

SYDNEY WESTERN CITY PLANNING PANEL

Panel Reference	2017SSW003
DA Number	1471/2016
Local Government Area	Camden
Proposed Development	Construction of two (2) x seven (7) storey residential flat buildings, containing 156 residential units and two (2) basement levels containing 191 carparking spaces, landscaping and associated works on proposed Lot 2 in a resubdivision of 28 Ingleburn Road.
Street Address	28 Ingleburn Road, Leppington
Applicant/Owner	Balintore Ingleburn Pty Ltd C/O Design Cubicle Pty Ltd Balintore Ingleburn Pty Ltd
Number of Submissions	Six (6) objections were received.
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act)	Capital investment value >\$20 million CIV - \$34,846,636
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 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 • Deemed State Environmental Planning Policy 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	<ul style="list-style-type: none"> • Assessment report • Apartment Design Guide Assessment Table

report for the panel's consideration	<ul style="list-style-type: none"> • Recommended reasons for refusal • Proposed plans • 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 • Submissions
Report prepared by	Adam Sampson
Report date	19 th February 2018

Summary of s79C 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

<p>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 summarized, in the Executive Summary of the assessment report?</p> <p>e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP.</p>	Yes
---	-----

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

<p>Does the DA require Special Infrastructure Contributions (S94EF)?</p> <p>Note: Certain DAs in the Western Sydney Growth Areas Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions.</p>	Yes
--	-----

Conditions

<p>Have draft conditions been provided to the applicant for comment?</p> <p>Note: in order to reduce delays in determinations, the Panel prefers that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.</p>	No
--	----

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (The Panel) determination of a development application (DA) for the construction of two (2) x seven (7) storey residential flat buildings, containing 156 residential units and two (2) basement levels containing 191 carparking spaces, landscaping and associated works on proposed Lot 2 in a resubdivision of 28 Ingleburn Road at 28 Ingleburn 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 \$34,846,636, which exceeds the CIV threshold of \$20 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 1471/2016 for the construction of two (2) x seven (7) storey residential flat buildings, containing 156 residential units and two (2) basement levels containing 191 carparking spaces, landscaping and associated works on proposed Lot 2 in a resubdivision of 28 Ingleburn Road pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by refusal subject to the reasons for refusal attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of two (2) x seven (7) storey residential flat buildings, containing 156 residential units and two (2) basement levels containing 191 carparking spaces, landscaping and associated works on proposed Lot 2 in a resubdivision of 28 Ingleburn Road at 28 Ingleburn 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. The DA was publicly exhibited and advertised for a period of 30 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 25th January 2017 to 23rd February 2017. Within this exhibition period six (6) submissions (made by single property owners and on behalf of the single property owners) were received objecting to the proposed development.

The issues raised in the submissions relate to;

- location and alignment of proposed Road No.2;
- adverse impacts caused by the alignment of proposed Road No. 2;
- proposed development does not allow for planned and orderly progression of development; and
- invalid application due to lack of owners consent.

The application proposes variation to the 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 21m above ground level (existing), however the proposed development will be a maximum of 21.6m high from ground level (existing).

Assessment of the application reveals that the development is inconsistent with the design quality principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development. In addition, the development fails to comply with several development controls of Camden Growth Centre Precincts Development Control Plan, including the indicative layout plan and

front and corner lot / secondary setbacks. A discussion of these non-compliances and other non-compliances are made later within this assessment report. Based on the assessment, it is recommended that the DA be refused subject to the reasons for refusal attached to this report.

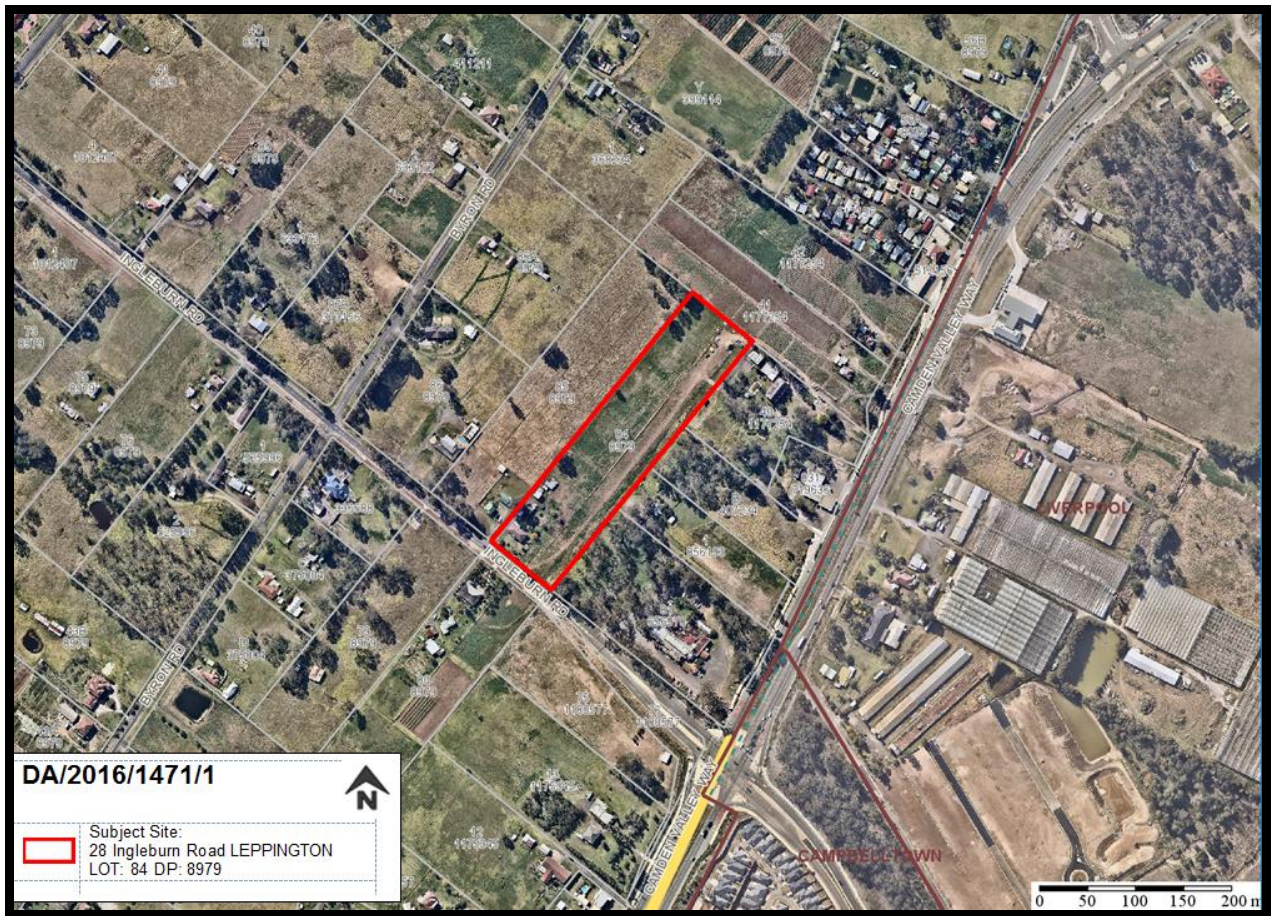


Image 1 - AERIAL SITE PHOTO

THE SITE

The site is commonly known as 28 Ingleburn Road, Leppington and is legally described as Lot 84 DP 8979 and has an overall area of 2.683 hectares. The site is rectangular in shape and is located upon the northern side of Ingleburn Road. The site has a frontage of 80.47 metres to Ingleburn Road and has a depth of 333.45 metres. The land has a cross fall at the south east corner of Ingleburn Road towards the middle of the site and a cross fall from the north east property boundary towards the south west property boundary.

