

JRPP No:	2011SYW012
DA NO:	1546/2010
PROPOSED DEVELOPMENT:	Subdivision to create 285 residential lots, construction of bulk earthworks, roads, drainage, services, open space, landscaping and revegetation, 650 and 650A Camden Valley Way, Gregory Hills
APPLICANT:	Dart West Developments Pty Ltd
SUBMISSIONS:	Two
REPORT BY:	Ryan Pritchard

Assessment Report and Recommendation

PURPOSE OF REPORT

The purpose of this report is to seek a determination from the Joint Regional Planning Panel (the Panel) of a development application for a staged subdivision to create 285 residential lots, construction of bulk earthworks, roads, drainage, services, open space, landscaping and revegetation of waterfront land on these sites.

Pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Projects) 2005 (SEPP), the Panel is the determining authority for this development application as the development has a Capital Investment Value (CIV) of \$18.5 million. This exceeds the CIV threshold of \$10 million for Council to determine the application.

Additionally, pursuant to Clause 13B(1)(f) of SEPP, the development proposes a subdivision to create 285 lots which exceeds the SEPP's threshold of 250 lots for Council to determine the application.

SUMMARY OF RECOMMENDATION

It is recommended that the Panel approve Development Application 1546/2010 subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

The South West Growth Centre was initially announced in 2005 and the Turner Road precinct was rezoned for development on 21 December 2007. The Part B Development Control Plan for the Turner Road Precinct employment area, allowing development to be approved on the subject site, was adopted on 26 August 2009. This site is located in the Turner Road precinct of the South West Growth Centre.

It is envisaged that once further developed the Turner Road precinct will be characterised by high quality urban design, interconnected neighbourhoods and local employment opportunities.

Key components of development within the Turner Road Precinct will include significant creek rehabilitation (including South Creek), the construction of an extension to Gregory Hills Drive from Camden Valley Way to Campbelltown and the provision of a large business development/industrial area fronting Camden Valley Way.

Since late 2007 Council has received and approved numerous development applications for the subdivision of this precinct's residential and industrial lands to the north and west of this site respectively. To date this has included the creation of 610 residential lots, 51 industrial/commercial lots, exhibition villages, roads, drainage, landscaping and open space, all of which are either constructed or at an advanced stage of construction.

The subject development application was received on 23 December 2010. It was publicly notified between 17 and 31 January 2011 with two submissions being received from the public.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to the Panel for determination.

THE SITE

The sites are known as 630A (Lot 1184, DP 1153632) and 650A (Lot 998, DP 1153636) and Lot 1179, DP 1153632 Camden Valley Way, Gregory Hills. The sites have areas of approximately 20.3 hectares (ha), 145.8ha and 2.39ha respectively and are located in the Turner Road Precinct of the South West Growth Centre.

The exact site of the proposed development is the entirety of No. 630A Camden Valley Way and small sections of 650A Valley Way and Lot 998, DP 115363. The sites have a gently undulating topography and are vacant except for some scattered mature vegetation, several soil stockpiles and the Gregory Hills principal contractor's works compound (TRN).

Camden Valley Way is located to the north west of the site. Vacant land zoned for employment and residential development, as well as part of one of South Creek's tributaries, bounds the site on all other sides. The south-west of the site is bound by several smaller land holdings that front Turner Road and also form part of the Turner Road Growth Centre precinct.

The surrounding area contains the Smeaton Grange industrial estate to the south-west with the Currans Hill residential suburb to the south-east. To the east and north-east lies the Sydney Catchment Authority upper canal, with the Gledswood, former El Caballo Blanco and Lakeside properties further to the north-east.

On the opposite side of Camden Valley Way to the north-west and west exists the Oran Park Precinct of the South West Growth Centre, as well as the Harrington Grove release area.

A site location map is provided at the end of the report.

THE PROPOSAL

Development consent is sought for the following development:

1. a subdivision to create 285 residential lots ranging in area from 375m² to 822m² in four stages;
2. the construction of bulk earthworks, roads, drainage, services, open space, pedestrian/cyclist paths and landscaping;
3. the construction of a picnic shelter in the proposed open space corridor along the site's north western side; and
4. the revegetation of a section of waterfront land along the northern side of the site.

