|  |  |  |
| --- | --- | --- |
| **Control** | **Assessment** | **Compliance?** |
| 2.2  Indicative Layout Plan (ILP).  Development to be undertaken generally in accordance with the ILP. | The ILP identifies this site as being for medium density residential development, public roads, drainage and future passive open space (passive open. The proposed development is generally consistent with the ILP and will provide medium density residential development and public roads required by the plan. | Yes |
| 2.3.1  Flooding  The subdivision layout is to ensure that the ability to develop land is not adversely affected with regards to the 1% Annual Exceedance Probability (AEP) and Council’s Flood Risk Management Policy.  Filling and/or other development within the 1% AEP flood extent may be permitted where site specific flood investigations demonstrate compliance with Council’s Flood Risk Management Policy and Engineering Specifications.  Pedestrian and vehicle access to basement car parking is to be located above the 1% AEP level plus 500mm freeboard.  The design of the road network is to ensure that evacuation routes from the proposed development, existing development and adjoining properties are maintained or replaces with suitable alternatives in accordance with Council’s Flood Risk management Policy and the Precinct’s Water Cycle management Strategy. | Figure 2-3 within Schedule 1 indicates that the R3 Medium density residential section of the site is not burdened by flooding. However, updated flood modelling of the upstream catchment reveals that the extent of flooding is greater than previously mapped and will encroach upon the north east corner of the R3 medium density residential zoned portion of the site. The town centre road and the development have been designed to sit above the 1% AEP flood event.  To achieve flood immunity for the northern town centre road, some filling of the site will be necessary.  The flood planning level incorporating a 500mm freeboard is RL 77.20m. The crest of the northern basement entry connecting to the town centre road is set at RL 77.56m above the flood planning level.  Flood immunity during the 1% AEP event exists within the design levels of the Town Centre Road. | Yes |
| 2.3.2  Water Cycle Management.  Consistency with Council’s engineering specifications.  Compliance with the Precinct’s Water Cycle Management and Ecology Strategy.  The acquisition of drainage easements over down stream properties, or inclusion of drainage easements on subdivision plans, will be required where direct access to Council’s drainage system or discharge of stormwater to a creek via the street network is not possible.  Compliance with the Growth DCP’s water quality and environmental flow targets.  - Gross Pollutants 90%  - Total suspended solids 85%  - Total phosphorous 65%  - Total nitrogen 45% | A standard condition is recommended to address this matter.  The proposed development is consistent with the Precinct’s Water Cycle Management and Ecology Strategy.  In the absence of downstream works to form drainage reserves and regional basins, a drainage swale and associated drainage easement is proposed over 71 Cowpasture Road to the north east of the site to convey drainage flows to Bonds Creek.  The Growth DCP’s water quality and environmental flow targets have been demonstrated as being achieved.  - Gross pollutants 100%  - Total suspended solids 86.6%  - Total phosphorous 67%  - Total nitrogen 55.1% | Yes |
| 2.3.3  Salinity and Soil Management.  A salinity assessment and compliance with the Growth DCP’s Appendix B is required.  Sediment and erosion control measures must be implemented. | A salinity management plan has been submitted with the application recommending strategies and construction methods to address salinity during construction of the residential flat building. Construction works will be undertaken in accordance with the submitted salinity management plan.  Sediment and erosion controls are proposed throughout the construction works. A standard condition is recommended to address this matter. | Yes |
| 2.3.4  Aboriginal and European Heritage.  DAs must consider the requirements of the National Parks and Wildlife Act 1974. An Aboriginal Heritage Impact Permit may be required were Aboriginal heritage will be impacted.  Applications for subdivision and building on the properties identified on the European cultural heritage sites figure, are to be accompanied by a heritage management document. | In respect to Aboriginal heritage, a due diligence assessment report has been submitted, which concludes that the site is not an Aboriginal place of heritage significance and does not contain Aboriginal objects. Accordingly, an AHIP is not required in this instance.  No items of European heritage exist on the site or are located within immediate proximity to the development site. | NA |
| 2.3.5  Native Vegetation and Ecology.  Council is to consider a number of matters when assessing proposed tree removal.  The eradication and minimisation weed dispersal is to be considered.  A suitable landscaping plan must be submitted. | 61 trees are proposed to be removed. As the site is bio-certified, tree removal can be granted with consent.  A standard condition is recommended to address this matter.  A suitable landscaping plan has been submitted in support of this DA | Yes |
