

SYDNEY WESTERN CITY PLANNING PANEL ASSESSMENT REPORT

Panel Number:	PPSSWC-377
Application Number:	2023/632/1
Local Government Area:	Camden
Development:	Integrated housing development comprising demolition, Torrens title subdivision to create 257 residential allotments, eight lots for future development and five lots for open space and drainage, construction of 60 semi-detached dwellings, four dwelling houses and three garage studios, road construction and associated site works.
Capital Investment Value:	\$59,967,380
Site Address(es):	751 & 763A The Northern Road, Bringelly PLt 120 DP 1289677 & LOT 1 DP 1275807
Applicant:	VE Estate Developments Pty Ltd
Owner(s):	D. Vitocco Constructions ATF The Vitocco Family Trust
Date of Lodgement:	10 November 2023
Number of Submissions:	Five
Number of Unique Objections:	Five
Classification:	<ul style="list-style-type: none"> Regionally significant development Nominated integrated development Integrated development
Recommendation:	Deferred commencement.
Regionally Significant Development Criteria (Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021):	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 (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 (Sustainable Buildings) 2022 State Environmental Planning Policy (Biodiversity and Conservation) 2021 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 • State Environmental Planning Policy (Precincts - Western Parkland City) 2021 assessment table • Camden Growth Centre Precincts Development Control Plan assessment table • Recommended conditions • Proposed plans • VE Resource Recovery Letter of Intent • Submissions
Development Standard Contravention Request(s):	Nil
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • Proposal will impact existing easements benefitted from and access be maintained or formal access point provided. • Concerns with impacts on ongoing grazing operations of adjoining land. • No half road on shared eastern boundary direct access separated by a strip of land. • Proposed earthworks along the boundary and integration with future subdivision are unclear. • Stormwater and flood management impacts. • Sewer and water provisions to extend into adjoining property and provide capacity for future adjoining development.
Report Prepared By:	Nicholas Clarke, Senior Planner
Report Date:	November 2024.

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 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 an integrated housing development comprising demolition, Torrens title subdivision to create 257 residential allotments, eight lots for future development and five lots for open space and drainage, construction of 60 semi-detached dwellings, four dwelling houses and three garage studios, road construction and associated site works at 751 & 763A The Northern Road Bringelly.

The Panel is the consent authority for this DA as the estimated development cost (EDC) of the development is \$59,967,380. This exceeds the EDC threshold of \$30 million for Council to determine the DA pursuant to Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2023/632/1 for an integrated housing development and residential subdivision pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* by granting deferred commencement consent subject to the terms and conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for an integrated housing development and residential subdivision at 751 & 763A The Northern Road, Bringelly. 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 Panel is the consent authority for this DA as the development has an EDC of \$59,967,380. The EDC threshold for Council to determine the DA is \$30 million.
State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP).	The development is permitted with consent in the applicable R2 Low Density Residential, R3 Medium Density Residential and C2 Environmental Conservation zones; is

	consistent with the objectives of the zones; and acceptable in terms of the other matters for consideration in the Western Parkland City SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).	The DA was referred to Transport for NSW (TfNSW) for comment as the application is classified as traffic generating, pursuant to Section 2.112 of this policy. TfNSW have reviewed the application and are satisfied with the proposal subject to the imposition of a condition of consent requiring a construction pedestrian and traffic management plan.
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP).	Council staff have assessed a detailed contamination assessment and a supplementary investigation, including sampling and testing. The report concludes that the area is considered to be suitable for the proposed development and general residential use. Council staff are satisfied that the site is suitable for the proposed development, subject to recommended conditions.
State Environmental Planning Policy (Sustainable Buildings) 2022.	The requirements outlined in the BASIX certificates have been satisfied in the design of the proposed dwellings. A condition of consent is recommended to ensure such commitments are fulfilled during the construction of the development.
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).	The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 28 November 2023 to 16 January 2024 and five submissions were received.

The issues raised in the submissions relate to:

- The proposal will impact existing easements benefitted from and access must be maintained, or a formal access point provided.
- Concerns with impacts on the ongoing grazing operations of adjoining land.
- Perimeter Road No.1 results in a 'grudge' strip.
- Proposed earthworks along the boundary and integration with future subdivision are unclear.
- Stormwater and flood management impacts.
- Sewer and water capacity should provide for future adjoining development and extend into adjoining property.

The submission issues are discussed in greater detail later in this report.

There are three matters to be resolved prior to issue of an operational consent, with two of those matters subject to recommended Grampian conditions by way of a deferred commencement consent.

These matters are summarised below:

Existing Easement and Restrictions

The development requires an existing right of way 10.06m wide that burdens Lot 1 DP 1275807 (763A The Northern Road, Bringelly) to be extinguished. The right of way also burdens the northern adjoining lot Plt 120 DP1289677 (765 The Northern Road, Bringelly).

As detailed below, Plt 120 DP1289677 is subject to a separate development application (DA/2024/467/1) for the construction of a new sub-arterial road which will enable access from The Northern Road to the southern end of the Lowes Creek Maryland Precinct. The subject residential subdivision and integrated housing development is reliant on this new sub-arterial road for vehicular and pedestrian access.

As such, the delivery of the sub-arterial road and subsequent extinguishment of the right of way easement will need to occur before the subject development can benefit from an operational consent.

