

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-325
Application Number:	DA/2023/154/1
Local Government Area:	Camden.
Development:	Remediation of contaminated land, demolition of existing structures and construction of a centre-based child care facility for 296 children aged 0 to 5 years and a commercial/business premises, with car parking, landscaping, stormwater drainage, servicing and associated site works.
Capital Investment Value:	\$19,104,989
Site Address(es):	218 Byron Road Leppington
Applicant:	Central Holdings Six Pty Ltd
Owner(s):	Leppington Projects Pty Ltd
Date of Lodgement:	27 March 2023.
Number of Submissions:	One objection.
Number of Unique Objections:	One objection.
Classification:	<ul style="list-style-type: none"> Regionally significant. Integrated development.
Recommendation:	Approve with conditions.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	General development capital investment value >\$5 million for Private Infrastructure Facilities.
List of All Relevant Section 4.15(1)(a) Matters:	<ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Precincts - Western Parkland City) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Resilience and Hazards) 2021. State Environmental Planning Policy (Industry and Employment) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021. Camden Growth Centres Precinct Development Control Plan. Camden Development Control Plan 2019.

List all Documents Submitted with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Assessment report. • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table. • State Environmental Planning Policy (Transport and Infrastructure) 2021 – assessment table. • Camden Growth Centres Precinct Development Control Plan assessment table. • Camden Development Control Plan 2019 assessment table. • Child Care Planning Guidelines 2021 assessment table. • Recommended conditions. • Architectural plans. • Submission.
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • Nil
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • Traffic impacts and road access issues. • Stormwater management.
Report Prepared By:	Mitch Anderson – Senior Town Planner
Report Date:	9 October 2023

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 Sections Requiring Consent Authority Satisfaction

	Yes
Have relevant sections 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 type="checkbox"/>	<input checked="" 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 the remediation of contaminated land, demolition of existing structures and the construction of a 296 place centre-based child care facility and commercial premises, basement car park with 117 spaces, landscaping and associated site works at 218 Byron Road, Leppington.

The capital investment value (CIV) for the centre-based child care facility is \$15,283,659, while the commercial premises has a CIV of \$3,821,330, therefore the combined total cost of the development is \$19,104,989. The CIV threshold for Council to determine a DA for private infrastructure facilities (i.e. centre-based child care facility) is \$5 million pursuant to Schedule 6 of the Planning Systems SEPP. Accordingly, the Panel is the relevant determination authority for this application.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2023/154/1 for the centre-based child care facility and commercial premises 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 the remediation of contaminated land, demolition of existing structures and the construction of a 296 place centre-based child care facility and commercial premises, basement car park with 117 spaces, landscaping and associated site works at 218 Byron Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, 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 (Planning Systems) 2021.	The CIV threshold for Council to determine an application for private infrastructure facilities (centre-based child care facility) is \$5 million. The Panel is the consent authority for this DA as the centre-based child care
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	facility component of this development has a CIV of \$15,283,659.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP).	The development (including demolition of existing structures) is permitted with consent in the applicable B7 Business Park zone, is consistent with the zone objectives and is satisfactory in terms of the Western Parkland City SEPP's other matters for consideration.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	The DA was referred to Sydney Trains, Endeavour Energy, Sydney Water and Transport for NSW for comment pursuant to the Transport and Infrastructure SEPP. Comments have been received and considered and applicable conditions recommended. Consideration of the Child Care Planning Guidelines in relation to the proposed development has been provided and is attached to this report.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).	The proposal was submitted with a Detailed Site Investigation with Salinity Assessment and a Remedial Action Plan. Council's Specialist Support Environmental Health Officer has reviewed both reports and concluded that the site is suitable for the proposed development subject to remediation of identified asbestos impacted soils. Remediation and validation works have been detailed throughout the report and the relevant conditions of consent have been imposed. Ongoing compliance with these reports is also included as a recommended condition.
State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP).	No signage is proposed with the application. A condition of consent has been recommended that requires separate approvals be obtained for signage for both the centre-based child care facility and the commercial premises.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).	The development is satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.
Education and Care Services National Regulations	The proposed development is consistent with the relevant requirements of the Regulations to which an assessment is provided later in this report.

