

## JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2014SYW041
DA Number	556/2014/DA-SW
Local Government Area	Campbelltown City Council
Proposed Development	Stage 2 subdivision and associated major works – 111 residential lots and 1 residual lot for future development, 1 open space lot and 3 residual lots
Street Address	Narellan Road, Campbelltown
Applicant/Owner	UrbanGrowth NSW/University of Western Sydney
Number of Submissions	Nil submissions received
Regional Development Criteria (Schedule 4A of the Act)	Development by the Crown with a Capital Investment Value greater than \$5M
List of All Relevant s79C(1)(a) Matters	<p><b>Statutory provisions</b>  Integrated Approvals – Rural Fires Act 1997, National Parks and Wildlife Act 1974, Water Management Act 2000</p> <p>State Environmental Planning Policies – SEPP 44 Koala Habitat Protection, SEPP55 Remediation of Land, Infrastructure SEPP</p> <p>Local Environmental Plans - Campbelltown Local Environmental Plan (Urban Area) 2002</p> <p>Development Control Plans - University of Western Sydney Development Control Plan 2008  Campbelltown (Sustainable City) Development Control Plan Volumes 1 and 3</p> <p><b>Non Statutory Provisions</b>  University of Western Sydney Campbelltown Masterplan  Campbelltown 2025 Looking Forward</p>

List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1. <b>Site location plan</b></li> <li>2. <b>Proposed lot layout</b></li> <li>3. <b>Letter from Rural Fire Service</b></li> <li>4. <b>Letter from Office of Environment and Heritage</b></li> <li>5. <b>Memo from Office of Water</b></li> <li>6. <b>UWS DCP Compliance table</b></li> <li>7. <b>UWS DCP View Corridor</b></li> <li>8. <b>Draft Conditions of Consent</b></li> </ol>
Recommendation	<b>Approval with Conditions of consent</b>
Report by	<b>Scott Lee, Executive Planner, Government and Special Projects, Campbelltown City Council</b>

**Purpose of the Report**

The purpose of this report is to assist in the determination of the subject Development Application (DA) in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

**Approval process**

The DA has been lodged by UrbanGrowth NSW with a Capital Investment Value (CIV) of \$8.6M. Therefore under clause 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979 (the EP&A Act), the Sydney West Joint Regional Planning Panel (JRPP) is the consent authority. Under the processes established by the Environmental Planning & Assessment Act 1979, Campbelltown City Council will undertake the assessment of the application and then refer the matter to the JRPP for determination.

**Property Description** Lot 63 DP1104486

**JRPP Application Number** 2014SYW041

**Council Application Number** 556/2014/DA-SW

**Applicant** UrbanGrowth NSW

**Owner** University of Western Sydney

**Date received** 14 March 2014

**Background**

The University of Western Sydney (UWS) landholdings at Campbelltown include surplus lands that have been identified for future residential development.

Since 2003 UrbanGrowth NSW has been working with UWS and Campbelltown City Council to undertake the necessary planning to guide the development process of these lands. A Master Plan and a Development Control Plan (DCP) have been prepared and adopted by the Council in consultation with UrbanGrowth NSW. The Master Plan has identified the growth requirements of the University as well as land suitable for residential development. The site specific DCP sets in place the key objectives for the delivery of the future campus and residential development.

UrbanGrowth NSW and UWS have executed a Project Delivery Agreement (PDA) that has incorporated the financial objectives and benchmarks of both parties.

Development is proposed to be broken into five “villages” based on separate development parcels defined by bushland corridors and other future open space areas.

The first stage Development Application for 240 lots was approved by the Joint Regional Planning Panel in November 2012 and the first of a series of Subdivision Certificates has been issued. A sales and information centre has been established and a dozen display homes from a variety of builders have been constructed. The Main Ridge Park has been developed, complete with public art.

The significant issues in the consideration of Stage 1 was the consistency with the previously approved site Master Plan, consistency with the adopted Development Control Plan and the consideration of appropriate traffic management, in particular, the requirement for the upgrading of intersections at Narellan Road and Gilchrist Drive in order to provide suitable access for the development. The RMS has taken responsibility for the Narellan Road upgrade and this work is underway. The Gilchrist Drive intersection upgrade design has been approved by RMS and work has commenced. In regard to the Master Plan and DCP, the conclusion of the Stage 1 assessment process was that there was consistency.

### **The Site**

The subject site is located immediately adjacent to the University of Western Sydney (UWS) campus approximately 2km to the west of Campbelltown Town Centre and less than 1km to the north-west of the Macarthur Square shopping centre.

The site is bounded by the Hume Highway, Narellan Road, Gilchrist Drive and the Main Southern Railway Line. The site has easy pedestrian access to Macarthur Railway Station and Macarthur Square with a pedestrian bridge across the railway line. See **Attachment 1**.

The UWS residential land is largely undeveloped with existing features including a sports field, a golf driving range (recently vacated), a gymnasium, an observatory and a telecommunications tower.