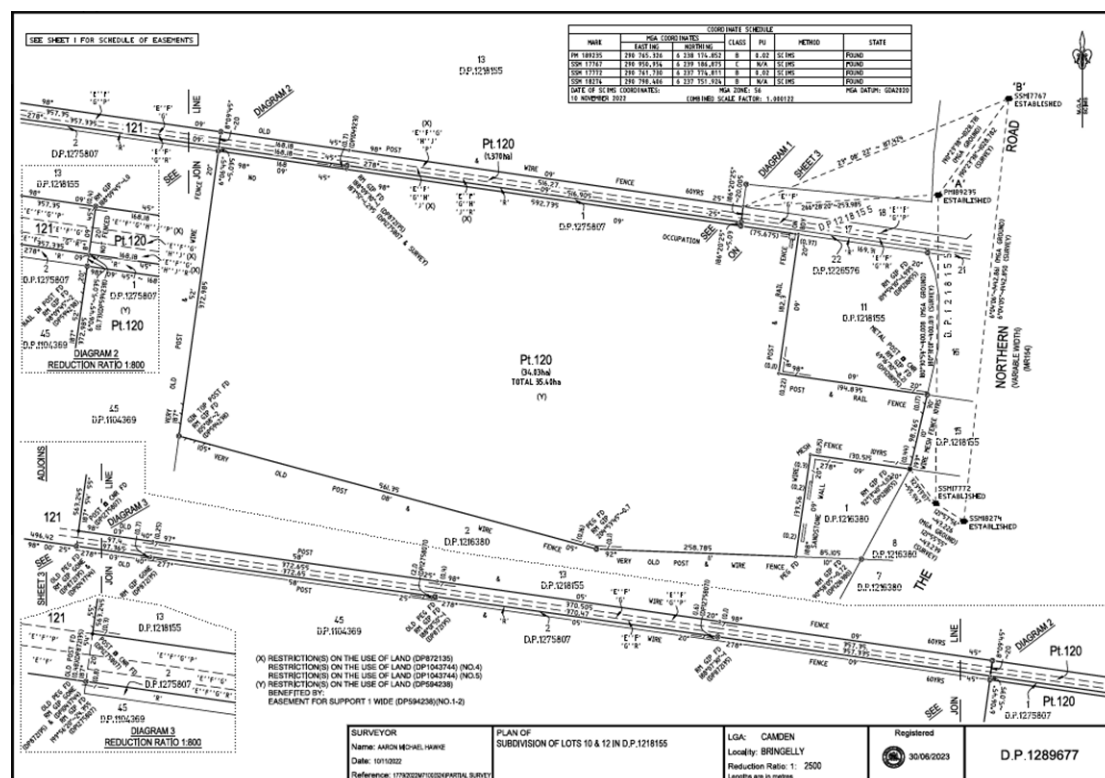


Image 1 – Deposited Plan 1289677

In addition, several restrictions burden Plt120 DP 12896787 (751 The Northern Road, Bringelly), including a restriction on the use of land subject to DP872135 (No.1) and restrictions on the use of land DP1043774 (No. 4 & No. 5) which are described below:

DP872135

Terms of restriction on use of land firstly referred to in the above mentioned plan:

"No development is to take place on the land so burdened until such time as an all weather vehicular access has been constructed for the full length of the 20 metre wide access handle to the satisfaction of the Council Engineer."

DP1043744

Terms numbered four in the plan:

"No buildings will be permitted to be erected or to remain outside the boundaries of the area designated as 'Building Envelope' on the land so burdened."

Terms numbered five in the plan:

"On the land so burdened:

- (a) No cultivation, disturbance of land, filling or excavation is to occur without prior consent of council.*
- (b) No occupation of the land is to occur without the provision of a 22,000 litre water tank to each lot."*

These restrictions will also be required to be extinguished from the title of land.

Odour

There is a resource recovery facility located in close proximity to the site, namely Greenlife Resource Recovery Facility at 761 The Northen Road, Bringelly.

During the recent public exhibition of a planning proposal for a nearby planned precinct (known Pondicherry Precinct), the operators of Greenlife Resource Recovery Facility made a submission raising concerns with the impact that air quality / odour from the Greenlife Resource Recovery Facility may have on parts of the planned precinct. The submission was supported by an odour report which assessed the operations of the resource recovery facility. While the submission did not relate to the subject DA, it did demonstrate that the subject site is affected by odour emanating from the Greenlife Resource Recovery Facility. An extract from the odour report is provided below (image 2) that depicts the odour impact from the resource recovery facility.

In respect to odour impacts, the consent authority must consider the Department of Environment and Conservation (Now the Department of Environment, Climate Change and Water – Environmental Protection Authority (EPA)) relevant guidance documents including:

- Technical Framework - Assessment and Management of odour from stationary sources in NSW, November 2006;
- Technical Notes - Assessment and Management of odour from stationary sources in NSW, November 2006; and
- Approved methods for the Modelling and Assessment of air pollutants in NSW, August 2005.

The technical framework provides odour assessment criteria based on various population densities. The criteria for urban area (over 2,000 people) is 2 odour units (OU).

Based on the odour assessment report it is evident that the subject site is currently subject to greater than 2 OU. Given the proximity of the site to the resource recovery facility there are no mitigating measures that can be implemented to manage the odour impact. Accordingly, the applicant has submitted a letter of intent with an in-principle commitment from the licence holder of the facility (VE Resource Recovery) to alter the operations of the facility to enable the required odour outcomes to be achieved.

The letter of intent advises that the following odour outcomes will be achieved:

- Compliance with the current NSW EPA Impact Assessment Criteria. That is, odour concentrations at the boundary of the nearest residential receptor to be less than the criterion of 2 odour units, expressed as the 99th percentile value, as a nose response time average (approximately one second).
- Changes to the operations of the Resource Recovery facility:
 - Cease composting operations at the site;
 - Limit storage of fresh green waste to a footprint not exceeding 500m²; and
 - Cover fresh green waste and finished compost stockpiles during non-operational hours.

Accordingly, it is recommended that a Grampian condition be imposed as part of a deferred commencement consent. That condition prescribes that the consent cannot be made operative until such time as:

- The operations of the Greenlife Resource Recovery Facility have ceased or a modified such that the odour impact at the nearest residential receiver meets current NSW EPA Impact Assessment Criteria;
- A detailed odour assessment is provided that demonstrates that the actual odour impacts at the boundary of the nearest residential receiver is compliant; and
- An appropriate mechanism is in place to 'lock-in' the amended operations of the Greenlife Resource Recovery Facility (i.e. modified development consent, updated EPA licence and/or a restrictive covenant on the land).

