

## COUNCIL FINAL ASSESSMENT REPORT

### PLANNING PANEL

|                                              |                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PANEL REFERENCE &amp; DA NUMBER</b>       | PPSSWC-528 – 293/2025/DA-RA                                                                                                                                                                                                                                                                                                                                                          |
| <b>PROPOSAL</b>                              | Demolition of existing structures, construction of a 10 storey residential apartment containing 73 apartments, 2 levels of basement carparking, associated site and landscaping works, and lot consolidation                                                                                                                                                                         |
| <b>ADDRESS</b>                               | Lot 3 SEC B DP 6446, 7 Norfolk Street, Ingleburn<br>Lot 4 SEC B DP 6446, 9 Norfolk Street, Ingleburn<br>Lot 5 SEC B DP 6446, 11 Norfolk Street, Ingleburn                                                                                                                                                                                                                            |
| <b>APPLICANT</b>                             | Benny Shields                                                                                                                                                                                                                                                                                                                                                                        |
| <b>OWNER</b>                                 | Seghabi Developments Pty Ltd                                                                                                                                                                                                                                                                                                                                                         |
| <b>DA LODGEMENT DATE</b>                     | 4 February 2025                                                                                                                                                                                                                                                                                                                                                                      |
| <b>APPLICATION TYPE</b>                      | DA                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>REGIONALLY SIGNIFICANT CRITERIA</b>       | Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : General development over \$30 million                                                                                                                                                                                                                                                   |
| <b>CIV</b>                                   | \$45,737,592.87 (excluding GST)                                                                                                                                                                                                                                                                                                                                                      |
| <b>CLAUSE 4.6 REQUESTS</b>                   | Nil                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>KEY SEPP/LEP</b>                          | State Environmental Planning Policy (Biodiversity and Conservation) 2021<br>State Environmental Planning Policy (Housing) 2021<br>State Environmental Planning Policy (Planning Systems) 2021<br>State Environmental Planning Policy (Resilience and Hazards) 2021<br>State Environmental Planning Policy (Sustainable Buildings) 2022<br>Campbelltown Local Environmental Plan 2015 |
| <b>TOTAL &amp; UNIQUE SUBMISSIONS</b>        | Two objections                                                                                                                                                                                                                                                                                                                                                                       |
| <b>KEY ISSUES IN SUBMISSIONS</b>             | Key issues: <ul style="list-style-type: none"> <li>• congestion and overcrowding</li> <li>• impatient drivers</li> <li>• obstruction of light</li> <li>• increased littering</li> <li>• privacy impacts</li> </ul>                                                                                                                                                                   |
| <b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b> | Architectural plans, landscape plans, stormwater plans, access report, acoustic report, arborist report, BASIX certificate, BCA report, design verification statement, flood impact assessment geotechnical report, preliminary site investigation, stormwater models, statement of environmental effects, traffic report, waste management plan                                     |
| <b>RECOMMENDATION</b>                        | Approval                                                                                                                                                                                                                                                                                                                                                                             |
| <b>DRAFT CONDITIONS TO APPLICANT</b>         | Yes                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>SCHEDULED MEETING</b>                     | October 2025                                                                                                                                                                                                                                                                                                                                                                         |

|                       |                   |
|-----------------------|-------------------|
| <b>DATE</b>           |                   |
| <b>PLAN VERSION</b>   | H                 |
| <b>PREPARED BY</b>    | Melanie Smith     |
| <b>DATE OF REPORT</b> | 26 September 2025 |

## EXECUTIVE SUMMARY

The development application (DA 293/2025/DA-RA) seeks consent for the demolition of the existing dwellings and construction of a ten-storey residential flat building, basement car parking, associated site and landscaping works, and lot consolidation.

The subject site is known as 7-11 Norfolk Street, Ingleburn ('the site') and comprises three allotments with a total primary frontage of approximately 43.89m to Norfolk Street, and a secondary frontage of approximately 47.345m to Carlisle Street. The sites have a total area of 2,077.9m<sup>2</sup>.

Existing development on No. 7 consists of a single storey dwelling house, ancillary structures, boundary fencing and scattered trees. Numbers 9 and 11 are currently vacant and surrounded by low mesh fencing.

The locality is undergoing transition to a higher density build form following the Ingleburn CBD Planning Proposal coming into effect on 14 December 2023.

