

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SSW067
DA Number	3652/2017/DA-RS
LGA	Campbelltown
Proposed Development	Construction of 39 attached dwellings and subdivision into 39 Torrens title allotments, associated civil and landscaping works
Street Address	Lot 8165 DP 1201937, Lot 8166 DP 1201937, Lot 8167 DP 1201938, Passiflora Avenue, Denham Court
Applicant/Owner	Stockland Development Pty Ltd
Date of DA lodgement	16 November 2017
Number of Submissions	Twenty-four (24) written submissions and one petition (52 signatures)
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development that has a capital investment value of more than \$20 million (lodged prior to 1 March 2018)
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> • Water Management Act 2000 • Rural Fires Act 1997 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Campbelltown City Council Growth Centre Precincts Development Control Plan
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Recommended Conditions of Consent Attachment 2 – Architectural Plans Attachment 3 – Subdivision Plans Attachment 4 – Civil Plans Attachment 5 – Landscape Plans Attachment 6 – Net Developable Area Plan Attachment 7 – Garage Interface Plan Attachment 8 – Applicant's Response to Submissions Attachment 9 - Detailed Site Investigation
Report prepared by	Emma Page - Senior Development Planner
Report date	7 January 2019

Summary of 4.15 matters

Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?

No

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Yes

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions 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 prefer 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

Executive Summary

The proposal has been referred to the Sydney Western City Planning Panel pursuant to Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979*, as the development application was lodged prior to 1 March 2018 and has a capital investment value of more than \$20 million (\$23,179,218).

This application proposes the construction of 39 attached dwellings and subdivision into 39 Torrens title allotments, associated civil and landscaping works at Lot 8165 DP 1201937, Lot 8166 DP 1201937 and Lot 8167 DP 1201938 Passiflora Avenue, Denham Court.

All proposed attached dwellings are two storey and vehicle access is proposed from the laneway at the rear of each allotment.

The site is zoned R2 Low Density Residential and Lot 8165 DP 1201937 is also partially zoned SP2 Infrastructure (Local Drainage) under the provisions of State Environmental Planning Policy (Sydney Regional Growth Centres) 2006.

The proposed development is defined as 'attached dwellings' and is permissible with development consent pursuant to Clause 6.8 of Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The proposal was notified to nearby and adjoining residents on two occasions. The initial public notification occurred between 1 December 2017 and 15 December 2017. No submissions were received during this period. The revised application was notified between 5 September 2018 and 19 September 2018. Twenty-four (24) submissions and one petition with 52 signatures was received.

The main issues identified during the assessment of the development are:

- The development application proposes modifications to the existing laneway crossovers. The crossover works are not supported as the works would alter the existing kerb alignment and impact vehicular movement, particularly in relation to waste vehicle movements.
- Due to the rear loaded configuration of the proposed allotments, waste servicing vehicles are required to access the rear laneways. Swept paths have been provided demonstrating that Council's waste collection vehicles (maximum 10.4m in length) can be accommodated within the rear service laneways.
- The proposal is consistent with the objectives, locational and development criteria specified in Clause 6.8 of Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- A Detailed Site Investigation (DSI) of the lands was provided for development application 2044/2014/DA-CW which created the development site allotments. The DSI confirmed that the land is suitable for future urban development without remediation. The proposal satisfies Clause 7(1) of State Environmental Planning Policy No. 55 - Remediation of Land.

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Having regard to these provisions, the application is recommended for approval, subject to conditions recommended in Attachment 1.

1. Application Overview

1.1 The Site and Locality

The subject site is within the East Leppington Precinct, which is identified as part of the South West Growth Centre of the Sydney Metropolitan area. The East Leppington Precinct was re-zoned pursuant to an amendment of State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 on 15 March 2013. The East Leppington Precinct is also known as the Willowdale Housing estate.



Figure 1: Location of East Leppington Precinct

The development site consists of the following three allotments within the Willowdale Housing estate:

- Lot 8165 DP 1201937 (2092sqm);
- Lot 8166 DP 1201937 (2215sqm); and
- Lot 8167 DP 1201938 (2767sqm).

Lot 8165 DP 1201937 adjoins Passiflora Avenue to the north west and south west, Speargrass Street to the north east, and Crowfoot Lane to the south east. Lot 8166 DP 1201937 adjoins Passiflora Avenue to the west, Blackthorn Lane to the east and Riceflower Drive to the south. Lot 8167 DP 1201938 adjoins Riceflower Drive to the north, Passiflora Avenue to the west and Silkpod Street to the south.

The development site is separated from adjoining residential development by public roads and laneways to the north and east.

The subject site is separated from the Bonds Creek riparian corridor by Passiflora Avenue and is located within 400 metres of the existing B2 Local Centre zoned land.

The subject site has previously been cleared and is currently vacant.



Figure 2: Proposed development site consisting of three lots (Lot 8165 DP 1201937, Lot 8166 DP 1201937 and Lot 8167 DP 1201938).

1.2 Proposal

The development proposes the construction of 39 attached dwellings and subdivision into 39 Torrens title allotments, associated civil and landscaping works over three allotments. The following table summarises the proposed allotments and dwelling details:

Lot	Allotment Area (sqm)	Frontage (m) at building line	No. of Bedrooms	Garage (double/single)
Lot 8165 DP 1201937				
201	275	7.0	3	Single
202	150.1	4.5	2	Single
203	157.6	4.5	2	Single
204	150.3	4.5	2	Single
205	150.3	4.5	2	Single
206	163.1	4.6	2	Single
207	220.8	6.29	3	Double
208	150.3	4.5	2	Single
209	150.2	4.5	2	Single
210	149.8	4.5	2	Single
211	148.5	4.5	2	Single
212	225.4	7.1	3	Double

Lot	Allotment Area (sqm)	Frontage (m) at building line	No. of Bedrooms	Garage (double/single)
Lot 8166 DP 1201937				
301	303.3	6.6	3	Double
302	148.8	4.5	2	Single
303	184.9	4.5	2	Double
304	284.9	6.6	3	Single
305	150.7	4.5	2	Single
306	157.9	4.5	2	Single
307	149.9	4.5	2	Single
308	260.7	6.6	3	Double
309	192.3	4.5	2	Double
310	150.3	4.5	2	Single
311	231.7	6.2	3	Double
Lot 8167 DP 1201938				
401	242.5	7.1	3	Double
402	150.2	4.5	2	Single
403	150.2	4.5	2	Single
404	149.8	4.5	2	Single
405	149.9	4.5	2	Single
406	222	6.3	3	Double
407	159.7	4.59	2	Single
408	150.2	4.5	2	Single
409	157.3	4.5	2	Single
410	152.7	4.59	2	Single
411	221.2	6.3	3	Double
412	150.2	4.5	2	Single
413	150.3	4.5	2	Single
414	157.7	4.5	2	Single
415	150.1	4.5	2	Single
416	252.3	7.2	3	Double

1.3 Site History

- Development Application 2044/2014/DA-CW was approved on 27 January 2015 for the bulk earthworks for 'Precinct 8'. The Development Application consented to the reshaping of the land to create the platform for future civil and construction works to create residential allotments, public roads and open space.
- Development Application 2433/2014/DA-SW was approved on 1 May 2015 for the subdivision of land into 203 residential allotments, 5 residue allotments and associated civil works. Three of the five residue allotments created as part of Development Application 2433/2014/DA-SW are the subject of this development application (Lot 8165, Lot 8166, Lot 8167).

1.4 Application History

The following is a brief history of the development application:

- Development Application lodged 16 November 2017
- Development Application originally proposed 76 attached dwellings and one detached dwelling and subdivision into 77 Torrens title allotments over 6 allotments.
- Development Application was deferred on 24 April 2018 for additional information/revised design.

- Revised design received 18 July 2018 proposing the construction of 39 attached dwellings and subdivision into 39 Torrens title allotments.
- Development Application was deferred 6 November 2018 for additional information.
- Revised information was received 15 November 2018.

