

**TITLE     University of Western Sydney - Stage 1 Subdivision  
Development APPLICATION****Reporting Officer**Director Planning and Environment

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**Attachments**

1.     Adopted Master Plan (distributed under separate cover)
2.     Subdivision Plan (Stage 1) (distributed under separate cover)

**Purpose**

The purpose of this report is to inform Council that a Development Application has been received for residential subdivision and related works on certain land at the University of Western Sydney – Campbelltown Campus, and makes a recommendation that Council lodge a submission to the Sydney West Joint Regional Planning Panel (the determining authority for the application) concerning a number of issues that are outlined in the report.

<b>Property Description</b>	Lot 63 DP 1104486 (UWS) – Subdivision Works Lot 64 DP 1104486 (Landcom) – Goldsmith Ave road works Narellan Road, Gilchrist Ave, Campbelltown
<b>Application No</b>	387/2012/DA-S
<b>Applicant</b>	Landcom (on behalf of UWS)
<b>Owners</b>	University of Western Sydney Landcom
<b>Statutory Provisions</b>	Campbelltown (Urban Area) Local Environmental Plan 2002 University of Western Sydney Campbelltown – Development Control Plan October 2008
<b>Date Received</b>	7 March 2012

**History**

At its meeting on 10 February 2009, Council adopted the University of Western Sydney Campbelltown Development Control Plan 2008 (DCP) for the University site and adjoining land to the south west owned by Landcom.

Council also adopted a Master Plan for this land although it is noted that the Master Plan is not the subject of any development consent. Both the DCP and the Master Plan were prepared following the consideration of a number of site specific environmental investigations

and reports prepared by the landowners. These documents were subject to public exhibition and review by Council prior to adoption of the DCP and Master Plan.

The adopted Master Plan sets out an overall layout for the future development of the whole site comprising a residential precinct located in the western and south western portions and a university (education, research and development and employment) precinct in the north eastern portion, in addition to an open space/drainage/ and recreation corridor located along most of the eastern edge, following the Bow Bowling creek channel.

The DCP is consistent with the Master Plan and presents more detailed planning controls to be considered in the assessment and determination of future development applications. Some of the more noteworthy controls included within the DCP relate to:

- Urban structure and development density
- Streets
- Landscape and open space
- Views and vistas
- Campus/Academic development
- Residential Development:
  - Building form
  - Streetscape character
  - Subdivision
  - Controls for different housing types
  - Landscaping

The application subject of this report is the first development application for any of the land area subject of the DCP and Master Plan. It has been submitted by Landcom on behalf of the University of Western Sydney and relates only, to part of the total land area subject of the DCP and Master Plan.

## **Councillor Briefing**

A briefing on the application and was provided to Councillors by representatives of Landcom and the University of Western Sydney on 23 October 2012. A senior representative of the Roads and Maritime Service (RMS) also attended the briefing. Council was informed that additional traffic impact assessment work, incorporating detailed traffic modelling relating to the application and the overall future development of the site, had been undertaken in consultation with the RMS and Council's Technical Services staff, especially to address concerns that Council had previously expressed over the impacts of the development.

## **Report**

### **Introduction**

This report provides an overview and broad assessment of the proposed development, addressing in particular, issues that are of considered relevance to Council and worthy of being brought to the attention of the Sydney West Joint Regional Planning Panel – the consent authority in this circumstance.

The subject application has a capital investment value of \$29.5m, and by virtue of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, qualifies for determination by the Sydney West Joint Regional Planning Panel.

Council is not the consent authority for the subject application.

## Site Description

The total site area relating to Council's adopted UWS Master Plan and DCP is approximately 180 hectares and is made up of a number of separate land parcels as identified below.

Lot and DP	Area	Landowner
Lot 63 DP 1104486	152.600 ha	UWS
Lot 4 DP 247902	5.020 ha	UWS
Lot 5 DP 253700	3.183 ha	Minister for Education and Training
Lot 7 DP 253700	18.710 ha	Landcom
(Lot 64 DP 1104486)	(Goldsmith Ave)	Landcom
	Total 179.513 ha	

The UWS Master Plan site is triangular in shape as shown in Attachment 1. The land is bounded by the Hume Highway to the west, Narellan Road to the North, and the Main Railway line to the south. The eastern boundary of the site adjoins the future precinct of Macarthur Gardens 'North' and the Campbelltown Campus of the South Western Institute of TAFE.

The existing UWS Campus is located within the northern portion of the site, with the remainder of the site to the south being generally undeveloped.

The UWS site is currently accessed via two vehicular entry/exit points. The main access point is provided via a signalised intersection with Narellan Road. The secondary access point is provided as a 'left-in left-out' for northbound traffic along Gilchrist Drive. A pedestrian overbridge links the University with Macarthur Station and Macarthur Square to the east.

