

SYDNEY WESTERN CITY PLANNING PANEL

Panel Number:	PPSSWC-66.
Application Number:	2020/211/1.
Local Government Area:	Camden.
Development:	Demolition of existing dwelling houses, sheds and structures, tree removal, construction of a mixed use development comprising a shopping centre with a Woolworths supermarket and BWS liquor shop, kiosks, retail, business and office premises, signage, construction of public roads, subdivision and associated site works.
Capital Investment Value:	\$35,713,709.
Site Address(es):	108 and 116 Ingleburn Road, Leppington.
Applicant:	Fabcot Pty Ltd.
Owner(s):	Fabcot Pty Ltd.
Date of Lodgement:	2 April 2020.
Number of Submissions:	One (in support of the development).
Number of Unique Objections:	None.
Classification:	Regionally significant and integrated development.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	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 (State and Regional Development) 2011. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy No 55 - Remediation of Land. • State Environmental Planning Policy No 64 - Advertising and Signage. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Draft Environment SEPP. • Camden Development Control Plan 2019. • Camden Growth Centre Precincts Development Control Plan.
List all Documents Submitted	<ul style="list-style-type: none"> • Assessment report.

with this Report for the Panel's Consideration:	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 assessment table. • Camden Growth Centre Precincts Development Control Plan assessment table. • Recommended conditions. • Proposed plans. • Applicant's urban design principles submission. • Submission.
Development Standard Contravention Request(s):	<ul style="list-style-type: none"> • None.
Summary of Key Submission Issues:	<ul style="list-style-type: none"> • The development will greatly improve the amenity of the surrounding area and is much needed.
Report Prepared By:	Ryan Pritchard, Principal Planner.
Report Date:	3 May 2021.

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 a mixed use development at 108 and 116 Ingleburn Road, Leppington.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$35,713,709. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2020/211/1 for a mixed use development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a mixed use development at 108 and 116 Ingleburn Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, 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 (State and Regional Development) 2011.	The Panel is the consent authority for this DA as the development has a CIV of \$35,713,709 which exceeds the CIV threshold of \$30 million for Council to determine the DA.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).	The development is permitted with consent in the applicable B3 Commercial Core, SP2 Infrastructure (Local Drainage) and SP2 Infrastructure (Classified Road) zones, is consistent with the zones' objectives and acceptable in terms of the Growth SEPP's other matters for consideration.
State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).	The DA was referred to Transport for NSW (TfNSW) and Endeavour Energy for concurrence and comment pursuant to the ISEPP. The comments received have been considered and the DA can

	be approved as more than 21 days have passed since the DA was referred to TfNSW.
State Environmental Planning Policy No 55 - Remediation of Land.	Council staff have assessed a phase 2 detailed contamination assessment submitted in support of the DA and are satisfied that the site is suitable for the development.
State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64)	Council staff are satisfied that the signage is consistent with SEPP 64's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and core services and will be of a high quality design and finish. Council staff have also considered SEPP 64's Schedule 1 assessment criteria and are satisfied that the signage is consistent with it.
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20).	The development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.
Draft Environment State Environmental Planning Policy (Draft Environment SEPP).	The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

The DA was publicly exhibited for a period of 42 days in accordance with Camden Development Control Plan 2019 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. The exhibition period was from 23 April to 3 June 2020. One submission was received in support of the development. The submission opines that the development will greatly improve the amenity of the surrounding area and is much needed.

The DA was considered by Council's Design Review Panel in May 2020 and briefed to the Sydney Western City Planning Panel in June 2020. Following feedback from Council staff the applicant submitted amended plans and additional information in November 2020. Council staff provided further feedback in December 2020 and the applicant subsequently submitted further amended plans and additional information between February and April 2021. It is considered that the amended plans and additional information adequately address the feedback provided by both panels.

Council staff gave the applicant two opportunities to comment on draft conditions for the development. Council staff understand that the applicant largely agrees with the recommended conditions.

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

AERIAL PHOTO



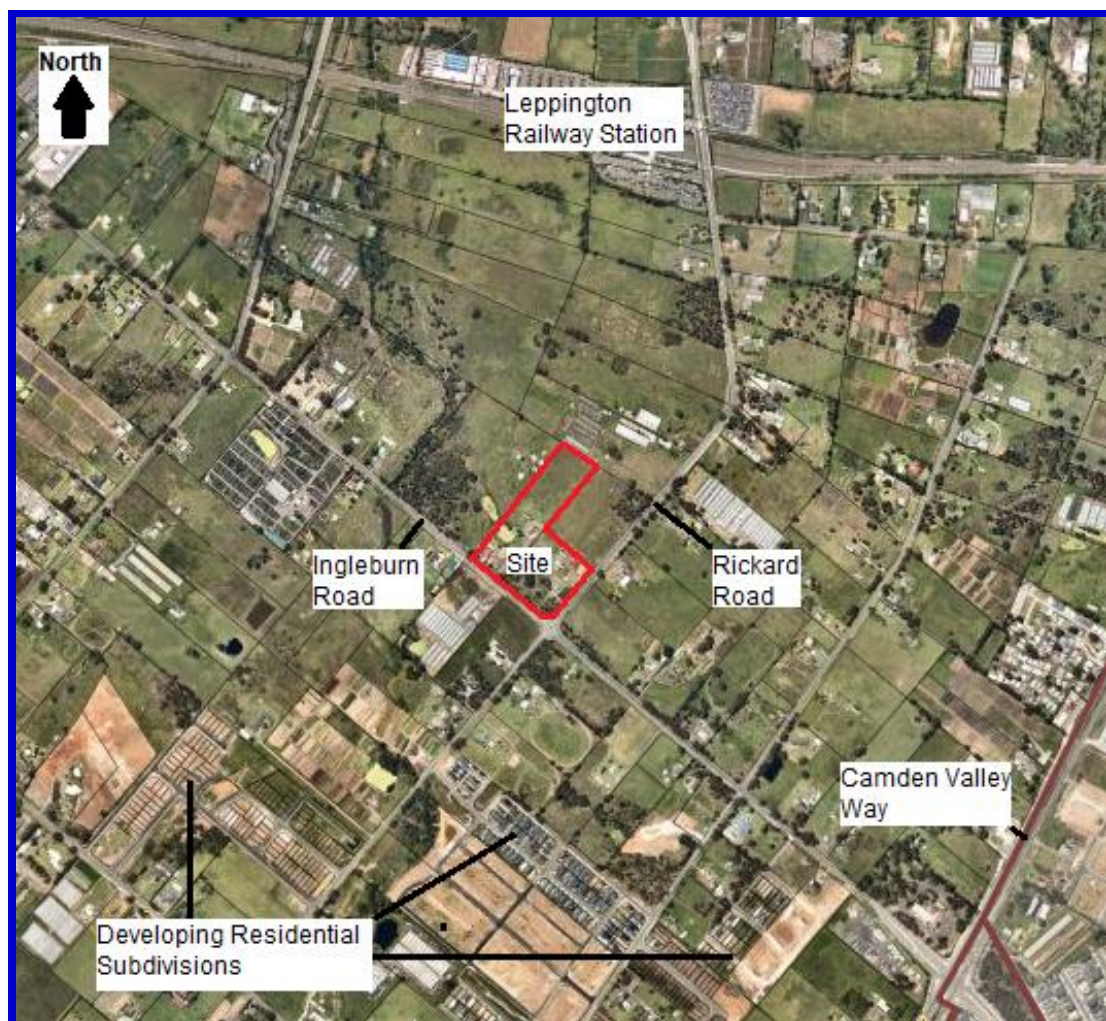
THE SITE

The site comprises two properties commonly known as 108 and 116 Ingleburn Road, Leppington and legally described as lot 3, DP 1012407 and lot 2, DP 529937.