Report

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters the following issues have been identified for further consideration.

2. Section 4.15(1)(a)(i) Any Environmental Planning Instruments

2.1 Water Management Act 2000

The development site is classified as waterfront land as it is within 40 metres of Bonds Creek which is situated to the west and north west of the site. In accordance with Section 91(2) of the *Water Management Act 2000*, a Controlled Activity Approval (CAA) is required to be obtained for any activity situated within water front land. Accordingly, a condition of development consent has been recommended for a CAA to be obtained prior to the issue of a construction certificate.

2.2 Rural Fires Act 1997

Pursuant to Section 100B of the *Rural Fire Act 1997*, a bush fire safety authority is required to be obtained as the subject site is mapped as bush fire prone land and involves residential development and subdivision. Accordingly, the development application was referred to the New South Wales Rural Fire Service. General Terms of Approval and a Bush Fire Safety Authority were received, dated 10 August 2018, and have been incorporated into the recommended conditions of development consent.

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

Aims of Precinct Plan

The subject site is within the Campbelltown Growth Centres Precinct Plan 2013, identified in Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The Precinct Plan applies to land within the East Leppington Precinct.

The aims of the Precinct Plan are as follows:

- (a) to make development controls for land that will ensure the creation of quality environments and good design outcomes,
- (b) to protect and enhance environmentally sensitive natural areas and cultural heritage,
- (c) to provide for recreational opportunities,
- (d) to provide for multifunctional and innovative development that encourages employment and economic growth,

- (e) to promote housing choice and affordability,
- (f) to provide for sustainable development,
- (g) to promote pedestrian and vehicle connectivity.

Zoning

The subject site is zoned R2 Low Density Residential and SP2 Infrastructure (Local Drainage) under the provisions of Appendix 10 State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed development is defined as 'attached dwellings'. 'Attached dwellings' are permissible with development consent pursuant to Clause 6.8 of Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

'Attached dwelling' is defined as follows:

attached dwelling means a building containing 3 or more dwellings, where:

- (a) *each dwelling is attached to another dwelling by a common wall, and*
- (b) *each of the dwellings is on its own lot of land, and*
- (c) *none of the dwellings is located above any part of another dwelling.*

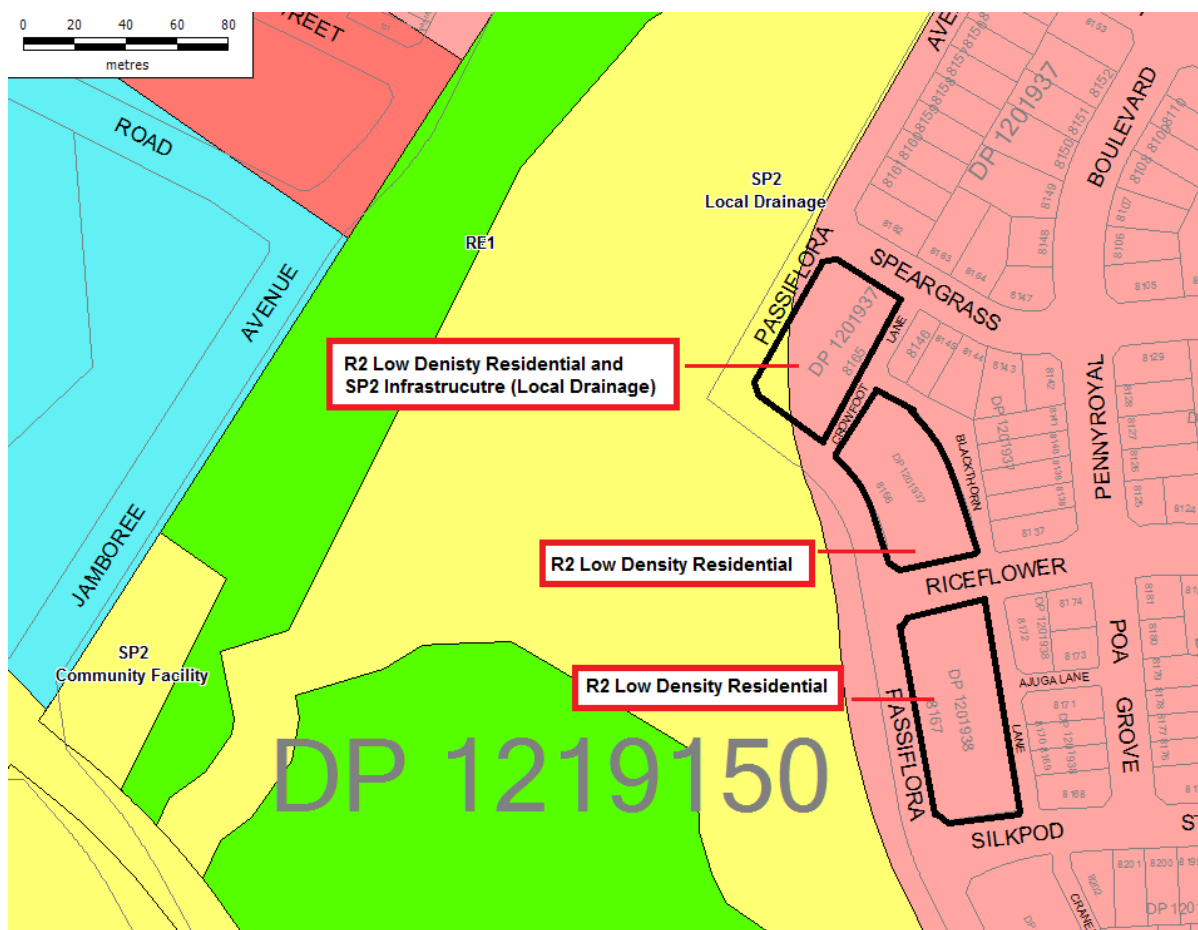


Figure 3: Development site zoning.

Clause 2.6 Subdivision - consent requirements

Clause 2.6 of the Growth Centres SEPP states that land to which the SEPP applies may be subdivided with consent. The development application seeks Torrens title subdivision of 39 attached dwellings, which satisfies clause 2.6.

Part 4 Principal Development Standards

Clause 4.1 Minimum subdivision lot size

Clause 4.1(2) in Appendix 10 of the Growth Centres SEPP applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan. The subject site is not identified on the Lot Size Map and no minimum lot size is prescribed.

Clause 4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential

Clause 4.1AB in Appendix 10 of the Growth Centres SEPP applies to land in Zone R2 Low Density Residential. In accordance with Clause 4.1AB(6) the minimum lot size for an attached dwelling is 1,500sqm. All allotments are greater than 1,500sqm and comply with this requirement.

Clause 4.1B Residential density

Clause 4.1B(3) in Appendix 10 of the Growth Centres SEPP states that the density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land. The development site is shown on the Residential Density Map as not to have a dwelling density (per hectare) less than 15 dwellings per hectare.

Clause 4.1B notes the following definitions:

- density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.
- net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

A net developable area map was provided with the development application which demonstrates that the subject development achieves a density of 34.39 dwellings per hectare (Attachment 6). Accordingly, Clause 4.1B is satisfied.

Clause 4.3 Height of buildings

Clause 4.3(2) in Appendix 10 of the Growth Centres SEPP prescribes that the height of a building on any land is not to exceed the maximum height shown on the Height of Buildings Map. The maximum building height shown on the Height of Buildings map for the subject site is 9m. The maximum proposed height of the development is 8.006m which is less than the maximum height permitted under Clause 4.3.

Clause 5.3 Development near zone boundaries

The objective of Clause 5.3 in Appendix 10 of the Growth Centes SEPP is to provide

flexibility to the zone boundary where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site for a relevant distance of 50m between any two zones.