The development has been assessed against the State Environmental Planning Policy (Western Parkland City) 2021, Camden Growth Centre Precincts Development Control Plan and the Child Care Planning Guidelines 2021. The development is consistent with these planning policies in that it will provide employment opportunities and meet the day to day needs of visitors to the Business Park within the Leppington North Precinct. The development is also generally consistent with the area specific development controls of the Camden Growth Centres Precinct Development Control Plan.

The subject site, known as 218 Byron Road, Leppington, has a total area of 8,027m² and a frontage to Byron Road of 76 metres. The centre-based child care facility is proposed to operate with 37 staff and will educate up to 296 students aged 0-5 years. There are 13 indoor classrooms with approximately 1,011m² of indoor unencumbered space. The ground floor contains one large outdoor play area and the upper floor has three designated outdoor play areas which in total provides 2,279m² of outdoor unencumbered space.

The commercial premises is proposed with frontage to Byron Road, the floor area of which is 1,131m² and benefits from direct pedestrian access from the street via an entry portico or vehicular access to the basement car park containing a lift. This component of the development will require separate development consent for any use or occupation and fit out of the space.

The site is mapped as having a 24m maximum building height limit. The proposed building at its highest point is 10m with exception of the roof feature above the clock tower. Basement car parking is provided for 117 vehicles and is proposed to service both the centre-based child care facility (87 spaces) and the commercial premises (30 spaces). The layout of the proposed basement car parking area complies with the design requirements and parking rates of the Camden DCP 2019 and relevant Australian Standards.

As part of the assessment of this application, the applicant was requested to provide amended architectural plans that demonstrate a widened vehicle access point which would improve access arrangements for both entering and exiting vehicles to the basement car park. The increased width of the layback is considered to improve circulation for waste collection vehicles entering and exiting the designated waste collection area. A recommended condition of consent requires waste collection and any other deliveries to occur outside of peak periods to reduce the mix of passenger and service vehicles utilising the driveway simultaneously.

Ongoing correspondence with respect to the future levels of Byron Road has resulted in satisfactory civil engineering plans that demonstrate the proposed building will correspond with the future Byron Road design which will result in a four lane sub-arterial road in the future. As the design is not complete and only at the 80% concept design stage, the applicant has agreed to a recommended condition that may require minor amendments to civil engineering plans and architectural plans as part of the details provided with the Construction Certificate. This will ensure the development will match with the ultimate road design for Byron Road. To ensure that the proposal can achieve the required levels and interface with Byron Road the applicant was requested to remove the nil front setback to Byron Road and to incorporate a 3m setback to ensure there was sufficient room to deal with minor level differences (if required). Council staff support this minor variation to the DCP for reasons outlined further in this report.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 5 April to 2 May 2023. An administration error occurred during the exhibition period where Council's Advertising Sign was not correctly displayed which therefore warranted re-notification of the application. The application was re-notified from 12 May to 8 June 2023 and one submission was received during this period.

The issues raised in the submission relate to potential traffic impacts, development access and stormwater management. These matters have been addressed later in this report.

The applicant proposes minor variations to Section 4.3.3 (Town Centres), Section 5.1.2 (Setbacks) and Section 5.3.7 (Site Servicing) of the Camden Growth Centres Precinct DCP. The variations are considered reasonable for the reasons outlined in this report.

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

THE SITE

The site is commonly known as 218 Byron Road, Leppington and legally described as Lot 26 DP 1127208. The site is located within the Leppington North Precinct and is zoned B7 Business Park. The proposal seeks development consent for a centre-based child care facility and commercial premises which are permissible uses in the zone.

The site is generally rectangular in shape and contains a frontage to Byron Road of approximately 76m, a side (western) boundary depth of 102m, a side (eastern) boundary depth of 110m and a rear boundary adjoining the rail corridor of 75m. The site slopes approximately 2.5m from the front south-western corner to the rear north-eastern corner. The proposal seeks to demolish two existing dwellings (detached dual occupancy) located on the property.