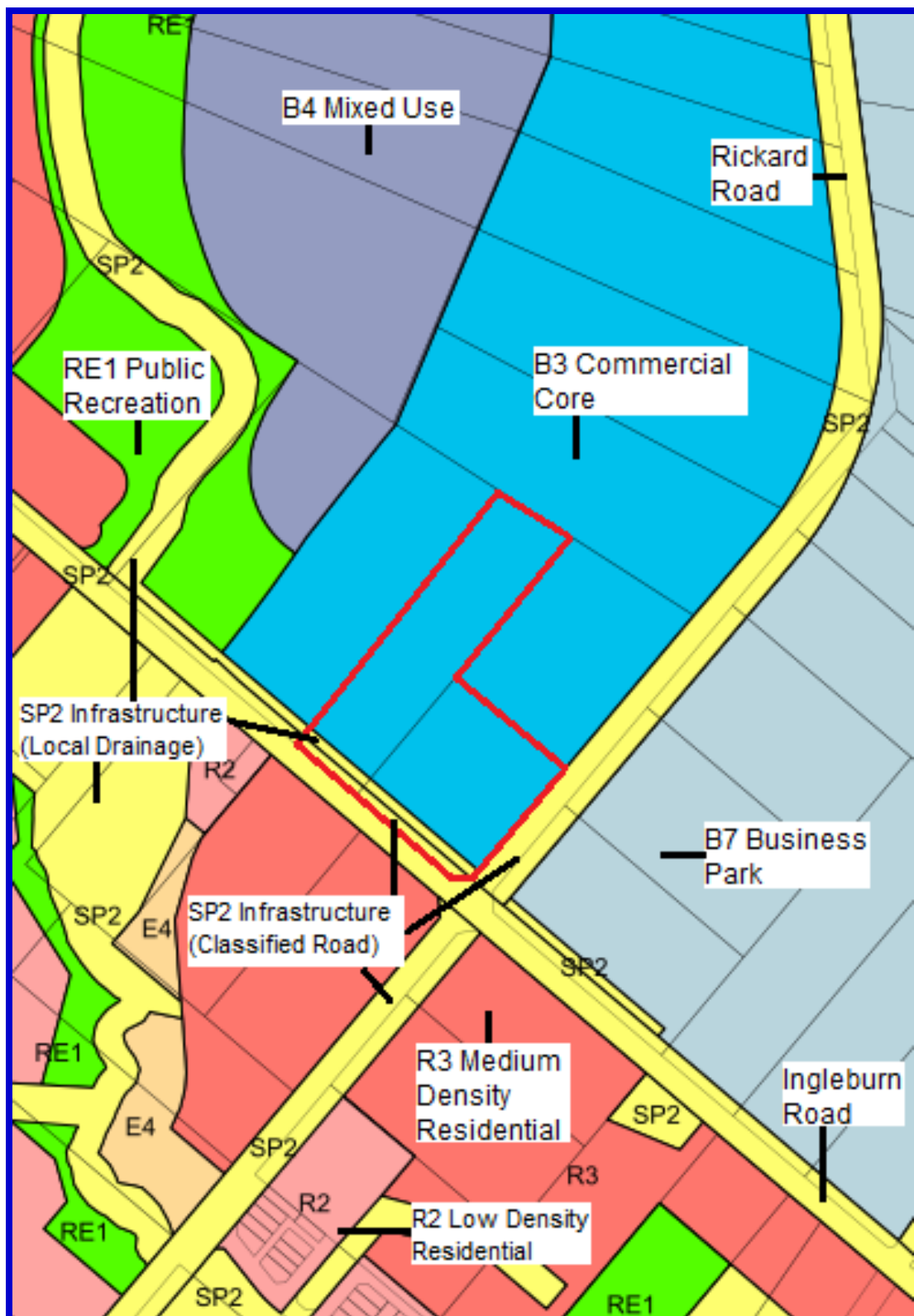
The site is 'L' shaped and has frontages of 177.9m to Ingleburn Road and 121.5m to Rickard Road, a maximum depth of 288.9m and an area of 3.66ha. The site slopes downwards from its eastern to western corners by 4.44m over 231.6m. Most of the development will be located on 108 Ingleburn Road. Demolition of the existing dwelling houses and sheds, tree removal and construction of ancillary earthworks, drainage and services only are proposed on 116 Ingleburn Road.

The site contains four dwelling houses, sheds, animal shelters, a carport, a swimming pool, three dams and scattered vegetation. A first order watercourse runs south east-north west through the site. The site is located in the Leppington North Precinct of the South West Growth Area, has been conferred biodiversity certification and will be partially subject to land acquisition for drainage and a classified road.

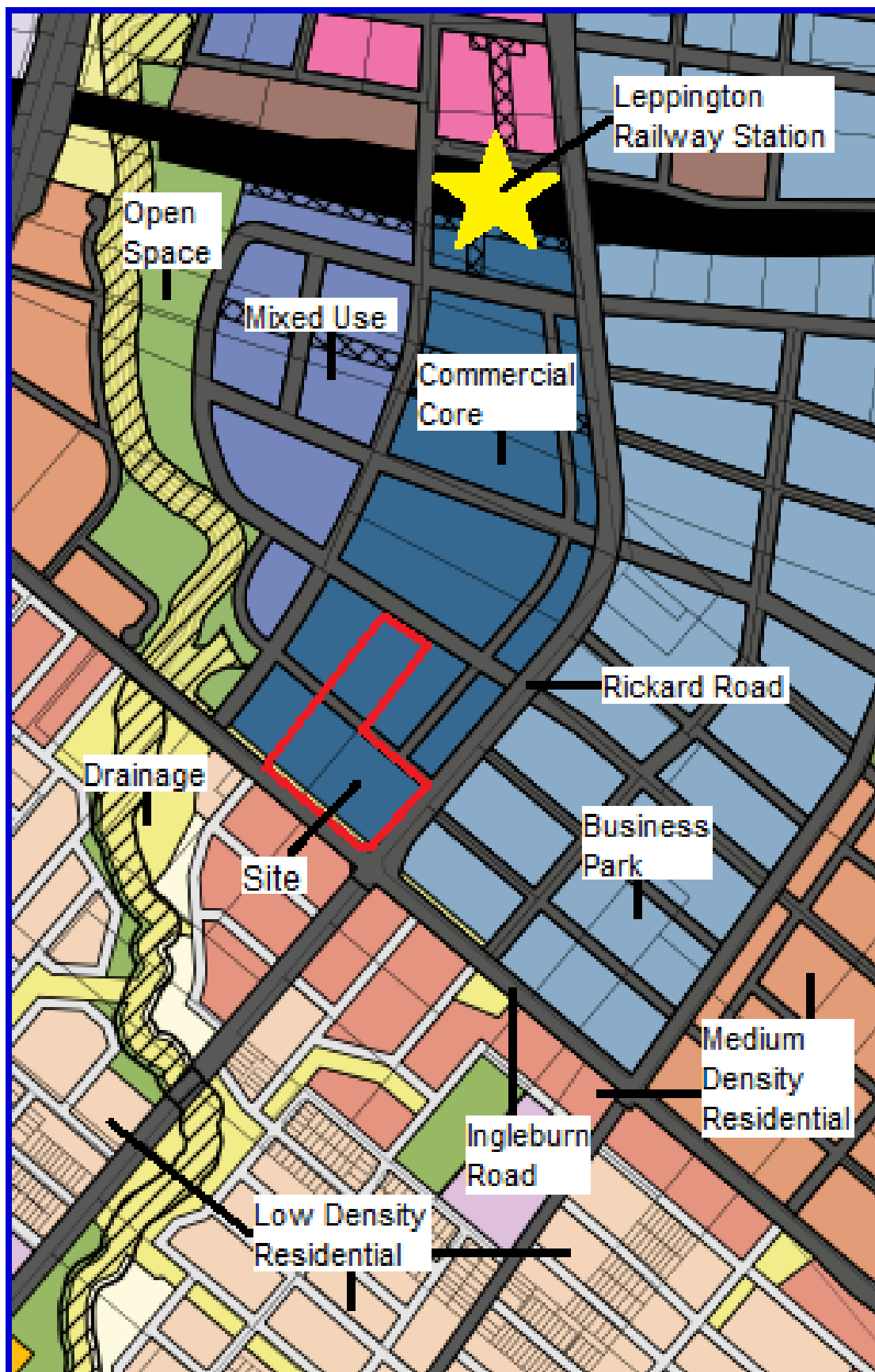
The surrounding area is characterised by undulating topography, scattered vegetation and a range of rural and rural-residential land uses in all directions. Developing residential subdivisions are located to the south in the Leppington Priority Precinct. The area was rezoned for urban development in 2013. Leppington Railway station is located 575m to the north and Camden Valley Way 1km to the south east.