The site varies from steeply undulating land in the west to moderately undulating land in the south and east. There are a number of east-west ridges with associated gullies.

The majority of the site has been previously cleared of native vegetation with some narrow stands of remnant/regrowth native vegetation on most of the steep sided drainage lines. Stage 2 has some regrowth and areas of African Olive. Bow Bowing Creek runs along the southern boundary of the site with several tributaries draining into it from across the site and external to the site to the east.

### **Surrounding Development**

The UWS campus area adjoins the UWS residential area to the immediate north east and comprises the academic core and future expansion areas for the University.

There are two main vehicle access points to the UWS campus. One is provided at a signalized intersection with Narellan Road which is currently undergoing a significant upgrade as part of a joint Federal/State government funded project, with the University intersection being a major component of these broader works. The second access is off Gilchrist Drive at the intersection with Goldsmith Avenue. This intersection is currently restricted to a left-in, left-out arrangement, however it is being upgraded to a signalized intersection to cater for all movements as a condition of the Stage 1 development consent.

A pedestrian overbridge links the University with Macarthur railway station and Macarthur Square Shopping Centre. Major residential development has also

occurred on the south eastern side of the railway line at Park Central and Macarthur Gardens.

Immediately adjoining the University to the north-east is the Campbelltown campus of the South Western Institute of TAFE, which shares a common entry from the signalized intersection on Narellan Road.

### **The Proposal**

This Development Application (DA) seeks approval for subdivision and associated works for the second stage of the UWS residential development site, comprising of:

- Civil works including the internal road network for Stage 2
- Bulk earthworks including cut and fill across both Stage 2 and Stage 3
- Stormwater drainage infrastructure
- Streetscape works
- Subdivision of 111 standard residential allotments and 1 residue lot, with 79 lots in the range 450 – 599 sqm and a further 28 lots in the range 600 – 799sqm

To complete the context for this application, it should also be noted that a Stage 3 subdivision DA has been lodged as well as an application for the construction of the link road between the residential precinct and the University access road off Narellan Road. Neither of these DA's meet the threshold for consideration by the JRPP and consequently are being assessed by Campbelltown City Council and will be determined once the Stage 2 is determined. Until such time as that link road is constructed, all site access will be via the Goldsmith Avenue/Gilchrist Drive intersection.

**Attachment 2** shows the proposed subdivision layout of both Stage 2 and Stage 3 and the location of the link road.

The Stage 2 subdivision application is integrated development requiring approvals under the following Acts:

*Rural Fires Act 1997* – the subject land is identified as being bushfire prone land on the Campbelltown City Council bushfire Prone Land maps and accordingly, a bush fire safety authority is required from the Rural Fire Service (RFS) under Clause 100B of the Act. General Terms of Approval from the RFS have been received.

#### **(Attachment 3)**

*National Parks and Wildlife Act 1973* – it is an offence under Section 86 of the Act to harm an Aboriginal object or place. Under Section 90 of the Act, an Aboriginal Heritage Impact Permit (AHIP) may be issued by the Director General of the National Parks and Wildlife Service to enable work to be carried out which may impact on an Aboriginal object or place. General Terms of Approval from the Office of Environment and Heritage have been received (**Attachment 4**)

*Water Management Act 2000* – under Clause 91E of the Act, it is an offence to undertake works within 40 metres of the bed of categorized water courses except

with approval of the Office of Water. Advice has been received from the Office of Water confirming that previous approvals granted are relevant to this matter  
**(Attachment 5)**

### **Public Exhibition Process**

The Development Application was placed on public exhibition as required.

No public submissions were received. The lack of response to the public exhibition process is most likely due to the site having no direct neighbours, except for the TAFE, and therefore no particular local community with a direct interest in the land or one likely to be directly impacted by its development.

A written submission was not received from Campbelltown City Council although it is anticipated that the Council will make an address to the Panel meeting.

### **Assessment**

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

## **1. Planning legislation, instruments and documents**

### **Environmental Planning Instruments**

#### **State Environmental Planning Policy No.44 – Koala Habitat Protection**

SEPP44 seeks to provide for proper conservation and management of areas of natural vegetation that provide habitat for koalas. The Policy applies if a subject site is greater than 1 hectare (it is) and located in a nominated Local Government Area (Campbelltown is nominated). Based on type and predominance of tree species, a site may be deemed to be “potential koala habitat”. The subject site, based on the probability that certain species exist in sufficient numbers, should be deemed ‘potential koala habitat’. It follows therefore that an assessment needs to be made as to whether the site represents ‘core koala habitat’. This requires evidence of a resident koala population and if the site is deemed core habitat, a plan of management is required. There is no evidence to suggest that any koala population exists and therefore no further assessment under SEPP44 is required.

#### **State Environmental Planning Policy No.55 - Remediation of Land**

SEPP55 provides a State wide approach to remediation of contaminated land and/or assessment of whether land may be contaminated and if it can be made suitable for a proposed purpose. In this case a site contamination review report was undertaken by JBS&G to support the Development Application. This report reached the conclusion that there is a low potential for site contamination and subject to an unexpected finds protocol, the land is suitable for residential subdivision.