Lot 8165 is zoned R2 and SP2. In order to enable a more logical and appropriate development of the site, Clause 5.3(4) states that consent may be granted for any purpose that may be carried out in the adjoining zone, in this case R2, if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and

The use of the SP2 zoned land for residential purposes would not be inconsistent with the zone objectives of both the SP2 and R2 zones as the development would not restrict the provision of local drainage infrastructure and remains consistent with the East Leppington Indicative Layout Plan.

Clause 6.8 Attached dwellings and multi dwelling housing in Zone R2 Low Density Residential

The objectives of Clause 6.8 in Appendix 10 of the Growth Centres SEPP are as follows:

- (a) to permit, with development consent, attached dwellings and multi dwelling housing in Zone R2 Low Density Residential in limited circumstances, and
- (b) to provide location and development criteria that must be satisfied before development consent can be granted.

The proposed development satisfies the above objectives for the following reasons:

- The development site is within the R2 zone and consent is sought for the construction of 39 attached dwellings; and
- The development satisfies the locational criteria pursuant to clause 6.8(2), addressed below.

Clause 6.8(2) in Appendix 10 of the Growth Centres SEPP states that development for the purposes of attached dwellings is permissible with development consent on land in Zone R2 Low Density Residential that:

- (a) adjoins land in Zone RE1 Public Recreation, or is separated from land in that zone only by a public road, or

N/A

- (b) adjoins land in Zone B2 Local Centre or Zone B4 Mixed Use, or is separated from land in any of those zones only by a public road, or

N/A

- (c) is within 400m of land in Zone B2 Local Centre and:

The subject site is within 400m of land in zone B2 Local Centre (Coles site).

- i. adjoins land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes, or

N/A

- ii. is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road.

The development site adjoins land in Zone SP2 Infrastructure that is set aside for drainage purposes.

The development site satisfies the locational requirements of Clause 6.8(2)(c) and 6.8(2)(ii).

Clause 6.8(3) states that development consent must not be granted under this clause unless the consent authority is satisfied that:

- (a) *the attached dwellings or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and*

The applicant response and Council comment to sub-clause (a) is summarised below:

Applicant's response	Council comment
<ul style="list-style-type: none">The layout of each proposed lot positions the principle private open space at the rear of each dwelling.No living or entertaining areas are located on the first floor of any proposed dwellings, and as such, privacy impacts from overlooking would not be prevalent.No adverse overshadowing impacts are generated that would have a detrimental impact on the amenity of an adjoining residential property.	<p>The proposed development site is separated from adjoining residential development by roadways which significantly reduces the potential overlooking opportunities from first floor windows. It is not considered necessary for the inclusion of window screening devices.</p> <p>The shadow diagrams provided with the development application indicate that the development does not overshadow adjoining residential development during mid-winter.</p> <p>The proposed development satisfies clause 6.8(3)(a) in Appendix 10 of the Growth Centres SEPP.</p>

- (b) *the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and*

The applicant response and Council comment to sub-clause (b) is summarised below:

Applicant's response	Council comment
<ul style="list-style-type: none">All attached dwellings will be oriented towards the drainage/public recreation land opposite and have been designed to achieve an active façade and to	<p>All proposed attached dwellings are oriented to directly face and provide passive surveillance to both Passiflora Avenue and Bonds Creek riparian corridor which is zoned</p>

<p>ensure natural surveillance is provided. This is afforded by:</p> <ul style="list-style-type: none"> - providing ground floor living and lounge areas with large floor to ceiling window opening that have a direct outlook to the street and public domain - ensuring dwellings located on a corner are provided with window opening on primary and secondary frontages to overlook the public footpath and roadways - providing a landscape design at the front of each dwelling that creates usable spaces which encourage passive use to activate the streetscape - providing low, 1m high fences and low maintenance landscaping to allow for casual surveillance of the adjoining public domain. 	<p>SP2 Infrastructure (Local Drainage).</p> <p>All proposed attached dwellings provide a living area on the ground floor with large windows that directly face Passiflora Avenue and Bonds Creek riparian corridor.</p> <p>Attached dwellings on corner allotments are provided with windows on both the primary and secondary frontages to provide casual surveillance of the public road and footpaths.</p> <p>The development incorporates an increased front setback which facilitates a more useable area which is considered to be satisfactorily landscaped.</p> <p>Low 1m high palisade style front fencing is proposed which facilitates casual surveillance of Passiflora Avenue and Bonds Creek riparian corridor.</p> <p>Further, as required by Part 4.3.2 of the Growth Centres Development Control Plan, all proposed dwellings present as a unified design to Passiflora Avenue with a co-ordinated, consistent style and colour palette.</p> <p>The proposed development design satisfies clause 6.8(3)(b) in Appendix 10 of the Growth Centres SEPP.</p>
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- (c) *the attached dwellings or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.*

The applicant response and Council comment to sub-clause (c) is summarised below:

Applicant's response	Council comment
<ul style="list-style-type: none"> • The design and orientation of each proposal satisfactorily achieves the minimum solar access requirements. • A minimum 50% of the private open space of each dwelling achieves a minimum 3 hours of direct solar access during the winter solstice. Each proposal would not have an impact on any other adjoining existing residential dwelling or public open space land. 	<p>The shadow diagrams provided with the development application indicate that the development does not overshadow adjoining residential development during mid-winter.</p> <p>Further, in accordance with the solar access requirements of the Growth Centres DCP, a minimum of 50% of the required private open space of each proposed dwelling achieves a minimum 3 hours of direct solar access during the winter solstice.</p> <p>The proposed development satisfies clause 6.8(3)(c) in Appendix 10 of the Growth Centres SEPP.</p>

It is considered that the proposed development satisfies the provisions of Clause 6.8(3) in Appendix 10 of the Growth Centres SEPP.

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

In accordance with Schedule 1 of the Regulations and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, a BASIX Certificate has been submitted in support of the application demonstrating that the proposal achieves the BASIX targets. A condition of development consent has been recommended for the development to comply with the BASIX commitments.

2.5 State Environmental Planning Policy No. 55 - Remediation of Land

This Policy provides a state-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Detailed Site Investigation (DSI) of the Precinct 8 lands (which includes the development site) was conducted by Douglas Partners Pty Ltd, dated July 2014, and was submitted with the development application 2044/2014/DA-CW. The DSI provided information on the contamination status of the Precinct 8 lands and its compatibility with the intended future urban land use.

The DSI confirmed that the land is suitable for future urban development without remediation, subject to the implementation of unexpected finds protocols. Therefore, Council is satisfied that the proposal is consistent with and satisfies Clause 7(1) of State Environmental Planning Policy No. 55 - Remediation of Land.

Clause 7(2) of SEPP 55 states that before determining an application for consent to carry out development that would involve a change of use, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. As previously advised, a Detailed Site Investigation (DSI) of the Precinct 8 lands (which includes the development site) was provided for development application 2044/2014/DA-CW, prepared by Douglas Partners Pty Ltd, dated July 2014. The DSI confirmed that the land is suitable for future urban development without remediation. Clause 7(2) of State Environmental Planning Policy No. 55 – Remediation of Land is satisfied.

3. Section 4.15(1)(a)(ii) Any Proposed Instrument

At the time of lodgment of the development application, there were no relevant draft instruments.

4. Section 4.15(1)(a)(iii) Any Development Control Plan

4.1 Campbelltown City Council Growth Centre Precincts Development Control Plan

Campbelltown City Council Growth Centre Precincts Development Control Plan (Growth Centres DCP) applies to the proposed development. The Growth Centres DCP provides additional objectives, controls and guidance to applicants proposing to undertake development in the Campbelltown Growth Centres Precinct Plan (East Leppington).