The existing internal road network consists of non-public roads, and includes:

- Goldsmith Avenue which is a two lane two-way road connecting to Gilchrist Drive at its easternmost extent
- William Downes Avenue which is a two lane two-way road which connects to a signalised intersection with Narellan Road, and
- David Pilgram Avenue which is a two lane two-way road connecting Goldsmith Avenue to its south with William Downes Avenue to its north.

The topography of the site comprises a number of east-west ridges and their corresponding gullies, with the main ridge separating the existing University buildings from the undeveloped area of the site to the south. Vegetation on the site generally consists of open grassland, with stands of remnant and regrowth native vegetation along the steeper sided ridge lines and within some gully areas.

The land slopes from the Hume Highway to the west through a number of creek lines and dam systems to Bow Bowing Creek which runs along the eastern / southern boundary of the site.

There is a gas pipeline located along the western edge of the site within a 20 metre wide easement.

## Proposal

The subject development application seeks consent for residential subdivision works and associated road construction described as Stage 1 of an intended series of developments on the land over coming years.

The submitted land use application form describes the proposal as follows:

'UWS Campbelltown Stage 1 Subdivision and Associated Estate Major Works. Stage 1 Comprises 238 Standard residential Lots and 5 Super Lots, 1 Open Space Lot and 2 Residue Lots.'

The extent of the proposed subdivision is shown in Attachment 2.

All proposed subdivision works are located within the central portion of the main allotment (Lot 63) except for associated road works over adjoining Landcom owned land (Lot 64) to provide for the reconstruction of Goldsmith Avenue and new road intersection to Gilchrist Drive.

Other proposed works include stormwater drainage infrastructure, cut and fill, retaining walls, and street landscaping. Management of the adjoining riparian corridor and embellishment of adjoining open space areas are proposed to be undertaken as part of separate and future development applications.

The proposed allotments arising from the subdivision are described as follows:

<b>Proposed Lot</b>	<b>Description</b>	<b>Total Area</b>
Lots 1100–1211, 1214–1407, 1410–1416, 1418–1432	Residential Subdivision (238 lots)	20.83 ha
Lots 1212, 1213, 1408, 1409, 1417	5 'Super Lots'	1.75ha
Lot 1097	Residue - Macarthur Gardens North	18.52 ha
Lot 1098	Residue - Land adjacent to Goldsmith Drive	0.75 ha
Lot 1099	Residue - Main area for future Master Plan Development	127.4 ha
Lot 1175	Main Ridge Park	1.45 ha
To be dedicated	Goldsmith Avenue	

It is noted that there is a minor anomaly with the development description provided by the applicant in that there are three residual allotments proposed not two (Lot 1097, Lot 1098 and Lot 1099).

The proposed residential allotments range in size from 420m<sup>2</sup> to 1120m<sup>2</sup> with the majority being around 500m<sup>2</sup>. A breakdown of all proposed 238 residential allotments is provided in the following table:

<b>Allotment Size</b>	<b>Number</b>	<b>Percentage of Total (238)</b>
420 - 449 m <sup>2</sup>	9	3.8%
450 - 599 m <sup>2</sup>	130	54.6%
600 - 799 m <sup>2</sup>	83	34.9%
800 - 1120 m <sup>2</sup>	16	6.7%

As originally submitted, the application proposed the dedication of all constructed roads to Council as new public roads. This includes a partial realignment of the Goldsmith Avenue roadway further north than existing, to provide a new intersection junction to Gilchrist Drive.

The reconstructed intersection is proposed to be controlled by a new installation of traffic signals, to allow traffic to enter exit Goldsmith Avenue from both north and south directions. In this regard, the originally submitted proposed design provides for right hand turn storage of approximately 90m in length.

The originally submitted application also indicated that no works were proposed to Narellan Road and/or the associated intersection with the UWS site.

The application indicated separate future development applications will be submitted for the following related works:

- subdivision of the proposed five super lots;
- the detailed design and landscaping of Main Ridge Park;
- rehabilitation of the adjoining bush corridor
- stormwater structures in the bush corridor to treat runoff from the 'Stage 1' subdivision.

It is also noted that the applicant has also included a revised Master Plan and indicative staging plan for possible future works, such as the upgrading of the existing traffic intersection with Narellan Road. This information is useful to help understand the intentions of the applicant for possible works under future applications. However, these works do not form part of the subject application and separate approval will be necessary for their construction.

## **Assessment and Key Issues**

Similar to other applications determined by the Joint Regional Planning Panel, the detailed assessment of all technical and planning considerations relevant to the subject application will be undertaken by Council's appointed Development Services staff.

