

SYDNEY WESTERN CITY PLANNING PANEL

Panel Number:	2018SSW019.
Application Number:	2018/694/1.
Local Government Area:	Camden.
Development:	Demolition of existing structures, tree removal, construction of a staged mixed use development containing commercial/retail space, 259 apartments, basement car parking, road construction, subdivision and associated site works.
Capital Investment Value:	\$102.5 million.
Site Address(es):	297 Bringelly Road, Leppington.
Applicant:	Urbanlink Pty Ltd.
Owner(s):	Anthony & George Mourched.
Date of Lodgement:	7 June 2018.
Number of Submissions:	One (only raising matters for consideration).
Number of Unique Objections:	None.
Classification:	Regionally significant and integrated development.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	General development capital investment value >\$30 million.
List of All Relevant Section 4.15(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 (Infrastructure) 2007. • State Environmental Planning Policy No 55 - Remediation of Land. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Development Control Plan 2011. • Camden Growth Centre Precincts Development Control Plan.
List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • Applicant's written request seeking to justify the contravention of a development standard.

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 assessment table. • Apartment Design Guide assessment table. • Camden Growth Centre Precincts Development Control Plan assessment table. • Recommended conditions. • Proposed plans. • BASIX Certificate.
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • Maximum building height. • Zone B4 Mixed Use.
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • None.
Report Prepared By:	David Rowley, Senior Town Planner
Report Date:	2 February 2021.

Summary of Section 4.15 Matters

	Yes
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<input checked="" type="checkbox"/>

Legislative Clauses Requiring Consent Authority Satisfaction

	Yes
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?	<input checked="" type="checkbox"/>

Development Standard Contraventions

	Yes	N/A
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Infrastructure Contributions

	Yes	No
Does the application require Special Infrastructure Contributions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Conditions

	Yes
Have draft conditions been provided to the applicant for comment?	<input checked="" type="checkbox"/>

PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for a mixed use development at 297 Bringelly Road, Leppington.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$102.5 million. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2018/694/1 for a mixed use development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a mixed use development at 297 Bringelly Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011.	The Panel is the consent authority for this DA as the development has a CIV of \$102.5 million which exceeds the CIV threshold of \$30 million for Council to determine the DA.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).	The development is permitted with consent in the applicable B4 Mixed Use SP2 Infrastructure zones, is consistent with the zones' objectives and acceptable in terms of the Growth SEPP's other matters for consideration.
State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).	The DA was referred to Transport for NSW, TransGrid and Endeavour Energy for comment pursuant to the ISEPP and the comments received have been considered.

State Environmental Planning Policy No 55 - Remediation of Land.	Council staff have assessed a phase 2 detailed contamination assessment and associated information submitted in support of the DA. Council staff are satisfied that the site is suitable for the development.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	The development is largely consistent with the Design Quality Principles and the Apartment Design Guide.
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.
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20).	The development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 25 July to 7 August 2018. One submission was received from Liverpool City Council raising matters for consideration.

Following the submission of amended plans and additional information the DA was publicly re-exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 8 to 21 May 2019. No submissions were received.

The development has been assessed against the Western City District Plan, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and the Camden Growth Centre Precincts Development Control Plan. The development is consistent with these planning policies and controls in that it will provide an appropriate mix of land uses for the site that will contribute to the overall development of the Leppington Major Centre. The development is also generally consistent with the area specific development controls of the Camden Growth Centre Precincts Development Control Plan 2007.

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 24m above finished ground level. However, the development will have a maximum height of 25.53m above finished ground level. The contravention is assessed in detail in this report and is supported by Council staff.

The applicant proposes a variation to Clause 5.1.3 in Schedule 2 to the Camden Growth Centre Precincts Development Control Plan (Camden Growth DCP). The Camden Growth DCP requires that maximum building heights are to be in accordance with Figure 5-3, in which the subject site is indicated in orange, for 4 to 6 storeys. Both buildings in the proposed development are a maximum of seven storeys. The variation is assessed in detail in this report and is supported by Council staff.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
24m maximum building height.	25.53m maximum building height.	1.53m (6.4%).
4 to 6 storeys maximum building height.	7 storeys maximum building height	1 storey (16.7%).

AERIAL PHOTO



THE SITE

The site is known as 297 Bringelly Road, Leppington and is legally described as Lot 105 DP 1204146.

The site is currently occupied by an operating centre-based child care facility at its northern end. Demolition of this two-storey brick building and its associated car park is proposed with this application. The site is generally rectangular in shape and has an area of 2.33 hectares, with a frontage of 66.2m to Bringelly Road and an overall depth of 291.7m. Access is currently provided via Bringelly Road to the north.

The development site is located within a rural setting characterised by large lots supporting rural land uses as well as dwellings. Bringelly Road was subject to significant upgrade works between 2015 and 2019. The Leppington Train Station and associated car park is located immediately to the rear of the site. A multi-storey commuter car park is currently under construction to the south-west of the site, west of the existing car park.

The site is zoned B4 Mixed Use and SP2 Infrastructure (Local Road) under Appendix 9 of the Camden Growth Centres Precinct Plan of the Sydney Growth Centres SEPP 2006. The site is located within the Leppington North Precinct and forms part of the Leppington Major Centre.