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
2.2 Indicative Layout Plan			
1.	All development application are to be generally prepared in accordance with the Indicative Layout Plan.	The subject allotments were created as residue residential allotments which were considered consistent at the time of assessment.	Yes
2.	When assessing development application, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	The subject allotments were created as residue residential allotments which were considered consistent at the time of assessment.	Yes
3.	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in Section 2.3.	Variation not sought. The development site is existing, approved under development application 2433/2014/DA-SW.	N/A
2.4 Subdivision site analysis			
2.4.1 Flooding			

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
1.	The Council's Engineering Design Guide for Development applies unless otherwise specified.	A stormwater concept plan was provided with the development application.	Can comply. Recommended condition of development consent for all stormwater works to comply with Council's Engineering Design Guide for Development prior to the issue of a construction certificate.
2.4.2 Water cycle management			
1.	Stormwater within new subdivisions is to be managed through a gravity network of pipes and overland flows generally following streets where flow volumes exceed the capacity of pipes.	The allotments include an existing drainage network. A stormwater concept plan was provided with the development application.	Can comply. Recommended condition of development consent for all stormwater works to comply with Council's Engineering Design Guide for Development prior to the issue of a subdivision certificate.
2.4.4 Native vegetation and ecology			
1.	Native trees and other vegetation are to be retained where possible by careful planning of subdivisions to incorporate trees into areas such as private allotments, the public domain or within road reserves.	The development site is void of vegetation. A landscape plan proposed satisfactory landscaping.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
10.	<p>A landscape plan is to be submitted with all subdivision development applications that create a new road and/or more than 2 allotments, identifying:</p> <ul style="list-style-type: none"> -all existing trees on the development site and those that are proposed to be removed or retained; -the proposed means of protecting trees to be retained during both construction of subdivision works and construction of buildings; -proposed landscaping including the locations and species of trees, shrubs and ground cover to be planted as part of the subdivision works; -how bushfire risk has been managed, including requirements for APZs and how these relate to the proposed landscaping. 	A landscape plan has been provided which is considered satisfactory in terms of proposed landscaping locations and species.	Satisfactory
11.	<p>The selection of trees and other landscaping plants is to consider:</p> <ul style="list-style-type: none"> -Campbelltown Tree Planting Guide and Native Gardening Guide; -the use of locally indigenous species where available; -bushfire risk; -contribution to the management of soil salinity, groundwater levels and soil erosion; -items of environmental heritage, heritage conservation areas, historic road alignments and significant view lines. 	Proposed landscaping is considered satisfactory.	Satisfactory
2.4.5 Bushfire hazard management			

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
1.	Reference is to be made to Planning for Bushfire Protection 2006 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2006.	The development was referred to the Rural Fire Service for General Terms of Approval.	Can comply. Recommended condition of development consent for the development to be compliant with the Rural Fire Service General Terms of Approval, dated 10 August 2018.
2.4.6 Site contamination			
1.	All subdivision development applications shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with the NSW EPA Contaminated Sites Guidelines, SEPP 55 and the Contaminated Land Management Act 1995 and relevant Council Policies.	<p>A Detailed Site Investigation (DSI) of the Precinct 8 lands was conducted by Douglas Partners Pty Ltd, dated July 2014, and was submitted with development application 2044/2014/DA-CW.</p> <p>The DSI confirmed that the land is suitable for future urban development without remediation, subject to the implementation of unexpected finds protocols.</p> <p>Council is satisfied that the proposal is consistent with and satisfies Clause 7(1) of State Environmental Planning Policy No. 55 - Remediation of Land.</p>	Satisfactory
2.6 Crime Prevention through Environmental Design			
1.	Buildings should be designed to overlook streets, lanes and other public or communal areas to provide casual surveillance. In the case of corner lots habitable windows are also be oriented to overlook the side street.	The development provides surveillance opportunities to Passiflora Avenue and the adjoining riparian corridor which is considered satisfactory.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
2.	The design of all development, in particular, the public domain and community facilities is to enhance public surveillance of public streets and open space/conservation areas.	The development provides surveillance opportunities to Passiflora Avenue and the adjoining riparian corridor which is considered satisfactory.	Satisfactory
3.	For residential development, the use of roller shutters other than garages is not permitted on doors and windows facing the street. Any security railings must be designed to complement the architecture of the building.	Security devices are not proposed.	N/A
4.	Developments are to avoid creating areas for concealment and blank walls facing the street.	The proposal does not incorporate blank walls facing the street.	Satisfactory
5.	Pedestrian and communal areas are to have sufficient lighting to ensure a high level of safety. These areas must be designed to minimise opportunities for concealment.	Pedestrian or communal areas do not form part of the proposed development.	N/A
6.	All development should aim to provide casual surveillance of the street as a means of passive security. This should be achieved by maximising outlooks and views, but minimising the overlooking of neighbouring properties. Opportunities for casual surveillance from dwellings/studios are to be incorporated into the design of shared driveways and where rear access is proposed from laneways.	The development provides surveillance opportunities to Passiflora Avenue and the adjoining riparian corridor.	Satisfactory
2.7 Earthworks			
1.	Subdivision and building work is to be designed to respond to the natural topography of the site and wherever possible, minimise the extent of cut and fill.	Cut/fill is minimised and considered satisfactory.	Satisfactory
2.	Subdivision and building work shall be designed to ensure minimal cut and fill is required for the building construction phase of development.	Cut/fill is minimised and considered satisfactory.	Satisfactory

Campbelltown City Council Growth Centre Precincts Development Control Plan			
Control	Requirement	Proposed	Compliance
5.	All retaining walls on the boundaries of proposed lots are to be identified and proposed as part of the respective subdivision development application.	Retaining walls are not proposed.	N/A
17.	All earthworks should be carried out in accordance with best practice measures for erosion and sedimentation control.	Specific details not provided with the development application.	Can comply. Recommended condition of development consent for erosion and sedimentation measures to be in place prior to any works commencing.
3.0 Neighbourhood and subdivision design			
3.1.1 Residential Density			
1.	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	Pursuant to clause 4.1B(3) in Appendix 10 of the Growth Centres SEPP, the dwelling density for the subject land is required to be not less than 15 dwellings per hectare. The subject development achieves a density of 34.39 dwellings per hectare which satisfies Clause 4.1B(3).	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
2.	Residential development is to be generally consistent with the residential structure as set out in Figure 3-2: Residential Structure, and the typical characteristics of the corresponding Density Band in Table 3-1.	<p>The subject sites are identified as low density residential in Figure 3-2.</p> <p>The Growth Centres SEPP Residential Density Map requires the development site have a minimum dwelling density of 15 dwellings per hectare is required for that part of the site zoned R2 Low Density Residential.</p> <p>The proposed development is generally consistent with the 'typical characteristics' of the 15-20 dw/Ha net residential density band in Table 3-1 particularly as the development would deliver small lot dwelling houses in a high amenity location.</p>	Satisfactory
3.2 Block and Lot Layout			
5.	Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP. In certain density bands, variations to some lot sizes may be possible subject to clauses 4.1AD, 4.1AE and 4.1AF in the Sydney Regional Growth Centres SEPP.	<p>Table 3-2 stipulates the minimum lot size for attached dwellings as 1500sqm.</p> <p>Each super lot comprising the development site is greater than 1500sqm.</p>	Satisfactory
6.	Minimum lot frontages applying to each density band will comply with Table 3-3. Lot frontages is measures at the street facing building line as indicated in Figure 3-4..	<p>Table 3-3 stipulates 4.5m minimum lot frontage for rear loaded allotments.</p> <p>All proposed allotments have a frontage greater or equal to 4.5m.</p>	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
7.	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create a coherent streetscapes with distinctive garden suburban, suburban and urban characteristics across a neighbourhood.	The proposed development is considered to provide a consistent, cohesive streetscape design for Passiflora Avenue, particularly when viewed from Bonds Creek riparian corridor.	Satisfactory
8.	In areas with a minimum density of <20dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 for attached or abutting dwellings are exempt from this control.	The application proposes Pathway B2 - which includes subdivision post-construction of the dwellings.	N/A
10.	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	The proposed allotments are considered to be oriented appropriately to meet the controls of this DCP.	Satisfactory
11.	Where residential development adjoining land zoned RE1 or SP2, subdivision is to create lots for the dwellings and main residential entry to front the open space or drainage lane.	All proposed attached dwellings are oriented towards Bonds Creek riparian corridor.	Satisfactory
Subdivision for Attached or Abutting Dwellings			
20.	Subdivision of lots for Torrens title attached or abutting dwellings must take into account that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.	The development application involves attached dwellings that have been proposed in eight (8) groups comprising no more than 6 dwelling in each group.	Satisfactory
21.	The maximum number of attached dwellings permissible in a set is six.	The proposed eight (8) sets of dwellings do not exceed six dwellings in one set.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
22.	The composition of sets needs to be determined in the subdivision design to take into account the lot width required for a side setback to the end dwellings in each set.	The development proposal includes the design of the attached dwelling sets.	Satisfactory
3.2.2 Corner Lots			
1.	Corner lots, including splays and driveway location are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Driveway locations comply with Council's Engineering Design Guide.	Condition of development consent has been recommended for driveways to comply with Council's Engineering Design Guide.
2.	Corner lots are to be designed to allow dwellings to positively address both street frontages as indicated in Figure 3-8.	The proposal includes the construction of six (6) corner dwellings. All proposed corner dwellings are considered to positively address both street frontages. The corner dwelling design includes variations in materials and colours and balanced window placement.	Satisfactory
3.	Garages on corner lots are encouraged to be accessed from the secondary street or a rear lane.	All attached dwellings are accessed from the rear laneway.	Satisfactory
4.	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	Survey information has been provided with the development application.	Satisfactory
3.3 Subdivision Approval Process			

