

SYDNEY WESTERN CITY PLANNING PANEL

Panel Reference	2017SSW040
DA Number	709/2017
Local Government Area	Camden
Proposed Development	Construction of three (3) four (4) storey residential flat buildings, containing 97 residential units, two levels of basement carparking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, Leppington.
Street Address	35 Ingleburn Road, Leppington
Applicant/Owner	Sunshine Property Developers Pty Ltd C/- Ghazi Al Ali Architects Sunshine Property Developers Pty Ltd
Date of DA lodgment	31 May 2017
Number of Submissions	No submissions were received.
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP) (State and Regional Development) 2011	Capital investment value >\$20 million CIV - \$36,722,559
List of All Relevant s4.15(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
List all documents submitted with this report for the panel's	<ul style="list-style-type: none"> • Assessment report • DCP Compliance Table • Apartment Design Guide Assessment Table

consideration	<ul style="list-style-type: none"> • Design Advisory Group Minutes • Recommended reasons for refusal • Proposed plans • Precinct Road Hierarchy Diagram • Applicant's written request to vary a maximum building height development standard
Report prepared by	Adam Sampson
Report date	18 June 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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
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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
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (S7.24)?	Yes
Note: Certain DAs in the Western Sydney Growth Areas Contribution Area may require specific Special Infrastructure Contributions (SIC) conditions.	

Conditions

Have draft conditions been provided to the applicant for comment?	No
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.	

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 three (3) four (4) storey residential flat buildings, containing 97 residential units, two levels of basement carparking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, Leppington.

The Panel is the determining authority for this DA as, pursuant to Clauses 20 and 21 of State Environmental Planning Policy (State and Regional Development) 2011, the proposed development is included in Schedule 7 of the SEPP. The development has a capital investment value (CIV) of \$36,722,559. This exceeds the CIV threshold of \$30 million for Council to determine the DA and therefore it is referred to the Panel for determination. The DA was submitted on the 31 May 2017 and exceeded the previous threshold of \$20 million in accordance with Schedule 4A of the *Environmental Planning and Assessment Act, 1979*.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 709/2017 for the construction of three (3) four (4) storey residential flat buildings, containing 97 residential units and two levels of basement carparking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, for refusal subject to the reasons for refusal attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of three (3) four (4) storey residential flat buildings, containing 97 residential units and two levels of basement car parking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, Leppington. Proposed lot 101 is 5613m², which equates to 24% of the site area of 35 Ingleburn Road.

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 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 8 March 2018 to 21 March 2018. Within this exhibition period, no submissions were received.

The application proposes a 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 12m above ground level (existing), however the proposed development will be a maximum of 13.5m 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 front 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.

On the 17 May 2018, a Class 1 appeal was filed in the NSW Land and Environment Court against the deemed refusal of the development application in accordance with Section 8.7 of the *Environmental Planning and Assessment Act, 1979*.



Image 1 - AERIAL SITE PHOTO

THE SITE

The site is commonly known as 35 Ingleburn Road, Leppington and is legally described as Lot 79 DP 8979 and has an overall area of 2.28 hectares. The site is rectangular in shape and is located on the southern side of Ingleburn Road. The site has a frontage of 80.49 metres to Ingleburn Road. The land has a cross fall from the rear of the site towards the north west. The development site is located within the Leppington Priority Precinct of the South West Growth Centre.

The site currently contains a single storey brick veneer and fibro dwelling house and several outbuildings. The site is predominately clear of vegetation with clusters of vegetation located in the vicinity of the existing dwelling and outbuilding structures. The existing structures and vegetation will be demolished and removed in accordance with development consent DA/1335/2016/1 to facilitate future subdivision works.

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 south and west lie existing rural and rural residential properties that have been rezoned for residential development as part of the Leppington Priority Precinct. Leppington railway station is located 1.47km approximately (as the crow flies) to the north of the site. The site sits on the northern boundary of the Leppington Priority Precinct. The Leppington Major Centre's southern boundary is at the opposite side of Ingleburn Road.