Accordingly, it is the intention of this report to outline a broad scale overview of the proposed development, to identify any significant matters that Council may wish to submit to the Joint Regional Planning Panel. Such submission would need to be considered by the Panel in its statutory assessment and determination of the subject application.

The following key issues have been identified for Council's further consideration:

1. Relationship of the Application to Council's Adopted Master Plan
2. Relationship of the Application to Council's Adopted DCP
3. Compliance with Campbelltown (Urban Area) Local Environmental Plan 2002
4. Traffic Impact
5. Public Exhibition
6. Flora and Fauna
7. Water
8. Infrastructure Provision and Voluntary Planning Agreement

### **1. Relationship of the Application to Council's Adopted Master Plan**

Although the development application is limited to subdivision and roadworks for only part of the site (Stage 1), it also includes a copy of an amended Master Plan. That Plan represents an amendment to the Master Plan adopted by Council for the whole of the UWS site in 2009.

This amended Master Plan has not been considered nor adopted by Council. It is disappointing that the amended Master Plan was not submitted for consideration for endorsement by Council prior to the Stage 1 application being lodged.

The most notable variations (compared to the Council's adopted Master Plan) embodied within the amended Master Plan that was lodged with the Stage 1 application, include:

- A variation to the allotment sizes and configurations
- An increase in overall dwelling yield
- Changes to on site 'cut and fill' arrangements
- Reconfigured road and open space arrangements, including open space edge treatments.

It is also important to note that the amended Master Plan was not placed on public exhibition, other than at the same time as the Stage 1 development application (as a supporting document).

There is some concern that if the application is approved, it may be arguable that the Council's adopted Master Plan is redundant. Yet the Council has not been able to formally consider the amended Master Plan for exhibition and adoption. Further, the DCP for the UWS site has an important relationship to the Council's adopted Master Plan, and yet the proponent has not sought Council's agreement to an amendment to the DCP.

In principle, there is no objection to an increase in dwelling yield on the land, and the proposed variation to the allotment sizes and configuration could be argued to not be significant in the context of the site's location and the broad planning goals for the site (as articulated by the Campbelltown (Urban Area) Local Environmental Plan 2002 and the University of Western Sydney Development Control Plan 2008 DCP). However, such acceptance is dependent upon a mechanism being put into place that can assure Council:

- future development will actually achieve an improved planning outcome for the UWS site
- adequate infrastructure will be delivered to service the future development of the whole of the UWS precinct
- that subsequent development applications will achieve consistency and integration with the current Stage 1 and future stages of development.

In light of these matters, it is recommended that Council write to the proponent and request that the amendment to the Master Plan be formally submitted to Council for consideration for endorsement, prior to future applications for the UWS site being lodged.

In so far as the amended road and open space configurations are concerned, the amendments appear to have some merit, however, Council should retain the opportunity to consider these in a more holistic sense, and in conjunction with the DCP for the UWS site as well as the infrastructure delivery plan (received by Council only on 8 November 2008) before future development applications are lodged.

To that end, it would be appropriate that Council undertake an immediate review of the UWS DCP 2008 to ensure that planning and infrastructure outcomes articulated by the Council's originally approved Master Plan are at least maintained, and preferably enhanced, in light of issues raised by the current application.

## **2. Relationship of the Application to Council's Adopted DCP**

In broad terms the proposed Stage 1 subdivision, suffers in so far as the application only relates to a portion of the total UWS DCP precinct. Although the application provides some indicative information that seeks to explain how the Stage 1 development could 'fit in' to future staging plan, it does not seek consent for any works beyond Stage 1, and there is no

guarantee that future Stages will complement Stage 1. Therefore, there is a risk that future works (development and infrastructure) that occur on the remainder of the site may not fully complement the expectations of Council's adopted DCP and Master Plan.

Bearing this issue in mind, it could be argued that the Stage 1 development application does not directly and fully satisfy the following requirements:

- The provision of higher density housing choices on the land
- Connection of the Stage 1 subdivision with the UWS Campus through an internal road network
- Proper integration of the development into the surrounding road network
- Provision of usable pedestrian and bicycle links
- Provision of access to bus circulation routes
- The undertaking of high quality works to riparian lands and natural site features
- Accessibility by the occupants of future dwellings to developed open space areas
- Maintenance solutions for public open space areas.

The proposed subdivision development, subject of the Stage 1 development application does not technically comply with a number of controls included within the University of Western Sydney-Campbelltown Development Control Plan 2008. These non-compliances are discussed below.

**a. Open space and residential interface**

The proposal indicates dwelling allotments backing on to or adjoining the open space area to the north as opposed to streets as required by the DCP. This results in poorer casual surveillance (of the public domain) outcomes and inappropriately encourages unattractive fencing (and therefore potential graffiti opportunities) as viewed from public open space. It is recommended that the proposal be redesigned to comply with the DCP and achieve an improved planning outcome.