EXTERNAL REFERRALS

The following external referrals were made for this development application:

Rural Fire Service (RFS)

This development is classed as Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 (the Act) as it proposes the residential subdivision of bush fire prone land. The application was referred to the RFS who has granted a Bush Fire Safety Authority for this development. It is a recommended development consent condition that the requirements of this Bush Fire Safety Authority form part of the development consent for this development.

Roads and Traffic Authority (RTA)

This development is also classed as traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP). The application was referred to the Roads and Traffic Authority (RTA) in accordance with Clause 104(3) of the SEPP. An assessment of the RTA's response is detailed in the "State Environmental Planning Policy (Infrastructure) 2007" section of this report.

Integral Energy (Integral)

As the development proposes works within an existing electricity transmission line easement the application was referred to Integral Energy pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Integral has advised that no comment can be made at this time and that a separate application must be made to them. It is a recommended development consent condition that approval from Integral be obtained prior to commencing any works within or adjacent to this electricity transmission line.

NSW Police

The development was also referred to the Camden Local Area Command of the NSW Police for comment. The Police have recommended several Crime Prevention Through Environmental Design features for this development including

anti-vandal type lighting and emergency vehicle access. The Police's comments are recommended as development consent conditions.

A copy of the proposed plans is provided at the end of this report.

NOTIFICATION

The application was publicly notified to surrounding property owners between 17 and 31 January 2011. Two submissions from the public were received in response to this notification. The issues raised in these submissions are assessed in the "Any submissions" section of this report.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No. 55: Remediation of Land
- Deemed State Environmental Planning Policy No. 20: Hawkesbury/Nepean River
- Turner Road Development Control Plan 2007

ASSESSMENT

This application has been assessed in accordance with Section 79C of the Act. The following comments are made with respect to the proposal:

(1)(a)(i) The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007

This development is classed as traffic generating development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP). The application as referred to the RTA in accordance with Clause 104(3) of the SEPP. The following summarises the RTA's comments and Council's assessment of them:

- 1. The local road network of the proposed subdivision is to be designed in accordance with the Turner Road Development Control Plan 2007 and Council's requirements.**

This comment is noted and is addressed in the "provision of any development control plan" section of this report.

- 2. All traffic facilities are to be designed and installed in accordance with the relevant RTA technical directions and standards.**

It is a recommended development consent condition that all traffic facilities, including regulatory signage and line marking, be separately approved by the Camden Local Traffic Committee prior to works commencing on this

development. This committee includes a representative from the RTA which will ensure that the RTA's requirements are addressed.

3. **The installation of 'Stop' signposting at intersections is not supported unless there is a demonstrated safety concern or sight distance restrictions at the site. The RTA doesn't support the use of 'Stop' signs for traffic calming purposes.**

It is noted that the applicant's traffic report proposes the use of 'Stop' signs at the intersection of proposed roads 9 and 11.

As aforementioned, it is a recommended development consent condition that all traffic facilities, including regulatory signage and line marking, be separately approved by the Camden Local Traffic Committee prior to works commencing on this development. This committee includes a representative from the RTA which will ensure that the RTA's requirements are addressed.

4. **All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.**

This comment has been made a recommended development consent condition.

As the development proposed works within an existing electricity transmission line easement the application was referred to Integral Energy pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Integral has advised that no comment can be made at this time and that separate application must be made to Integral. It is a recommended development consent condition that approval from Integral be obtained prior to commencing any works within or adjacent to this electricity transmission line.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The zones applicable to these sites are the R1 General Residential, E4 Environmental Living and RE1 Public Recreation zones. The proposed subdivision and all associated works are permissible with development consent in all of these applicable zones.

The proposed development is also considered to be consistent with the relevant objectives of these zones which seek to "provide for the housing needs of the community" and to "preserve and maintain the natural values of core riparian areas..." It is considered that the proposed subdivision and associated works will directly achieve these objectives.

