

JOINT REGIONAL PLANNING PANEL
Meeting of Sydney West, 9 October 2014

JRPP No	2014SYW066
Council DA Number	1141/2014/DA-SW
Local Government Area	Campbelltown City Council
Proposed Development	Claymore Urban Renewal Project Stage 1 Subdivision to create 249 residential lots, 2 lots for future medium density (seniors) development, 4 residue lots and associated subdivision works including construction of new roads, drainage, site regrading and retaining, utility services and landscaping
Capital Investment value	
JRPP Referral Criteria	
	\$15.1M
	Crown application with CIV exceeding \$5M
Street Address	Badgally Road, Dobell Road and Norman Crescent, Claymore
Applicant/Owner	NSW Land and Housing Corporation with UrbanGrowth NSW as project manager
Number of public submissions	Two individual submissions plus one from Campbelltown City Council
Recommendation	Approval with Conditions of consent
Report by	Scott Lee, Executive Planner, Government and Special Projects, Campbelltown City Council

Attachments:

- 1. Approved Claymore Concept Plan**
- 2. Zoning Map as per 75R(3A) Order**
- 3. Site location plan**
- 4. Proposed lot layout and staging plan**
- 5. Table prepared by applicant summarizing consistency between Stage 1 and terms of approval of the concept plan**
- 6. Copies of public submissions received**
- 7. Submission from Campbelltown City Council**
- 8. Extract from View Corridor and Visual Curtilage Study**
- 9. Recommended Conditions of Consent**

Statutory provisions

State and Regional Environmental Planning Policies

State Environmental Planning Policy No.55 (Remediation of Land),
State Environmental Planning Policy (Affordable Rental Housing) 2004,
Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment

Local Planning Instruments and Controls –

Campbelltown (Urban Area) Local Environmental Plan 2002 (as amended),
Campbelltown Sustainable City Development Control Plan Volume 2 2009 and
Claymore Development Control Guidelines (as approved with the concept plan)

Non Statutory Provisions

Campbelltown 2025 Looking Forward

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 applicant for the DA is NSW Land and Housing Corporation, although UrbanGrowth NSW is acting as the project manager. It has been lodged as a Crown application with a Capital Investment Value (CIV) of **\$15.1M**. 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 staff have undertaken the assessment of the application and then referred the matter to the JRPP for determination.

The application is not Integrated Development.

Property Description

The land to which this Development Application relates is located within the southern most portion of the Claymore Urban Renewal Project area, bounded by Dobell Road, Badgally Road and Norman Crescent. A significant proportion of the land is currently open space, known as Badgally Reserve that fronts Badgally Road. The land is now vacant, with the original housing stock having been demolished in a program administered by NSW Land and Housing Corporation over the past 12- 18 months.

Applicant

NSW Land and Housing Corporation (in conjunction with UrbanGrowth NSW as development project managers)

Owner

The majority of land is owned by NSW Land and Housing Corporation.
Campbelltown City Council also owns some land within the project area, being existing areas of open space, with the inclusion of these lands being considered as

part of the assessment process for the concept plan. Council has provided its authorization for the lodgement of this Development Application.

Date received

13 May 2014

Background

The Claymore Urban Renewal Project (CURP) is a significant urban renewal project that has received Concept Plan approval from the Minister for Planning pursuant to Part 3A (transitional arrangements) of the Environmental Planning and Assessment Act. (Note that provisions relating to major projects under the previous Part 3A regime have now been repealed).

Campbelltown City Council was delegated the authority to undertake the environmental assessment of the Concept Plan and did so over a period from the initial public exhibition in November 2011, culminating in a resolution at the Council meeting of 18 December 2012. Support for the project was qualified, with concern expressed at the loss of Badgally Reserve and the proposed new retail centre. The full Council resolution from 18 December 2012 follows:

- 1. That Council advise the Director General that subject to the retention of the existing shopping centre in its current location and the retention of open space fronting Badgally Road, that Council supports the concept plan application for the Claymore Renewal Project.*
- 2. That having regard to Recommendation 1, Council advise the Director General of the Department of Planning and Infrastructure that it supports the Concept Plan (Master plan) for the Claymore Renewal Project as depicted in Attachment 8 to this report excepting provisions relating to the existing and proposed shopping centre sites, noting in particular the following:*
 - a) Council must be satisfied of the biodiversity off-set package proposed in the Statement of Commitments prior to the determination of any Development Application under the Concept Plan*
 - b) Council and the proponent must agree on the final land use layout for the proposed town centre prior to the determination of any Development Application under the Concept Plan*
 - c) All roads that form part of the final bus route shall be at least minor collector road standard*
 - d) Council support for any retail centre on Badgally Road deemed appropriate by the Minister, is on the basis of providing a new opportunity for a supermarket and speciality shops for local needs, not predominately for uses reliant upon high volumes of passing trade*
 - e) Provision must be made for the continued presence of the existing Baptist Church and Guardian Angels Child Care Centre*
 - f) Council and the proponent must agree on the landscaping and fencing treatment of any areas where rear property fences abuts the public domain, prior to the determination of any Development Application under the Concept Plan, noting that such areas have been minimised by the Concept Plan.*
- 3. That Council endorse the original planning assessment report (Attachment 1 to this report) excepting matters dealing with the existing and proposed*

shopping centre sites and advise the Department of Planning and Infrastructure accordingly.

4. That Council acknowledge the need to receive a further report in order to endorse the final terms and conditions of the draft Voluntary Planning Agreement for the Claymore Renewal Project prior to placing the Voluntary Planning Agreement on public exhibition.

5. That Council support the application to rezone the land within the Claymore Renewal Project area consistent with the zoning map as depicted in Attachment 7 to this report excepting for the existing Claymore shopping centre site which should be a 10(c) Local Comprehensive Centre zone and subject to resolution of issues associated with the existing and proposed shopping centre sites by the Minister.

6. That Council, once a determination has been made by the Department of Planning and Infrastructure, notify in writing, those persons who made a submission in respect of the Claymore Renewal Project.

7. That Council write to the Premier and the Minister for Community Services requesting confirmation that the necessary funding for the redevelopment has been allocated.

As a result, the Department of Planning and Infrastructure undertook additional assessment of the project. An approval was subsequently issued by the Minister on 24 May 2013 subject to conditions. **Attachment 1** is the approved Concept Plan. On 18 October 2013, the Minister for Planning issued the necessary 75R(3A) Order under the Environmental Planning and Assessment Act 1979, that amended the Campbelltown (Urban Area) Local Environmental Plan 2002 so that land zonings were consistent with the approved concept plan. The zoning map under this Order is **Attachment 2**.