**b. Main Ridge Park**

Significant views and vistas to and from public places are required to be protected. It appears as though the Main Ridge Park will remain the highest point in the development. View lines from the Main Ridge Park have been altered as a result of increased 'cut' (up to approximately 9 metres) which effectively impacts on the relative prominence of the existing ridgeline, and potential views to and from other vantage points. Notwithstanding, if the gradient of the Park is altered, pedestrian access to the Park is likely to be improved. Further, the surrounding residential allotments adjoining the Park will be 'lowered' and in effect, will help to mitigate the visual prominence of dwellings. Ridge line planting in the Main Ridge Park needs to be designed to select appropriate species and ensure sensitive siting. This could be achieved by means of the implementation of a detailed landscape plan to achieve the appropriate silhouette outcome.

The ridge is proposed to be built along (on the ridge face at approximately a 1.5 metre 'cut' against the ridge) but it is noted that dwellings will not be directly sited on the ridgeline.

Again, the visual impact of dwellings will be likely to be mitigated and views/vistas to and from the ridgeline (albeit altered) will be protected to some degree.

**c. Road network**

The inner campus road and cycle link required by the DCP is not provided. The 'lead in roads' through the UWS campus have also been deleted and replaced with new vehicular access via Goldsmith Avenue and a new road running between the ponds and Narellan Road to link with the existing campus road. Although an alternative road access arrangement is proposed, any approval should be conditioned to ensure that these roads are designed to allow for future extension roads and cycleway links

**d. Housing density**

It is recommended that any approval include a condition to ensure that the five proposed superlots are required to be developed for the purpose of medium to higher density housing, to provide for a greater degree of compliance with the DCP.

**e. Public transport**

Contrary to the provision of the DCP, no public bus access is proposed to service the Stage 1 subdivision area. Without the 'bottom' road, that is understood to be constructed at some future stage, the DCP requirement would appear to be unable to be satisfied. However, if the road running along the riparian corridor could be altered to accommodate a bus route, then a temporary link could be provided to service Stage 1. This should be addressed as a condition of any approval issued.

**f. Road widths**

Some of the street width requirements of the DCP relating to streets adjoining open space and minor local streets are not satisfied by the proposed development. A number of the local road carriageway widths appear to have been decreased to 7.6 metres, 7.5 metres and 6.5 metres. These roads are all, local minor roads which according to the DCP should be a 9.6 metres wide.

The 7.6m wide road is considered acceptable and has been endorsed by the Council in other recent land release areas such as Edmondson Park.

The 7.5m width has not been endorsed by Council however, in accordance with the Council's own Sustainable City DCP, the 7.5m width could 'technically' have been reduced to 6.0m as it is an entry road to a small cul-de-sac.

A 6.5m wide road is proposed as a 'loop configured' cul-de-sac head. Concern is raised as to whether a Heavy Rigid truck can negotiate the loop configured cul-de-sac with cars parked against the outside kerb. Swept turning paths should be provided to show that a Heavy Rigid truck can safely and conveniently negotiate the loop cul-de-sac with parked cars.

A 6.5m wide road is proposed along a small section of road running parallel to the Freeway. This section of road is proposed to only service a small number of dwellings, however, parking and access would need to be restricted along this section of road if it is constructed at a 6.5m width. It is recommended this portion of road be widened at this section.



#### **g. Cut and fill**

The DCP require that where existing significant trees are located within park areas, consideration shall be given to detailed grading to provide for the retention of existing ground levels and trees.

Given the topography and in order to develop useable and affordably priced allotments, there will always be a higher level of cut and fill than on allotments over 'flatter land'. It would appear that the proposed subdivision pattern may be seeking to respond to two objectives:

- Construction cost and lot affordability
- Improved accessibility to park lands for all people.

This has resulted in an impact on existing natural ground levels and vegetation due to the proposed extensive level of cut and fill works. Notwithstanding, vegetation is to remain along the riparian corridors as well as the ridgeline park to the eastern end of the Stage 1 site.

Extensive cut and fill works may also have a potential impact on salinity levels and subsequent effects on new development upon the land. This matter requires closer investigation by the Joint Regional Planning Panel.

#### **h. Open space**

The embellishment of open space provided for in Stage 1 is a matter for consideration as part of the infrastructure delivery plan and draft voluntary planning agreement, particularly concerning issues of the 'timing' of embellishment as it relates to the Staging of development.

#### **i. Dwelling yield**

Although the suggested amendment to the Council adopted Master Plan included in information submitted with the development application for the Stage 1 subdivision, increases the anticipated dwelling yield for the whole UWS precinct by up to approximately 10% or 70 dwellings, such an increase is unlikely to have any significant adverse effect on local amenity or the environment.