The site currently contains a single storey brick dwelling house and two detached outbuildings. The site is predominately clear of vegetation with clusters of vegetation adjoining the site at the north east, south east and south west corners of the site. The site is subject to biodiversity certification and is located within the Austral and Leppington North Precinct and the Leppington Major Centre of the South West Growth Centre. Ingleburn Road is currently a rural road, however it will ultimately be upgraded to be a two lane sub-arterial road.

The surrounding area is characterised by undulating topography, scattered vegetation, dams, market gardens and poultry farms and a range of rural and rural residential land uses. Camden Valley Way and Lockies Hotel lie to the east. To the north, south and west lay existing rural and rural residential properties that have been rezoned for residential development as part of the Leppington Major Centres, Austral and Leppington North Precincts and the Leppington Priority Precinct.

Leppington railway station is located 1.5km approximately (as the crow flies) to the north of the site. The site sits on the southern boundary of the Leppington Major Centre. The Leppington Precincts northern boundary is at the opposite side of Ingleburn Road.

THE PROPOSAL

DA 1471/2016 seeks approval for the construction of two (2) x seven (7) storey residential flat buildings, containing 156 residential units and two (2) basement levels containing 191 carparking spaces, landscaping and associated works on proposed Lot 2 in a resubdivision of 28 Ingleburn Road.

The DA is dependent upon a separate development application currently under assessment by Council for the demolition of existing structures, tree removal, subdivision into three (3) Torrens title lots and construction of roads, internal landscaping and street tree planting subject to DA 1468/2016. This DA establishes the site levels, and constructs Lot 2 and the associated roads for which this development relies upon for vehicular access and disposal of stormwater into the drainage system.

The development of Lot 1 and Lot 3 for the construction of residential flat buildings is also proposed under separate applications subject to DA 1469/2016 and DA 1472/2016, which are reported to The Panel separately for determination.

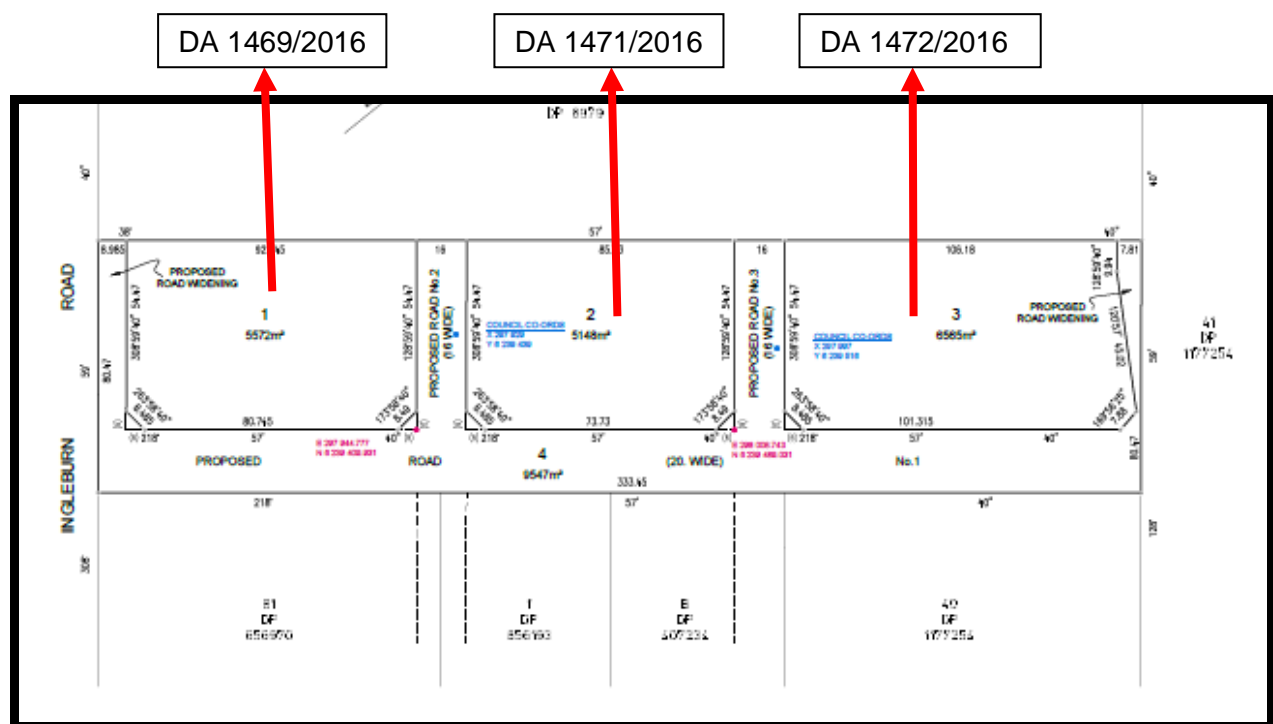


Image 2 – Current plan of three lot Torrens title subdivision and construction of roads as per DA / 1468/2016.

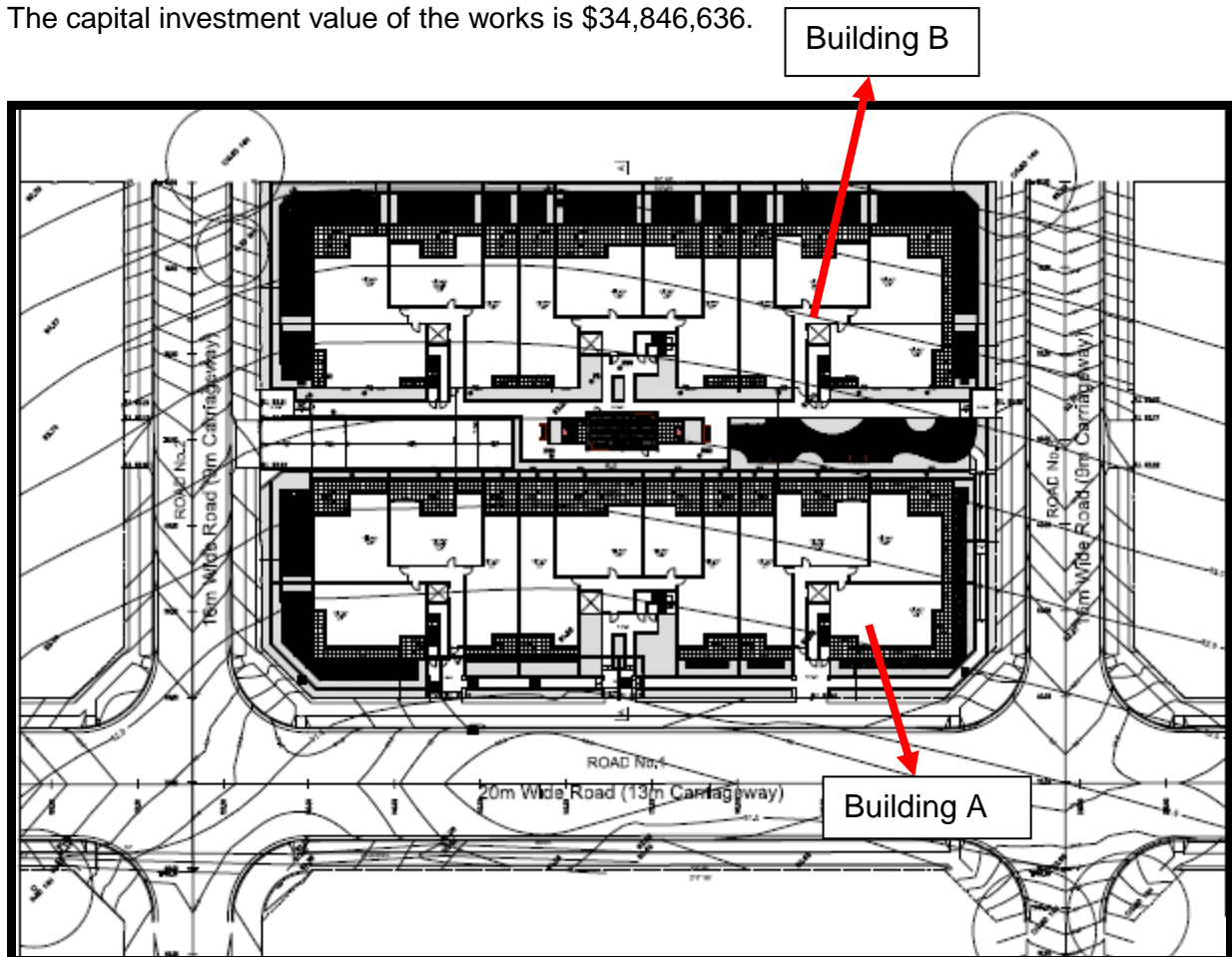
Specifically the proposed development involves:

- Lot 2 – Construction of 2 x 7 storey buildings, containing 156 residential units, consisting of 17 x 1 bedroom units, 136 x 2 bedroom units and 3 x 3 bedroom units:

The building will be constructed of masonry and glazing. Wall finishes will consist of render and painted finishes, alucobond cladding (various colours) and timber look cladding. The buildings maximum height will be 21.6 metres measured above natural ground level.