The Claymore estate was built in the 1970's and early 1980's and comprises approximately 1,150 dwellings, of which only approximately 30 are in private ownership, with the remainder being public housing stock. The CURP seeks to rejuvenate the locality through a revised street layout, improved parks, public areas, new and upgraded community facilities and importantly, a more diverse socio-economic resident population.

Under the Concept Plan, poorly performing townhouse areas will be demolished and redeveloped, whilst existing cottages will be selectively upgraded.

In summary, the Concept Plan, which is proposed to occur over 12 stages, involves:

- An increase in total dwelling numbers from 1,123 to approximately 1,490 including 100 new senior living units
- Retention of approximately 127 existing dwellings to be upgraded on separate lots
- A different socio-economic mix within the estate residents, with 70% of housing stock to be privately owned and 30% retained as public housing
- New and upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and roads
- A new town centre consisting of retail and community facilities

- Utilities and infrastructure delivery plan through the execution of a Voluntary Planning Agreement that will set out the value, quality and timing of the delivery of infrastructure and public amenities
- Adoption of the Claymore Development Control Guidelines, street layout and building typologies, street tree and landscaping strategy, which are all aimed at achieving a consistently high level of urban design and amenity

Proposed development under this Development Application

The proposed development is described as Stages 1 and 2 of the CURP, which is located in the southern part of the renewal project site, bounded by Badgally Road and Dobell Road. It involves the following:

- Subdivision to create 249 residential lots for single dwelling development
- 2 lots for future medium density senior living development
- 4 residual lots
- 1 open space lot (to be dedicated to Council as Public Reserve)
- Associated works including excavation, road grading and benching, construction of roads, stormwater drainage, utility services and landscaping
- Removal of redundant services, tree removal and placement of sedimentation control measures
- Street landscaping

Attachment 3 is a site location plan.

Attachment 4 is a plan of the proposed lot layout and staging plan for the Stage 1 and Stage 2 subdivision.

Demolition of the existing cottages in the area of Stage 1 and 2 has already been undertaken in preparation for this development as part of a rehousing program of existing Claymore residents being managed by the NSW Land and Housing Corporation.

Notification

The application was placed on public exhibition and notified to adjoining property owners within Claymore and the adjoining suburb of Blairmount on the south western side of Badgally Road, during the period 4 June – 4 July 2014.

It should also be noted that the proponent conducted a separate Community Information Session for members of the public at Blairmount Public School on Tuesday 3 June in order to provide another opportunity for interested persons to inform themselves of the project.

Requirements of the Concept Plan approval

Schedule 6A of the *Environmental Planning and Assessment Act, 1979*, contains provisions that apply with respect to approvals of concept plans. One such provision is Clause 3B(2)(d) that requires a consent authority to be satisfied that development is '*generally consistent*' with the terms of the approval of the concept plan.

The area occupied by the Stage 1 DA, the road layout and the approximate number of lots to be created, are all consistent with the concept approval.

Attachment 5 is a Table, extracted from the submitted Statement of Environmental Effects for the Development Application, that sets out how the applicant believe Stages 1 and 2 achieve consistency with the terms of approval of the concept plan.

While some of the concept approval conditions were general in nature, others were more specific and required actions prior to individual stages of the development proceeding. The following Table sets out the specific conditions that relate to pre-requisites for Stages 1 and 2 and provides comment on how they are being addressed.

Specific conditions of consent contained within Part B – Modifications to the Concept Plan or Schedule 4 – Further Environmental Assessment requirements	Consistency of 1141/2014/DA-SW with concept plan conditions
<p>Concept Plan Layout</p> <p><i>An amended Concept Plan layout is to be submitted to the Department of Planning and Infrastructure that identifies the existing Claymore shopping centre site (legally described as Lot 503 DP263776 and Lot 100 DP852796) land use as mixed use. Details are to be submitted to the satisfaction of the Department prior to lodgement of the development application for Stage 1.</i></p>	<p>The Concept Plan identifies the existing Claymore Shopping Centre site as a mixed use site. The zoning of this site under the 75R(3A) Order is 10(c) Local Comprehensive Centre, which allows a broad range of mixed uses. Under the draft Campbelltown Local Environmental Plan 2014, which has been on public exhibition but has yet to be made, this site is proposed to be zoned B4 Mixed Use.</p>
<p>Entry Statements</p> <p><i>Landscape entry statements are to be provided at the key entry points to the estate from Badgally Road. Details of the proposed treatments and works are to be provided and approved by Campbelltown City Council prior to the determination of the development application to which these works apply</i></p>	<p>There are two key entry points from Badgally Road. The existing intersection with Dobell Road will be enhanced with new street tree landscaping. The new intersection at the corner of what will be Glenroy Road, will be marked by mass tree plantings on the corner of the new town park. The future development of the new shopping/community precinct will incorporate an entry statement on the north western corner.</p>
<p>Traffic and transport</p> <p><i>All roads that form part of the final bus route, identified within Appendix 6 of the Preferred Project Report and Appendices, prepared by BBC Consulting Planners dated May2012, shall be of at least minor collector road standard</i></p> <p><i>No development (excluding new roads) shall be permitted to have direct access onto Badgally Road</i></p>	<p>Glenroy Road and Norman Crescent, which are part of the proposed bus route, will both be 18 metre wide minor collector roads and Dobell Road will retain its existing 20 metre width. They are all suitable for the bus routes.</p> <p>There is no direct access onto Badgally Road for any proposed lot in the Stage 1 and 2 subdivision.</p>
<p>Built Form and Urban Design</p> <p><i>Each subsequent subdivision application is to demonstrate consistency with the Claymore</i></p>	<p>The Statement of Environmental Effects makes comment on this. Although there are some variations to the numerical</p>

<p><i>Urban Renewal Development Control Guidelines</i></p> <p><i>Any future development application for the creation of residential allotments or seniors living development fronting Badgally Road must refer to the document entitled Environmental Criteria for Road Noise (EPA 2010), to enable Council to properly consider potential impacts on that residential development that may arise from the developments proximity to potential road noise and to determine if there are any particular conditions of consent that should be imposed upon that development.</i></p> <p><i>To ensure that the natural character of Badgally Road streetscape is retained and integrated into the Claymore urban renewal project, the Badgally Road vegetation buffer is to be planted in accordance with the Entry Road and Hill Tops planting schedule within the Claymore Urban Renewal – Urban and Landscape Master Plan, prepared by AECOM, dated 12 May 2012, in development applications lodged involving landscaping along the Badgally Road streetscape.</i></p>	<p>requirements of the Guidelines, the proposed subdivision is considered consistent with the Guidelines. See further comment in Section 6 of this report.</p> <p>The Application has been supported by an Acoustic Assessment report prepared by Renzo Tonin and Associates. This report has considered the EPA's Environmental Criteria for Road Noise, notwithstanding that this document has now been superseded. Reference is also made to the criteria contained within the State Environmental Planning Policy (Infrastructure) 2007. See further comments in Section 6 of this report.</p> <p>The Application is supported by a Landscape Report prepared by JMD Design and this report acknowledges the previous work from AECOM. The report provides details for the landscaping of a vegetation buffer along Badgally Road. See further comments in Section 6 of this report.</p>
<p>Development Contributions</p> <p><i>Prior to the lodgement of any development application for subdivision relating to Stage 3, a planning agreement to provide roads, social and community infrastructure, drainage and open space facilities and amenities, with details of the contributions and the nature of any land dedications or works in kind, is to be negotiated and executed with Campbelltown City Council and must be consistent with the Proponents</i></p>	<p>A Planning Agreement is being discussed between Council and NSW Land and Housing Corporation and Urbangrowth with a view to that being in place before a Stage 3 application is lodged. See further comments in Section 1(e) of this report.</p>

