

SYDNEY WESTERN CITY PLANNING PANEL

SSWPP No	2016SYW102
DA Number	2016/422/1
Local Government Area	Camden
Proposed Development	Demolition of existing structures, tree removal, remediation of contaminated land, public road construction, subdivision, construction of 6 four storey residential flat buildings containing a total of 216 apartments, basement car parks and associated site works
Street Address	76 Rickard Road, Leppington
Applicant/Owner	NLI Byron Development Pty Ltd / Mr D D'Agostino and Mrs MC Dumycz
Number of Submissions	Two
Recommendation	Approve with conditions
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value >\$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River • Camden Development Control Plan 2011 • Camden Growth Centre Precincts Development Control Plan • Apartment Design Guide

Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report • Apartment Design Guide Assessment Table • Recommended conditions • Proposed plans • Correspondence from the Roads and Maritime Services, Sydney Water and the Camden Local Area Command • Indicative Layout Plan for the site and surrounding area • Precinct Road Hierarchy Diagram • Applicant's written request to vary a maximum building height development standard • Three dimensional building height plane diagram • Submissions
Report prepared by	Ryan Pritchard, Executive Planner
Report date	10 October 2017

Summary of Section 79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
--	-----

Legislative Clauses Requiring Consent Authority Satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report?	Yes
---	-----

Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the SEPP) has been received, has it been attached to the assessment report?	Yes
---	-----

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S94EF)?	Yes
---	-----

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
---	-----

PURPOSE OF REPORT

The purpose of this report is to seek the Planning Panel's (the Panel) determination of a development application (DA) for a residential flat building development at 76 Rickard Road, Leppington.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$67,827,178 which exceeds the CIV threshold of \$20 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2016/422/1 for the construction of a residential flat building development pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a residential flat building development at 76 Rickard Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies.

A summary of the consideration of all relevant Environmental Planning Instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011	The Panel is the determining authority for this DA as the proposed development has a CIV of \$67,827,178 which exceeds the CIV threshold of \$20 million for Council to determine the DA
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The proposed development is permitted with consent in the applicable zones, consistent with the zones' objectives and generally compliant with the applicable development standards and other matters for consideration except for a proposed maximum building height development standard contravention as described in this report
State Environmental Planning Policy (Infrastructure) 2007 (SEPP)	The DA was referred to the Roads and Maritime Services for comment pursuant to the SEPP and the comments received have been considered
State Environmental Planning Policy No 55 – Remediation of Land	Council staff have assessed a phase 2 detailed contamination assessment and remediation action plan submitted in support of the DA. Council staff are satisfied that, subject to remediation, the

	site will be rendered suitable for the proposed development
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP)	Council staff have considered the design quality of the proposed development against the SEPP's design quality principles and the Apartment Design Guide (ADG). The proposed development is considered to be consistent with both the SEPP and the ADG
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The applicant has submitted a valid BASIX certificate in support of the DA
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)	<p>The proposed development includes the removal of native vegetation.</p> <p>The proposed tree removal is dealt with under Appendix 9, Clause 5.9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which prevails over the SEPP</p>
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 11 May to 9 June 2016. One submission was received (objecting to the proposed development).

Following the submission of amended plans the DA was publicly re-exhibited for a period of 44 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 30 November 2016 to 12 January 2017. One submission was received (objecting to the proposed development) from the same property owners that made the first submission.

The first issue raised in the submissions relate to ensuring consideration is given to the finished levels for the proposed development to ensure they will facilitate future development on an adjoining property. The second issue is that an asset protection zone (APZ) was proposed on adjoining land and that no owner's consent has been provided from an adjoining land owner.

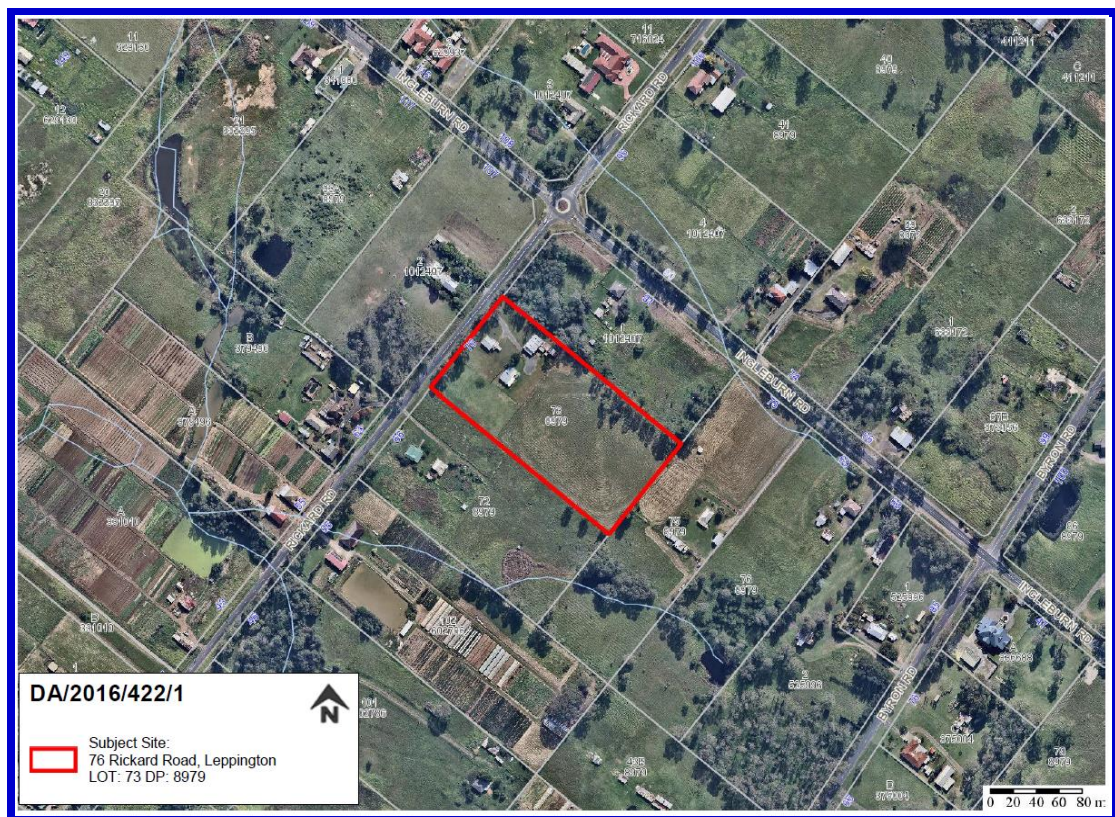
Council staff have considered the proposed finished levels in detail and consider them reasonable to facilitate the development of this and adjoining properties in accordance with the Camden Growth Centre Precincts Development Control Plan. It is noted that this issue was not so much an objection to the proposed development but rather a request that sufficient consideration be given to the appropriateness of the finished levels. Regarding the APZ, the proposed development has been modified to remove the need for an asset protection zone on adjoining land which also removes the need for owners consent from the adjoining land owner.

The applicant proposes a variation to a maximum building height development standard stipulated by Clause 4.3(2), Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP). The SEPP limits the maximum height of buildings on this site to 12m above ground level (existing) however the proposed development will be a maximum of 12.45m high from ground level (existing). Council staff have assessed this SEPP variation and recommend that it be supported.

The additional building height results from a design that has responded well to the site's sloping topography. The additional height is limited to minor building elements (lift overruns, parapets and part of a pergola roof) which will not contain any habitable floor space, will not be visually discernible as additional building height in the streetscape or result in negative visual or residential amenity impacts upon surrounding properties.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 76 Rickard Road, Leppington and is legally described as lot 73, DP 8979.

