

Report to Sydney West Joint Regional Planning Panel

JRPP No:	2012SYW058
DA No:	JRPP-12-942
Local Government Area:	Blacktown
Proposed Development:	Educational establishment comprising a new 2 storey building with a 400 seat lecture theatre, 20 classrooms, associated amenities and tree removal (UWS Nirimba Campus)
Development Type:	"Regional Development" – Crown > \$5 million
Lodgement Date:	28 May 2012
Land/Address:	Lot 3 in DP 853847, 2A Eastern Road, Quakers Hill
Land Zoning:	SP2 - Infrastructure (Educational Establishment), SP2 - Infrastructure (Local Road) and E2 – Environmental Conservation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Value of Development:	\$10,512,077
Number of Submissions:	1
Applicant:	University of Western Sydney
Report Author:	Eltin Miletic, Town Planner
Recommendation:	Approval
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy & Development
Date Submitted to JRPP:	20 July 2012
Date Considered by JRPP:	2 August 2012

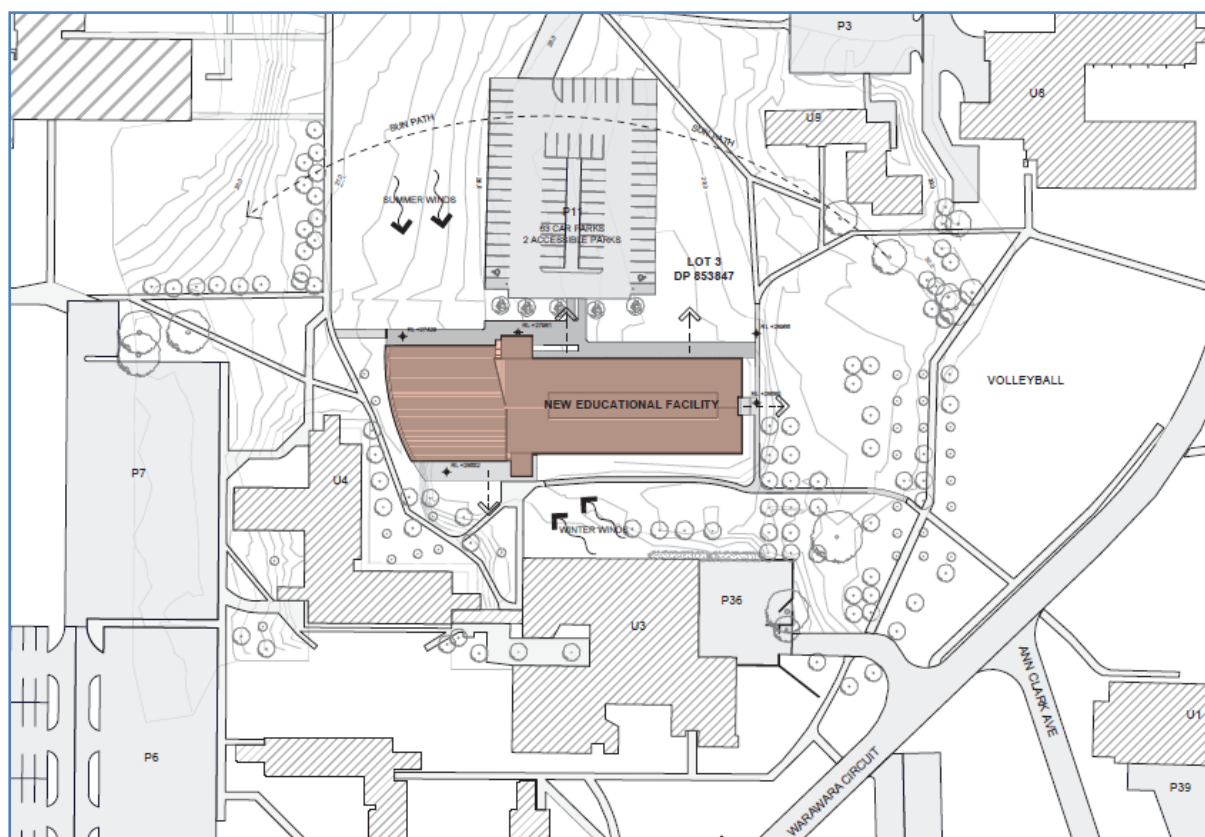


Figure 1. UWS Lecture Theatre Site Plan

ASSESSMENT REPORT

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1. Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from the University of Western Sydney (UWS) for an “educational establishment” comprising the construction of a new 2 storey building with a 400 seat lecture theatre, 20 classrooms, associated amenities and tree removal at Lot 3 in DP 853847, 2A Eastern Road, Quakers Hill (within the existing UWS Nirimba Campus). The proposed development has a Capital Investment Value of \$10.5 million.
- 1.2 The proposal is located more than 200m from the nearest property boundary and comprises a gross floor area of 3,405sqm, which represents a floor space ratio of 0.004:1 over the 77ha UWS Nirimba Campus site. The proposed development will require the demolition of existing old residential campus buildings ‘U5’, ‘U6’ and ‘U7’ and 32 car spaces, leaving a total of 1,256 car spaces on site, and this component will be undertaken separately by UWS as ‘development without consent’ under the provisions of SEPP (Infrastructure) 2007.
- 1.3 The proposed building has been designed to accommodate 1,000 students and 40 staff, increasing the total number of students and staff on site to 5,056. It is anticipated that the proposal will generate an additional 133 and 99 two-way vehicular movements per hour during AM and PM peak hours respectively, and would require approximately 275 car spaces in total. Access and car parking for the proposed development will be provided from the existing 1,256 car spaces available on site and existing private roads with associated entry/exit point off Eastern Road. Given that the total population of 5,056 persons only generates a need for 1,012 car spaces, the UWS Precinct will still have a surplus of 244 car spaces.
- 1.4 The proposed development constitutes ‘Regional Development’ requiring referral to a Joint Regional Planning Panel (JRPP) as it is a ‘Crown’ Development with a Capital Investment Value of more than \$5M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel and not by Council under Delegated Authority.
- 1.5 The Nirimba Campus site is zoned SP2 – Infrastructure (Educational Establishment), SP2 – Infrastructure (Local Road) and E2 – Environmental Conservation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed development is wholly sited within land zoned SP2 – Infrastructure (Educational Establishment) and, as such, is permissible with development consent.
- 1.6 The DA was referred to the Roads and Maritime Services for comment, which raised no objection to the proposal at its Sydney Regional Development Advisory Committee (SRDAC) meeting subject to conditions of consent, and has no concerns regarding the operation of the road network in the area surrounding the university precinct.
- 1.7 The Application was notified to adjoining and neighbouring owners for a period of 14 days from 6 June to 20 June 2012, during which time 1 submission was received by Council objecting to the proposed development on traffic grounds. However, on balance, it is considered that the issues in the submission are not sufficient to warrant refusal of the DA.
- 1.8 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Built Form, Noise, Access, Traffic Impact, Heritage, Stormwater Drainage, ESD, Site Contamination, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.

- 2.2 The subject site is located approximately 1 km from Quakers Hill train station and enjoys vehicular access to the surrounding regional road network of the M4 and M7 Motorways via the Quakers Hill Parkway.