<p><i>Statement of Commitments.</i></p> <p><i>Each Development Application for subdivision for each of the stages must be consistent with the Statement of Commitments or an executed planning agreement and identify how any relevant contributions or works in kind required for that stage will be delivered.</i></p>	<p>The Stage 1 and 2 applications are relatively straight forward in terms of contributions and can be considered consistent with the Statement of Commitments. See further comments in Section 1(e) of this report.</p>
<p>Biodiversity Offset Package</p> <p><i>Prior to the determination of any future development application for development under the concept plan, the proponent must satisfy Campbelltown City Council that the biodiversity offset package has been approved by the Director-General and consistency is demonstrated within the proposed development.</i></p> <p>Vegetation Management</p> <p><i>The draft Vegetation Management plan is to be finalized and approved by Campbelltown City Council prior to determination of development applications of stages to which these works relate under the approved concept plan</i></p>	<p>A biodiversity strategy has been developed in consultation with the Office of Environment and Heritage. The Department of Planning and Infrastructure have approved of the strategy by letter dated 2 October 2013. See further comments in Section 6 of this report.</p> <p>The VMP has been reviewed by Council and amendments made. The Plan relates to management of bushland that is within the latter stages of the CURP, not Stages 1 and 2.</p>

<p>Heritage</p> <p><i>Consistent with the Statement of Commitments made by the proponent, prior to the determination of development applications of stages to which these works relate under the approved concept plan, the proponent must demonstrate that the recommendations of the Aboriginal Cultural Heritage Assessment have been finalized.</i></p> <p><i>Any future development application for development under the concept plan on land immediately adjoining Glenroy and Hillcrest (currently Lot 3 DP1017017) shall demonstrate compliance with the recommendations of the View Corridor and Visual Curtilage Study of Glenroy and Hillcrest attached to the Preferred Project Report.</i></p>	<p>The proponent has reconfirmed their commitment to the recommendations of the Aboriginal Cultural Heritage Assessment whilst noting that there are no archaeological objects/sites within the area of the Stage 1 and 2 DA. See further comments in Section 6 of this report.</p> <p>The land identified in this condition (Lot 3 DP1017017) is identified on the submitted DA plans as a residual lot with no subdivision layout proposed. See further comments in Section 6 of this report.</p>
<p>Contamination</p> <p><i>Prior to any future application for subdivision and if required by the Phase 1 Contamination Assessment approved with the concept plan, a detailed Phase 2 contamination assessment must be carried out in accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land.</i></p>	<p>A Phase 1 Environmental Site Assessment for the Stage 1 area has been prepared and supports the submitted DA. It is anticipated that a Remedial Action Plan (RAP) and subsequent site audits will be necessary and can be carried out following the completion of all required demolitions. Appropriate conditions of consent can be imposed, ensuring such actions are carried out prior to issue of any Subdivision Certificate.</p>
<p>Future Development</p> <p><i>In addition to the requirements of 17.e) above, any future development applications for subdivision for future residential purposes within Stage 2 that may be affected by noise emanating from the Hume Highway (M5) shall be accompanied by noise assessments demonstrating satisfactory environmental and residential amenity is achieved.</i></p>	<p>An Acoustic Assessment report has been submitted in support of the DA. See further comments in Section 6 of this report.</p>

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Statement of Commitments

The concept approval also requires the proponent to carry out development in accordance with the Statement of Commitments made as part of the final response to submissions and Preferred Project Report of May 2012. These Commitments form Schedule 5 of the Concept Approval and place responsibility upon the proponent to ensure the standard and methods of construction, as well as development outcomes, are of a quality envisaged by the Environmental Assessment Report.

Matters covered by the Statement of Commitments include demolition, social impacts, access and movement, urban design, water cycle management, biodiversity and vegetation, aboriginal culture, open space and community facilities, construction management and utilities. In relation to social issues, there is a commitment from NSW Land and Housing to put in place a Strategic Social Plan to coordinate service planning, service delivery and change management. Work on this Plan has been commissioned but is not yet complete.

There are also a range of general issues such as continued consultation with Council and the community throughout the development process (important due to the lengthy timeframe for delivery of the project) and the commitment to enter into a Voluntary Planning Agreement with Council for the provision of roads, social and community infrastructure, drainage and other facilities and amenities as indicated in the Environmental Assessment Report.

The Statement of Commitments is in effect a quality assurance mechanism and a reference tool in the case of any disputes that may arise with regard to the expectations of both parties.

Assessment

The Development Application has been assessed in accordance with the heads of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and in that regard, the following issues have been identified for consideration.

1. Applicable planning instruments and controls

Section 79C(1)(a) of the Act requires Council to consider any relevant environmental planning instrument, draft environmental planning instrument or development control plan.

a) State Environmental Planning Policies (SEPP) and Regional Environmental Plans (REP)

State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 requires the consent authority to consider whether land is contaminated, if remediation is required and what is necessary to make it suitable for the proposed development. A Contamination Assessment, prepared by Douglas Partners, was

lodged to support the application and concluded that there is likely to be some asbestos contamination present in the fill and shallow soils in the area of Stages 1 and 2. It is recommended by Douglas Partners that a Remedial Action Plan (RAP) be prepared and that with the implementation of that RAP, the site can be suitable for the proposed residential use. This is considered to be an appropriate response to this issue and can be included in appropriate condition(s) of consent.

State Environmental Planning Policy (Affordable Rental Housing)

The Affordable Housing SEPP aims to assist in the delivery of housing stock for low and low-middle income earners and other disadvantaged groups. The Concept Approval is consistent with this SEPP. The SEPP would ordinarily allow the Land and Housing Corporation to undertake subdivision without the need for development consent. However, that provision, Clause 40(2)(c) of the SEPP, does not apply in this case as the subdivision is part of an approved major project where it has been determined that approvals under Part 4 are required for each stage of development.

