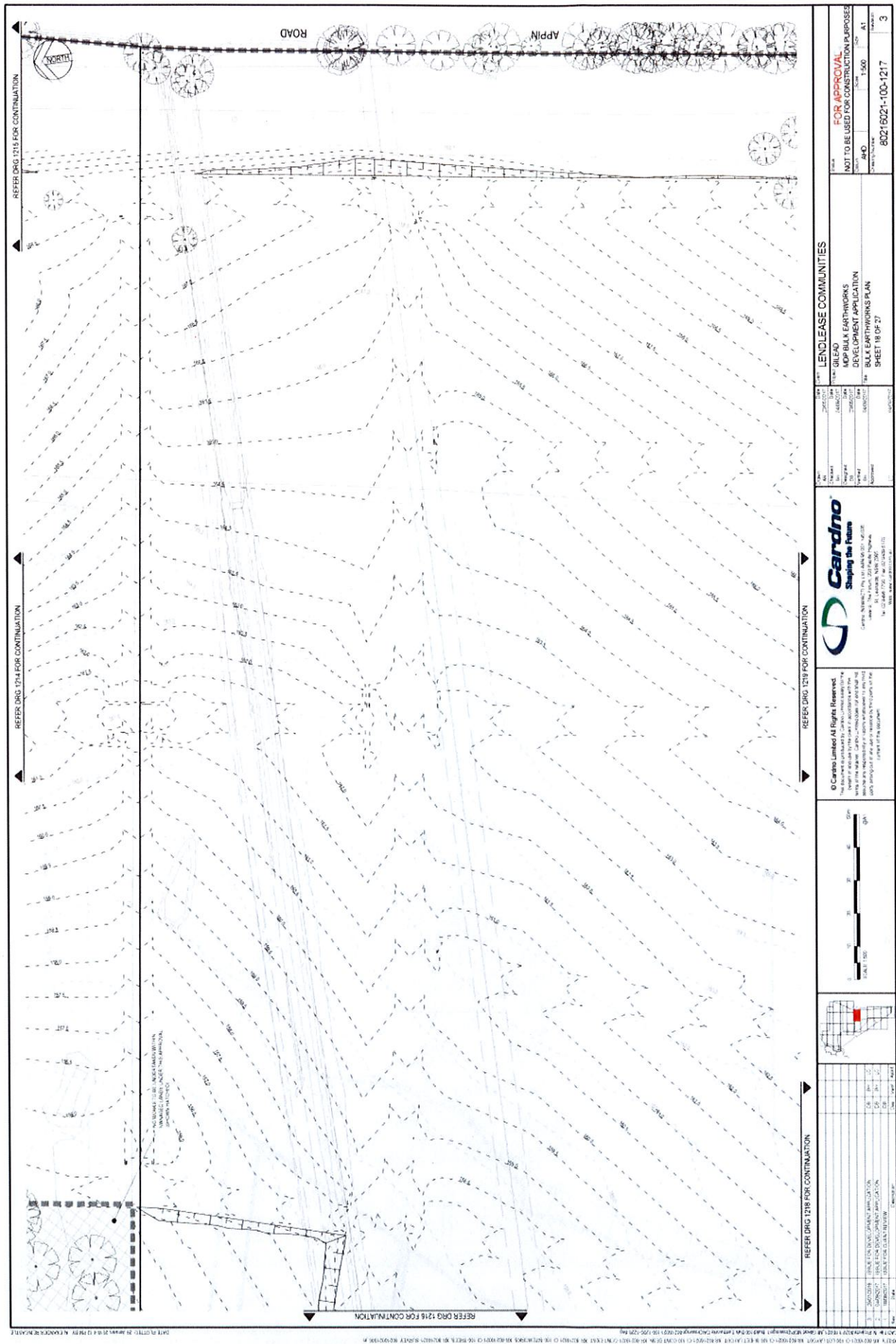


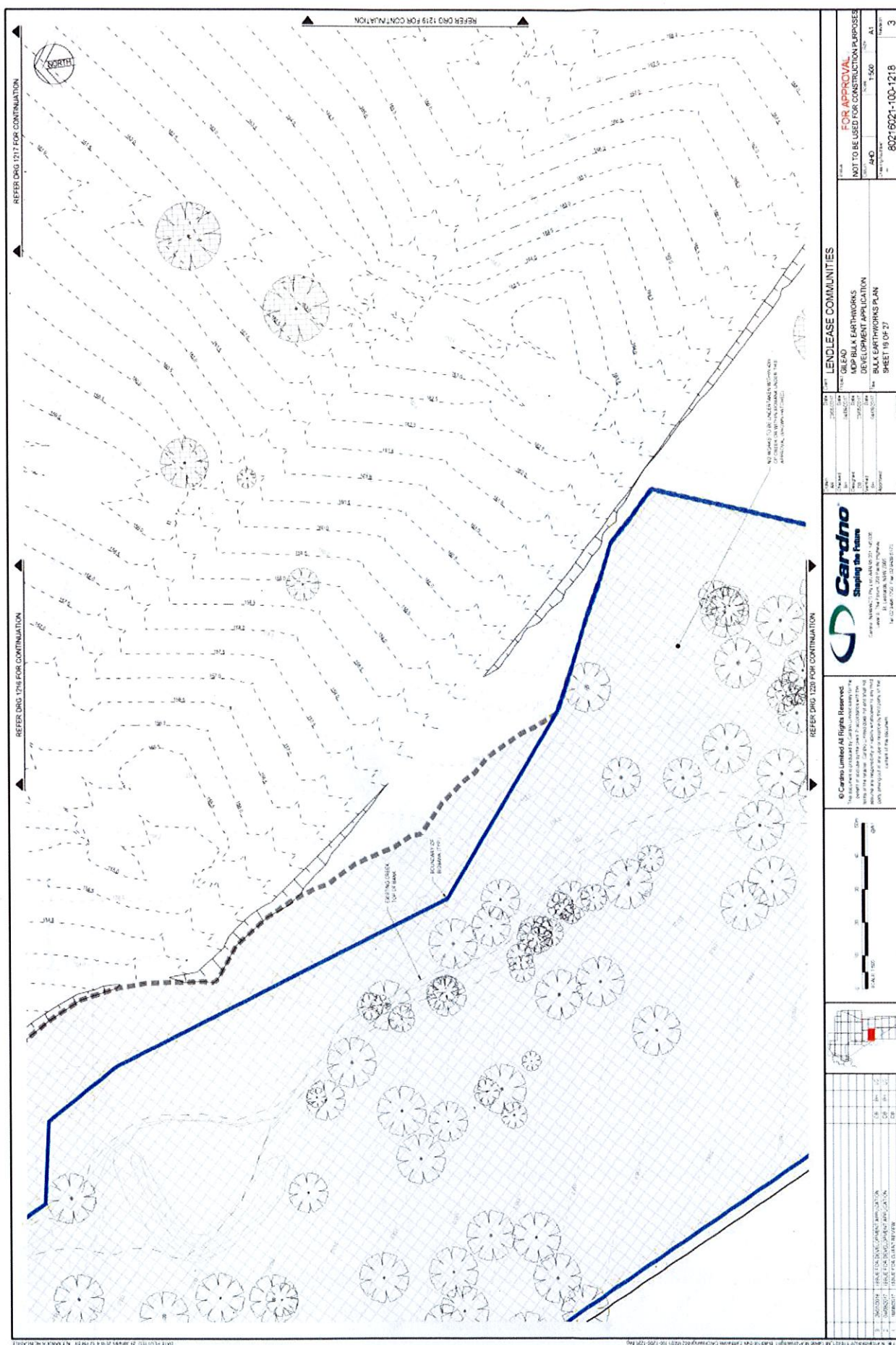
<p>FOR APPROVAL NOT TO BE USED FOR CONSTRUCTION PURPOSES</p>		<p>Scale: 1:500 Date: 14/07/2019 Sheet: 14 of 27</p>