Pursuant to Clause 4.1 of the Oran Park and Turner Road Precinct Plan, the proposed subdivision does not propose any residential lots less than the 125m² minimum lot size.

Pursuant to Clause 6.1 of the Oran Park and Turner Road Precinct Plan, it is a recommended development consent condition that prior to the issue of a Subdivision Certificate for any stage of the proposed subdivision, appropriate public utility infrastructure including water, electricity and sewage management be provided. Therefore appropriate public utility infrastructure will be available when required by this development.

State Environmental Planning Policy No. 55: Remediation of Land

The applicant has submitted a detailed contamination assessment of these sites in support of this development application. This assessment identified the several soil stockpiles and the TRN works compound as being areas of potential environmental concern.

Council staff have reviewed this contamination assessment and have raised concerns regarding the low number of contamination testing samples taken across the site. Concerns are also raised regarding the fact that no contamination testing samples have been taken of any of the soil stockpiles or the TRN works compound.

At the time of writing this report the applicant is finalising an additional contamination assessment that will provide testing samples of the soil stockpiles and the TRN works compound. This assessment will be reviewed and updated development consent conditions will be forwarded to the Panel for consideration prior to the Panel's determination meeting on 19 May 2011.

Subject to the above, the requirements of State Environmental Planning Policy No. 55: Remediation of Land will be satisfied.

Deemed State Environmental Planning Policy No. 20: Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and that there will be no detrimental impacts upon the Hawkesbury/Nepean River system. It is noted that the applicant has submitted a civil engineering design that links into a separately approved stormwater detention and treatment system to address water quantity and quality control. It is a recommended development consent condition that these separately approved stormwater detention and treatment systems be operational as required by the various stages of this development.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no draft environmental planning instruments that are applicable to this site or development.

(1)(a)(iii) The provisions of any Development Control Plan

The following sections of the Turner Road Development Control Plan 2007 (DCP) are relevant to this proposal:

2.1 – Indicative Layout Plan

The proposed subdivision is generally in accordance with the DCP's indicative layout plan.

2.3 – Residential Density Targets

The subdivision contains all of sub-precinct I and a small part of sub-precinct M and provides 285 lots overall.

264 of these lots will be provided in sub-precinct I which exceeds the minimum number of lots required of 252 by 12.

19 of the 285 lots will be provided in sub-precinct M which is considered acceptable for this section of the sub-precinct and that its residential density target of 262 dwellings will still be achievable through future subdivision development applications.

3.1 – Street Network and Design

The street networks proposed for this subdivision are generally consistent with the DCP's figures 2 and 5 and the proposed roads cross sections comply with the minimum road cross sections that are identified for them.

It is a recommended development consent condition that all civil engineering works, including all roads, be designed in accordance with Council's engineering specifications as required by the DCP.

3.2 – Pedestrian and Cycle Network

Pedestrian and cycle paths have been provided in accordance with the DCP's figure 14.

4.1 – Public Parks and Landscape Strategy

The proposed development provides public open space along its north western side in accordance with the DCP's figure 16. The facilities provided within this open space, ie. passive open space and recreation, is consistent with the Oran Park and Turner Road Contributions Plan.

6.1 – Riparian Corridors

The proposed development's riparian corridor works are consistent with the Oran Park and Turner Road Waterfront Land Strategy 2009 as required by the DCP.

6.2 – Flooding and Watercycle Management

None of the proposed lots will be located below the 1% annual exceedance probability flood level.

The separately approved stormwater detention and treatment basins around the perimeter of the proposed subdivision have been designed to achieve the DCP's environmental stormwater objectives. As this development will link into these basins it will therefore be compliant in terms of the DCP's water quality criteria.

The civil engineering design prepared by the applicant in support of this application is generally compliant with the remaining controls of this DCP section.

6.3 – Salinity and Soil Management

The applicant has submitted a detailed salinity assessment and management plan for this site. The assessment details areas of saline soils and the management plan describes how infrastructure and future dwellings must be constructed in order to be salinity resistant. It is a recommended development consent condition that this development be constructed in accordance with this salinity management

plan and that an 88B restriction be placed on the proposed residential lots to require that they also be constructed in accordance with this management plan.