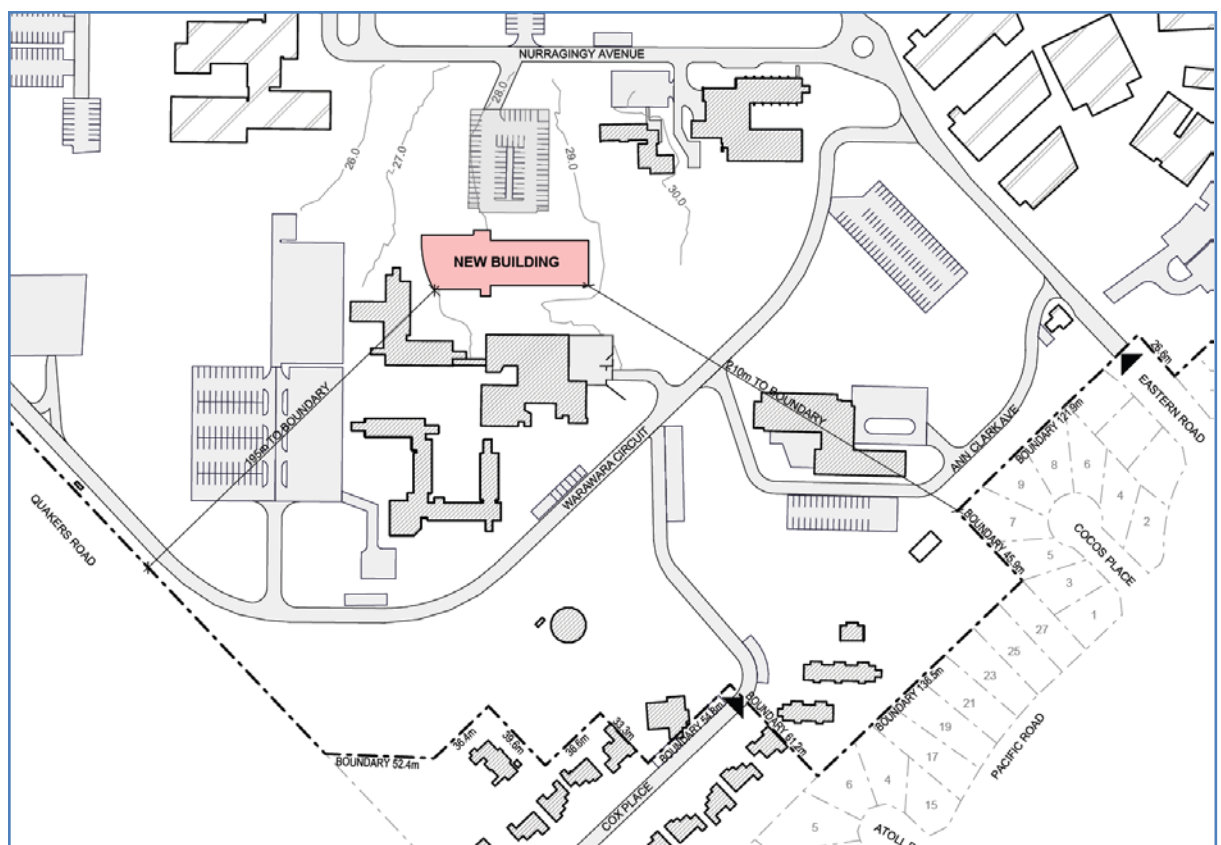
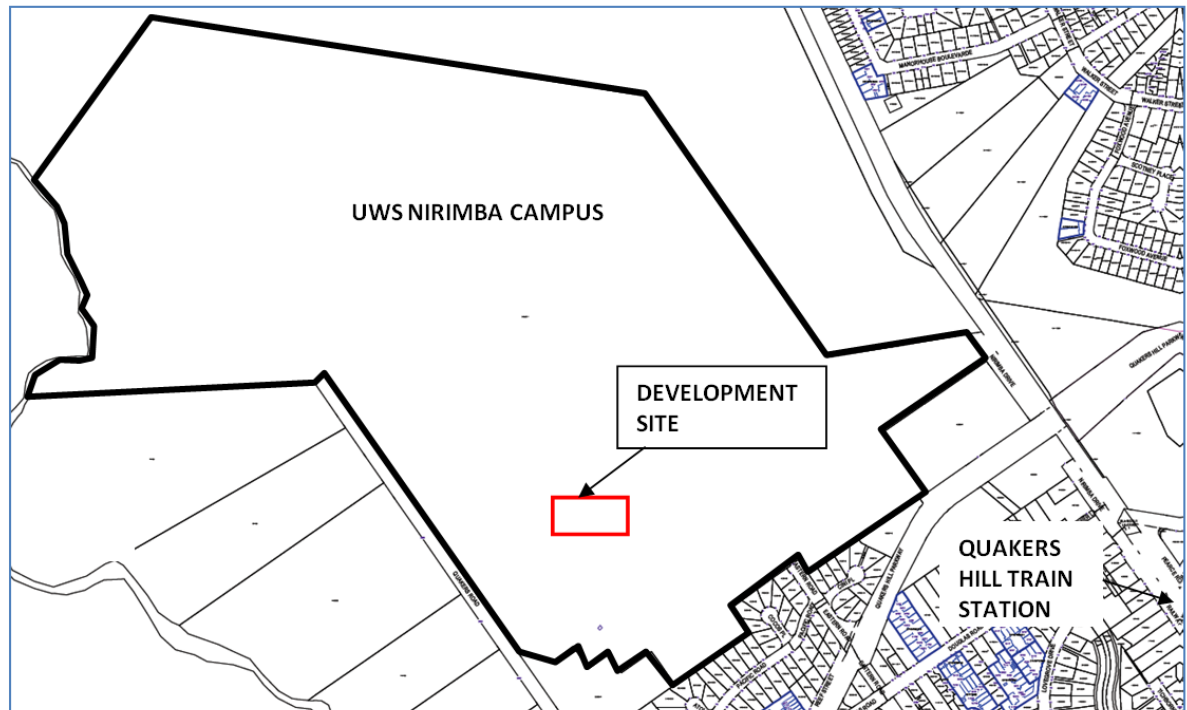


Figure 3. Location Plans

3. Site Description and Locality

- 3.1 The subject land, being Lot 3 in DP 853847, has a total area of 77.05 hectares and is bounded by Quakers Road to the west, existing low density residential land and Eastern Road to the south, Nirimba Drive to the east and the former Commonwealth Defence site to the north.
- 3.2 The subject site is known as the University of Western Sydney Blacktown Campus ‘Nirimba Education Precinct’ and enjoys vehicular access off Eastern Road.
- 3.3 The area surrounding the site is predominantly characterised by the existing Quakers Hill residential area and local village centre to the immediate south and south-east; the Richmond Rail line to the east and north-east; vacant former Commonwealth Defence land to the north; and existing rural residential and agricultural land to the west towards Eastern Creek.
- 3.4 The Nirimba Campus is zoned SP2 – Infrastructure (Educational Establishment), SP2 – Infrastructure (Local Road) and E2 – Environmental Conservation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (herein referred to as the Growth Centres SEPP) as shown in Figure 4 below. However, the site of the proposed development is wholly contained within land zoned SP2 – Infrastructure (Educational Establishment).