The site is rectangular in shape and has a frontage of 101m to Rickard Road, a depth of 201m and an area of 2.02ha. The site falls gently from the rear towards Rickard Road by 6.5m over 101m.

The site contains two detached dwelling houses, a shed and some mature vegetation along its north eastern and south western boundaries. The site is subject to biodiversity certification and is located in the Leppington Priority Precinct of the South West Growth Centre.

Rickard Road is currently a rural road however it will ultimately be upgraded to a divided four lane transit boulevard.

The surrounding area is characterised by undulating topography, scattered vegetation and a range of rural and rural residential land uses. A local heritage item, being a small 1924 weatherboard dwelling house, sheds and lawns, lies directly adjacent to the site to the south west at 66 Rickard Road.

Leppington Railway station lies 1km to the north within the Leppington North Precinct. The southern boundary of the Leppington Major Centre begins on the opposite side of Ingleburn Road to the north. To the east lies Camden Valley Way whilst to the south and west lie existing rural and rural residential properties that have been rezoned for urban development as part of the Leppington Priority Precinct.

HISTORY

There is no relevant development history for this site.

THE PROPOSAL

DA/2016/422/1 seeks approval for the construction of a residential flat building development.

Specifically the proposed development involves:

- demolition of all existing structures on the site;
- removal of 50 trees on the site and adjoining road reserve;
- remediation of asbestos and total recoverable hydrocarbons contamination;
- construction and dedication of public roads;
- subdivision to create two development lots with areas of 5,415.8m² and 8,829.4m².

A residue lot will also be created to contain residue land resulting from the proposed public road construction and development lot subdivision. This residue lot will contain land zoned SP2 Infrastructure (Classified Road) which will be used to upgrade Rickard Road into its ultimate divided 4 lane transit boulevard configuration. This land is identified for acquisition by the Roads and Maritime Services (RMS) which will be undertaken as a separate process;

- construction of six four storey residential flat buildings containing a total of 216 apartments with the following apartment mix:
 - one bedroom apartments = 25 (11.6%);
 - two bedroom apartments = 183 (84.7%); and

- three bedroom apartments = 8 (3.7%).

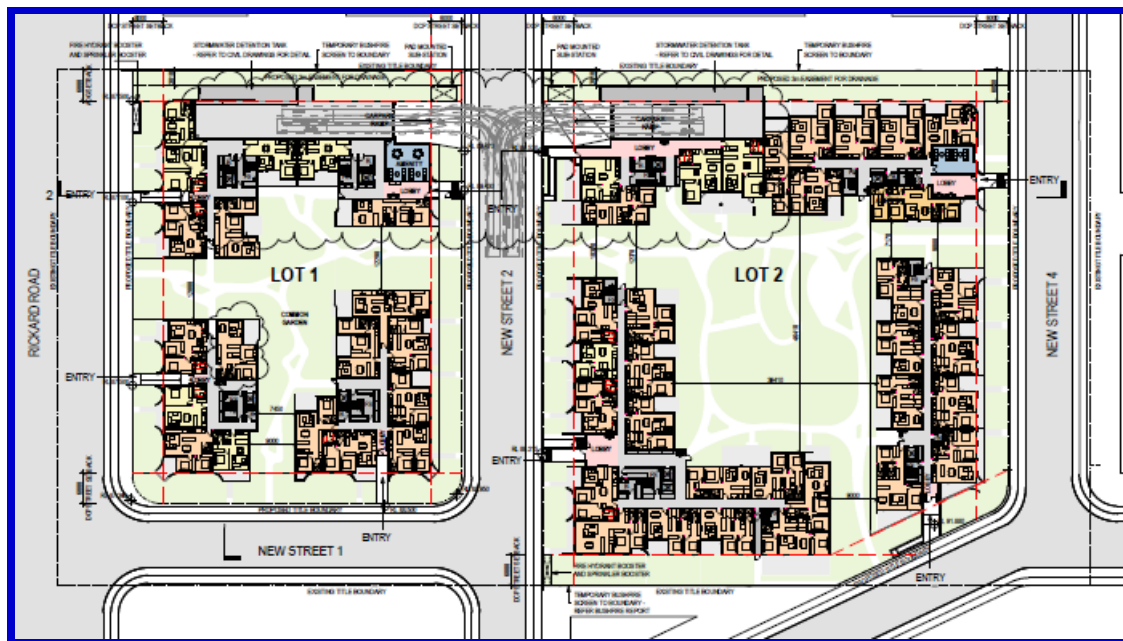
The buildings will be constructed of masonry, glazing and have a perforated bronze screen finish. The buildings' maximum height will be 12.45m above finished ground level;

- construction of two basements containing a combined total of 275 car parking spaces; and
- associated site works including the construction of earthworks, drainage, services and landscaping.

The proposed development does not include any strata subdivision or display of signage.

The CIV of the proposed development is \$67,827,178.

PROPOSED SITE PLAN

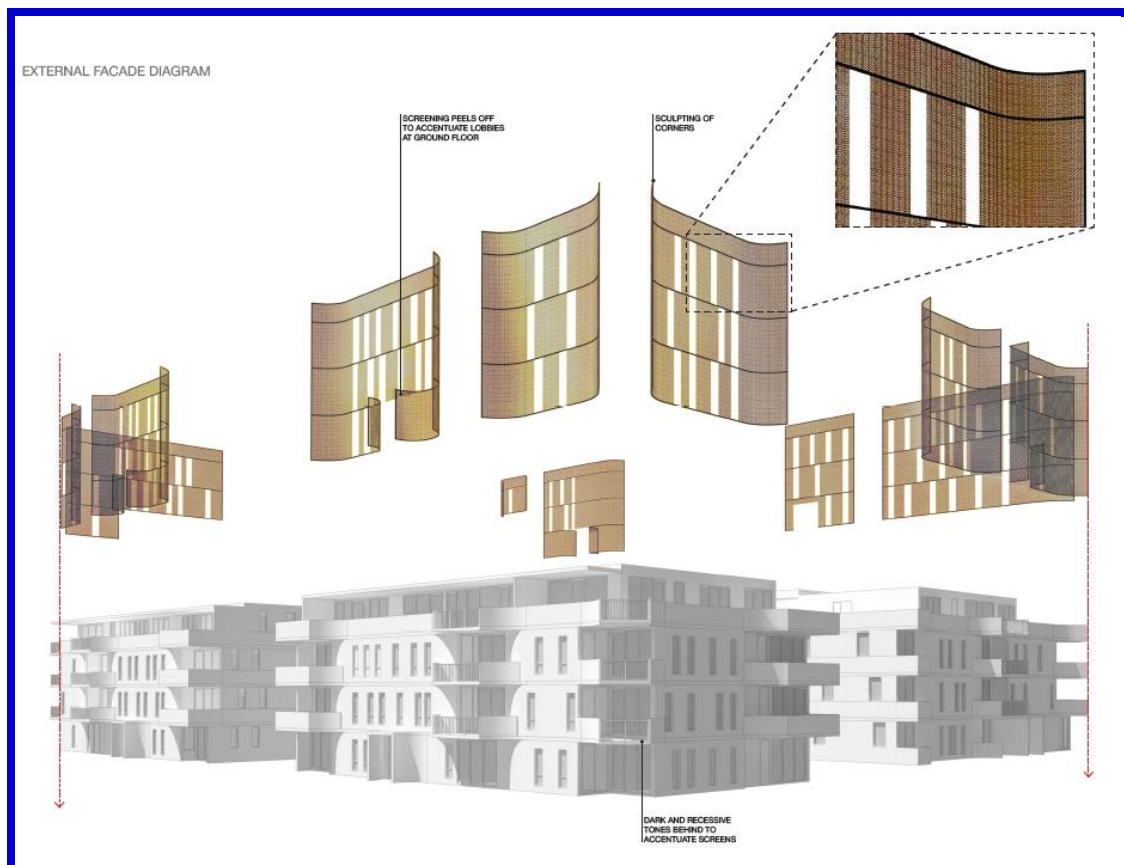


PROPOSED ELEVATIONS





PERFORATED BRONZE SCREEN DETAIL



THREE DIMENSIONAL PERSPECTIVE OF BUILDING A FROM RICKARD ROAD



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Regional Environmental Plan No 20 – Hawkesbury-Nepean River

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

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

Pursuant to Part 4 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of

\$67,827,178. This exceeds the CIV threshold of \$20 million for Council to determine the DA and therefore it is referred to the Panel for determination.