A portion of the land to the rear of the site, adjacent to the railway station car park, is reserved for acquisition for a health services facility by the NSW Department of Health under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The strip of SP2 zoned land through the middle of the site is reserved for acquisition by Council for the purpose of a local road.

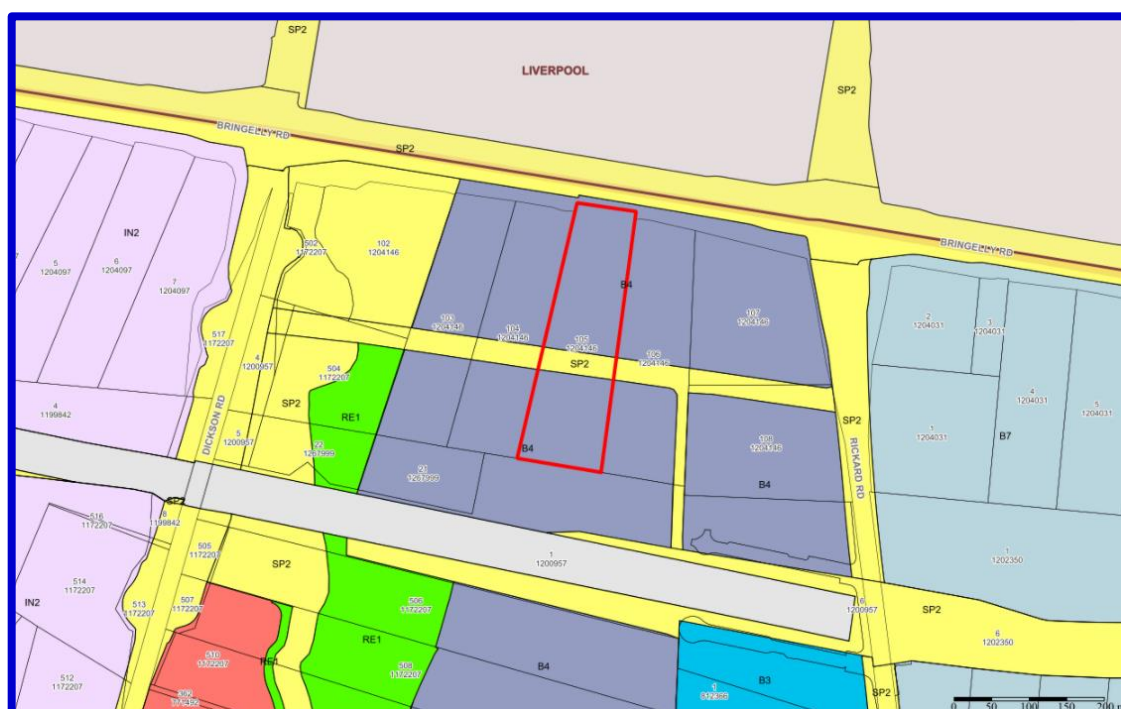
There is existing vegetation and landscaping associated with the child care centre on the site which consists of 20 trees and shrubs which are proposed to be removed. The site was also bushfire prone land.

The surrounding B4 Mixed Use zone has not been subject to the approval of any DAs for significant developments. While two have been received, these were both withdrawn, as follows:

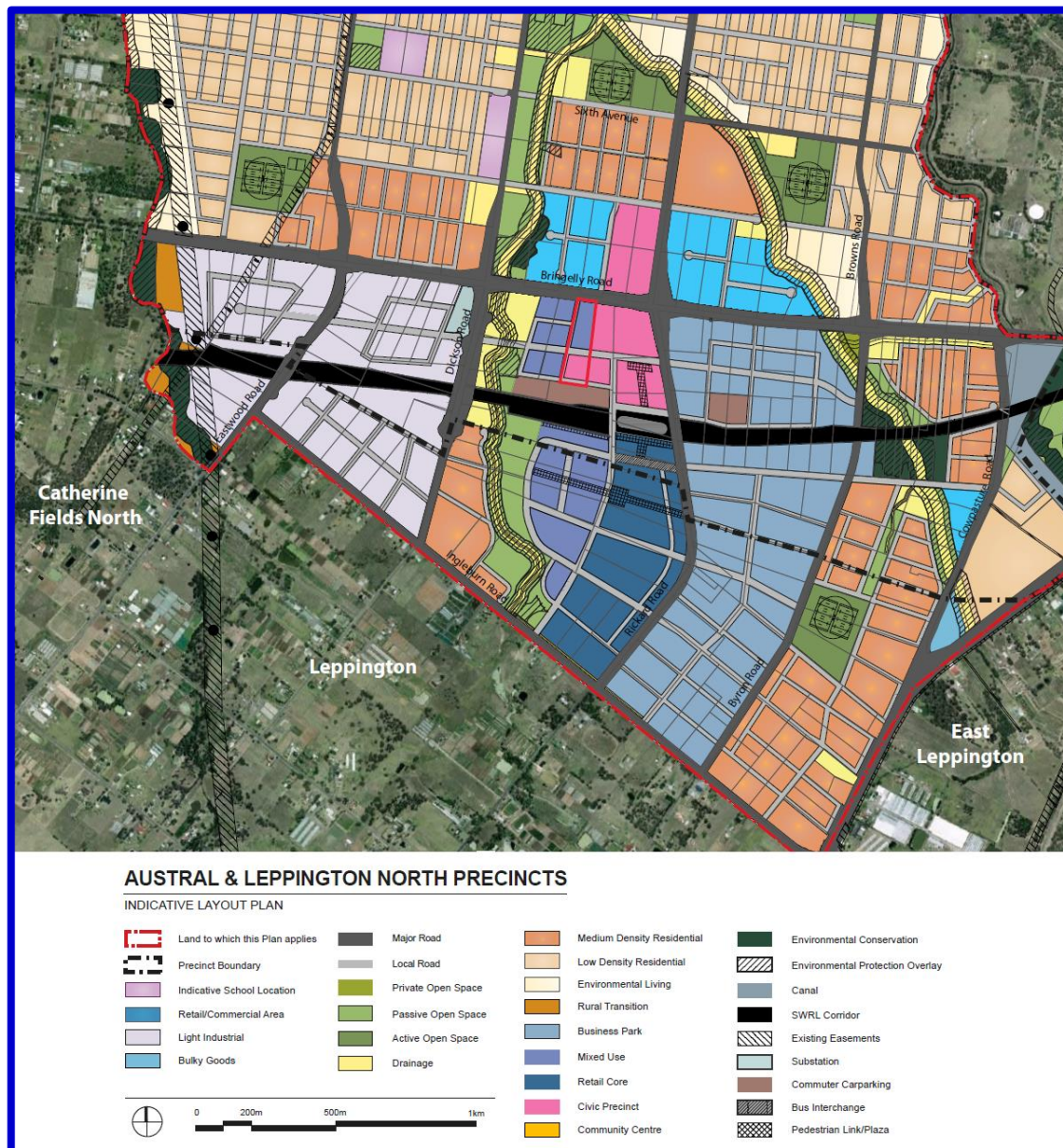
- A DA for 529 apartments and 6,090m² of commercial gross floor area at 283 Bringelly Road to the east of the site was withdrawn on 13 November 2020.
- A DA for 78 apartments and 778m² of commercial gross floor area at 215 Rickard Road to the east of the site was withdrawn on 4 April 2019.