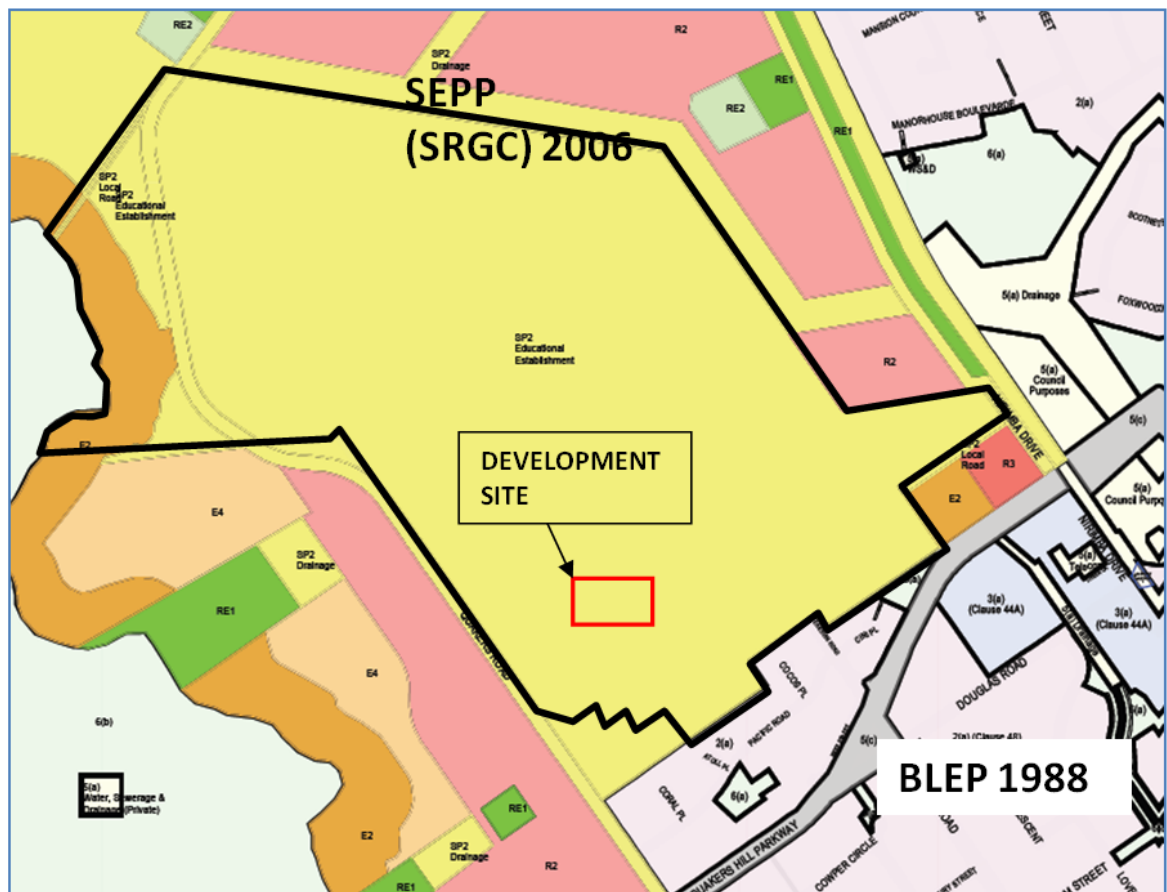


Figure 4. Zoning Plan

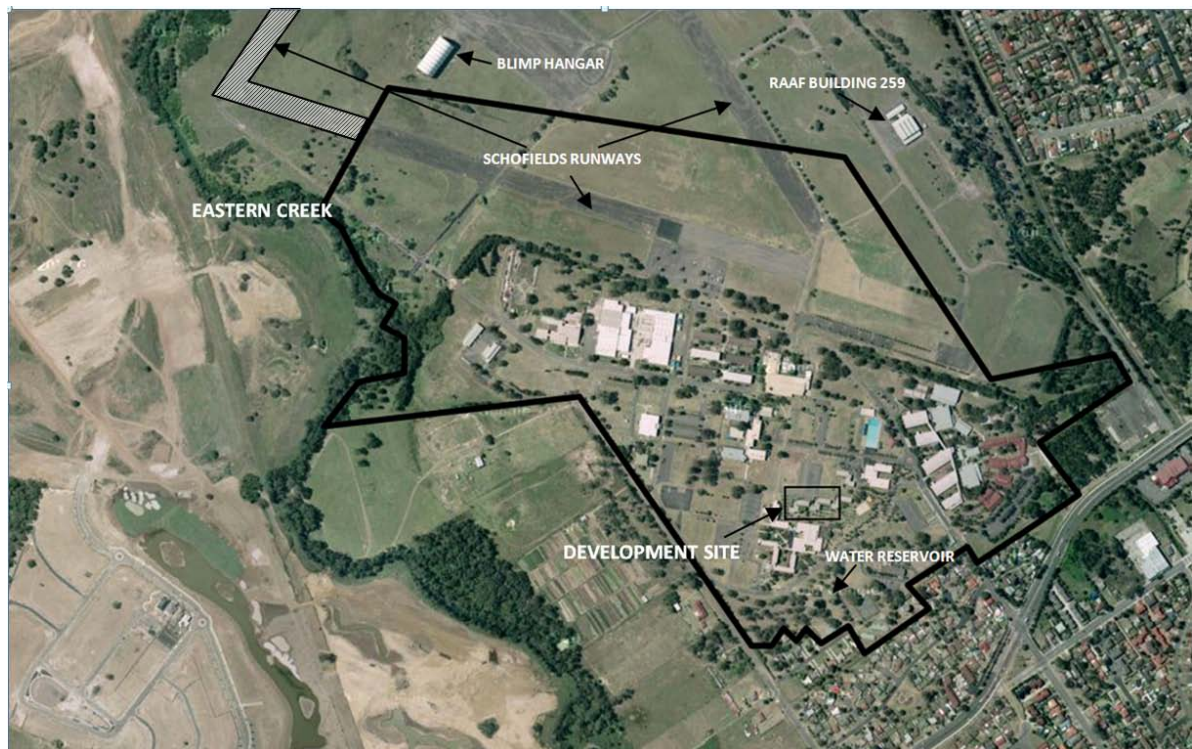


Figure 5. Aerial Photo of Site and Surrounds

- 3.5 The site of the proposed development is located more than 200m from the nearest property boundary in the southern portion of the subject land, to the south of an existing at-grade carpark and to the north of several existing campus buildings off private campus roads Warawara Road and Nurragingy Avenue.
- 3.6 The proposed development site is generally grass covered with scattered trees and currently contains 3 existing old residential campus buildings 'U5', 'U6' and 'U7' and part of the existing at-grade carpark (32 car spaces) to be removed separately by UWS as 'development without consent' under the provisions of SEPP (Infrastructure) 2007.
- 3.7 While the overall subject site does not contain any statutory Local or State heritage items listed under the Growth Centres SEPP - Schofields Precinct Plan, it is adjacent to 'runway remnant', being that part of the western Schofields Runway (shown shaded in Figure 5 above), which is identified as a statutory Local Heritage Item under the Growth Centres SEPP - Schofields Precinct Plan. Furthermore, the subject site does contain the 'Water Reservoir' and those parts of the 'Schofields Runways' not listed as statutory heritage items under the SEPP and adjoins land containing the 'RAAF Building 259' and 'Blimp Hangar' as shown above, which are all identified in Schedule 5 – Schofields Precinct of the Growth Centres DCP as items of local historical importance. However, the site of the proposed development under this DA is wholly contained outside of any identified historical items (being some 150m and 350m away from the 'Water Reservoir' and 'Schofields Runways' respectively) and, as such will not have any adverse heritage impacts.
- 3.8 The topography of the subject site slopes to the west towards Eastern Creek with a fall over the development site of approximately 4 metres.