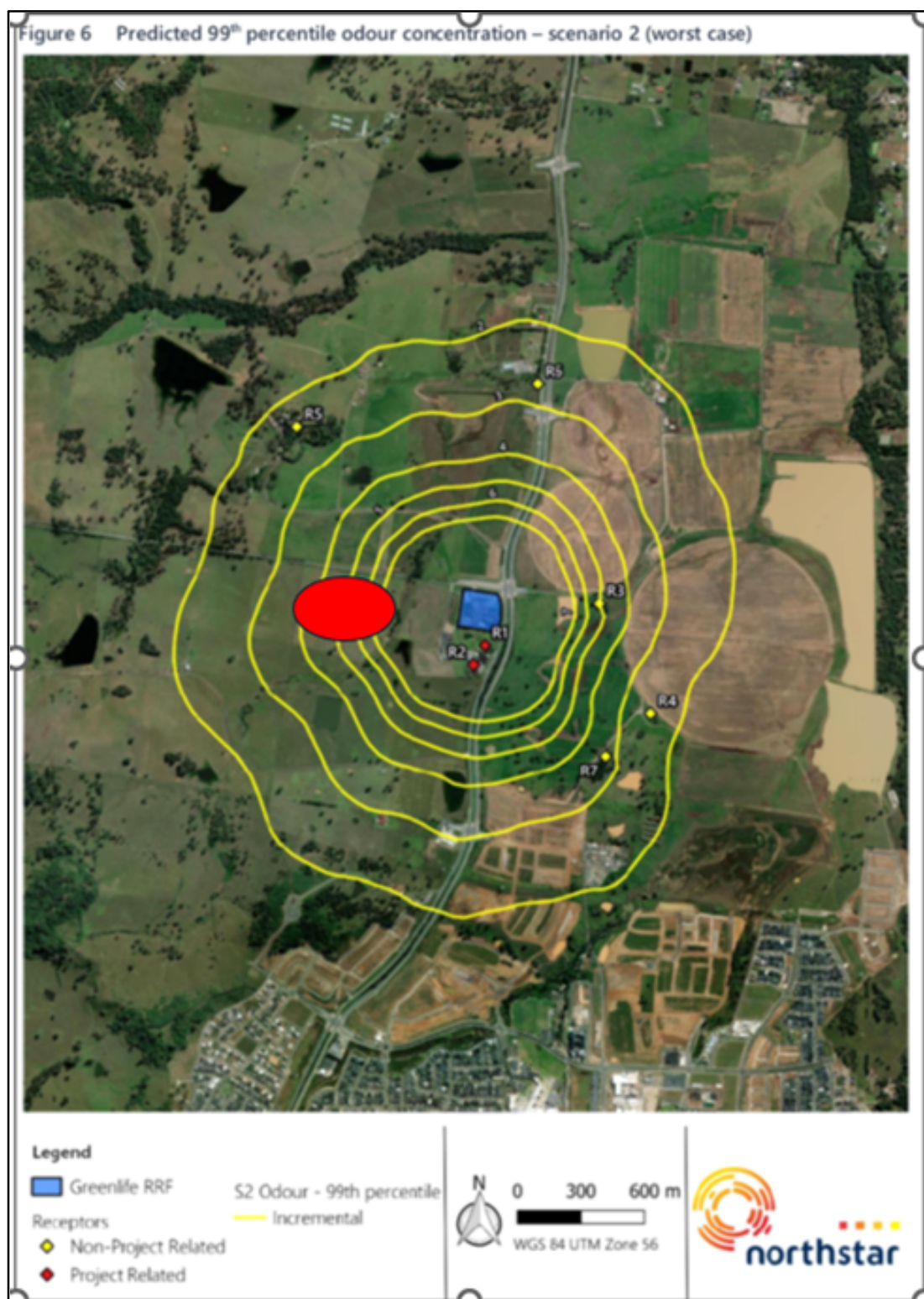


Image 2 – Extract from the odour assessment indicating location of Greenlife Resource Recovery Facility in blue and the proposed subdivision in red. Predicted 99th percentile odour concentrations emanating from the site down to 2OU indicated in yellow. (Source: Greenlife Resource Recovery Facility Odour Impact Assessment, prepared by Northstar, dated 20 March 2024).

Sub-Arterial Road

A second Grampian condition is recommended that requires the construction of the northern adjoining sub-arterial road to facilitate road access into the proposed subdivision before subdivision works can commence.

As per figure 2-12 - Precinct Road Hierarchy contained within Schedule 6 – Lowes Creek Maryland of Camden Growth Centre Precincts DCP, vehicular and pedestrian access into the subdivision is required to be obtained from a collector road that runs north / south at the eastern edge of the proposed subdivision. This collector road connects into a northern sub-arterial road which will facilitate east / west traffic movements and connects to The Northern Road (further to the east). The collector road connection into the future sub-arterial road will be via a new roundabout.

The development of the adjoining sub-arterial road, including the construction of the roundabout, is subject to a separate development application (DA/2024/467/1), which is currently being assessed by Council staff.

At present, Maryland link road 2 to the west of The Northern Road terminates approximately 220 metres to the west from the intersection with The Northern Road. At the end of Maryland link road 2, a gravel unsealed private driveway extends to the west, providing vehicular access to four properties via a right of way, right of carriageway and right of access easements. The existing width and surface of the private driveway is unsuitable for planned residential development and will be required to be upgraded in accordance with the precinct road hierarchy and indicative land use plan contained within Schedule 6 – Lowes Creek Maryland of Camden Growth Centre Precincts DCP.

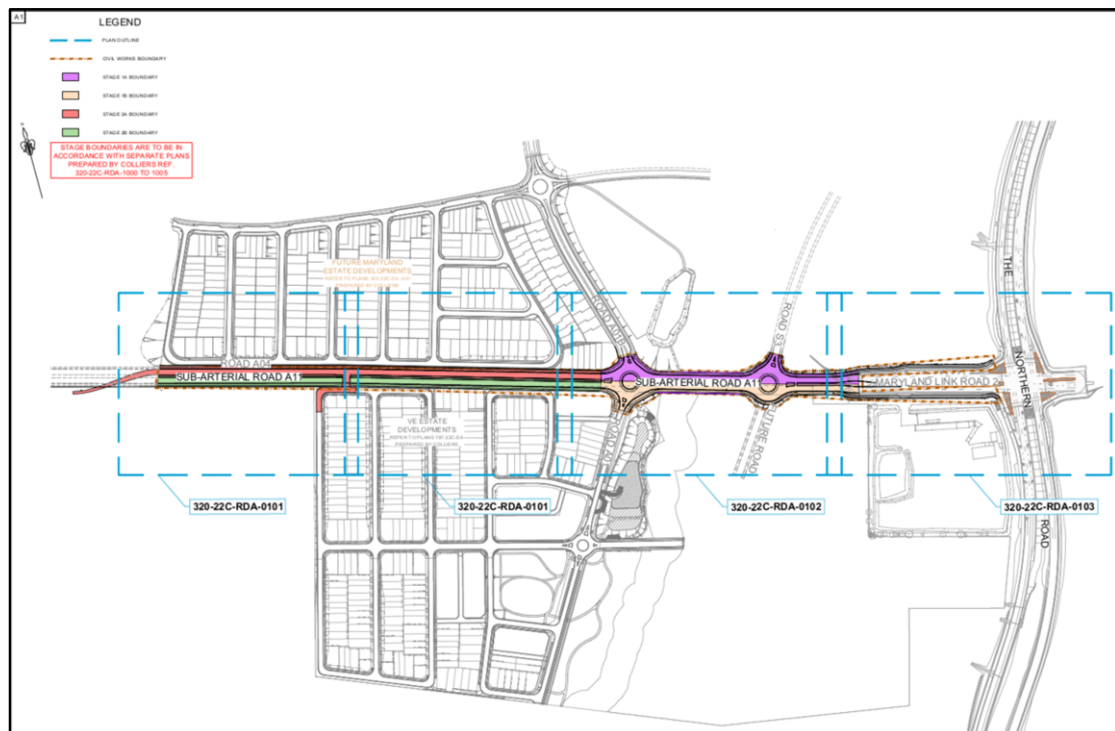


Image 3 – Site plan of proposed sub-arterial road construction subject to DA/2024/467/1.

