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| **Control** | **Assessment** | **Compliance?** |
| 2.2  Indicative Layout Plan (ILP).  Development to be undertaken generally in accordance with the ILP. | The ILP identifies this site as being for medium density residential development and public roads. The proposed development is generally consistent with the ILP and will provide medium density residential development and a public road required by the plan. | Yes |
| 2.3.2  Water Cycle Management.  Consistency with Council’s engineering specifications.  Compliance with the Precinct’s Water Cycle Management and Ecology Strategy.  Compliance with the Growth DCP’s water quality and environmental flow targets.  - Gross Pollutants 90%  - Total suspended solids 85%  - Total phosphorous 65%  - Total nitrogen 45% | The application has not been supported with DRAINS and MUSIC Models for assessment. The application also fails to provide sufficient details to; confirm that the proposed southern local street will match with the existing eastern road, on street pipe drainage, swept path analysis and external catchment diagrams for the street pipe network.  The submitted Civil Engineering Report has not considered the Leppington Precinct Water Cycle Management Strategy, which will impact upon the design submitted, including the direction of stormwater discharge.  The Growth DCP’s water quality and environmental flow targets have been demonstrated as being achieved.  - Gross pollutants 90%  - Total suspended solids 88.1%  - Total phosphorous 65.3%  - Total nitrogen 45.1% | No  No  Yes |
| 2.3.3  Salinity and Soil Management.  A salinity assessment and compliance with the Growth DCP’s Appendix B is required.  Sediment and erosion control measures must be implemented. | A total of 13 samples were tested for pH, conductivity, chloride and sodicity, however the results for conductivity did not include the multiplication factor to determine the soil salinity class. The submitted report is inconclusive to determine if the development is impacted by salinity and thus requiring a Salinity Management Plan to manage those impacts.  Sediment and erosion controls are proposed throughout the construction works. A standard condition can be imposed should the application be approved to address this matter. | No  Yes |
| 2.3.4  Aboriginal and European Heritage.  DAs must consider the requirements of the National Parks and Wildlife Act 1974. An Aboriginal Heritage Impact Permit may be required were Aboriginal heritage will be impacted.  Applications for subdivision and building on the properties identified on the European cultural heritage sites figure, are to be accompanied by a heritage management document. | In respect to Aboriginal heritage, a due diligence assessment report has been submitted, which concludes that the site is not an Aboriginal place of heritage significance and does not contain Aboriginal objects. Accordingly, an AHIP is not required in this instance.  No items of European heritage exist on the site or are located within immediate proximity to the development site. | NA |
| 2.3.5  Native Vegetation and Ecology.  Council is to consider a number of matters when assessing proposed tree removal.  The eradication and minimisation weed dispersal is to be considered.  A suitable landscaping plan must be submitted. | The applicants seek to remove all existing vegetation remaining upon the site. The SOEE refers to an arboricultural impact assessment, however this document has not been lodged for assessment. Efforts to possibly retain existing trees have not been adequately demonstrated to support proposed tree removal.  A standard condition can be imposed to address this matter should the application be approved.  A suitable landscape plan has not been submitted. The landscape plan fails to; provide a detailed plant schedule, demonstrate that satisfactory tree planting densities are achieved, provide adequate canopy cover, effective shading to communal open space and building facades, insufficient height to soften the built form impact to the streetscape and demonstrate that planter beds over basements and upon the roof meet the requirements of Part 4P as per the Apartment Design Guide. | No  Yes  No |
| 2.3.7  Site Contamination.  A contamination assessment (and remediation action plan if required) must be submitted. | See comments made under State Environmental Planning Policy No. 55 – Remediation of Land. | Yes |
| 2.3.9  Noise.  An acoustic report, demonstrating that the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008) and Council’s Environmental Noise Policy have been considered, must be submitted. | An acoustic report was submitted with the application and has been reviewed by Council’s Environmental Health Officers.  The acoustic report has failed to include predicted noise levels based on the ten year forecast traffic for Ingleburn and Byron Road as required by Camden Growth Centre Precincts Development Control Plan and Council’s Environmental Noise Policy. In lieu, the Acoustic Engineer has recommended that the future 10-year project of traffic levels along Ingleburn Road and its associated noise impact be resolved at the Construction Certificate Stage. This recommendation is unacceptable as it fails to consider likely built form changes to the design e.g. wintergardens and natural ventilation requirements of the Apartment Design Guide.  In respect to traffic volumes, there are studies available that include traffic figures for Ingleburn Road and Byron Road that can be used to calculate traffic noise using the CoRTN prediction method.  Previous assessments for adjacent development at 28 Ingleburn Road to the north east indicate that the predicted traffic noise will increase to 66d(B(A) LAEQ (18 hours), which is significantly higher than the existing 58dB(A) outlined in the submitted report. It should be noted that the residential flat building development at 28 Ingleburn Road (determined by the Regional Panel) required winter gardens to ground floor terrace areas and balcony areas to mitigate noise impacts from Ingleburn Road.  It is expected that once updated acoustic assessment, which includes assessment of the development with regards to the noise impacts from the 10 year traffic forecast is provided, that attenuation measures will be required to achieve the required internal and external amenity criteria contained within Council’s Environmental Noise Policy and are likely to require wintergardens to external private open space areas and mechanical ventilation to internal areas. | No |