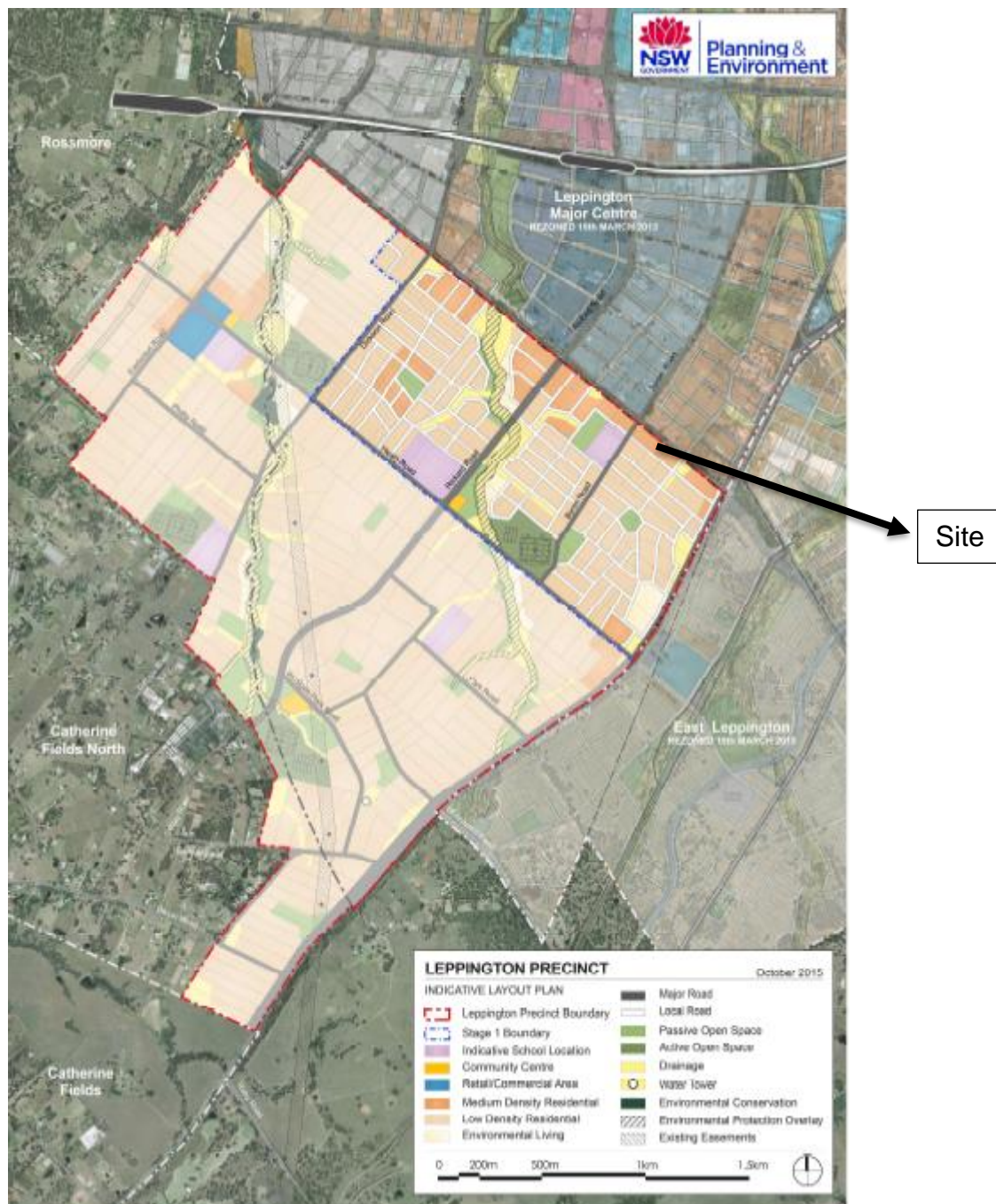


Image 2 – Indicative Layout Plan (Leppington Priority Precinct)

THE PROPOSAL

DA 709/2017 seeks approval for construction of three (3) four (4) storey residential flat buildings, containing 97 residential units, two levels of basement carparking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, Leppington.

The DA is dependent upon a separate development application, recently granted consent by Council for the demolition of existing structures, remediation of contaminated land, staged subdivision to create 37 residential lots and residue lots and associated site works subject to DA 1335/2016. This DA establishes the site levels, and constructs Lot 101 and the associated roads for which this development relies upon for vehicular access and disposal of stormwater into the drainage system. The lot area of Lot 101 is 5613m².

DA 1335/2016 also creates a 9m easement for access and services via a temporary access road over a western portion of Lot 101 to enable the residential subdivision to connect to Ingleburn Road in the absence of adjoining roads. The proposed development is inconsistent with the approved plan of subdivision and easement width, as a 6m setback from building A is provided to the western property boundary within the location of the easement for access and services. In addition, a basement access ramp is proposed adjacent to the western property boundary at the rear of the site connecting to future road No.1.

The proposed development would create an insufficient carriageway width within the easement and landlock the residential subdivision to the south, as no other connecting roads exist at the present time and uncertainty exists as to when they would be delivered in the future. Subject to Clause 3.3.6 of Camden Growth Centre Precincts Development Control Plan, which may permit temporary access to the sub-arterial road of Ingleburn Road, the applicants have not sought to pursue a temporary access point to Ingleburn Road.

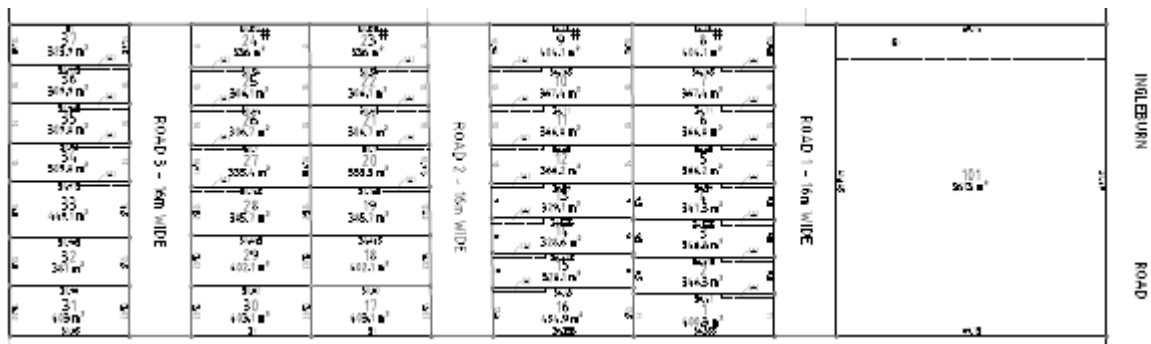


Image 3 – Approved subdivision plan at 35 Ingleburn Road as per DA / 1335/2016.