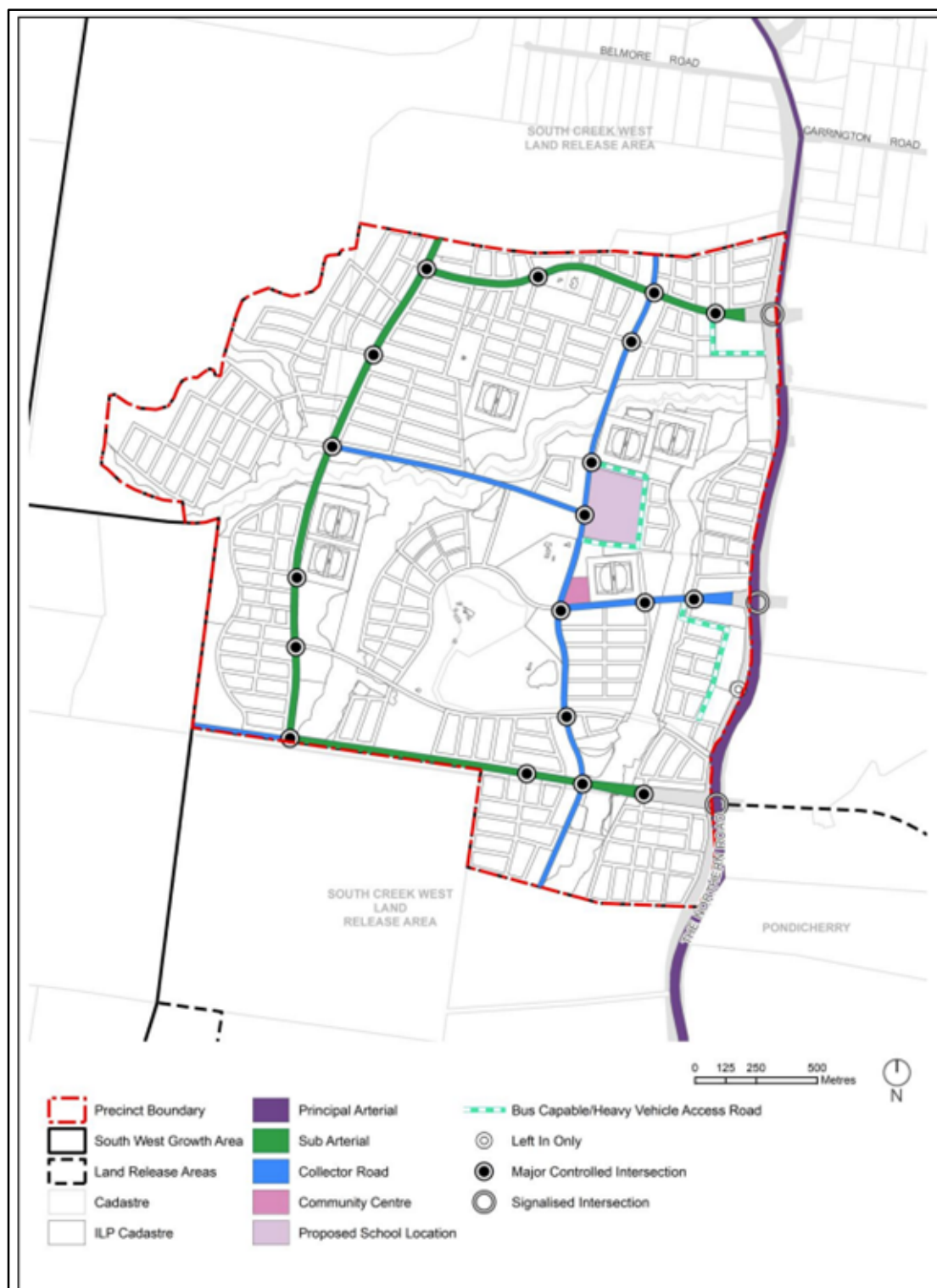


Figure 2-12: Precinct road hierarchy

Image 4 – Figure 2-12 – Road precinct road hierarchy plan

KEY PLANNING CONTROL VARIATIONS

In respect to non-compliances with the relevant environmental planning instruments, the application seeks a variation to the Indicative Layout Plan (ILP) and precinct road hierarchy plan and to the width of primary local streets.

The Camden Growth Centre DCP requires all development applications to be generally in accordance with the ILP. The proposed development is generally consistent with the ILP, however seeks a variation to the precinct road hierarchy by adopting a north / south road pattern in lieu of the envisaged east / west pattern. The change also enables the use of laneways to support rear access to allotments and results in minor alterations to the configuration of the local park.

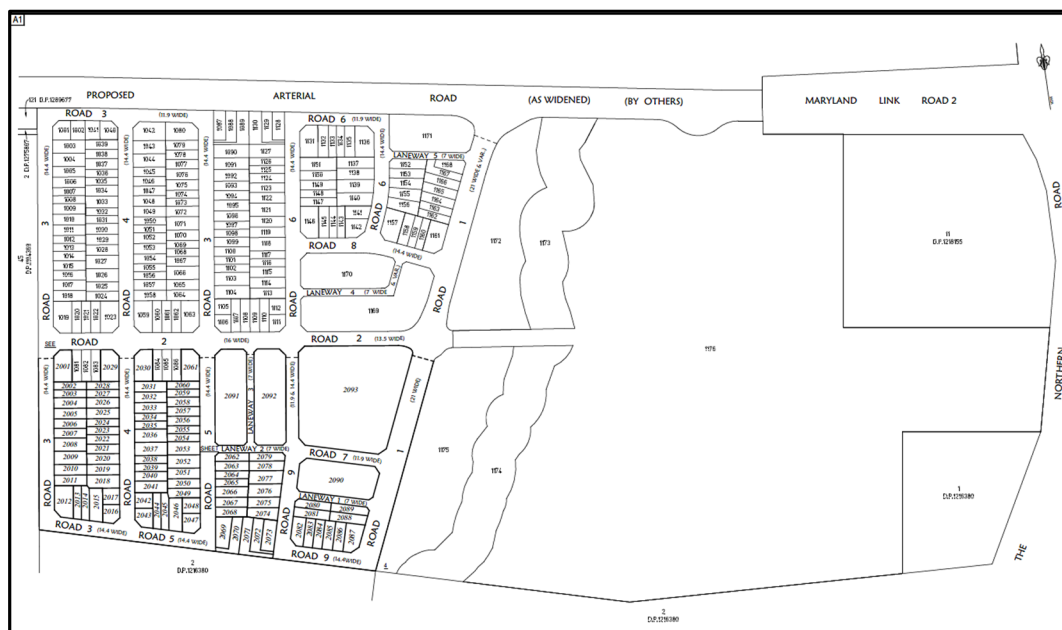


Image 5 – Plan of proposed subdivision

Variations to the block orientation and layout, amendments to the internal road layout and reconfiguration of Local Park P.20 are represented in the images below.



Image 6 – Image of the ILP (left) and proposed arrangement plan (right).

In addition, the width of primary local streets, specifically the carriageway width of Roads 7, 8 and 9 is sought to be reduced from 9m to 7.4m, which results in the ultimate width of the entire road being reduced from 16m to 14.4m and 11.9m as detailed in the table below. The variations are assessed in detail in this report and are supported by Council staff.

Control	Proposed	Variation
Typical design for a primary local street is (3.5m/9m/3.5m) - 16m road reserve when the street either bounds active open space or intersects with a higher order road.	<p>Roads No. 7, 8, and 9 propose a reduced road reserve / road carriageway width, as these roads either bound the park (Rd No.9) or intersect with the collector road (Road No. 1).</p> <p>Road No. 7 – 3.5m/7.4m/1m – 11.9m</p> <p>Road No. 8 – 3.5m/7.4m/3.4m – 14.4m</p> <p>Road No. 9 – 3.5m/7.4m/1m – 11.9m</p>	<p>A 1.6m variation to the carriageway width is proposed.</p> <p>Note. Subject to Clause 3.3.1(11), where roads are adjacent to public open space or drainage land, or adjacent to arterial, sub-arterial or transit boulevards, the verge width on the side adjacent to the open space, drainage land or major road, may, in certain circumstances, be reduced to a minimum of 1m.</p>

Table 1 – Primary local street variation.