## State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP seeks to ensure that new infrastructure projects can proceed smoothly through the assessment process or conversely, existing infrastructure is not compromised by other development proceeding.

Clause 55 of the Infrastructure SEPP deals with gas pipelines and is relevant to this project because of the existing eastern gas pipeline that runs along the sites western boundary and the Hume Highway. A safety management workshop involving Landcom, UWS and Jemena, the owners of the pipeline, was conducted prior to finalizing the subdivision layout resulting in the preparation of a report. This report concludes that there is no reason why the development could not proceed.

Clauses 87 and 102 of the Infrastructure SEPP deal with the potential impact of rail and road noise and/or vibration on proposed developments and requires consideration of relevant guidelines to ensure compatibility between the rail and road infrastructure and the proposed development.

Clause 104 requires a residential subdivision of a certain scale to be referred to the Roads and Maritime Service and their comments must be taken into consideration by the consent authority. The Stage 2 subdivision does not meet these requirements and does not need to be referred to the RMS. However, it should be noted that the RMS were involved in the assessment of the Stage 1 subdivision and that consent has established the appropriate upgrades to the classified road network. The Stage 1 approval required intersection upgrades at Gilchrist Drive/Goldsmith Avenue and Narellan Road/University campus access road, taking into account the full scope of the UWS residential project.

## Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 10(a) Regional Comprehensive Centre under the Campbelltown (Urban Area) Local Environmental Plan 2002. This zone applies to land collectively described as the Macarthur Regional Centre and includes the Campbelltown central business district, Macarthur Square and surrounding commercial lands, Campbelltown Hospital, Park Central and Macarthur Gardens residential precincts, Campbelltown TAFE College and the UWS site. No other land within the local government area carries the 10(a) Regional Comprehensive Centre zoning.

Within this zone, a large range of land uses, including subdivision and residential development, are permissible with consent. However, consent cannot be granted unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of the zone. The objectives are varied and broad in scope and are set out below:

- (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 Statement of Environmental Effects (SEE) lodged with the DA addresses the provisions of the Campbelltown LEP and makes two arguments as to how the objectives of the zone are met by the application. Firstly, it is argued the development allows for a range of lot sizes which is consistent with the adopted Master Plan and DCP. Secondly, it is claimed that the residential development will support the tertiary education precinct and provide opportunities for workers in that precinct to live close to their workplace.

Compliance with the objectives of the 10(a) zoning was discussed in detail as part of the assessment of the Stage 1 subdivision. That application was supported by

- Letter from Lindsay Taylor Lawyers setting out reasons why it is open for the consent authority to form an opinion that the carrying out of the development would be consistent with one or more of the zone objectives
- Letter from University of Western Sydney placing the proposed development in the context of the overarching campus development strategy
- Letter from Landcom addressing various issues including consistency with zone objectives

Together, these three documents provided a strong argument that the application meets the objectives of the zone, sufficient for the consent authority to form the necessary opinion in favour of the application. Having reached this conclusion in the approval of Stage 1, it should follow that Stage 2 can also be assessed as compliant with the objectives of the 10(a) zone.

The SEE then goes on to consider some particular clauses within Campbelltown LEP 2002 that have some relevance to the Development Application. These are:

- Clause 32 Subdivision generally
- Clause 39 Earthworks and preservation of trees
- Clause 41 Demolition
- Clause 42A Bushfire hazard
- Clause 47 Development affecting places or sites of known or potential Aboriginal heritage significance
- Clause 62 Development on land that may be affected by salinity

All of these matters are adequately addressed within the SEE and the detailed specialist reports that have been submitted in support of the DA.

#### Draft Campbelltown Local Environmental Plan 2014 (DCLEP2014)

DCLEP2014 is a local plan being drafted under the standard LEP template. It has been publicly exhibited but is not yet in force.

Under this Plan, all of the land that forms the UWS residential precinct, including the land the subject of this application, is to be zoned R3 Medium Density Residential. This proposed zoning reflects the site's capacity to provide a range of housing types, including single dwelling houses on individual lots and multi dwelling housing, developed in an integrated fashion on larger 'super lots'.

#### UWS Master Plan

This matter was discussed in detail in the assessment report prepared for the Stage 1 subdivision. In 2007, Council adopted a UWS Master Plan. This document was the culmination of strategic planning collaboration between Council, UWS and UrbanGrowth NSW (Landcom) to provide a clear picture of the type of development anticipated on the UWS site.

Important considerations during the preparation of this document included maintaining view corridors from important locations, appropriate traffic management and ensuring sufficient land was set aside to meet long term requirements of the University and employment generating development.

The DA for Stage 1 was supported as being consistent with the UWS Master Plan. That report acknowledged that the Stage 1 application relied on some minor variations to the adopted 2007 Master Plan, but concluded these were not significant. A recommendation was included that the Master Plan be reviewed and although this has not formally occurred, there have been discussions at staff level about the necessity and value of formally adopting a new Master Plan.