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

Permissibility

Almost the entire site is zoned R3 Medium Density Residential under the provisions of the SEPP. A 101m long x 14.5m deep area along the site's Rickard Road frontage is zoned SP2 Infrastructure (Classified Road) under the provisions of the SEPP. This area is identified for acquisition by the RMS.

The proposed buildings will be restricted to the part of the site zoned R3 Medium Density Residential. The part of the site zoned SP2 Infrastructure (Classified Road) will be contained in a residue lot which will be used to upgrade Rickard Road into its ultimate configuration.

The proposed development is defined as "residential flat buildings," "roads" and the subdivision of land which are all permitted with consent in the zones in which they are proposed.

Zone Objectives

The objectives of the R3 Medium Density zone are:

- To provide for the housing needs of the community within a medium density residential environment.

Officer comment:

The proposed development includes 216 apartments which will provide for the housing needs of the community. The proposed development is in the form of six four storey residential flat buildings which will create a medium density residential environment as sought by the objective.

- To provide for a variety of housing types within a medium density residential environment.

Officer comment:

The proposed development will provide a variety of apartment types including a mix of one, two and three bedroom apartments. As aforementioned, the proposed development is in the form of six four storey residential flat buildings which will create a medium density residential environment as sought by the objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for residential flat buildings.

- To support the well-being of the community by enabling educational recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for residential flat buildings.

Zone Objectives

The objectives of the SP2 Infrastructure (Classified Road) zone are:

- To provide for infrastructure and related land uses.

Officer comment:

The proposed development will retain the part of the site zoned SP2 pending its ultimate development as part of the future upgrade of Rickard Road.

- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Officer comment:

The proposed development will not prevent the part of the site zoned SP2 to be developed as part of the future upgrade of Rickard Road.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP.

Clause	Requirement	Provided	Compliance
Appendix 9, 2.6 Subdivision – Consent Requirements	Development consent is required for the subdivision of land	The DA seeks development consent for the subdivision of land	Yes
Appendix 9, 2.7 Demolition	Development consent is required for demolition	The DA seeks development consent for the demolition of all existing structures on the site	Yes
Appendix 9, 4.1AB Minimum Lot Sizes for Residential Development	Minimum lot size of 2,000m ² for residential flat buildings	A minimum residential flat building lot size of 5,415.8m ² is proposed	Yes
Appendix 9, 4.1B Residential Density	Minimum residential density of 25 dwellings/ha	A residential density of 106.9 dwellings per/ha is proposed	Yes
Appendix 9, 4.3 Height of	Maximum building height of 12m above	The proposed development's maximum	No – SEPP Variation 1

Clause	Requirement	Provided	Compliance
Buildings	ground level (existing)	building height will be 12.45m above ground level (existing)	
Appendix 9, 4.6 Exceptions to Development Standards	The applicant must submit, and the Consent Authority must consider, a written request that seeks to justify contraventions of development standards	The applicant has submitted, and Council staff have considered, a written request that seeks to justify the proposed contravention of the applicable 12m maximum building height development standard	Yes
Appendix 9, 5.1 Relevant Acquisition Authority	The part of the site zoned SP2 Infrastructure (Classified Road) is identified for acquisition by the RMS	The area zoned SP2 Infrastructure (Classified Road) will be contained within a residue lot. The acquisition of this land can be undertaken by the RMS as a separate process	Yes
Appendix 9, 5.9 Preservation of Trees of Vegetation	Development consent is required for tree removal	The DA seeks development consent for tree removal	Yes
Appendix 9, 5.10 Heritage Conservation	A heritage management document is required to assess the impacts of the proposed development upon the heritage significance of the adjoining heritage item at 66 Rickard Road, Leppington	<p>The applicant has submitted a heritage impact statement in support of the DA.</p> <p>The statement assesses the proposed development's impacts upon the adjacent local heritage item at 66 Rickard Road. The statement concludes that the item has minimal heritage value and acknowledges that the masterplanned urban redevelopment of the surrounding area will significantly change its context and setting. On this basis the proposed development is not considered to have an adverse impact upon the item.</p> <p>Council staff have assessed the statement and agree with its</p>	Yes

Clause	Requirement	Provided	Compliance
		conclusions	
Appendix 9, 6.1 Public Utility Infrastructure	The consent authority is to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required	This consideration of this clause is detailed in the “likely impacts of the development...” section of this report	Yes

SEPP Variation 1 – Maximum Building Height

SEPP Development Standard

Pursuant to Clause 4.3(2), Appendix 9 of the SEPP, the maximum building height permitted on this site is 12m above ground level (existing).

The proposed development will have a maximum building height of 12.45m above ground level (existing). The additional building height is limited to:

- a 450mm variation for a lift overrun atop building D;
- a 400mm variation for a parapet atop building D;
- a 170mm variation for part of an upper level pergola on building D;
- up to 70mm variation for part of a parapet atop building B; and
- up to 100mm variations for lift overruns atop building A, B, C, D & F.

A three dimensional height plane diagram that graphically demonstrates the proposed variations is provided as an attachment to this report.

Variation Request

Pursuant to Clause 4.6(3), Appendix 9 of the SEPP, the applicant has submitted a written request seeking to justify the contravention of the maximum building height development standard (Clause 4.3(2)) on the basis that:

- the proposed contravention equates to a 3.75% variation to the development standard and accommodates a negligible percentage of the total building volume;
- no habitable floor space will be located above the 12m height limit;
- the variation results from the proposed development responding to the site’s sloping topography. The overall development has been stepped to follow the general pattern of the site’s gradient however this results in some minor protrusions above 12m;
- designing the proposed buildings to repeatedly step to follow the site’s natural level changes would result in an inefficient design that would require numerous internal level changes and create significant internal planning, access, servicing and structural issues;

- strict numerical compliance with the development standard would result in the deletion of the proposed buildings' 4th storeys which is not an appropriate outcome for a site zoned for medium density residential with a 12m maximum building height limit;
- the site is within walking distance of Leppington railway station and is adjacent to future employment areas. In order to achieve residential density that is appropriate and envisaged by the site's zoning, a minor departure from the maximum building height standard is required;
- the building elements that will protrude above 12m are set back from the street elevations and will not be visible from the public domain;
- good solar access will still be afforded to neighboring properties, public and private spaces despite the additional building height;
- properties to the north, east and west are also subject to 12m maximum building height development standards. The adjoining property to the south west (66 Rickard Road) is subject to a mix of 9m and 12m maximum building height development standards. Therefore views from future surrounding developments will not be adversely impacted by the additional building height;
- the objectives of the zone and development standard will be achieved despite the proposed variation; and
- compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

A copy of the applicant's written request to contravene the maximum building height development standard is provided as an attachment to this report.