4. History and Current Use of the Site

- 4.1 Prior to the current use of the site for educational purposes, the subject site was used for Commonwealth Defence purposes, previously forming part of the adjoining former

Commonwealth Defence Schofields Airfield and HMAS Nirimba Naval Base, until it was rezoned to 5(a) Special Uses – Education under BLEP 1988, then subdivided and transferred to the NSW Department of Education in 1994.

- 4.2 On 13 March 1997 Council approved the current Nirimba Education Precinct under DA-96-194D comprising a consortium of UWS, TAFE, Wyndham College and Terra Sancta College with associated car parking and access arrangements off Eastern Road.
- 4.3 On 11 May 2012, Appendix 7 – ‘Schofields Precinct Plan’ (herein referred to as the Precinct Plan) of the Growth Centres SEPP was gazetted, which allowed the rezoning and reconfiguring of land uses within the Schofields Precinct for predominantly residential purposes with associated commercial, recreational, infrastructure and conservation areas. Therefore, Blacktown Local Environmental Plan 1988 no longer applies to the subject land and the DA, being lodged on 28 May 2012, is being assessed under the provisions of the Growth Centres SEPP Precinct Plan. However, the subject site has predominantly retained an equivalent zoning for educational purposes, which is wholly contained within the site of the proposed development and, as such, the proposed development is permissible with consent.
- 4.4 Nonetheless, as a part of the Precinct Plan, the subject site now also contains identified environmental conservation land adjacent to Eastern Creek to remain in the ownership of UWS and the future extension of Quakers Road to be acquired by Council (providing the main north-south sub-arterial connection for the Schofields Precinct), both of which are over 1 km from the proposed development site.
- 4.5 In addition, as noted previously, while the northern portion of the subject site contains part of the former Schofields Runways, the Precinct Plan only identifies that part of the Schofields Runways outside of the subject site as a statutory Local Heritage Item, adjacent to the north-western boundary of the subject site, which is over 900m away from the site of the proposed development.
- 4.6 It should also be noted that, in order to facilitate the proposed development, the demolition of existing old residential campus buildings ‘U5’, ‘U6’ and ‘U7’ and 32 car spaces (leaving a total of 1,256 car spaces on site) will be undertaken separately by UWS as ‘development permitted without consent’ under the provisions of SEPP (Infrastructure) 2007.

5. The Proposal

- 5.1 Council is in receipt of a Development Application (DA) from the University of Western Sydney (UWS) for an “educational establishment”, comprising the construction of a new 2 storey building with a 400 seat lecture theatre, 20 classrooms, associated amenities, tree removal and landscaping at Lot 3 in DP 853847, 2A Eastern Road, Quakers Hill (UWS Nirimba Campus). The proposed development has a Capital Investment Value of \$10.5 million.
- 5.2 The proposed development is situated more than 200m from the nearest property boundary in the southern portion of the subject site, to the south of an existing at-grade carpark and to the north of several existing campus buildings off private campus roads ‘Warawara Road’ and ‘Nurragingy Avenue’. As noted previously, the proposed development will require the demolition of existing old 2 storey residential campus buildings ‘U5’, ‘U6’ and ‘U7’ and 32 car spaces from the existing at-grade carpark to the north (leaving a total of 1,256 car spaces on the overall site), which will be undertaken separately by UWS as ‘development without consent’ under the provisions of SEPP (Infrastructure) 2007. Given the total population of the Campus of 5,056 persons only generates a need for 1,012 car spaces, the UWS Precinct will still have a surplus of 244 car spaces.

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- 5.3 The proposal comprises a gross floor area of 3,405sqm with dimensions of approximately 74m (east-west) by 26m (north-south), which represents a floor space ratio of 0.004:1 over the overall 77 ha UWS Nirimba Campus site.
- 5.4 The main entrance and lobby area is located on the northern façade adjacent to the lecture theatre component in the western portion of the building, while secondary entrance points are also provided on the southern and eastern facades, all of which are connected to an existing series of internal campus pathways. The maximum overall height of the building is 10.12m, ranging from 8.5m to 10.12m in height to the parapet level from east to west, being generally consistent with the heights of existing buildings on the UWS Nirimba Campus site. The building will have finished ground floor levels ranging from RL28.8 to RL27.6, east to west as a result of minor regrading works of 0.6m fill at the eastern portion of the building and 1.1m cut at the western portion of the building.
- 5.5 The building has been designed in a modern contemporary style. The roof form varies in slope direction with a pitch of 2 degrees providing interest from the campus grounds and shielding roof plant from public view. External finishes of the building predominantly consist of pre-finished panels, feature frameless glass doors, “colour back” glass and aluminium framed glazing with metal sheet roofing.
- 5.6 Appropriate colour selections of the external materials have been utilised as a part of the DA to provide variation to the external appearance of the proposed development, which have been further complemented by detailed proposed landscaping and paving works. No signage is proposed as a part of this DA.
- 5.7 The proposed building is intended to accommodate up to 1,000 students and 40 staff, increasing the total number of students and staff on site to 5,056. It is anticipated that the proposal will generate an additional 133 and 99 two-way vehicular movements per hour during AM and PM peak hours respectively, and would require approximately 275 car spaces in total. Access and car parking for the proposed development will be provided from the existing 1,256 car spaces to be available on site and existing private roads with associated entry/exit point off Eastern Road.
- 5.8 A copy of the Development Application plans are held at **Attachment 2**.

6. Planning Controls

- 6.1 The planning controls that relate to the proposed development are:

(a) State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 confers ‘Regional Development’ as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the Joint Regional Planning Panel (JRPP) for determination. The proposed development constitutes ‘Regional Development’ as it has a Capital Investment Value of more than \$5M for Crown Development. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel and not by Council under Delegated Authority.

(b) State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Growth Centres SEPP aims to co-ordinate the release of land for residential and employment purposes in the North West and South West Growth Centres of the Sydney Region and provide development controls as precincts are released for development. Pursuant to Appendix 7 – Schofields Precinct Plan 2012 (herein referred to as the Precinct

Plan) of the Growth Centres SEPP, the subject site is zoned SP2 – Infrastructure (Educational Establishment), SP2 – Infrastructure (Local Road) and E2 – Environmental Conservation. The objectives of the SP2 – Infrastructure (Educational Establishment) Zone are to provide for the infrastructure nominated (Educational Establishment) and related uses and prevent development that is not compatible with or that may detract from the provision of that infrastructure. The proposed development for an educational establishment, being wholly contained within the SP2 – Infrastructure (Educational Establishment) Zone, is not inconsistent with the objectives of the zone and is permitted in the zone with development consent. The proposed development complies with the relevant principal development standards, miscellaneous provisions and additional local provisions under Parts 4, 5 and 6 respectively of the Precinct Plan. This is further addressed in Section 10 of this Report.