As such, the proposed development is anticipated to have the potential to act as a catalyst for growth in the locality.

ZONING PLAN



AREA MASTER PLAN



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
20 October 2004.	Approval of DA/2003/1102/1 for a centre-based child care facility to cater for 70 children.
8 July 2006.	Approval of DA/2003/1102/2 for alterations and additions to an existing centre-based child care facility to cater for 90 children.
9 September 2014.	Approval of DA/2003/1102/7 for alterations and additions to an existing centre-based child care facility to cater for 130 children.

14 January 2020.	Approval of DA/2019/307/1 for alterations and additions to an existing centre-based child care facility to cater for 230 children.
13 May 2020.	Refusal of DA/2019/308/1 for a car park to accommodate 259 vehicles.

THE PROPOSAL

DA/2018/694/1 seeks approval for the construction and use of a mixed use development in three stages.

Specifically the development involves:

Stage 1:

- Torrens title subdivision to create four lots and a public road;
- Construction of roads, including a temporary deceleration lane on Bringelly Road and a pedestrian through site link between Building A and future Building B;
- Construction of a seven storey building, referred to as Building A, with 148 apartments and a maximum building height of 25.53m comprising:
 - An apartment mix of:
 - 24 x one-bedroom apartments;
 - 106 x two-bedroom apartments; and
 - 18 x three-bedroom apartments.
 - Fifteen of the units within Building A will be adaptable units;
 - Seven ground floor commercial and retail tenancies with a combined gross floor area of 1,632m² and direct pedestrian access from the proposed service lane to the west or the proposed town centre road to the south;
 - The provision of 1,347m² of communal open space (COS) centrally located to the ground floor and 168m² of roof top communal open. Access to the COS is provided via residential lobbies located adjacent commercial tenancies and by lift access;
 - Two levels of basement car parking comprising 220 visitor, staff and residential car spaces (including 21 accessible spaces), storage spaces for residential units, 64 bicycle spaces with lift/stair access, service and waste areas. Access to the basement level is via ramp access off the proposed service lane from the west;
 - Separate storage lockers are provided on basement levels 1 & 2;
 - Waste collection rooms for commercial waste, bulky goods waste and residential waste is located within basement level one; and,
- Associated site works.

Stage 2:

- Demolition of all existing buildings and associated structures on 297 Bringelly Road, Leppington;
- Construction of a seven storey building with 111 residential units and a maximum building height of 24.0 metres (referred to as Building B) comprising:
 - An apartment mix of:
 - 23 x one-bedroom apartments;
 - 74 x two-bedroom apartments; and
 - 14 x three-bedroom apartments.
 - Twelve of the units within Building B will be adaptable units;
 - Four ground floor commercial and retail tenancies with a combined gross floor area of 742m² and direct pedestrian access off proposed service lane to the west and pedestrian promenade facing Bringelly Road to the north;
 - The provision of 1,191m² of communal open space centrally located to the ground floor with 403m² of roof top communal open space across five separate spaces. Access to the COS is provided via residential lobbies located adjacent commercial tenancies and by lift access;
 - Two levels of basement car parking comprising 146 visitor, staff, residential car spaces (including 19 accessible spaces), storage spaces for residential units, 45 bicycle spaces, lift/stair access, service and waste areas. Access to the basement level is via ramp access off the proposed Service Lane from the west;
 - Communal and residential lobbies, comms/ back of house rooms are also provided at the ground floor.
 - Separate storage lockers are provided on basement levels 1 & 2;
 - Waste collection rooms for commercial waste, bulky goods waste and residential waste is located within basement level one; and,
- Associated site works.