Council Staff Assessment

Pursuant to Clause 4.6(4), Appendix 9 of the SEPP, it is considered that the applicant's written request adequately addresses the matters required to be demonstrated by Clause 4.6(3) of the SEPP. It is also considered that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Council staff have reviewed the contravention request and recommend that it be supported for the following reasons:

- it is acknowledged that the additional building height results from a design that has responded well to a sloping topography, stepping different parts of the development where reasonably appropriate;
- the additional building height is limited to minor building elements that will not be readily discernible as additional building height when viewed in the streetscape. The additional building height will not result in negative visual or residential amenity impacts upon surrounding properties; and

- based on the above, it is considered that compliance with the development standard is unnecessary and unreasonable in the circumstances of this particular case.

Council has the assumed concurrence of the Director General of the Department of Planning and Environment and therefore the Panel may determine the development standard contravention.

Consequently it is recommended that the Panel support this proposed contravention to the SEPP's maximum building height development standard.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The DA was referred to the RMS for comment pursuant to State Environmental Planning Policy (Infrastructure) 2007.

The RMS raised no objection to the proposed development provided that it is consistent with the area's approved indicative layout plan and dwelling densities. The RMS commented that the applicant should account for access to the future arterial road network in the surrounding area. The RMS also advised that Council should assess the impacts of the development upon that arterial road network and that the applicant's traffic report does not take into account the future predictions of the traffic generation throughout the precinct and future traffic control devices that are proposed.

The proposed development is consistent with the Leppington Priority Precinct's indicative layout plan. Residential density has been discussed with the RMS during which it was noted that the applicable dwelling density is a minimum only with no maximum. The proposed development has a dwelling density of 106.9dw/ha which complies with the minimum density requirement of 25dw/ha. The scale of the proposed development is generally consistent with the applicable planning controls.

Council's traffic engineer has assessed the applicant's traffic report and the RMS comments. The traffic engineer is satisfied that the proposed development is supportable from a traffic impact perspective and that the applicant's traffic report adequately addresses the relevant traffic impact issues.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The applicant has submitted a phase two detailed contamination assessment which has identified that the site is contaminated with asbestos and total recoverable hydrocarbons contamination. The applicant has submitted a remediation action plan (RAP) which proposed to decontaminate the site via excavation and off-site disposal of the contaminated material.

Council staff have reviewed the contamination assessment and RAP and agree with their findings and proposed remediation strategy. Council staff are satisfied that following remediation the site will be rendered suitable for the proposed development.

A standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with the RAP.

State Environmental Planning Policy No 65 – Quality Design of Residential Apartment Development (SEPP)

The proposed development has been assessed against the SEPP's design quality principles:

Principle 1: Context and Neighbourhood Character

The entire area is undergoing a significant transition from a rural/rural residential to an urban character. The proposed development provides an acceptable built form for the future urban character of the area and will make a positive contribution to that future context. This has been done by achieving general compliance with the relevant planning controls that will also guide the development of that future character and context.

Principle 2: Built Form and Scale

The proposed development presents an acceptable built form and scale that is generally consistent with the planning controls for the area. Following lodgment of the DA, the buildings have been further broken down into smaller blocks rather than bulkier unbroken building masses. This form is considered appropriate for a site at the edge of the R3 Medium Density zone that will have a visual interface with R2 Low Density Residential zoned land to the south (wherein a lower density built form is anticipated).

Principle 3: Density

The proposed development more than complies with the minimum density requirements for the site. Higher residential densities are considered appropriate for this site given its location along a future transit boulevard (Rickard Road) and adjacency to a major employment area to the north. The density has been appropriately designed into the built form with a reasonable level of residential amenity being achieved for future residents and adjoining properties.

Principle 4: Sustainability

The proposed development will incorporate a number of sustainability features including solar access and natural ventilation consistent with the ADG objectives, attractive landscaped and usable communal open spaces, rainwater reuse, a construction and operational waste management strategy and compliance with BASIX requirements.

Principle 5: Landscape

The proposed landscaping will achieve deep soil zones consistent with the ADG and provide additional planting and planter beds in ground and upper level communal open spaces. The communal open spaces include seating, a shelter and playground, providing recreation and social interaction opportunities whilst being overlooked by the proposed apartments for safety and security.

Principle 6: Amenity

The proposed apartments' layouts and designs are generally compliant with the ADG design criteria and will provide reasonable amenity for future residents. A choice of

open space opportunities has been provided through ground and upper level communal open spaces in the form of turfed areas, landscaped gardens and semi-covered terraces with seating.

Principle 7: Safety

The proposed apartment private open spaces are well defined in context with adjoining public spaces. The proposed buildings provide active frontages to all public roads, maximising passive surveillance opportunities. Controlled access will be provided to the proposed buildings via intercoms and key card access. Secure resident parking areas will be provided in the proposed basements. A condition is recommended that requires a number of additional security features recommended by the Camden Local Area Command to be incorporated into the proposed development. These will include CCTV cameras, building security, lighting, vegetation management, security signage and graffiti removal.

Principle 8: Housing Diversity and Social Interaction

A mix of apartment types and sizes, and a range of different ground and upper level communal open spaces to cater for a variety of activities, has been proposed.

Principle 9: Aesthetics

A variety of materials and finishes have been proposed. The proposed perforated bronze screen effectively articulates the buildings by sweeping around and peeling off balcony corners, providing visual interest and a positive contribution to the development of an urban character for the area.

The proposed development has also been assessed against the ADG and is consistent with its objectives. An ADG assessment table is provided as an attachment to this report.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has submitted a valid BASIX certificate in support of the DA. A standard condition is recommended that requires compliance with the commitments outlined in the BASIX certificate. This will be subject to any further amendments required by other recommended conditions.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP)

The proposed development includes the removal of 50 trees including some native vegetation.

It is noted that Clause 6 of the SEPP provides that the SEPP does not affect the provisions of other State Environmental Planning Policies and only prevails over inconsistencies with local environmental plans.

The proposed tree removal can therefore be dealt with under Appendix 9, Clause 5.9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as assessed in this report.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (SREP)

The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures and water pollution control devices have been proposed as part of the development.

(a)(ii) *The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).*

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) *The Provisions of any Development Control Plan*

Camden Development Control Plan 2011 (Camden DCP)

The following is an assessment of the proposed development's compliance with the controls in the Camden DCP.

Control	Requirement	Provided	Compliance
A2 Notification Requirements	DAs are to be publicly exhibited in accordance with the Camden DCP	The DA has been publicly exhibited in accordance with the Camden DCP	Yes

Camden Growth Centre Precincts Development Control Plan (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
2.2 Indicative Layout Plan (ILP)	Development to be undertaken generally in accordance with the ILP	<p>The ILP identifies this site as being for medium density residential development and public roads. The proposed development is consistent with the ILP and will provide residential development and public roads in the locations indicated by it.</p> <p>A map showing this site in relation to the ILP is provided as an</p>	Yes