(c) State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to ensure that the Roads and Maritime Services (RMS) is made aware of and allowed to comment on types of development nominated as ‘traffic generating development’ listed in Schedule 3 of the SEPP. Schedule 3 identifies educational establishments involving more than 50 students. The proposed development therefore triggers the Infrastructure SEPP. The DA was referred to the RMS for comment in accordance with the Infrastructure SEPP. The RMS’ comments are outlined in Section 7 of this Report. In addition, a copy of any determination will be forwarded to the RMS in accordance with Clause 104(4) of the SEPP.

(d) State Environmental Planning Policy 55 – (Remediation of Land)

SEPP 55 specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been established as an educational establishment for a number of years and there is no evidence to suggest that any potentially contaminating activity has occurred during this time. As the proposed development for an educational establishment seeks to continue the existing use of the land, it is considered that the requirements of Clause 7 – ‘Contamination and remediation to be considered in the determination of development applications’ have been satisfactorily addressed. However, a final validation sampling report to verify the land underneath the bitumen carpark is suitable for educational purposes, and a copy of the final Clearance Certificate associated with the building demolition being undertaken by UWS as development permitted without consent, will both be required to be submitted to Council prior to construction of this DA so as to ensure that demolished materials have been satisfactorily removed.

7. External Referrals

7.1 The subject Development Application was referred to the following public agencies as summarised in the table below:

Agency	Comments
Roads and Maritime Service (RMS)	The DA, being an educational facility involving over 50 students, was referred to the RMS on 1 June 2012 pursuant to Clause 104 of SEPP (Infrastructure) 2007. The traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (RMS) on 20 June 2012 and no objections were raised subject to the following conditions (Conditions 4.3.4 to 4.3.7) , which will be imposed on any consent granted.

	<ul style="list-style-type: none"> • All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS. • A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to and approved by Council prior to construction commencing. • The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS 2890.1-2004. • Pathways shall be provided to directly link the proposed disabled parking spaces to the northern entrance of the proposed lecture theatre.
University of Western Sydney (UWS)	The proposed conditions of consent for this DA, being a 'Crown Development Application' pursuant to Section 89 of the Environmental Planning and Assessment Act, were referred to the applicant (UWS) for concurrence on 12 July 2012. At the time of writing this report a response had yet to be received by Council, but is expected to be received by the date of the JRPP meeting.

8. Internal Referrals

8.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering	No objections subject to the imposition of appropriate conditions of consent (Conditions 2.3, 5, 8 and 9.6).
Building	No objections subject to the imposition of appropriate conditions of consent (Condition 9.5.1).
Traffic	The proposed development, and the public submission objecting to the proposal on traffic grounds, were considered by Council's Traffic Management Section. Council's Traffic Management Section raised no objections to the proposed development given the peak hour traffic generated by the proposed development can be accommodated within the capacity of the existing road network. This matter is further examined in Sections 9 and 10 of this Report.
Drainage	The proposed development was considered by Council's Drainage Section and no objections were raised subject to the imposition of appropriate conditions of consent (Condition 5.4.4).
Heritage	No objections to the proposed development.
Section 94	No objections to the proposed development as Section 94 contributions are not required for the subject site.

9. Public Comment

9.1 The subject Development Application was notified to adjoining and neighbouring owners and advertised in the local newspapers for a period of 14 days from 6 June to 20 June 2012 in accordance with Blacktown Development Control Plan 2006: Part K – 'Notification of Development Applications'. During this period 1 submission from an adjoining owner in the vicinity of the main Eastern Road entrance to the site was received by Council objecting to the proposed development.

- 9.2 The grounds for objection relate to the traffic impact of the proposed development and the potential for amenity impacts from increased noise, air pollution and littering from passing vehicles and pedestrians. The issues raised are outlined below, together with Town Planning comments thereon.

a. Traffic Impacts

- i. *This development will increase the number of vehicles and pedestrians passing our residence on the way to the front gate of the Nirimba Education Precinct, which may lead to more road and pedestrian accidents in the area. The intersection of Eastern Road and Quakers Hill Parkway is a nightmare. This has to be one of the worst accident spots in NSW. There is an accident of some description here every day of the week. We live here and we know. Every cycle of the traffic lights someone breaks the law and goes through a red light. The local police are often seen here, but they cannot be here 24 hours a day. More traffic at this intersection will be a disaster.*

Town Planning Comment:

- The proposed development will result in an additional 1,000 students and 40 staff, increasing the total number of students and staff on site to 5,056.
- It is noted in the Applicant's Traffic Report prepared by Traffix, dated 25 May 2012, that based on the traffic survey conducted during peak periods of the signalised Eastern Road and Quakers Hill Parkway intersection, the existing UWS Nirimba Campus generates some 511 vehicles per hour in the AM peak and 382 vehicles per hour in the PM peak period. This equates to an Average Vehicle Delay of 39.3 seconds per vehicle and Level of Service 'C' during AM periods and an Average Vehicle Delay of 44.6 seconds per vehicle and Level of Service 'D' during PM peak periods, which is considered to be satisfactory and within the capacity of the existing road network in accordance with RMS Guidelines.
- The proposed development is predicted to result in an additional 133 vehicles per hour in the AM peak and 99 vehicles per hour in the PM peak. This equates to an Average Vehicle Delay of 50.1 and 46.3 seconds per vehicle and Level of Service 'D' during AM and PM peaks respectively. These volume increases are able to be satisfactorily accommodated within the capacity of the existing road network without excessive delays in accordance with RMS Guidelines.
- Both Council's Traffic Management Section (TMS) and the RMS have reviewed the submitted Traffic Report and have raised no objections to the proposed development given that the traffic generation of the proposed development is able to be satisfactorily accommodated within the existing road network, which is considered to be currently operating at an acceptable service level.
- Comments relating to existing traffic conditions at the intersection of Eastern Road with the Quakers Hill Parkway are noted. However, neither TMS nor RMS has raised this as a concern and the analysis undertaken within the Traffic Report prepared by Traffix has demonstrated satisfactory operation during peak periods. In addition, the imposition of additional traffic does not of itself create an accident problem, which is usually the result of a design deficiency. Furthermore, based on the site investigations conducted by Traffix, there is no obvious road safety or pedestrian safety issues that exist along the available road access and pedestrian routes. In the event that there is a demonstrated accident history at this intersection, then Council's Traffic Committee is in a

position to consider whether any action can be taken in response to what is a pre-existing situation. Therefore, the concerns raised will be forwarded to Council's TMS for their separate investigation and response in relation to what is considered to be a pre-existing situation unrelated to the proposed development.