It is considered that the Development Application assessment process provides a suitable opportunity to judge the consistency of Stage 2 against the outcomes envisaged by the Master Plan. In that respect, the Statement of Environmental Effects includes appropriate consideration of the Master Plan and Stage 2 is consistent with the type of development envisaged by the Master Plan.

#### UWS Development Control Plan

The University Western Sydney Development Control Plan 2008 (UWS DCP) was adopted and came into effect at the same time as the UWS Master Plan. It provides a development assessment framework around future development at the UWS site for both campus development as well as residential development.

The applicant has assessed the proposed development against the relevant provisions of the UWS DCP in a comprehensive compliance table provided with the SEE (**Attachment 6**). There are no particular variations that act to undermine the overall objectives of the DCP or that would lead to unacceptable development outcomes.

All lots are in excess of the minimum required lot size of 400sqm. Approximately 70% are in the range of 450sqm – 600sqm, with the remaining 30% generally in the range of 600sqm – 800sqm.

Seven (7) lots are below the 15 metre minimum width requirement, however the variations are minor and these lots are not compromised in their ability to

accommodate standard housing forms because they are splayed and achieve at least the required width at the building line.

In terms of road layout, which was an important element of the DCP, variations are being sought to ensure compliance with Landcom's Street Design Guidelines, which came into effect after adoption of the DCP and reflect best practice in providing a legible road hierarchy and quality streetscapes. Road widths are important to ensure functionality of the road system, with narrow roads potentially leading to conflict caused by on street car parking restricting vehicle movement and larger vehicles, such as garbage trucks, not being able to safely negotiate their way through local areas. This is consistent with the approved road widths of Stage 1.

### Campbelltown (Sustainable City) Development Control Plan 2014 Volume 3

This document sets out the engineering controls and standards for development within Campbelltown. Whereas the UWS DCP sets out the general planning standards for development, the Sustainable City DCP Volume 3 sets out the specific design parameters that apply and provides guidance on acceptable methods of analysis and design to comply with Council's and industry engineering standards.

### Campbelltown Looking Forward 2025

Campbelltown Looking Forward 2025 is a statement of broad town planning intent for the longer term future of the City of Campbelltown. It was formulated with local community input, identifies some of the key influences that will help shape the City's future, lists key themes for change, articulates a vision for a more sustainable Campbelltown City and finally establishes a set of Strategic Directions, each with desired outcomes and focus areas, as a framework upon which future Council policies and actions can be based. These are:

- Protecting and Enhancing the City's Key Environmental Assets
- Growing the Regional City
- Building a Distinctive Campbelltown Sense of Place
- Getting Around the City
- Building and Maintaining Quality Infrastructure
- Creating Education, Employment and Entrepreneurial Opportunities

When viewed in the context of these Strategic Directions, the proposed development is generally consistent and capable of delivering a positive outcome.

## **2. Impact of the Development and Suitability of the Site**

The Statement of Environmental Effects which accompanied the Development Application canvassed a broad range of issues and where appropriate, was supported by a set of detailed reports. For each of the issues covered by the SEE, the following assessment comments are relevant.

### Slope Stability

A Slope Stability Assessment was undertaken for the Stage 1 site by Douglas Partners and it is considered that the findings and recommendations of that report have relevance to the Stage 2 area. The report concludes that the risk of slope instability for the proposed development is within acceptable limits with the potential for instability hazards assessed as low or very low. The report recommends a number of measures to be implemented during the development phase to minimize any impacts which cover batter excavations, subsoil drainage within groundwater seepage zones, and surface protection of excavation batters as soon as possible.

These recommendations can all be included in the Construction Management Plan that will be prepared prior to the issue of a Construction Certificate and an appropriate condition of development consent can be imposed on the Stage 2 consent, as it was with Stage 1. Most of the recommendations relate to the building environment and additional controls that may be required to minimise impacts on roads, parks and other public infrastructure.

### Salinity

A Salinity Investigation and Management Plan for the Stage 1 site was undertaken by Douglas Partners. It provides a Salinity Management Plan to give guidance on development strategies aimed at reducing the potential impacts of saline materials where they occur. The types of issues covered in the Management Plan include placing and capping of fill, matching salinity characteristics between cut and fill areas, planting of salt tolerant species, appropriately designed drainage systems to avoid ponding and/or waterlogging and building strategies for piles and slabs that are complementary to requirements of the BCA. For Stage 2, which is likely to be very similar in terms of salinity characteristics, it would be appropriate to impose a condition of development consent equivalent to the Stage 1 conditions, noting that the report prepared by JBS&G on site contamination (see following Section of report) also covered salinity issues.

### Contamination

A Detailed Site Assessment report has been prepared by JBS&G in accordance with the requirements of SEPP55. Previous geotechnical and environmental investigations, conducted in 2005, 2007, 2011 and the Contamination Review for Stage 1 conducted in 2012 have all been referenced in this latest report. It has been concluded that the site is suitable for the proposed residential land use. However, an unexpected finds protocol is recommended and should be implemented over the course of the development to take account of the possibility of unidentified material that may pose an environmental or human health risk. An appropriate condition of consent has been included.