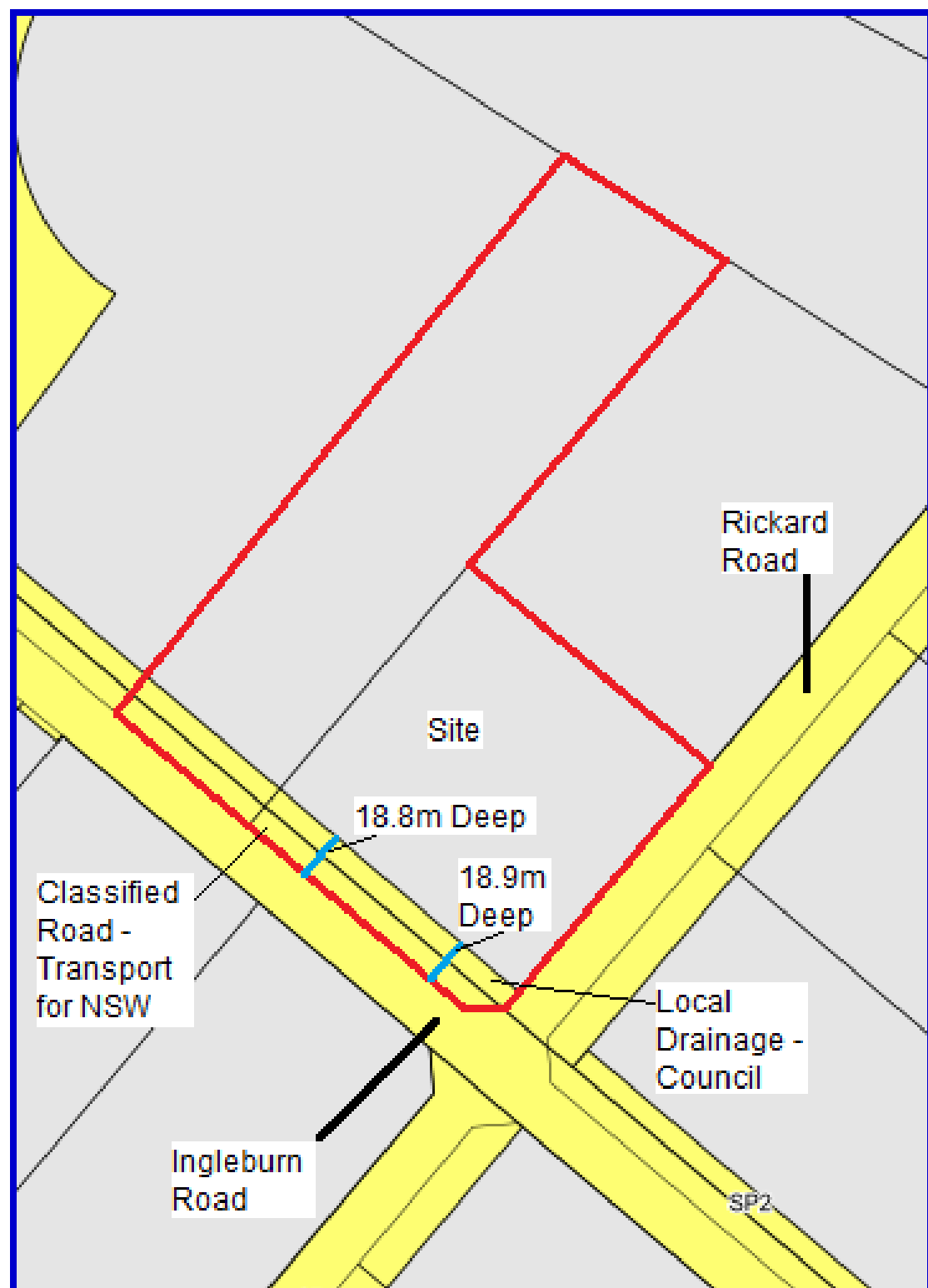
ZONING PLAN



AREA MASTER PLAN



LAND RESERVATION ACQUISITION PLAN



HISTORY

There is no relevant development history for this site.

THE PROPOSAL

DA/2020/211/1 seeks approval for the construction and use of a mixed use development.

Specifically, the development involves:

- (a) Demolition of four existing dwelling houses and ancillary structures and removal of 145 trees.
- (b) Construction of a mixed use commercial development comprising one level of basement car parking and a part single/part two storey shopping centre building.

The development will be constructed of a mix of patterned and textured concrete panels, brickwork, metal sheeting and glazing. The development's maximum height will be 16.3m above existing ground level.

- (c) The development will comprise:

- A Woolworths supermarket, ancillary customer pick-up facility, staff offices, amenities and a BWS liquor store with a total combined area of 4,028m².
- Seven retail premises/food and drink premises with a total combined area of 1,699m². The retail premises/food and drink premises along the building's western side (facing the at-grade car park) will have alfresco dining areas.
- Two kiosks with a total combined area of 40m².
- Five office premises/business premises with a total combined area of 2,275m².
- Ancillary internal circulation, servicing and storage areas.

The internal fit outs for each tenancy within the building will be subject to either separate DAs or complying development certificates.

- (d) Construction of 338 off-street car parking spaces, 4 motorcycle parking spaces and 50 bicycle parking spaces in basement and at-grade car parks.
- (e) Display of free-standing and wall-mounted business and building identification signage.
- (f) Installation of a roof-mounted solar panel array with an output of approximately 300kW.
- (g) Construction of two service lanes that will provide vehicular and pedestrian access to the development and 10 on-street parking spaces. The northern service lane will be constructed in a half road configuration.

- (h) Construction of interim frontage works along the site's Rickard Road and Ingleburn Road frontages. This will include the provision of an interim verge, kerb and gutter along the western side of Rickard Road and dedicated right turn bays into the service lanes from Rickard Road and Ingleburn Road. These are interim works as Council is currently designing and will ultimately widen and upgrade both roads to their final urban standard.
- (i) Associated site works including the construction of earthworks, drainage, services and landscaping.
- (j) Subdivision to create:
- Lot 100 which will contain the building and ancillary facilities.
 - Lot 101 which will contain residue land.
 - Lot 102 which will contain land for the future widening and upgrade of Ingleburn Road. This lot will be dedicated to Council.
 - Lot 103 which will contain a drainage culvert and associated embellished drainage land. This lot will be dedicated to Council.
 - Dedication of the two service lanes to Council as public road reserves.

The development does not include the dedication of land identified for acquisition on 116 Ingleburn Road to Council. It is anticipated that this land will be dedicated to Council upon the future development of that property unless it is acquired first via separate processes.

(k) Operating hours of:

- Supermarket, ancillary customer pick-up facility, staff offices and amenities: 7am-12 midnight Monday to Sunday.
- Retail premises (including the BSW liquor store) and kiosks: 8am-12 midnight Monday to Sunday.
- Food and drink premises (internal areas): 7am-12 midnight Monday to Saturday and 8am-10pm Sunday.
- Food and drink premises (alfresco dining areas): 7am-10pm Monday to Saturday and 8am-10pm Sunday.
- Business premises and office premises: 8am-10pm Monday to Sunday.
- Loading dock: 6am-11pm Monday to Sunday.

PANEL BRIEFING

Council staff briefed the DA to the Panel on 1 June 2020. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *The main issues of concern are the level of activation to Rickard Road and connection to the future development of Leppington. The Panel would hope to see the development better encouraging links with the surrounding area. At present the design focuses exclusively on interaction with the car park, with no level of interaction with the street. Pedestrian access from the south would seem to be drawn through the car park. The Panel would expect to see improved urban design on those issues which looks to the future of the town centre. There are recent examples which could be followed around Sydney. Features that should be addressed are ensuring that shops and eateries front streets, not the car park. Possibly the planted drainage area and pedestrian through way might offer a feature that diners might prefer. Connections with the adjacent (pending) development for pedestrians should also be considered in designing and assessing this proposal.*

Officer comment:

The applicant has submitted amended plans in support of the DA. The amended plans have made a number of improvements to the development including:

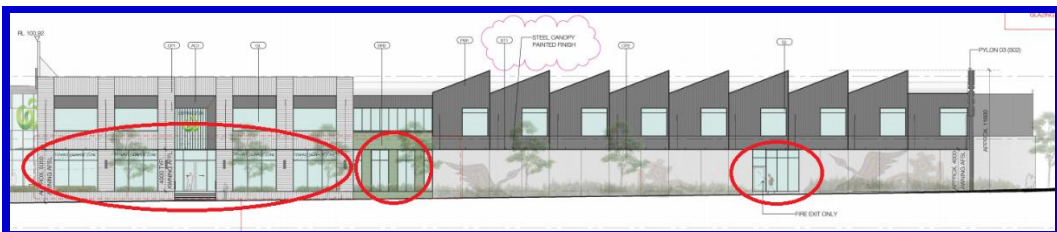
(a) Greater activation of the development's Rickard Road interface by providing:

- A ground floor business premises with shopfront.
- A pedestrian entry/exit.
- A glazed fire escape exit, and
- A patterned concrete panel finish at ground level.

Original Rickard Road Interface



Amended Rickard Road Interface (Key Amendments Highlighted in Red)

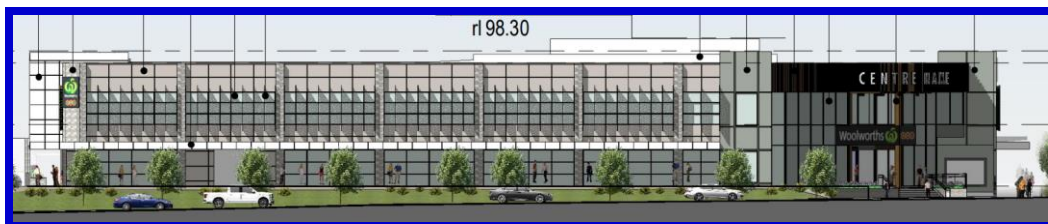




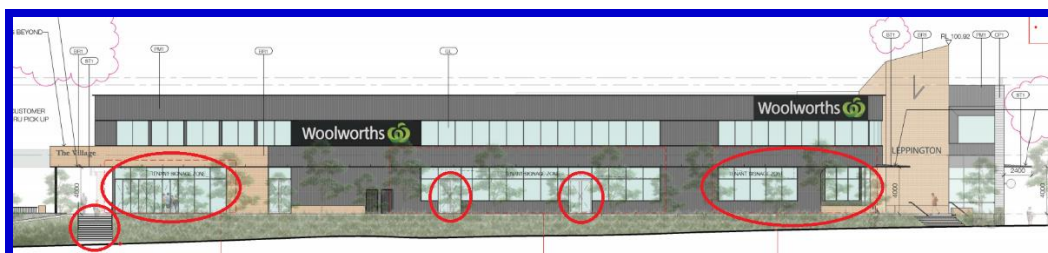
(b) Greater activation of the development's Ingleburn Road frontage by providing:

- An additional retail shopfront near the corner with Rickard Road.
- Entry doors into the ground floor business premises.
- A wrap-around, openable shopfront adjacent to the at-grade car park.
- A pedestrian connection through the landscaped area between the building and Ingleburn Road.