The surrounding area is yet to become fully established as envisaged by the Leppington North Precinct Plan. Whilst the majority of the Leppington North Precinct is yet to be developed, the site is approximately 600m from the Leppington Train Station which connects to the Liverpool City Centre and Greater Sydney Railway network. Future Transport Strategy 2056 identifies that this railway line will in future connect to the Western Sydney Airport and Aerotropolis Precinct.

HISTORY

The site has primarily been used for residential purposes with an ancillary use as a hydroponics farm.

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

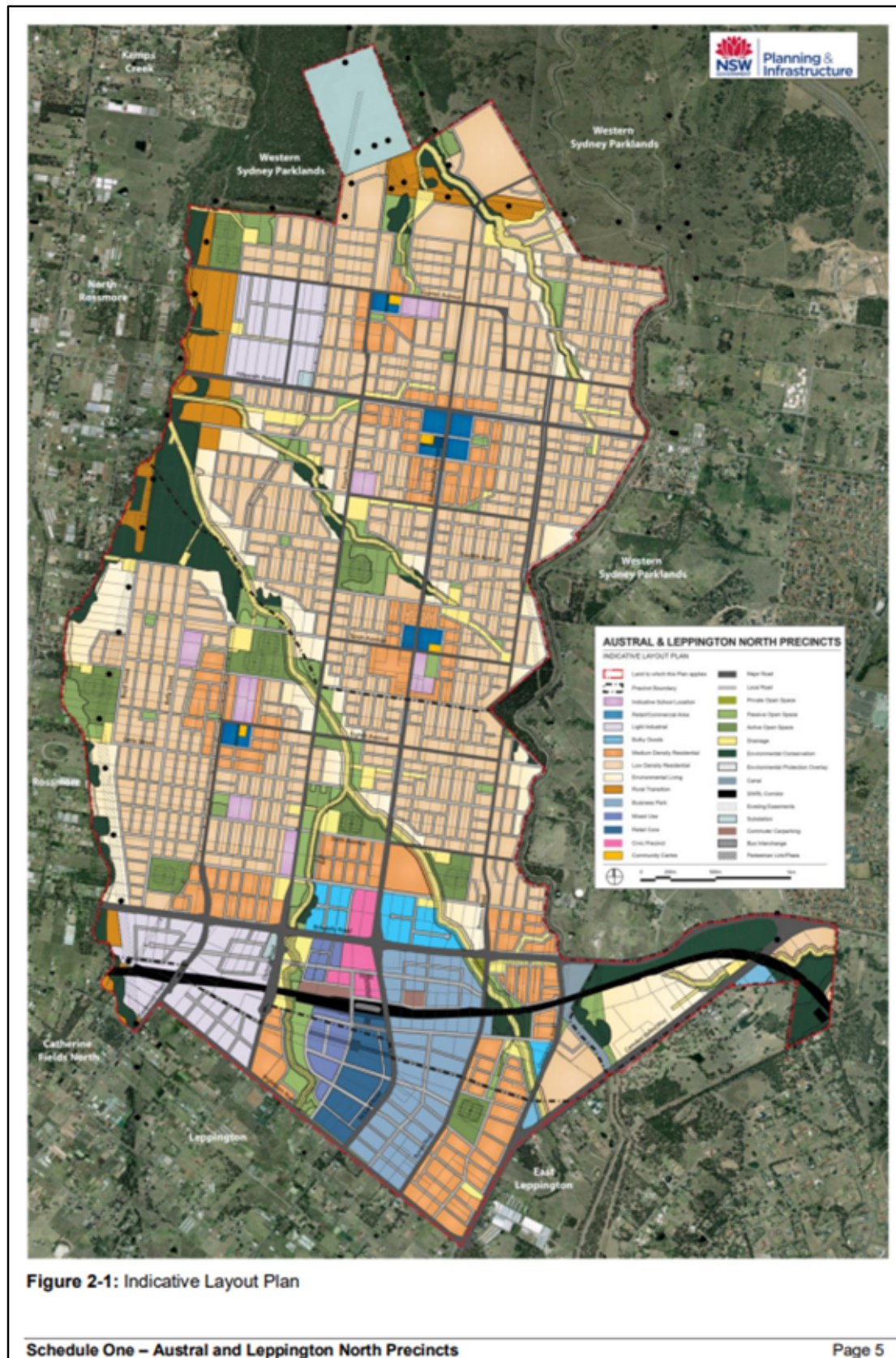
Date	Development
21 December 2000	Approval of DA/2000/2390/1 for a new awning and carport.
22 April 2005	Approval of DA/2005/153/1 for a staged business development subdivision.
23 October 2006	Approval of DA/2006/1047/1 for a protective canopy over existing hydroponics.