### Ecology

It is considered that ecological issues associated with this application have been addressed thoroughly.

An Ecology Assessment was undertaken by Hayes Environmental in February 2012 to support the Stage 1 application. An Addendum Report dated March 2014 was produced to support the Stage 2 application, followed by a further letter of clarification dated 18 August 2014 that was in response to issues raised by Council.

The study area for the original report was the full 118 hectares of the UWS residential area, not just the 22.5 hectares occupied by the Stage 1 application. The assessment found that the majority of the site has been previously cleared and is now dominated by exotic grass and weed species. Stands of remnant native vegetation occur as narrow disturbed strips, mainly within creek lines and around the edges of Harrison's Dam. There are some patches of regenerating vegetation on some hillsides, although they are of low conservation value.

The original Ecological Assessment by Hayes included an assessment of the potential impact the development may have on threatened species (the 7 part test under Section 5A of the EPA Act). It concluded that it would not be likely to have a 'significant effect' on any threatened species, population or community listed under the TSC Act and therefore a Species Impact Statement was not required. It also considered matters of National Environmental Significance under the EPBC Act and similarly concluded that the development would not impose a significant impact. This included information on three threatened species listed on the Bionet data base within a 10 km radius of the UWS site, but not considered in the earlier reports. These are the Turquoise Parrot, Green and Golden Bell Frog and Little Bent-wing Bat. None of these species are known to occur in the UWS area and the letter from Hayes of 14 August provides argument as to why the site is unlikely to contain these species and why the development will not significantly affect them.

Council's environmental planning staff reviewed that Ecology Assessment and provided a range of conditions that were incorporated into the consent for Stage 1, including the need for the proposed VPA to address the management and maintenance regimes for the riparian corridor revegetation areas and the preparation of a Noxious Weed Management Plan and a Vegetation Management Plan consistent with the *Cumberland Plain Recovery Plan* (DECC 2010) and the *Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland* (DEC 2005). It should be noted that a Draft Vegetation Management Plan has now been prepared and conditions consistent with those imposed on Stage 1 can be imposed upon the Stage 2 consent.

The native vegetation remnants within the riparian corridors have been identified as Cumberland Plain Woodland (CPW), which is listed as a critically endangered ecological community under the Threatened Species Conservation Act 1995 (TSC Act), with some patches also meeting the definition of Cumberland Plain Shale Woodland (CPSW), which is listed as critically endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

As a result of some minor adjustments to the proposed lot layout in Stage 2, there will be a small increase in the area of native vegetation lost to development. The original ecological assessment indicated that approximately 88% of the existing CPW will be retained within the riparian corridors and bushland reserves and the quality of these areas would be improved with the implementation of the VMP. With the layout proposed by the Stage 2 subdivision, this figure will drop to 87.66% (a loss of approximately 600sqm out of 19.46 hectares). This area is highly weed invested with an understory dominated by African Olive – it is low conservation value. The retained CPSW will remain at approximately 99%.

The small loss of some CPW is off set by the significant advantages provided by the opportunity to properly manage the riparian corridors. In combination, the proposed VPA and the recommended Vegetation Management Plan, which addresses biodiversity offsets, can ensure that the development of the whole of the site delivers on the claim that there will be an improved biodiversity outcome as a result of development.

#### Bushfire Hazard

Building Code and Bushfire Hazards Solutions have prepared a Bushfire Hazard Assessment Report for Stage 2.

The potential bushfire hazard to Stage 2 is identified as bushland from within the rehabilitated riparian corridor to the north and adjacent to the Hume Highway to the west. All available building footprints achieve or exceed the minimum required Asset Protection Zones. All APZ's will be maintained as Inner Protection Zones in accordance with *Planning for Bushfire Protection 2006* and NSW Rural Fire Service publication *Standards for Asset Protection Zones*. This has been confirmed in a supplementary letter from Building Code & Bushfire Hazard Solutions dated 15 September 2014. All public roads within Stage 2 achieve the minimum carriageway width required by *Planning for Bushfire Protection 2006*.

The highest Bushfire Attack Level (BAL) will not exceed BAL29 and new dwelling construction under AS3959 2009 will be required. Further referral to the RFS is not necessary for future dwellings within Stage 1 provided there is compliance with Planning for Bushfire guidelines.

General Terms of Approval for the development have been provided by the RFS (Attachment 3) and these are not inconsistent with, or require amendments to, the development.

With reference to the RFS requirements and the recommendations of the Building Code and Bushfire Hazards Solutions report, the development can provide a satisfactory level of bushfire protection.