The site is in the R4 High Density Residential zone pursuant to Clause 2.2 of the Campbelltown Local Environmental Plan 2015 ('LEP 2015'). A residential flat building is permitted with consent.

The principal planning controls relevant to the proposal include the State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, State Environmental Planning Policy (Transport and Infrastructure) 2021, Campbelltown Local Environmental Plan 2015, and the Apartment Design Guide. The proposal is generally consistent with the provisions of the planning controls.

There were no concurrence requirements from agencies for the proposal, and the application is not integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). A referral to Endeavour Energy pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021 ('Transport and Infrastructure SEPP') was sent and no objections were raised.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated;
- Section 145 of the Housing SEPP in relation to advice of any design review panel have been satisfied; and
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to electricity substation.

The application was placed on public exhibition from 18 February 2025 to 19 March 2025, with two submissions being received. These submissions raised concerns relating to congestion

and overcrowding, impatient drivers, obstruction of light, increased littering, and privacy impacts. These concerns are considered further in this report.

The application is referred to the Sydney Western City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Section 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal general development that has an estimated cost of more than \$30 million.

A briefing was held with the Panel on 4 August 2025 where no major issues were raised. The Panel requested that the materials and construction that are important for success with the architectural vision of the scheme be identified and conditioned to ensure that the building succeeds in delivering design excellence over time. A condition has been recommended to address the Panel's comment.

Following a detailed assessment of the proposal against the matters for consideration under Section 4.15(1) of the EP&A Act, the proposal may be supported. Pursuant to Section 4.16(1)(b) of the EP&A Act, DA 293/2025/DA-RA is recommended for approval subject to the attached conditions.

## **1. THE SITE AND LOCALITY**

---

### **1.1 The Site**

The overall site comprises of three allotments with a total primary frontage of approximately 43.89m to Norfolk Street, and a secondary frontage of approximately 47.345m to Carlisle Street. The site slopes from the northwestern corner towards the southeastern corner by approximately 3.8m. The sites have a total area of 2,077.9m<sup>2</sup>.

Number 7 Norfolk Street currently contains a single storey dwelling house, a detached garage, and a brick outbuilding. Numbers 9 and 11 Norfolk Street are currently vacant lots. Vegetation on each site is typical residential landscaping. The subject sites are shown in figure 1 below.



**Figure 1:** Aerial image of the subject sites

## 1.2 The Locality

Within the broader locality there are a range of different zonings including employment land, medium density residential, low density residential and recreational land. The site is currently surrounded by low density residential development in the form of single and double storey detached dwelling houses.

The locality is undergoing transition following the Council initiated Ingleburn CBD Planning Proposal. This Planning Proposal was initiated to facilitate the urban renewal of the Ingleburn CBD and came into effect on 14 December 2023. The planning proposal provided for increased building heights and densities (commercial and residential), improved flood evacuation routes, increased public open space, improved car park provision, and improved pedestrian access and mobility.