Control	Requirement	Provided	Compliance
		attachment to this report	
2.3.2 Water Cycle Management	Consistency with Council's engineering specifications	A standard condition is recommended to address this matter	Yes
	Compliance with the Precinct's Water Cycle Management and Ecology Strategy	The proposed development is consistent with the Precinct's Water Cycle Management and Ecology Strategy	Yes
	Compliance with the DCP's water quality and environmental flow targets	A standard condition is recommended to address this matter	Yes
2.3.3 Salinity and Soil Management	A salinity assessment and compliance with the DCP's Appendix B is required	A condition requiring compliance with Council's "Building in a Salinity Prone Environment" Policy and the DCP's Appendix B is recommended to address this matter	Yes
	Sediment and erosion control measures must be implemented	A standard condition is recommended to address this matter	Yes
2.3.4 Aboriginal and European Heritage	DAs must consider the requirements of the <i>National Parks and Wildlife Act 1974</i> . An Aboriginal Heritage Impact Permit may be required where Aboriginal heritage will be impacted	<p>The applicant has submitted an Aboriginal heritage due diligence assessment in support of this DA. The assessment advises that the site has a low archaeological sensitivity due to being disturbed by previous construction, vegetation clearance and agricultural activities.</p> <p>A condition is recommended that requires that, if any aboriginal objects are found during works, work must cease and the find must be reported to the Office of Environment and Heritage for</p>	Yes

Control	Requirement	Provided	Compliance
		resolution	
	New work in the vicinity of built heritage items should be readily identifiable as such and be sympathetic to the form, scale massing, setback and overall character of the item	<p>The applicant has submitted a heritage impact statement in support of the DA.</p> <p>The statement assesses the proposed development's impacts upon the adjacent local heritage item at 66 Rickard Road. The statement concludes that the item has minimal heritage value and acknowledges that the masterplanned urban redevelopment of the surrounding area will significantly change its context and setting. On this basis the proposed development is not considered to have an adverse impact upon the item.</p> <p>Council staff have assessed the statement and agree with its conclusions</p>	Yes
2.3.5 Native Vegetation and Ecology	Council is to consider a number of matters when assessing proposed tree removal	The proposed development will necessitate the removal of 50 existing trees on the site and adjoining road reserve. The matters listed for consideration have been assessed and the proposed tree removal is supported. This is because their retention is not possible if compliance with the ILP and building design controls of the DCP is to be achieved and that suitable replacement landscaping for the site has been proposed	Yes
	All existing indigenous trees are	As aforementioned, the trees to be removed will	Yes

Control	Requirement	Provided	Compliance
	to be replaced where retention is not possible	be offset by suitable replacement landscaping on the site	
	The eradication and minimisation weed dispersal is to be considered	A standard condition is recommended to address this matter	Yes
	A suitable landscaping plan must be submitted	A suitable landscaping plan has been submitted in support of this DA, compliance with which is a recommended condition (subject to some further amendments which are also detailed in a condition)	Yes
2.3.6 Bush Fire Hazard Management	Asset Protection zones are to be identified and comply with the NSW Rural Fire Service Publication 'Bush Fire Protection 2006'	The site is not mapped as bush fire prone land however the applicant has submitted a bush fire report and separate specialist advice in support of this DA. This information recommends several bush fire mitigation features including constructing temporary radiant heat barriers along part of the site's side boundaries. These barriers will be up to 3.2m high and can be removed pending the urban redevelopment of adjoining properties. In addition, the entire site is recommended to be managed as an APZ. These recommendations have been assessed, are considered reasonable and compliance with them is a recommended condition	Yes
2.3.7 Site Contamination	A contamination assessment (and remediation action plan if required) must be submitted	A detailed contamination assessment and RAP have been submitted in support of this DA. Subject to compliance with the RAP, the site will be rendered suitable for the proposed	Yes

Control	Requirement	Provided	Compliance
		development	
2.3.9 Noise	An acoustic report, demonstrating that the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008) and Council's Environmental Noise Policy have been considered, must be submitted	An acoustic report that considers the DCP's criteria has been submitted in support of the DA. The report recommends a number of acoustic attenuation features including wintergardens for some apartments, acoustic seals and glazing. Council staff have reviewed the report and agree with its recommendations	Yes
2.3.10 Odour Assessment and Control	Odour impacts, and the need for an odour assessment, must be considered	An odour assessment has been submitted in support of the DA and odour impacts have been considered. This consideration is detailed in the "likely impacts of the development..." section of this report	Yes
2.4 Demolition	A number of demolition controls are to be implemented	Demolition of two existing dwelling houses and a shed on the site will be required. A condition is recommended to ensure consistency with the DCP's demolition controls	Yes
2.5 Crime Prevention Through Environmental Design (CPTED)	Buildings should be designed to overlook streets and other habitable areas	The proposed development will overlook Rickard Road, the proposed local roads and communal open space areas	Yes
	The design of all development is to enhance public surveillance of public streets	The proposed development has been designed to provide surveillance of public streets	Yes
	Developments are to avoid creating areas for concealment and blank walls facing the street	The proposed development will not create concealment opportunities or blank walls facing the street	Yes
	Pedestrian and communal areas are to have sufficient	A condition is recommended to address this matter	Yes

Control	Requirement	Provided	Compliance
	lighting to secure a high level of safety		
	All developments are to incorporate CPTED principles	The proposed development is consistent with CPTED principles. Recommendations from the Camden Local Area Command have been received and a condition requiring compliance with them is recommended	Yes
2.6 Earthworks	Subdivision and building work is to be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill both during subdivision and when buildings are constructed. Finished levels must be integrated with nearby land and facilitate appropriate drainage	The proposed development will include cut and fill in order to facilitate road construction, drainage and reasonable building platforms. The proposed levels will still generally maintain the site's existing south east to north west fall pattern but adjusted to facilitate its urban redevelopment. The proposed levels will reasonably integrate with those of the adjoining properties	Yes
	All retaining walls must be identified, be designed by a practicing structural engineer and be of masonry construction	Retaining walls have been indicated and a standard condition is recommended to address their design and construction	Yes
	Retaining walls that front a public place are to be finished with an anti-graffiti coating	A condition is recommended to address this matter	Yes
	A validation report must be submitted prior to the placement of any imported fill on the site	A standard condition is recommended to address this matter	Yes
	Earth moved containing noxious weed material must be disposed of at an approved waste	A standard condition is recommended to address this matter	Yes

Control	Requirement	Provided	Compliance
	management facility and be transported in compliance with the <i>Noxious Weeds Act 1993</i>		
3.1.1 Residential Density	All residential subdivision and building applications are to meet the minimum residential density requirements of the Precinct Plan and contribute to the Precinct's overall dwelling target. The Precinct Plan's minimum residential density requirement for this site is 25 dw/ha	A residential density of 106.9 dw/ha is proposed	Yes
	Residential development is to be generally consistent with the residential density structure as set out in the Residential Structure Figure in the relevant Precinct Schedule and the typical characteristics of the corresponding density band in Table 3-1	The schedule for the Leppington Priority Precinct identifies this site for medium density residential development. The proposed development is consistent with the typical characteristics for development with a density greater than 40 dwellings/ha in that the site is located adjacent to the Leppington Major Centre, consists of multi-storey residential flat buildings and presents an urban streetscape	Yes
3.1.2 Block and Lot Layout	Subdivision layout is to create a legible and permeable street hierarchy	The proposed subdivision will be legible, permeable and consistent with the ILP	Yes
	Pedestrian connectivity is to be maximised within and between each residential neighbourhood	Pedestrian connectivity will be achieved by the provision footpaths in the road verges as required by the DCP	Yes
	Street blocks are to generally be a maximum of 250m	The proposed street blocks are less than 250m long but will have	No, however minor variation