Based on the assessment, it is recommended that the DA be approved (deferred commencement consent) subject to the terms and conditions attached to this report.

AERIAL PHOTO



Image 7 – Aerial site image

THE SITE

The subject site is known as 751 & 763A The Northern Road, Bringelly and is legally described as PLt 120 DP 1289677 & Lot 1 DP 1275807.

The site is irregular in shape and has a frontage of 98.7m to The Northern Road, with a portion of frontage to Mary Link Road to the north. Plt 120 contains a category 2 creek which runs north / south through the middle of the site. Currently residing on Plt 120 is a large shed located at the far east of the lot, with a large dam and a new dwelling under construction adjacent to the southern property boundary at the south-east corner of the site.

Vegetation is sparse on the property, with scattered trees located to the north-west on existing rural paddocks. Juvenile Casuarina's (She-oaks) align either side of the central creek. The site is mapped as bush fire prone land and forms the southern portion of the Lowes Creek Maryland Precinct of the South West Growth Area.

Adjoining properties to the north, south and west are currently characterised by rural land uses. To the north-east of the site is a resource recovery facility, known as Greenlife Resource Recovery. Further to the west at 769 The Northern Road, Bringelly, (which is accessed by the private driveway connecting to The Northern Road) there is another waste recycling operation known as Clean & Green Organics.

The adjoining property to the north is subject to three development applications, listed below, that are currently under assessment by Council. It is noted that DA/2024/467/1 will provide the road extension of Maryland Link Road 2 that provides access to the proposed subdivision and is referred to throughout this report.

- DA/2024/458/1 - Construction of a staged development involving Torrens title subdivision to create 246 residential lots, 13 superlots and 3 residue lots, construction of 30 dwellings houses, 6 semi-detached dwellings, 53 attached dwellings and 1 studio dwelling, strata subdivision, road construction, construction of a basin and associated site works.
- DA/2024/465/1 - Bulk earthworks, dam removal, tree removal and remediation of contaminated land.
- DA/2024/467/1 - Subdivision of land and staged construction of a sub-arterial road from the existing road stub of Maryland Link Road 2, consisting of carriageways, median, divider, shared paths, two roundabouts, planting and associated site works.

- Construction of 40 semi-detached dwellings on proposed lots 1007-1008, 1012-1013, 1031-1032, 1035-1036, 1050-1051, 1055-1056, 1068-1069, 1073-1074, 1097-1098, 1101-1102, 1105-1106, 1111-1112, 1116-1117, 1125-1126, 1133-1134, 1143-1144, 1147-1148, 1159-1160, 1162-1163 and 1167-1168.
- Embellishment and management of land identified for the purpose of environmental conservation and riparian corridor (lots 1172 - 1175).
- The partial construction of a collector road and construction of local roads and a laneway.

Stage 2

- Torrens title subdivision of residue Lot 1177 to create 93 lots as described below:
 - 89 residential lots (lots 2001 to 2089) ranging from 230.6m² to 521.6m².
 - One lot for the purpose of a local park (lot 2093).
 - Three residue lots for future development (lots 2090 to 2092).
- Construction of 20 semi-detached dwellings on proposed lots 2006-2007, 2013-2014, 2023-2024, 2027-2028, 2034-2035, 2038-2039, 2044-2045, 2054-2055, 2059-2060, 2064-2065,
- Construction of four dwelling houses on proposed lots 2062, 2079, 2080 and 2089.
- Construction of three garage studios on proposed lots 2079, 2080 and 2089.
- The partial construction of a collector road and construction of local roads and a laneway.

Associated Works

- Tree removal, dam removal and dewatering and earthworks;
- The provision of key support infrastructure including electrical, stormwater, telecommunication; and
- The creation of relevant easements for access, maintenance, and the like.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 29 January 2024. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *The Panel Chair noted right of ways need to be resolved prior to any approval being issued or a condition of consent being imposed requiring their extinguishment.*

Officer comment:

A deferred commencement condition is recommended requiring all easements affecting the subject site to be extinguished prior to the consent being made operative.

2. *The Panel Chair requested that Council advise the applicant what developer contributions are proposed to be conditioned sufficiently in advance for any disagreement to be resolved prior to determination.*

Officer comment:

The applicant has reviewed the proposed conditions of consent, including developer contributions, and has raised no concerns with the proposed conditions.

3. *The Panel chair noted the matter would likely only need a final briefing (no assessment briefing required) but asked for advice as to any significant issues remaining after RFI's had been answered so a decision could be made as to whether an additional briefing would be required.*

Officer comment:

The assessment report addresses all significant issues, including odour and construction of the adjoining northern sub-arterial road. The development is recommended for a deferred commencement consent subject to the imposition of appropriate terms and conditions. A final briefing will be provided prior to the Panel determining the DA.

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 (Sustainable Buildings) 2022.
- 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 EDC of the development is \$59,967,380. The EDC threshold for Council to determine the DA is \$30 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 R2 Low Density Residential, R3 Medium Density Residential and C2 Environmental Conservation pursuant to Appendix 5, Section 2.2 of the Western Parkland City SEPP.

Development Characterisation

The development is characterised as 'dwellings', 'earthworks', 'drainage', 'roads', 'demolition' and the 'subdivision' of land by the Western Parkland City SEPP.

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 5 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.

Development with frontage to a classified road

Pursuant to Section 2.119 of the Transport and Infrastructure SEPP, the consent authority must not grant consent to a development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Access to the proposed development will be via Road 1 connecting onto the Maryland Link Road 2 extension. This extension forms part of DA/2024/467/1, which is currently under assessment by Council staff.

The safety, efficiency and ongoing operation of The Northern Road will not be adversely affected by the proposed development, as access will be via the surrounding local street network.

It is considered that the development is appropriately located and designed to ameliorate potential traffic noise and vehicle emissions.

Impact of road noise or vibration on non-road development

Pursuant to Section 2.120 of the Transport and Infrastructure SEPP, given the site is adjacent to the road corridor with an annual average daily traffic volume of more than 20,000 vehicles, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the residential accommodation - 35 dB(A) at any time between 10 pm and 7 am,*
- (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.*

It is noted that while the site has direct frontage to The Northern Road, the location of the proposed works is approximately 560m to the west from that frontage.

Notwithstanding the above, an acoustic report was submitted with the application that recommends construction requirements to comply with the above internal noise criteria. The report was reviewed by Council's Environmental Health Specialist who raised no objection to the proposal subject to the imposition of recommended conditions.

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 the development is classified as traffic generating development.

TfNSW requested additional information including information on the performance and layout of the access road intersection and SIDRA modelling files. The applicant provided a response to the TfNSW request.

The additional information and amended plans were re-referred to TfNSW who reviewed the documentation and accepted the modelling, subject to a recommended condition of consent that requires a Construction Pedestrian and Traffic Management Plan.