Stage 3:

- Demolition of the temporary deceleration lane and construction of a cul-de-sac turning head, in accordance with the requirements of Transport for NSW.

Approval for the internal fit-out and use of the commercial/retail tenancies uses will be sought under separate Complying Development Certificates/Development Applications (where relevant) which will be lodged following approval of the base building under this proposal and when tenants are known.

PANEL BRIEFING

Council staff briefed the Panel on the DA on 22 October 2018. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *The Panel questions the justification for a breach of the height standard for this Greenfield site, noting that the height limit would seem to suggest a maximum 6 storey building was anticipated for this site.*

The height of building A has been reduced from 27.40 metres to 25.53 metres. The height of building B has been reduced from 27.86 metres to 24.0 metres.

2. *This Greenfield site would also seem to allow for common open space to be located at ground level designed for reasonable solar access. Minimum ADG building separations and compliant height might assist in achieving the goal of providing more usable open space.*

Previously, the majority of the common open space was located on the roof. The proposal has been amended such that the majority of the common open space is now located on the ground floor, with some additional space provided on floors 5 and 6.

3. *The proposed unit mix including 41 single bedroom units in this location is not obviously suitable, and would require some analysis to justify.*

The unit mix proposed at lodgement included 41 one bedroom units in Building A and 38 one bedroom units in Building B, as well as a studio apartment in each building. This has been reduced to 24 one bedroom units in Building A and 23 one bedroom units in Building B, with no studio apartments proposed. The proposed unit mix has been supported by a market analysis undertaken by LJ Hooker Leppington, dated 26 June 2019.

4. *The Panel questions the logic of locating the dense residential development on the part of the site furthest away from the station. Configuration of a development which encourages take up of the commercial part of the development would be an advantage.*

The densest part of the proposed development is now the southern part of Building A, closest to the station.

5. *The DCP anticipates a sequencing of development in the locality, with this site envisaged as a more long term part of the development of the locality. If additional density is to be justified, a development scheme which rationally fits within the desired development of the area would be desirable.*

The subject site is identified as 'Long Term' in the staging plan in Figure 5-3 in Schedule 2 to the Camden Growth DCP. Despite this, the site is now capable of being fully serviced by public utility infrastructure and the applicant has provided a market analysis, which indicates that there is demand for the proposed residential dwellings. The DCP states that the staging of development is not required to occur as shown on Figure 5-4, but is to consider the other requirements of the DCP to contribute to the orderly and efficient development of the centre. A detailed assessment against the provisions of the DCP is provided in the attachments to this report.

Additionally, the density of the proposal has been reduced since the above comment was provided, and the proposal has been staged such that the southern building (Building A) will proceed to construction first, followed by Building B.

6. *The Panel notes the RMS comments which will need to be addressed, given the requirement for RMS concurrence, but the Panel expects that dedication of land would only be demanded by the RMS where the need for dedication arises from the proposed development.*

This comment was based upon the first response received from Road & Maritime Services on 9 August 2018. That response recommended the construction of the full width of the north-south Service Lane, as well as a deceleration lane, to limit conflicts on Bringelly Road. The proposal has complied with all requirements from RMS (now TfNSW), as per the assessment against *State Environmental Planning Policy (Infrastructure) 2007* below.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 55 - Remediation of Land.
- State Environmental Planning Policy No 64 - Advertising and Signage.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.

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

The SRD SEPP identifies development that is State significant or regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$102.5 million. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of the SRD SEPP.

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

The Growth SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Growth Area.

Site Zoning

The site is zoned B4 Mixed Use and SP2 Infrastructure pursuant to Appendix 9, Clause 2.2 of the Growth SEPP.

Land Use Definitions

The development is defined by the Growth SEPP as a “mixed use development” comprising a “residential flat building” and accommodating future “business premises” and “retail premises”, which will be subject to future applications.

Permissibility

All of the development is permitted with consent in the zones in which it is proposed pursuant to the land use table in Appendix 1 of the Growth SEPP.

Planning Controls

An assessment table in which the development is considered against the Growth SEPP’s planning controls is provided as an attachment to this report.

Proposed Contravention

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 24m above finished ground level. However, the development will have a maximum height of 25.53m above finished ground level.

The contravention primarily relates to two lift overruns in Building A and is shown in the applicant’s written request seeking to justify the contravention of a development standard, and in the extract below. The lift overruns represent the greatest contravention of the development standard, with four separate portions of the roof also exceeding the maximum height of buildings by a maximum of 164mm, 167mm, and 744mm for clerestory windows and a parapet.



Contravention Assessment

Pursuant to Appendix 9, Clause 4.6(3) of the Growth SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development

standard. In summary, the applicant's written request provides the following justification for the contravention:

- the development is consistent with the objectives of the development standard in that it will not impact upon the amenity of adjoining development and will facilitate higher density development in the Leppington Major Centre, achieving an appropriate bulk and scale in the context of the desired future character,
- the development is consistent with the objectives of the B4 Mixed Use and SP2 Infrastructure zones in that it will provide a mixed use development comprising residential and commercial uses that will contribute to the vitality of the Leppington Major Centre.
- the minor extent of the contravention (up to 6.4% for lift overruns on proposed Building A), combined with setbacks from public roads and spaces, will render the additional height virtually imperceptible from most viewpoints.