| 2.3.6  Bushfire hazard management  Reference is to be made to Planning for Bushfire Protection 2006 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2006. | The site is mapped as being bushfire prone land and was referred to the New South Wales Rural Fire Service in accordance with Section 4.47 of the Act. The New South Wales Rural Fire Service have issued a Bush Fire Safety Authority subject to conditions. The Bushfire Safety Authority is subject to an inner protection area, but not an asset protection zone. | Yes |
| 2.3.7  Site Contamination.  A contamination assessment (and remediation action plan if required) must be submitted. | See comments made under State Environmental Planning Policy No. 55 – Remediation of Land. | Yes |
| 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 was submitted with the application and has been reviewed by Council’s Environmental Health Officers. Due to the proximity of the development to Byron Road and the future Town Centre Road, which are significant noise sources, several units are impacted and will require noise attenuation to achieve internal and external amenity criteria. Such measures include; glazing requirements (glass thickness and seals), mechanical ventilation and winter gardens to satisfy Council’s external amenity criteria.  The proposed attenuation measures will allow the proposed development to achieve the required internal and external amenity criteria contained within Council’s Environmental Noise Policy. | Yes |
| 2.3.10  Odour Assessment and Control.  Odour impacts, and the need for an odour assessment, must be considered. | The site sits below the 4.5 OU (250 hours) contour. Accordingly, the development is not significantly impacted by nearby odour sources. | Yes |
| 2.5  Crime prevention through environmental design  The design of all development is to enhance public surveillance of public streets.  Pedestrian and communal areas are to have sufficient lighting to secure a high level of safety  All developments are to incorporate CPTED principles. | The proposed development will enable the ability to overlook the streets and the public domain.  Street lighting will be provided. A condition is recommended to address this matter.  The proposed development is consistent with CPTED principles. | 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.  A validation report must be submitted prior to the placement of any imported fill on the site.  Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the Noxious Weeds Act 1993. | Earthworks are proposed to establish suitable road levels above the 1% AEP.  A condition is recommended to address this matter.  A standard condition is recommended to address this matter. | Yes |
| 3.3.1  Layout and Design.  The design and construction of streets is to be consistent with the Growth DCP, Council’s Engineering Specifications and Austroads.  Roads in the relevant precinct schedule are to be constructed in accordance with the hierarchy shown on the Precinct road hierarchy figure in the relevant Precinct Schedule.  Where roads are adjacent to open space or drainage land, the verge on the side adjacent to this may be reduced to 1m.  Street trees, consistent with the Growth DCP, are required for all streets.  Street trees are to be provided at a rate of 1 tree per 10m of road.  Street lighting is to be designed to meet AS 1158. | The proposed roads have been designed consistent with the Growth DCP, Council’s Engineering Specifications and Austroads.  Proposed road design is consistent with the Leppington Major Centre road hierarchy figure 3-2 within Scheule 2 – Leppington Major Centre.  The eastern verge of the collector road located to the east of the site adjacent to future drainage and passive open space has been reduced to 1m.  Street tree planting is proposed for all new roads.  Street trees have been planted at this rate.  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 Growth DCP.  All pedestrian and cycleway routes and facilities are to be 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.  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. | Footpaths and cycleways in accordance with figures 3-10 to figures 3.15 have been provided.  All proposed pedestrian and cycleway routes are consistent with this requirement.  Pedestrian and cycle pathways will be undertaken during road construction works. | Yes |
| 3.3.5  Temporary Vehicular Access  Temporary turning circles may be required where roads are to continue onto adjoining properties that are not yet developed. Temporary turning circles are to have a minimum radius of 8 metres and are to be sealed using the same materials as the rest of the road  Half width roads may be constructed to provide temporary access to residential development, in accordance with Figure 3-20. | A temporary turning circle at the eastern end of the Town Centre Road is provided with a radius of 9 metres.  The half width road meets the specifications of figure 3-20 and is located in the ultimate configuration. | Yes |
| 3.3.6  Access to arterial roads, sub-arterial roads and transit boulevards.  Access to arterial roads, sub-arterial roads and transit boulevards may only be via another public road. | Access to the development is obtained from the Town Centre road and the local residential street. | Yes |