#### Aboriginal Archaeological and Cultural Heritage

Austral Archaeology Pty Ltd undertook an Aboriginal Archaeological and Cultural Heritage Assessment of the site for the Stage 1 subdivision which built on work previously completed in 2003 and 2005 that covered the entire UWS residential site. To support the Stage 2 application, an addendum report was prepared. There is one potential site of Aboriginal cultural heritage within the northern part of the Stage 2 subdivision. The site is registered and an Aboriginal Heritage Impact Permit (AHIP) will be required. Test excavations are likely to be necessary prior to development, however there is scope for work within significant portions of the site area to commence prior to the issue of the AHIP.

General Terms of Approval from the Office of Environment and Heritage have been received (Attachment 4) consistent with the above.

### Traffic and Transport

Considerable attention has been given to the impact of the UWS development on the surrounding traffic network. This was a key component of the assessment process for the Stage 1 subdivision and to consider these issues properly, there were extensive discussions between the proponent, Council and the RMS, including a day long workshop and various iterations of detailed network and intersection modeling.

As a result, commitments from the proponent were made to upgrade the intersection of Gilchrist Drive/Goldsmith Avenue (to the benefit of the development) but also provide upgrades to Narellan Road and the intersection with the University access road (to the benefit of the broader road network). The approval of Stage 1 consequently required a major intersection upgrade at Gilchrist Drive/Goldsmith Avenue, the design of which has been approved by the RMS and a major upgrade at the University entry and Narellan Road intersection as part of a broader upgrade being undertaken by the Roads and Maritime Service (RMS) and to which the proponent has made a considerable financial contribution. Work at both of these intersections is underway.

The Stage 2 subdivision application was supported by a report by AECOM (who had prepared the report for Stage 1). This report assesses whether the proposed Gilchrist Drive/Goldsmith Avenue intersection can cater for Stage 2 prior to the broader development being connected to the Narellan Road access. To do this it has reviewed the cumulative trip generation and distribution for Stages 1 and 2 and for the ultimate development, as well as including traffic growth associated with the UWS campus and Macarthur Gardens North (an adjoining future higher density precinct yet to commence).

The assessment concludes that at the completion of Stage 2, the turning movements at Gilchrist Drive/Goldsmith Avenue do not exceed the turning movements expected from the whole of the development when completed and when both access points will be operational. This indicates that the intersection at Gilchrist Drive/ Goldsmith Avenue can accommodate Stage 1 and 2 traffic movements without the Narellan Road connection being in place.

It would be appropriate however that a condition be imposed on any Stage 2 consent that required the intersection upgrade at Gilchrist Drive/Goldsmith Avenue to be completed prior to the issue of any Subdivision Certificate for any lots within Stage 2.

The traffic assessment also reviewed the proposed road layout and cross sections and concluded that they were consistent with the master plan and the Stage 1 approval and appropriate for their proposed roles within the road hierarchy.

### Noise

A Traffic and Rail Noise Assessment was undertaken by Renzo Tonin and Associates. Noise sources potentially affecting the future residences of this development are the road traffic using the Hume Highway to the west, road traffic from surrounding roads such as Narellan Road, Gilchrist Drive and Menangle Road and the rail traffic using the main southern line to the south east beyond the sports fields and dam.

Having regard to the provisions of the Infrastructure SEPP and the supporting *Development near Rail Corridors and Busy Roads – Interim Guideline*, the Assessment Report indicates that road and rail impacts experienced by the development can be mitigated to comply with the relevant planning requirements, subject to the adoption of certain mitigation measures as follows:

- 2.4m fence along the western edge of Stage 2 lots that border the Hume Highway
- Most dwellings will require acoustic façade treatments including thicker than standard glazing to windows. Second storey components of dwellings will require thicker glazing and in some cases the use of selected insulating materials
- Mechanical ventilation will be required for most second storey components and some ground floors depending upon window orientation and use

A detailed set of Appendices to the Traffic and Rail Noise Assessment report set out requirements for each individual lot within Stage 2. Compliance with these requirements can be imposed as a condition of development consent, supported by their reference through the Section 88B instrument on the lot titles to ensure each individual owner is aware of the requirements.

The nearest dwellings in Stage 2 will be approximately 700 metres from the rail corridor and therefore no rail vibration assessment is required for this DA.

#### Views and Vistas

The site will undergo a significant visual change as a result of large amounts of earthworks in the first instance and then the subsequent development of housing. The UWS DCP identified the need to protect 'significant views and vistas from and to public places' and to this end, identified a view shed from an elevated viewing point on Narellan Road, which would be the most obvious viewing point of the UWS site for the majority of people. **Attachment 7** is the relevant extract from the UWS DCP identifying the view corridor.

The applicant makes the point that this provision of the DCP applies to land identified as potential future development for University purposes which would be visible from Narellan Road.

The development will be partially visible to people travelling north and south along the Hume Highway. However, due to the undulating topography of the land and the high speed environment of the Highway, the views will be intermittent and inconsistent, more so when heading north than south. This is generally similar to views of existing residential areas that have been developed within Campbelltown over many years. The residential lots in Stage 2 are generally lower than the road level with the distance between the Highway carriageway and the Highway reservation boundary approximately 55 – 60 metres. There is an earth mound approximately 5metres high that slopes up from the Highway road level with the majority of this area heavily vegetated. This will significantly reduce the visual impact of the Stage 2 development. Subsequent stages, in particular those to the south, are more likely to be visible.