A copy of the applicant's written request is provided as an attachment to this report.

Pursuant to Appendix 9, Clause 4.6(4) of the Growth SEPP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 9, Clause 4.6(3) of the Growth SEPP, and
- the development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:

(a) *To establish the maximum height of buildings.*

The proposed development will not be conspicuously taller than future surrounding development. The proposed exceedance is minor and will not be visually prominent, as the area of exceedance does not relate to habitable residential space.

(b) *To minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.*

The proposed development meets the desired future character of the Leppington Major Centre and presents a bulk and scale that is reasonable for the planned streetscape. The impacts of the proposal upon the amenity of existing and future adjoining development, including solar access to dwellings, private open space and bulk and scale, will not exceed the expected impacts for a town centre development in the current rural context. As demonstrated in a detailed solar analysis provided by the applicant, the proposal is compliant with the solar access requirements.

(c) *To facilitate higher density development in and around commercial centres and major transport routes.*

The development will facilitate a higher density town centre environment that is within walking distance of the Leppington Railway Station. The proposal comprises a mixed-use development of an appropriate height having regard to the acceptable bulk and scale.

- the development is consistent with the objectives for development within the zones in which the development is proposed to be carried out:

B4 Mixed Use

1. To enable a mixture of compatible land uses.

The proposal provides a mixture of residential and commercial land uses and is compliant with the land use provisions in Part 2 of Appendix 9 to the Growth SEPP. The proposed residential component is compatible with the ground floor retail and commercial tenancies, the use of which will be subject to separate applications. These uses are also compatible with the expected surrounding land uses, including the NSW Health facility and the TAFE site reserved for acquisition.

2. To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposal integrates commercial and residential uses in an accessible location that maximises opportunities for public transport patronage. The proposed public domain works, including the provision of a cycle lane on the Town Centre Street will encourage walking and cycling.

3. To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.

The proposed development includes tenancies at the ground floor that can accommodate active retail and commercial uses.

4. To provide for residential development that contributes to the vitality of the local centre.

The proposed development contributes to the vitality of the local centre by providing 259 dwellings in close proximity to the Leppington Railway Station. Additionally, the ground floor of the proposed development will include a total of 2,374m² of retail/commercial space with active frontages to Bringelly Road, as well as the proposed Town Centre Street and Service Lane.

5. To ensure that residential development adjacent to the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

The proposed implementation of active frontages and commercial/retail uses on the ground floor of the development will ensure that it does not detract from the primary function of the centre.

SP2 Infrastructure

1. To provide for infrastructure and related uses.

The land zoned SP2 Local Road is proposed to only provide for the Town Centre Street.

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

The proposed mixed use development is not incompatible with and will not detract from the provision of the Town Centre Street.

- the contravention primarily relates to two small portions of the proposed Building A that will not visually read as additional building height.

It is noted that the Panel may assume the concurrence of the Secretary.

Consequently, it is recommended that the Panel support this proposed contravention to the Growth SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State.

Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Clause 104 of the ISEPP as, pursuant to Clause 104 of the ISEPP, the development is on a classified road. Additionally, TfNSW approval is required for the proposal in accordance with Section 138 of the *Roads Act 1993* as a deceleration lane is proposed in the Bringelly Road Corridor, along with a portion of the north-south Service Lane that connects to Bringelly Road.

Following referral of the proposal, TfNSW (then RMS) requested additional information including amended plans demonstrating the full width construction of the north-south Service Lane that connects to Bringelly Road.

Following the amendment of the proposal in this manner it was requested that the road be temporary in nature. Specifically the request stated:

The access on Bringelly Road would be supported if the access point is a temporary access point, which would be removed once the surrounding local roads are developed. The temporary access from Bringelly Road would need to be removed once the future local road connections are available.

TfNSW (then RMS) advised in their letter dated 10 July 2019 that they would provide concurrence under Section 138 of the *Roads Act 1993* subject to the abovementioned requirements being addressed, and a number of conditions of consent.

The proposal has been amended to accommodate a turning head at the northern end of the north-south Service Lane that connects with Bringelly Road in the Indicative Layout Plan in Stage 3 of the development.

It is noted that Council has advocated for the road connection to Bringelly Road in accordance with the Indicative Layout Plan, however, this position was not supported by TfNSW.

Endeavour Energy

The DA was referred to Endeavour Energy for comment pursuant to Clause 45 of the ISEPP as there were low voltage overhead power lines traversing the northern section of the site. These were removed during the Bringelly Road upgrade works.

Endeavour Energy raised no objections and recommended conditions related to network capacity/connection, urban residential subdivision, bushfire risk management, location of electricity easements, easement management, vegetation management, dial before you dig, demolition, public safety and emergency contact. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

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

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The applicant has submitted a phase two detailed contamination assessment and supporting information in support of the DA. This assessment found the site to be suitable for the development from a contamination perspective. Council staff have reviewed the assessment, agree with its findings and are satisfied that the site is suitable for the development.