Greater Metropolitan Regional Environmental Plan No.2 (Georges River Catchment)

The Georges River REP applies to the site as it is part of the Georges River Catchment. It sets out planning principles to be considered that relate primarily to protection of the water quality within the catchment. Such matters as water sensitive urban design, flooding and protection of riparian corridors were all considered as part of the original assessment of the Concept Plan. A Water Cycle Management Plan was prepared and the improvements envisaged by this Plan will be to the benefit of the downstream receiving waters. This application is considered to be consistent with the Concept Plan Approval and therefore compliant with the REP.

b) Campbelltown (Urban Area) Local Environmental Plan 2002

Following the Section 75R(3A) Order of October 2013, the majority of the subject site is now zoned 2(b) Residential under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. There is a small portion of the subject land that is zoned 6(a) Open Space that aligns with the proposed new town park on Badgally Road.

Pursuant to Clause 3B(2) of Schedule 6A of the *Environmental Planning and Assessment Act*, which deals with provisions relating to approved Concept plans, the proposed subdivision is permissible.

The proposal is consistent with the objectives of the 2(b) Residential zone, in particular objectives (a) and (e):

- (a) to make general provision for land to be used for housing and associated purposes, and*
- (e) to allow development which:*
 - (i) is compatible with residential use*
 - (ii) is capable of visual integration with the surrounding buildings, and*
 - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone,*
 - (iv) does not place demands on services beyond the level reasonably required for residential use*

Clause 32 of the Campbelltown LEP deals with subdivision generally. It states:

“32. Subdivision generally

(1) land to which this plan applies may be subdivided only with development consent

(2) Consent must not be granted to the subdivision of land traversed by a zone boundary unless the boundaries of lots so created correspond generally with the boundaries between the zones as shown on the map.

(3) Where the subdivision of land would result in the opening of a new road, the road must accord with any pattern of proposed roads indicated on the map unless the consent authority is satisfied that the road will provide adequate access to adjoining land and fulfills the objectives of the road pattern indicated on the map.”

Clause 32(1) permits the proposed subdivision. Clause 32(2) is satisfied because the zoning of the land reflects the Concept Plan. Clause 32(3) is satisfied because the Concept Plan clearly establishes a future road pattern to provide adequate access and the proposed development under the Stage 1 and 2 DA is consistent with this.

Clause 39 deals with earthworks and the preservation of trees and requires the consent authority to be satisfied of a range of issues relating to the impacts of proposed works. The earthworks associated with the subdivision have been designed to work with the topography of the site and to assist in management of local drainage catchments. Tree removal is consistent with the Concept Plan and is more than balanced by proposed new street tree plantings.

Clause 62 relates to development that may be affected by salinity. This matter has been covered by the geotechnical investigation carried out by Geotechnique Pty Ltd in their report that supported the concept plan application. That report provided recommendations on good soil and water management strategies to be adopted for the proposed development of the site, including Level 1 Supervision during earthworks and construction of footings, retaining walls and pavements.

c) Campbelltown (Sustainable City) Development Control Plan 2012

The Campbelltown (Sustainable City) Development Control Plan 2012 (the DCP), applies to all land within the Campbelltown Local Government Area except where more specific development controls have been drafted for specific localities. In this locality, the CURP concept approval has put in place an alternative set of development guidelines on which to assess future development (see Point (d) below).

d) Development Control Guidelines

Development Control Guidelines (DCG) formed part of the Concept Plan approval in order to provide guidance, in the manner of a Development Control Plan, to the detailed design of new development within the CURP.

Within the Guidelines, there are specific objectives relevant to subdivision and these are set out below:

- *Provide a range of lot sizes with the more intensive development located closer to the town centre, around parks and along bus routes;*
- *Provide lot dimensions capable of accommodating a range of affordable house types*
- *Create efficient layouts that respond to existing site conditions and context;*
- *Ensure that subdivision provides safe connections with an extension of existing street patterns, as well as any pedestrian, cycleway and public open space networks;*
- *Promote walking and cycling as the primary mode of travel within a residential neighbourhood;*
- *Provide a network of bus, pedestrian and cycle routes within the public domain which connect open space areas and community facilities and encourage alternative modes of transport.*

There is no conflict or inconsistency between the Stage 1 and 2 subdivision and the DCG objectives for subdivision.

The DCG also contain some specific requirements in terms of lot size and design.

1. *Design of residential allotments shall have regard for the impact of orientation, slope and aspect to facilitate solar access to future dwelling development.*
2. *All proposed allotments shall have a street frontage*
3. *Battle axe lots shall only be permitted where a street frontage cannot otherwise be provided because of existing conditions*
4. *All allotments intended for residential housing will have a minimum site area of 200 square metres with a minimum width measured at the building line of 6 metres*
5. *Any allotment with a width to the street frontage of less than 9 metres is to have the garage located to the rear of the property accessed from a rear lane or accessway*
6. *Allotments are to have a minimum depth of 25 metres*

Overall, there are thirteen (13) lots less than 200sqm, four (4) lots between 200sqm – 300sqm, ninety two (92) lots between 300sqm – 400sqm and one hundred and forty (140) lots greater than 400sqm. This spread of lot sizes is representative of both the diversity in demand and the greater availability of a range of housing product that have been developed to cater for these lot sizes.

The 13 small lots that are below the minimum area required by the DCG are all located adjacent to the proposed new town centre and new town park. They have consistent dimensions of 6 metre width and 30 metre depth for an area of approximately 180 sqm. They have dual frontages (Norman Crescent to the front with rear lane access). They are designed to provide terrace house form and to this end, UrbanGrowth NSW is working with specific builders and developers to create a range of compact lot housing options that will increase the diversity of dwelling choice. This has been successful elsewhere in urban renewal projects such as Thornton at Penrith. Information has been provided in relation to this which has been beneficial in assessing the suitability of these lots.

Within the approved concept plan, this area was identified as higher density residential, and although these 13 lots are below the minimum 200sqm required by the DCG's, the variation is minimal (10%), the minimum width complies with the DCG's and the location within the project area is suitable for higher density development and consistent with the intent of the concept plan approval. It is proposed to include a condition of consent that recognizes the importance of maintaining a rigorous design process and oversight for these small lots in order to ensure that the desired built form is achieved. The wording of such a condition is recommended as follows:

Any Development Application for housing on proposed lots 1001 – 1017 must demonstrate to Council that the application has been subject to a design review process, administered by UrbanGrowth NSW, to ensure consistency with the objectives of the Claymore Development Control Guidelines.

