

## Late Addendum Report

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### REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

#### a7 [PR-PC] Cobaki Concept Plan Mod 4 Comments to Department of Planning & Environment

**SUBMITTED BY:** Development Assessment and Compliance

Validms



## Civic Leadership

### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

1	Civic Leadership
1.2	Improve decision making by engaging stakeholders and taking into account community input
1.2.1	Council will be underpinned by good governance and transparency in its decision making process

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### SUMMARY OF REPORT:

This report has been prepared to provide Council with an overview of a recommended submission in relation to the proposed modifications to the approved Concept Plan Approval MP06\_0316 (Mod 4) for the Leda Cobaki subdivision development.

Council has been requested to provide the NSW Department of Planning and Environment (DPE) with comments on the proposed modifications, which relate to:

- Consolidation of two school sites into one new school site in Precinct 6;
- Enlargement of the Town Centre in Precinct 5;
- Southern Special Purpose Precinct (SSPP) changes to include Registered Club and Child Care Centre in Precinct 8;
- Residential area in Precinct 8;
- Cultural Heritage Parks (three parks into two) in Precinct 8; and
- Alter the wording on the current Restriction on Cats.

In respect of the last bullet point, the applicant proposes to modify Condition C14 such that residential properties within the development site will be encumbered with a restriction of a maximum of two cats, with the cats to be kept indoors or within an enclosure on the allotment between the hours of 5.00pm and 6.00am.

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The proposed modifications affect the following conditions within the Concept Plan Approval:

- Condition A2 – approved plans;
- Condition A3 – approved documents;
- Condition C4 – management plans;
- Condition C14 – restriction on cats;
- Condition C15 – Cultural Heritage Management Plan; and
- Commitment 11 – Aboriginal Cultural Heritage conservation.

In summary, the draft submission in Attachment 1 of the report acknowledges that the majority of the proposed modifications are considered to be acceptable, subject to the consideration of additional amendments to the specific plans being recommended for approval. A number of issues relating to traffic/community services are considered to require further consideration by the DPE and the applicant.

However, there are a number of specific concerns raised in respect of the proposed modification of the previously approved restriction of cats throughout the site, and the relationship between, and siting of the proposed Registered Club and Child Care Centre in Precinct 8.

It is also considered that there is a lack of adequate justification for the proposed reduction of land (3.61 hectares) for housing in terms of the anticipated increase in demand for student housing accommodation in the vicinity of the new proposed university campus, and the Concept Plan's required provision for a diversity of appropriate housing options, which was previously identified through the proponent's Affordable Housing Strategy.

It is recommended that Council endorse the comments contained within this report and a draft submission document, and to then forward the endorsed submission to the DPE for consideration.

### **RECOMMENDATION:**

**That:**

- 1. Council endorse the comments contained within this report and the draft submission in Attachment 1 of this report; and**
- 2. The endorsed submission be forwarded to the Department of Planning and Environment with regard to all proposed modifications of the Concept Plan Approval (MP06\_0316 MOD4) of the Cobaki residential subdivision development.**

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### REPORT:

The Cobaki Concept Plan MP06\_0316 was originally approved by Minister for Planning on 6 December 2010 and relates to a proposed residential development of approximately 5,500 dwellings, Town Centre, Neighbourhood Centre, Community Facilities, school sites, open space, environmental protection land and associated infrastructure.

The Concept Plan Approval (**Mod 1**) was issued by the Minister for Planning and Infrastructure's delegate on 29 May 2013. The approved modifications were largely administrative, with no specific changes to the approved Concept Plan.