26 November 2012	Approval of DA/2012/1045/1 for a new water tank on site.
23 December 2022	DA/2022/83/1 proposing a 296 place centre-based child care facility was withdrawn by the applicant.

SITE IMAGE – NEARMAP



AUSTRAL & LEPPINGTON NORTH PRECINCTS INDICATIVE LAYOUT PLAN



LIVERPOOL LGA

BRINGEMORE RD

BRINGEMORE RD

SP2

B7

C2

R3

RE1

RE2

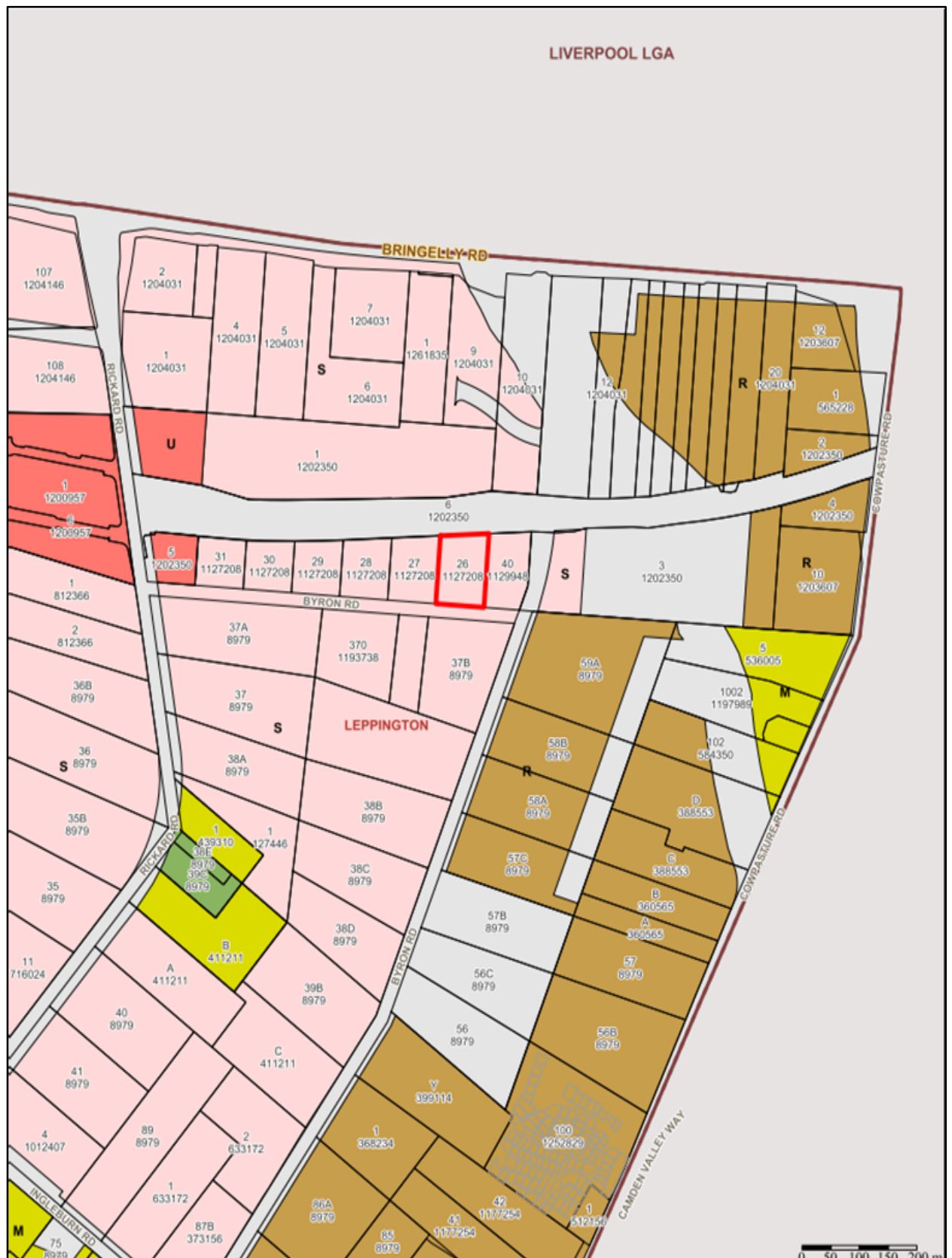
B4

LEPPINGTON

CARLEN VALLEY WAY

0 100 200 300 400

HEIGHT OF BUILDINGS MAP



THE PROPOSAL

DA/2023/154/1 seeks approval for the construction of a centre-based child care facility and commercial premises, basement car park, landscaping and associated site works.

Specifically, the following works are proposed:

- demolition of existing structures on site;
- remediation of contaminated materials;
- construction of a two storey centre-based child care facility comprising the following land uses:
 - 296 students;
 - 0-2 years old – 56 children
 - 2-3 years old – 60 children
 - 3-5 years old – 180 children
 - 37 staff members;
 - 1,011m² of internal area;
 - 2,279m² of outdoor play area;
 - 6am – 6pm operating hours (Monday – Friday);
- construction of a commercial premises comprising the following:
 - 1,137m² of commercial floor area subject to a future DA for occupation and fit out.
- basement car park with 117 spaces (87 dedicated to the centre-based child care facility and 30 spaces dedicated to the commercial premises);
- waste collection area;
- removal of ten trees;
- landscaping and replacement planting;
- associated site works including the construction of earthworks, drainage and services;

PANEL BRIEFING

Council staff briefed the DA to the Panel on 15 May 2023. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *Council is reviewing the access arrangements given the proximity of the site to a bend in Byron road.*

Officer comment:

The applicant submitted a traffic report prepared by a qualified consultant which was assessed by Council's Traffic & Road Safety Engineer. Proximity of the entry and exit to the bend in Byron Road was considered as part of this assessment. The proposal has demonstrated that it is able to provide a safe entry and exit in a forward direction and complies with the Australian Standards for sight distance.