It is considered that although these 13 lots are smaller in area than the minimum required by the DCG, they can be supported. The critical dimension to ensure good design and amenity outcomes is the width of the lot and in this respect they comply. They also have rear lane access as required by the DCG. Sufficient information has been put forward to demonstrate that good urban design outcomes can be achieved on lots of these dimensions, provided the appropriate design review mechanisms are in place. The imposition of a condition of consent that has been agreed to with the proponent will ensure that the built form outcomes as envisaged by the DCG are achieved.

e) Section 94A Development Contributions Plan

Council has an adopted Section 94A Development Contributions Plan that came into effect in August 2011. This plan applies across the LGA and collects a monetary contribution from development (based on a levy related to the value of the proposed development), for the provision of a range of new and augmented public facilities.

However, as part of the approval of the Claymore Urban Renewal Project, it is intended to enter into a Voluntary Planning Agreement between Campbelltown City Council and NSW Land and Housing Corporation to deal with the delivery of public infrastructure improvements such as roads, drainage, public reserves and community facilities. This would be in lieu of the Section 94A Plan.

While the Concept Plan Approval was originally conditioned to require the execution of a VPA prior to approval of any subsequent development, a modification to this condition has been dealt with by the Department of Planning and Infrastructure resulting in the following amended condition being issued on 22 October 2013:

4. Prior to the lodgement of any development application for subdivision relating to Stage 3, a planning agreement to provide roads, social and community infrastructure, drainage and open space facilities and amenities, with details of the contributions and the nature of any land dedications or works in kind, is to be negotiated and executed with Campbelltown City Council and must be consistent with the Proponents Statement of Commitments.

Each Development Application for subdivision for each of the stages must be consistent with the Statement of Commitments or an executed planning agreement and identify how any relevant contributions or works in kind required for that stage will be delivered.

Discussions have been ongoing between Campbelltown City Council, NSW Land and Housing Corporation and UrbanGrowth NSW in order to progress a Planning Agreement. A draft Infrastructure Services Delivery Plan (ISDP) has been provided to Council that identifies works and services to be provided as well as the value and timing of these contributions. When matched against the Statement of Commitments that formed part of the approval of the Concept Plan, the draft ISDP is consistent. It is anticipated that the draft Agreement will be able to be placed on public exhibition shortly.

There are limited 'contributions' associated with Stages 1 and 2 over and above the physical works described in the application and on the submitted plans. These works are necessary to create the subdivision ie. earth works, roads, drainage, footpaths, street trees. All these elements will be delivered as part of the approved plans. The exception is the embellishment of the new town centre park and the landscape buffer area fronting Badgally Road. These elements could be considered to be additional 'contributions'.

In terms of identifying how these relevant contributions will be delivered, embellishment of the town park and of the landscape buffer area can be identified in a Works Agreement that references the submitted information to set the agreed standard of the work. A timeframe can be set for the finalization of this work. A condition of consent has been included, the wording of which has been agreed with the proponent that will ensure the Agreement is put in place. After Stage 1 and 2, all other stages will come under the provisions of a Planning Agreement as envisaged by the concept plan approval.

f) Campbelltown 2025 Looking Forward

Campbelltown 2025 Looking Forward is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- *Responds to what Council understands people want the City of Campbelltown to look, feel and function like;*
- *Recognises likely future government policies and social and economic trends; and*
- *Sets down the foundations for a new town plan that will help achieve that future.*

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- *Growing the Regional City*
- *Building a distinctive Campbelltown sense of place, and*
- *Creating employment and entrepreneurial opportunities*

The proposed development is generally consistent with these directions. The development contributes to the growth of the regional city of Campbelltown and seeks to recreate Claymore into a distinctive local suburb.

Some of the relevant desired outcomes of the strategic directions included in *Campbelltown 2025 Looking Forward* are:

- *Urban environments that are safe, healthy, exhibit a high standard of design and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

The proposed Claymore Stage 1 subdivision is the beginning of a number of proposed stages of development where each stage will build on the previously approved stages of development. It will be the beginning of a process that will in the longer term provide a contemporary residential subdivision with significant improvements to the public domain.

2. Impact of the development

Section 79C(1)(b) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider potential impacts arising from the development on the natural and built environments as well as assessing any social or economic impacts.

In terms of social and economic impacts, the development is considered to be overwhelmingly positive. The Claymore Urban Renewal Project had the aim of providing improved housing in a renewed urban environment. As the stages of development proceed, these aims will be met. This application for Stages 1 and 2 will commence the process of delivering positive outcomes for Claymore.

The proposed development poses no adverse impacts on the built environment. On the contrary, it will facilitate a variety of future residential development types that will contribute to an improved urban character for the locality. The revised street patterns and road hierarchy will make a positive contribution to the streetscape through improved amenity, efficiency and safety.

The proposal introduces specific road improvements, including traffic calming. A traffic analysis supported the Concept Plan application, which concluded that forecast traffic flows for the roads will not exceed the levels appropriate for the respective road classifications and that intersection control, traffic management and road layout are appropriate.

The *Safer by Design Guidelines* which underpin the Crime Prevention Through Environmental Design (CPTED) principles, were a part of the original Concept Plan assessment process. Access control, opportunities for surveillance and space management are all intended to minimize crime risks and are all present in the proposed lot layout.

The development poses no unmanageable adverse impacts upon the natural environment. A comprehensive flora and fauna report was prepared to support the Concept Plan assessment process which identified the ecological values of the site. There will be some tree loss as a result of new roads and building platforms, however over the life of the project this is offset by embellishment within open space areas and new street tree plantings. A Landscape Report prepared by JMD Design has been provided. It provides design plans and includes a street tree master plan utilizing predominately native species. Such plantings will improve amenity and unify the streetscape. The existence of Cumberland Plain Woodland, a recognized Endangered Ecological Community, has been well documented and considered as part of the concept plan approval. The Biodiversity Offset Strategy has been agreed to by the Director General of the Department of Planning and the required Vegetation Management Plan has been reviewed and amended to include an increased initial maintenance period of 5 years.

There is a low risk of land contamination, with any contamination being able to be remediated using standard techniques. A Waste Management Plan has been prepared to deal with any waste generated, including excess spoil.

3. Suitability of the site

Section 79C(1)(c) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider the suitability of the site for the proposed development.

The site is part of the Claymore Urban Renewal Project area and has been zoned and approved for residential development of the type proposed by this application. The suitability of the land for development was thoroughly tested as part of the assessment process for the Concept Plan approval, including the issues of soil, flora, fauna, traffic and hydrology.

The subdivision design and the associated infrastructure improvements have been well documented in the application and assessed by relevant Council staff. This includes the proposed design of new roads and upgraded storm water drainage systems. Both of these infrastructure systems will be improved through this development process.

Overall, the concept approval and staging plan of the project provides for the efficient and orderly development of the land and the site is suitable for the proposed development.

4. Public Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider any submissions received as a result of the public notification of the application.

Residents, land owners within the Claymore project area and immediately adjoining property owners in Blairmount and Eagle Vale were notified by letter and the proposal was advertised in the local press in accordance with Council's Notification

and Public Exhibition Policy. The exhibition period ran between 4 June and 4 July, 2014.