It is also a recommended development consent condition that appropriate sediment and erosion control measures are put in place prior to works commencing. This will help minimise the potential for sediment discharge onto surrounding properties during construction.

6.6 – Bush Fire Hazard Management

Part of this site, along its southern boundary, is mapped as bush fire prone land. As the application proposes residential subdivision it was referred to the Rural Fire Service who has granted a Bush Fire Safety Authority for it.

The applicant has prepared a bush fire protection assessment in support of this application. This assessment advises that the proposed lots along the site's southern boundary have a 1.8m high colorbond fence along their boundaries to act as a radiant heat shield. Future dwellings should also be set back a minimum of 4 metres to provide an asset protection zone and be constructed with a bush fire attack level of 12.5.

The report also identifies an asset protection zone adjacent to and partly within a section of the northern riparian corridor that is generally consistent with that required by the DCP.

6.8 – Contamination Management

The issue of contaminated land has been addressed in the "State Environmental Planning Policy No. 55: Remediation of Land" section of this report.

6.10 – Acoustics

The applicant has submitted an acoustic assessment for this development. This assessment identifies that 1.8m high fencing will be required around the rear yards of several lots in order to achieve the DCP's acoustic criteria. It is recommended that an 88B restriction be created on these lots that requires future dwellings on these lots to comply with these requirements.

7.1 – Neighbourhood and Subdivision Design

The proposed subdivision is considered to be acceptable in terms of the DCP's subdivision design requirements in that:

- the proposed block lengths are a maximum of 70m wide however some are longer than the general maximum of 250m, being approximately 300m. However this DCP variation is considered acceptable as, in accordance with the DCP, the subdivision will provide appropriate traffic calming and pedestrian connectivity;
- the proposed lots are generally a minimum of 30m deep which is excess of the DCP's minimum of 20m;

- the proposed lot orientations are considered acceptable in terms of achieving reasonable solar access for future dwellings and private open space in accordance with the DCP's figure 25;
- a diverse range of lot sizes and frontages will be provided generally in accordance with the DCP requirements.

(1)(a)(iia) The provisions of any Planning Agreement

There are no planning agreements applicable to this site or development.

(1)(a)(iv) The provisions of the Regulations

The Regulations do not specify any matters that are relevant to this development.

(1)(b) The likely impacts of the development

The likely impacts of this development include:

Traffic impacts

The applicant has submitted a traffic report in support of this development application. This report has been assessed and demonstrates that the traffic volumes associated with this development can be accommodated by the surrounding street network.

It is however a recommended development consent condition that traffic calming facilities in the form of kerbside blisters are provided at the intersections of proposed roads nos. 1, 4 and 9 and 9 and 14 to help maintain a low speed environment through the subdivision.

Loss of Stormwater Run-off

Approval of this development will result in the loss of some stormwater run-off to several downstream properties to the south of this site that front Turner Road. This is as a result of developing the subdivision in accordance with the adopted indicative layout plan/development control plan for the Turner Road precinct and the outcome is realistically unavoidable in such a transitional, greenfield development scenario.

However the stormwater catchment area lost to these downstream properties is relatively minor and it is not anticipated that the volume of stormwater run-off loss will be significant. Additionally, it is noted that none of the affected downstream properties have objected to this development application regarding this impact.

All other likely impacts of this development have been assessed in other sections of this report.

(1)(c) The suitability of the site for the development

This site is considered to be suitable for the proposed development. The zoning of the land provides for such subdivision and subject to the recommended development consent conditions, the development will not have any unreasonable environmental impacts upon surrounding properties or the environment. There are no site specific conditions that render this site unsuitable for this development.

(1)(d) Any submissions

The application was publicly notified to surrounding property owners between 17 and 31 January 2011. Two submissions from the public were received in response to this notification. The following identifies the issues raised in the submissions that are relevant to this development application and Council's assessment of them:

1. Potential for increased and dirty stormwater run-off onto adjoining properties to the south of the site.

As detailed previously in this report the applicant has submitted a civil engineering design in support of this development application. This design demonstrates that stormwater generated from this development will be retarded and treated by the separately approved stormwater detention and treatment basins adjacent to this site.