Original Ingleburn Road Interface



Amended Ingleburn Road Interface (Key Amendments Highlighted in Red)





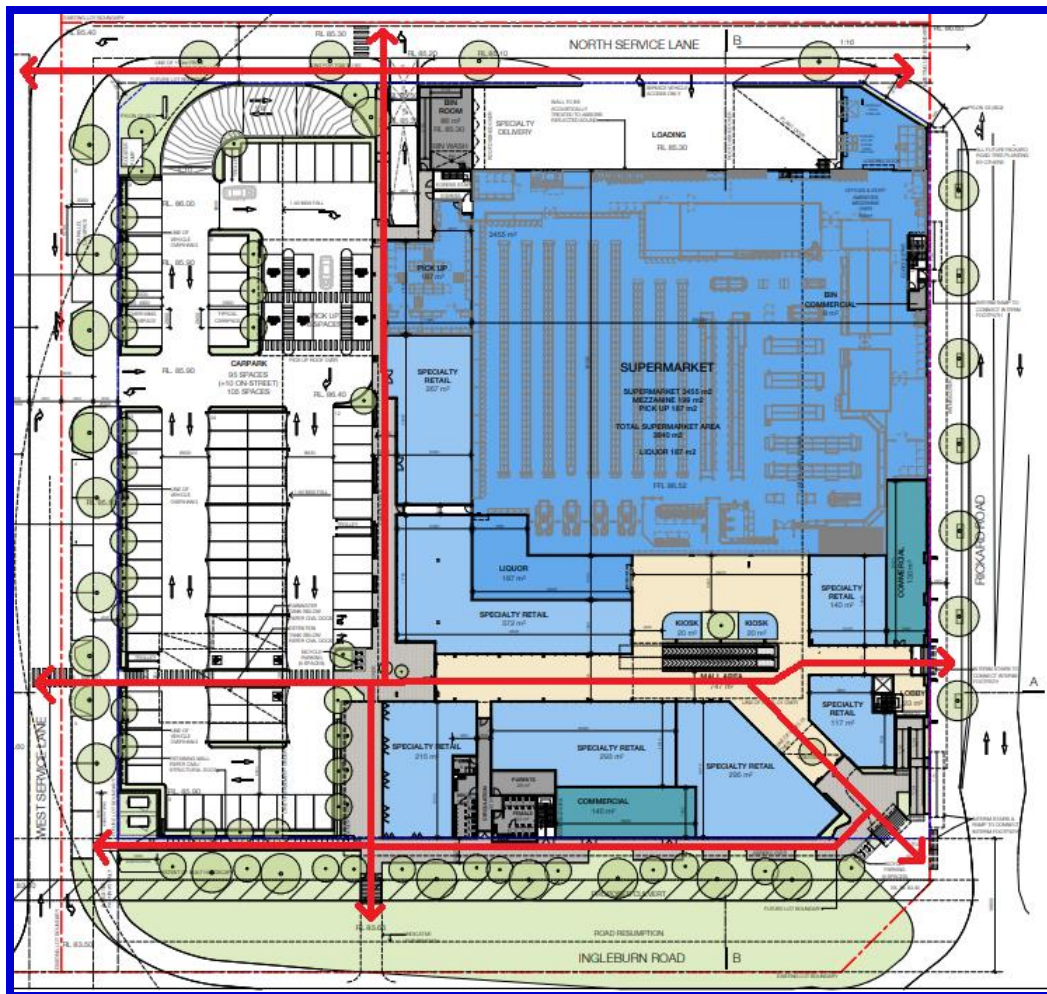
(c) Improved pedestrian access by providing:

- A pedestrian entry/exit off Rickard Road.
- Pedestrian links:
 - East-west from Rickard Road through the building and at-grade car park to the western service lane.
 - East-west from Rickard Road along the building's Ingleburn Road frontage to the western service lane.
 - North-south from Ingleburn Road along the western side of the building to the northern service lane.
- Provision of a full width public road verge along the northern service lane.

The site plan illustrates the layout of the proposed supermarket and its surrounding infrastructure. Key features include:

- Supermarket Building:** Main floor (325sqm), mezzanine (240sqm), total 375sqm. Includes a 24m wide shopfront, a kiosk (32sqm), and a liquor store (187sqm).
- Specialty Shops:** Multiple sections with areas of 504sqm, 730sqm, 195sqm, 70sqm, and 305sqm.
- Commercial Area:** 330sqm.
- Car Parking:** 100 carspaces, including a 1:8 vehicular ramp to basement.
- Service Lane:** Located to the north and west of the building.
- Road Resumption:** Located to the south of the building.
- Local Drainage Area:** Located to the south of the road resumption.
- Access Route:** Indicated by a red line, showing the proposed path from the road resumption area to the supermarket building.

Amended Site Plan (Pedestrian Links Shown in Red)



It is noted that pedestrian access to and from the site will develop over time as the surrounding roads are upgraded from a rural to an urban standard. For example, the development will include interim verge works within the adjoining Rickard Road and Ingleburn Road verges. The Rickard Road verge will be trafficable by pedestrians but not contain a footpath. The Ingleburn Road verge will contain a table drain to accommodate existing road drainage but no footpath.

This approach is supported as the physical isolation of the site from its catchment will mean that, in the short term, vehicles will be the primary mode of transport to and from the site. It is also noted that Council is responsible for designing and upgrading both Rickard Road and Ingleburn Road to their final urban standard which will include footpaths along the length of both roads. The development has been designed to take advantage of and support these future pedestrian links that will be constructed by Council. In this context the extent of pedestrian access proposed is considered reasonable.

2. *The Panel considers that the presentation to Rickard Road in particular needs improvement - with the extended blank wall frontage a poor design outcome and precedent. A pedestrian entry via Rickard Road is needed as well as another smaller retail element facing Rickard Road, given the importance of this development in defining the developing tone of the area.*

Officer comment:

It is acknowledged that the building's interface with Rickard Road will be less active than envisaged by the Camden Growth Centre Precincts Development Control Plan. This is accepted as the development will be the first mixed use commercial development within the Leppington Major Centre and the first with a frontage to Rickard Road. It is also noted that Rickard Road has yet to be upgraded to its final urban standard and there will be little pedestrian traffic along this building frontage in the short to medium term. Under such conditions it is reasonable for the development's most active frontages to be orientated towards the west (towards the at-grade car park) and the south (towards the actively developing residential catchment) to ensure ease of access and commercial viability. It is accepted that due to the area's highly fragmented property ownership pattern and current lack of urban infrastructure, it will likely be developed in a piecemeal fashion over an extended period and that a reasonable balance between built form outcomes and practicality/commercial viability will need to be achieved.

Notwithstanding, the amended plans further articulate the ground floor presentation to Rickard Road by providing a ground floor business premises with shopfront, a pedestrian entry/exit, a glazed fire escape exit and a patterned concrete panel finish at ground level. It is considered that these amendments, combined with design amendments to the first floor level and roof form, result in an adequately activated and articulated presentation to Rickard Road. Future developments along Rickard Road will be expected to better activate the road as it is upgraded to its final urban standard and there is a more developed catchment in its vicinity.

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 (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 55 - Remediation of Land.
- State Environmental Planning Policy No 64 - Advertising and Signage.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies development that is State significant and regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is \$35,713,709. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of the SRD SEPP.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP)

The Growth 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 B3 Commercial Core, SP2 Infrastructure (Local Drainage) and SP2 Infrastructure (Classified Road) pursuant to Appendix 9, Clause 2.2 of the Growth SEPP.

Land Use Definitions

The development is characterised as 'building identification signs', 'business identification signs', 'business premises', 'drainage', 'food and drink premises', 'kiosks', 'offices premises', 'shops' and 'roads' by the Growth SEPP.

Permissibility

All of the development is permitted with consent in the B3 Commercial Core zone pursuant to the zone's land use table in Appendix 9 of the Growth SEPP.