Two public submissions were received and are at **Attachment 6**.

One could be classified as a letter of support, stating that the project should proceed as soon as possible.

The other submission has raised the following issues:

1. There is widespread support for retention of open space/established trees/wildlife corridors in public housing suburb redevelopments

Assessment report response – although there was very limited public response to this particular development application, there is some cross over with another NSW Land and Housing/UrbanGrowth NSW project. A previous public exhibition for the Airds Bradbury Renewal Project generated a very large number of submissions (approximately 1200) and within those submissions there were calls for the retention of more open space within Claymore. These submissions were reported to Council as part of their consideration of the Airds Bradbury VPA. Despite Council's original request that the open space on Badgally Road be retained, the Minister made the decision to approve the Concept Plan in its current form and the Stage 1 and 2 subdivision DA is consistent with that decision. It is considered that this issue has been adequately assessed and it is appropriate to judge this DA against the approved concept plan.

2. Department of Planning & Infrastructure recommendation on Concept Plan

Assessment report response – This point is again referring mainly to the approved concept plan. It does raise a concern that only a small number of trees within the 0.2 hectares of Cumberland Plain Woodland (CPW) identified as being retained within the new Badgally Reserve will survive the proposed earthworks. It should be noted that while this area contains individual trees of species that are consistent with CPW, it lacks the mid storey and ground cover to consider it a complete community. The new Badgally Reserve will be embellished with significant replanting of native tree species and there will be offset planting of CPW within the dedicated bushland corridor elsewhere in the CURP.

3. Apparent inconsistency between LEP zoning requirements and NSW Land and Housing plans for Claymore

Assessment report response – this concern relates to potential sites within Claymore being available for future medium density development (identified seniors housing sites in the Concept Plan), when such opportunities would not normally be available in locations like Claymore under the draft Campbelltown Local Environmental Plan 2014. This Plan has recently been on public exhibition. The concept approval is not considered to be inconsistent with the broader strategic planning of the Campbelltown area. Well located sites within Claymore are suitable for some future medium density development, noting that any such proposals will be subject to individual assessment.

4. Community consultation (adequacy of)

Assessment report response – in addition to Council's extensive mail out and public notification of this DA, the proponent also conducted their own community

information process. The concept plan was also extensively exhibited and subject to community involvement in the early planning phases.

5. The proposed Badgally Reserve (Lot 1072 in the proposed subdivision)

a) the size of the new Badgally Reserve is much smaller than existing open space
Assessment report response - the new Badgally Reserve is approximately 6000sqm in area as per the approved concept plan. This is a reduction in the existing open space areas fronting Badgally Road, however these areas have limited amenity and little to no recreation usage. One of the principles of the approved concept plan was to reconfigure open space in Claymore so that it was not necessarily larger in area, But individual areas enjoyed higher levels of amenity and utility for the residents.

b) Historical value of this site and its trees

Assessment report response – while there is some history to the planting of some trees within Badgally Reserve, there is no formal heritage listing or protection. The site was used for a short period as the temporary school prior to the opening of Claymore Public School in 1980. There is nothing to suggest that the site needs to be preserved. While previous plans may have indicated areas of open space and/or bushland in this locality, this application is consistent with the approved CURP concept plan and the issue of historical significance of certain areas has previously been dealt with.

c) suitability of sites for seniors living

Assessment report response – this DA does not propose any development of any particular lot. It is a subdivision application only. The approved concept plan does identify potential future sites for seniors living, but any of these opportunities will be the subject of separate Development Applications at a future point in time.

d) removal of trees in Badgally Reserve/Claymore park over recent months

Assessment report response – not an issue relevant to the assessment of this development proposal

e) statutory and environmental value of existing trees in Claymore Park and Badgally Reserve

Assessment report response – these issues have been thoroughly assessed in the ecological reporting carried out as part of the concept plan approval process. As a result of that, the Director General of the Department of Planning has signed off on a biodiversity offset strategy, as required by the concept plan approval and a Vegetation Management Plan has been prepared for the whole of the Claymore site to ensure appropriate long term management of significant bushland.

f) tree removal inconsistent with tree assessment

Assessment report response – there are many trees identified as being in good condition that will be removed as a consequence of establishing a new urban form for Claymore. However, the concept approval makes provision for significant replanting, particularly with street trees, within embellished open space areas and within the dedicated 7 metre wide landscape buffer strip along Badgally Road.

g) offset plantings inadequate

Assessment report response – the logic for and the value of the biodiversity offsets are set out in the Bushland Revegetation Strategy prepared by Cumberland Ecology which has been agreed to by the Director General of the Department of Planning. This work is further supported by the Vegetation Management Plan, also prepared by Cumberland Ecology.

h) trees planted in new urban form

Assessment report response – this point is in support of the proposed landscape buffer zone and streetscape treatments.

i) play equipment etc in proposed Badgally Reserve

Assessment report response – this point is in support of the proposed recreation options for the new public reserve

6. Proposal should be amended to increase the size of the proposed Badgally Reserve to retain more Cumberland Plain Woodland trees

Assessment report response - this point suggests that the new Badgally Reserve be increased in size by extending the reserve to the south east in lieu of approximately 11 residential lots (proposed lots 1020 -1027 and Lots1044 – 1046) and to the north east to include proposed Lot 1071. This would result in a reserve of approximately 15,000 sqm rather than the approximate 6000 sqm proposed. The reasons put forward in support of this claim are related to the need to protect EEC and retain larger areas of open space. As noted previously, both of these issues have been thoroughly investigated as part of the concept plan approval process.

A submission was also received from Campbelltown City Council (**Attachment 7**). At its meeting held on 16 September 2014, Council resolved as follows:

- 1. That the information be noted relating to 1141/2014/DA-SW for proposed Stages 1 and 2 of the Claymore Urban Renewal Project.*
- 2. That Council endorse a submission to the South West Sydney Joint Regional Planning Panel requesting that the subject application not be determined until those issues outlined in the body of this report are satisfactorily resolved by the JRPP.*

With reference to the Council resolution, the following paragraphs identify the issues outlined in the Council submission and provide a comment in reply.

Aboriginal Heritage

It is unclear whether supplementary information has been provided by the applicant, and whether the findings and recommendations of the consultant's investigations have any bearing on the assessment of the subject development application.

Assessment Report Response

An Aboriginal Heritage Impact Permit (AHIP) will be required for the site, after development consent is granted. Previous studies for the Concept Plan indicate a low density of artefacts across the site. The applicant has advised that they are in the process of undertaking further investigations based on the relevant

recommendations of the previous assessment undertaken for the Concept Plan Application and as reflected in the Concept Plan Approval.