Specifically the proposed development involves:

- Construction of three (3) four (4) storey residential flat buildings, containing 97 residential units, consisting of 16 x 1 bedroom units, 71 x 2 bedroom units and 10 x 3 bedroom units. Eight (8) adaptable units are proposed;

The building will be constructed of masonry and glazing. Wall finishes will consist of render and painted finishes. The buildings maximum height will be 13.5 metres measured above natural ground level.

- Construction of two levels of basement parking providing 189 parking spaces;
- Communal open space area at ground level;

- Associated site works, including earthworks, drainage and landscaping.

The capital investment value of the works is \$36,722,559

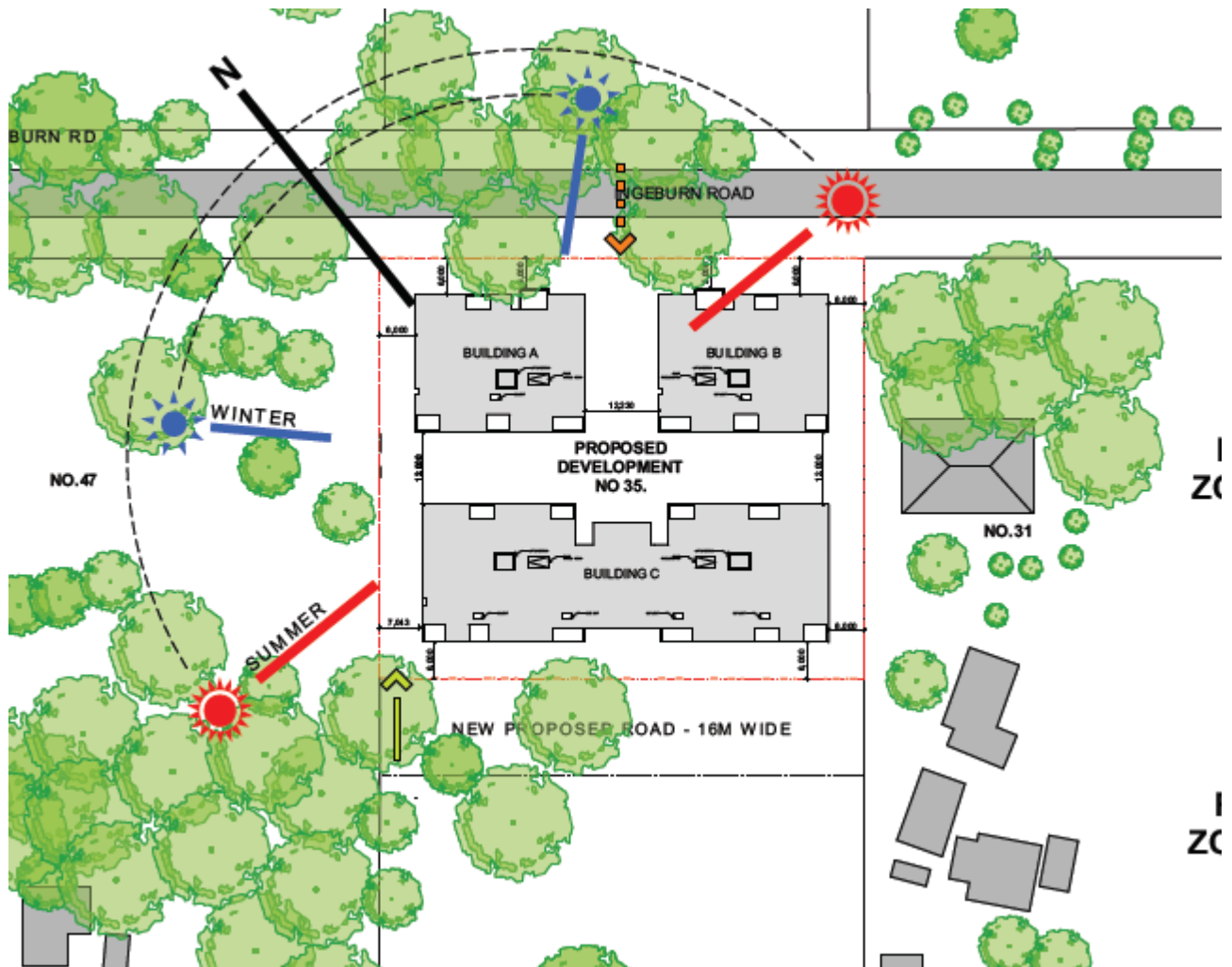


Image 4 – Proposed site plan



Image 5 – Perspective viewed from Ingleburn Road

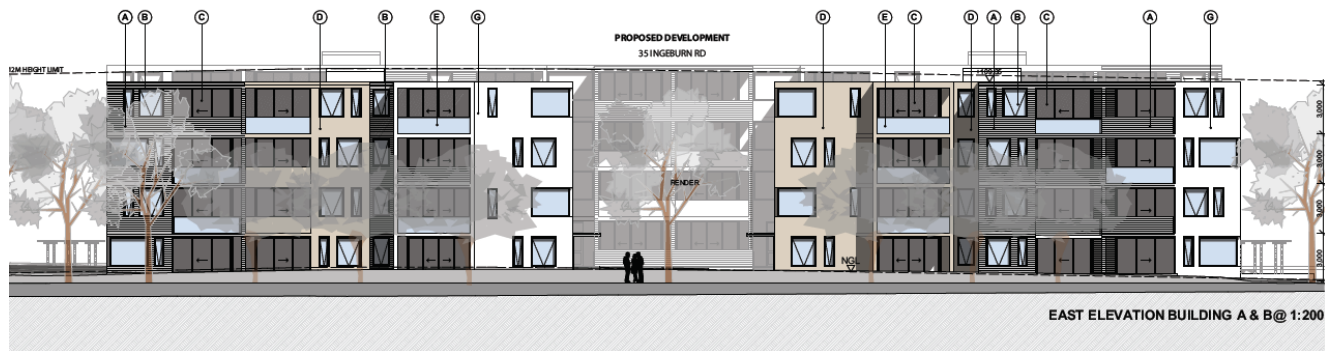


Image 6 – East elevation Building A & B (Ingleburn Road frontage)

