

BRIEFING DETAILS

BRIEFING DATE / TIME	Friday, 17 April 2020, 12:15pm and 1:00pm
LOCATION	Teleconference Call

BRIEFING MATTER(S)

PPSSWC-61 – Camden Council – DA2020/62/1 – 182 Byron Road, Leppington – Demolition of existing dwelling house and sheds, tree removal, construction of 368 apartments, roads construction, subdivision and associated site works

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Louise Camenzuli and Nicole Gurran
APOLOGIES	Theresa Fedli and Lara Symkowiak
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Ryan Pritchard and Jamie Erken
OTHER	

KEY ISSUES DISCUSSED

Applicability of Section 3 and Table 3-1 of the Growth Centre DCP

- Under Table 3-2 of the Camden Growth Centre Precincts Development Control Plan (DCP) the site is subject to a minimum residential density standard of 25dw/ha applying to the R3 Medium Density zone.
- A question arises as to how Section 3 of the DCP is to be applied to residential flat building development in the R3 zone.
- Section 1.3.2 of the Camden Growth Centre Precincts Development Control Plan headed “*How to use this DCP*” includes Table 1-2 which says:

“Table 1-2 summarises the controls that are applicable to the main types of development that are permissible in this DCP.”

In Table 1-2 for the row marked for Section 3 of the DCP the column for “residential subdivision” is ticked. The column for “residential flat building” is not ticked.
- This DA includes residential subdivision of the existing lot into 3 lots plus remnant lot for local roads. Part 3 of the DCP applies to that subdivision and would seem at least indirectly to be relevant to the creation of a lot intended to be used for residential subdivision.
- The question is whether Part 3 is also relevant to the form of development within the remnant lot.

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6. “Minimum lot size by density bands” are described by Control 3.1.1(2) in the Camden Growth Centre Precincts Development Control Plan that reads:

2. Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule and the typical characteristics of the corresponding Density Band in Table 3-1

(For this DA, the “Relevant Precinct Schedule” is Schedule One Austral and Leppington North Precincts. The Residential Structure Figure shades the site as part “medium density” and part “open space/drainage”.)

The closest “corresponding Density Band” in Table 3-1” for the part of the site mapped as “medium density” is:

25 - 30 dw/Ha	▪ Generally located within the walking catchment of centres, corridors and / or rail based public transport. ▪ Consists of predominantly small lot housing forms with some multi-dwelling housing, manor homes and residential flat buildings located close to the local centre and public transport. ▪ Generally single and double storey dwellings with some 3 storey buildings. ▪ Incorporates some laneways and shared driveways. ▪ Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces. ▪ Mainly urban streetscapes, some suburban streetscapes. . See Figure 3-2
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7. The unit of density used is “dw/Ha”(dwellings per hectare including roads) rather than FSR which is the control more commonly applied to erection of buildings on a single lot. That is, the standard does not seem to be a control for development of a single lot after subdivision, but rather a control on subdivision of a larger lot into smaller lots each of which will be developed, but allowing for roads and parks also to be included in the assessment.
8. The table at 1.3.2 might be read to exclude the operation of clause 3.1.1 and Table 3-1 to further development of a lot entirely once it has been subdivided, but that would not seem consistent with a coherent set of controls. That is, if the DCP regulates subdivision with the goal of achieving a “residential structure” as set out in Table 3-1, it would seem to be consistent with that goal to keep that intended structure in mind when lots are developed, but noting that the standards do not appear to have been conceived as a means of regulating density of a single lot in the way that a floor space ratio control does.
9. It should also be remembered that clause 1.3.2 is only expressed to “summarise” what the various provisions say. One should be careful to read a clause in an instrument that is stated to merely “summarise” other provisions as restricting the meaning and application of provisions for which the ‘summary’ is given.
10. The problem that arises is that, if Table 3-1 is ignored completely, there is no alternative source of information in the DCP as to the intended residential density of different areas anywhere else in the DCP.
11. Section 3.1 is introduced with the words:

“This section provides guidance on the typical characteristics of the residential density target bands.”
12. It is not expressed to be intended to set development standards for densities. However, the residential density target bands described for different localities would still seem to be of relevance as a reference point for considering whether a proposed development is likely to be appropriate within that band.
13. It may be useful to refer to Landcom’s “Residential Density Guide” and the Department of Planning and Environments’ “Dwelling Density Guide”, which are cited in the introduction to Section 3, as they might also assist in understanding how the DCP is intended to work.

Density and this application

14. The development the subject of this application has been assessed by the Council assessment officer to have a residential density of 215.3dw/ha, presumably applying the methodology contained in DCP 1.3.2 which *“includes internal streets plus half the width of any adjoining access roads that provide vehicular access, but excludes land that is not zoned for residential purposes.”* The development not only complies with that standard, but is more than eight times the minimum of 25 dw/ha.

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15. That higher density appears to have generated issues of compliance with the height standard (even with the lower levels partly excavated), SEPP 65 and the ADG.
16. The quality of the common open space also seems low taking into account the fact that this is a largely unconstrained green field site where general compliance with controls ought to be able to be achieved.
17. Significant reduction in density would seem to be necessary to address these issues.

TENTATIVE PANEL MEETING DATE: N/A