Control	Requirement	Provided	Compliance
	long x 70m deep but longer block lengths may be considered	depths up to 90m wide. This additional width results from compliance with the ILP road layout and is considered to be a minor variation that will still result in a reasonable level of permeability	supported
	Minimum lot sizes for residential flat buildings must comply with Table 3-2. The minimum lot size for residential flat buildings is 2,000m ²	A minimum residential flat building lot size of 5,415.8m ² is proposed	Yes
	Minimum lot frontages must comply with Table 3-3. The minimum lot frontage for the 40 dwellings/ha band is 7m	The minimum proposed lot frontage is 84.6m	Yes
	Lots should be rectangular and if irregular in shape, be large enough and orientated to enable DCP compliant dwellings	The proposed lots are generally rectangular in shape, consistent with the ILP and able to accommodate residential flat buildings that are generally compliant with the DCP	Yes
3.2 Subdivision Approval Process	DAs proposing subdivision that create lots equal to or greater than 300m ² may have dwelling plans approved as part of a separate DA	The proposed development seeks approval for both subdivision and the construction of residential flat buildings	Yes
3.3 Movement Network	The design and construction of streets is to be consistent with the DCP, Council's Engineering Specifications and Austroads	The proposed roads have been designed consistent with the DCP and standard conditions are recommended to ensure compliance with Council's Engineering Specifications and Austroads	Yes

Control	Requirement	Provided	Compliance
	The location, alignment and construction of all roads in the Precinct are to be in accordance with the Precinct's road hierarchy figure	The location, alignment and construction of all proposed roads will be in accordance with the Precinct's road hierarchy figure	Yes
	Where streets are proposed as part of a subdivision adjacent to public recreation or drainage land, community facilities or schools, the applicant will be responsible for construction of the full width of the street, unless Council specifies otherwise	Proposed new street 3 will bound future drainage land to the south. The DA proposes the construction of the full width of this road (insofar as it is required within the boundaries of this site)	Yes
	Intersections are to be designed and constructed in accordance with Council's engineering specifications	A standard condition is recommended to address this matter	Yes
	Street trees, consistent with the DCP, are required for all streets	Appropriate street planting has been proposed	Yes
	Street trees are to be provided at a rate of one tree per 10m of road	A condition is recommended to require additional street tree landscaping that complies with this planting rate	Yes
	Street lighting is to be designed to meet AS 1158	A standard condition is recommended to address this matter	Yes
3.3.4 Pedestrian and Cycle Network	The design of footpaths and cycleways located within the road reserve are to be consistent with the DCP	The proposed footpaths within the road reserve will comply with the DCP	Yes
	All pedestrian and cycleway routes and facilities are to be	A standard condition is recommended to address this matter.	Yes

Control	Requirement	Provided	Compliance
	consistent with the Planning Guidelines for Walking and Cycling, relevant Council pedestrian and cycling plans and policies and Council's Engineering Specifications. Designs are to be provided with DAs	Sufficient design details have been provided for assessment of the DA	
	Pedestrian and cycle pathways that are within road verges or carriageways are to be constructed as part of the road construction works for each subdivision	The proposed footpaths within the road verges will be constructed as part of the proposed roads	Yes
3.3.6 Access to Arterial Roads, Sub-Arterial Roads and Transit Boulevard	Vehicular access to arterial roads, sub-arterial roads and transit boulevards shown on the Precinct Road Hierarchy Figure may only be via another road	The only proposed access to Rickard Road (a transit boulevard) is via a local road	Yes
3.4 Construction Environmental Management	A construction environmental management plan, consistent with the DCP, is to be submitted to Council or the accredited certifier prior to the issue of a construction certificate for subdivision	A standard condition is recommended to address this matter	Yes
	Applicants are to ensure that the management of construction activities is undertaken in accordance with the Camden DCP	A standard condition is recommended to address this matter	Yes
	Trees are to be protected with fencing installed to conform to a tree	A condition is recommended to address this matter	Yes

Control	Requirement	Provided	Compliance
	protection zone that is consistent with current arboricultural industry standards		
	A report outlining existing tree conditions must be submitted with DAs and include a tree retention management plan (where relevant). The report must be prepared by a suitably qualified person	An arboricultural impact assessment, prepared by a suitably qualified person, was submitted in support of the DA	Yes
4.1.1 Site Analysis	A site analysis plan, consistent with the DCP, is required	Sufficient site analysis information has been submitted in support of the DA	Yes
4.1.2 Cut and Fill	DAs are to illustrate and justify any proposed cut and fill	Cut and fill details together with suitable justification have been provided	Yes
	All retaining walls are to be identified in the DA and be a minimum of 0.3m from property boundaries	Proposed retaining walls have been indicated and a condition is recommended to ensure they are at least 0.3m from property boundaries	Yes
4.1.3 Sustainable Building Design	The majority of plant species are to be selected from Appendix C of the DCP	Council staff have assessed the proposed landscaping and consider it to be acceptable	Yes
	BASIX compliance must be achieved	A valid BASIX certificate has been submitted in support of the DA, compliance with which is a recommended condition (subject to any further amendments required by other recommended conditions).	Yes
	The design of dwellings is to maximise cross flow ventilation	The proposed development will achieve a reasonable level of cross flow ventilation	Yes
	The orientation, location and position of dwellings, living rooms and windows	The orientation, location and position of the proposed development will achieve reasonable	Yes

Control	Requirement	Provided	Compliance
	is to maximise natural light penetration and minimize the need for mechanical heating and cooling	natural light penetration and minimise the need for mechanical heating and cooling for the proposed apartments	
	Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling and residential flat building development	A clothes drying area will be provided on the terraces and balconies for each apartment	Yes
	The design and construction of dwellings is, where possible, to make use of locally sourced and recycled and renewable materials	A condition is recommended to address this matter	Yes
	Roof and paving materials and colours are to minimise the retention of heat from the sun	A condition is recommended to address this matter	Yes
	The design of dwellings that require acoustic attenuation shall use, where possible, alternatives to air conditioning	The proposed development necessitates the use of a range of acoustic attenuation measures including winter gardens for some apartments, acoustic seals and glazing. Air conditioning may however be required for apartments that require windows to be kept close in order to achieve acoustic attenuation	Yes
4.1.4 Salinity, Sodidity and Aggressivity	Salinity shall be considered during the siting, design and construction of dwellings. Compliance with a salinity management plan and Appendix B	A condition requiring compliance with Council's "Building in a Salinity Prone Environment" Policy and the DCP's Appendix B is recommended to address this matter. A	Yes

Control	Requirement	Provided	Compliance
	of the DCP must be achieved and certified upon completion of the development	condition requiring compliance to be demonstrated upon completion of the development is also recommended	
4.3.5 Controls for Residential Flat Buildings, Manor Homes and Shop Top Housing	Residential flat buildings are to be located on sites with a minimum street frontage of 30m, have direct frontage to an area of the public domain and not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted	The minimum street frontage proposed is 84.6m, public road frontages will be provided to all of the proposed buildings and no unreasonable adverse impacts will occur to adjoining land upon which residential development is permitted	Yes
	Residential flat buildings are to be consistent with SEPP 65 and the DCP. Note that Table 4-10 takes precedence of SEPP 65 where there is an inconsistency	The proposed development is generally consistent with SEPP 65 and the DCP	Yes
	A minimum of 10% of all apartments are to be designed as adaptable apartments in accordance with AS 4299	A condition is recommended to address this matter	Yes
	Where possible, adaptable dwellings are to be located on the ground floor. Adaptable dwellings located above the ground level of a building are only permitted where lift access is available within the building. The lifts access must provide access from the basement to allow access for	Adaptable apartments will be located throughout the proposed development both at and above ground floor level. Lift access to/from all floor levels from/to the proposed basements will be provided	Yes