| 2.3.10  Odour Assessment and Control.  Odour impacts, and the need for an odour assessment, must be considered. | The site sits below the 4.5 OU (250 hours) contour. Accordingly, the development is not significantly impacted by nearby odour sources. | Yes |
| 2.4  Demolition  A number of demolition controls are to be implemented. | The application seeks the demolition of all existing structures from the site.  Conditions regarding demolition can be imposed should the application be approved. | Yes |
| 2.5  Crime prevention through environmental design  The design of all development is to enhance public surveillance of public streets.  Pedestrian and communal areas are to have sufficient lighting to secure a high level of safety  All developments are to incorporate CPTED principles. | The proposed development will enable the ability to overlook the streets and the public domain.  Street lighting will be provided. A standard condition can be imposed to address this matter should the application be approved.  The proposed building separation distances of 3m and 5.58m between buildings A and C and C and D accompanied by blank walls result in poor surveillance between the buildings from main pathways from Ingleburn Road to adjoining communal open space areas. | Yes  Yes  No |
| 2.6  Earthworks.  Subdivision and building work is to be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill both during subdivision and when buildings are constructed. Finished levels must be integrated with nearby land and facilitate appropriate drainage.  A validation report must be submitted prior to the placement of any imported fill on the site.  Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the Noxious Weeds Act 1993. | A cut and fill plan has not been submitted to demonstrate proposed earthworks, noting that a retaining wall is proposed adjacent to the north eastern property boundary of 35 Ingleburn Road.  A standard condition can be imposed to address this matter should the application be approved.  A standard condition can be imposed to address this matter should the application be approved. | No  Yes  Yes |
| 3.3.1  Layout and Design.  The design and construction of streets is to be consistent with the Growth DCP, Council’s Engineering Specifications and Austroads.  Roads in the relevant precinct schedule are to be constructed in accordance with the hierarchy shown on the Precinct road hierarchy figure in the relevant Precinct Schedule.  Street trees, consistent with the Growth DCP, are required for all streets.  Street trees are to be provided at a rate of 1 tree per 10m of road.  Street lighting is to be designed to meet AS 1158. | The applicant has submitted contradictory road design plans for the southern local street, with one plan indicating half width road construction and another plan indicating full width road construction, which will require owners consent from the adjoining southern neighbour. In addition, it has not been demonstrated that the proposed local street will match design levels with the existing road to the east (River Mint Avenue). The applicant has also failed to submit swept diagrams of a 10m service vehicle and 12.5m HRV at the proposed local road / street intersection with Byron Road to confirm adequate maneuverability.  The precinct road hierarchy plan requires a 16m wide local street, with the road width to be shared by 47 Ingleburn Road and the southern adjoining neighbour at 76 Byron Road as per the Indicative Layout Plan. The applicant has failed to submit a relevant cross section demonstrating that road carriageway, planting, footpaths and road verges comply with figure 3-14 for a full width road or figure 3-20 for a half width road, noting the contradiction in road design proposed within the application.  The applicant has failed to provide a planting schedule which would nominate proposed street tree species and any other plantings.  A standard condition can be imposed to address this matter should the application be approved.  A standard condition can be imposed to address this matter should the application be approved. | No  Yes  No  Yes  Yes |
| 3.3.4  Pedestrian and Cycle Network.  The design of footpaths and cycleways located within the road reserve are to be consistent with the Growth DCP.  All pedestrian and cycleway routes and facilities are to be consistent with the Planning Guidelines for Walking and Cycling, relevant Council pedestrian and cycling plans and policies and Council’s Engineering Specifications. Designs are to be provided with DAs.  Pedestrian and cycle pathways that are within road verges or carriageways are to be constructed as part of the road construction works for each subdivision. | The location of required footpaths within the road verge is not consistently identified upon the civil plans. Nor is the required width (1.2m) for a pedestrian path specified upon the plans.  Pedestrian and cycle pathways would be undertaken during road construction works. | No  Yes |