<p>LENDLEASE COMMUNITIES</p>		
<p>Cardno Shaping the Future</p>		
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<p>Scale 1:500</p>		
<p>Legend</p>		
<p>Notes</p>		

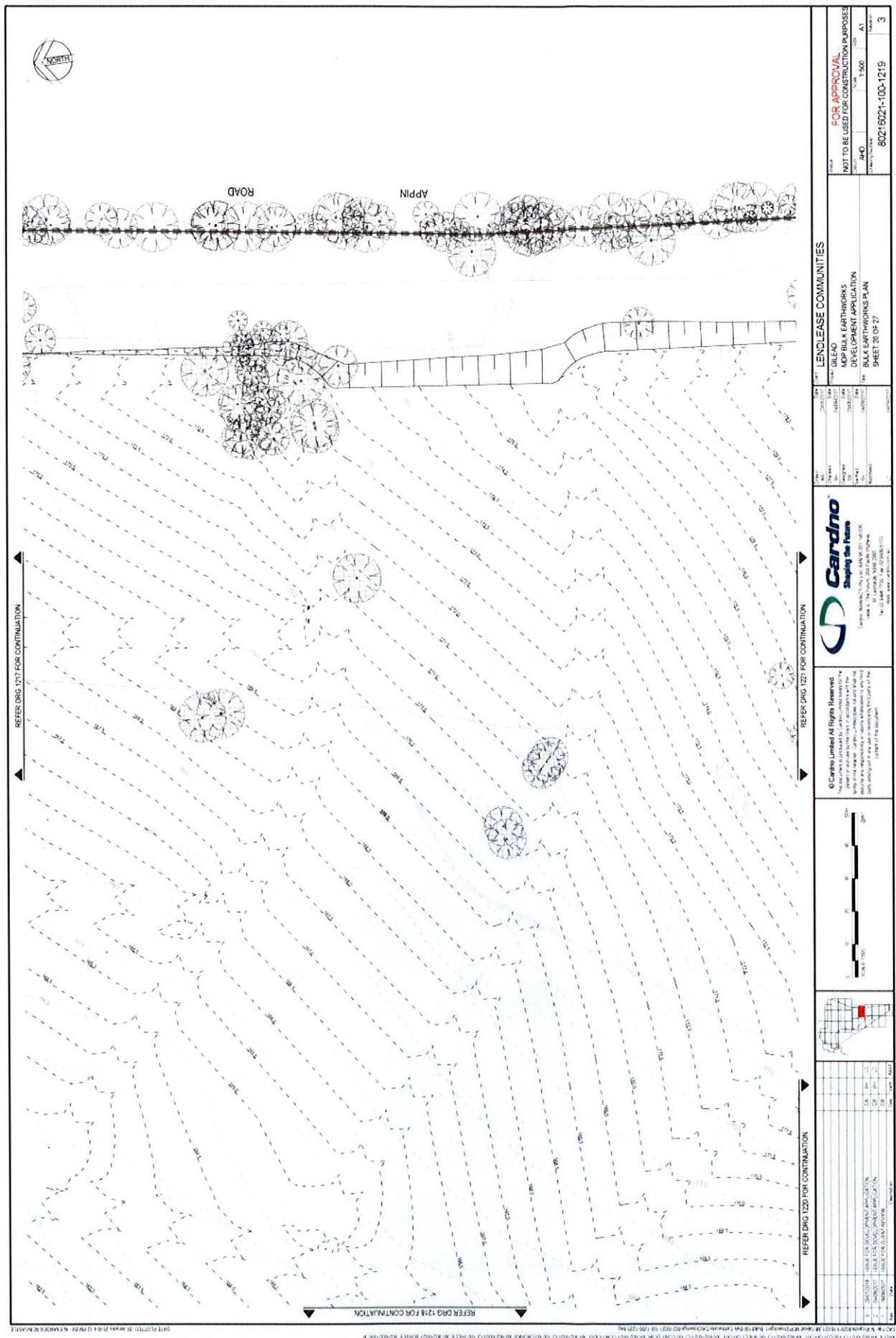


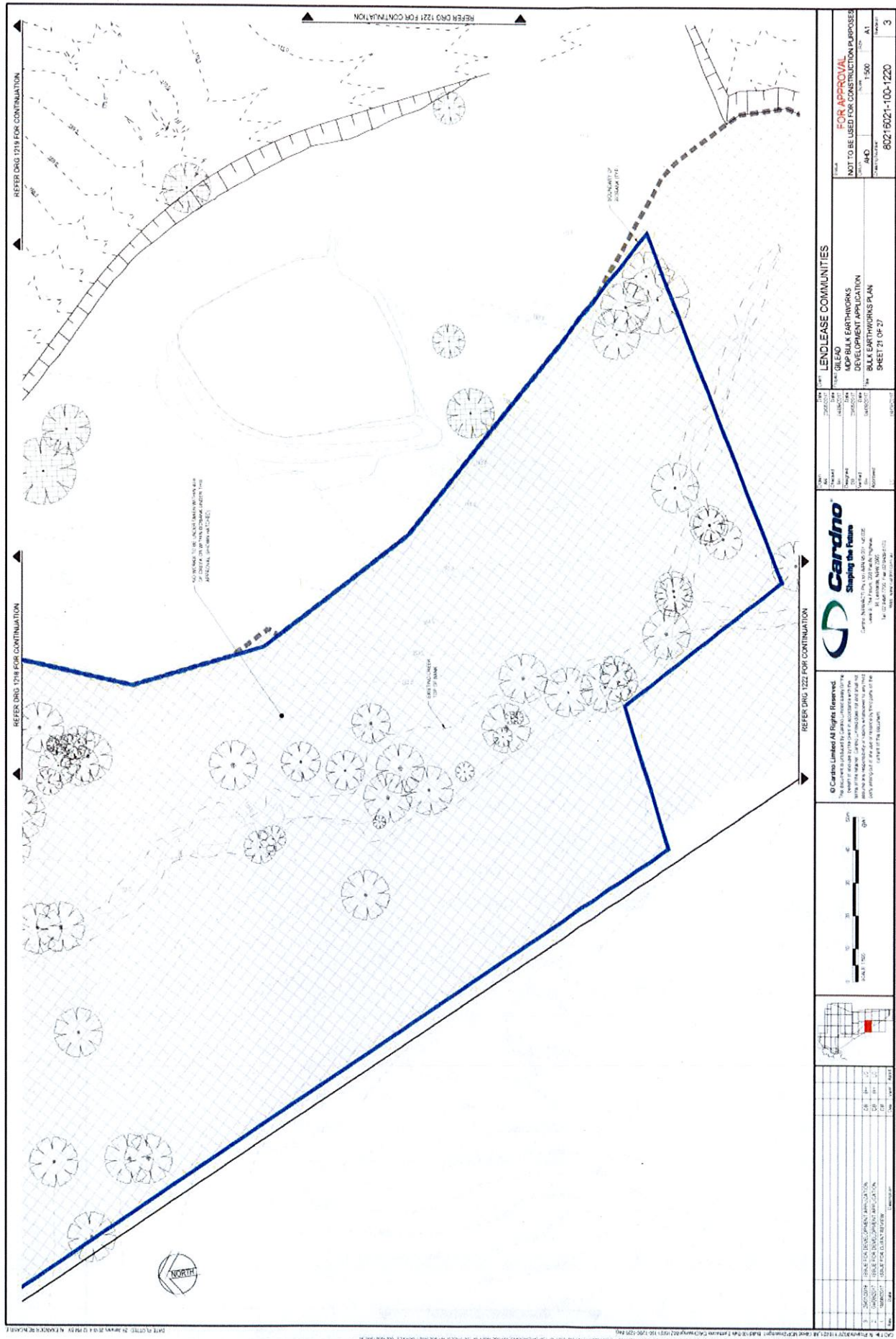




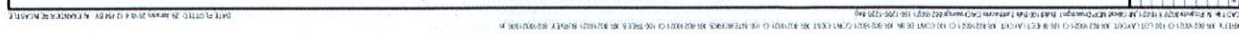


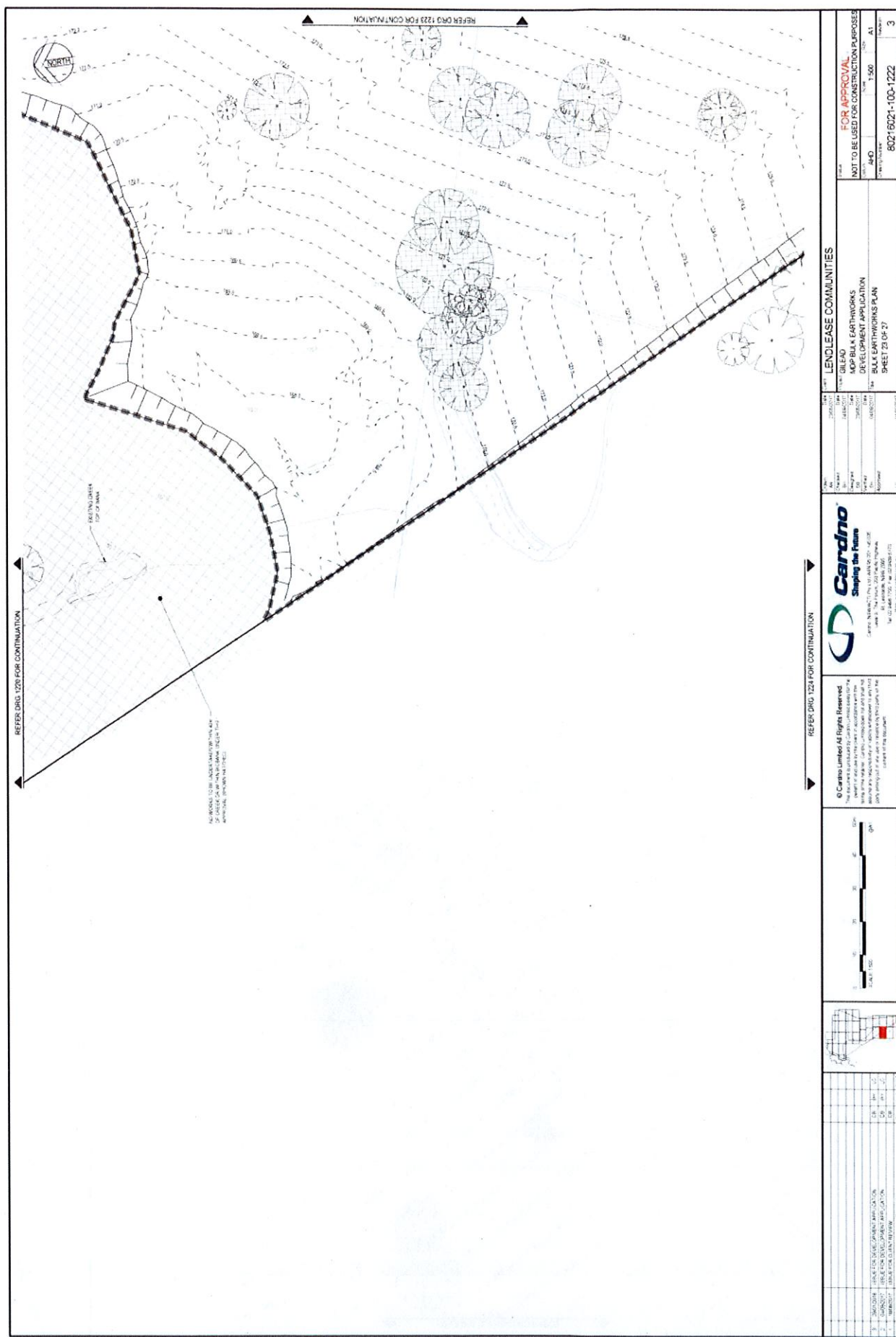