- Construction of two levels of basement parking providing 191 parking spaces;
- Communal open space area at ground level, which includes a children's playground and roof top communal open space area upon the fourth floor; and
- Associated site works, including earthworks, drainage and landscaping.

The capital investment value of the works is \$34,846,636.



[Image 3 – Proposed site plan](#)



Image 4 – Perspective viewed from the south east



Image 5 – Perspective of common open space between building A and building B

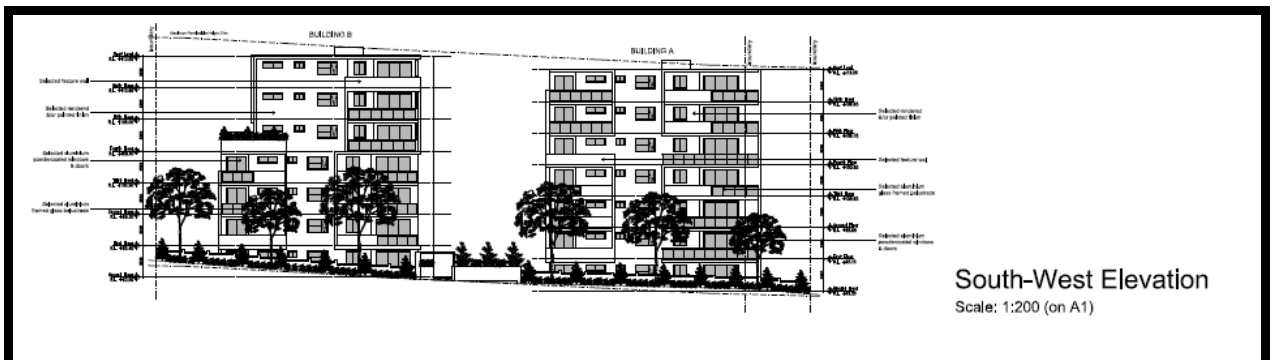
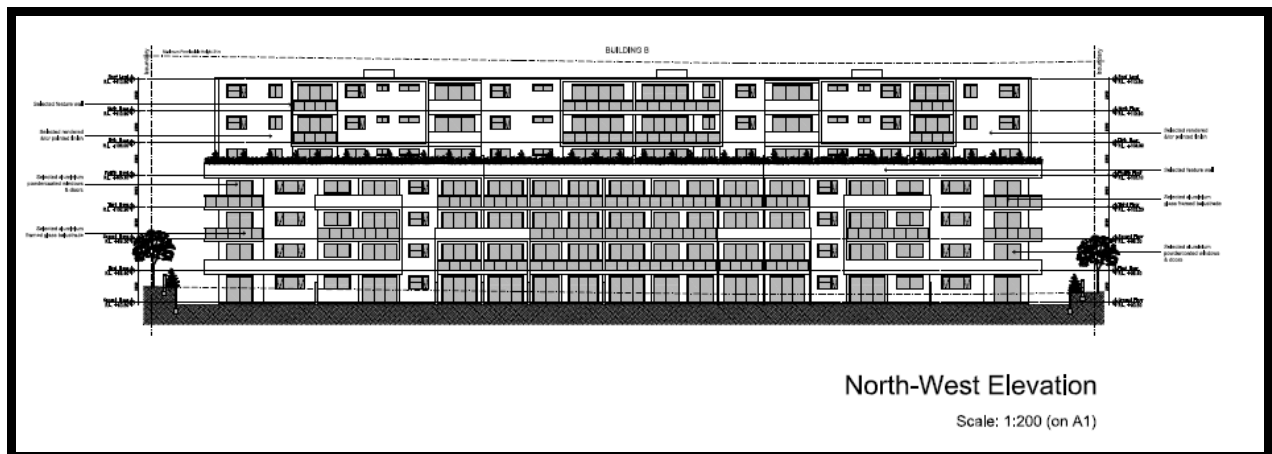


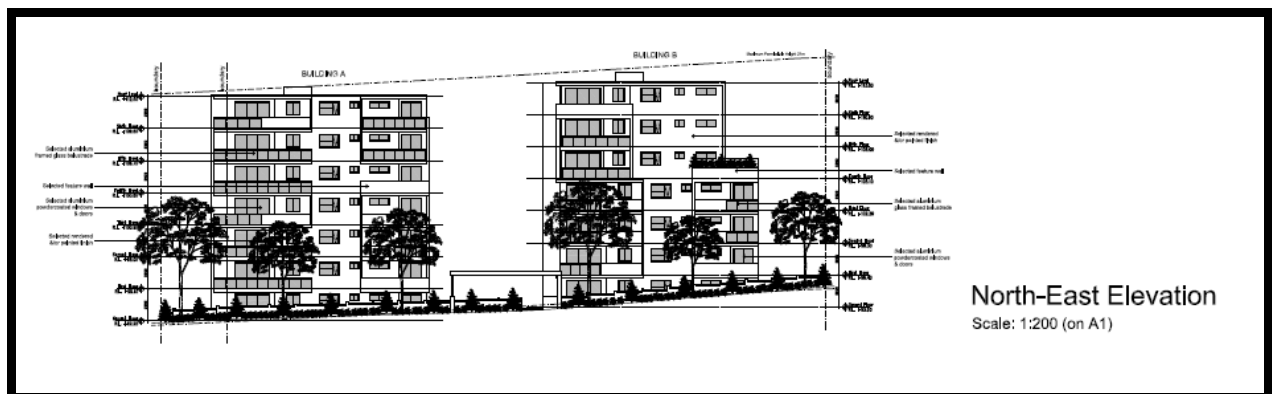
Image 6 – South west elevation (Road No. 2)



[Image 7 – South east elevation](#)



[Image 8 – North west elevation](#)



[Image 9 – North east elevation](#)

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 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
- Deemed State Environmental Planning Policy 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 Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$34,846,636. 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)(Appendix 9)

Permissibility

The site is zoned R3 Medium Density Residential and SP2 Infrastructure under the provisions of the SEPP. A 80.47m wide x 8.985m deep area along the site's Ingleburn Road frontage is zoned SP2 Infrastructure (Local Road) under the provisions of the SEPP. This area is identified for acquisition by Council. As per image 2, Lot 2 is located centrally within the existing lot and is not impacted by the SP2 Infrastructure zoning.

The proposed buildings will be located to the part of the site zoned R3 Medium Density Residential. The part of the site zoned SP2 Infrastructure (Local Road) will be contained in a residue lot which will be used to upgrade Ingleburn Road into its ultimate configuration, subject to the separate development application DA 1468/2016 for the subdivision into three (3) Torrens title lots and construction of roads.

The proposed development is defined as '*residential flat buildings*,' which is permissible in the R3 Medium Density residential zone.