**Figure 2:** Aerial image of the locality

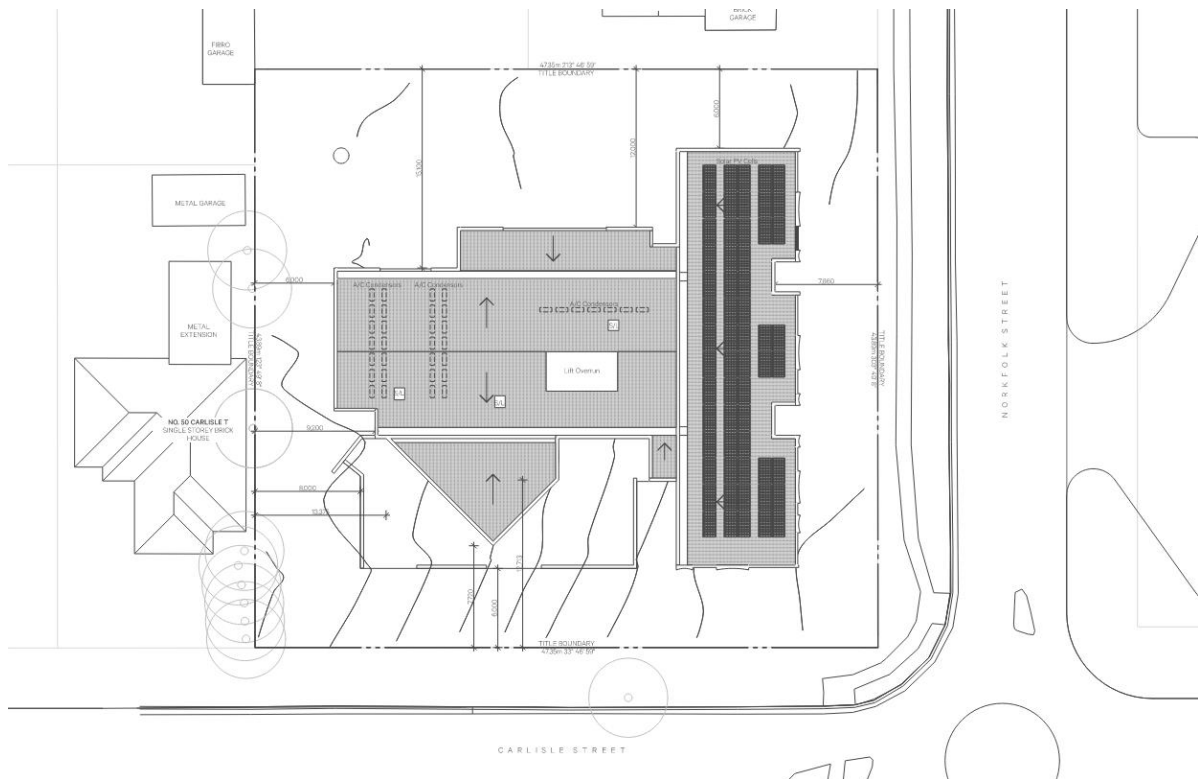
## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The application is seeking consent for the demolition of the existing dwelling and construction of a 10 storey residential flat building, basement car parking, associated site and landscaping works, and lot consolidation. Details of the development are as follows:

- Demolition of existing structures and lot consolidation.
- Removal of 7 trees.
- Construction of a ten storey residential flat building containing 73 apartments.
- 2 levels of basement car parking containing 75 parking spaces (including 2 accessible parking spaces), storage cages, and two lift shafts.
- Ground floor consists of 4 x 2 bedroom apartments, waste storage rooms, waste vehicle collection room, 21 bicycle spaces, 2 lift shafts, and 460m<sup>2</sup> of communal open space.
- Level 1 consists of 7 apartments (including 3 affordable rental housing apartments) with a mix as follows:
  - 1 x 1 bedroom apartment;
  - 5 x 2 bedroom apartments; and
  - 1 x 3 bedroom apartment.
- Levels 2 – 8 consist of 56 apartments (including 11 affordable rental housing apartments) with a mix as follows:
  - 7 x 1 bedroom apartments;
  - 35 x 2 bedroom apartments; and

- 7 x 3 bedroom apartments.
- Levels 9 consists of a 56m<sup>2</sup> community room, 141m<sup>2</sup> of communal open space, and 6 apartments with a mix as follows:
  - 1 x 1 bedroom apartments; and
  - 5 x 2 bedroom apartments.
- Provision of key infrastructure including electricity, stormwater, and landscaping.



**Figure 3:** Proposed site plan



**Figure 4:** Artist's impression



**Figure 5:** Level 9 communal open space

**Table 1: Development Data**

| <b>Control</b>      | <b>Proposal</b>                                                                     |
|---------------------|-------------------------------------------------------------------------------------|
| Site area           | 2,077.9m <sup>2</sup>                                                               |
| GFA                 | 6,721.8m <sup>2</sup>                                                               |
| FSR (residential)   | 3.2:1                                                                               |
| Clause 4.6 Requests | No                                                                                  |
| No of apartments    | 73                                                                                  |
| Max Height          | 33.8m                                                                               |
| Landscaped area     | 1,014.1m <sup>2</sup>                                                               |
| Car Parking spaces  | 79                                                                                  |
| Setbacks            | 6m to Norfolk and Carlisle Streets.<br>6m to side boundary.<br>6m to rear boundary. |

## 2.2 Background

A pre-lodgement meeting was held with the Campbelltown Design Excellence Panel (DEP) with the applicant on 24 October 2024 where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- 2 storey podium

The DEP raised concerns that the 2 storey podium appeared to only be a colour change and did not provide a suitable transition to the upper levels.

The architect has addressed this by proposing bush hammered concrete which provides a satisfactory contrast to the upper part of the building.