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

The Resilience and Hazards SEPP regulates hazardous and offensive development and aims to ensure that the consent authority has sufficient information to assess whether or not development is hazardous or offensive. The Resilience and Hazards SEPP also provides a Statewide planning approach to the remediation of contaminated land.

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 DA was supported by a Detailed Site Investigation that was reviewed by Council's Environmental Health Specialist and two data gaps were identified, being potential for PFAS contamination and the assessment of the access road to the subdivision. A Supplementary Contamination Investigation letter was prepared that concludes that the area is considered to be suitable for the proposed development and general residential land use.

Council's Environmental Health Specialist has reviewed the supplementary contamination letter and raises no issue subject to recommended conditions of consent.

Council staff are satisfied that the site is suitable for the planned use of the land.

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

The development is considered satisfactory in terms of the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP. There will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of the development.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings through the provision of BASIX standards. A valid BASIX Certificate has been submitted for each proposed dwelling and the requirements specified in the BASIX certificate have been satisfied in the design of the proposal. A condition is imposed to ensure such commitments are fulfilled during the construction 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)

There are no draft environmental planning instruments that are applicable to the development.

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

Camden Growth Centre Precincts Development Control Plan

Planning Controls

An assessment table in which the development is considered against the Camden Growth Centre Precincts Development Control Plan is provided as an attachment to this report.

Proposed Variation – Indicative Layout Plan

The applicant proposes a variation to Section 2.2 of the Camden Growth Centre Precincts Development Control Plan regarding the Lowes Creek Maryland Precinct Indicative Layout Plan (ILP).

The DCP states all development applications are to be generally in accordance with the ILP and any proposed variations must be consistent with the Precinct Planning vision in the relevant Precinct Schedule.

The applicant proposes the following variations to the Lowes Creek Maryland Precinct ILP:

- Variations to the block orientation and layout;
- Amendments to the internal road layout; and
- Altered configuration of Local Park P.20.

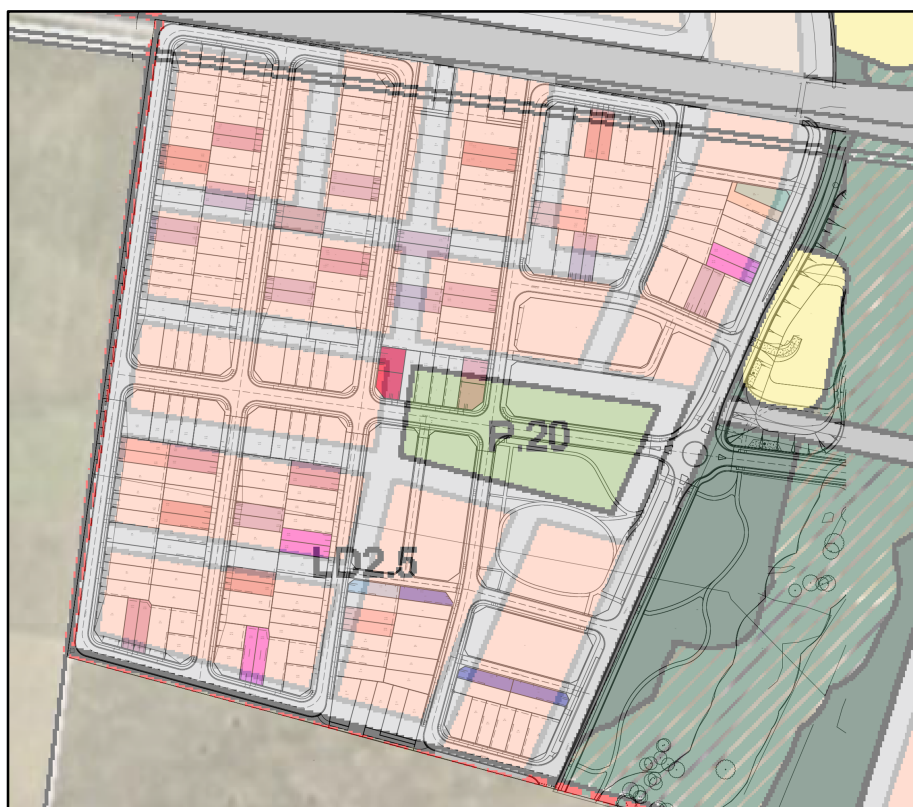


Image 8 – Subdivision overlay against the ILP

A detailed assessment by Council staff has concluded that:

- The variations to the lot orientation, road layout and laneways support the introduction of rear loaded lots increasing the range of housing types in the precinct.
- Key roads such as sub-arterial and collector roads are maintained in accordance with the precinct road hierarchy of the Lowes Creek Mary Land Precinct.
- The revised layout will reduce the number of residential lots that have a frontage to the sub-arterial road. Less lots will require attenuation to ensure compliance with the relevant noise policy. This will be achieved as local roads are proposed off the sub-arterial road and therefore, will provide a greater setback for residential lots (opposite the sub-arterial road). This will have a better outcome with regards to acoustic amenity and pedestrian safety.
- The amended layout of proposed open space facilities remains consistent with the Lowes Creek Maryland Precinct Section 7.11 Contributions Plan - Local Park (P20) 9,344m².
- The proposed variations are consistent with the Precinct Planning vision as a range of housing types will be provided and there is no impact on the landscape setting of the Maryland homestead and grounds, its associated outbuildings, and historic driveways.

For the above reasons, the proposed variation is supported in this instance.

Proposed Variation – Primary Local Street Design

The applicant proposes a variation to Section 3.3.3(1) Movement Network of Camden Growth Centre Precincts Development Control Plan relating to the design for a primary local street.

The DCP states the typical design for a primary local street is (3.5m/9m/3.5m) - 16m road reserve when the street either bounds active open space or intersects with a higher order road. Roads No. 7, 8, and 9 either bound the park (Lot 2093) (Rd No.9) or intersects with the collector road No. 1 (Roads No.7, 8 and 9 intersect) and require a 16m wide road reserve.

The applicant proposes a reduced carriageway width for roads 7, 8 and 9 from 9m to 7.4m, which results in the ultimate width of the entire road being reduced from 16m to 14.4m and 11.9m as detailed in the image below.



- The roads are relatively short.
- Noting the amended subdivision pattern for streets to predominately align north/south in lieu of east/west, the subdivision layout promotes Road no. 2 as the primary local street servicing the majority of lots.
- The proposed road hierarchy encourages traffic towards the roundabout at the intersection of Roads 1 and Road 2.
- The proposed variation is consistent with the Precinct Planning vision as the minor variation to road reserve width will not impact access to adjoining properties or impede the orderly development of adjoining properties in accordance with the relevant Precinct Plan and this Development Control Plan.

Consequently, it is recommended that the Panel support the proposed variations to the Camden Growth Centre Precincts Development Control Plan.

(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, 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, subject to the recommended conditions, 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, subject to the imposition of recommended conditions, including Grampian conditions.

Subject to the recommended conditions, the site is suitable for residential development, which is envisaged by State Environmental Planning Policy (Precincts - Western Parkland City) 2021 and the Camden Growth Centre Precincts Development Control Plan.