Some elements of the development are proposed in the SP2 Infrastructure (Local Drainage) and SP2 Infrastructure (Classified Road) zones along the site's Ingleburn Road frontage and within the adjoining Ingleburn Road and Rickard Road road reserves. These elements are:

- (a) A 100mm deep portion of the building.
- (b) Earthworks, services, pedestrian paths, access stairs, awnings, landscaping and 6 bicycle parking spaces ancillary to the shopping centre building.
- (c) Alterations to an existing drainage culvert and construction of a new drainage culvert.
- (d) Connections for the service lanes onto Ingleburn Road and Rickard Road.
- (e) Interim frontage works along the site's Rickard Road and Ingleburn Road frontages.

Elements (a) and (b) will be within 9.4m of the B3 Commercial Core zone where they are permitted with consent as ancillary to the shopping centre development.

Elements (c), (d) and (e) are mostly either permitted with consent as 'drainage' or without consent as 'roads' in the SP2 zones.

However, element (c) also includes:

- Alterations to an existing culvert within the Rickard Road road reserve on land zoned SP2 Infrastructure (Classified Road). The alterations are characterised as 'drainage' and will be within 18.8m of the SP2 Infrastructure (Local Drainage) zone where they are permitted with consent.
- Interim drainage works on 116 Ingleburn Road on land zoned SP2 Infrastructure (Classified Road). These works are characterised as 'drainage' and will be within 2.5m of the SP2 Infrastructure (Local Drainage) zone where they are permitted with consent.

Elements (a)-(e) are permitted with consent pursuant to Appendix 9, Clause 5.3 (Development Near Zone Boundaries) of the Growth SEPP. This clause allows development that is permitted in a zone to be carried out in an adjoining zone on land within 30m.

In order to utilise Clause 5.3 the consent authority must be satisfied that:

- The development is not inconsistent with the objectives for development in both zones.
- The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The objectives of the B3 Commercial Core zone seek to provide a wide range of retail, business, office and related employment generating land uses in accessible locations to maximise public transport patronage and encourage walking and cycling. The objectives of the SP2 Infrastructure zones seek to provide for infrastructure and prevent development that is incompatible with or may detract from the provision of infrastructure.

Elements (a)-(e) are not inconsistent with these objectives in that they will directly support a shopping centre development that will:

- Provide a mix of retail, food and drink, office and business premises that will help serve the needs of the community.
- Provide a range of employment opportunities appropriate to the site's context and the developing Leppington Major Centre environment. The site will be accessible as it is located off Rickard Road which is a future transit boulevard that will provide for direct public transport, pedestrian and cyclist links to Leppington Railway Station and the surrounding centre.
- Inherently encourage public transport patronage given the transit boulevard status of Rickard Road and the direct link to Leppington Railway station. The development has also been designed to take advantage of and support the pedestrian and cyclist infrastructure that will ultimately be provided along Rickard Road.

- Provide the necessary infrastructure required to support itself and contribute to the development of the Leppington Major Centre within the SP2 zones.
- Be compatible with and will not detract from the provision of infrastructure within the SP2 zones.

Elements (a)-(e) are also considered desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land. Elements (a)-(e) will provide a better development outcome including:

- A consistent building setback of 18.8m along the site's Ingleburn Road frontage.
- Pedestrian facilities including paths, access stairs and awnings for weather protection.
- 6 bicycle parking spaces for cyclists.
- An improved presentation to the public domain through a landscaped embankment between the building and Ingleburn Road.
- Drainage works to ensure that stormwater flows can be effectively managed without impact upon the development, surrounding properties or the environment generally.

Council staff are satisfied that the use of Clause 5.3 is justified in this circumstance and recommend that the Panel supports its use.

Planning Controls

An assessment table in which the development is considered against the Growth SEPP's planning controls is provided as an attachment to this report.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State.

Transport for NSW (TfNSW)

The DA was referred to TfNSW for comment pursuant to Clause 104(3) of the ISEPP as, pursuant to Schedule 3 of the ISEPP, the development is classed as traffic generating development.

The DA was also referred for concurrence pursuant to Clause 100(2) of the ISEPP as the development involves works on land reserved for the purposes of a classified road. The existing Ingleburn Road road reserve and a 9.8m-9.9m deep section of the site's Ingleburn Road frontage is zoned SP2 Infrastructure (Classified Road) and is identified for acquisition by Transport for NSW for the upgrade of Ingleburn Road to a classified road pursuant to Appendix 9, Clause 5.1 of the Growth SEPP. Additionally, the interim frontage works proposed along the western side of Rickard Road will be on land that is zoned SP2 Infrastructure (Classified Road) and is reserved for the upgrade of Rickard Road to a classified road.

TfNSW initially requested additional information but ultimately raised no objections to the development. TfNSW provided a number of design comments for consideration including the service lanes' intersection treatments with Rickard Road and Ingleburn Road and the design details shown on the proposed plans. The design comments have been considered and the development modified/conditions recommended where required.

TfNSW has not formally granted concurrence to the works within the land reserved for the purposes of a classified road. However, TfNSW did acknowledge that the site was partly zoned for the purposes of a classified road and advised that the agency has no current proposal to acquire any interest in the site. Council staff contacted TfNSW to discuss this response and were verbally advised that the agency raises no objections to the works within the land reserved for the purposes of a classified road. Pursuant to Clause 100(5) of the ISEPP, the DA can be approved as more than 21 days have passed since it was referred to TfNSW pursuant to Clause 100(2) of the ISEPP.

Pursuant to Clause 104(3) of the ISEPP, Council staff have assessed the accessibility of the site, including the efficiency of people and freight movement to and from it, the extent of multi-purpose trips, the potential to minimise the need for travel by car and any potential traffic safety, road congestion and parking implications of the development. The development is considered to be acceptable in terms of these matters in that:

- (a) Safe and efficient access to the site will be provided via the proposed service lanes and access driveways.
- (b) The development's mixed-use nature will support multi-purpose trips.
- (c) Pedestrian linkages through the development and from/to the ultimate public domain that will surround the site will help facilitate pedestrian movement.
- (d) The development's scale and design will not result in any unreasonable adverse traffic safety or road congestion issues.
- (e) The proposed off-street car parking provision exceeds the minimum requirements of the Camden Growth Centre Precincts Development Control Plan.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour for comment pursuant to Clause 45 of the ISEPP as the site adjoins overhead power lines along the western verge of Rickard Road and contains low voltage overhead service conductors extending from power poles in the Rickard Road and Ingleburn Road road verges to private power poles within the site.

Endeavour raised no objections to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour's technical guidelines and requirements is recommended.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

SEPP 55 provides a Statewide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The applicant has submitted a phase two detailed contamination assessment in support of the DA. This assessment found the site to be suitable for the development from a contamination perspective. Council staff have reviewed the assessment, agree with its findings and are satisfied that the site is suitable for the development.

Conditions are recommended that require:

- (a) The preparation of a hazardous building materials assessment for all buildings and structures to be demolished.
- (b) Any contamination found during works to be managed with development consent obtained for remediation if required.

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64)

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP 64 requires the consent authority to be satisfied that signage is consistent with the objectives of SEPP 64 and the assessment criteria specified in Schedule 1.

Council staff are satisfied that the signage is consistent with SEPP 64's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the development's name and core services and will be of a high quality design and finish. Council staff have also considered SEPP 64's Schedule 1 assessment criteria and are satisfied that the signage is consistent with it.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part 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)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

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

The development control plans that apply to the development are:

- Camden Development Control Plan 2019.
- Camden Growth Centre Precincts Development Control Plan.

Camden Development Control Plan 2019 (Camden DCP)

The public exhibition requirements of the Camden DCP apply to the DA. The DA was publicly exhibited in accordance with the Camden DCP and Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

Camden Growth Centre Precincts Development Control Plan (Growth DCP)