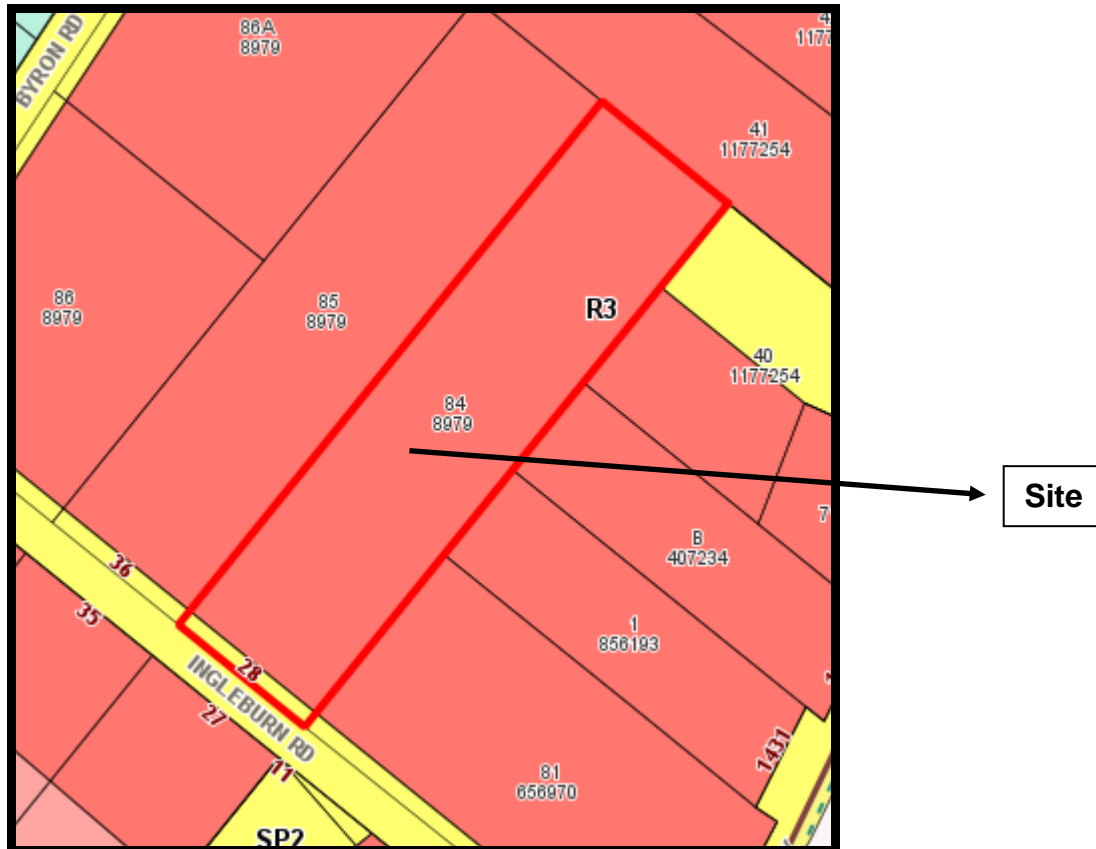


Image 10 – Land zoning map

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 156 apartments which will provide for the housing needs of the community. The proposed development is in the form of two seven storey residential flat buildings which will create a high density residential environment. As per Clause 4.1B of the SEPP, there is no maximum density development standard, with the development proposing a residential density significantly above the minimum residential density of 25 dwellings per hectare.

- 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 17 x 1 bedroom units, 136 x 2 bedroom units and 3 x 3 bedroom units. Whilst the development does provide a variety of apartment types, it is predominantly of 2 bedroom units. Justification for this unit mix has not been submitted with the application.

- 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 Ingleburn 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 Ingleburn Road.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP (Appendix 9).

Clause	Requirement	Provided	Compliance
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 5,148m ² is proposed (Lot 2) under DA/1468/2016. Based on the current DA plans submitted under DA/1471/2016, the site area is 5149m ² .	Yes
4.1B Residential Density	Minimum residential density of 25 dwellings/ha	The proposed developments of DA 1469/2016, DA 1471/2016 and DA 1472/2016 seek to provide 193.4 dwellings	Yes

Clause	Requirement	Provided	Compliance
		per hectare (Total of 519 units / 2.683ha)	
4.3 Height of Buildings	Maximum building height of 21m above ground level (existing)	The proposed development's maximum building height will be 21.6m above ground level (existing)	No – SEPP Variation 1
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 21m maximum building height development standard.	Yes
5.1 Relevant Acquisition Authority	The part of the site zoned SP2 Infrastructure (Local Road) is identified for acquisition by Council.	The area zoned SP2 Infrastructure (Local Road) will be contained within a residue lot subject to a separate development application DA 1468/2016. The acquisition of this land can be undertaken by Council as a separate process.	Yes
5.9 Preservation of Trees of Vegetation	Development consent is required for tree removal	The arboricultural impact assessment nominates that trees numbered 4, 5, 13 and 14 within the report are to be removed (neighbouring trees). Whilst all of these trees are subject to biodiversity certification and can be removed with consent, owners consent from neighbouring properties containing trees numbered 4, 5, 13 and 14 has not been submitted with the application.	No
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	The consideration of this clause is detailed in the “likely impacts of the development...” section of this report.	Yes

Clause	Requirement	Provided	Compliance
	that infrastructure available when required		

SEPP Variation 1 – Maximum Building Height

SEPP Development Standard

Pursuant to Clause 4.3(2) of the SEPP, the maximum building height permitted on this site is 21m above ground level (existing).

The proposed development will have a maximum building height of 21.6m above ground level (existing). The additional building height is limited to a 600mm variation for a lift overrun atop building A, however the development proposes a number of units cut into the ground and condensed floor to floor ceiling heights to reduce the buildings overall height.

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:

- Buildings have been stepped to address the site's cross-fall that will contribute towards minimizing building height, bulk and scale when viewed from the street level;
- The size of the site permits sufficient separation of building on site and also from neighbouring land parcels and also have negligible impacts in terms of privacy and overshadowing to adjoining properties;
- the increased height and modulation of building locations enables greater amenity to the proposed units through better solar orientation and increased levels of natural ventilation;
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing a residential flat building that provides good address to the street frontage;
- The proposed development complies with key planning controls applying to the proposal which indicates a suitable design response;
- The proposal provides for a variety of building heights and building modulations, with the development distributed across the site to achieve a series of buildings in a landscaped setting that substantially exceeds the required levels of landscaped area, deep soil, and common open space. It also enables the proposal to achieve the required levels of solar access and natural ventilation to dwellings to present a more suitable and site responsive layout of the buildings;
- It is also noted that the stepped building form is a direct design response to the natural topography of the site. The proposal provides a stepped building form but the need for consistent finished floor levels dictate the need for a consistent finished floor level to each building, which results in a technical departure to height due to the topography. Compliance with the height control could be achieved by 'sinking' the buildings further into the site which would lead to poor outcomes for residents for the sake of strict compliance.

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

In assessment of the applicant's written request, Council staff have considered the matters of consideration in respect to Clause 4.6. It is considered that the objectives of Clause 4.6(1) have not been met as a better outcome for and from the development has not been achieved in this instance. Pursuant to Clause 4.6(4) of the SEPP, it is considered that the applicant's written request has not adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the SEPP and that the proposed development will not be in the public interest because it is inconsistent with the objectives of the Height of buildings standard.

Council staff have reviewed the Clause 4.6 written request and recommend that it be not supported for the following reasons:

- The development does not satisfy the objective of Clause 4.3(1)(b) Height of buildings – ‘ *to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to the buildings and open space* ’, as the proposed developments building length (greater than 70 metres) without significant breaks and articulation and continuous seven (7) storey streetwall is not an acceptable streetscape presentation and does not provide a ‘ human scale ’ streetscape or acceptable solar access impacts to neighbouring development;
- The proposed variation to height is reliant on a number of units being cut into the ground to mitigate overall height, which results in poor amenity to these units from lack of solar access and overlooking from adjoining communal open space areas;
- The development is reliant upon condensed floor to floor ceiling heights of 2.9 metres to reduce the developments height contrary to the requirements of the Apartment Design Guide (floor to floor minimum 3.1m) and Camden Growth Centre Precincts Development Control Plan (floor to finished ceiling height). With complying floor to floor heights, the development would exceed the maximum height by up to 2.1 metres;
- It has not been demonstrated that the additional height will result in a better outcome for the site, noting that the development significantly overshadows its communal open space area and adjoining streets within the public domain;
- Compliance with the development standard has not been adequately demonstrated to be unreasonable or unnecessary in the circumstances of the case; and
- Sufficient environmental planning grounds to justify contravening the height of buildings development standard have not been adequately addressed in this instance.