Control	Requirement	Provided	Compliance
	people with disabilities		
	DAs must be accompanied by certification from an accredited access consultant that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299	An accessibility report has been submitted in support of the DA. The report demonstrates that the adaptable apartments can comply with AS 4299	Yes
	Car parking allocated to adaptable dwellings must comply with the Australian Standards for disabled parking spaces	A condition is recommended to address this matter	Yes
	A landscape plan is to be submitted with DAs for residential flat buildings	A suitable landscaping plan has been submitted in support of this DA, compliance with which is a recommended condition (subject to some further amendments which are also detailed in a condition)	Yes
	Site coverage of less than 50%	Lot 1 will have a site coverage of 45.1%. Lot 2 will have a site coverage of 44.1%	Yes
	Landscaped area of at least 30%	Both lots 1 and 2 will have landscaped areas of at least 30%	Yes
	Communal open space area of at least 15%	Lot 1 will have a communal open space area of 25.7%. Lot 2 will have a communal open space area of 27.1%	Yes
	Principal private open space of 10m ² per dwelling with a minimum dimension of 2.5m	This DCP control is overridden by Clause 6A of SEPP 65. Clause 6A provides that where there is an inconsistency between a DCP and the ADG regarding certain	N/A

Control	Requirement	Provided	Compliance
		design matters, the DCP is of no effect. The proposed private open spaces for each apartment are generally consistent with the ADG	
	Front setback of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length	Front setbacks of 6m are proposed. Balconies and building articulation elements will protrude a maximum of 1.5m into the setback for no more than 50% of the building façade lengths. On the third floor, at the 4 th storey level, the proposed balconies encroach into the 6m setback however this is supported as it will provide additional private open space for the apartments on that level and is offset by an additional 3m building setback (not required by the DCP). This variation continues and helps accentuate the curved balcony protrusions provided at the levels below, reinforcing these positive articulation features for most of the buildings' height	No, however minor variation supported
	Corner lots require a secondary street setback of at least 6m	Secondary street setbacks of 6m are proposed. Balconies and building articulation elements will protrude a maximum of 1.5m into the setback for no more than 50% of the building façade lengths. The DCP does not permit this for secondary street setbacks however the variation is supported as it will add articulation and a 3 rd dimension to these facades that will assist in providing visual interest and character to the	No, however minor variation supported

Control	Requirement	Provided	Compliance
		streetscapes	
	Buildings over 3 storeys high require a side setback of at least 6m	The proposed side setbacks will be 6m	Yes
	For buildings 3 storeys and above, at least 12m separation distance is required for habitable rooms and balconies	This DCP control is overridden by Clause 6A of SEPP 65. Clause 6A provides that where there is an inconsistency between a DCP and the ADG regarding certain design matters, the DCP is of no effect. The proposed building separations achieve the visual privacy objective of the ADG	N/A
	Residential flat buildings in the R3 zone require 1 car parking space per apartment, 0.5 spaces per 3 bedroom or more apartment, 1 visitor space per 5 apartments and 1 bicycle space per 3 dwellings	<p><u>Lot 1</u></p> <p><i>Residents</i></p> <p>79 x 1 = 79. 0.5 x 3 = 1.5.</p> <p>Total car parking spaces required = 80.5 (81).</p> <p>Total proposed = 87.</p> <p><i>Visitors</i></p> <p>79 / 5 = 15.8.</p> <p>Total car parking required = 15.8 (16).</p> <p>Total proposed = 17.</p> <p><i>Bicycle Spaces</i></p> <p>79 / 3 = 26.3.</p> <p>Total bicycle spaces required = 26.3 (27).</p> <p>Total proposed = 12.</p> <p>A condition that requires enlarged storage cases that can accommodate 15 additional bicycle storage spaces is</p>	Yes

Control	Requirement	Provided	Compliance
		<p>recommended.</p> <p><u>Lot 2</u></p> <p><i>Residents</i></p> <p>$137 \times 1 = 137.$ $0.5 \times 5 = 2.5.$</p> <p>Total car parking spaces required = 139.5 (140).</p> <p>Total proposed = 145.</p> <p><i>Visitors</i></p> <p>$137 / 5 = 27.4.$</p> <p>Total car parking required = 27.4 (28).</p> <p>Total proposed = 26.</p> <p>A condition that requires 2 additional visitor car parking spaces to be provided is recommended.</p> <p><i>Bicycle Spaces</i></p> <p>$137 / 3 = 45.7.$</p> <p>Total bicycle spaces required = 45.7 (46).</p> <p>Total proposed = 15.</p> <p>A condition that requires enlarged storage cases that can accommodate 31 additional bicycle storage spaces is recommended</p>	
	Car parking spaces are to have minimum dimensions of 2.5m x 5.2m and aisle widths must comply with AS 280.1	The proposed car parking spaces have dimensions of 2.4m x 5.4m. These dimensions are acceptable as they comply with AS 2890 for longer stay residential development. The dimensions sought by the control are more	No, however minor variation supported

Control	Requirement	Provided	Compliance
		<p>consistent with AS 2890's criteria for medium stay commercial developments with more frequent vehicle turn overs.</p> <p>The proposed aisle widths comply with AS 2890.1</p>	

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulation prescribes several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Odour Impacts

Leppington, and the existing rural/rural residential suburbs surrounding it, contain a number of odour producing operations including poultry farms, piggeries and horticulture. The impact of odour from these existing operations needs to be considered in the assessment of DAs.

The Environment Protection Authority's (EPA) maximum odour criteria for sensitive land uses, including residential development in an urban context, to be exposed to is 2 odour units (OU) for 3.5 days per year.

The applicant has submitted an odour report in support of the DA. The report demonstrates that the site will be impacted by between 3OU and 5.2OU for between 10-17 days per year from three poultry farms in the surrounding area.

During the assessment of the DA Council staff commissioned odour modelling for the Leppington area to better understand the extent of the issue across the entire area. This modelling indicates that almost the entire Leppington area is impacted by at least 2OU. Strict compliance with the EPA's criteria would effectively sterilise the almost the entire area from urban development.

Council's odour modelling also considered a more flexible alternative odour criterion for the area of 4.5OU for no more than 250 hours a year. This alternative criterion is considered reasonable for Leppington as the area is identified as a significant growth

centre precinct and is masterplanned to undergo major urban redevelopment. Given this, it is considered that the odour impacts from existing operations are temporary only and will gradually decrease to nothing as the area transitions from a rural/rural residential area to a highly urbanised area.

When the alternative criterion is applied, this site and surrounding area is not impacted by odour. Therefore the proposed development is considered to be acceptable in terms of odour.

The issue of odour was discussed with the Panel at previous briefings and the Panel acknowledged that any odour will be temporary. The Panel also noted that the area is transitioning to an urban environment and that this is evident through the existence of significant new public infrastructure such as Leppington Railway station. It is understood that this approach is not inconsistent with that undertaken in other LGAs in the growth centres.

A condition is recommended that requires that a notation be added to the Section 149 Planning Certificates for the site. This is to ensure that future residents are aware of rural land uses operating in the surrounding area. The notation will state the following:

“There are existing intensive agricultural activities in the Camden local government area and adjoining local government areas, including poultry farms, piggeries and horticulture. Odour from the operations of these activities may at times be experienced on land that is in their proximity.”

Public Utility Infrastructure

Clause 6.1, Schedule 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP) prohibits development consent from being granted unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The SEPP defines public utility infrastructure as the supply of water and electricity and the disposal and management of sewage.

Water and Sewerage

The DA was referred to Sydney Water for comment in accordance with Sydney Water's DA referral guidelines. Sydney Water provided comments relating to the availability of water and sewerage infrastructure.

Sydney Water noted that water facilities are available in the area via an existing rural water supply network and drinking mains in Rickard Road. However this system is only able to support a limited amount of growth before requiring an upgrade. Sydney Water advised that detailed planning will need to be undertaken, including consideration of other proposed developments in the growth centre, and will likely require the construction of drinking water mains across the full road frontage of each of the proposed lots.