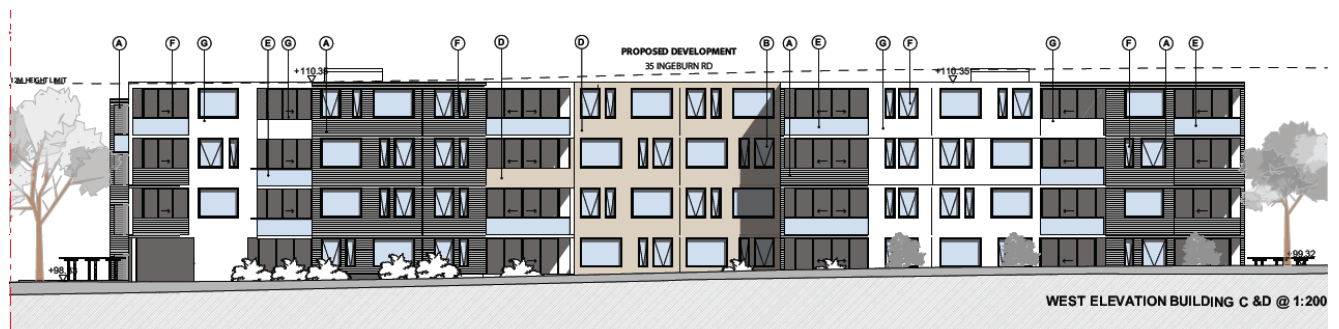


Image 7 – West elevation Building C and D



Image 8 – North elevation Building A & C

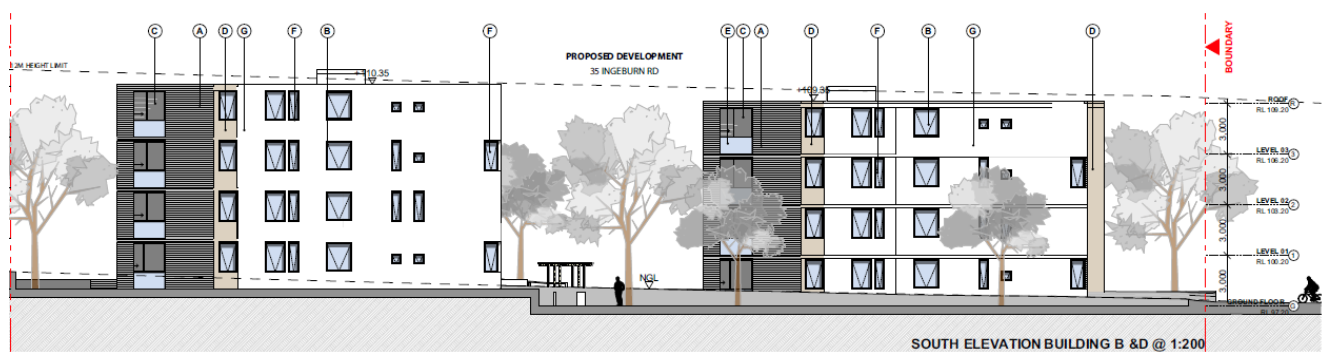


Image 9 – South elevation Building B & D

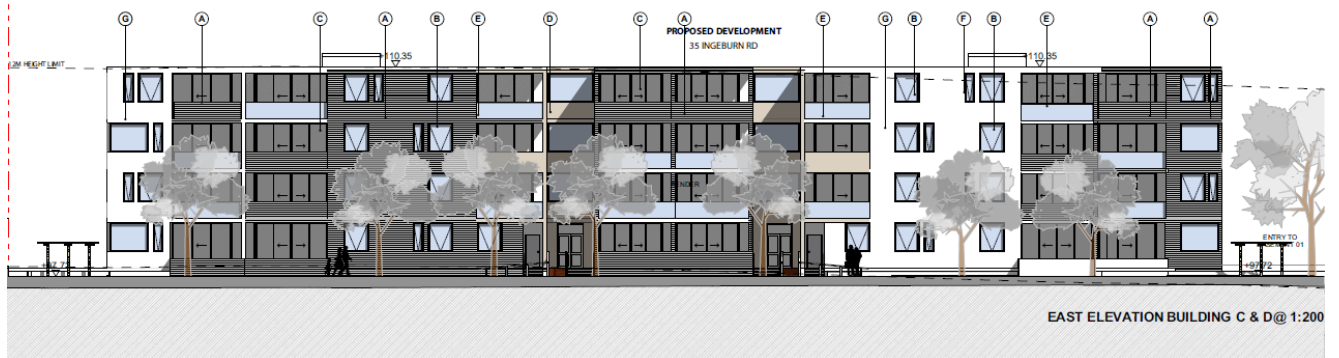


Image 10 – East elevation Building C & D



Image 11 – West elevation Building A & B

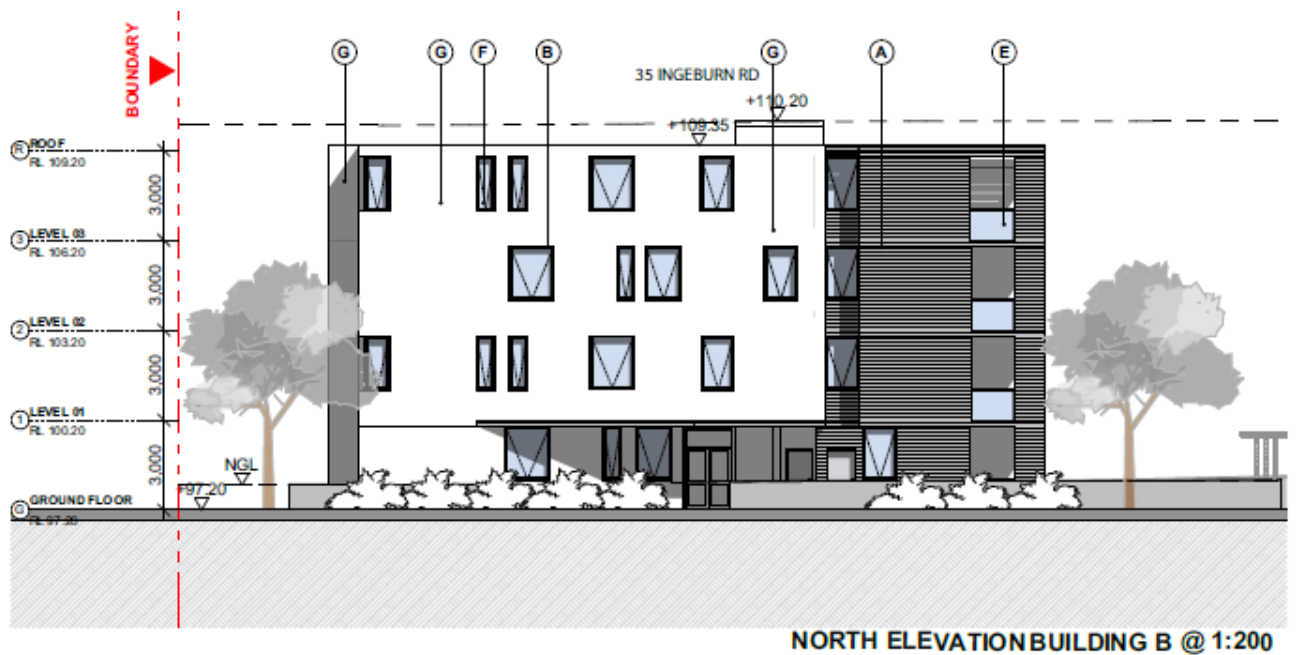


Image 12 – North elevation Building B



Image 13 – South elevation Building A

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15

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 7 of the SEPP. The development has a CIV of \$36,722,559. This exceeds the CIV threshold of \$30 million for Council to determine the DA and therefore it is referred to the Panel for determination.

Permissibility

The site is zoned R3 Medium Density Residential under the provisions of the SEPP. The proposed development is defined as '*residential flat buildings*,' which is permissible in the R3 Medium Density residential zone.