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
1.	The land subdivision approval process is to be consistent with the requirements of Table 3-4.	<p>This Application has been submitted as an 'Integrated Housing' DA as it proposes dwelling construction involving common walls (ie attached dwellings) on:</p> <p>-lots less than 225sqm; or -lots with a width less than 9.</p> <p>All proposed lots have a width less than 9m.</p>	Satisfactory
2.	Subdivision of land creating residential lots less than 225sqm or lots less than 9m wide shall include a dwelling design as part of the subdivision development application. The dwelling design is to be included on the S88B instrument attached to the lot.	Subdivision is proposed to occur after the issue of an occupation certificate for all dwellings.	Can comply. Recommended condition of development consent for an occupation certificate to be obtained prior to a subdivision certificate being released.
3.6 Construction Environmental Management			
1.	A Construction Environmental Management Plan is to be submitted to Council or the accredited certifier and approved prior to the issue of a construction certificate for subdivision.	A condition of consent is recommended for a CEMP to be provided prior to the issue of a construction certificate.	Can comply. Recommended condition of development consent.
4.1 Site Responsive Design			
4.1.2 Cut and Fill			
1.	Development applications relating to land within residential zones are to illustrate where necessary further to cut and/or fill is required and provide justification for the proposed changes to the ground levels.	Minor change in existing ground levels are proposed and considered satisfactory.	Satisfactory
2.	Earthworks for dwelling construction may be undertaken to a maximum of 500mm excavation or fill as measured from the sites existing ground levels.	Cut/fill does not exceed 500mm.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
4.1.3 Sustainable building design			
1.	New residential dwellings, are to be accompanied by a BASIX Certificate and are to incorporate all commitments stipulated in the BASIX Certificate.	BASIX Certificates have been provided and commitments are shown on the plans.	Satisfactory
5.	The design of dwellings is to maximise cross flow ventilation.	Cross ventilation considered satisfactory.	Satisfactory
6.	The positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.	Size and position of windows is consistent with the existing allotment configuration and is considered satisfactory.	Satisfactory
7.	Outdoor clothes lines and drying areas are required to all dwellings.	Outdoor clothes line details not provided.	Can comply. Recommended condition of development consent for outdoor clothes lines to be provided.
4.1.4 Salinity			
1.	All development must comply with the Salinity Management Plan at Attachment C.	The development site is identified as an area of moderate saline soil.	Recommended condition of development consent for the proposed development to comply with the Salinity Management Plan (Appendix C) of this DCP.
4.2 Dwelling Design Controls			
4.2.1 Summary of Key Controls			
Front setback (min)	4.5m to building façade; 3.5m to building façade fronting open space 3.0m to articulation zone; 2.0m to articulation zone fronting open space	All proposed attached dwelling have a front setback greater than 4.5m to the building façade.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
Side setback (min)	<p>Ground floor: 0m</p> <p>Upper Floor: 0m</p> <p>If lot burdened by zero lot boundary, side setback must be within easement:</p> <p>0.9m (single storey zero lot wall)</p> <p>1.2m (double storey zero lot wall)</p>	<p>Detached dwellings (between "sets") have a 0.9m setback from the proposed property boundary.</p> <p>All proposed dwellings burdened by a zero lot boundary are setback a minimum of 1.2m.</p>	Satisfactory
Maximum length of zero lot line on boundary	Attached/abutting house = 15m (excludes rear loaded garages) upper levels only. No limit to ground floor.	All < 15m.	Satisfactory
Rear setback (min)	0.5m (rear loaded garages to lane)	All rear loaded garages are setback 0.5m or greater.	Satisfactory
Corner lots secondary street setback (min)	1.0m	1m or greater setback proposed for all corner lot secondary street setbacks.	Satisfactory
Building Height massing and siting	3 storeys maximum	Maximum two storeys proposed.	Satisfactory
Site Coverage	Upper level no more than 40% of lot area.	All proposed upper levels are less than 40% of the proposed lot areas.	Satisfactory
Soft landscaped area	<p>Minimum 15% lot area.</p> <p>The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.</p>	<p>Landscaping plan provided with development application.</p> <p>All lots provide a minimum of 15% soft landscaped area.</p>	Satisfactory
Principal Private Open Space	<p>In density areas < 20dw/Ha:</p> <p>Min 16sqm with minimum dimension of 3m.</p>	All proposed dwellings have a minimum 16sqm of private open space with a minimum dimension of 3m.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
Solar Access	In density areas < 20dw/Ha: At least 3 hours of sunlight between 9am and 3pm at the winter solstice to at least 50% of the required PPOS of both the proposed development and the neighboring properties.	A minimum of 50% of the required private open space of each proposed dwelling achieves a minimum 3 hours of direct solar access during the winter solstice.	Satisfactory
Garages and car parking	Minimum garage width 2.4m (single) and 4.8m (double). 1-2 bedroom dwellings will provide at least 1 car space. 3 bedroom or more dwellings will provide at least 2 car spaces.	All two bedroom dwellings include 1 single garage All three bedroom dwellings include a double garage.	Satisfactory
4.2.2 Streetscape and architectural design			
1.	The primary street façade of a dwelling should address the street and must incorporate at least two of the following design features: -entry feature or porch -awnings or other features over window -balcony treatment to any first floor element -recessing or projecting architectural elements -open verandah -bay windows or similar features -verandahs, pergolas or similar features above garage doors.	The primary street façade of the proposed development addresses Passiflora Avenue and incorporates the following elements: -recessing and projecting architectural elements -porch	Satisfactory
2.	Corner lot development should emphasise the corner. The secondary street façade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback.	Corner lot development propose the following elements: -awning over windows -recessing/projecting architectural elements	Satisfactory
3.	Modulation of the façade should be integral to the design of the building, rather than an unrelated attached element.	The proposed design is considered to provide acceptable façade treatment that is integrated with the overall design of the building.	Satisfactory