| 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.  Residential flat buildings are to be consistent with SEPP 65 and the DCP. Note that Table 4-10 takes precedence over SEPP 65 where there is an inconsistency.  A minimum of 10% of all apartments are to be designed as adaptable apartments in accordance with AS 4299. (436 units overall)  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 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.  Car parking allocated to adaptable dwellings must comply with the Australian Standards for disabled parking spaces.  A landscape plan is to be submitted with DAs for residential flat buildings.  **Table 4-10**  Site coverage of less than 50%  (Max – 9141.50m2)  Landscaped area of at least 30%  (Min – 5484.9m2)  Communal open space area of at least 15% (Min – 2742.45m2)  Principal private open space of 10m² per dwelling with a minimum dimension of 2.5m  Front setback of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length  Corner lots require a secondary street setback of at least 6m  For buildings 3 storeys and above, at least 12m separation distance is required for habitable rooms and balconies | All street frontages are significantly greater than 30m. The site has direct frontage to Byron Road and new public domain streets (Town centre road, collector road and a local residential street). Assessment of the application reveals that the development will not adversely impact existing or future amenity of adjoining land. The application is consistent with the design principles and is generally consistent with the Apartment Design Guidelines.  The residential flat building is consistent with the design principles of SEPP 65 and is generally consistent with the DCP.  A minimum of 44 units to comply with this requirement have been provided.  Adaptable apartments are located upon the ground floor and upon upper levels. Lift access to/from all floor levels to/from the proposed basements is provided.  An accessibility report has been submitted in support of the DA. The report demonstrates that the adaptable apartments can comply with AS 4299.  Forty four (44) disabled carparking spaces has been provided within basement levels.  A suitable landscaping plan has been submitted in support of this DA.  8122.7m2 / 44.4%  5489m2 / 30%  4915.7m2 / 26.9%  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 private open spaces for each apartment are generally consistent with the ADG.  Byron Road (Buildings A and D)  Ground – 6m  Ground Upper – 6m  1 – 6m  2 – 6m to walls, 4.5m to balconies  3 – 6m to walls, 4.5m to balconies  4 – 4.5m  5 – 7m  Balcony encroachments are less than 50% of the façade length.  Town Centre Road – Buildings A, B & C  Ground A – 6m B – 6m C – 6m  Ground Upper A – 6m B – 6m C – 4.5m  1 A – 6m B – 6m C – 4.5m  2 A – 6m B – 6m C – 4.5m  3 A – 6m B – 7m C – 4.5m  4 A – 6m B – 8.35m C – 9m  5 A – 8.95m  Eastern Collector Road – Building C & E  Ground C – 6m E – 6m  Ground Upper C – 4.5m E – 6m  1 C – 4.5m E – 4.5m  2 C – 4.5m E – 4.5m  3 C – 4.5m E – 4.5m  4C – 7.45mE – 5m  Southern Local Residential Street – Buildings D & E  Ground D – 4.5m E – 4.5m  Ground Upper D – 4.5m E – 4.5m  1 D – 4.5m E – 4.5m  2 D – 4.5m E – 4.5m  3 D – 4.5m E – 4.5m  4 D – 4.5m E – 4.5m  5 D – 4.5m E – 6m  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. Details of the developments building separation distances are contained in the ADG compliance table attached with the assessment report. | Yes  Yes  Yes  Yes  NA  No  No  NA |
| Residential flat buildings in the R3 zone require;  Carparking spaces  Residents required – 436 x 1 = 436  59 x 0.5 = 30  Overall 466    Visitors required – 436/5 - 88  Total required – 546  Bicycle spaces required – 436/3 - 145  Car parking spaces are to have minimum dimensions of 2.5m x 5.2m and aisle widths must comply with AS 2890.1. | Carparking spaces  Residents  516  Visitors – 88  Total 604  Bicycle spaces – 184  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 consistent with AS 2890’s criteria for medium stay commercial developments with more frequent vehicle turn overs.  The proposed aisle widths comply with AS 2890.1. | Yes |
| 4.45 Neighbourhood Shops  3) The minimum lot size for neighbourhood shops is 500 square metres.  4) For neighbourhood shops, the controls relating to lots with frontages greater than 15 metres in the following clauses of the DCP apply (4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.8)  5) Shop fronts are to encourage active and interactive street frontages that are sympathetic to the streetscape with similar materials to adjoining buildings to be used.  6) Any area of land between the front property boundary and the building alignment, exclusive of approved driveways and parking areas, is to be landscaped to the satisfaction of Council.  7) Address and entry points for any residential use on the same allotment of land are to be separate from the retail use access points and be readily identifiable.  8) Design of the building frontage, front and side setbacks are to include safe and convenient pedestrian facilities such as weather protection, shade, seating and landscaping.  9) On corner sites, shop fronts are to wrap around the corner and zero setbacks are permitted.  10) Entrances are to be visible from the street and well lit.  11) The site should not gain direct access to:   * A road with clearway or other parking restrictions; or * A restricted access road (sub-arterial or transit boulevard).   12) Any proposed development should not create a traffic hazard. However, corner sites are preferred in terms of reducing potential for impacts on neighbouring properties, and for allowing side access for customer parking and deliveries.  13) One car parking space is to be provided for every 30m2 of Gross Floor Area.  14) Parking spaces are to be provided on site or in dedicated on street parking constructed to Council’s standards.  15) The design of the building and parking areas is to provide suitable access for people with disabilities and service deliveries.  