Planning Controls

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

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

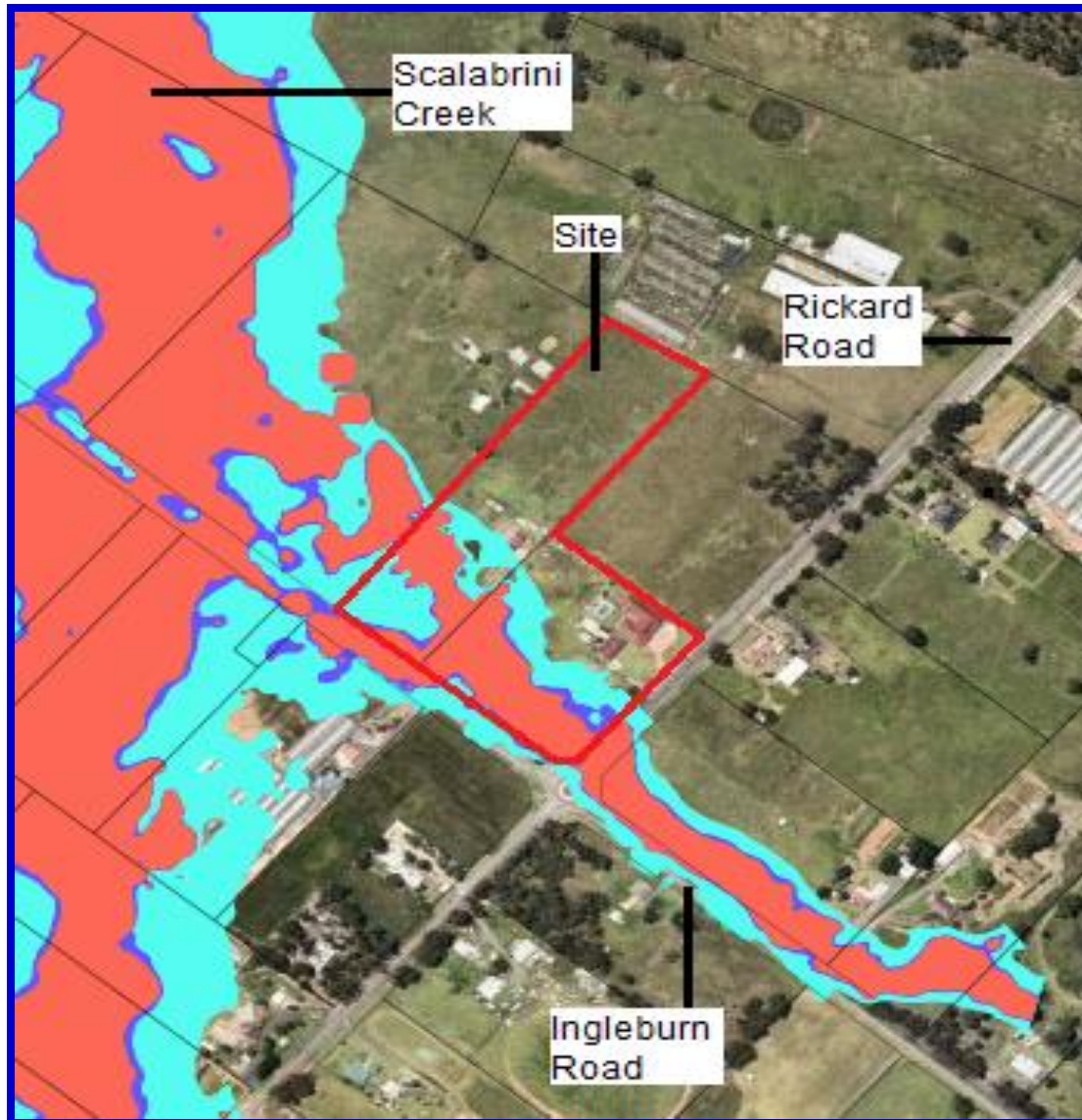
The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

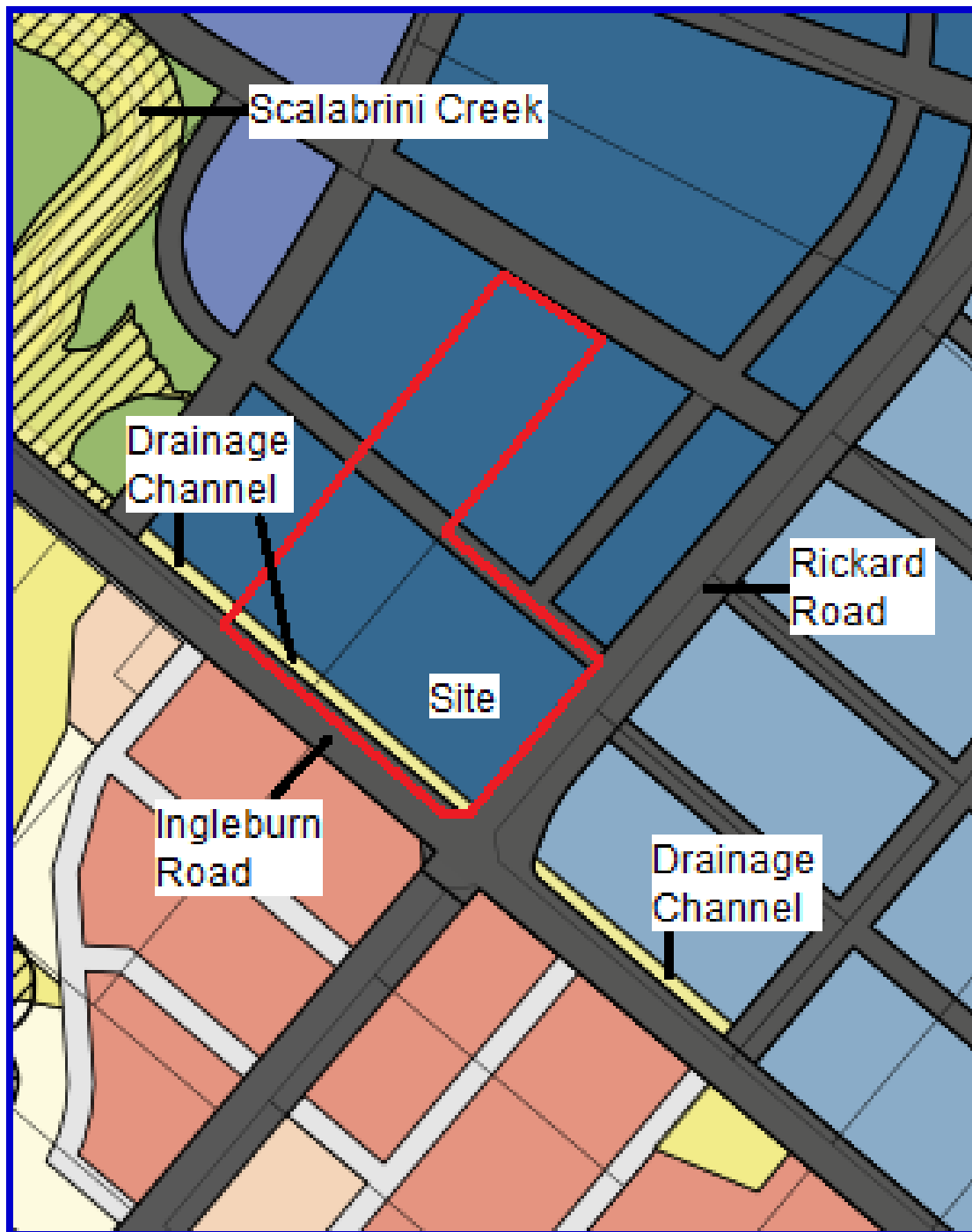
As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Flooding and Stormwater Flows

A first order watercourse runs south east-north west through the site and ultimately joins Scalabrini Creek to the north west. The site is flood affected to the 5% and 1% annual exceedance probability levels and the probable maximum flood level. The site is also identified as flood prone and major creeks land by the Growth SEPP.



The Austral and Leppington North Precincts Water Cycle Management Report provides for stormwater flows traversing the site to be conveyed via a 10m wide open drainage channel running parallel to Ingleburn Road. A matching drainage channel is also planned for nearby properties at 96 and 120 Ingleburn Road. The land that is to contain the drainage channel is zoned SP2 Infrastructure (Local Drainage) and is identified for acquisition by Council pursuant to Appendix 9, Clause 5.1 of the Growth SEPP.