Campbelltown City Council Growth Centre Precincts Development Control Plan			
Control	Requirement	Proposed	Compliance
6.	Front facades are to feature at least one habitable room with a window onto the street.	All front facades include at least one habitable room with a window onto the street.	Satisfactory
7.	Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.	The garage construction is complementary to the finish of the dwellings.	Satisfactory
8.	Streets should be fronted with similar housing types to create a consistent street character.	The proposed attached dwellings provide a cohesive design when viewed from Passiflora Avenue.	Satisfactory
4.2.3 Front setbacks			
1.	Dwellings are to be consistent with the front setback controls and principles (4.5m building façade line).	All proposed attached dwellings are setback a minimum of 4.5m.	Satisfactory
2	On corner lots, front setback controls are to be consistent with Figure 4-6.	Corner allotment side setbacks are a minimum of 1m, consistent with Figure 4-6.	Satisfactory
3.	To achieve a desired streetscape character, the building façade front setback for a series of lots can be more or less than the setbacks shown in Table 4-2 to Table 4-6 where agreed to as part of the preparation of a Building Envelopes Plan or integrated housing development application at subdivision approval and the front setbacks are attached to the lot titles. However, the front setback to garages must be a minimum of 5.5m.	<p>The proposed building setbacks provide a consistent streetscape.</p> <p>All proposed lots are rear loaded and the garages are accessed from a rear laneway.</p>	Satisfactory
4.2.5 Dwelling Height, Massing and Siting			
1.	Dwellings are to be generally a maximum of 2 storeys high.	All proposed dwellings are two-storey.	Satisfactory
4.	The ground floor level shall be no more than 1m above finished ground level.	<p>The ground floor level is less than 1m above finished ground level.</p> <p>Minimum cut/fill is proposed.</p>	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
4.2.6 Landscaped Area			
2.	Plans submitted with the development application must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted.	Landscape plans provided and considered satisfactory.	Satisfactory
4.2.7 Private Open Space			
1.	Each dwelling is to be provided with an area of PPOS consistent with the requirements of Table 4-2.	Min 16sqm required. 16sqm provided.	Satisfactory
2.	The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.	The location of the PPOS is considered satisfactory.	Satisfactory
3.	The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10.	The PPOS is accessible from the main living area.	Satisfactory
4.2.8 Garages, Site Access and Parking			
16.	Minimum garage door width of 2.4m (single) and 4.8m (double).	Satisfactory excluding travel path for waste bins.	Satisfactory
4.2.9 Visual and acoustic privacy			
1.	Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony design and the use of screening, including landscaping.	Adjoining residential properties are separated from the development site by roadways. Overlooking is not created or anticipated.	Satisfactory

		Campbelltown City Council Growth Centre Precincts Development Control Plan	
Control	Requirement	Proposed	Compliance
2.	Living area windows with a direct sightline to principal private open space or to habitable room windows in an adjacent dwelling within 5 metres are to: -be obscured by fencing, screens or landscaping, or -be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window; or -have sill height of 1.7 metres above floor level; or -have fixed obscure glazing in any part of the window below 1.7m above floor level.	Living area windows do not have a direct sightline to adjoining principal private open space.	Satisfactory
4.2.10 Fencing			
1.	Front fencing shall be a maximum of 1m high.	All proposed front fencing is 1m.	Satisfactory
2.	Front fencing and walls are not to impede safe sight lines for traffic.	The 1m high fencing would not impede sight lines.	Satisfactory
3.	Side and rear fences are to be a maximum of 1.8m high.	The proposed side and rear fencing is 1.8m high.	Satisfactory
7.	Pre-painted steel or timber paling or lapped/capped boundary fencing is not permitted adjacent to open space or drainage land or on front boundaries.	Front boundary fencing is 1m high metal palisade.	Satisfactory
4.3.2 Attached or abutting dwellings			
1.	It is preferred that garages for attached dwellings are located at the rear of the lot.	All garages are designed at the rear of the lot.	Satisfactory

Campbelltown City Council Growth Centre Precincts Development Control Plan			
Control	Requirement	Proposed	Compliance
2.	<p>Attached or abutting dwellings should have a pleasing rhythm and order when seen together as a group, rather than appear as a random arrangement of competing dwellings. Each dwelling should benefit from the unified design of the whole form, a co-ordinated style and base colour palette.</p> <p>Individuality can be added as small details or accent colours, rather than strikingly different forms.</p>	All proposed dwellings present as a unified design to Passiflora Avenue with a co-ordinated, consistent style and colour palette.	Satisfactory

5. Section 4.15(1)(a)(iiia) Any Planning Agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F

The subject site is within the Western Sydney Growth Area Special Infrastructure Contribution (SIC) area. The Department of Planning has advised that Council should include the SIC condition in all development consents within the SIC area and the Department will assess whether a SIC levy is payable and issue a clearance letter if appropriate. Accordingly, a condition of development consent has been recommended for the SIC levy to be applied.

In terms of local level contributions, the development is subject to the East Leppington Local Planning Agreement (Campbelltown). A condition has been recommended for all relevant works in kind and monetary contributions to be paid/completed prior to the release of the subdivision certificate.

6. Section 4.15(1)(b) The likely impacts of development

The following matters are raised in relation to the likely impact of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

6.1 Waste Servicing and manoeuvring

Council's Domestic Waste Service Coordinator confirmed the following:

- Plans have been revised to allow for individual bin storage within the courtyard of each property, and properties without side access have had single garages widened to allow for a travel path for bins through the garage to the rear lane for collection.
- While there is insufficient space within the rear lane for bulky waste collection, these items can be collected from the main frontage of properties. There is sufficient space in this location to accommodate 1m³ per dwelling.
- Swept paths have been provided demonstrating that Council's waste collection vehicle (maximum 10.4m in length) can be accommodated within the rear service laneways.

Overall, the waste servicing and manoeuvring required for the proposed development is considered satisfactory.

6.2 Streetscape

Part 3.2(7) of the Growth Centres DCP requires a range of residential lot types to be provided to ensure a mix of housing types and dwelling sizes and to create a coherent streetscape with distinctive garden suburban, suburban and urban characteristics across a neighbourhood. Further, Clause 6.8(3)(b) of the Growth Centres SEPP requires that attached dwellings be designed and oriented to provide active frontages to and surveillance of the public recreation drainage land.

The applicant provides the following in terms of the attached dwelling design and colour/material scheme:

- The external colour schemes are sympathetic to the local natural bushland setting.
- Dark tones on the recessed walls are used to accentuate the light building form. Whilst the lighter tones are to accentuate the overall building form.
- Within each group of terraces, we have retained consistency by applying the same colour scheme, while variety is achieved within the streetscape by altering colour schemes between groups.
- The architectural form provides a variety of different types of articulation, which a combination of positive and negative built form, varying soffit heights, and awnings provided to each entry. These are then wrapped on corner buildings, providing articulation to both street frontages.
- All attached dwellings will be oriented towards the drainage/public recreation land opposite and have been designed to achieve an active façade and to ensure natural surveillance is provided.

This is afforded by:

- providing ground floor living and lounge areas with large floor to ceiling window opening that have a direct outlook to the street and public domain
- ensuring dwellings located on a corner are provided with window opening on primary and secondary frontages to overlook the public footpath and roadways
- providing a landscape design at the front of each dwelling that creates usable spaces which encourage passive use to activate the streetscape
- providing low, 1m high fences and low maintenance landscaping to allow for casual surveillance of the adjoining public domain.

The proposed development is considered to provide a consistent streetscape design, that provides for surveillance opportunities to Passiflora Avenue and Bonds Creek riparian corridor.

6.3 Traffic Generation

The existing roads surrounding the development site were approved under development application 2433/2014/DA-SW. Development Application 2433/2014/DA-SW was supported

by a Traffic Impact Assessment prepared by Cardno, dated August 2014.