These basins will control the discharge of stormwater and ensure that the post development discharge rates match the pre-development discharge rates. The basins will also treat the stormwater to achieve the Turner Road Development Control Plan 2007's environmental stormwater objectives and ensure that only clean water is discharged downstream.

Therefore the development will not have any negative stormwater run-off impact upon any downstream properties to the south of the site.

2. Potential dust impacts from the development

The potential for dust impacts from the construction of this development are noted however development consent conditions have been recommended to ensure that the applicant controls this impact when constructing the development. These conditions are considered adequate to address this issue.

3. Will water supply pipework be provided in this development that is sufficiently large to ensure that the adjacent Manooka Valley release area can be supply with water from future reservoirs above RL 112?

The size of water reticulation pipes are not known at this stage. Only once this development is approved can the applicant apply to Sydney Water for their design criteria for this development. Only at that stage Sydney Water will dictate their requirements to the applicant.

The future water supply of the Manooka Valley release area is currently being considered by Sydney Water and its exact relationship to this development are unknown at this time.

However this submission issue is considered to be a matter for Sydney Water who will advise on servicing requirements for this development following its approval.

4. Has the applicant been given water supply approval from Sydney Water for development above RL 122 as this is inconsistent with advice given for the Manooka Valley release area that can only be supplied up to RL 112?

It is noted that previous subdivisions in the Gregory Hills suburb have been approved by Sydney Water up to RL 121m AHD. The highest level of this development will be RL 121m AHD which is in line with other Gregory Hills subdivisions. Again once approved the applicant will have to apply to Sydney Water for their requirements for this development.

Sydney Water's exact water supply servicing abilities for the Manooka Valley release area are currently unknown and are a matter for the developers of that release area to negotiate with Sydney Water.

(1)(e) The public interest

This development is considered to be within the public interest. It achieves the objectives of the relevant SEPP and DCP for this site and is generally consistent with all relevant development controls that apply to it. The development will help to further develop the residential development of the Turner Road precinct and Gregory Hills suburb which is supported. These achievements are considered to be within the public interest.

CONCLUSION

Camden Council has received a development application for a staged subdivision to create 285 residential lots, construction of bulk earthworks, roads, drainage, services, open space, landscaping and revegetation of waterfront land on these sites. The application has been publicly exhibited with two submissions from the public being received. The application has also been assessed in accordance with Section 79C of the Act.

It is considered that the development is generally compliant with all relevant development controls that apply to it. It is also considered that the proposed subdivision represents an appropriate form of development for this part of the Turner Road precinct that will have minimal environmental impacts upon surrounding properties and will achieve positive environmental and urban design outcomes for the area.

At the time of writing this report the applicant is finalising an additional contamination assessment that will provide testing samples of the soil stockpiles and the TRN works compound on the site. This assessment will be reviewed by Council and updated development consent conditions will be forwarded to the Panel for consideration prior to the Panel's determination meeting on 19 May 2011.

Consequently the development is able to be recommended to the Panel for approval, subject to:

1. Council approving the aforementioned additional contamination assessment;
2. the draft development consent conditions shown below; and
3. any additional draft development consent conditions that result from Council's review of the additional contamination assessment (to be forwarded to the Panel for consideration prior to the Panel's determination meeting on 19 May 2011).

RECOMMENDATION

It is recommended that the Panel approve Development Application 1546/2010 for a staged subdivision to create 285 residential lots, construction of bulk earthworks, roads, drainage, services, open space, landscaping and revegetation of waterfront land at 630A (Lot 1184, DP 1153632) and 650A (Lot 998, DP 1153636) and Lot 1179, DP 1153632 Camden Valley Way, Gregory Hills subject to:

1. Council approving the aforementioned additional contamination assessment;
2. the draft development consent conditions shown below; and
3. any additional draft development consent conditions that result from Council's review of the additional contamination assessment (to be forwarded to the Panel for consideration prior to the Panel's determination meeting on 19 May 2011).