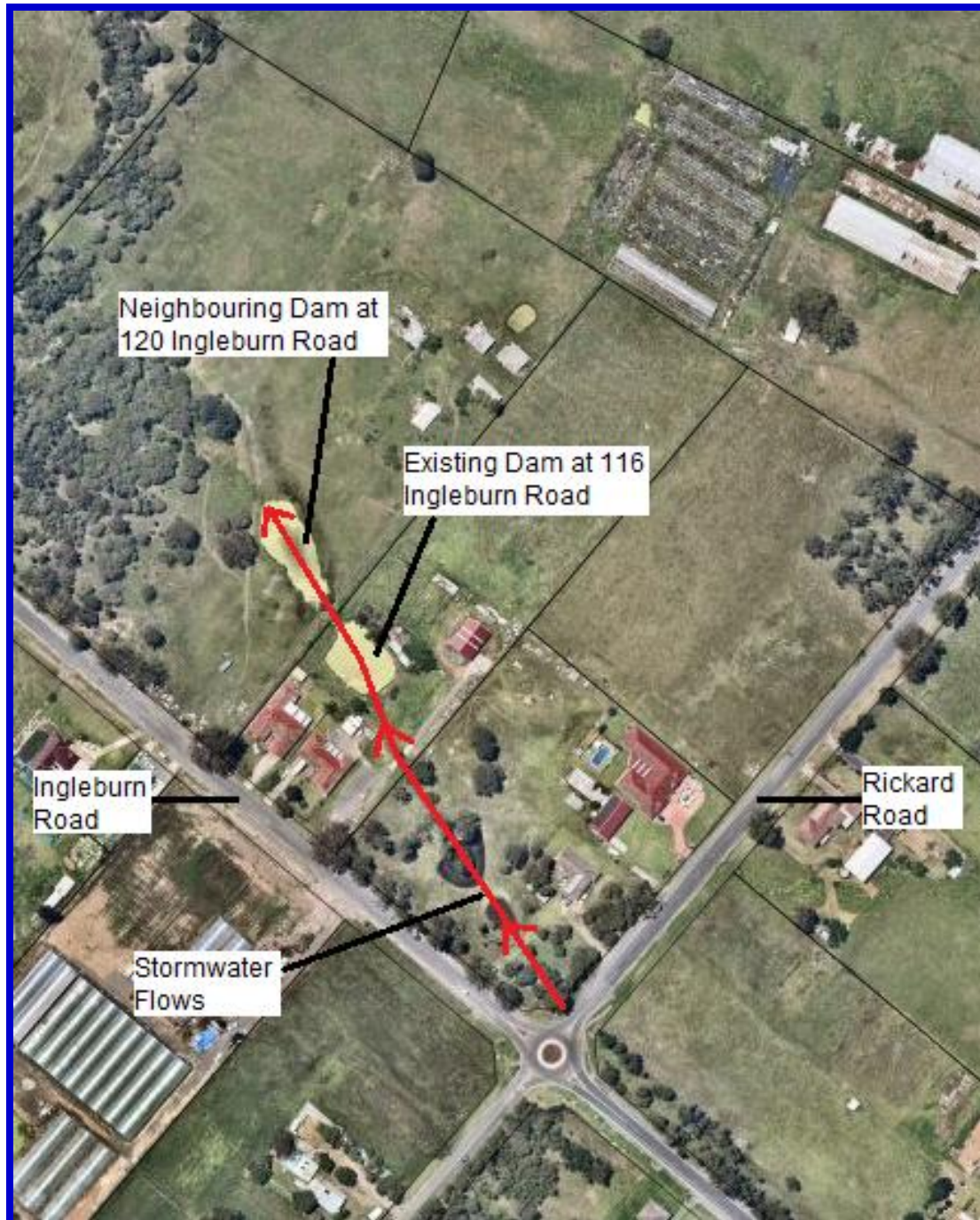


The applicant has instead proposed a box culvert running parallel to Ingleburn Road. Council staff support the use of a box culvert as this will allow the land zoned for local drainage to be embellished with landscaping and provide for pedestrian access to and the along the frontage of the site. The local drainage land identified for acquisition will still be dedicated to Council even though the stormwater conveyance infrastructure has changed. Council staff envisage a similar approach being replicated along the Ingleburn Road frontage of surrounding properties for consistency. This is considered to be a more appropriate outcome for the envisaged town centre environment.

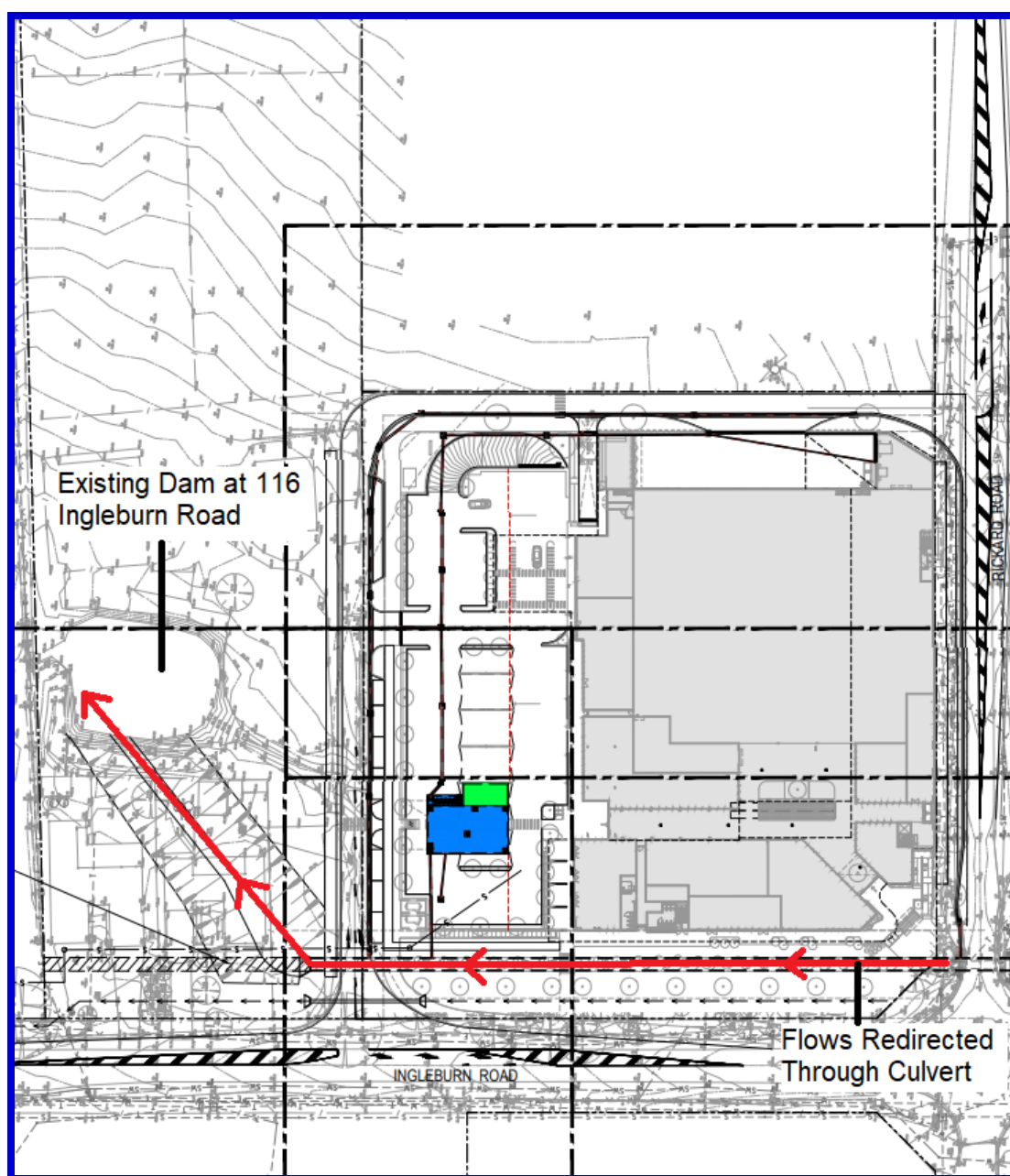
Stormwater flows in the watercourse will be conveyed across the site via the proposed box culvert then into a temporary drainage swale before discharging into

an existing dam on 116 Ingleburn Road. This essentially replicates how stormwater flows currently traverse the site but contains those flows in a box culvert to eliminate flooding impacts upon the development.

Existing Stormwater Flows Arrangement



Proposed Stormwater Flows Arrangement



Council staff have assessed the flooding constraints for the site and the stormwater management design for the development. The design is satisfactory and consistent with the objectives of the Austral and Leppington North Precincts Water Cycle Management Report, the Growth DCP and Council's engineering specifications. The development will not result in any unreasonable adverse flooding impacts upon itself, surrounding properties or the environment generally.

Development Levels

The site naturally slopes downwards from east to west and also downwards from north east to south west along the alignment of Rickard Road. The development proposes to change the existing levels to effectively 'flatten out' the site and achieve a single ground floor building level of RL 86.52. This has the effect of setting the

building above the level of Ingleburn Road and above part of Rickard Road where the site is near its lowest.

South Western Building Elevation Facing Ingleburn Road



South Eastern Building Elevation Facing Rickard Road



The development levels are supported for the following reasons:

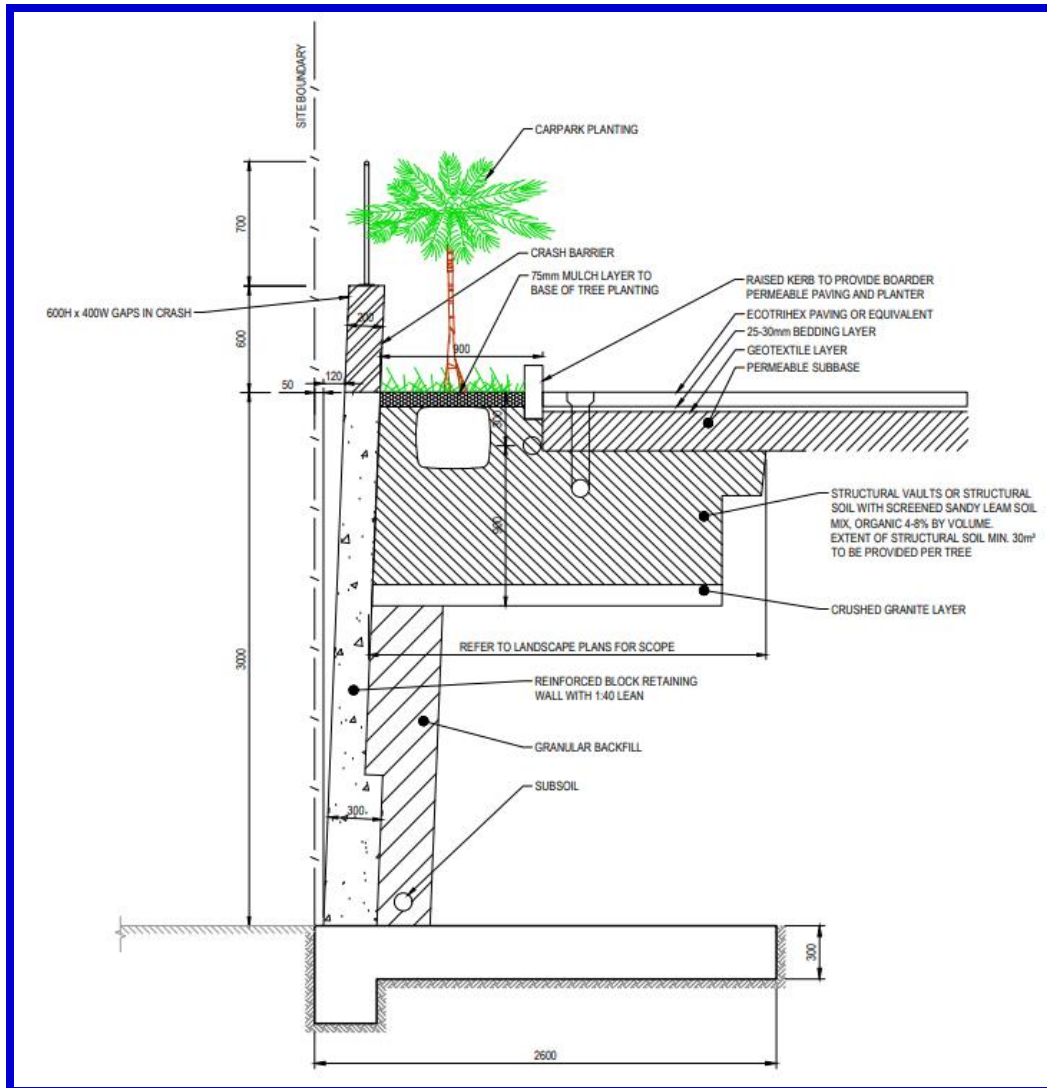
- (a) Council is currently designing the ultimate upgrade for Rickard Road to its final urban standard which will involve raising the existing road level. This acts as a control point for setting the development's levels, necessitating them to be raised. Council is also designing the ultimate upgrade for Ingleburn Road to its final urban standard which will also involve raising that existing road level.
- (b) The development includes a loading dock that will be accessed off the northern service lane. In order for service vehicles to utilise the loading dock it must be lower than the building. The loading dock levels are informed by the levels of the northern service lane which are in turn informed by the ultimate levels of Rickard Road. This has resulted in loading dock levels of RL 85.2 to RL 85.4 which support a ground floor building level of RL 86.52.
- (c) It is optimal for the building to be on a single level as this makes manoeuvring shopping trolleys and prams easier and increases amenity for the elderly and disabled persons.
- (d) As the building is at a higher level than the corner of Rickard Road and Ingleburn Road this creates a semi-covered external 'landing' above the street level. This provides a transition zone for pedestrians before they completely exit the site down to the corner. This is considered to be a positive feature as the ultimate intersection of Rickard Road and Ingleburn Road will be a busy, signalised intersection with high volumes of vehicular and pedestrian traffic. It also provides pedestrians with an informal meeting/interaction space at the building entrance that is separated from the heavier traffic at street level.
- (e) The building will be set back from the ultimate edge of Ingleburn Road by the local drainage land that is identified for acquisition by Council pursuant to Appendix 9, Clause 5.1 of the Growth SEPP. Due to this, even if the building's

Ingleburn Road frontage was to be at the same level as Ingleburn Road it would still not have a direct relationship with the street due to the setback.

- (f) It is noted that ultimately Ingleburn Road will be a busy, divided sub-arterial road when it is upgraded to its final urban standard by Council. Having the building frontage elevated above the street level will provide opportunity for a more pleasant pedestrian environment along this part of the site. A 3.4m wide pedestrian path will be provided along the building's Ingleburn Road frontage which could provide for future outdoor dining opportunities in a landscaped setting.
- (g) The embankment created between the building frontage and Ingleburn Road will be landscaped with a mix of trees, shrubs and groundcovers to provide an attractive presentation to Ingleburn Road.
- (h) The level differences between the development and the surrounding roads will be adequately bridged by a mix of temporary and permanent access stairs and access ramps.
- (i) The levels of the at-grade car park are lower than but closely related to the ground floor building level of RL 86.52. This creates a retaining wall structure at the corner of Ingleburn Road and the western service lane due to the lower level of the western service lane. The maximum height of the retaining wall will be 3m and it will be topped by a 600mm high crash barrier and a decorative metal safety barrier.



The retaining wall is supported as it will ensure that the at-grade car park is reasonably flat and at levels consistent with the building. The applicant has proposed that the retaining wall is articulated by having a 1:40 lean and constructed of decorative core filled block with a split face and bevelled edge finish. A condition is recommended that requires that trelliswork is installed on the side of the wall facing the at-grade car park to allow the adjoining Star Jasmine to grow up and through the safety barrier and cascade down onto the public facing side of the wall.



Development Access

Vehicles will access the site from the surrounding road network via two proposed service lanes along the northern and western sides of the building. These are referred to as the northern service lane and the western service lane.

Northern Service Lane (NSL)

In the interim, access to the NSL will be via a one-way entry only from Rickard Road. This is because the NSL will only be constructed in a half road configuration as part of this development. This is supported as the Growth DCP identifies that half of the NSL is to be constructed on the subject site with the other half to ultimately be

constructed on 113 Rickard Road adjoining the site to the north. When fully constructed the NSL will provide for two way vehicle movement.

In the short term, entry into the NSL from Rickard Road will be available for vehicles turning 'left in' when travelling north along Rickard Road and 'right in' when travelling south along Rickard Road. However, as part of Council's ultimate upgrade of Rickard Road it is planned to install a median island along the centre of the road. This is consistent with the Growth DCP which provides for a median island. The median island will restrict vehicle entry into the NSL to 'left in' only when travelling north along Rickard Road. The applicant has stated its objection to this future restriction and considers that unrestricted access into the NSL from Rickard Road is fundamental to the success of the development.

The future upgrade of Rickard Road by Council will be subject to a separate approval process that will include stakeholder consultation. At that time Council can further consider the potential impacts of its design for Rickard Road upon the availability of reasonable access to development. This matter is not determinative for the subject DA as short term unrestricted access into the NSL is supported.

Western Service Lane (WSL)

In the short term, access to/from the WSL will be via:

- a) 'Left in' entry when travelling east along Ingleburn Road.
- b) 'Right in' entry when travelling west along Ingleburn Road.
- c) 'Left out' exit onto Ingleburn Road when travelling south along the WSL.

However, as part of Council's ultimate upgrade of Ingleburn Road it is planned to install a median island along the centre of the road. This is consistent with the Growth DCP which provides for a median island. The median island will have the effect of restricting vehicle entry into the WSL to 'left in' only when travelling east along Ingleburn Road. The applicant has stated its objection to this future restriction and considers that unrestricted access into the NSL from Ingleburn Road is fundamental to the success of the development.

The future upgrade of Ingleburn Road by Council will be subject to a separate approval process that will include stakeholder consultation. At that time Council can further consider the potential impacts of its design for Ingleburn Road upon the availability of reasonable access to development. This matter is not determinative for the subject DA as short term 'left in', 'right in' and 'left out' access for the WSL is supported.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 42 days in accordance with the Camden DCP and Schedule 1 of the *Environmental Planning and Assessment Act 1979*. The exhibition period was from 23 April to 3 June 2020. One submission was received in support of the development.

The following discussion addresses the submission.

1. *The development will greatly improve the amenity of the surrounding area and is much needed.*

Officer comment:

It is agreed that the development will improve the amenity of the surrounding area by giving both existing and future residents access to local shopping, service and employment opportunities. This will particularly benefit the actively developing residential areas to the south of the site and Ingleburn Road in the Leppington Priority Precinct.

(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 2000*, environmental planning instruments, development control plans and policies. Based on the above 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
Natural Resources Access Regulator.	Confirmation that the development does not require a Controlled Activity Approval pursuant to the <i>Water Management Act 2000</i> .
Department of Planning, Industry and Environment.	No objection and general terms of approval granted.
Transport for NSW.	No objection and design comments provided for consideration. The design comments have been considered and the development modified/conditions recommended where required.
Endeavour Energy.	No objection and conditions recommended.
Sydney Water.	No objection and conditions recommended.
Camden Police Area Command.	No objection and conditions recommended.

Conditions that require compliance with the Department of Planning, Industry and Environment General Terms of Approval and the 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 subject to the conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2020/211/1 for a mixed use development at 108 and 116 Ingleburn Road, Leppington subject to the conditions attached to this report.