The report was based on a total of 246 residential dwellings generating 209 vehicle trips during the AM and PM peak periods, based on the Roads and Maritime Services Guide to Traffic Generating Developments. It should be noted that the traffic assessment was undertaken for 207 dwellings, as opposed to the proposed 246 dwellings referenced in the report (additional 39 dwellings). The report advises that the additional 39 dwellings shall be on smaller land lots and would only result in an anticipated traffic generation of 33 vehicles per AM and PM peak hour (based on a rate of 0.85 per dwelling). With a vehicle distribution of 20% IN and 80% OUT there would be only 7 vehicles per hour entering the development and 26 vehicles per hour exiting the development at the AM Peak (and vice-versa for PM). This additional volume is not considered to affect the anticipated LoS determined as part of the assessment that assumed 207 residential dwellings.

Currently, 202 residential lots have been created within Precinct 8. The additional 39 lots proposed as part of this development would total 241 dwellings, which is less than 246 dwellings addressed above.

The findings of this traffic assessment concluded that Precinct 8 of the proposed Willowdale development would have minimal adverse impacts on the surrounding road network and that development traffic can be accommodated by the existing and planned infrastructure surrounding the site.

Further, the rear-loaded nature of this dwelling typology ensures that no on-street car parking is impacted by driveway crossovers associated with a front-loaded dwelling. This ensures that existing on-street car parking is not impacted and would be maximised for visitors within the locality.

6.4 Laneway Garage Interface

Laneway garage interface plans (Attachment 7) were provided with the development application to demonstrate potential areas of vehicular conflict when entering and existing garages located within the rear laneway. The plans demonstrate the following:

- Lot 8165 DP 1201937:

No interface with any other garages opposite the allotment on Crowfoot Lane and therefore would not result in any vehicular conflict.

- Lot 8166 DP 1201937:

Seven of the proposed 11 dwellings on Lot 8166 would interfere with existing garages opposite the allotment on Blackthorn Lane. However, the applicant advises that the rear lane is significantly wider at the mid-point of Lot 8166 which provides an increased laneway width to allow increased room for manoeuvring.

- Lot 8167 DP 1201938:

Six of the proposed 16 dwellings on Lot 8167 would interfere with four existing garages opposite Lot 8167 on Blackthorn Lane.

Further, the applicant provides the following:

- The ability for residential development to be rear-loaded and benefit from the access provided by Blackthorn Lane and Crowfoot Lane was established in the subdivision

design and road layout previously approved by Council under DA 2433/2014/DA-SW.

- It is also noted that an apron width of approximately 6.75m is provided from the face of proposed garages to the opposite edge of the carriageway is provided within the laneways in accordance with Australian Standard AS2890.1-2004. This allows for right angle vehicle access into single vehicle garages, catering for a standard B85 vehicle (4.91m car).

The subdivision design previously approved under Development Application 2433/2014/DA-SW facilitated rear-loaded dwelling. Laneways have typically lower traffic levels and lower traffic speeds, assisting in the minimisation of manoeuvring conflicts. Of the proposed 39 attached dwellings, 13 garages are proposed opposite existing garages within the rear laneways. In the circumstances of this case, it is considered an acceptable number given that Blackthorn Lane includes an increased lane width for increased manoeuvring opportunities and the apron width of approximately 6.75m provides access at right angles into a single-vehicle garages, in accordance with AS2890.1-2004.

6.5 Laneway intersection works

The development application proposes modifications to the existing laneway crossovers at the following intersections:

- Speargrass Street and Crowfoot Lane
- Crowfoot Lane and Passiflora Avenue
- Blackthorn Lane and Riceflower Drive
- Silkpod Street and Blackthorn Lane

The applicant advised that the crossover works are required to replicate the look and feel of a typical lane way by having the crossovers at the interface with the adjoining streets to slow vehicle movements down and create a safer environment.

Council's Development Engineer does not support the proposed crossover works for the following reasons:

- The existing kerb alignment has been set up and built with consideration to vehicular movements.
- The proposed crossovers would alter the kerb alignment and would impact vehicular movement.
- Proposed crossovers would create an illusion that the footpath continues across the traffic lanes.
- Changing the kerb return alignment will affect the safe turning path for vehicles – for e.g. as per submitted swept path, for garbage vehicle turning left on Passiflora Ave from Crowfoot Lane, it can be seen that by introducing the crossover the vehicle is mounting the kerb whereas in the existing arrangement the vehicle is clear of existing kerb alignment.

Accordingly, a condition of development consent has been recommended for no works to be undertaken to the existing kerb alignment.

6.6 Bushfire Prone Lands

The subject site is mapped as bush fire prone land and includes residential development and subdivision. Pursuant to Section 100B of the *Rural Fire Act 1997*, the development application was referred to the New South Wales Rural Fire Service. General Terms of Approval and a Bush Fire Safety Authority was received dated 10 August 2018 and has been recommended as a condition of development consent.

6.7 Water NSW - Upper Canal

Water NSW advised that the proposal has the potential to impact the Upper Canal structure, corridor, and quality of the open water. The following conditions have been recommended by Water NSW and are included in the recommended conditions of development consent:

- During construction, erosion and sediment controls are designed, installed and maintained in accordance with the Blue Book, Landcom (2004) Managing Urban Stormwater: Soils and Construction.
- All waste resulting from the construction of the development is removed from the site on a regular basis and prevented from entering the Upper Canal corridor and open waters.

6.8 Construction Impacts

Noise and vibration impacts during demolition, excavation and construction are unavoidable and have the potential to impact on the amenity of the locality. To minimise impacts during demolition and construction, conditions of consent have been recommended relating to the provision of a construction management plan, limitation of hours of construction work, erosion and sedimentation controls, dust mitigation, and waste management.

7. Section 4.15(1)(c) The Suitability of the Site for the Development

The proposal is considered appropriate with regard to the zoning of the subject site and is not anticipated to have adverse impacts on the immediate or surrounding locality.

8. Section 4.15(1)(d) Any Submissions Made in Accordance with This Act or the Regulations

The application was notified to nearby and adjoining residents on two occasions (once for the original proposed and once for the amended plans). The initial public notification occurred between 1 December 2017 and 15 December 2017. No submissions were received during this period. The revised application was notified between 5 September 2018 and 19 September 2018. Twenty-four (24) submissions were received and one petition with 52 signatures. The submissions have been grouped into theme, issue and Council response in the table below.

Theme	Issue	Response
Over-development	Blocks were designed for full-size dwellings and not to be further subdivided as proposed which will create too much pressure on the available infrastructure, leading into overcrowding.	Attached dwellings are permitted under the provisions of Clause 6.8 in Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Clause 6.8(2) in Appendix 10 of the Growth Centres SEPP states that

Theme	Issue	Response
		development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land is Zone R2 Low Density Residential that is within 400m of land in Zone B2 Local Centre and is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road. The subject site is within 400m of land in zone B2 Local Centre (Coles site) and the development site adjoins land in Zone SP2 Infrastructure that is set aside for drainage purposes.
Over-development	This high-density dwelling is not at all appropriate for the estate and location.	<p>Attached dwellings are permitted under the provisions of clause 6.8 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p> <p>Clause 6.8(2) of Growth Centres SEPP states that development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land is Zone R2 Low Density Residential that is within 400m of land in Zone B2 Local Centre and is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road. The subject site is within 400m of land in zone B2 Local Centre (Coles site) and the development site adjoins land in Zone SP2 Infrastructure that is set aside for drainage purposes.</p>
Over-development	High density dwellings is not appropriate for such a small residential zone.	<p>Attached dwellings are permitted under the provisions of clause 6.8 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p> <p>Clause 6.8(2) of Growth Centres SEPP states that development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land is Zone R2 Low</p>