The applicant was requested to amend the width of the driveway accessing the basement car park and waste collection area to ensure that there is suitable room for passenger vehicles and waste collection vehicles entering off Byron Road. With the future upgrade transforming Byron Road from its current two lane rural road to a four lane transit boulevard, there will be a median strip in the middle of the roadway restricting vehicles from turning right into and out of the site. A condition of consent has been recommended that identifies that upon completion of the

Byron Road upgrade entry and exit to/from the facility will be restricted to left in/left out arrangement.

The panel advised that the proposal appeared to be tracking well under assessment and on completion of the assessment the application should be returned to the Panel and determined electronically.

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 (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)

The Planning Systems SEPP identifies development that is State significant development, infrastructure and critical infrastructure and regionally significant development.

The Panel is the consent authority for this DA as the CIV for the centre-based child care facility is \$15,283,659. The CIV threshold for Council to determine a DA for a centre-based child care facility is \$5 million pursuant to Schedule 6 of the Planning Systems SEPP.

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City 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, the Wilton Growth Area and the Greater Macarthur Growth Area.

Site Zoning

The site is zoned B7 Business Park pursuant to Appendix 2, Section 2.2 of the Western Parkland City SEPP – Appendix 5 Camden Growth Centres Precinct.

Development Characterisation

The development is characterised as a 'centre-based child care facility' and a 'commercial premises' under the Western Parkland City SEPP.

Permissibility

A “centre-based child care facility” and “commercial premises” are both permitted with development consent in the B7 Business Park Zone pursuant to the land use table in Appendix 2 of the Western Parkland City SEPP.

Planning Controls

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

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Referral to Sydney Trains

The DA was referred to Sydney Trains for comment pursuant to Section 2.98 of the Transport and Infrastructure SEPP as minor drainage works are proposed within the rail corridor. A table of compliance is attached to this report regarding compliance with Sections 2.98 and 2.99 of the SEPP.