- ii. *We believe that Council has in the past not taken our concerns into account and we would ask that Council takes a closer look at the current situation with the access problems going into the Nirimba Education Precinct. Thousands of vehicles ranging from motorbikes to large trucks pass our house every day. There are times in the morning and in the afternoon when it is a real problem trying to exit and enter our driveway. More vehicles in this area will exacerbate this issue.*

Town Planning Comment:

- Council does take into account concerns raised by the public regarding traffic safety. As noted above, the proposed development has been reviewed by TMS and RMS, and no objections were raised given that the traffic generation of the proposed development is able to be satisfactorily accommodated within the existing road network, which is considered to be currently operating at an acceptable service level.
- However, in the event that there is a demonstrated accident history at this intersection, then Council's Local Traffic Committee is in a position to consider whether any action can be taken in response to what is a pre-existing situation. Therefore, the concerns raised have been forwarded to TMS for their separate response in relation to what is considered to be a pre-existing situation unrelated to the proposed development.
- In addition, whilst it is not proposed as a part of this DA given that the proposed development can be satisfactorily accommodated within the existing road network, it should be noted that the UWS draft 'Nirimba Education Precinct Structure Plan' indicates that a second main campus entry point for vehicles, pedestrians and cyclists will be provided off an upgraded Quakers Road in accordance with the adopted Schofields Precinct Indicative Layout Plan. The provision of this entry point will occur upon the future upgrade of Quakers Road, which is identified as the main north-south sub-arterial connection for the Schofields Precinct to be provided by Council as a component of the Schofields Precinct Section 94 Contributions Plan currently being prepared by Council. There is no timeframe for this future secondary access to the university precinct.

b. Amenity Impacts

- i. *This development will increase the number of vehicles and pedestrians passing our residence on the way to the front gate of the Nirimba Education Precinct, which will increase the amount of road noise, verbal noise pollution, air pollution and litter in the area.*

Town Planning Comment:

- As noted above, whilst the proposed development will increase the number of vehicles and pedestrians to the Nirimba Education Precinct, it is considered that the proposed development is able to be satisfactorily accommodated within the existing road and footpath network. Accordingly, it is considered that the proposed development is satisfactory with regard to the likely impacts such as

traffic, access, noise and waste management and will not in itself result in any adverse amenity impacts such as road noise, verbal noise pollution, air pollution and litter, which are attributable to urban areas generally.

- Further, whilst it is not proposed as a part of this DA, it is noted that the draft 'Nirimba Education Precinct Structure Plan' indicates that a second main campus entry point for vehicles, pedestrians and cyclists will be provided off an upgraded Quakers Road in accordance with the adopted Schofields Precinct Indicative Layout Plan. The provision of this entry point will occur upon the future upgrade of Quakers Road, which is identified as the main north-south sub-arterial connection for the Schofields Precinct to be provided by Council as a part of the Schofields Precinct Section 94 Contributions Plan currently being prepared by Council.

9.3 In light of the above, whilst the grounds for objection are noted and the potential traffic safety concerns will be separately considered by Council's Traffic Management Section in response to what is a pre-existing situation unrelated to the proposed development, on balance, it is considered that the submission received is not sufficient to warrant refusal of the DA.

10. Council Assessment

10.1 An assessment of the key issues for the proposed development is presented below:

10.2 Stormwater Management

The subject site drains to the west towards the Eastern Creek Catchment. The Growth Centres DCP identifies a number of drainage areas and riparian corridors within the overall Schofields Precinct, however the Nirimba Education Precinct is required to cater for stormwater management on-site and has been excluded from the Schofields Precinct Section 94 Contributions Plan currently being prepared by Council.

The Blacktown City Council Engineering Guide for Development 2005 and Development Control Plan 2006: Part R – WSUD and Integrated Water Cycle Management outline the stormwater quality and quantity requirements for the proposed development. Council's Drainage Section reviewed the stormwater plans and documentation prepared by Barnson Consultants and raised no objection to the proposal subject to the imposition of appropriate **conditions** of consent (**Conditions 2.3, 5, 8 and 9.6**).

These **conditions** include:

- the provision of water conservation and re-use measures for all internal toilets and landscape watering;
- the installation and maintenance of suitable erosion and sediment control measures throughout the duration of works;
- the submission of relevant certificates from suitably qualified engineers certifying the proper construction of the stormwater infrastructure;
- the submission of maintenance manuals for the proposed stormwater infrastructure; and
- the imposition of Section 88E restrictions and covenants on title requiring the appropriate maintenance of the stormwater infrastructure.

10.3 Environmental Management

The main objective for environmental management is to include measures that will reduce waste, improve energy efficiency, conserve water and ultimately reduce the impact of the proposed development on the environment. As such, the following headings discuss the proposed development in terms of Ecologically Sustainable Development.

a. Water Conservation

The proposed development includes the use of an existing 100,000L underground rainwater tank for re-use within the development, efficient water fixtures and the planting of indigenous low water plant species. As such, it is considered that water conservation has been satisfactorily addressed.

b. Energy Efficiency

The siting and use of materials for the development has been designed in a manner to improve energy efficiency. The proposed development will be provided with energy efficient heating and cooling systems through ‘displacement’ and ‘heat recovery’ air conditioning systems. In addition, the proposed development has been designed to include natural cross ventilation opportunities, insulation and fixed external shades and glazing to minimise solar load.

c. Waste

A Waste Management Plan (WMP) has been prepared and submitted as a part of the Application. The proposed development has been designed to minimise waste during the construction phase by utilising net cut to fill and recycling of bricks and concrete for internal roads where possible. Waste generated during the operation of the proposed development will be managed under existing arrangements. Therefore, a **condition** of consent will be included requiring compliance with the submitted WMP (**Condition 7.4.1**).

d. Contamination

The subject site has been established as an educational area for a number of years and there is no evidence to suggest that any potentially contaminating activity has occurred during this time. As the proposed development for an educational area seeks to continue the existing educational use of the land, it is considered that the requirements of Clause 7 of SEPP55 – ‘Contamination and remediation to be considered in the determination of development applications’ have been satisfactorily addressed. However, a validation sampling report prepared by a suitably qualified environmental consultant to verify that the land underneath the bitumen carpark is suitable for educational purposes, and a copy of the final Clearance Certificate associated with the building demolition being undertaken by UWS as development permitted without consent, will be required to be submitted to Council prior to construction for this DA, to ensure that demolished materials have been satisfactorily removed (**Conditions 4.4.1 and 4.4.2**).

e. Salinity

The subject site is identified as containing moderate salinity potential in Figure 2.4, Schedule 5 – Schofields Precinct of the Growth Centres DCP.

As such, a **condition** (**Condition 4.5.1**) will be included on the consent requiring a Salinity Investigation and Management Plan to be prepared by a suitably qualified consultant in accordance with the Department of Land and Water Conservation’s (DLWC) publication

‘Site Investigations for Urban Salinity’ and WSROC Western Sydney Salinity Code of Practice publication to identify the salinity characteristics of the site and provide suitable mitigation measures to be implemented for the proposed development, including building construction requirements.

f. Acoustic Measures

The proposed development for university purposes is located over 200m from the nearest residence. As such, given the nature and siting of the use, it is considered that the proposed development will not adversely impact upon the amenity of the surrounding area.

10.4 Biodiversity and Bushfire Management

a. Flora and Fauna

A total of 39 trees will require removal as a part of the proposed development, with all other trees to be retained on site and suitable landscaping and tree planting to be undertaken as a part of the DA.