### **1. Compliance with Campbelltown (Urban Area) Local Environmental Plan 2002**

The subject land is zoned 10(a) – Regional Comprehensive Centre Zone under Clause 28 of the Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP).

The objectives of this zone are:

- (a) to provide land for the City of Campbelltown and the Macarthur region's largest centre of commerce
- (b) to encourage employment and economic growth
- (c) to accommodate tertiary education and hospital facilities for the City of Campbelltown and the Macarthur region
- (d) to accommodate a wide range of cultural, entertainment and like facilities

- (e) to permit limited industrial uses that are compatible with the proper operation of a major regional centre
- (f) to encourage a variety of forms of higher density housing, including accommodation for older people and people with disabilities in locations which are accessible to public transport, employment, retail, commercial and service facilities.

The CLEP provides that consent must not be granted for development on land within the 10(a) Zone unless the consent authority is of the opinion that carrying out of the proposed development would be consistent with one or more objectives of the zone.

Whilst the Council adopted Master Plan and the DCP provide for development located within the entire site that would satisfy the test for consistency with the zone objectives, it could potentially be argued that the subject application for Stage 1 specifically, may not (in the strictest terms) be singularly consistent with any of these objectives. This is because the application mostly provides for development being subdivision to accommodate dwelling houses.

In granting further consideration to this matter, the following points are of relevance:

- The subject application applies to only part of the land which makes up the UWS/Landcom site (that is subject to the Council's adopted Master Plan and DCP that indicate other parts of the land are to be developed for a range of purposes including education, employment/business)
- The proposed development could reasonably be argued to facilitate development that would support the growth of the Campbelltown/Macarthur regional city centre including the Campbelltown campus facilities of the University of Western Sydney – a key 'anchor' for the economic growth potential of the centre
- Council has been advised that capital generated by the proposed subdivision and future residential development of what is considered to be that part of the UWS site to be surplus to the University's needs, will provide the University with a funding stream to sustain the expansion of the Campbelltown campus and future student enrolments
- Information included within the application suggests that the five "Super Lots" to be created are intended to be developed at a later stage for small lot housing or medium density housing
- The objective relating to the encouragement of employment and economic growth in the zone, would not be hindered by the proposed development as set out in the application and could be reasonably argued to support economic and employment growth in the locality by the provision of almost \$30 million worth of investment; with subsequent multiplier effects reflected in future housing construction etc.

It is also of relevance to note that the subject development application generally complies with the planning intent of Council's previously adopted DCP and Master Plan, in so far as land use, development type, and development (dwelling) yield outcomes. Indeed, the most recent and suggested revision to the Master Plan put forward as part of the information submitted with the development application, indicates a likely dwelling yield for the land increasing by between 50 and 100 dwellings, compared to the original Master Plan approved by Council.

Accordingly, it is not considered not unreasonable that the consent authority form an opinion that the proposed development is consistent with one or more of the objectives of the 10(a)

zone. Hence the consent authority, should it form such an opinion, is able to grant consent to the application should it deem appropriate to do so.

Further, and in consideration of Clause 28 of the CLEP, the proposed works set out by the application are permissible with consent, on the subject land, given its 10(a) zoning.

#### **4. Traffic Impacts**

When originally submitted, the application provided two separate reports relating to the potential traffic and transport impacts associated with the proposed development.

These reports provided an assessment of existing and predicted traffic levels within the site and on the road network surrounding the UWS site.

The reports indicated that the major arterial road network surrounding the UWS site was approaching capacity, particularly along Narellan Road. Limited peak period capacity at certain intersections was also identified, notably Gilchrist Drive/Blaxland Road and Narellan Road/University entrance. The capacity of Narellan Road in its existing configuration was also recognised.

The general conclusion reached by the applicant was that the proposed upgrade and signalisation of the intersection of Gilchrist Drive and Goldsmith Avenue would be sufficient to adequately accommodate the transport and traffic demands generated by the proposed development.

Other traffic and transport initiatives were proposed by the applicant as indicated in documentation submitted with the development application:

- Marketing of active and public transport options and preparation of work travel plans;
- Pedestrian and cycleway infrastructure connecting with the surrounding network, transport hubs and services
- A collector road network within the site to cater for future bus services.

Notwithstanding the proposed intersection upgrade of Gilchrist Drive and Goldsmith Avenue together with the above additional initiatives, it was considered by officers that there would remain significant shortcomings and implications for the surrounding road network.

Whilst it could be argued that in the strictest sense, the developer should only have to account for the traffic impacts associated with the proposed development (Stage 1 subdivision of 238 residential allotments) a major issue remains that it is appropriate that Council take into account the total traffic loads likely to be imposed on the surrounding road network by the overall development of the whole site (in accordance with the DCP and Masterplan).