Sydney Trains raised no objection to the development and recommended several conditions relating to works in / near the railway corridor. The conditions recommended by Sydney Trains have been included in the recommended conditions of consent. Furthermore, a specific condition has been recommended requiring Sydney Trains to review and approve all works that are associated with the railway corridor prior to the issue of any construction certificate.

Referral to Endeavour Energy

The DA was referred to Endeavour Energy for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as overhead powerlines front the site. Endeavour Energy raised no objection to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour Energy technical guidelines and requirements is recommended.

Referral to Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Section 2.122 of the Transport and Infrastructure SEPP as, pursuant to Schedule 3 of the Transport and Infrastructure SEPP, the development is classed as traffic generating development. TfNSW reviewed the proposal and advised that they have no objections to the development on traffic grounds.

Referral to Sydney Water

The DA was referred to Sydney Water for comment to determine serviceability of the site as a result of intensification on services. Letters of feasibility have accompanied the application and sufficient services will be available to service the development. Sydney Water raised no objection to the development and have provided a letter of

conditions and upgrades required to existing services that will result in adequate servicing of the proposed development.

Early education and care facilities

Pursuant to Section 3.23, the consent authority must take into consideration any applicable provision of the Child Care Planning Guideline. An assessment of the proposed development's compliance with the provisions of the guidelines is attached to this report.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land. Section 4.6 of the Resilience and Hazards SEPP 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 a Remediation Action Plan (RAP) in support of the DA. The RAP identified asbestos impacted soils which are required to be remediated to ensure the site is suitable for the proposed development. Council's Specialist Support Environmental Health Officer has reviewed the assessment and is in agreement with the findings of the report and proposed remediation methods.

A standard contingency condition is recommended that requires any further contamination or unexpected finds found during works to be managed with development consent obtained for remediation.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

As the proposal includes the removal of ten trees, an arborist report was provided as part of the subject DA. Council's Urban Tree & Landscape team have reviewed the report and agree with its findings. An appropriate condition is recommended requiring a detailed landscaping plan (which includes replacement planting) to be provided with the Construction Certificate application.

The development is also consistent with the aim of Chapter 9 of the SEPP and all of its planning controls.

(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 unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of it.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

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

The development control plans that apply to the development are:

- Camden Development Control Plan 2019; and
- Camden Growth Centres Precinct Plan Development Control Plan.

Camden Development Control Plan 2019 (Camden DCP)

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

Camden Growth Centres Precinct Development Control Plan (CGC DCP)

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

The following variations are proposed to the CGC DCP:

- a) *Buildings define the street edge (0m setbacks) where there is an active frontage or to screen internal parking and loading areas:*

Schedule 2, Section 4.3.3 Town Centre Streets and Schedule 2, Section 5.1.2 Setbacks requires a zero (nil) setback to Byron Road. The applicant originally proposed a nil setback however Council's Infrastructure Team recommended that a small front setback be provided to ensure that the proposed upgrade of Byron Road would not create any interface issues with the entry points to the development. A 3m setback to the entry porch and commercial premises is proposed (with the exception of an accessible ramp and stairs encroaching within the front setback).

As the ultimate design for Byron Road has not yet been finalised, it was considered that a small front setback would not compromise the intent of the control and would allow some flexibility with levels should they change between the 80% concept and the ultimate design. As a result, the applicant amended the architectural and civil drawings to provide a 3m front setback. A recommended condition also requires amended civil engineering plans to the satisfaction of Council's Manager Infrastructure and Growth to be submitted with any construction certificate application (to ensure the proposal is consistent with the ultimate design for Byron Road).

The variation is considered to be appropriate and will not have any detrimental effects on the future streetscape or character of the business park.

- b) *Service areas are not permitted on active street frontages and are to utilise secondary streets.*

Section 5.3.7 Site Servicing of the CGC DCP requires that services and support structures are to be located to the rear of the property, noting that service areas should not front active frontages and service delivery vehicles should provide access off secondary street frontages.