Council has the assumed concurrence of the Director General of the Department of Planning and Environment. In this regard, the contravention of the development standard does not raise any matter of significance for State or regional environmental planning. To the extent that there is any public benefit in maintaining the development standards, as the development has not satisfied the objectives of Clause 4.6(1), it is considered that there is public benefit in this instance in maintaining the development standard. Consequently it is recommended that the Panel do not support the proposed contravention to the SEPP's maximum building height development standard.

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 identified that the site had been used in the past for market gardening and agricultural purposes. A total of 36 shallow samples were taken across the site and were mixed to create composite samples. Test results of the samples collected revealed that heavy metals and pesticides were below the assessment criteria. Accordingly, the development does not require remediation and it is considered that the site is suitable for future residential use.

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

SEPP No. 65 aims to improve the design quality of residential apartment development and provides an assessment framework, the Apartment Design Guide for assessing ‘ good design ’. The SEPP requires consideration of any Development Application for residential accommodation meeting the application criteria of the SEPP against the nine (9) design quality principles, including the advice obtained from a design review panel and the Apartment Design Guide (ADG). A copy of the assessment of the proposed development against the design criteria of the ADG is provided as an attachment to this report, with assessment of the application revealing several inconsistencies with the ADG and the design quality principles. In addition, independent urban design advice was obtained for the development, with the development in its current form unable to be supported.

It is considered that the development does not have adequate regard to the design quality principles and lacks an understanding of the future desired character of the precinct. The development is considered to have an inappropriate built form and scale and does not provide a ‘ human scale ’ to the development. The development fails to activate the frontage of adjoining streets, with residential lift lobbies also not addressing the street directly.

There are amenity impacts to adjoining residences and to proposed buildings on site through insufficient building separations and overshadowing, including overshadowing of future streets. In addition, the development fails to provide an adequate area of communal open space, which is extensively overshadowed throughout the day and which is also segregated from Building A through poor pedestrian access.

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

Principle 1: Context and Neighbourhood Character – Non compliant

The entire area is undergoing a significant transition from a rural/rural residential to an urban character. In consideration of the proposed built form and establishing the future character of Leppington, building height and length coupled with street wall height are essential to create a desired streetscape. The proposed building length (over 70m) is considered excessive. An appropriate built form will provide breaks in the façade with indents and recesses every 20m and discontinuing the length of the building every 30 – 40m. In this instance, the proposed buildings with 70m or more building length would require to be broken at least into two separate buildings with effective articulation on the facades to mitigate the perception of bulk and scale.

In addition, the proposed continuous seven (7) storey street wall proposed along the 20m residential collector road is a not an acceptable built form for the subject site and the desired future streetscape as it does not provide a ‘ human scale ’ to the development. A two (2) – four (4) storey wall height across the site, with a secondary setback above the podium without any protrusions would allow a pedestrian-friendly streetscape and reduce overshadowing to adjoining streets and lots.

Principle 2: Built Form and Scale – Non compliant

As discussed in the above Principle 1, the proposed building length (Greater than 70m) is excessive and needs to be broken up to a maximum of 30m to 40m to create an adequate urban design / built form response to present a more relevant human scale to the street and to ensure the amenity of future developments.

As per the DCP storey controls, the DCP intends to introduce a relatively lower built form for the subject site and to the surrounding lots as per the objectives of Clause 5.1.3 Building height and envelope controls; which are to '*control the height, bulk and scale of buildings to be consistent with the Leppington Major Centre Vision and Planning Principles*' and to '*ensure appropriate sunlight penetration to streets and public spaces*'. Hence, the proposed continuous seven (7) storey street wall along the proposed 20m Residential Collector road is not an appropriate built form for the subject site and the desired future streetscape.

The mismatch between the DCP building height control (in storeys) and the SEPP (SRGC) 2006 which introduces a maximum 21m height control to the subject site can be resolved with the provision of a distinct podium form along the proposed streets. Based on the shadow diagrams provided by the applicant, a large portion of the 20m Residential Collector Road is almost overshadowed throughout the day by the proposed development. It is not acceptable to have a continuous seven (7) storey street wall without any effective break.

The proposed building to the west of the lot is oriented in a way that will not contribute to the streetscape and activate the street frontage. The proposed residential entry for the western building (Building B), which is set deeply into the lot will not contribute to the character of streetscapes and street activation. Residential entries should address the streets. The orientation of the western building will also cast a large amount of shadow to the proposed communal open space in the middle of the lot, based on the shadow diagrams in the architectural package. This will result in less than 50% of the proposed communal open spaces receiving adequate 2hrs solar penetration. Hence, the rearrangement of the orientation of these buildings would be necessary in any further proposal submitted.

Principle 3: Density – Non compliant

The proposed developments of DA 1469/2016, DA 1471/2016 and DA 1472/2016 seek to provide 193.4 dwellings per hectare (Total of 519 units / 2.683ha), with the minimum dwelling density being 25 dwellings per hectare as per State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)(Appendix 9). Based on the issues identified in the proposal such as overshadowing of the communal open space, excessive bulk and scale, compromised internal amenity and privacy between units, it is considered that the proposed density is not appropriate in this instance.

Principle 4: Sustainability – Non compliant

The proposal does not satisfactorily demonstrate consideration of sustainability measures due to deep soil, material and potential solar issues. The proposal also fails to provide information demonstrating a sound consideration of sustainability measures.

The provision of deep soil area within the development is insufficient and does not comply with the ADG minimum dimension requirements of 6m. The insufficient deep soil area will not provide effective groundwater recharge area and enough space for vegetation to survive and thrive. The proposed deep soil area does not meet the objective stated in the ADG which requires to provide areas that allow for and support healthy plant and tree growth and to improve residential amenity.

Self-overshadowing is significant from the western building to the eastern building, including over the common open space area located between the buildings. The proposed lower levels of the buildings along the 20m Residential Collector are likely to be overshadowed by the building to the west. In addition, the reduced floor to floor height (2.9m) on each level coupled with significant self-overshadowing will sacrifice solar access to the proposed units.

Principle 5: Landscape – Non compliant

The proposed landscape plans prepared by Vision Dynamics only indicate landscaped communal open space on the ground. However, the upper-level communal open space area is indicated in the architectural package. Accordingly, no details of the proposed landscaping upon the rooftop communal area have been provided.

The exposed basement ramp is considered to compromise the visual quality of the public domain and the ramp should be encapsulated into a built form. Considering the overshadowing issue to the communal open space on the ground level, significantly improvements are required to enable solar amenity to be received to the ground floor communal open space to provide for better amenity and equitable access to all residents.

Principle 6: Amenity – Non compliant

The Statement of Environmental Effects reports that a number of units can achieve the ADG required solar access. However, adequate details have not been provided to demonstrate that ADG requirements have been achieved. In addition, the development proposes a number of subterranean units viewing into retaining walls, which result in poor amenity from a lack of solar access and overlooking from adjoining communal open space areas due to the topography of the site. The exposed basement ramp will also bring acoustic issues to the proposed units near the ramp, which will further sacrifice the amenity of these units.

The shadow diagrams provided suggest that the communal open space is significantly overshadowed by the building to the west. It has not been demonstrated that the minimum 2hrs direct sunlight between 9am and 3pm during midwinter for 50% of this focal point is achieved, which is unsatisfactory.