The subject site contains a number of trees and is identified as being affected by Shale Plains Woodland coverage on Council’s vegetation mapping. However, pursuant to the Biodiversity Certification Order issued by the then Minister for Climate Change, Environment and Water dated 11 December 2007, the proposed development, being within “certified lands”, can occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995 or the Environmental Planning and Assessment Act 1979. Further, the site of the proposed development is not affected by any native vegetation protection areas in accordance with the Schofields Precinct Plan. Moreover, although the overall subject site contains land adjacent to Eastern Creek that is zoned for conservation purposes, the requirements pursuant to Clauses 6.6 and 6.7 of the Schofields Precinct Plan relating to the preparation of a Vegetation Management Plan for land zoned E2 – Environmental Conservation do not apply to the proposed development as the provisions do not apply to land owned by a public authority.

Therefore, the proposed development is considered satisfactory in terms of flora and fauna considerations and suitable **conditions** will be imposed requiring the retention and protection of any trees not approved for removal (**Conditions 6.3.1 and 7.5.1**).

b. Bushfire

The subject site is not identified on Council’s Bushfire Prone Land Map as being affected by Category 1 Bushfire buffer coverage and, as such, bushfire requirements relevant to educational establishments are not applicable to the proposed development.

10.5 Heritage

a. Non-Indigenous

While the overall subject site does not contain any statutory Local or State heritage items listed under the Growth Centres SEPP Schofields Precinct Plan, it is adjacent to ‘runway remnant’, being that part of the Western Schofields Runway (shown shaded in Figure 5 above), which is identified as a statutory Local Heritage Item under the Growth Centres SEPP Schofields Precinct Plan. Furthermore, the subject site does contain the ‘Water Reservoir’ and those parts of the ‘Schofields Runways’ not listed as statutory heritage items under the SEPP and adjoins land containing the ‘RAAF Building 259’ and ‘Blimp

Hangar’ as shown above, which are all identified in Schedule 5 – Schofields Precinct of the Growth Centres DCP as items of local historical importance. However, the site of the proposed development under this DA is wholly contained outside of any identified historical items (being some 150m and 350m away from the ‘Water Reservoir’ and ‘Schofields Runways’, respectively), and as such will not have any adverse heritage impacts. In this regard, Council’s Heritage Consultant has raised no objections to the proposed development.

b. Indigenous

The Schofields Precinct Plan identifies the subject land as being of low to moderate Aboriginal archaeological sensitivity. Given that this DA involves the replacement of 3 existing buildings to be demolished separately by UWS as ‘development permitted without consent’, it is considered that this matter has been satisfactorily addressed. In any case, a standard **condition** will be imposed requiring all works to cease and NPWS to be contacted in the event any Aboriginal Archaeology is uncovered during construction (**Condition 7.6.1**).

10.6 Car Parking and Access Arrangements

a. Access Arrangements

Access for the proposed development, both during construction and during the operation of the development, will be provided from the existing Nirimba Education Precinct internal campus roads via the entry/exit point off Eastern Road.

A Traffic Report prepared by Traffix, dated 25 May 2012, was submitted as part of the DA to review the adequacy of the existing access arrangements for the proposed development. Based on the traffic survey conducted during peak periods of the signalised Eastern Road and Quakers Hill Parkway intersection, the existing UWS Nirimba Campus generates some 511 vehicles per hour in the AM peak and 382 vehicles per hour in the PM peak period. This equates to an Average Vehicle Delay of 39.3 seconds per vehicle and Level of Service ‘C’ during AM periods and an Average Vehicle Delay of 44.6 seconds per vehicle and Level of Service ‘D’ during PM peak periods, which is considered to be satisfactory and within the capacity of the existing road network in accordance with RMS Guidelines.

The proposed development is predicted to result in an additional 133 vehicles per hour in the AM peak and 99 vehicles per hour in the PM peak. This equates to an Average Vehicle Delay of 50.1 and 46.3 seconds per vehicle and Level of Service ‘D’ during AM and PM peaks, respectively. These volume increases are able to be satisfactorily accommodated within the capacity of the existing road network without excessive delays in accordance with RMS Guidelines. Both Council’s Traffic Management Section and the RMS have reviewed the submitted Traffic Report and have raised no objections to the proposed development given that the traffic generation of the proposed development is able to be satisfactorily accommodated within the existing road network, which is considered to be currently operating at an acceptable service level.

It should be noted that Council received a submission objecting to the proposed development on the basis of the existing traffic safety conditions at the intersection of Eastern Road with Quakers Hill Parkway. However, neither Council’s TMS nor RMS has raised this as a concern and the analysis undertaken within the Traffic Report prepared by Traffix has demonstrated satisfactory operation during peak periods. In addition, the imposition of additional traffic does not of itself create an accident problem, which is usually the result of a design deficiency. Furthermore, based on the site investigations

conducted by Traffix, there is no obvious road safety or pedestrian safety issues that exist along the available road access and pedestrian routes. In the event that there is a demonstrated accident history at this intersection, then Council's Traffic Committee is in a position to consider whether any action can be taken in response to what is a pre-existing situation. Therefore, the concerns raised have been forwarded to Council's TMS for their separate consideration and response in relation to what is considered to be a pre-existing situation unrelated to the proposed development.

b. Car Parking

A total of 1,256 existing car parking spaces will be available (upon the removal of 32 car spaces to be undertaken by UWS as 'development permitted without consent') on the overall Nirimba Education Precinct site. Based on a survey of existing parking demand on site undertaken on a typical busy day (Friday 16 March 2012) from 10am to 6pm as a part of the applicant's Traffic Report, out of this total a surplus of some 420 car spaces will exist during the peak occupancy period at 11am.

Whilst not strictly applicable, in the absence of specific car parking controls in the Growth Centres DCP for educational facilities, Section 5.3 of Blacktown Development Control Plan (BDGP) 2006: Part A outlines car parking requirements for tertiary and adult education facilities at 1 space per 5 seats or 1 space per 10sqm of GFA, whichever is greater, which equates to 341 spaces for the proposed development. Moreover, as noted previously, given that the total Campus population of 5,056 persons only generates a need for 1,012 car spaces, the UWS precinct will still have a surplus of 244 car spaces.

In addition, it is noted that the subject site is within proximity to Quakers Hill train station and provision has been made for covered bicycle lock facilities.

Therefore, the car parking provision for the proposed development is considered satisfactory. In this regard no objections to the proposed development have been raised by both Council's TMS and the RMS.

10.7 Urban Design

a. Siting and Setbacks

The proposed building is setback over 200m from the nearest property boundary and over 11m from the nearest existing building to the western side boundary. The proposal comprises a gross floor area of 3,405sqm, which represents a floor space ratio of 0.004:1 over the 77 ha UWS Nirimba Campus site. The bulk and scale of the proposed new development has been appropriately sited within the existing setting, providing suitable separation between the existing buildings on site to reduce the dominance of the proposed development and mitigate overshadowing impacts.

b. Building Height and Design

The building height and design have been tailored to reflect the features and constraints of the site and character of the locality. The maximum overall height of the building is 10.12m, ranging from 8.5m to 10.12m in height to the parapet level from east to west, being generally consistent with the heights of existing buildings on the UWS Nirimba Campus site. The building will have finished ground floor levels ranging from RL28.8 to RL27.6, east to west, as a result of minor regrading works of 0.6m fill at the eastern portion of the building and 1.1m cut at the western portion of building. The building heights are consistent with the heights of existing buildings on the UWS Nirimba site and replace old residential flat building student accommodation of 2 storeys high.