- Ground and first floor articulation

The DEP raised concerns while the overall height and scale of the building is supported, further consideration needed to be given to the intended differentiation of the ground and first floor levels which would provide a more human scale to the street and ground plane. The DEP was supportive of differentiation of materiality/colour or texture and advised that this needed to be enhanced through further design drawings.

The architect has addressed this by proposing bush hammered concrete which provides a satisfactory contrast to the upper part of the building which provides the differentiation of materiality/colour and texture.

- Ground plane arrangement

The DEP raised concerns that the design had its principal address to Carlisle Street, however the desire line of residents and those accessing the building will likely be to Norfolk Street, toward the local shops and Ingleburn station, and that the secondary garden entrance would likely become a primary entrance by default.

The architect has added fencing and a gate around the ground floor communal open space which will encourage people to enter the building from the main entrance on Carlisle Street.

- Bin room, crossovers and extent of driveway

The DEP raised concerns that two crossovers was not a good urban design solution and suggested that the bin room be within the basement.

The architect has redesigned the ground floor layout, and the proposed development now provides one crossover. This driveway will service both the waste collection area for a MRV and access to the two levels of basement car parking. Additionally, the architect has incorporated a pedestrian entrance from Norfolk Street which provides better access to the Ingleburn town centre.

- Communal open space (ground level)

The DEP advised that the design and arrangement of the communal open space needed to be better considered regarding desire and sight lines, relationship to building entrances, and the role of the Norfolk Street access as a default primary entrance.

The architect has added fencing and a gate around the ground floor communal open space which will encourage people to enter the building from the main entrance on Carlisle Street. The communal open space on the ground floor has now also incorporated an undercover BBQ area. The DEP are now satisfied that the communal open space areas are satisfactory in terms of amenity on both the ground floor and on Level 9. The DEP noted that the two areas provide options for residents to use the spaces in the seasonal climate of Campbelltown.

- Landscaping and substation location

The DEP requested that the landscape design be developed further with detailed sections showing the interfaces between the private and public domain areas and that the communal open space was exposed to summer afternoon sun and deeply shaded in the morning.

The architect provided detailed sections with the lodgement of the DA and reconfigured the communal open spaces to ensure they now provide locations with different aspects for the seasonal climate in Campbelltown.

- Cross ventilation

The DEP advised that compliance with the NSW ADG requirements regarding cross ventilation where at least 60% of apartments shall be naturally cross ventilated had not been demonstrated at pre-lodgement stage.

The architectural plans submitted with the DA demonstrate that 75% of apartments being naturally cross ventilated is achieved.

- Wind study

The DEP advised that the proposal would benefit from a wind study.

The architect provided a wind study with the DA package that concludes that the development has incorporated several design features and wind mitigating strategies and is

expected to be suitable for the intended use for most of the outdoor trafficable areas.

- Sustainable design

The DEP advised that it was unclear if solar panels were located on the roof of the building.

The revised architectural plans include a roof plan that demonstrates solar panels on the roof.

The development application was lodged on 4 February 2025. A chronology of the development application since lodgement is outlined below including the Panel's involvement with the application:

**Table 2: Chronology of the DA**

| Date                            | Event                                                                                                                                                                                                                |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4 February 2025                 | DA lodged                                                                                                                                                                                                            |
| 18 February until 19 March 2025 | Exhibition of the application                                                                                                                                                                                        |
| 18 February 2025                | DA referred to external agencies                                                                                                                                                                                     |
| 13 March 2025                   | Application presented to the Campbelltown Design Excellence Panel                                                                                                                                                    |
| 27 June 2025                    | Request for Information from Council to applicant                                                                                                                                                                    |
| 4 August 2025                   | Panel briefing                                                                                                                                                                                                       |
| 3 September 2025                | Amended plans lodged dated 21 August 2025 and 1 September 2025, accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 3 September 2025. |

### 2.3 Site History

There is no significant history to the subject sites that is relevant to this application. The sites have historically been used for low density residential development.