The development proposes to construct a children's playground within the communal open space, however minimal dimensions and details of the proposed equipment, including demonstration of fall zones have not been provided. It is considered that the location of the proposed children's playground is likely to be a source of nuisance to adjoining residents. Other amenity issues identified during assessment include; insufficient circulation spaces upon the first, second and third floors (Units A 101, A 201, A 301, A 401, A 501, A 601 and Units B 101, B201, B301, B401, B501 and B601), adjacent to the entry leading to the living / dining room), unidentified functions of the rooms in some units (A 410, A 510 & A 610), insufficient building separation distances between habitable rooms on the upper levels, non compliant floor to floor ceiling heights and the use of skylights upon the top floor as the main source of solar access in lieu of a secondary source.

Principle 7: Safety – Non compliant

The proposed building entry located in the middle of Building B accessed from the elevated communal open space compromise's street activation and therefore decreases the perceived sense of safety.

Principle 8: Housing Diversity and Social Interaction – Non compliant

The proposed development will provide a variety of apartment types including 17 x 1 bedroom units, 136 x 2 bedroom units and 3 x 3 bedroom units. Whilst the development does provide a variety of apartment types, it is predominantly of 2 bedroom units. Justification for this unit mix has not been submitted with the application.

Principle 9: Aesthetics – Non compliant

As discussed within design principles one and two, the proposed building length over 70m is not acceptable. All continuous buildings of more than 30m to 40m are considered to be excessive and need to be broken up. This will also facilitate in improving the proposed blanket roofs for these long buildings.

The proposed buildings lack articulation on all of the facades. In addition, the proposed development does not adopt quality materials to vary the finishes to create architectural interest, which is heavily reliant on the use of painted render. The development fails to provide a secondary setback into the design to provide breaks between the street wall height and the upper levels. Vertical elements and proper insets are also required to create breaks on the proposed facades every 20m to create visual interest to the facades of the development.

In addition, the proposed design lacks innovation and creativity as proposed adjoining development on Lots 1 (DA 1469/2016 and 3 (DA 1472 / 2016) are very similar in design, materials, colour and appearance. The development could be improved by designing the development in such a way that it has its own individual identity compared to proposed adjoining development.

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

The applicant has submitted a valid BASIX certificate in support of the DA that demonstrates that water, thermal comfort and energy requirements have been achieved.

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

The proposed development includes the removal of two tree native trees.

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.

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

The proposed development is consistent with the aim of the SEPP (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, as the development proposes appropriate erosion and sediment control measures and water pollution control devices which will avoid adverse impacts on natural watercourses and ultimately the Hawkesbury – Nepean River system.

(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)).

The Draft Environment SEPP is currently on exhibition. The purpose of the SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

As the Draft Environment SEPP is still on exhibition, it is considered not imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance.

(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	The ILP identifies this site as being for medium density residential development and public roads. The proposed development is inconsistent with the ILP in respect to proposing a high density development. In addition, the proposed development has not been amended to reflect the latest subdivision design and layout of roads as per DA 1468/2016. The positioning of proposed road No. 2 and its continuation through adjoining properties to the east is inconsistent with the ILP and results in the unequal burden of	No

Control	Requirement	Provided	Compliance
		road construction upon adjoining properties, which have been raised as an issue within public submissions received. A map showing this site in relation to the ILP is provided as an attachment to this report	
2.3.2 Water Cycle Management	Consistency with Council's engineering specifications	Outstanding engineering issues raised with the applicant have not been resolved.	No
	Compliance with the Precinct's Water Cycle Management and Ecology Strategy	Outstanding engineering issues raised within assessment of DA 1468/2016 in respect to the stormwater discharge point for which this development relies upon have not been resolved.	No
	Compliance with the DCP's water quality and environmental flow targets	The development demonstrates that the water quality targets and environmental flow targets as per the DCP can be achieved.	Yes
2.3.3 Salinity and Soil Management	A salinity assessment and compliance with the DCP's Appendix B is required	15 soil samples were taken across the site with the results indicating that the soil salinity is predominantly non saline to slightly saline and non aggressive to both concrete and steel. Based on these findings, the development is able to satisfy the requirements of Appendix B.	Yes
	Sediment and erosion control measures must be implemented	A satisfactory sediment and erosion control plan has been submitted with the application.	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	The applicant has submitted a due diligence report in accordance with the generic due diligence process and has demonstrated that an AHIP is not required in this instance. The due diligence assessment advises that the site has a low	Yes

Control	Requirement	Provided	Compliance
		archaeological sensitivity as the site has low potential to contain intact archaeological deposits due to the lack of archaeological sensitive landforms, distance from reliable water, and predictive modelling based on previous studies.	
2.3.5 Native Vegetation and Ecology	Council is to consider a number of matters when assessing proposed tree removal	The arboricultural impact assessment nominates that trees numbered 4, 5, 13 and 14 within the report are to be removed (neighbouring trees). Whilst all of these trees are subject to Biodiversity certification and can be removed with consent, owners consent from neighbouring properties containing trees numbered 4, 5 13 and 14 has not been submitted with the application.	No
	All existing indigenous trees are to be replaced where retention is not possible	This matter could be satisfied with a condition requiring replacement planting.	Yes
	The eradication and minimisation weed dispersal is to be considered	This matter could be satisfied with a condition.	Yes
	A suitable landscaping plan must be submitted	A suitable landscaping plan has been submitted in support of this DA.	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'	A bushfire safety authority has been issued by the New South Wales Rural Fire Service in consideration of the subdivision application subject to DA 1468/2016, for which this development application is reliant upon. The terms of the bushfire safety authority require that the entire site is managed as an inner protection area.	Yes
2.3.7 Site Contamination	A contamination assessment (and remediation action	Please see comments made within State Environmental Planning	Yes

Control	Requirement	Provided	Compliance
	plan if required) must be submitted	Policy – No. 55 Remediation of Land.	
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, however additional information in respect to future traffic volumes, Council's Environmental Noise Policy external amenity criteria and the impact of the adjoining Lockies Hotel upon the development were requested. This information has not been submitted for further consideration.	No
2.3.10 Odour Assessment and Control	Odour impacts, and the need for an odour assessment, must be considered	This development site is not impacted by odour criterion exceeding 4.5OU. Council have conducted odour modelling for the Leppington area and have accepted an alternative odour criterion of the area of 4.5OU for no more than 250 hours a year in lieu of 2OU as per the EPA's criteria, which would otherwise sterilize most of the Leppington area from urban redevelopment.	Yes
2.4 Demolition	A number of demolition controls are to be implemented	The demolition of existing structures on the site will be undertaken subject to DA 1468/2016 should consent be granted.	NA
2.5 Crime Prevention Through Environmental Design (CPTED)	Buildings should be designed to overlook streets and other habitable areas	The proposed development will overlook proposed Road No. 1, 2, 3 and communal open space areas.	Yes
	The design of all development is to enhance public surveillance of public streets	The proposed building entry located in the middle of Building B accessed from the elevated communal open space compromise's street activation and therefore decreases the perceived sense of safety.	No

Control	Requirement	Provided	Compliance
	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 lighting to secure a high level of safety	This matter could be satisfied with a condition.	Yes
	All developments are to incorporate CPTED principles	The proposed development is consistent with CPTED principles. The application was referred to Camden Local Area Command who provided several recommendations in respect to surveillance, access control, territorial re-enforcement and space / activity management to improve the development.	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 seeks to cut the site in order to facilitate drainage and reasonable building platforms. The proposed levels will still generally maintain the site's existing north west to south east 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 upon the development plans. The requirement for the design by a practicing engineer and be of masonry construction could be satisfied with a condition.	Yes
	Retaining walls that front a public place are to be finished with an anti-graffiti coating	This matter could be satisfied with a condition.	Yes
	A validation report	This matter could be	Yes