In reviewing this issue, Council should also look towards the capacity of the surrounding road network to accommodate these total impacts of the overall development of the UWS site, in light of predicted changes in volumes of traffic and the likely future capacity of that network, in the corresponding 'site development period'. This consideration is relevant to the need for the consent authority to consider the 'suitability' of the subject site for the proposed development.

Council's endorsement of the original Master Plan was made on the premise that upgrades to the surrounding road network would create sufficient additional capacity to allow the site to be developed. These included intersection improvements with Narellan Road in the vicinity of the UWS precinct and an increase in the capacity of Narellan Road.

These upgrades have not occurred meaning that on the basis of information submitted with the development application, Council and the community could not be confident that the traffic implications of and for the development of the precinct would be adequately dealt with.

By the applicant's own assessment, the adequacy of the surrounding road network accommodating the proposed development is dependent upon:

- The widening of Narellan Road to three lanes in each direction
- A major upgrade of the intersection of Narellan Road/Gilchrist Drive/Blaxland Road.

Importantly, since the application was first submitted in March 2012, the applicant has undertaken a significant review of traffic and transport matters including revised modelling, associated with the overall development of the UWS site in consultation with Council technical officers and senior traffic officers from the RMS.

It is understood that the outcome of such review work has led the applicant to review the traffic and transport infrastructure package of works in relation to the UWS site that has satisfied the Roads and Maritime Service, such that it does not object to the development proceeding. Council staff understand that these infrastructure works may include a revision of previous infrastructure commitments to now include:

- Further enhancement of the upgrade of the intersection of Gilchrist Drive and Goldsmith Avenue
- An enhanced upgrade of the intersection of the UWS access to Narellan Road
- Reconfigured and enhanced road works within the UWS site adjoining the Narellan Road intersection to improve the operation of that intersection.

This matter was discussed at the recent briefing to Councillors undertaken on 23 October 2012 where the RMS representative indicated that he was satisfied that the proponent was dealing with the required infrastructure upgrades fairly and reasonably, and suggesting that the RMS would not object to the approval of the application.

Two matters therefore, remain to be of concern to the Council:

- Council has not received a formal proposition regarding infrastructure provision in relation to the future development of the UWS site, that it could be satisfied, properly addresses its concerns regarding the provision of the necessary traffic and transport infrastructure to meet the requirements of development on the precinct
- Council has not received written confirmation from the RMS indicating that it does not object to the application.

At the time of writing this report, Council had not received a copy of any draft voluntary planning agreement. On the 8 November at the time this report was being finalised, Council received a draft Infrastructure Delivery Plan for the UWS project, but without an accompanying letter of offer.

It is strongly recommended that Council request that the Sydney West Joint Regional Planning Panel defer consideration of its determination of the subject application until Council has had sufficient time to consider whether the draft Infrastructure Delivery Plan addresses the infrastructure needs of the proposed development of the UWS site, and to further negotiate the terms of a satisfactory draft Voluntary Planning Agreement that meets the community's requirements.

It is considered that the infrastructure issues associated with the proposed application are of such significance, that the Panel should provide sufficient time and an opportunity for Council to receive a finalised Infrastructure Delivery Plan and subsequently make further representations to the Panel on this matter.

## **5. Public Exhibition**

The application was publicly exhibited earlier in April/May 2012. Council received one objection by email from a resident of Macarthur Gardens. The reasons for objection related to the impacts on the road network in the vicinity of the UWS site without appropriate infrastructure upgrades.

Following the receipt of further information associated with the application, the application has been re-exhibited from 16 October 2012 until 16 November 2012. The exhibition was notified to the public in the local newspaper and by individual letter to the owners and occupiers of 240 properties located in proximity to the UWS site.

At the time of writing this report, it was noted that the exhibition was still open until 16 November 2012. To date, one submission (an objection) had been received. That submission originated from the same resident that objected to the proposal in April earlier this year. The submission expresses concern with the road access to the site via Narellan Road and Goldsmith Avenue. The submission requests Council to 'rule out' Goldsmith Avenue as the main entrance point into the residential subdivision.

Traffic and transport matters associated with the proposed development have been addressed in detail elsewhere in this report.

## **6. Flora and Fauna**

The application as originally submitted was accompanied by an ecological assessment prepared by a specialist consultant (Hayes Environmental) that examined the flora and fauna characteristics of the subject land and potential impacts of future development, including the subdivision and other works proposed as part of the Stage 1 Subdivision.