## 3. STATUTORY CONSIDERATIONS

---

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
  - (i) any environmental planning instrument, and
  - (ii) 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 Planning Secretary has notified the consent authority that the making of the

- proposed instrument has been deferred indefinitely or has not been approved),*
- and*
- (iii) any development control plan, and*
- (iiia) 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, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33) – written agreement from the Crown to the proposed conditions of consent must be provided

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) Section 4.15(1)(a)(i) – Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Campbelltown Local Environmental Plan 2015.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in Table 3 and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

| <b>EPI</b>                                                              | <b>Matters for Consideration</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Comply (Y/N)</b> |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| State Environmental Planning Policy (Biodiversity & Conservation) 2021  | <p>Chapter 11: Georges River Catchment</p> <p>The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6.</p>                                                                                          | Y                   |
| State Environmental Planning Policy (Housing) 2021                      | <p>Chapter 2: Affordable Housing</p> <p>Satisfactory subject to a condition that the affordable housing component of the development is used as affordable housing for a minimum of 15 years.</p> <p>Chapter 4: Design of residential apartment development</p> <p>Clause 30(2) - Design Quality Principles - The proposal is consistent to the design quality principles and the proposal is consistent with the ADG requirements for car parking, communal open space, solar access, natural ventilation.</p> | Y                   |
| State Environmental Planning Policy (Planning Systems) 2021             | <p>Chapter 2: State and Regional Development</p> <p>Section 2.19(1) declares the proposal is regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises development that has an estimated development cost of more than \$30 million.</p> <p>The application is being referred to the Sydney Western City Planning Panel to determine.</p>                                                                                                                                           | Y                   |
| SEPP (Resilience & Hazards)                                             | <p>Chapter 4: Remediation of Land</p> <p>Section 4.6 - Contamination and remediation have been considered in the contamination report and the proposal is satisfactory subject to conditions.</p>                                                                                                                                                                                                                                                                                                               | Y                   |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | <p>Chapter 2: Infrastructure</p> <p>Section 2.48(2) (Determination of development applications—other development) - electricity transmission - the proposal is satisfactory subject to conditions.</p>                                                                                                                                                                                                                                                                                                          | Y                   |
| LEP                                                                     | <ul style="list-style-type: none"> <li>• Clause 2.3 - Permissibility and zone objectives</li> <li>• Clause 4.3 - Height of buildings</li> <li>• Clause 4.4 - Floor space ratio</li> <li>• Clause 7.1 - Earthworks</li> <li>• Clause 7.4 - Salinity</li> </ul>                                                                                                                                                                                                                                                   | Y                   |

| EPI | Matters for Consideration                                                                                                                                                                                                                                     | Comply (Y/N) |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
|     | <ul style="list-style-type: none"> <li>• Clause 7.10 – Essential services</li> <li>• Clause 7.13 – Design Excellence</li> <li>• Clause 7.18 – Restrictions on access to or from public roads</li> <li>• Clause 7.31 – Development in Ingleburn CBD</li> </ul> |              |
| DCP | Volume 1, Part 2 – Requirements applying to all types of development<br>Volume 1, Part 5 – Residential flat buildings and mixed-use development<br>Volume 2, Site Specific DCPs, Part 17 – Ingleburn CBD                                                      | Y            |

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 applies to land in the Georges River and Hawkesbury-Nepean Catchments. Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—

- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
- (b) the impact on water flow in a natural waterbody will be minimised.

The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries. On that basis, the proposed development meets the relevant provisions of Chapter 6 of the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Housing) 2021

Chapter 2: Affordable housing

The objective of this division of the Housing SEPP is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

To benefit from the provisions of Chapter 2 to gain additional building height and floor space ratio, a minimum of 10% of the proposed development must be used as affordable housing for a minimum period of 15 years. The application is proposing that 15% of the development will be affordable housing.

By benefiting from the provisions of the Housing SEPP, the maximum allowable building height is 33.8m, and FSR of 3.50:1.

The proposed development is compliant with the maximum building height and FSR and is satisfactory subject to a condition that the affordable housing component of the development is used as affordable housing for a minimum of 15 years.

## Chapter 4: Design of residential apartment development

Clause 29 of the Environmental Planning and Assessment Regulation 2021 states that a development application that relates to residential apartment development must be accompanied by a statement by a qualified designer. The statement must—

- (a) Verify that the qualified designer designed, or directed the design of, the development, and
- (b) Explain how the development addresses—
  - (i) The design quality principles, and
  - (ii) The objectives in Parts 3 and 4 of the Apartment Design Guide

A statement to this effect has been received from Clayton Edwards of Cley Studio.

Section 147 of Chapter 4 of the Housing SEPP states that development consent must not be granted to residential apartment development unless the consent authority has considered the following—

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide,
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

In relation to subclause (a), the application includes an assessment of the design quality principles by the architect. This assessment is considered to be accurate and reasonable.