European Heritage

Condition #11 of the Concept Plan requires development at Claymore to have consideration of the visual / heritage study that was prepared for the Concept Plan. The impacts of the proposal on the heritage setting of the adjoining heritage items should be properly investigated by the JRPP prior to any determination of the proposal.

Assessment Report Response

There is nothing proposed in the Stage 1 and 2 subdivision application that is inconsistent with or contrary to the view corridor and visual curtilage study. Refer to comments in Section 6 of Assessment Report.

Entry Statements (Glenroy Road and Dobell Road)

The Concept Approval requires landscape entry statements to be provided at the key entry points to the site from Badgally Road, and for details of proposed treatments and works to be provided to Council prior to the determination of the respective development applications.

Assessment Report Response

The proposed Stage 1 subdivision plan includes the construction of the main new entry road (Glenroy Road) into the site, as well as the establishment of the town park at this intersection. To provide an entry statement, the intersection will be marked by mass tree plantings on the corner of the new town park. The future development of the new shopping/community precinct proposed for Stage 3 of the CURP will incorporate an entry statement on the western corner. The existing intersection with Dobell Road will be enhanced with new street tree landscaping.

Consistency with Claymore Urban Renewal Development Control Guidelines

Thirteen allotments do not comply with the DCG guidelines being less than the 200m² minimum lot size required for 'narrow lots'. The following concerns are raised:

- i. The DA is effectively a green field subdivision and there is no apparent reason why the subdivision layout could not be adjusted to comply*
- ii. As the first DA for subdivision on the land, any variation of the minimum lot size requirement would likely set a precedent for permitting additional under-sized allotments for subsequent stages, and thereby would potentially "erode the standard".*
- iii. The six metre lot width is the absolute minimum of any lot sizes permitted under the DCG, and any further reduction should be substantiated with a dwelling design to demonstrate that other design requirements of the DCG would not be compromised eg. Solar access, provision of a 5m+ tree in front yard and 10m+ tree in rear yard. It is suggested that the subdivision layout is adjusted to comply with the requirements of the DCG.*

Assessment Report Response

The proposed variation to the minimum lot size is considered to be reasonable and can be supported. Refer to comments in Section 1(d) of Assessment Report

Site Remediation / Contamination

Asbestos containing materials have been identified on the subject land and the site is required to be remediated. A remediation action plan (RAP) is required to be prepared and implemented in order to make the site suitable for the proposed subdivision.

Assessment report Response

Remediation options for asbestos and asbestos containing materials will need to be evaluated in the required Remedial Action Plan and the preferred option may require negotiated approval with Council/Stakeholders. An appropriate condition of consent has been recommended to ensure full compliance with relevant legislation.

5. Public Interest

Under Section 79C(1)(e) of the *Environmental Planning and Assessment Act, 1979*, the consent authority is required to consider the public interest when assessing any development application.

It is considered that the application is clearly in the public interest. In fact, the catalyst for the Claymore Urban Renewal Project was a desire to improve the public amenity of a locality that had been recognized as failing in basic environmental and social amenity. There is social benefit in the embellishment of community infrastructure and the provision of residential opportunities for a broader cross section of the community than previously catered for.

The proposed development is in accordance with the relevant planning instruments and policies and will not have any negative environmental impacts. The economic benefits will be multiplied throughout the broader economy and public health will benefit through the improved housing standards and improved community services.

All of these outcomes are in the public interest.

6. Assessment of significant issues

Biodiversity Strategy/Vegetation Management Plan

The Concept Approval contained the following condition of consent:

Prior to the determination of any future development application for development under the concept plan, the proponent must satisfy Campbelltown City Council that the biodiversity offset package has been approved by the Director-General and consistency is demonstrated within the proposed development.

The submitted SEE includes a copy of a letter to UrbanGrowth_NSW signed by the Director, Industry, Social Projects and Key Sites NSW Planning and Infrastructure, advising that the above condition had been satisfied. It references both the Bushland Revegetation Strategy (BRS) and Vegetation Management Plan (VMP), both prepared by Cumberland Ecology and dated August 2013.

The BRS aims to provide an appropriate compensatory offset for the impact of losing 1.15 hectares of Cumberland Plain Woodland (CPW) as a result of the CURP. The proposed revegetation area, which is located almost wholly within the CURP area,

has a total area of approximately 6.38 hectares, being a mixture of existing CPW to be restored plus additional areas with the potential to be regenerated as CPW.

It is considered that the BRS complies with the Office of Environment and Heritage principles for offsetting and conforms to the objectives of the Cumberland Plain Recovery Plan.

The VMP of August 2013 has now been updated following discussions between Council staff and the proponents, including Cumberland Ecology. Changes were made to increase the initial maintenance period to five (5) years, some site preparation techniques were improved, listed weed species were corrected and the necessity to replace tubestock during initial maintenance periods within bushland areas was reinforced.

The latest version of the VMP, dated September 2014, is considered to adequately translate the revegetation strategy into a working document that will ensure appropriate management of the bushland areas of the site in the longer term. The initial works and maintenance that will be funded and undertaken by the proponent for an initial five (5) year period is considered essential to ensure that these areas are healthy and robust at the time they are handed into Council's care, control and management. This period is critical to ensure proper establishment of regeneration works, thus improving the long term outcomes.

In accordance with the relevant condition of consent of the concept approval, the BRS has been endorsed and Council is willing to approve the VMP as the primary document for the ongoing management of bushland areas within the CURP into the future. An appropriate condition of consent is recommended to ensure that both the BRS and the VMP are appropriately acknowledged.

Glenroy/Hillcrest heritage items

The Stage 1 and 2 subdivision is being carried out on land immediately adjoining Glenroy and Hillcrest and therefore Condition 11 of the Concept Approval is relevant.

Any future development application for development under the concept plan on land immediately adjoining Glenroy and Hillcrest (currently Lot 3 DP1017017) shall demonstrate compliance with the recommendations of the View Corridor and Visual Curtilage Study of Glenroy and Hillcrest attached to the Preferred Project Report.

The view corridor study made recommendations in relation to curtilages for both Glenroy and Hillcrest. **Attachment 8** is an extract from the study identifying the recommended curtilages and the likely effect of works on the heritage significance of the two properties.

Having regard to the recommended curtilages, there are two particular issues to note. Firstly, the study recommends the '*narrow strip of land between Badgally Road and Glenroy (Lot 1 DP703539)*' be considered as part of the curtilage. This lot is owned by Council and forms part of the land reserved for future widening of Badgally Road. It is not available to form part of the curtilage for Glenroy. Secondly, the

unused road reserve of Dobell Road is shown as two residual lots, being proposed Lots 1065 and 1121. No development is proposed for these lots as part of this application. The land is within the Residential zone under Campbelltown (Urban Area) Local Environmental Plan 2002 however the depth of the land is only approximately 20 metres, which is insufficient for any future development. Within the approved concept plan they are identified as road reserve so they will be dedicated to Council as part of the Dobell Road reservation to be consistent with the approved concept plan.