16) Bicycle parking must be provided in a location that is secure and accessible with weather protection for employees.  17) Car parking must be clearly signposted to indicate its availability from the street.  18) Plant and equipment is to be located so as to not cause noise annoyance to neighbours. A noise impact assessment may be required to be prepared and submitted to Council.  19) Waste storage areas must be designed to minimize visual impact and should be screened and properly positioned so as to not attract pests and cause odour problems for neighbours.  20) All goods storage is to be internal. | 3) 18,283m2  4) The proposed development is consistent with these controls, with the exception of the reduced setback at the corner of Byron Road / Town Centre Road, which is permitted subject to clause 4.4.5(9).  5) The shop front will be constructed with the same materials as per the residential flat building development. The shop front will be glazed providing an active frontage to the corner.  6) No landscaping is proposed. Landscaping within sightlines of the adjacent future roundabout is not desirable in this instance.  7) The lobby entrance to Building A is separate from the neighbourhood shop entrance.  8) No landscaping and seating is proposed. Landscaping and structures within sightlines of the adjacent future roundabout is not desirable in this instance.  9) The shopfront wraps around the corner of the intersection of Byron Road and the future Town Centre Road. A reduced setback is proposed.  10) The entrance is visible from the street and will have the benefit of street lighting.  11) Site access is gained via basement ramps from the Town Centre Road (north) and the southern local residential street.  12) The proposed location is not considered to create a traffic hazard.  13) 86.5m2 / 30m2 = 3 spaces. Four spaces are provided within Basement Level 1.  14) On-site parking is provided.  15) The design of the building and basement ramps will allow service vehicles to enter.  16) Provision for bicycle parking exists in the adjacent lobby.  17) On-site parking is provided in lieu to dedicated on-street parking.  18) No specific use has been sought for the neighbourhood shop. As such, future plant and equipment (if required) will be subject to separate applications.  19) A separate waste storage area is located upon basement level 1.  20) Conditions of consent will reinforce the need to store goods internal within the neighbourhood shop. | Yes |

**Schedule 2 Leppington Major Centres**

|  |  |  |
| --- | --- | --- |
| 3.1  Indicative Layout Plan  Development within the Leppington Major Centre is to be generally in accordance with the Indicative Layout Plan. | Please see comments made in Control 2.2 of the above table. | Yes |
| 3.2  Public Domain  Public domain elements are to be located as shown on the Indicative Layout Plan.  Elements of the public domain that are zoned RE1 Public Recreation or SP2 Infrastructure can be delivered by Council, or may be constructed in accordance with the DCP by another party and dedicated to Council, subject to the agreement of Council. | Required streets as per the ILP are proposed as per the road hierarchy plan. | Yes |
| 3.3  Road Hierarchy and circulation  The locations of streets are to be shown on the Indicative Layout Plan.  The hierarchy of streets within the centre is shown on Figure 3-2. Streets are to be designed and constructed in accordance with this hierarchy and with clause 4.1 of this schedule. | Required streets as per the ILP and the road hierarchy plan are proposed. | Yes |
| 5.1.1  Building orientation   1. Buildings are to be orientated towards and provide active frontages at street level, to Rickard Road, the Main Streets and preferably to Town Centre Streets, as shown on Figure 5-1. 2. Active ground floor uses that include outdoor seating and / or openable shopfronts are best orientated towards the north or east, however these uses ae encourages facing Rickard Road, the Main Street and Town Centre Streets regardless of their orientation.      1. The main pedestrian entries to buildings, including ground floor retail and commercial premises that face the street, are to be from the streets listed in the controls above with active frontages. 2. Buildings are to be orientated towards major roads in the Leppington Major Centre, including Eastwood road, Dickson Road, Ingleburn Road, Bringelly Road, **Byron Road,** Edmondson Avenue, Camden Valley Way and Cowpasture Road. Blank walls are not to face these roads, and glazing is to occupy at least 50% of the building façade width facing these roads.   7) Buildings are to be orientated to provide attractive, active building frontages and passive surveillance to public open space, land zoned for drainage purposes, plazas, squares and pedestrian through-site links. | 1. Buildings A, B and C, including building entries are orientated towards the Town Centre Road. 2. A neighbourhood shop is proposed at the north west corner of the development. The shop front will be glazed providing an active frontage to the corner. 3. The neighbourhood shop and pedestrian entries to Buildings A, B and C are from the Town Centre Road. 4. Buildings A and D are orientated to Byron Road. The western façade to Byron Road contains glazing, which is greater than 50% of the building’s façade width.   7) Buildings C and E are orientated towards future drainage land and passive open space, including ground floor terraces and upper balconies, providing casual surveillance to adjacent future land uses. | Yes |