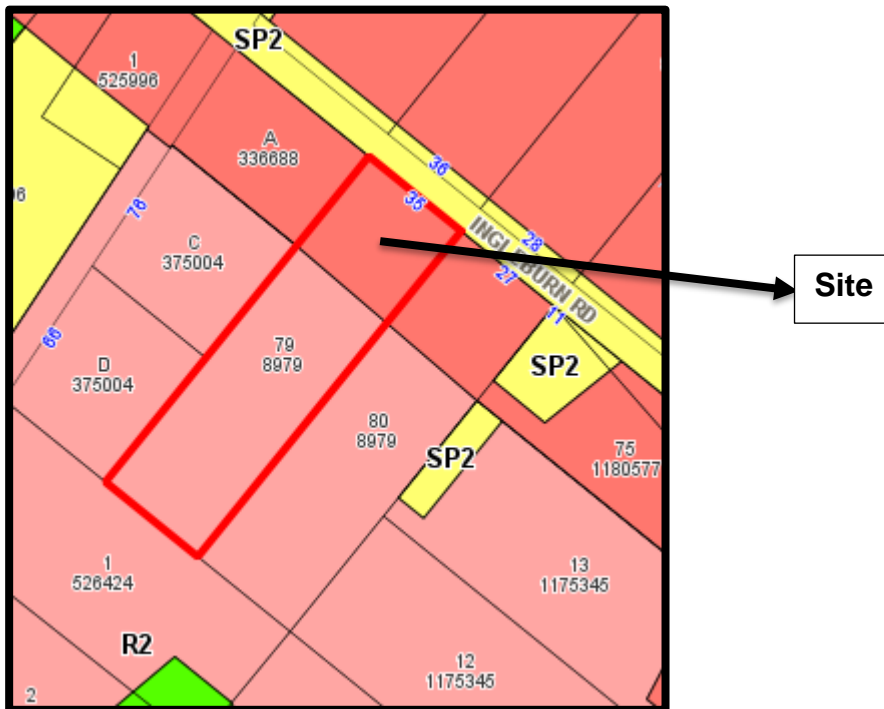


Image 14 – Land zoning map

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 97 apartments which will provide for the housing needs of the community. The proposed development is in the form of three four 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 (130.58 dwellings per hectare proposed).

- 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 16 x 1 bedroom units, 71 x 2 bedroom units and 10 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.

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 5613m ² is proposed (Lot 101) under DA/1335/2016.	Yes
4.1B Residential Density	Minimum residential density of 25 dwellings/ha	130.58 dwellings per hectare	Yes
4.3 Height of Buildings	Maximum building height of 12m above ground level (existing)	The proposed development's maximum building height will be 13.5m 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 12m maximum building height development standard.	Yes
5.9 Preservation of Trees of Vegetation	Development consent is required for tree removal	All vegetation will be removed from the site subject to DA/1335/2016.	Yes
6.1 Public Utility Infrastructure	The consent authority is to be satisfied that essential public	The consideration of this clause is detailed in the “likely impacts of the development...” section	Yes

Clause	Requirement	Provided	Compliance
	utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required	of this report.	

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 12m above ground level (existing).

The proposed development will have a maximum building height of 13.5m above ground level (existing) measured from the lift overrun atop building C. Breaches to the maximum building height are sought to four lift overruns upon each building, including minor exceedances to wall height to buildings B and D. Portions of the upper northern and western facades upon building D exceed the maximum building height up to approximately 920mm.