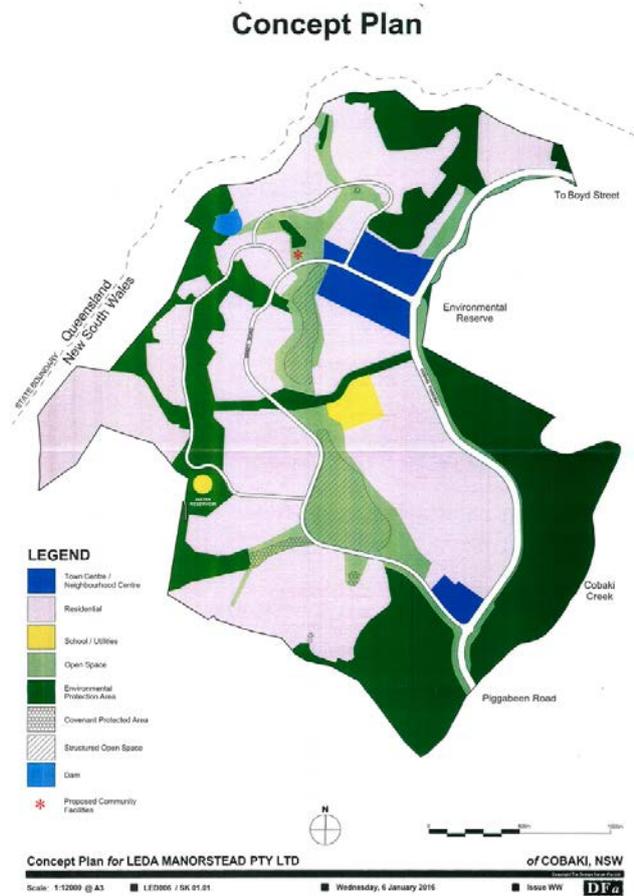
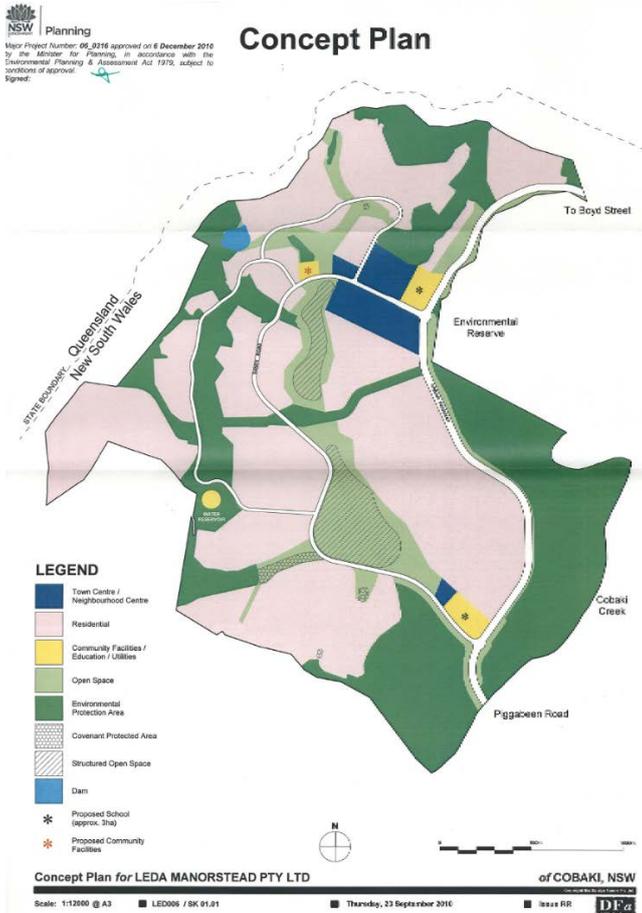
Secretary's Environmental Assessment Requirements (SEAR's) have been issued by DPE (20 April 2015) in relation to Concept Plan Approval (**Mod 2**), which relates to the Town Centre/University within Precinct 5. The applicant is currently liaising with the DPE in relation to this Modification to the Concept Plan. Council will be invited to provide comment on Mod 2 once it has been formally lodged and assessed as adequate for public exhibition.

Concept Plan Approval (**Mod 3**) relates to the proposed reclassification of the Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC) at the Cobaki development site. SEAR's were issued on 30 July 2015. The applicant is currently addressing a further information request issued by the DPE. Council will be invited to provide comment on the proposed Mod 3 once the further information has been suitably addressed.

The current application (**Mod 4**) relates to a number of proposed amendments across the development site. A detailed description of the proposed amendments are noted later in this report, but can be summarised as:

- Consolidation of two school sites into one new school site in Precinct 6;
- Enlargement of the Town Centre in Precinct 5;
- Southern Special Purpose Precinct (SSPP) changes to include Registered Club and Child Care Centre in Precinct 8;
- Residential area in Precinct 8;
- Cultural Heritage Parks (three parks into two) in Precinct 8; and
- Alter the wording on the current Restriction on Cats.

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Figures 1 & 2 – Approved Concept Plan and Proposed Concept Plan (Mod 4)

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### PROPOSED DEVELOPMENT:

The following is a summary of the proposed modifications under Mod 4 of the Cobaki Concept Plan. A detailed description of the proposal is provided in the applicant's Modification Report, which is attached as Attachment 2. A copy of Council's draft submission to the DPE is attached as Attachment 1.

### Proposed Modifications:

- The provision of a new school site (approx. 3.22ha in area) within Precinct 6. The new school site will replace previously approved residential land, adjacent to the east west fauna corridor and the Central Open Space corridor;
- Extension of the Town Centre area to the east, replacing the originally approved northern school site within Precinct 5;
- Relocation of the Southern Special Purpose Precinct (SSPP) to the corner of Cobaki Parkway and Sandy Road, replacing the originally approved southern school site within Precinct 8;
- The relocation of the SSPP will facilitate a Registered Club and Child Care centre on the eastern side of the relocated SSPP and a Neighbourhood Centre site to the west of the relocated SSPP;
- Extension of residential area within Precinct 8, replacing the previous Neighbourhood centre site;
- The deletion of one Cultural Heritage Park within Precinct 8, replacing it with residential area; and
- Modification of Condition C14 to allow the keeping of cats across the development site.