(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 28 November 2023 to 16 January 2024 and five submissions were received from two properties.

The following discussion addresses the issues raised in the submissions.

1. *Concern is raised over impacts on ongoing grazing operations of adjoining land and the retention of access to The Northern Road.*

Officer Comment

The impacts on the ongoing grazing operations of the adjoining western land relate to vehicle access from the adjoining property to The Northern Road via a right of way. The adjoining owner also requested access from the western boundary through to the northern boundary of the subject site. It should be noted that the current western adjoining landowner has existing direct vehicular access to the Northern Road from an access handle that connects the larger land area of the west to the east.

Noting the requirement for the northern sub-arterial road to be constructed prior to this consent being made operative, the extinguishment of the right of way will need to occur under DA/2024/467/1. All other easements and restrictions that burden the development site will also be required to be extinguished. Nevertheless, to ensure there is no impact on existing access arrangements to the adjoining property, the applicant has submitted amended plans providing a vehicle crossover through roads no. 03 (North & west) as represented below.

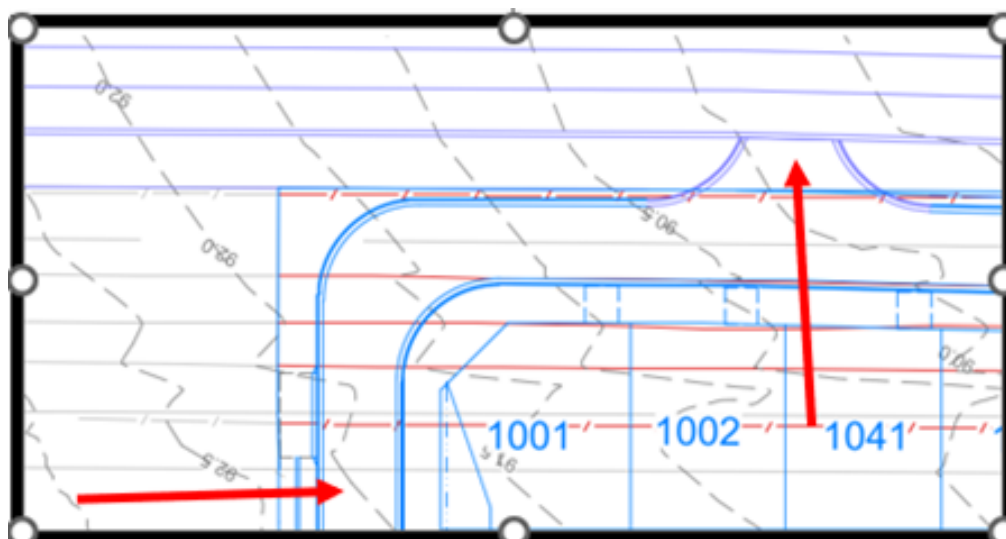


Image 11 – Proposed access from 689 The Northern Road through the site.

2. *Concern is raised the proposed earthworks along the shared boundary and integration with future subdivision are unclear and that the road reserve extend fully to the Lopresti site to avoid any future grudge strip.*

Officer Comment

Long sections of the bulk earthwork plans at longitudinal sections 01 and 02 commencing at the western property boundary represented below, indicate marginal earthwork changes within the proposed western verge of perimeter road No. 03.

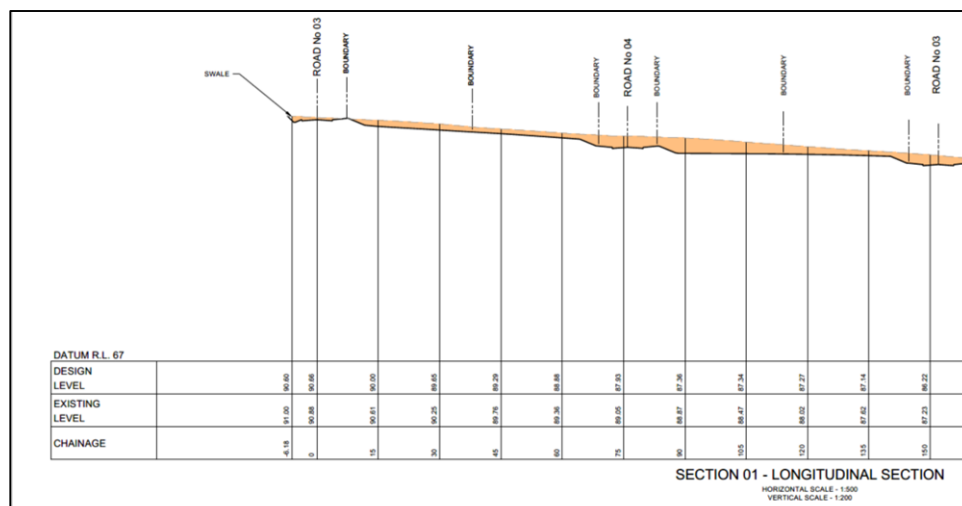


Image 11 – Section 01 – Longitudinal section

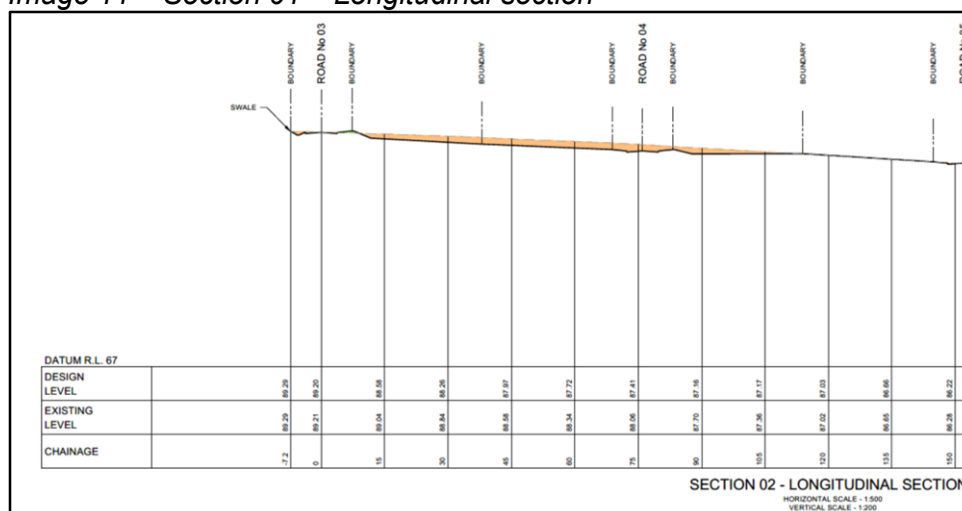


Image 12 – Section 02 – Longitudinal section

The civil plans indicate a full width local road, including a 3.5m verge and a 7.4m wide carriageway is proposed along the western boundary. No concern is raised regarding integration with the adjoining property or a potential 'grudge strip' as the full width local perimeter road is proposed as per the ILP. Works within this 3.5m western verge generally maintain existing ground levels on the boundary edge and include a swale at the north-west corner to be able to safely convey all upstream flows in line with Camden Council's Engineering Design Specification.