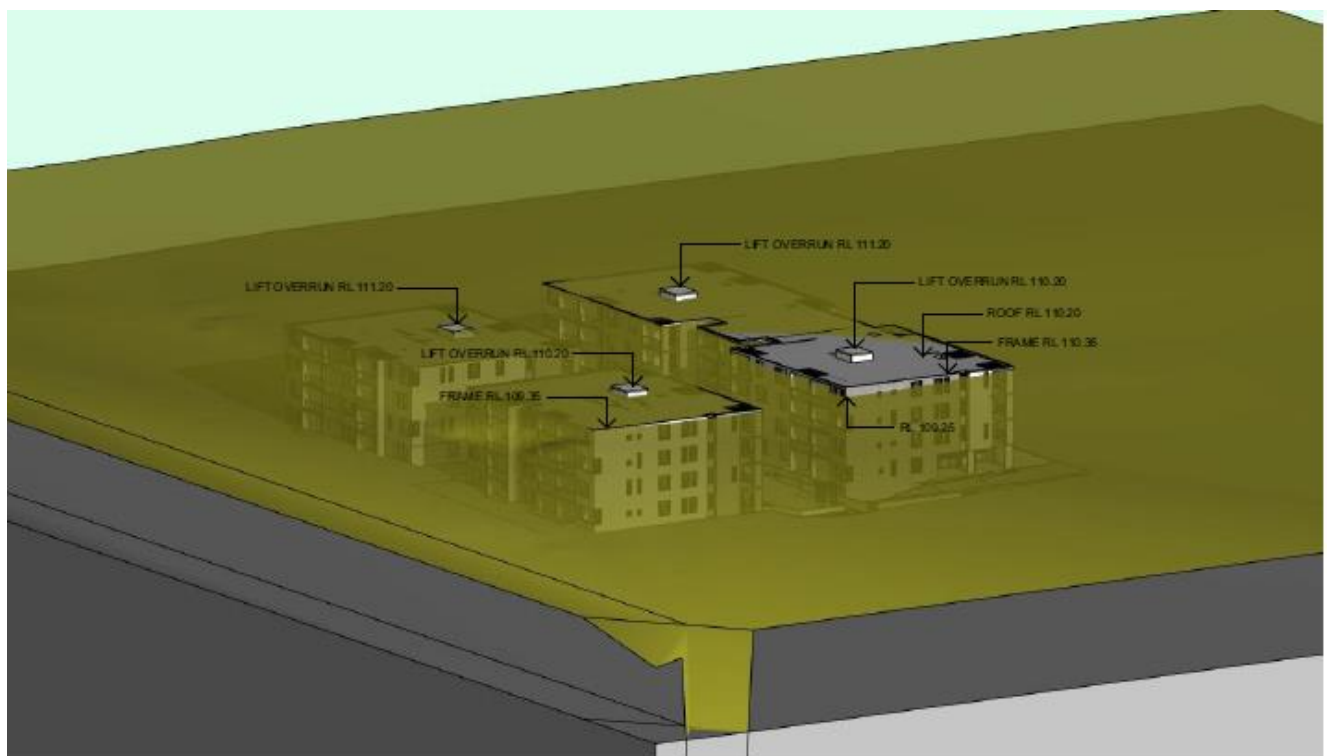


Image 15 – 3D Height diagram (Note. Conflicting RI's shown on Building D lift overrun)

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:

- To strictly apply the 12 metre maximum height of buildings development standard to the proposed development would be unreasonable and unnecessary as the proposed development would provide a development which can meet the underlying objective and purpose of the development standard in that:
 - The non-compliance would not be perceived from the majority of the public domain.
 - The non-compliance with the development standard is modest.
 - The proposed height, bulk and scale of the proposed development are compatible with the desired future character of the locality.
 - The proposed development will live in harmony with other future development in the vicinity of the site.
 - The proposed development will have negligible visual impact, will not disrupt views, and will not result in any loss of privacy to existing development and the public domain.
- It is a better planning outcome to promote and co-ordinate the orderly and economic use and development of the site through facilitating with a minor breach of the height of buildings development standard than proposing a smaller development form which would not lead to the optimum sustainable capacity of development envisaged by the SEPP 2006.

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 building length for Building C & D - 67.485 metres without significant breaks and articulation and continuous four (4) storey streetwall is not an acceptable streetscape presentation and does not fulfill the desired future character of the area.
- The built form of Building C and D up to four storeys with height exceedances, fails to respond and provide a height transition down to the lower density and maximum height standard of 9m of the adjoining R2 – Low Density residential zone to the south of future road No.1;
- 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 reduced solar access;
- The development is reliant upon condensed floor to floor ceiling heights of 3 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 1.9 metres;

- It has not been demonstrated that the additional height will result in a better outcome for the site;
- 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.

A detailed contamination assessment and remediation action plan (RAP) have been submitted in support of DA/1335/2016. Parts of the site are contaminated by total recoverable hydrocarbons and polycyclic aromatic hydrocarbons. Consent has been granted for remediation works in accordance with a remediation action plan (RAP) to remove hydrocarbons from the site. Subject to compliance with the RAP, the site will be rendered suitable for the proposed development.

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, urban design advice was obtained for the development from Council's Design Advisory Group, who were unsupportive of the design and the built form of the development. A copy of the Design Advisory Group meeting minutes are provided as an attachment to this report. In its current form, the proposed development is 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, lacking articulation along the facades and roof line and failing to provide visual interest. The development fails to activate the frontage of Ingleburn Road and future Road No. 1, with residential lift lobbies also not addressing the street directly.

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 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 of building C and D (67.485m) is considered

excessive. An appropriate built form would provide breaks in the façade with indents and recesses every 20m and discontinuing the length of the building every 30 – 40m. In this instance, proposed buildings C and D with greater than 65m 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 built form of building C and D up to four storeys with height exceedances, fails to respond and provide a height transition down to the lower density and maximum height standard of 9m of the adjoining R2 – Low Density residential zone to the south of future road No.1. A three storey wall height adjoining future road No. 1 would allow a more pedestrian friendly streetscape and a reasonable transition down to the adjoining lower height development standard and lower density development within the R2 – low density residential zone.

Principle 2: Built Form and Scale – Non compliant

As discussed in the above Principle 1, the proposed building length (greater than 65m) is excessive and needs to be broken up to a maximum of 30m to 40m to create an adequate urban design / form response to present a more relevant human scale to the street, acceptable visual presentation and to ensure the amenity of future developments.

Proposed Buildings A and B to the east of the lot and Buildings C and D to the west of the lot are oriented in a way that will not contribute to the streetscape and activate the street frontage especially along Ingleburn Road and future road No. 1. The proposed residential entries of buildings A and B are set deeply into the lot and will not contribute to the character of streetscapes and street activation. The residential entries of buildings C and D are located behind buildings A and B, with no direct access to future road No.1. Residential entries should address the streets. Hence, the rearrangement of the orientation of these buildings would be necessary in any further proposal submitted.

Principle 3: Density – Non compliant

The proposed development seeks to provide 130.58 dwellings per hectare, 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 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 that natural cross ventilation can be achieved. Sixteen units fronting Ingleburn Road will have internal noise levels for habitable rooms unable to achieve the internal noise criteria unless windows are closed. As such, an alternative form of ventilation ie. mechanical ventilation would have to be provided for those spaces. The proposal also fails to provide information demonstrating a sound consideration of all other sustainability measures.

Principle 5: Landscape – Non compliant

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 and / or located beneath the building. The basement ramp and adjoining bin holding area are located on a northern aspect, eliminating the ability to utilize this area for communal open space with deep soil and benefitting from good solar access.