### Flooding and Stormwater

The drainage design for Stage 2 has been certified as being consistent with the previously approved Stormwater Management Strategy Report from J Wyndham Prince of March 2012 and Review of Stormwater Drainage Strategy Report from JWP April 2013.

Council engineers have been working with the applicant and their consultant/s for several years to determine appropriate works required to facilitate development of the site and address both flooding and environmental issues. Most agreed outcomes have been incorporated into the submitted design plans, however, minor issues relating to detail at specific locations still require additional work to meet Council's requirements for design standards and ability to be maintained in the longer term. These issues can be addressed within the proposed conditions of consent.

Further, it should be noted that Council and the proponent continue to liaise with regard to the overall Stormwater Strategy for the site to ensure that all available opportunities are maximized to provide best practice stormwater management.

### Construction Management

For all large scale projects, the challenge of construction management should be considered as early as possible. In this instance, a detailed Construction Management Plan will be required prior to the issue of a Construction Certificate and will need to address a range of issues in order to minimize disruption to others. It will need to cover:

- Ingress/egress for construction vehicles
- Phasing of construction
- Traffic management into and around the site particularly maintaining safe and efficient access for the University
- Storage of excavated materials, construction materials and waste
- Erosion and sediment control
- Dust suppression

The revised Master Plan, which has provided a better balanced cut/fill scenario, represents a significant improvement in terms of construction impacts and truck movements compared to the original Master Plan which required substantial importation of fill to the site. Soil and water management plans have already been prepared by J Wyndham Prince which will complement the final construction management plan.

In addition to the issues covered by the SEE, the following additional comments are offered:

### Built form

Although this application does not seek approval for any dwellings, the topography of the land, the road and lot layout, works to create open spaces and improve riparian corridors, will all combine to influence the final built form. Critical elements in this built form are retaining walls, fencing and building platforms.

Roberts Day, who prepared the revised Master Plan, supplemented that work with a detailed set of drawings that provide a slope analysis and show indicative building forms responding to the modified landform that results from the subdivision works. The drawings indicate a range of dwelling types that can be readily accommodated on lots varying between 4% and 15% slope with examples of rear to front, front to rear and side to side slopes. On those lots with slopes greater than 5%, retaining walls will be required. The location of such walls has been indicated on the submitted plans. Generally, retaining walls will be along lot boundaries. All retaining walls will be of masonry construction to appropriate standards. While some sites will have 'flat pad' characteristics after site regrading/retaining wall construction, other lots in the more steeply sloping locations will require the proposed dwellings to respond to the remaining height difference through benched or split level housing design.

A Fencing and Landscape Guidelines document has been prepared by UrbanGrowth NSW for the UWS residential precinct to ensure some consistency throughout the development. There are twenty seven (27) lots adjoining the gas pipeline easement adjacent to the Hume Highway. The Noise Assessment Report recommended a 2.4metre high fence along the rear boundaries of these lots as part of the noise mitigation strategy. Notwithstanding the Fencing guidelines, a consistent approach to all rear fences onto 'public' areas should be enforced through a condition of consent.

#### Landscape design

Streetscape planting within Stage 2 is the key landscape element of the application. A Landscape Design Statement, prepared by Cloustons, was prepared to support the application. Building on the concepts embodied in the Master Plan, the Landscape Design Statement incorporates the following:

- Continuous footpaths
- Shared pathways for higher level routes
- Kerb blisters at intersections
- Planted mid kerb blisters to reduce speed and increase amenity
- Avenue planting to provide shade , local distinctiveness and seasonal variation
- A mix of exotic, Australian Natives and endemic natives

General streetscape plantings within the residential precinct have had regard to verge width, aspect and maintenance requirements and are proposed to be a combination of native and exotic species.

Initially there was some concern raised that the landscape plans submitted with the Stage 1 application were not sufficiently aligned with Council's preference for endemic species as set out in its sustainable planting policy which seeks to maximize the planting of locally endemic species on public land. Some species choice was also questioned in terms of ongoing maintenance impacts that would burden Council.

As a result, additional information, prepared by Clouston Associates was lodged to support the proposed tree planting strategy. Overall, the plans indicate a high proportion of native and endemic native plantings in comparison to exotics. They indicate a more appropriate selection of species which are likely to reduce the potential conflict between trees and Council infrastructure. They also provide detail

on proposed 'blister plantings' which help to calm traffic, create designated pedestrian crossing points and create high quality streetscapes with connected tree canopies over time. They are provided only on streets with a 9.6metre carriageway or wider, provided on lot boundaries to ensure flexibility for future driveway locations, only in front of wider allotments and only where traffic sightlines are not impeded. Council staff had the opportunity to view a practical implementation of these blisters at Landcom's Oran Park development and they are supported as they can be constructed by a continuous kerb machine and do not hinder Council's street sweepers, garbage trucks or other larger vehicles such as removalists vans. The amenity benefits are substantial.