Theme	Issue	Response
		Density Residential that is within 400m of land in Zone B2 Local Centre and is separated from land in Zone SP2 Infrastructure that is set aside for drainage or educational purposes only by a public road. The subject site is within 400m of land in zone B2 Local Centre (Coles site) and the development site adjoins land in Zone SP2 Infrastructure that is set aside for drainage purposes.
Car parking issues	<p>An average home has at least 2 cars meaning there will be a high number of cars parked on the small streets.</p> <p>Huge number of cars will lead to congestion and high volume of road traffic.</p>	In accordance with Part 4.2.1 of the Growth Centres Development Control Plan, all 2 bedroom dwellings are provided with a minimum of 1 car parking space and all three bedroom dwellings are provided with 2 car parking spaces, all vehicular access is from the rear laneways.
Limited street car parking	With the proposed 77 dwellings and the average household owning at least 2 cars, there are already very limited parking spaces within the estate.	The proposal was amended to include the construction of 39 attached dwellings over three superlots.
Limited street car parking	Extra cars parked on the street will inevitably create a bottle neck and blind spots within the narrow streets.	In accordance with Part 4.2.1 of the Growth Centres Development Control Plan, all proposed two bedroom dwellings are provided with a minimum of 1 car parking space and all three bedroom dwellings are provided with 2 car parking spaces, all vehicular access is from the rear laneways.
Traffic safety risk	I have witnessed many near miss accidents within the current estate set up and the current traffic volume. An increase in traffic will jeopardise the safety of children and other residents within the community.	No evidence has been provided that suggests an increase in traffic volume would jeopardise the safety of children within the community.
Traffic congestion	Already the main road into Denham Park is so congested and often dangerous that an addition of 76 townhouses to the community will make things worse.	<p>The original development proposal was amended to include the construction of 39 attached dwellings over three superlots.</p> <p>No evidence has been provided to confirm that the development would 'make things worse'.</p>

Theme	Issue	Response
Traffic congestion	The roads will not be able to cope with extra vehicles parked on them. There is currently a major problem with vehicles parking on both sides of the road which in turn creates driving hazards as only one vehicle can drive down the road at any one time.	<p>The existing roads surrounding the development site were approved under development application 2433/2014/DA-SW and are not the subject of this development application.</p> <p>Further, the rear-loaded nature of this dwelling typology ensures that no on-street car parking is impacted by driveway crossovers associated with a front-loaded dwelling. This ensures that existing on-street car parking is not impacted and would be maximised for visitors within the locality.</p>
Car generation issues	Households nowadays own on average at least 2 to 3 cars which equates to 152 to 216 cars. That fills a quarter of the car park at Leppington Station.	In accordance with Part 4.2.1 of the Growth Centres Development Control Plan, all proposed two bedroom dwellings are provided with a minimum of 1 car parking space and all three bedroom dwellings are provided with 2 car parking spaces, all vehicular access is from the rear laneways.
Wildlife impacts	The influx of heavy human population in a small area will have a major impact on the bordering wildlife.	Specific details of the issues concerning wildlife were not provided with the submission. The construction of the proposed attached dwellings does not involve any works to the Bonds Creek riparian corridor.
Wildlife impacts	Wildlife will almost certainly be impacted greatly by the high volume of human traffic of which is most likely to be people who are renting/leasing the property they live in and not have as great respect or appreciation for the environment in which they live.	The development does not involve any works to the Bonds Creek riparian corridor.
Devaluing property prices	Having blocks of townhouses next to our place will greatly devalue the property price.	Issue not a relevant consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .

Theme	Issue	Response
Not advised of development	We were not advised of future townhouse development when we purchased our lots, this would have been a major factor in influencing our purchasing decision.	Issue not a relevant consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Not advised of development	This proposed development goes against everything Stockland Willowdale advertised it to be within the Denham Park estate.	Issue not a relevant consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Not advised of development	It is unfair for Stocklands to change their plans and increase the number of dwellings at the cost of the quality of life of the existing residents. Moreover, Denham Park was projected as a Premium Precinct all the while and Stockland cannot change it now, once the majority of the community is in place.	Issue not a relevant consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Infrastructure	No walking paths from Jamboree Avenue bus stop opposite aged care along Denham Court Road into Denham Park.	Not the subject of the development application.
Infrastructure	Key infrastructure connecting the Denham Park community has not been completed and residents are forced to walk through dirt/mud to get from Denham Park to the local shops and parklands. It is completely unfair that Stockland should be chopping and changing their designs and plans when they haven't even completed the promised infrastructure.	Construction and delivery of infrastructure is not the subject of the development application.
Stockland Advertisement	While purchasing land, we were informed by Stockland that Denham Park will only have 250 independent dwellings with lots of open space. This was the main influential reasons for purchasing for a premium price.	Issue not a relevant consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .
Increased bushfire risk	I believe it will create huge potential danger to the community as it increases the changes of fire more as it is too close to the bush.	Pursuant to Section 100B of the <i>Rural Fire Act 1997</i> , the development application was referred to the New South Wales Rural Fire Service. General Terms

Theme	Issue	Response
		of Approval and a Bush Fire Safety Authority were received, dated 10 August 2018, and have been included in the recommended conditions of development consent.
Conflict with community's best interests	This proposal is in conflict with the community's best interests and is purely a commercial project with no regard to the long-term consequences and comfort of living to the community as a whole.	<p>The proposed development is appropriate with consideration to the zoning and the desired character of the Willowdale Housing estate within 400m to the B2 Local Centre zone.</p> <p>The proposed development is considered to be in the public interest, particularly in relation to promoting housing choice and affordability in accordance with the aims of the Campbelltown Growth Centres Precinct Plan and the vision for the East Leppington Precinct to provide for a range of residential densities, housing types and affordability options to meet the needs of a diverse and growing community.</p>
Insufficient notification	At no time have the residents been notified of this purposed townhouse development before now and when land was first bought by the current families the purposed site was for houses not 77 townhouses.	The development application was notified in accordance with Council's notification policy between 1 December 2017 and 15 December 2017. Further, the revised application was notified between 5 September 2018 and 19 September 2018 in accordance with Council's notification policy.

Four submissions were received outside of the notification period. These submissions are captured in the above table.

9. Section 4.15(1)(e) The Public Interest

The public interest is a comprehensive requirement that requires consent authorities to consider the long-term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of desired environmental and built form outcomes adequately responding to and respecting the desired future outcomes expressed in environmental planning policies and development control plans.

In this instance, the proposed development is appropriate with consideration to the zoning and the desired character of the Willowdale Housing estate within 400m to the B2 Local Centre zone.

Approval of the proposed development is considered to be in the public interest, by promoting housing choice and affordability in accordance with the aims of the Campbelltown Growth Centres Precinct Plan and the vision for the East Leppington Precinct to provide for a range of residential densities, housing types and affordability options to meet the needs of a diverse and growing community.

10. Conclusion

This application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development is permissible with consent under the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and is consistent with the objectives, locational and development criteria specified in Clause 6.8 in Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Further, in accordance with Clause 6.8(3) in Appendix 10 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, the development would not adversely impact on the amenity of any adjoining properties in terms of overlooking and overshadowing. Further, the proposed attached dwelling design provides active street frontages which provide surveillance opportunities to both Passiflora Avenue and Bonds Creek riparian corridor area.

The issues and concerns raised in the submissions have been adequately addressed.

Overall, having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant matters discussed within this report, it is considered appropriate that the development be approved, subject to the recommended conditions of consent in Attachment 1.

11. Recommendation

It is recommended that development application 3652/2017/DA-RS for the construction of 39 attached dwellings and subdivision into 39 Torrens title allotments, associated civil and landscaping works at Lot 8165 DP 1201937, Lot 8166 DP 1201937 and Lot 8167 DP 1201938 Passiflora Avenue, Denham Court, be approved subject to the recommended conditions of development consent in Attachment 1.

12. Attachments

Attachment 1 – Recommended Conditions of Consent

Attachment 2 – Architectural Plans

Attachment 3 – Subdivision Plans

Attachment 4 – Civil Plans

Attachment 5 – Landscape Plans

Attachment 6 – Net Developable Area Plan

Attachment 7 – Garage Interface Plan

Attachment 8 – Applicant's Response to Submissions

Attachment 9 - Detailed Site Investigation