A standard contingency condition is recommended that requires any contamination found during construction to be managed in accordance with Council's Management of Contaminated Lands policy.

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

SEPP 65 aims to improve the design quality of residential apartment development and provides an assessment framework, the Apartment Design Guide (ADG) 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 and the ADG. A copy of the assessment of the proposed development against the design criteria and objectives of the ADG is provided as an attachment to this report, with assessment of the application revealing that the development is largely consistent with the ADG and the design quality principles.

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

Principle 1: Context and Neighbourhood Character

The locality is slated for a significant transition from rural/rural residential to a dense urban character, with substantial increases in height from single and two storey development to six storeys and greater. The development is located within the Leppington Major Centre and is surrounded by rural lots that were rezoned to B4 Mixed Use on 13 March 2013.

While the proposed residential flat building development will be a new use in the area, the proposed development provides an acceptable built form for the future urban character of the locality and will make a positive contribution to that future context. This has been achieved by ensuring general compliance with the relevant planning controls in the proposal's design, which will also guide the development of that future character and context.

Principle 2: Built Form and Scale

The building's bulk and scale is consistent with the desired future character of the locality, despite the proposal contravention of the maximum height of buildings development standard assessed previously in this report. The bulk and scale of the proposal is ameliorated through the composition of elements and materials and the articulation of the buildings.

The building consists of a single storey podium featuring brick staples framing shopfront glazing. The podium is broken where vehicles and trucks enter the basement and is further broken by the Pedestrian Through Site Link between Buildings A and B.

Above the podium, two levels of residential units are visually recessed and a dark 'ribbon' element flows between the two levels. The 'ribbon' is similar in appearance between Building A and B but differentiates each through the use of a curved shape and a rigid angular shape respectively. The recessed levels act as the shadow break between the podium and the upper levels and break down the façade horizontally, to reduce the visual height of the building.

Above the shadow break, the building is broken into four dominant seven-storey building masses: two for each building. These forms consist of open balconies that continue the curved and rigid angular balconies on each building in a lighter colour, with the introduction of open glazed elements.

Separating these dominant masses on each building is a five-storey 'balustrade' element in a dark colour to match the 'ribbon' element that is recessed and separated from the dominant masses by a blade wall. This recess, combined with the contrasting material selection to the dominant masses forms a vertical shadow break. The façade length is broken, such that the façade appears in its most basic form as a solid podium base with 4 x four storey building forms floating over the podium.

The design is considered to be of a high standard and of architectural merit and desirable in establishing the Leppington Major Centre.

Principle 3: Density

The proposed development will achieve a density of 198.65 dwellings per hectare, which consists of 1, 2, and 3 bedroom apartments. This is anticipated by the Growth SEPP, and the proposed density does not result in adverse impacts in respect to overshadowing or loss of visual privacy upon adjoining properties, nor is the

development considered to be an unacceptable built form. Higher densities are considered appropriate in this location given its location in the Town Centre with good access to an emerging commercial and civic centre, employment lands and public transport.

Principle 4: Sustainability

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

Bicycle storage exists within the development to promote alternative and sustainable transport options to and from the site.

Principle 5: Landscape

While the subject site is located in a Town Centre environment, the proposed landscaping will achieve deep soil zones consistent with the ADG that are co-located with the central communal open space area. Street tree planting is proposed and planter beds are also used to line and soften edges of the ground floor apartments and the communal open space area. The communal open space area includes tiered seating, and a combination of soft and paved surfaces, providing recreation and social interaction opportunities whilst being overlooked by the proposed apartments for safety and security. The design of the communal open space area is considered to be inviting and will allow for a range of activities to be pursued.

Principle 6: Amenity

The proposed apartment layouts and designs are generally compliant with the ADG design criteria and will provide reasonable amenity for future residents. Due to the site's proximity to Bringelly Road, winter gardens are proposed to enclose balcony open space areas along the northern façade and at the eastern and western corners of Building B. The winter gardens are provided with glazed openable louvres to allow sunlight to penetrate these areas and allow residents fresh air when desired and peace and quiet when closed, without limiting outlook to the public domain.

Principle 7: Safety

The proposed apartment private open space areas and communal open space areas are well defined and legible, defining which areas are private and for communal use. The proposed buildings provide active frontages to all public roads, maximising passive surveillance opportunities. Controlled access will be provided to the proposed buildings via intercoms and key card access. Secure resident parking areas will be provided in the proposed basement.

Principle 8: Housing Diversity and Social Interaction

The proposed development will provide a variety of apartment types and sizes, including 27 adaptable units. The development provides for ground floor and roof top communal open space areas to allow for a variety of passive recreational uses to be enjoyed by the residents of the development.

Principle 9: Aesthetics

As discussed above, the development has an interesting and balanced built form, which has been established through upper floor setbacks, varying façade design and horizontal and vertical architectural elements projecting from the main façade to provide articulation and visual interest. A range of materials have been employed, including cement, glass, steel, and timber. Finishes have been selected to compliment the elements they envelope and to create a modern yet not overpowering contribution to the streetscape and architectural quality in the area.

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.

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

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

(a)(ii) the provisions of any proposed 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

(a)(iii) the provisions of any development control plan

The development control plans that apply to the development are:

- Camden Growth Centre Precincts Development Control Plan.