In relation to subclause (b), an assessment of the application against the Apartment Design Guide is presented in attachment 3 and demonstrates that the proposed development is fully compliant in this regard.

In relation to subclause (c), design review panel means a panel constituted by the Minister under section 288A of the Environmental Planning and Assessment Regulation 2021. Council's Design Excellence Panel is not a design review panel as defined by the Regulation.

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

### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development for a residential flat building with a development value of over \$30 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

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

### Chapter 4: Remediation of Land

The provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards)

2021 ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site.

The PSI consisted of a search of historical records, soil sampling and site inspections. The findings of the research determined that no heavy industrial operations were identified within the site during the desktop study. A search of the NSW EPA Contaminated Land Management Record of Notices, Protection of the Environment Operations Public Register (POEO) records, EPA under Section 60 CLM Act 1997 and NSW EPA for PFAS Investigation Programme record; revealed that there were no notices issued to the site and in close surroundings.

The report concluded that the site can be made suitable for the proposed residential flat building subject to a HAZMAT assessment be undertaken prior to demolition by a licensed assessor, and where hazardous building materials are identified and subsequently removed, an inspection of surface soils and clearance should be completed following demolition by a suitably qualified consultant. Should any evidence of contamination be identified at any stage of the development process, an experienced site contamination consultant is to be contacted.

In regard to the above, the proposal is consistent with Resilience and Hazards SEPP, subject to conditions ensuring compliance with the recommendations of the Preliminary Site Investigation.

#### State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 ('Sustainable Buildings SEPP') applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No.1776285M prepared by Jensen Hughes Pty Limited dated 5 December 2024 committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the Sustainable Buildings SEPP. The proposal is consistent with the Sustainable Buildings SEPP subject to the recommended conditions of consent.

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

The Transport and Infrastructure SEPP aims to facilitate the efficient delivery of transport and infrastructure projects, streamline the planning process, and ensure that development aligns with strategic transport objectives while minimising impacts on surrounding communities and the environment. Various provisions within the Transport and Infrastructure SEPP are applicable to the application. These are discussed below:

#### Section 2.48 – Development likely to affect an electricity transmission or distribution network – determination of development applications

This clause requires the consent authority notify the electricity supply authority and consider their response for specific works, including those near underground electricity lines,

easements, substations, and overhead power lines. The proposed development would involve works described by the clause, and accordingly, the application was referred to Endeavour Energy, who provided conditions that have been included within the recommended conditions of consent.

#### Campbelltown Local Environmental Plan 2015

The relevant local environmental plan applying to the site is the *Campbelltown Local Environmental Plan 2015* ('the LEP').

#### *Zoning and Permissibility (Part 2)*

The site is located within the R4 High Density Residential Zone pursuant to Clause 2.2 of the LEP.



**Figure 6:** Zoning map

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of a residential flat building which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in close proximity to centres and public transport hubs.*
- *To maximise redevelopment and infill opportunities for high density housing within*

walking distance of centres.

- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal provides for housing for the community in a high density residential environment.
- The proposal provides high density residential development that is close to the town centre and Ingleburn train station.
- The proposal will redevelop the site by infill development that is within walking distance of Ingleburn town centre.
- The development minimises overshadowing and has been designed to achieve maximum solar access.

#### General Controls and Development Standards (Part 2, 4, 5 and 7)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in attachment 2.

The proposal is considered to be compliant with the LEP.

#### **(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Campbelltown (Sustainable City) Development Control Plan 2015*

The application is generally consistent with the DCP but does propose some minor variations. These proposed variations are discussed below.

#### **Part 2 – Requirements applying to all types of development**

The development application was assessed under the relevant controls outlined in Part 2 of the SCDCP. The compliance table is contained within attachment 6. A discussion of the non-compliant control is presented below.

#### **Section 2.8.1 Cut and Fill**

##### Variation

Control (g) limits all basement excavation to be setback a minimum of 900mm from the property boundaries. The applicant is seeking a variation to this control to allow a 550mm setback to rear (western) boundary, and a minor variation along the Carlisle Street boundary at a nil setback.

##### Officer assessment

The objective of this control is to ensure that development appropriately responds to site conditions with proper consideration given to land capability and privacy/amenity of adjoining

properties. This minor variation is considered acceptable as the development achieves greater than the required deep soil zones along the south, north and eastern boundaries, the reduced setback will not result in amenity loss on adjoining properties in terms of privacy and overshadowing, satisfactory and compliant landscaping is still provided along the western boundary, and the amenity along the Carlisle Street frontage will be satisfied.