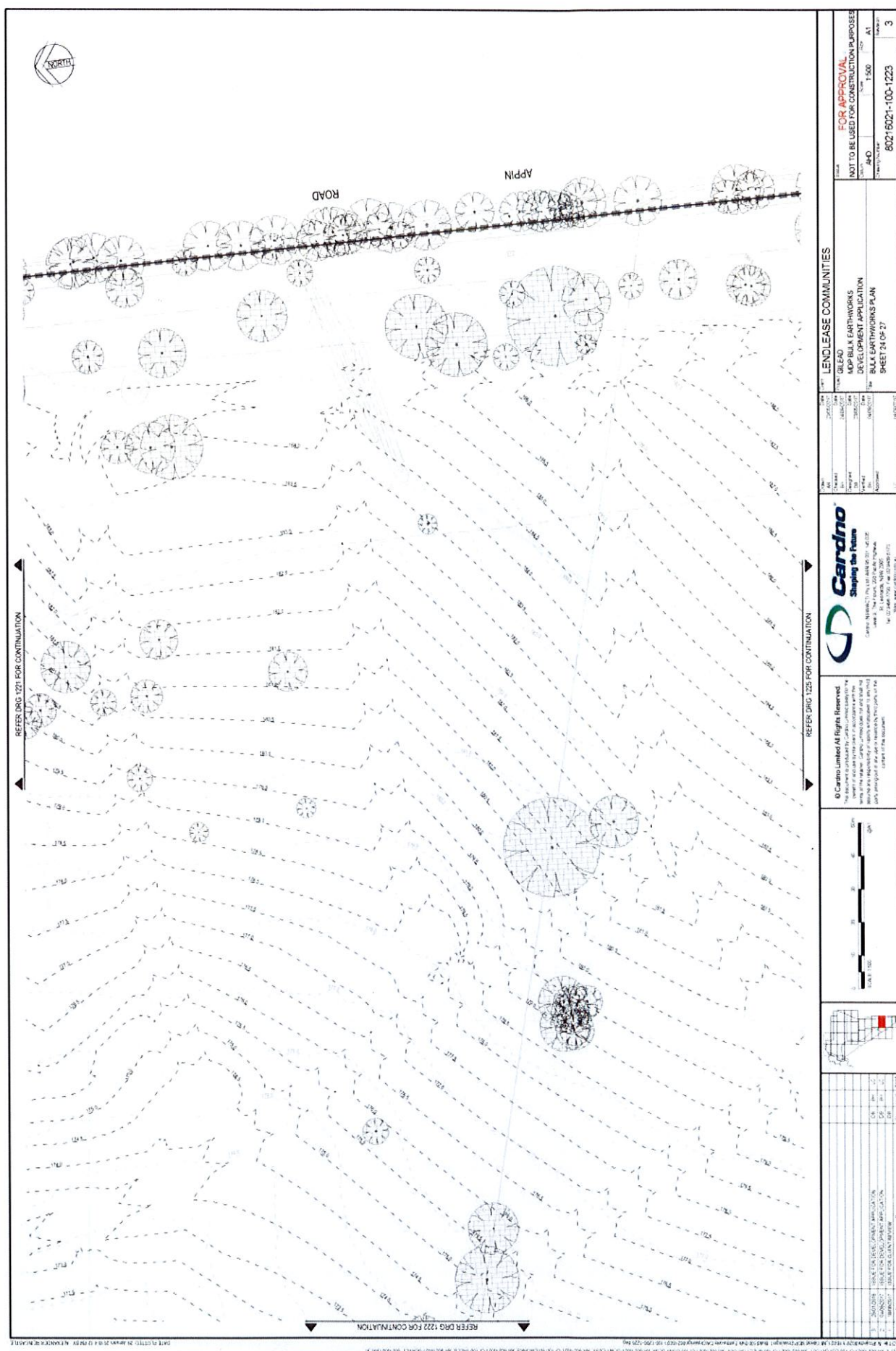


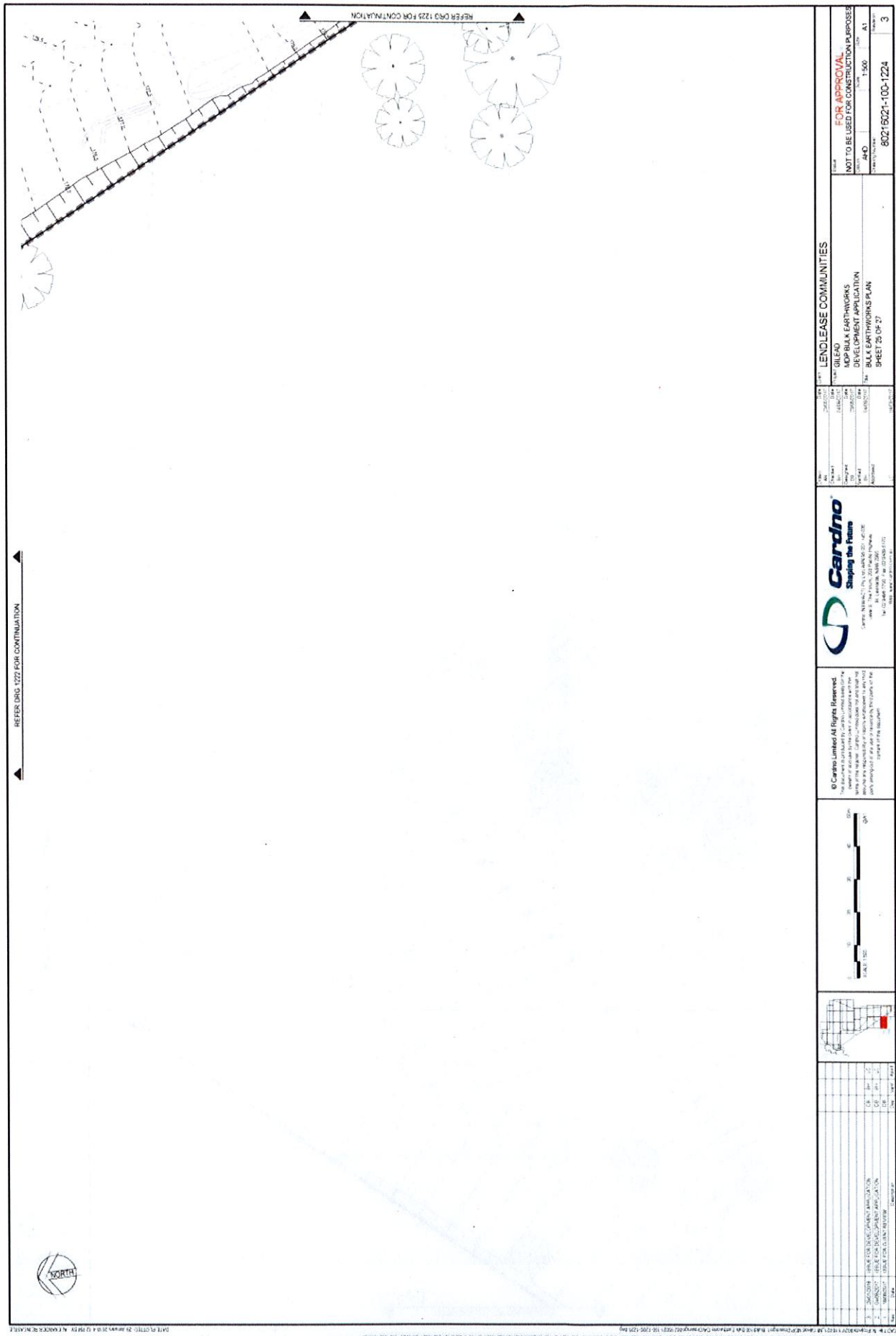


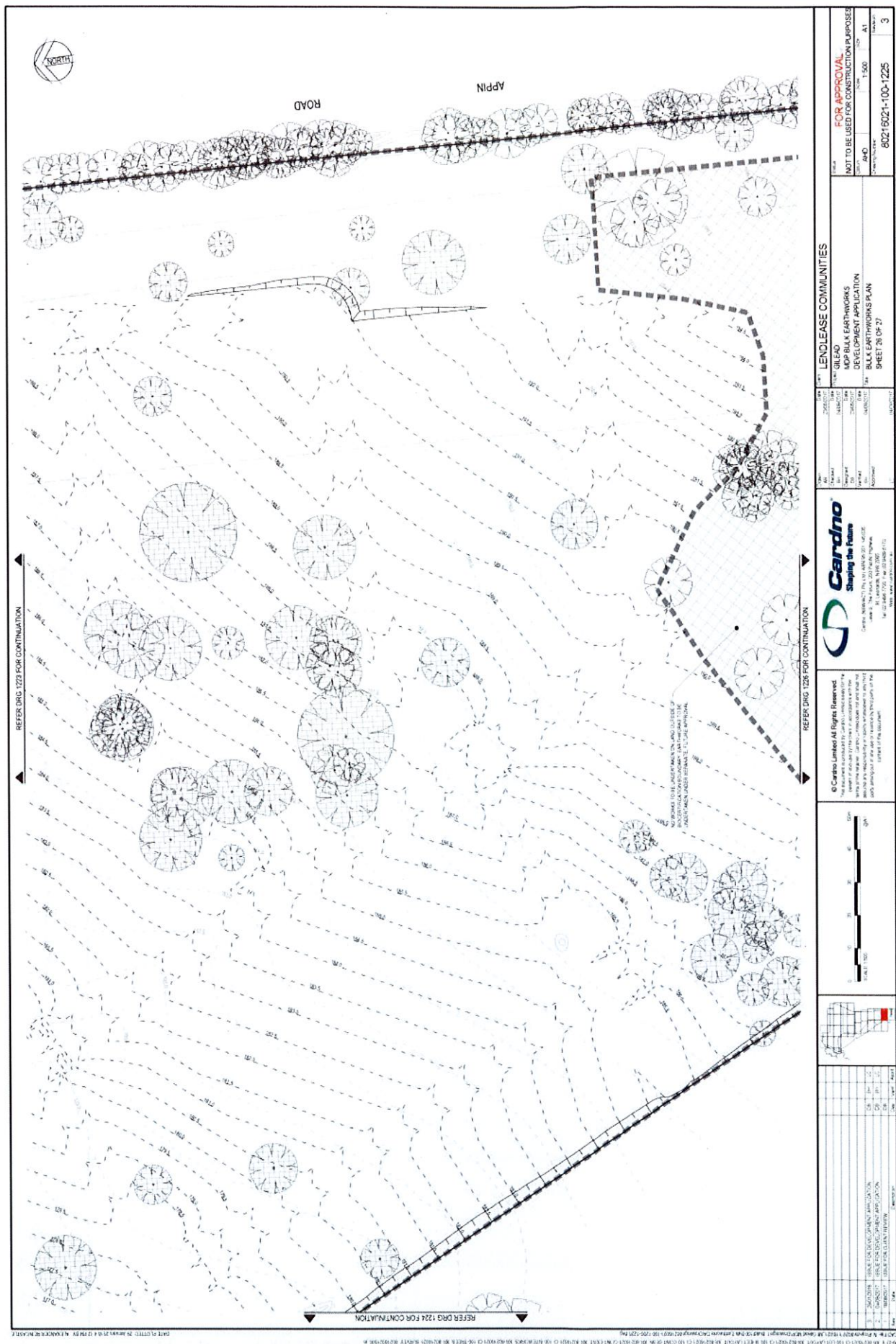
FOR APPROVAL NOT TO BE USED FOR CONSTRUCTION PURPOSES																									
DATE: 24/07/2019 DRAWN: [Name] CHECKED: [Name] SCALE: 1:500 SHEET: 21 OF 27 PROJECT: 60216021-100-1220	LENDEASE COMMUNITIES GLEAD MOP BULK EARTHWORKS DEVELOPMENT APPLICATION BULK EARTHWORKS PLAN																								
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<p>FOR APPROVAL NOT TO BE USED FOR CONSTRUCTION PURPOSES</p>	
<p>DATE: 20/07/2019 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]</p>	<p>DATE: 20/07/2019 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]</p>
<p>PROJECT: [Project Name] SHEET: 26 OF 27</p>	<p>80216021-100-1225</p>
<p>LENLEASE COMMUNITIES</p>	
<p>Cardno Shaping the Future</p>	
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