Camden Growth Centre Precincts Development Control Plan (Camden Growth DCP)

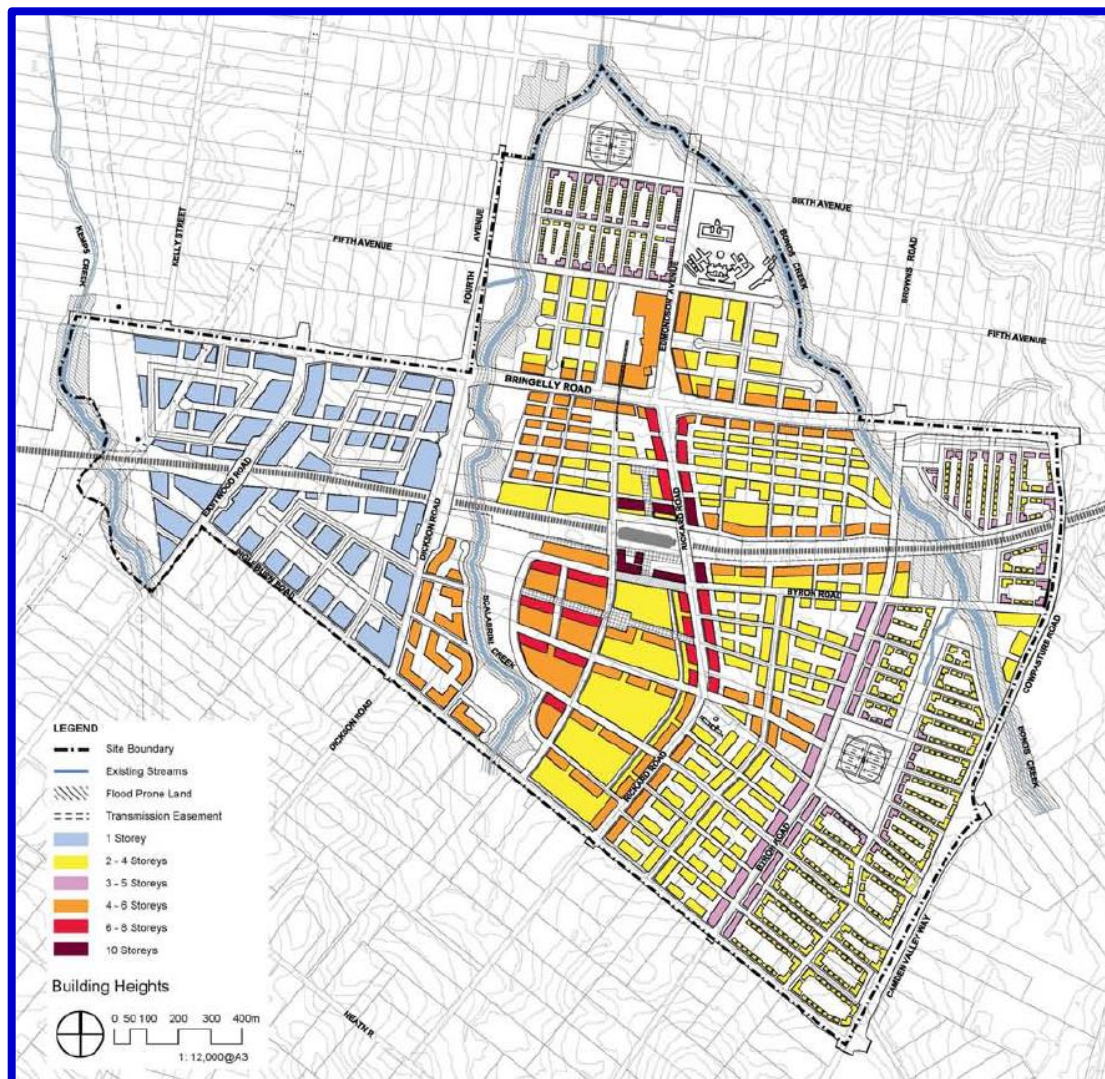
Planning Controls

An assessment table in which the development is considered against the Camden Growth DCP is provided as an attachment to this report.

Proposed Variation

The applicant proposes a variation to Clause 5.1.3 in Schedule 2 to the Camden Growth DCP regarding the building height and envelope controls. Control 1 in Clause

5.1.3 states that the maximum building heights are to be in accordance with Figure 5-3, which shows the subject site is indicated in orange, for 4 - 6 storeys.



Both buildings in the proposed development are a maximum of seven storeys.

Variation Assessment

Below the subject control, the Camden Growth DCP notes that the Growth SEPP specifies maximum building heights and that the controls in this DCP are intended to provide more detailed guidance on appropriate building heights to achieve urban design, amenity and environmental sustainability outcomes for the Leppington Major Centre. While the applicant proposes a contravention to the height of buildings development standard that applies to the site, an assessment of this contravention has been provided previously in this report, recommending its support, and the proposed development is compliant with all other requirements of the DCP.

Council staff have reviewed the proposed variation and recommend its support for the following reasons:

- As detailed in the SEPP 65 assessment, the bulk and scale of the proposed buildings has been managed through an articulated design of the façade.