Regarding sewerage, Sydney Water advised that different parts of the site will drain to Sewer Pumping Station 1183 via different sections of the Bringelly Road carrier, all of which are due to be completed by late 2018. Sydney Water also notes that the

applicant will be required to provide additional lead-ins to service the remainder of the site.

Sydney Water concluded by advising that detailed water and sewerage requirements will be provided at the Section 73 application stage.

Electricity

The applicant has submitted a “Technical Review Request” to Endeavour Energy to determine preliminary connection requirements. Endeavour Energy has advised the applicant that this request is being processed however the applicant anticipates that the proposed development will be able to be serviced by the newly constructed zone substation in South Leppington. The applicant has advised that further consultation with Endeavour Energy will be required during the detailed design phase.

Conclusion

It is noted that the Leppington area is being progressively serviced by public utility infrastructure over time. It is therefore considered that adequate arrangements for the provision of public utility infrastructure can be made via conditions.

A standard condition is recommended that requires documentary evidence to be obtained demonstrating that satisfactory servicing arrangements have been made with Sydney Water and Endeavor Energy prior to the issue of a construction certificate. Other standard conditions are recommended that require a Section 73 Compliance Certificate and Notice of Arrangement prior to the issue of a subdivision certificate and occupation certificate for the proposed development

Future Upgrade of Rickard Road

Rickard Road will not be upgraded as part of the proposed development. No detailed design for the road upgrade has been completed and it is considered more practical for the design and upgrade of significant lengths of the road to be undertaken in a consolidated manner. This will produce the best built outcome for the road and minimise disruption to the public.

Council’s traffic engineer has assessed the traffic impacts of the proposed development and is satisfied that the surrounding road network, in its existing rural form, can adequately cater for the proposed development.

Construction of New Streets 3 and 4

The proposed development includes the full construction of a number of local roads within the site in accordance with the ILP. Two of these roads (new streets 3 and 4) will not be immediately connected to an existing public road (the connection will occur upon the future development of the surrounding road network by others).

Notwithstanding the above, it is considered reasonable for these roads to be constructed and dedicated to Council as part of the proposed development. The only road element that would not be immediately completed will be the street trees. This is because the trees would require ongoing maintenance however access to the streets will be restricted in the interim. The street trees will be planted once the roads are connected to an existing public road following the development of adjoining properties by others. The planting will be ensured by an incomplete works bond paid by the applicant and retained by Council until their installation.

Basement Accesses

Both cars and heavy vehicles (delivery and waste collection vehicles) will utilise both approved basements. The proposed basement driveways are wide enough to facilitate two cars passing each other and a car passing a heavy vehicle. It will be physically possible for two heavy vehicles to pass each other slowly however to technically comply with AS 2890 an additional 400mm driveway width would be required.

The proposed access widths are considered reasonable as the vast majority of traffic entering and exiting the basements will be cars. Delivery and waste collection vehicles will visit the site infrequently and the likelihood of two such vehicles encountering each other on the ramp at the same time is remote.

However to improve safety the proposed development will include convex mirrors at the base of the ramps to provide sight lines along the ramps. In addition, a condition is recommended to require the preparation of a loading dock/waste collection management plan to ensure that heavy vehicle activities are temporally separated from each other.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 11 May to 9 June 2016. One submission was received (objecting to the proposed development).

Following the submission of amended plans the DA was publicly re-exhibited for a period of 44 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 30 November 2016 to 12 January 2017. One submission was received (objecting to the proposed development) from the same property owners that made the first submission.

The following discussion addresses the issues and concerns raised in the submissions.

- 1. The proposed development is supported in principle and it is considered that it will not have any undue adverse impacts upon an adjoining property. However it is requested that sufficient consideration be given to the finished levels proposed along the site's northern boundary so that the adjoining property can be developed without significant issues.*

Officer comment:

Council staff have considered the proposed finished levels in detail and consider them reasonable to facilitate the development of this and adjoining properties in accordance with the Camden Growth Centre Precincts Development Control Plan.

2. *An APZ is proposed on an adjoining property. This has not been discussed with the property owner and no owner's consent for its creation has been given. It is requested that the requirement for the APZ on adjoining land is removed.*

Officer comment:

The proposed development has been modified to remove the requirement for an APZ on adjoining property. Instead, a temporary radiant heat barrier will be constructed along part of the north western property boundary that will ensure adequate bush fire safety mitigation. The need for owners consent from the adjoining land owner has therefore also been removed.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

Draft South West Sydney District Plan (the Plan)

A draft district plan or district plan is not a mandatory matter for consideration in the determination of a DA. However it is considered to be in the public interest to consider the proposed development's consistency with the Plan given that it is publicly exhibited government planning policy.

It is considered that the proposed development is broadly consistent with the Plan, which acknowledges demand for housing to accommodate smaller households and advocates the need for apartment buildings which will "provide for more affordable price points than detached dwellings." The proposed development will help achieve the Plan's livability priorities to improve housing choice and diversity through the provision of medium density apartments.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment pursuant to State Environmental Planning Policy (Infrastructure) 2007.

The RMS raised no objection to the proposed development provided that it is consistent with the area's approved indicative layout plan and dwelling densities. The RMS commented that the applicant should account for access to the future arterial road network in the surrounding area. The RMS also advised that Council should assess the impacts of the development upon that arterial road network and that the applicant's traffic report does not take into account the future predictions of the traffic generation throughout the precinct and future traffic control devices that are proposed.

The proposed development is consistent with the Leppington Priority Precinct's indicative layout plan. Residential density has been discussed with the RMS during which it was noted that the applicable dwelling density is a minimum only with no maximum. The proposed development has a dwelling density of 106.9dw/ha which

complies with the minimum density requirement of 25dw/ha. The scale of the proposed development is generally consistent with the applicable planning controls.

Council's traffic engineer has assessed the applicant's traffic report and the RMS comments. The traffic engineer is satisfied that the proposed development is supportable from a traffic impact perspective and that the applicant's traffic report adequately addresses the relevant traffic impact issues.

Sydney Water

The DA was referred to Sydney Water for comment in accordance with Sydney Water's DA referral guidelines. Sydney Water provided comments relating to the availability of water and sewerage infrastructure.

Sydney Water noted that water facilities are available in the area via an existing rural water supply network and drinking mains in Rickard Road. However this system is only able to support a limited amount of growth before requiring an upgrade. Sydney Water advised that detailed planning will need to be undertaken, including consideration of other proposed developments in the growth centre, and will likely require the construction of drinking water mains across the full road frontage of each of the proposed lots.

Regarding sewerage, Sydney Water advised that different parts of the site will drain to Sewer Pumping Station 1183 via different sections of the Bringelly Road carrier, all of which are due to be completed by late 2018. Sydney Water also note that the applicant will be required to provide additional lead-ins to service the remainder of the site.

Sydney Water concluded by advising that detailed water and sewerage requirements will be provided at the Section 73 application phase. Conditions are recommended requiring compliance with Sydney Water's comments and the provision of evidence demonstrating that satisfactory arrangements have been made for the provision of water and sewerage at the subsequent detailed design stage.

Camden Local Area Command (CLAC)

The DA was referred to the CLAC for a safer by design/CPTED analysis.

The CLAC has raised no objection to the proposed development, identified its crime risk rating as being a low and recommended a number of conditions related to CCTV cameras, building security, lighting, vegetation management, security signage and graffiti removal. A condition is recommended requiring compliance with the CLAC's comments.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2016/422/1 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2016/422/1 for a residential flat building development at 76 Rickard Road, Leppington subject to the conditions attached to this report.