The key items raised in the submitted ecological assessment included:

- Cumberland Plain Woodland (a critically endangered ecological community) under the *Threatened Species Conservation Act 1995* (TSC Act) and critically endangered under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) remnants exist on the site
- 2.67 hectares (TSC Act) and .07 hectares (EPBC Act) will be permanently lost as a result of the development of the whole site
- The Cumberland Plain Woodland on the site is known to provide habitat for threatened fauna species
- No threatened flora species were recorded on the site nor are any expected to occur
- No tree species listed on Schedule 2 of SEPP 44 (Koala Habitat Protection) occur within the study area
- A conclusion that development in accordance with the proposed Master Plan would not be likely to impose a significant effect upon threatened species, populations, or ecological communities listed under the TSC Act.

Following an assessment of this information, a number of potential issues were identified:

- The need to refer the application to the NSW Office of Environment and Heritage (OEH) and the NSW Office of Water (OW) for consideration
- There are inconsistencies between the Master Plan and information contained in the Ecological Assessment Report that suggests the extent of Cumberland Plain Woodland on the site may have been underestimated
- The need for a vegetation management plan for the entire UWS site that would address:
  - the potential for any offsetting that the OEH may deem relevant
  - requirements for the conservation and where appropriate rehabilitation of native vegetation to be retained and enhanced
  - requirements for the implementation of native vegetation conservation and enhancement works
  - requirements for the establishment and ongoing maintenance of native vegetation, and
  - any requirements of the OEH and the NSW OW concerning native vegetation retention and enhancement.
- To re-examine the implications of SEPP 44 given that a particular tree species (Forest Red Gum) listed on Schedule 2 of SEPP 44 does occur on the site as indicated by other information submitted with the development application.

The application was referred to both the NSW OEH and the NSW OW for consideration.

It should be noted that the OEH did not make any comment regarding vegetation or the need for offsetting on the site, and confined its comments regarding the application to indigenous heritage matters.

The NSW OW did not object to the application and issued General Terms of Approval that addressed amongst a range of matters, the way in which native vegetation within riparian corridors on the land is required to be treated. Central to the requirements of the OW was the preparation of a Vegetation Management Plan for riparian areas.

On this basis, and with the objective of maximising the retention and enhancement of native vegetation on the land where practicable, Council should request the Joint Regional Planning Panel to condition any development consent to appropriately deal with the need for preparation of a Vegetation Management Plan for the whole site (not just riparian lands) potentially including an offsetting, planning, establishment, rehabilitation, dedication, delivery and maintenance strategy. Such a strategy and its method of implementation should be addressed as part of a Voluntary Planning Agreement for the land, which Council officers understand is intended to be entered into with Council by the proponents.

The Joint Regional Planning needs to require the applicant to confirm the proposed loss of native vegetation ensuring that the proponent explore all avenues to seek to retain as much vegetation as is possible, by considering amendments to the design layout of the project. This work should be undertaken as a matter of urgency so that the above-mentioned Vegetation Management Plan can take proper account of the outcomes of this work.

With respect to the matter of the Forest Red Gum trees that occupy the site, further investigation and the submission of clarifying information has revealed that in accordance with SEPP 44, no part of the site constitutes 'potential koala habitat'.

## **7. Water**

Council staff also identified a need for the NSW OW to review the application with specific reference to the impact of the proposed development on riparian lands that occupy the subject land, and any relevant implications arising from the *Water Management Act 2000*. For instance, the placement of drainage infrastructure, roads, and cycleways within certain parts of riparian areas may not be appropriate in certain circumstances, as would the removal of native vegetation from these areas, although an appropriate planting schedule and maintenance regime would need to be put into place.

The application has been referred to the NSW OW which did not object to the application.

The NSW OW has issued General Terms of Approval for the project which Council should request the Joint Regional Planning Panel to incorporate into conditions of development consent, should the Panel decide to approve the application.

## **8. Voluntary Planning Agreement**

Council understands that the applicant intends to seek to enter into a Voluntary Planning Agreement with it, to accommodate the planning and delivery of infrastructure to service the needs generated by the future development of the UWS site as reflected generally in the adopted Master Plan and DCP.

As mentioned elsewhere in this report, Council would seek to negotiate the embellishment of such an agreement to take account of updated infrastructure items associated with traffic and transport management as well as vegetation management provisions. This would be in addition to infrastructure generally understood to relate to a range of items including roads within the site, drainage works, open space and recreation facilities.

At the time of writing this report, Council had not received a copy of any draft voluntary planning agreement. On the 8 November at the time this report was being finalised, Council received a draft Infrastructure Delivery Plan for the UWS project, but without an accompanying letter of offer or proposal.

It is strongly recommended that Council request that the Sydney West Joint Regional Planning Panel defer consideration of its determination of the subject application until Council has had sufficient time to consider whether the draft Infrastructure Delivery Plan addresses the infrastructure needs of the proposed development of the UWS site, and to further negotiate the terms of a satisfactory draft Voluntary Planning Agreement that meets the community's requirements.