Council is currently preparing a Guide for Public Domain Plantings which will provide a two tier approach to road and open space vegetation strategies. A 'deemed to comply' solution will specify plants from an approved Council list and install these in an approved manner and location. Alternative solutions will be considered where they can demonstrate that they will meet Council's operational and maintenance requirements.

The Stage 2 proposal now put forward by the proponent is consistent with the previously agreed approach. The proposed landscape design and tree planting strategy will provide a high level of amenity and is worthy of support. Compliance with the plans prepared by Clouston's can be included as a condition of consent in any approval granted.

#### Engineering

The engineering matters considered in the design plans submitted, generally comply with Council's requirements. Where non-compliance occurs, the matters can be addressed by the application of suitable development controls.

#### **4. The public interest**

This proposal is serving the public interest in the following ways:

- Infrastructure that directly serves the future residents of this subdivision, including connectivity to the broader road system, local roads and pathways, parks and open space areas
- Road/intersection upgrades that will assist in addressing existing problems in the broader road system
- conservation of identified threatened ecological communities that may otherwise continue to decline in quality and therefore their longer term viability is improved

One way to ensure that public interest is served is through the development contribution regime. For the UWS residential project a Voluntary Planning Agreement is proposed as the most appropriate mechanism for the collection of development contributions. This was discussed as part of the assessment process for the Stage 1 subdivision and the consent issued contained the following condition:

### **11. Voluntary Planning Agreement**

- a) A Voluntary Planning Agreement (VPA) consistent with Landcom's letter of offer to Council dated 14 November 2012 is to be executed prior to release of the Subdivision Certificate for the first residential allotment.*
- b) The VPA must incorporate appropriate management and maintenance arrangements for the riparian and revegetated areas.*
- c) If the parties are unable to reach agreement under clause 'a' above, they may agree to an interim works agreement including the items in (d) as an alternative. In this case, the interim agreement must specify the revised target date for execution of the VPA.*
- d) Landcom must complete the construction of the Gilchrist Drive and Goldsmith Avenue intersection, the reconstruction of Goldsmith Avenue and the development of Main Ridge Park prior to the release of a Subdivision Certificate for the first residential allotment. All of these works are to be completed to the Council's satisfaction and as specified in either the VPA or an interim works agreement.*

Since that approval was issued, an interim works agreement, as envisaged in part c) of the condition, has been reached to secure the required infrastructure needed for Stage 1. In fact the work undertaken in accordance with that Agreement has far greater value than what would have been generated from just Stage 1.

Negotiations between Council and the proponents have been ongoing, resulting in a Council resolution at its meeting of 14 October 2014 to endorse the draft UWS VPA and associated Infrastructure Services Delivery Plan (ISDP) for the purpose of public notification. This notification is currently underway. The draft VPA looks to secure the following public benefits:

- Sports Precinct
- Public recreation areas (Harrison's Dam, Bow Bowing Creek, Main Ridge Park, Knoll Park and Green Corridors
- Macarthur Regional Recreation Trail
- Flood Detention Basins
- Narellan Road Intersection
- Gilchrist Drive Intersection
- Local and Collector Roads

It reinforces the agreements for the ongoing management and maintenance of re-vegetated areas to ensure that the original environmental objectives of preserving the green corridors are not lost due to a lack of resources.

A VPA is an appropriate mechanism to deal with reasonable and relevant development contributions from this development proposal and can be supported. There is some history of negotiations between Council and the proponent on the details of a VPA for this proposed development dating back to 2008, with the headline elements of such an agreement remaining reasonably consistent. Since the Stage 1 application, the matter has progressed to the stage of exhibiting the draft VPA and ISDP. A condition of consent is proposed that the VPA should be executed prior issuing a Subdivision Certificate for any lot within Stage 2.

## **Conclusion**

The UWS Campbelltown Stage 2 residential subdivision application is consistent with the anticipated development of the UWS residential precinct and follows on from the Stage 1 approval approximately 18 months ago. Through extensive collaboration, the University, Landcom and Council have agreed on a common vision for development which has been set out in an established planning framework of an adopted site Master Plan and supporting Development Control Plan. The development proposed is consistent with these plans.

Particular issues of potential environmental impact have been addressed by the applicant and assessed as being reasonable.

A range of conditions of consent are proposed to cover the broad spectrum of issues arising from the proposal, including standard matters such as reference to submitted plans and documents. They also include requirements to be imposed upon individual property titles and enforced through the s88B instrument, General Terms of Approval received from State Government authorities and the need for the proposed Voluntary Planning Agreement to be executed prior to the issue of a subdivision certificate for any lot within Stage 2.

## **Recommendation**

1. THAT Development Application 556/2014/DA-SW for the UWS Campbelltown Stage 2 residential subdivision and bulk earthworks at Lot 63 DP1104486, Narellan Road, Campbelltown, be approved subject to conditions as described in Attachment 8 to this report.