- It is requested to condition sewer and water to cater for future development and sewer to extend into adjoining property.

Officer Comment

This is considered an unreasonable request. The developer is not required to fund or construct servicing infrastructure beyond their site boundaries.

- 4. Concern is raised the proposal will impact existing easements providing access to 769 The Northern Road Bringelly.*

Officer Comment

769 The Northern Road, Bringelly (Lot 281 DP 1043744) contains the Clean & Green Organics waste recycling operation which is located to the northwest of the subject development site. Access to Lot 281 from The Northern Road is currently obtained via a right of carriageway and right of access easement which is located on the northern Plt 120 DP1289677 (765 The Northern Road, Bringelly). No works are proposed on this lot and accordingly no impacts will be caused to the RoC / easement.

As identified in the main body of this report, the development of the future sub-arterial road on this lot will require existing easements to be extinguished.

- 5. Concern is raised the application does not detail existing easements on the subject site.*

Officer Comment

As discussed within the executive summary section of this report, the existing right of way easement will need to be extinguished prior to the consent being made operative. This existing right of way also burdens the northern adjoining lot Plt 120 DP1289677 (765 The Northern Road, Bringelly). As earlier explained within this report, Plt 120 DP1289677 is subject to a separate development application (DA/2024/467/1) for construction of a new sub-arterial road which will enable access from The Northern Road to the southern end of the Lowes Creek Maryland Precinct. The proposed development is reliant upon this new sub-arterial road for vehicular and pedestrian access. As such, the delivery of the road and subsequent extinguishment of the right of way easement will need to occur before the consent for DA/2023/632/1 is made operative.

- 6. The submitted traffic assessment and noise assessment do not consider the existing Clean and Green Organics resource recovery facility to the west.*

Officer Comment

It is noted the current development consent for Clean and Green Organics resource recovery facility limits truck movements to five per day (10 movements total), which is not considered to adversely impact the assessed cumulative traffic generation or require amended reports.

Regarding noise impacts on the proposed residential lots, an acoustic report was submitted with the application that considered the relevant matters contained in Council's Environmental Noise Policy and provided construction requirements to comply with internal noise criteria. The report was reviewed by Council's Environmental Health Specialist who raised no objection to the proposal subject to the imposition of appropriate conditions.

The proposal is considered satisfactory in terms of traffic and noise generation subject to conditions of consent.

7. Detailed Site Investigation is insufficient.

Officer Comment

As pointed out in the main body of the report, the DA was supported by a Detailed Site Investigation and a Supplementary Contamination Investigation. The assessment concludes that the area is suitable for the proposed development and general residential land use.

Council's Environmental Health Specialist raises no issue with the proposed development subject to recommended conditions of consent.

8. It is recommended the proposed flood and stormwater management plans be amended to:

- *consider the catchments within the growth centre that drain through the subject site as future developed catchments.*
- *revisit the flood emergency response plan to demonstrate future viability of development in a safe, economical & orderly manner.*
- *include extension of stormwater infrastructure into the Lopresti site or adjoining road reserve to minimise impact to future residents.*
- *sewer and water provisions be sized to cater for future development and extend into submitters property.*

Officer Comment

Detailed engineering plans and a stormwater management report have been prepared for the subject development by Craig and Rhodes/Colliers. This report provides a detailed response to the management of both stormwater quantity and quality.

The application has been reviewed by Council's Certification Engineer and Floodplain Management Team who provided the following comments:

- The upstream catchment will need to provide their own pre vs post attenuation if they develop such that the downstream regional basin is not detrimentally affected by additional flows.
- Additional inlet pits are proposed in the swale separating the upstream catchments into several outlet points.
- Pipe sizing to be addressed at Subdivision Works Certificate stage as the stormwater drainage will need to account for the future lots that will be built adjacent to Road No. 03.
- The proposed management of stormwater is considered to be in accordance with Council's Engineering Specification, and no issue is raised subject to recommended conditions of consent.

In respect to the request for sewer and water to be sized to cater for future adjoining development and extend into the submitter's property, this is considered an unreasonable request. The developer is not required to fund or construct servicing infrastructure beyond their site boundaries.

9. *It is recommended to provide a roundabout at mid-point intersections on roads that adjoin the Lopresti site.*

Officer Comment

No concern is raised regarding integration with the adjoining property as the proposed perimeter road is compliant with the Camden Growth Centre Precincts Development Control Plan indicative layout plan that does not currently envisage connections into the rural land to the west.

10. *Perimeter road carriageways are not 8m wide as per the Design and Construction Standards outlined in the Bushfire Report.*

Officer Comment

The applicant has sought a performance-based solution regarding carriageway width for perimeter and non-perimeter roads, which has been accepted by the New South Wales Rural Fire Service (who have issued a Bushfire Safety Authority subject to conditions). The performance based solution allows a reduced carriageway in this instance.

Condition 5 of the issued Bushfire Safety Authority imposes the following conditions:

a. The carriageway width of Road 01 (perimeter road) is to be 7m kerb-to-kerb with parking provided outside of the carriageway width.

b. Perimeter Roads: Partial Roads 03, 05 and 09 (as shown on Figure 5 of the document titled 'Bushfire Assessment' prepared by Peterson Bushfire, Ref: 23076, Dated 05 September 2024) are to achieve an effective minimum 8m wide carriageway width by ensuring the following measures are established on the hazard side of the road:

- i.** Restricting parking (i.e. 'No Parking');
- ii.** Installation of a rolled-kerb or other similar kerb type that will allow vehicles to mount the kerb; and
- iii.** Ensuring there are no obstructions (such as street signs and landscaping) within the verge that will be used to create the 8m width (i.e. remaining 0.6m).

These measures are temporary for Road 03 and Road 05 can be removed when the adjoining lands are developed and the hazards are removed.

c. Non-Perimeter Roads: All non-perimeter roads must be a minimum 7.4m wide kerb-to-kerb and parking will be permitted within the carriageway width.

(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 objections and comments and conditions provided.

Heritage NSW	No objections and General Terms of Approval provided.
NSW Rural Fire Service.	No objections and General Terms of Approval and Bush Fire Safety Authority provided.
Department of Planning and Environment – Water	No objections and General Terms of Approval provided.
Sydney Water	The application is supported subject to the imposition of recommended conditions of consent.
Department of Primary Industries – Fisheries	No objections and General Terms of Approval provided.

Conditions that require compliance with the Bush Fire Safety Authority and all other external referral recommendations 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 (deferred commencement consent) subject to the terms and conditions attached to this report.

RECOMMENDATION

That the Panel approve DA/2023/632/1 for an integrated housing development comprising of demolition, Torrens title subdivision to create 257 residential allotments, eight lots for future development and five lots for open space and drainage, construction of 60 semi-detached dwellings, four dwelling houses and three garage studios, road construction and associated site works at 751 & 763A The Northern Road, Bringelly subject to the terms and 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 (Sustainable Buildings) 2022, and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**
- 2. The development is consistent with the objectives of the Camden Growth Centre Precincts Development Control Plan.**
- 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.**