It is considered that the infrastructure issues associated with the proposed application are of such significance, that the Panel should provide sufficient time and an opportunity for Council to receive a finalised Infrastructure Delivery Plan from the proponent and subsequently make further representations to the Panel on this matter.

## **Conclusion**

The subject application seeks approval for the first stage of subdivision works within the UWS DCP/Master Plan site.

The application relates to part of the site only, although information submitted with the application refers to a proposed amended master plan that has been prepared on behalf of the proponent, but not submitted to nor adopted by Council prior to the Stage 1 development application being lodged.

The application will be determined by the Sydney West Joint Regional Planning Panel given its capital works value being in excess of \$20m. Campbelltown City Council is not the determining authority for the subject application.

The application also requires separate approval from a number of different Government Authorities as it was lodged as Integrated Development.

A general and broad review of the application has been undertaken with the aim of identifying matters that are relevant for Council's consideration in light of the opportunity that exists for Council to make a submission to the Joint Regional Planning Panel.

It is noted that the application has been the subject of ongoing review by the proponent in light of issues raised by the Council and its staff, as well as matters raised by Government Authorities such as the Roads and Maritime Services.

Council has had a particular interest in the traffic implications arising from the proposed development and the overall future development of the UWS site in the longer term. Infrastructure impacts and provision must be critical considerations in the Joint Regional Planning Panel's assessment of the application.

Disappointingly, insufficient time (given the scheduled meeting date for the Panel to consider the application on 28 November 2012) has been made available for Council to consider an infrastructure delivery plan for the development. A 'draft' version of such a plan, which could potentially be considered for inclusion in a voluntary planning agreement between Council and the proponent, was not received from the proponent until 8 November 2012.

So critical is the issue of infrastructure, in so far as it will influence the 'suitability' of the UWS site for the proposed and future development and the means by which the impacts of development can be satisfactorily addressed, that the Joint Regional Planning Panel should be requested to defer its consideration of the application until such time as the proponent's infrastructure delivery plan is finalised and Council has had a reasonable opportunity to respond to that plan.

In addition, such deferral would provide an opportunity for other matters raised in this report to be taken into account by the proponent (some of which will be likely to have relevance to the infrastructure delivery plan and the future voluntary planning agreement proposed by the applicant).

This approach would hopefully lead to a more satisfactory planning outcome for the site.

The significance of a suitable voluntary planning agreement to the Council, cannot be understated, especially in light of the proponent's amendment to the Master Plan previously adopted by Council, and the fact that the subject application represents only the first stage of the overall UWS site development.

Council is in need of some mechanism that would provide it with sufficient certainty that the site will be provided with the required infrastructure in an appropriate time frame. No Section 94 Plan applies to the UWS land and no voluntary planning agreement is in place.



Further, in light of the absence of any staged development consent for the land, and to provide the Council with greater certainty that the whole of the site will be developed in a co-ordinated and appropriate manner, it is recommended that Council write to the applicant requesting that the amended Master Plan submitted with the subject application be submitted to Council for consideration for endorsement.

Notwithstanding, it is the intention of the Director of Planning and Environment to present a report to Council in the near future, that re-examines the current DCP that applies to the UWS site, in light of a range of considerations including:

- the Stage 1 development application
- the amended Master Plan proposal submitted with the Stage 1 development application
- what Council considers to be the most appropriate planning outcomes for the site
- the infrastructure delivery plan for the UWS site
- matters associated with a voluntary planning agreement for the land.

It is recommended that the Council make a submission to the Sydney West Joint Regional Planning Panel outlining the range of planning and infrastructure matters discussed in the above report and requesting that the Panel's consideration of the determination of the Stage 1 development application for subdivision of part of the UWS site be deferred to provide Council with the opportunity to make representations to the Panel over the infrastructure delivery plan for the UWS site.

### **Officer's Recommendation**

1. That Council authorise the Director Planning and Environment to forward a submission to the Sydney West Joint Regional Planning Panel on behalf of Council:
  - a) outlining the range of planning and infrastructure matters raised in the above report
  - b) requesting that the Panel's determination of the development application 387/2012/DA-S for Stage 1 Subdivision works within the University of Western Sydney site, be deferred to enable Council sufficient time to make further representations to the Panel on the Infrastructure Delivery Plan for the UWS site, given that Council only received a draft version of this document on 8 November 2012.
2. That Council write to the applicant requesting that the amended Master Plan submitted with the Stage 1 Development application be submitted to Council for consideration for endorsement prior to any further development applications being lodged for land located within the area subject to the University of Western Sydney Campbelltown - Development Control Plan 2008.