## **Part 17 – Ingleburn CBD**

The development application was assessed under the relevant controls outlined in Volume 2, Part 17 of the SCDGP with regard to requirements for residential flat buildings in Ingleburn CBD. The compliance table is contained within attachment 6. A discussion of the non-compliant control is presented below.

### **Section 17.4.1.2 Building setbacks for residential flat buildings – Areas zoned R4**

#### Variation

The SCDGP requires residential flat buildings to be setback 6 m from any street boundary, and 8 m from the rear boundary, and basements to be setback 5 m from the rear boundary and 2 m from the front boundary. The applicant is seeking a variation to this control to allow a 6m rear setback, and the basement to be setback 2 m from the Norfolk Street boundary.

#### Officer assessment

The proposed development provides setbacks that are consistent with the setbacks prescribed in Part 5 the SCDGP for residential flat buildings, the ADG, and are consistent with previous approvals on site.

The development provides compliant solar access, deep soil zones and landscaping. In this regard it is considered that slightly reduced setbacks will not have a detrimental effect on the surrounds.

Matters for consideration under the DCP are addressed in attachment 6.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Campbelltown Local Infrastructure Plan 2018 Amendment 1*

This Contributions Plan has been considered, and a condition is recommended to ensure payment of the development contribution prior to the issue of a construction certificate.

#### **(d) Section 4.15(1)(a)(iii) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

#### **(e) Section 4.15(1)(a)(iv) – Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

### **3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

Conditions are recommended to ensure adequate erosion and sediment control during works, therefore ensuring the development does not result in adverse impacts on the natural environment. Significant landscaping is proposed and results in a significant improvement on current site conditions. The development also includes the installation of solar panels, which reduces dependency on the energy grid and results in an energy efficient building.

The proposed development represents a contemporary architectural form that contributes to design excellence in the broader locality. The building incorporates varying materials and architectural design elements including vertical and horizontal offsets in the wall surfaces to ensure it is suitably articulated, thereby having a positive impact on the built environment.

Having regard to social and economic impacts generated by the development, the flat building will contribute to the provision of housing choice within the Campbelltown locality to meet the housing needs of the local community.

The demolition and construction phases of the development will have minor flow on economic benefits for the locality through the generation of employment.

Accordingly, the proposal will have a positive impact on the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The proposed development is of a scale and design that it is suitable for the site. The proposal responds well to site conditions in terms of its size, shape, topography and relationship to adjoining dwellings.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

### **3.4 Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 4 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

Section 4.15(1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application. In this regard, the proposal is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community.

The development will provide for a variety of housing choices, including a component of affordable housing for the local community.

Accordingly, it is considered that approval of the proposed development would be in the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to Endeavour Energy for comment as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from this referral, subject to the imposition of the recommended conditions of consent being imposed.

**Table 4: Concurrence and Referrals to agencies**

| Agency                                | Concurrence/<br>referral trigger                                                                                                            | Comments<br>(Issue, resolution, conditions)                                                                                                     | Resolved |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Referral/Consultation Agencies</b> |                                                                                                                                             |                                                                                                                                                 |          |
| Electricity supply authority          | Section 2.48 - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i><br>Development near electrical infrastructure | The application was referred to Endeavour Energy, who provided conditions that have been included within the recommended conditions of consent. | Y        |
| Campbelltown Design Excellence Panel  | Section 145 - <i>State Environmental Planning Policy (Housing) 2021</i><br>Advice of the Design Review Panel ('DRP')                        | The advice of the DEP has been considered in the proposal and is further discussed in the SEPP Housing assessment section of this report.       | Y        |

### 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 5: Consideration of Council Referrals**

| Officer            | Comments                                                                                                                                                            | Resolved |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Engineering</b> | Council's Engineering Officer reviewed the submitted stormwater concept plan and basement plans and considered that there were no objections subject to conditions. | Y        |
| <b>Traffic</b>     | Council's Engineering Officer reviewed the submitted traffic impact assessment and raised no objections.                                                            | Y        |
| <b>Flooding</b>    | Council's Engineering Officer reviewed the submitted flood                                                                                                          | Y        |

| Officer                | Comments                                                                                                          | Resolved |
|------------------------|-------------------------------------------------------------------------------------------------------------------|----------|
|                        | impact assessment and raised no objections.                                                                       |          |
| GIS                    | Council's GIS Officer has provided a condition for apartment numbering prior to the issue of an OC.               | Y        |
| Waste                  | The proposal was referred to Council's Waste Officer who raised no objections.                                    | Y        |
| Contributions Planning | Contributions Planning have provided a contributions calculation, and this is included as a condition of consent. | Y        |