The proposed modifications will necessitate amendments to the following Conditions of the Consent within the Concept Plan Approval:

### Condition A2 – Project in Accordance With Plans

Condition A2 refers to the set of approved plans that the development must be undertaken generally in accordance with. The modification to Condition A2 is required to correctly reference the proposed changes to the Concept Plan, Development Matrix, Access Network Plan and Potential Bus Route, as well as the Open Space Network Plan and Precinct Location Plan.

### Condition A3 – Project in Accordance With Documents

Condition A3 refers to the documents that the development must be undertaken generally in accordance with. The proposed modification to Condition A3 relates to the reference to the Modification Report associated with Mod 4, the Aboriginal Cultural Heritage Management Plan (CHMP) (March 2016) and the Revised Cultural Heritage Parks Report (March 2016). The proposed modification to Condition A3 also incorporates proposed modification of the Cobaki Development Code to make reference to the amended Concept Plan, Development Matrix, Access Network Plan and Potential Bus Route, as well as the Open Space Network Plan and Precinct Location Plan.

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### **Condition C4 – Management and Restoration Plans**

Condition C4 relates to requirements for future development applications in terms of management plans. The applicant seeks to modify Condition C4(1) to reflect the amended Aboriginal CHMP (March 2016) / Revised Cultural Heritage Parks Report (March 2016).

### **Condition C14 – Restrictions on Cats**

Condition C14 relates to the requirement for all future development applications to demonstrate that the keeping of cats within the development site is totally prohibited and all residential properties be encumbered by way of Section 88B instrument to this effect. The applicant proposes to modify Condition C14 such that residential properties within the development site will be encumbered with a restriction of a maximum of two cats, with the cats to be kept indoors or within an enclosure on the allotment between the hours of 5.00pm and 6.00am.

### **Condition C15 – Cultural Heritage Management Plan**

Condition C15 relates to the requirement for all future development applications to demonstrate the implementation of the recommendations of the approved Cultural Heritage Management Plan. The applicant seeks to amend Condition C15 to reference the amended Aboriginal CHMP (March 2016) / Revised Cultural Heritage Parks Report (March 2016).

### **Commitment C11 – Aboriginal Cultural Heritage Conservation**

Statement of Commitment C11 is a commitment from the applicant to ensure that the requirements of the CHMP is implemented at all stages of work. The applicant proposes to amend Statement of Commitment 11 to reference the amended Aboriginal CHMP (March 2016) / Revised Cultural Heritage Parks Report (March 2016).

The proposed modification is supported by a number of consultant's reports including a detailed Traffic Assessment Report. Council officers have undertaken a detailed assessment of the proposed modifications within the limited timeframe provided by DPE. Attachment 1 incorporates proposed comments to the DPE in relation to the specific modifications and the Traffic Assessment Report, identifying components of the proposed modifications which are considered to require further amendment/consideration or those aspects of the proposal that are not supported by Council.

### **OPTIONS:**

1. Council endorses the comments to be submitted to the DPE with regard to all proposed modifications of the Concept Plan Approval (Mod 4); or
2. Council resolves to not support the proposed modifications of the Concept Plan Approval (Mod 4).

Council officers recommend Option 1.

### **CONCLUSION:**

The majority of the proposed modifications are considered to be acceptable, subject to the consideration of additional amendments to the specific plans being recommended for approval. A number of issues relating to traffic/community services are considered to require further consideration by the DPE and the applicant.

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However, there are a number of specific concerns raised in respect of the proposed modification of the previously approved restriction of cats throughout the site, and the relationship between, and siting of the proposed Registered Club and Child Care Centre in Precinct 8.

It is also considered that there is a lack of adequate justification for the proposed reduction of land (3.61 hectares) for housing in terms of the anticipated increase in demand for student housing accommodation in the vicinity of the new proposed university campus, and the Concept Plan's required provision for a diversity of appropriate housing options, which was previously identified through the proponent's Affordable Housing Strategy.

### **COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable

**b. Budget/Long Term Financial Plan:**

Not Applicable

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Inform - We will keep you informed.

### **UNDER SEPARATE COVER/FURTHER INFORMATION:**

Attachment 1. Council's Draft comments to the Department of Planning and Environment (ECM 4120842)

Attachment 2. Applicant's Modification Report (ECM 4128836)

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