- The bridging element in each building is five storeys and has been recessed to break the façade length and limit the proposal's visual dominance.
- The northern portion of Building B steps towards Bringelly Road from seven storeys to five and six storeys to create a transition towards the northern end of the centre, with the exception of the street corner, which is seven storeys.
- Control 2 of Clause 5.1.3 in Schedule 2 to the DCP states that prominent street corners should be reinforced in a visual context through concentrating building height and built form. As such additional height to accentuate the corner can be supported.
- The applicant has provided a solar analysis to demonstrate appropriate sunlight penetration to streets and public spaces.
- In accordance with the note under the subject control, the proposal achieves the urban design, amenity, and environmental sustainability outcomes for the Leppington Major Centre, as demonstrated by the attached DCP assessment table.

Consequently, it is recommended that the Panel support this proposed variation to the DCP.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

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

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 25 July to 7 August

2018. No submissions were received. One submission was received from Liverpool City Council.

Following the submission of amended plans and additional information the DA was publicly re-exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The re-exhibition period was from 8 to 21 May 2019. No submissions were received.

The following discussion addresses the issues raised in the submission.

1. *In order to ensure that the proposed development is consistent with DPE's vision for the LTCP comments should be sought from the Department of Planning as to whether this development is consistent with that vision.*

Officer comment:

The Department of Planning and Environment (DPE) (now the Department of Planning, Industry and Environment) were undertaking a review of land uses in the Leppington Town Centre when this submission was received. On 2 November 2011, the Minister for Planning and Public Spaces announced a 'New approach to supercharge Sydney's precincts.' As a result of this announcement, the review of the Leppington Town Centre's land uses and development controls is now being managed by the Strategic Planning branches of Liverpool and Camden Council. During the assessment of this application, Council's Strategic Planning branch have been consulted extensively.

2. *We see potential in those commercial suites facing the future SP2 Local Road to be utilised as medical suites, given proximity to the future Health Services Facility. Given the benefits of co-locating similar uses, the applicant may wish to modify the development or otherwise ensure that these spaces would be capable of being utilised as medical centres or health consulting rooms.*

Officer comment:

The commercial suites facing the Town Centre Street will be subject to a separate application prior to their first use, as clarified in the recommended conditions of consent. There is nothing about the proposed design of these tenancies that would preclude their use as medical suites.

3. *To minimise any disturbance to current or future residents within the Liverpool LGA, a plan as to the arrangements for the decommissioning of the temporary car park should be provided as the land for the medical facility may be needed at any time.*

Officer comment:

A temporary commuter car park was originally proposed with this application; however, the application has been amended to remove this element. The car park was proposed with a separate development application, which was refused on 13 May 2020. A multi-storey commuter car park is currently under construction to the south-west of the site, west of the existing car park.

4. *Whilst the site has no minimum or maximum dwelling density provisions, consideration should be taken to ensure that the development is consistent with the planning framework, any development contributions plans, and the DCP (desired urban form, character, and density). A substantial increase in residential density will place an additional burden on public infrastructure. The impacts of*

increased residential density on the planned open space network and community facilities could be substantial if the densities proposed are well in excess of those planned/assumed.

Officer comment:

The residential density of the proposal has been significantly reduced since the first exhibition of plans, from 360 apartments to 259 apartments. The proposal is consistent with the anticipated residential density for the site and for the Leppington Town Centre.

5. *Consideration must also be given to the availability of infrastructure to serve this development.*

Officer comment:

In accordance with Clause 6.1 of Appendix 9 to the Growth SEPP, Council has considered the availability of public utility infrastructure for the proposed development. Further detail in this regard is provided in the assessment table in the attachments to this report.

6. *The current meandering design/configuration [of the Pedestrian Through Site Link] results in several concealed spaces and disturbs view lines, which may eventuate in CPTED issues. Council would recommend that the design be amended to provide a substantially straighter path, which utilises trees, or other soft streetscape elements to restrict vehicular movements through the corridor.*

Officer comment:

The design of the Pedestrian Through Site Link has been amended such that it is now a straight corridor. While there may be opportunities for concealment at the entrances to the building lobbies due to the proposed location of mailboxes, these will be minimised by opportunities for casual surveillance from habitable rooms and balconies in the adjacent building. The Pedestrian Through Site Link has been designed in accordance with the DCP with regard to street trees and streetscape elements.

(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 development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
NSW Rural Fire Service.	No objection and a Bush Fire Safety Authority granted.
Transport for NSW (Roads & Maritime Services).	Objection to the proposed ILP road connection to Bringelly Road. Concurrence on the condition that the road connection to Bringelly Road is temporary in nature, as previously detailed in this report.

Transport for NSW (Sydney Trains).	Objection to the proposed car park. This element of the proposal was withdrawn from the application.
Heritage NSW.	No objection and conditions recommended with regard to Aboriginal Cultural Heritage.
Endeavour Energy.	No objection and conditions recommended.
Sydney Water.	No objection and conditions recommended.
Camden Police Area Command.	No objection and safer by design recommendations provided.

Conditions that require compliance with the Bush Fire Safety Authority and external referral recommendations (apart from Transport for NSW's recommendation) are recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel:

- i. support the applicant's written request lodged pursuant to Appendix 9, Clause 4.6(3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to the contravention of the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and**
- ii. approve DA/2018/694/1 for a mixed use development at 297 Bringelly Road, Leppington subject to the conditions attached to this report.**