The land immediately to the rear of Hillcrest (currently Lot 3 DP1017017) is another residual lot, of approximately 14,000sqm, is shown on the DA plans as proposed Lot 2000 and is nominated as Stage 2C. It could be developed in the future for additional lots/housing. The view corridor study does not include this land in the recommended curtilages for either property.

The view corridor study states:

Building upon Lot 3 will have little impact upon the ability to understand the heritage significance of Glenroy and Hillcrest and an acceptable impact on their setting. As assessed above, neither Glenroy nor Hillcrest depend upon the open space of Lot 3 to explain their significance nor is it part of their recommended curtilage. There are no structures on this lot that relate to either property and the lot does not contribute to a historically significant view corridor. The most historically significant view corridors towards both properties are obtained from Badgally Road; Lot 3 does not form part of these view corridors. There are no significant view corridors towards either property as approached along the Hume Highway.

The view that will be impacted if lots are created and houses built upon them is the view from the east, as the properties are approached along Dobell Road from the north. This is not a historically significant view corridor, but a relatively recent one brought about by the construction of Dobell Road. The dense belt of vegetation that lines its eastern boundary negates any benefit that Hillcrest may have received from extended open space on its eastern side. As discussed, it is neither likely nor desirable that Hillcrest will be re-opened to look over the suburban landscape. Building on this lot will thus have an acceptable impact provided that a vegetative screen is maintained along the eastern boundary of Hillcrest.

There is nothing proposed in the Stage 1 and 2 subdivision application that is inconsistent with or contrary to the view corridor and visual curtilage study or that will have detrimental impacts upon the two heritage items. Therefore it is considered that Condition 11 of the concept plan approval has been complied with.

Traffic

The traffic report accompanying the major project application that led to the approval of the Claymore Urban Renewal Project concept plan, indicated the long term need for a signalised intersection at the corner of Badgally Road and Glenroy Road. This was based on assumptions of the growth occurring in the broader region of Oran Park and Gregory Hills to the north west and the consequent extension of Badgally Road through to Gregory Hills and onto Oran Park. There is also potential growth from Blairmount feeding into this intersection from the west.

As identified in the Preferred Project Report that was prepared prior to the approval of the CURP, traffic signals at the intersection of Badgally Road and Glenroy Road are not warranted on traffic volumes generated from the renewal project. The traffic volume warrants will be met at some stage in the future when the traffic volumes from Oran Park, the Claymore Renewal project and the proposed retail centre are realised.

In the meantime the existing roundabout, which has three legs at present, is sufficient and all that is required is for Glenroy Road to provide the fourth leg into the Claymore area. The proposed Glenroy Road reservation and design, coupled with the existing land already reserved by Council for future road widening of Badgally Road, ensures that this intersection can be upgraded when and as required. It should be noted that the contribution from the CURP to this future intersection upgrade is acknowledged in the draft Planning Agreement and Infrastructure Services Delivery Plan referred to in Section 1(e) of this report.

The existing intersection of Badgally Road and Dobell Road requires no upgrading as a result of this subdivision application and nothing in this subdivision application is acting to restrict the future upgrade of this intersection.

Acoustic impacts

The concept approval contained the following condition:

In addition to the requirements of 17.e) above, any future development applications for subdivision for future residential purposes within Stage 2 that may be affected by noise emanating from the Hume Highway (M5) shall be accompanied by noise assessments demonstrating satisfactory environmental and residential amenity is achieved.

An Acoustic Assessment report was prepared by Renzo Tonin & Associates, dated 20 May 2014, that supported the lodgement of the Development Application. This report focused on noise emanating from Badgally Road and construction noise and vibration. It used the following methodology to assess the potential noise impact upon the subdivision:

- Determined the extent of road noise impacting upon the subdivision through predictive noise modeling
- Identified where exposure may exceed relevant criteria
- Provided recommendations for building envelope design to achieve compliance with relevant criteria

The conclusions of this report were that there should be a solid boundary fence for the rear yard of properties backing onto Badgally Road and some particular treatments for upper level facades facing Badgally Road if two storey dwellings were proposed in the future. The fence would be most effective in ameliorating road noise from Badgally Road. From the perspective of visual impact/urban design, the fence will not be noticeable to passing traffic on Badgally Road due to the 7 metre wide landscape buffer that will be planted between the fence and Badgally Road. Details of this buffer area have been provided as part of the site landscaping details.

An addendum report from Renzo Tonin & Associates dated 8 September 2014 was provided that specifically addresses road noise from the Hume Highway M5. This

report recognizes the ongoing noise mitigation measures being undertaken in this locality by the RMS as part of their obligations under the M5 widening project that has been ongoing for some time. The conclusion of the Tonin report is that single level development on lots will satisfy the requirements of the State Environmental Planning Policy (Infrastructure) 2007. Should two storey development be proposed, the report has identified measures to improve acoustic performance, including the need for alternative ventilation for a small number of Lots in Stage 2A only.

An appropriate condition of consent has been recommended to ensure the findings and recommendations of both Renzo Tonin reports are brought forward into the construction of dwellings in the Stage 1 and 2 subdivision area as well as the construction of the fence to the required standard prior to the issue of a Subdivision Certificate and the imposition of relevant restrictions on Title under Section 88B of the Conveyancing Act 1919.

7. Proposed conditions of consent

As a Crown application, Council has worked collaboratively with the proponent to create a draft set of conditions that are mutually acceptable. The emphasis has been on conditions that are necessary to meet the requirements of the concept plan approval and that provide some level of certainty in terms of acceptable construction standards.

The draft conditions of consent at **Attachment 9** are put forward for adoption with the endorsement of the proponent.

There are some proposed conditions that relate directly to particular issues as discussed in this report, however, the majority are standard for large scale subdivisions and are consistent with previous approvals issued to UrbanGrowth NSW for similar projects.

8. Conclusion

The proposed Stage 1 and 2 subdivision of the Claymore Urban Renewal Project is considered to be consistent with development envisaged in the approved concept plan.

Particular prerequisite conditions of the concept approval have been satisfactorily addressed as discussed in this assessment report.

Conditions of consent relevant for the Stage 1 and 2 subdivision have been discussed and agreed to with the proponent.

It is therefore recommended that the Stage 1 and 2 subdivision for the Claymore Urban Renewal Project, be approved subject to conditions.

Recommendation

THAT Development Application 1141/2014/DA-SW for the Stage 1 and 2 subdivision of the Claymore Urban Renewal Project, be approved subject to the conditions of consent as described in Attachment 9 to this report.