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 18 February until 19 March 2025. The notification included the following:

- A sign placed on the site;
- Notification on a website;
- Notification letters sent to adjoining and adjacent properties (a rough estimate of the number of letters sent);
- Notification on the Council's website.

The Council received a total of 2 unique submissions. The issues raised in these submissions are considered in Table 6.

**Table 6: Community Submissions**

| Issue                                                                                                                                                | No of submissions | Council Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Obstruction of light</b><br><br>A submission raised concern that the development will obstruct light from the surrounding residential development | 1                 | <p>The submitted shadow diagrams demonstrate that the proposal would affect the rear yards of the dwellings to the south on Carlisle Street and Nardoo Street at 9am on the winter solstice, however, by 11am these properties will achieve full solar access.</p> <p>The properties on the opposite side of Carlisle Street will have their front setback impacted by overshadowing from 1pm, however there will be no impact on their rear private open space.</p> <p>There are no properties that will not achieve their required solar access as a result of this development.</p> |
| <b>Pollution</b><br><br>A submission raised concern that rubbish will                                                                                | 1                 | <p>The proposed development will provide sufficient waste facilities and services for the residents.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Issue                                                                                                                   | No of submissions | Council Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| be thrown into adjoining properties from the apartments                                                                 |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Privacy</b><br><br>A submission raised concern that the development impact on adjoining development's privacy        | 1                 | The proposed development provides compliant setbacks as required by the Apartment Design Guide, additionally the architect has designed the building to ensure that windows are well placed to avoid overlooking and obscured glazing will be used where necessary.                                                                                                                                                                                                      |
| <b>Traffic congestion</b><br><br>A submission raised concern that the development will result in traffic congestion     | 1                 | <p>The proposed development will result in a net increase in cars within the locality, the applicant has submitted a traffic report in support of the proposed development. The traffic report concludes that the development will only result in an additional 14 vehicle trips at peak times.</p> <p>Overall, the proposed development is not considered to result in any notable increase in traffic on local roads and is therefore considered to be acceptable.</p> |
| <b>Train congestion</b><br><br>A submission raised concern that the development will result in congestion on the trains | 1                 | The proposed development would create an incremental increase in residents in Ingleburn and the potential for more train passengers, however during peak hours 8 carriage trains travel to the city on the T8 line every 5 to 10 minutes.                                                                                                                                                                                                                                |
| <b>Increase in crime</b><br><br>A submission raised concern that the development will result in traffic congestion      | 1                 | The proposed development has incorporated the principles of Crime Prevention Through Environmental Design, and it is not considered that the development will create opportunities for crime.                                                                                                                                                                                                                                                                            |
| <b>Impatient drivers</b><br><br>A submission raised concern                                                             | 1                 | There is no evidence to suggest the development would adversely impact driver behaviour. Any such incidents would be a matter for the Police.                                                                                                                                                                                                                                                                                                                            |

| Issue                                                                    | No of submissions | Council Comments |
|--------------------------------------------------------------------------|-------------------|------------------|
| that drivers are impatient and often do not stop at pedestrian crossings |                   |                  |

## 5. CONCLUSION

---

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

## 6. RECOMMENDATION

---

That the Development Application 293/2025/DA-RA for the demolition of existing structures, construction of a 10 storey residential apartment containing 73 apartments, 2 levels of basement carparking, associated site and landscaping works, and lot consolidation at 7-11 Norfolk Street, Ingleburn be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment 1.

The following attachments are provided:

- Attachment 1: Draft conditions of consent
- Attachment 2: SEPP Housing compliance table
- Attachment 3: Apartment Design Guide compliance table
- Attachment 4: Campbelltown Local Environmental Plan 2015 compliance table
- Attachment 5: Campbelltown (Sustainable City) Development Control Plan 2015 compliance table
- Attachment 6: Architectural, stormwater, civil and landscape plans
- Attachment 7: Design Excellence Panel minutes