Control	Requirement	Provided	Compliance
	must be submitted prior to the placement of any imported fill on the site	satisfied with a condition.	
	Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the <i>Noxious Weeds Act 1993</i>	This matter could be satisfied with a condition.	Yes
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	The proposed developments of DA 1469/2016, DA 1471/2016 and DA 1472/2016 seek to provide 193.4 dwellings per hectare (Total of 519 units / 2.683ha).	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 Austral and Leppington North Precincts and the Leppington Major Centres 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 within the Leppington Major Centre, consists of multi-storey residential flat buildings and presents an urban streetscape.	Yes
3.3.6 Access to Arterial Roads, Sub-Arterial Roads and	Vehicular access to arterial roads, sub-arterial roads and transit boulevards shown on the	Vehicular access to the development will be created by the construction of Road No. 1 from Ingleburn Road	Yes

Control	Requirement	Provided	Compliance
Transit Boulevard	Precinct Road Hierarchy Figure may only be via another road	subject to a separate development application being DA 1468/2016.	
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	This matter could be satisfied with a condition.	Yes
	Applicants are to ensure that the management of construction activities is undertaken in accordance with the Camden DCP	This matter could be satisfied with a condition.	Yes
	Trees are to be protected with fencing installed to conform to a tree protection zone that is consistent with current arboricultural industry standards	This matter could be satisfied with a condition.	Yes
	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	Insufficient site analysis information as per the requirements of the DCP 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	The development provides adequate details of proposed cut and fill works.	Yes
	All retaining walls are to be identified in the DA and be a minimum of 0.3m	Proposed retaining walls have been indicated. The location of retaining walls from property boundaries	Yes

Control	Requirement	Provided	Compliance
	from property boundaries	could be addressed with a condition.	
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	The applicant has submitted a valid BASIX Certificate in support of the DA that demonstrates that water, thermal comfort and energy requirements have been achieved.	Yes
	The design of dwellings is to maximise cross flow ventilation	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.	NA
	The orientation, location and position of dwellings, living rooms and windows is to maximise natural light penetration and minimize the need for mechanical heating and cooling	The proposed building layout does not take advantage of the sites northern orientation, with the communal open space area located between two buildings, resulting in overshadowing for a majority of the day.	No
	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	This matter could be satisfied with a condition.	Yes
	The design and construction of dwellings is, where possible, to make use of locally sourced and recycled and renewable materials	This matter could be satisfied with a condition.	Yes
	Roof and paving materials and colours are to minimise the retention of heat from the sun	This matter could be satisfied with a condition.	Yes

Control	Requirement	Provided	Compliance
	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 acoustic sealed frames and glazing. Air conditioning may however be required for apartments that require windows to be kept closed in order to achieve acoustic attenuation.	Yes
4.1.4 Salinity, Sodicity and Aggressivity	Salinity shall be considered during the siting, design and construction of dwellings. Compliance with a salinity management plan and Appendix B of the DCP must be achieved and certified upon completion of the development	15 soil samples were taken across the site with the results indicating that the soil salinity is predominantly non saline to slightly saline and non aggressive to both concrete and steel. Based on these findings, the development is able to satisfy the requirements of Appendix B.	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	The minimum street frontage proposed is 82.215m to Road No. 1, 54.47m to proposed Road No. 2 and 62.96m to proposed Road No.3. Public road frontages will be provided to both proposed buildings. However, the applicant has not demonstrated that no adverse impact upon the future amenity of adjoining land to the east in respect to overshadowing will occur.	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 inconsistent with several of the design quality principles as discussed within earlier sections of this report. The development does not comply with the numerical requirements of front setbacks and corner lot secondary	No

Control	Requirement	Provided	Compliance
		setbacks as specified within Table 4 – 10.	
	A minimum of 10% of all apartments are to be designed as adaptable apartments in accordance with AS 4299	A minimum of 16 units to comply with this requirement have been provided, with eight (8) adaptable units provided within Block A and eight (8) units provided within Block B.	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 people with disabilities	Adaptable apartments are located upon the ground floor and upon upper levels. Lift access to/from all floor levels from/to the proposed basements is provided.	Yes
	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. However, details of the certification of the author of the report were not provided. This matter could be satisfied with a condition.	Yes
	Car parking allocated to adaptable dwellings must comply with the Australian Standards for disabled parking spaces	This matter could be satisfied with a condition.	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.	Yes
	Site coverage of less than 50% (Max – 2574.5m ²)	Building A – 1260.893m ² Building B – 1333.64m ² Total – 2594.5/5749=45.1%	Yes
	Landscaped area of at least 30% (Min – 1544.7m ²)	1512.9m ² /5149m ² = 29.3%	No

Control	Requirement	Provided	Compliance
	Communal open space area of at least 15% (Min – 772.35m ²)	Ground – 467.29m ² Rooftop courtyard (Level 4) – 155.76m ² Total – 623.05m ² / 5149m ² = 12.1%	No
	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 design matters, the DCP is of no effect. The proposed private open spaces for each apartment are generally consistent with the ADG.	N/A
	Front setback of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length	Road No.2 Ground – 6.015m 1 – Wall 6.015m balconies setback 4.8m. Balconies span 28.4/37.2 (76%) 2 – Wall 6.015m balconies setback 4.8m. Balconies span 28.4/37.2 (76%) 3 – Wall 6.015m balconies setback 4.8m 4 – Wall 6.015m balconies setback 4.8m 5 – Wall 6.015m balconies 4.8m 6 – Wall 6.015m balconies 4.8m Setback of proposed balconies to the splay at Road No. 1 and Road No. 2 (all floors) is 2.6m.	Yes No No No No No No
	Corner lots require a secondary street setback of at least 6m	Development proposed to address Road No. 1 Ground – 4.5m measured to stairwell. Wall 6m 1 – 4.5m measured to stairwell (wall 6m) balconies 4.8m 2 – 4.5m measured to stairwell (wall 6m) balconies 4.8m 3 – 4.5m measured to stairwell (wall 6m)	No No No No

Control	Requirement	Provided	Compliance
		<p>balconies 4.8m 4 – 4.5m measured to stairwell (wall 6m) balconies 4.8m 5 – 4.5m measured to stairwell (wall 6m) balconies 4.8m 6 – 4.5m measured to stairwell (wall 6m) balconies 4.8m</p> <p>Development proposed to address Road No. 3</p> <p>Ground – 6.005m 1 – Wall 6.005m balconies 4.8m 2 – Wall 6.005m balconies 4.8m 3 – Wall 6.005m balconies 4.8m 4 – Wall 6.005m balconies 4.8m 5 – Wall 6.005m balconies 4.8m 6 – Wall 6.005m balconies 4.8m</p> <p>Setback of proposed balconies to the splay at Road 2 and Road No. 3 (all floors) 2.6m.</p> <p>It is noted that the DCP does not permit building articulation encroachments for secondary street setbacks. However, encroachments into the secondary street setback would assist in adding articulation and built form elements to these facades assisting in providing visual interest and character to the streetscape.</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>
	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 development	N/A

Control	Requirement	Provided	Compliance
		does not achieve the minimum separation distances as per the ADG requirements. Details of the developments building separation distances are contained in the ADG compliance table attached with this report.	
	Residential flat buildings in the R3 zone require: Carparking spaces Residents required - 158 Visitors required - 31 Total required – 189 Bicycle spaces required - 52	Carparking spaces Residents 159 Visitors – 32 Total 191 Bicycle spaces - 62	Yes
	Car parking spaces are to have minimum dimensions of 2.5m x 5.2m and aisle widths must comply with AS 2890.1	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 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	No, but the development complies with the requirements of AS 2890 and is considered acceptable in this instance.