The proposed development includes a service and waste collection area that has vehicular access to Byron Road. In this instance this is unavoidable as the development only has lawful access to one street frontage, being Byron Road. Given this, the applicant proposes a widened vehicular access to the site to ensure that the access to the basement car park is not compromised by service or delivery vehicles. Waste collection is required by recommended condition to occur outside of peak periods to ensure passenger vehicles are not impacted by waste collection or service vehicles.

The proposed variation is considered acceptable for the reasons outlined above.

c) Blank walls visible from the public domain are to be avoided.

Section 5.3.1 Streetscape and Architectural Design of the CGC DCP states that blank walls visible from the public domain are to be avoided. In this instance, blank walls visible from the public domain have been minimised, noting that some blank walls are unavoidable until the adjoining properties are developed. The direct locality has been zoned B7 Business Park and therefore the expectation is that in future adjoining properties will be developed in a similar manner. To address the exposed/blank side boundary walls the applicant has included painted precast concrete walls with alternating patterns to break up and add interest to these walls.

The proposed variation to the DCP is considered acceptable for the reasons outlined above.

(a)(iiia) 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 2021* 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 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 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 5 April to 2 May 2023. An administration error occurred during the exhibition period where Council's Advertising Sign was not correctly displayed which therefore warranted re-notification of the application. The application was re-notified from 12 May to 8 June 2023 and one submission was received.

The following discussion addresses the issues raised in the submission.

1. *The Stormwater management plan proposes to discharge the stormwater into the existing railway concrete drainage channel via a retention basin and discharge control pits, our concerns are:*
 - *That the railway drainage channel is not connected or directed to any stormwater system, creek, river or anything else to ensure the speedy discharge of this water and ultimately builds up on our land and the adjoining land for the proposed roadway alongside, to a considerable depth.*
 - *At times when the retention and controlled discharge system cannot keep up with the stormwater captured by the proposed development, the water will discharge directly onto our land.*

Officer comment:

The application was accompanied by detailed civil engineering plans and a stormwater management report. Civil engineering plans show a proposed on-site detention basin which has been reviewed by Council's Land Development Engineer to ensure that the size, location and design of the basin is adequate for the development and required water catchment.

The basin is approximately 895mm deep and has a volume of 77.2m³. The basin will benefit the adjoining property on the lower side as this will act in addition to existing stormwater arrangements. Runoff stormwater from the subject site will be captured by the basin, and any overflow water will be slowly discharged via the 5m spill way through the outlet pipe into the railway corridor (where there is an existing concrete swale). This will result in a controlled release of water which is an improvement on the existing situation (where there is no basin or direct pipes running to the concrete channel to the rear in the railway corridor).

2. *The vehicle access to the proposed development is in very close proximity to the current bend in Byron Road and the proposed cross intersection in the planned road network for the proposed town centre, left turn in and left turn out of the site, should be considered, both during construction and once developed due to the increase traffic movement.*

Officer comment:

The access to the basement ramp and waste loading area is approximately 55m from the bend in Byron Road. It is unknown whether the proposed development or the Byron Road upgrade will occur first. A condition of consent is recommended requiring that on

completion of the Byron Road upgrade the development be left in and left out as there will be a median strip limit right turns in and out of the site.

The proposal, including the Traffic Report that accompanied the DA, was reviewed by Council's Traffic Engineer, who raised no objection to the proposed development.

(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 2021*, environmental planning instruments, development control plans and policies. Based on the 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
Transport for NSW.	No objection or conditions recommended.
Endeavour Energy.	No objection and conditions recommended.
Sydney Water.	No objection and conditions recommended.
Sydney Trains.	No objection and conditions 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.

RECOMMENDATION

That the Panel:

- i. Approve DA/2023/154/1 for the remediation of contaminated land, demolition of existing structures and construction of a centre-based child care facility for 296 children and a commercial/business premises, with car parking, landscaping, stormwater drainage, servicing and associated site works at 218 Byron Road, Leppington subject to the conditions attached to this report for the following reasons:**
 - 1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021**

and State Environmental Planning Policy (Biodiversity and Conservation) 2021.

- 2. The development is consistent with the objectives of the Camden Growth Centres Precincts Development Control Plan and Camden Development Control Plan 2019.**
- 3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.**
- 4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.**
- 5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.**