| 3.3.5  Temporary Vehicular Access  Half width roads may be constructed to provide temporary access to residential development, in accordance with Figure 3-20. | The applicant has submitted contradictory road design plans for the southern local street, with one plan indicating half width road construction and another plan indicating full width road construction, which will require owners consent from the adjoining southern neighbour.  The applicant has failed to submit a relevant cross section demonstrating that road carriageway, planting, footpaths and road verges comply with figure 3-14 for a full width road or figure 3-20 for a half width road, noting the contradiction in road design proposed within the application. | No |
| 3.3.6  Access to arterial roads, sub-arterial roads and transit boulevards.  Access to arterial roads, sub-arterial roads and transit boulevards may only be via another public road. | The application proposes construction access onto and from Ingleburn Road, which is not permitted. | No |
| 4.3.5  Controls for Residential Flat Buildings, Manor Homes and Shop Top Housing  Residential flat buildings are to be located on sites with a minimum street frontage of 30m, have direct frontage to an area of the public domain and not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted.  Residential flat buildings are to be consistent with SEPP 65 and the DCP. Note that Table 4-10 takes precedence over SEPP 65 where there is an inconsistency.  A minimum of 10% of all apartments are to be designed as adaptable apartments in accordance with AS 4299.  Where possible, adaptable dwellings are to be located on the ground floor. Adaptable dwellings located above the ground level of a building are only permitted where lift access is available within the building. The lifts access must provide access from the basement to allow access for people with disabilities.  DAs must be accompanied by certification from an accredited access consultant that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299.  Car parking allocated to adaptable dwellings must comply with the Australian Standards for disabled parking spaces.  A landscape plan is to be submitted with DAs for residential flat buildings.  **Table 4-10**  Site coverage of less than 50%  (Max – 3919m2)  Landscaped area of at least 30%  (Min – 2351.4m2)  Communal open space area of at least 15% (Min – 1175.7m2)  Principal private open space of 10m² per dwelling with a minimum dimension of 2.5m  Front setback of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length  Corner lots require a secondary street setback of at least 6m  Side setback – Minimum 6m  For buildings 3 storeys and above, at least 12m separation distance is required for habitable rooms and balconies | All street frontages are significantly greater than 30m (78.105m to Byron Road and 115.715m to Ingleburn Road). The site has direct frontage to Byron and Ingleburn Road and to a new public domain street (southern local residential street).  Assessment of the application reveals that the development will adversely impact existing or future amenity of adjoining land. The application is inconsistent with the design principles and does not meet the objectives and design criteria of the Apartment Design Criteria.  The residential flat building is inconsistent with the design principles of SEPP 65 and fails to comply with several of the numerical requirements of Table 4-10.  A minimum of 12 units to comply with this requirement have been provided.  Adaptable apartments are located upon the ground floor and upon upper levels. Lift access to/from all floor levels to/from the proposed basements is provided.  An accessibility report has been submitted in support of the DA. The report demonstrates that the adaptable apartments can comply with AS 4299.  Thirteen (13) disabled carparking spaces has been provided within the basement level.  A landscape plan has been submitted in support of this DA.  3,766.395m2 / 48%  The landscaping calculation plan has not considered paved areas of the development, which are not inclusive to soft landscaping areas. Insufficient information has been submitted to demonstrate that minimum landscape requirements have been met.  1982.673m2 / 25.2%  This DCP control is overridden by Clause 6A of SEPP 65. Clause 6A provides that where there is an inconsistency between a DCP and the ADG regarding certain design matters, the DCP is of no effect. The proposed private open spaces for each apartment are generally consistent with the ADG.  Byron Road (Buildings A and B)  Ground – Setback not shown upon the plan  2 – 6m  3 – 6m  4 – 6m  Balcony encroachments are less than 50% of the façade length.  Ingleburn Road – Buildings A, B & D  Ground – Setback not shown upon the plan  2 – 6m  3 – 6m  4 – 6m  Southern Local Street – Building B, C and E  Ground – Setback not shown upon the plan  2 – 6m  3 – 6m  4 – 6m  3m (west)  This DCP control is overridden by Clause 6A of SEPP 65. Clause 6A provides that where there is an inconsistency between a DCP and the ADG regarding certain design matters, the DCP is of no effect. Details of the developments building separation distances are contained in the ADG compliance table attached with the assessment report. | Yes  No  No  Yes  Yes  Yes  Yes  Yes  Yes  No  Yes  NA  Yes, appears able to comply.  Yes, appears able to comply.  Yes, appears able to comply.  No  NA |
| Residential flat buildings in the R3 zone require;  Carparking spaces  Residents required – 115 x 1 = 115  59 x 40 = 20  Overall 135    Visitors required – 115/5 - 23  Total required – 158  Bicycle spaces required – 115/3 – 38.3  Car parking spaces are to have minimum dimensions of 2.5m x 5.2m and aisle widths must comply with AS 2890.1. | Carparking spaces  Residents  135  Visitors – 23  Total - 158  Bicycle spaces – 48  The proposed car parking spaces have dimensions of 2.4m x 5.4m. These dimensions are acceptable as they comply with AS 2890 for longer stay residential development. The dimensions sought by the control are more consistent with AS 2890’s criteria for medium stay commercial developments with more frequent vehicle turn overs.  The proposed aisle widths comply with AS 2890.1. | Yes  Yes |