Furthermore, overshadowing diagrams demonstrate that the proposed development will not adversely impact any adjoining properties or existing buildings on the subject site.

The building has been designed in a modern contemporary style. The roof form varies in slope direction with a pitch of 2 degrees providing interest from the campus grounds and shielding roof plant from public view. External finishes of the building predominantly consist of pre-finished panels, feature frameless glass doors, “colour back” glass and aluminium framed glazing, with metal sheet roofing assisting to achieve even further variation and interest.

The main entrance and lobby area is located on the northern façade adjacent to the lecture theatre component in the western portion of the building, while secondary entrance points are also provided on the southern and eastern facades, all of which are connected to an existing series of internal campus pathways.

The proposal is considered to have satisfactorily responded to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, wherein the building design minimises the potential impacts of the development through the appropriate application of building design and materials.

c. External Appearance

External finishes of the proposed building predominantly consist of pre-finished panels, feature frameless glass doors, “colour back” glass and aluminium framed glazing with metal sheet roofing as detailed on the architectural elevation drawings and are considered satisfactory. The colours and tones selected will assist in integrating the proposed development into the existing streetscape, should an approval be granted. Appropriate colour selections of the external materials will be utilised to provide variation to the external appearance of the development, which will be further complemented by detailed landscaping and decorative retaining wall/fencing works. No signage is proposed as a part of this DA.

d. Fencing and Landscaping

No fencing is proposed as a part of the DA given that the proposed building is internalised within the site and the existing gate and perimeter fencing afford an appropriate level of security to the proposed development. A suitable selection of native trees, shrubs and groundcovers will be provided as a part of the proposed development. In particular, trees reaching a height of 5m and a combination of grasses and shrubs will be provided to the north of the building to provide a buffer and soften the appearance of the existing car park to the north.

e. Safety and Security

The proposed development is consistent with the principles of Crime Prevention Through Environmental Design as detailed below:

- Each classroom includes a large window which provides for natural surveillance of the campus grounds to the north and south of the building.
- It is considered that effective access control has been achieved through the provision of physical and symbolic barriers to attract, channel and/or restrict the movement of people. The building has clearly identifiable entrances.
- Appropriate lighting will be provided to provide a safe night-time environment for pedestrians.

- The landscaping provided around the building's curtilage will be maintained to maximise the potential for natural surveillance around the building and so as not to provide opportunities for concealment.

10.8 Public Utilities and Infrastructure

a. Public Utilities and Services

As a part of the DA the applicant has submitted evidence from Sydney Water and Integral Energy that sewer, water and power are available for the proposed development. Sydney Water has also confirmed that recycled water facilities will not be provided in the Growth Centre Precincts and, as such, Clause 18 of the Growth Centres SEPP does not apply. Standard **conditions** will be imposed on any consent requiring the submission of final certificates from Sydney Water, Endeavour Energy and a telecommunications provider (**Condition 3.2.1**).

Therefore, it is considered that the proposed development will be adequately serviced in accordance with the requirements of Clause 6.1 of the Precinct Plan and Clause 18 of the Growth Centres SEPP.

b. Local Developer Contributions

There is no current Section 94 Contributions Plan that applies to the subject site and, as such, no Section 94 contributions apply to the proposed development. However, it is noted that the Nirimba Education Precinct site will be excluded from the application of Section 94 contributions under the draft Schofields Precinct Section 94 Contributions Plan on the basis that the existing use of the land does not generate the need for the provision of local infrastructure and services.

c. Special Infrastructure Contributions

The subject site is within the 'North West Growth Centre Special Contributions Area'. Whilst the proposed development is not within residential or industrial land within a Western Sydney Growth Centre Precinct subject to a Precinct Plan, development for the purpose of a university, as opposed to "government school (within the meaning of the Education Act 1900)" and "TAFE establishment", is not specifically excluded under Clause 5(2) of the Ministerial Section 94EE Special Infrastructure Contribution – Western Sydney Growth Areas) Determination dated 14 January 2011. As such, the following **condition** should be imposed in accordance with the Ministerial Section 94EF Direction dated 14 January 2011:

"A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative)."

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/quage/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment."

Written evidence will be required to be submitted to Council to satisfy this requirement.

However, it is noted that the Applicant is seeking the advice of the Department of Planning and Infrastructure to clarify the requirement for a Special Infrastructure Contribution for the proposed development.

11. Section 79C Consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 is summarised below:

Heads of Consideration 79C	Comment	Complies
<p>a. the provisions of:</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(iii) any development control plan</p> <p>(iiia) any planning agreement</p> <p>(iv) the regulations</p>	The provisions of relevant EPIs relating to the proposed development are summarised in Section 6 of this Report and have been satisfactorily addressed in Sections 7 and 10. The proposed development is generally consistent with the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. No planning agreements are applicable to the subject site.	Yes
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of key issues relating to the proposed development is provided in Section 10 of this Report and it is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, stormwater quality, waste management, external appearance and the like, have been satisfactorily addressed and that the proposed development for an educational facility will result in beneficial social and economic impacts in the locality.	Yes
c. the suitability of the site for the development	The subject site is identified as Special Uses land for educational purposes pursuant to the Growth Centres SEPP. Further, the subject development site has been used for educational purposes for a number of years, rendering the site suitable for the proposed development.	Yes
d. any submissions made in accordance with this Act or the regulations	The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers for a period of 14 days from 6 June to 20 June 2012, during which time 1 submission was received by Council. However, as outlined in Section 9 of this Report, whilst the grounds of objection in relation to traffic and amenity impacts are noted, on balance, the submission received is not sufficient to warrant refusal of the application. In addition, it is noted that a copy of the DA was forwarded to TMS and RMS and both raised no objections to the proposed development.	Yes
e. the public interest	The proposed development is for the purpose of an educational facility that will cater for the needs of the surrounding area and the needs of the City of Blacktown and, accordingly, it is considered that the proposal is in the public interest.	Yes

12. General Comments

12.1 The proposed development has been assessed against the matters for consideration listed in

Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.

- 12.2 The proposal is consistent with the objectives of the Growth Centres SEPP and the SP2 – Infrastructure (Educational Establishment) Zone and is permissible in the zone with development consent. The proposal also complies with the main essential criteria set out in the Blacktown Growth Centre Precincts Development Control Plan 2010, and is considered satisfactory with regard to relevant matters such as Built Form, Access, Traffic Impact, Stormwater Drainage, ESD, Site Contamination, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 12.3 The applicant has reviewed the draft conditions and their suggested changes have been incorporated into the set of conditions at Attachment 1. However, **Condition 4.1.1**, being the payment of the Special Infrastructure Contribution to the NSW Government, remains in dispute. The Applicant is seeking clarification from the Department of Planning and Infrastructure regarding its application to this site.

13. Recommendation

- 13.1 The subject Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 1. Should the Crown Applicant not agree with the conditions at Attachment 1, then the disputed conditions be referred to the Minister for Planning and Infrastructure for his determination.
- 13.2 The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
- 13.3 The objector be advised of the Sydney West Joint Regional Planning Panel's decision.
- 13.4 Council's Traffic Management Section be requested to investigate the concerns raised by the objector relating to traffic safety along Eastern Road and provide a separate response to the objector.

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TOWN PLANNER

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MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION

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