Schedule 2 Leppington Major Centres

Control	Requirement	Provided	Compliance
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.	No
3.2 Public Domain	Public domain elements are to be located as shown on	A portion of the site is zoned SP2 Infrastructure and is required for road	NA

	<p>the Indicative Layout Plan.</p> <p>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.</p>	<p>widening of Ingleburn. This public domain element is being dealt with under a separate application subject to DA/1468/2016 for the construction of roads and Torrens title subdivision.</p>	
5.1.1 Building orientation	<p>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.</p> <p>3) 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.</p>	<p>Buildings are orientated towards Road 1 as per figure 5-1. Three (3) building entries are proposed within Building A, which address' Road No.1.</p> <p>No blank walls are proposed.</p>	Yes

(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.

(a)(iv) The Regulations

The Regulations prescribe several matters that can be addressed via conditions should the application be approved.

(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*

Waste / Basement Access

Waste and recycling storage areas are proposed within two designated areas upon basement level 1. The traffic and parking assessment report advises that waste collection will be undertaken by Council's 6.4m small rigid truck, however the submitted waste management plan advises that waste will be collected by private contractors. No details of the size of the vehicle proposed to be utilized by private contractors has been submitted. Despite this, allowances are required to be made to the design to ensure that Council waste collection vehicles can access, service the development and manoeuvre throughout the site safely.

In respect to the size of a Council vehicle to service such a development, Council waste vehicles are 9.98m heavy rigid vehicles (HRV). The development as proposed has not been designed to accommodate this larger vehicle (HRV) to provide a waste service for this development. In this regard, amended design details to accommodate a HRV such as; ramp width, access driveway width, ramp grades, maximum grade change, loading bay area, manoeuvring area, vertical height clearance and swept paths were requested, however these have not been provided.

In addition, other waste management details were requested including; finished floor level of the waste storage areas and adjoining loading bay, waste and recycling bins and sizes of bins to be accurately reflected upon the architectural plans. Consideration of whether waste chutes would be provided within the development was also requested, however no further details in respect to waste management was submitted with the application.

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 advice from a Level 3 service which advises that satisfactory arrangements have been made with Endeavour Energy for the provision of electrical supply from the existing 11kv overhead mains supply. The 11kv electrical supply will supply a proposed padmount substation that is proposed to be constructed for 28 Ingleburn Road, Leppington.

Future Upgrade of Ingleburn Road

Ingleburn 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.

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

(c) *The suitability of the site*

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 and advertised for a period of 30 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 25th January 2017 to 23rd February 2017. Within this exhibition period six (6) submissions (made by single property owners and on behalf of the single property owners) were received objecting to the proposed development.

The issues raised in the submissions relate to; location and alignment of proposed Road No.2, adverse impacts caused by the alignment of proposed Road No. 2, proposed development does not allow for planned and orderly progression of development and invalid application due to lack of owners consent.

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

1. Location and alignment of proposed Road No. 2.

Officer comment:

The location and alignment of proposed road no. 2, which runs east to west through the proposed subdivision and adjoining land was originally designed with an alternative location to that depicted on the indicative layout plan as per the Leppington Major Centres within a separate development application subject to DA 1468/2016. The alternative location affected the distribution of the road so that No. 1431 Camden Valley Way, Leppington was burdened with constructing approximately 12m of a 16m road, whilst the Indicative Layout Plan evenly distributed this road between No. 1423 and 1431 Camden Valley Way, Leppington.

Whilst the subdivision and road plans have been amended within DA 1468/2016 to correctly align proposed road No. 2 and 3 in accordance with the Indicative Layout Plan, the site and development plans for the residential flat building development subject to DA 1471/2016 have not been amended. Accordingly, the development is not consistent with the current plan of subdivision, which will ultimately form the lot and adjoining roads.

2. Adverse impacts caused by the alignment of proposed Road No. 2.

Officer comment:

The submitter's objection is concerned that the alignment of proposed road No. 2 will remove 4m of developable land from their site and would not allow for the site to be developed in accordance with the relevant planning controls and the owners vision for the site. As discussed above, the subdivision and road plans have been amended within DA 1468/2016 to correctly align proposed roads 2 and 3 in accordance with the Indicative Layout Plan. However, the development plans submitted for the residential flat building development subject to DA 1471/2016 have not been amended. Accordingly, the development is not consistent with the current plan of subdivision, which will ultimately form the lot and adjoining roads.

3. Proposed development does not allow for planned and orderly progression of development.

Officer comment:

As discussed above, a separate development application has been submitted with Council seeking consent for the construction of roads and Torrens title subdivision into three lots, for which the proposed residential flat building development relies upon. Lodgment of the road and subdivision plan subject to DA 1468/2016, originally proposed alternative road locations for roads 2 and 3, which would have resulted in impacts to adjoining development to the east of how these sites could be developed.

Likely impacts caused would be loss of net developable area and additional construction costs (via increased road construction). Whilst the subdivision and road plans have been amended within DA 1468/2016 to correctly align proposed road No. 2 and 3 in accordance with the Indicative Layout Plan, the site and development plans for the residential flat building development subject to DA 1471/2016 have not been amended. Accordingly, the development is not consistent with the current plan of subdivision, which will ultimately form the lot and adjoining roads.

4. Invalid application due to lack of owners consent.

Officer comment:

The subject application (DA 1471/2016), including the proposal to subdivide the land into three (3) lots and construct roads (DA 1468/2016) and the two other residential flat building developments subject to DA 1469/2016 and DA 1472/2016 were lodged together and exhibited together within a singular advertisement. In public submissions received, objections have quoted all DA numbers within their correspondence to Council.

In respect to the above objection, stormwater plans lodged with DA 1468 / 2016 propose stormwater outlets on adjoining land being 1431, 1435 and 1449 Camden Valley Way, Leppington to discharge stormwater collected from proposed roads, gutters and pits in the absence of a constructed and functioning detention / water quality basin to the north east of the site as per the water cycle management strategy within the Camden Growth Centre Precincts Development Control Plan. Until such time as functioning detention / water quality basins are constructed within Leppington, temporary and alternative solutions for water quality and the disposal of stormwater are being sought by applicants.

Lodgment of the Development Application 1468 / 2016 did not contain owners consent from those owners proposed to be burdened by stormwater outlets and associated stormwater discharges upon their land. At present, the applicant is attempting to negotiate an easement through No. 1449 Camden Valley Way, Leppington to discharge stormwater into a nearby creek system. The objection that the application is invalid in the absence of owners consent

is considered relevant to the application DA 1468/2016, which proposes the stormwater elements on adjoining land. Proposed development of all three residential flat buildings (DA 1469/2016, DA 1471/2016 and DA 1472 2016) indicates that stormwater will connect into the proposed road drainage system, rather than proposing disposal points beyond the road drainage system.

(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 inconsistent with the public interest.

Draft Western City District Plan (the Plan) – New 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

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 advise that it is planning to amplify the existing trunk water supply system to provide additional capacity to service the growth within the release area by late 2018. The proposed development will be serviced by extensions from the existing 250mm water main located in Ingleburn Road, with reticulation mains to be sized and configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition – 2014).

Regarding sewerage, Sydney Water advised that the development site is within the catchment draining to the recently constructed sewer pumping station (1182) via the Denham Court Road carrier. Servicing of the site is dependent on a proposed lead-in main (SC#11), which is due to be completed by late 2017 by Sydney Water. Sydney Water also note that the applicant will be required to provide reticulation mains from the lead-in main to provide a point of connection to allow service of the site. Sydney Water concluded by advising that detailed water and sewerage requirements will be provided at the Section 73 application phase.

Camden Local Area Command (CLAC)

The application was referred to Camden Local Area Command who provided several recommendations in respect to surveillance, access control, territorial re-enforcement and space / activity management to improve the development.

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 1471/2016 is recommended for refusal subject to the reasons attached to this report.

RECOMMENDED

That the Panel not support the written request lodged pursuant to Clause 4.6 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and refuse DA 1471/2016 for construction of two (2) x seven (7) storey residential flat buildings, containing 156 residential units and two (2) basement levels containing 191 carparking spaces, landscaping and associated works on proposed Lot 2 in a resubdivision of 28 Ingleburn Road at 28 Ingleburn Road, Leppington subject to the reasons attached to this report.