The surface of the communal open space area is predominately hardstand with stone and decking materials, thereby limiting the range of recreational activities able to be conducted within this space.

Greater opportunities for increased landscaping in the middle of the site, including usable shade should be explored.

Principle 6: Amenity – Non compliant

The Statement of Environmental Effects reports that a number of units can achieve natural ventilation and daylight access in accordance with ADG requirements. However, adequate details have not been provided to demonstrate that ADG requirements have been achieved. 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 quality with respect to usability of the communal open space should be improved with the proposed scheme providing little beyond access paths and circulation spaces, considering the absence of landscaping within the principal usable part of the communal open space area. The dominance of hardstand surfaces is not considered a desirable meeting place or an area for recreational activities to be pursued and enjoyed.

The development has not considered the visual and acoustic impacts of locating the basement ramp immediately adjacent to unit C02 from Building C, contrary to the minimum distance of 3m as per figure 4H.4 of the ADG.

Other amenity issues identified during assessment include; 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 entries accessed from the central communal open space area compromise's street activation and therefore decreases the perceived sense of safety. Clear and legible building entrances should be provided with direct lines of sight available to the street.

Principle 8: Housing Diversity and Social Interaction – Non compliant

The proposed development will provide a variety of apartment types including 16 x 1 bedroom units, 71 x 2 bedroom units and 10 x 3 bedroom units. Whilst the development does provide a variety of apartment types, it is predominantly of 2 bedroom units, which is not considered a balanced mix and which does not cater sufficiently for families. 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 of building C and D over 65m 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 this long building.

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 level. Vertical elements and proper inserts are also required to create breaks on the proposed facades every 20m to create visual interest to the facades of the 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)

All existing vegetation on site will be removed subject to DA/1335/2016.

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)).

Draft Environment SEPP

The Draft Environment SEPP ended exhibition on 31 January 2018. 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 has only concluded exhibition and is yet to consider any submissions made, 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

A copy of the assessment of the proposed development's compliance with the controls in the Camden Growth Centre Precincts Development Control Plan is provided as an attachment to this report.

- (a) (iia) The Provision of any Planning Agreement that has been entered into under Section 7.32, or any draft Planning Agreement that a developer has offered to enter into under Section 7.4**

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 Servicing

Waste and recycling storage areas are proposed within four designated areas upon basement level 1. For collection, a bin holding bay is proposed at the south east corner of the site.

However, the nominated area does not allow Council's waste vehicle to access this space, as the depth, width and vertical clearance are insufficient for Council's waste vehicles to manoeuvre and perform operations. In addition, proposed landscaping conflicts with vehicle access, with hardstand areas forward of the bin holding bay not specified upon the architectural plans.

Based on a waste and recycling generation rate of 120L for waste and recycling, the temporary bin holding bay is insufficient in area to accommodate the required number of bins (18 x 660L garbage bins & 11 x 1100L recycling bins) on collection day. The size of bins located within the bin holding bay has also not been nominated upon the architectural plans.

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.

In respect to water and wastewater, Sydney Water advised that based on their scheme's plan, the proposed development will be serviced from a water main on Byron Road following the proposed new road layout. Until such time as the new road perpendicular to Byron Road has been constructed, the development can be temporarily connected to the existing main on

Ingleburn Road, however Sydney Water would require an easement to be provided over the temporary water main. A dividing valve must be provided upon connection to ensure that the temporary connection is closed when the new road leading to the development and the new water main are constructed. Specific advice from Sydney Water's Network Operators would also be required to configure the dividing valve and hydrants setup for this temporary connection.

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

Electricity

The applicant claims within the submitted Statement of Environmental Effects that electricity services are able to the site. Consideration of the requirements of public utility infrastructure was made during assessment of the residential subdivision application subject to DA/1335/2016. It was considered that existing services could be upgraded to facilitate the demands for increased electricity usage on the site.

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*

It is considered that the site is not suitable until such time as adjoining connecting roads as per the indicative layout plan are delivered in the absence of a temporary access point from Ingleburn Road being pursued. The development as proposed locates portions of the buildings, including a basement ramp in the location of a temporary access road and easement for access and services, which will landlock the approved residential subdivision to the south, as no other connecting roads exist at the present time and uncertainty exists of when they would be delivered in the future.

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

The DA was publicly exhibited and advertised for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 8 March 2018 to 21 March 2018. Within this exhibition period, no submissions were received.

(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.

Western City District Plan (the Plan)

A 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.

Whilst the proposed development will help achieve one of the Plan's livability priorities to improve housing choice and diversity through the provision of medium density apartments, it is considered that the development does not create a great place to grow a city of great places, due to its excessive built form and scale and non-compliance with the design quality principles of State Environmental Planning Policy No. 65 – Quality Design of Residential Apartment Development.

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.

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 4.15 of the *Environmental Planning and Assessment Act, 1979* and all relevant instruments, plans and policies. Accordingly, DA 709/2017 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 709/2017 construction of three (3) four (4) storey residential flat buildings, containing 97 residential units, two levels of basement carparking for 189 vehicles, landscaping and associated works on proposed lot 101 in a re-subdivision of 35 Ingleburn Road, Leppington subject to the reasons attached to this report.