



Camden Local Planning Panel

Agenda Electronic Determination



CAMDEN LOCAL PLANNING PANEL

ELECTRONIC DETERMINATION

CLPP01	DA/2020/282/1 - Torrens Title Subdivision to Create Five Residential Lots and Associated Site Works at 36 Rickard Road, Leppington	4
	Attachment 1: Recommended Conditions:	14
	Attachment 2: Proposed Plans:	26
	Attachment 3: Clause 4.6 Contravention Request:	32
	Attachment 4: Growth Centres SEPP Assessment Table:	36
	Attachment 5: Camden Growth Centres DCP Assessment Table:	38
CLPP02	DA/2020/347/1 - Subdivision of Commercial Property to Create Two Lots for Lease Purposes at 13 Raby Road, Leppington	42
	Attachment 1: Recommended Conditions:	49
	Attachment 2: Proposed Subdivision Plan:	53
	Attachment 3: Camden Local Environmental Plan 2010 Assessment Table:	55
	Attachment 4: Camden Development Control Plan 2019 Assessment Table:	56



CAMDEN LOCAL PLANNING PANEL

CLPP01

SUBJECT: DA/2020/282/1 - TORRENS TITLE SUBDIVISION TO CREATE FIVE RESIDENTIAL LOTS AND ASSOCIATED SITE WORKS AT 36 RICKARD ROAD, LEPPINGTON

TRIM #: 20/215547

DA Number:	2020/282/1
Development:	Torrens title subdivision to create five residential lots and associated site works
Estimated Cost of Development:	\$40,750
Site Address(es):	LOT: 44A DP: 8979 36 Rickard Road, Leppington
Applicant:	36 Rickard NLI Hope DM Pty Ltd
Owner(s):	Leppington Garden Pty Ltd
Number of Submissions:	None
Development Standard Contravention(s):	Residential Density – Minimum 15 dwellings per hectare (9.8 dwellings per hectare proposed)
Classification:	Local
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standard >10%.
Report Prepared By:	Melanie Prior, Senior Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a torrens title subdivision to create five residential lots and associated site works at 36 Rickard Road, Leppington.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the development proposes a contravention to a development standard (minimum residential density) that is greater than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/220/282/1 for a torrens title subdivision to create five residential lots and associated site works 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 torrens title subdivision to create five residential lots and associated site works at 36 Rickard 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.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 5 June 2020 to 18 June 2020. No submissions were received.

The application seeks a variation to the minimum residential density standard as prescribed under State Environmental Planning Policy (Sydney Region Growth Centre) 2006. The proposed development has a density of 9.8 dwellings per hectare, while the prescribed development standard is a minimum of 15 dwellings per hectare. The contravention is assessed in detail in this report and is supported by Council staff.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
15 dwellings per hectare (min)	9.8 dwellings per hectare	4.2 dwellings per hectare or 28%

AERIAL PHOTO

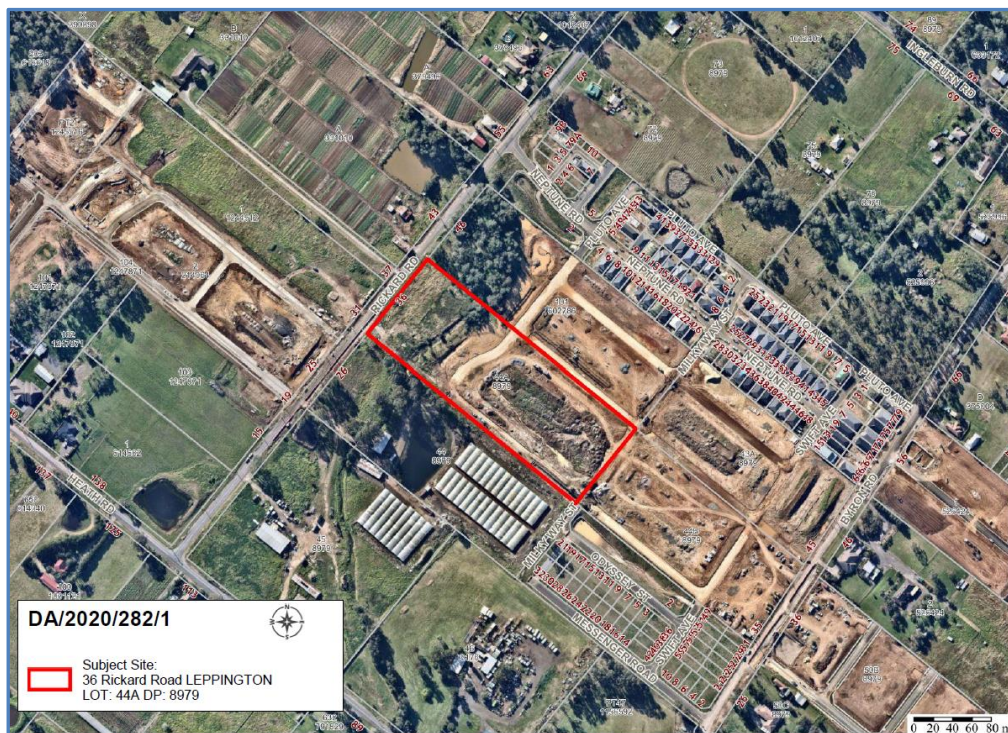


Figure 1: Subject site

THE SITE

The site is commonly known as 36 Rickard Road, Leppington and legally described as Lot 44A DP 8979. The site is identified as a residue lot that was created under DA 2017/1570/1 and has a site area of 5,080m².

The site has previously been occupied as a rural residential property with a farm dam. The former dwelling has been demolished, the dam has been dewatered and the site has generally been cleared through previous development.

The site is regular in shape and is located within the Leppington Precinct of the South West Growth Centres. To the north lies the Leppington Major Centre and Austral, to the east lies the Liverpool and Campbelltown Local Government Areas (LGA), to the south lies the recently developed residential estates of Willowdale and Emerald Hills which form part of the suburb of Leppington, and to the west lies Catherine Field and Rossmore.

ZONING PLAN

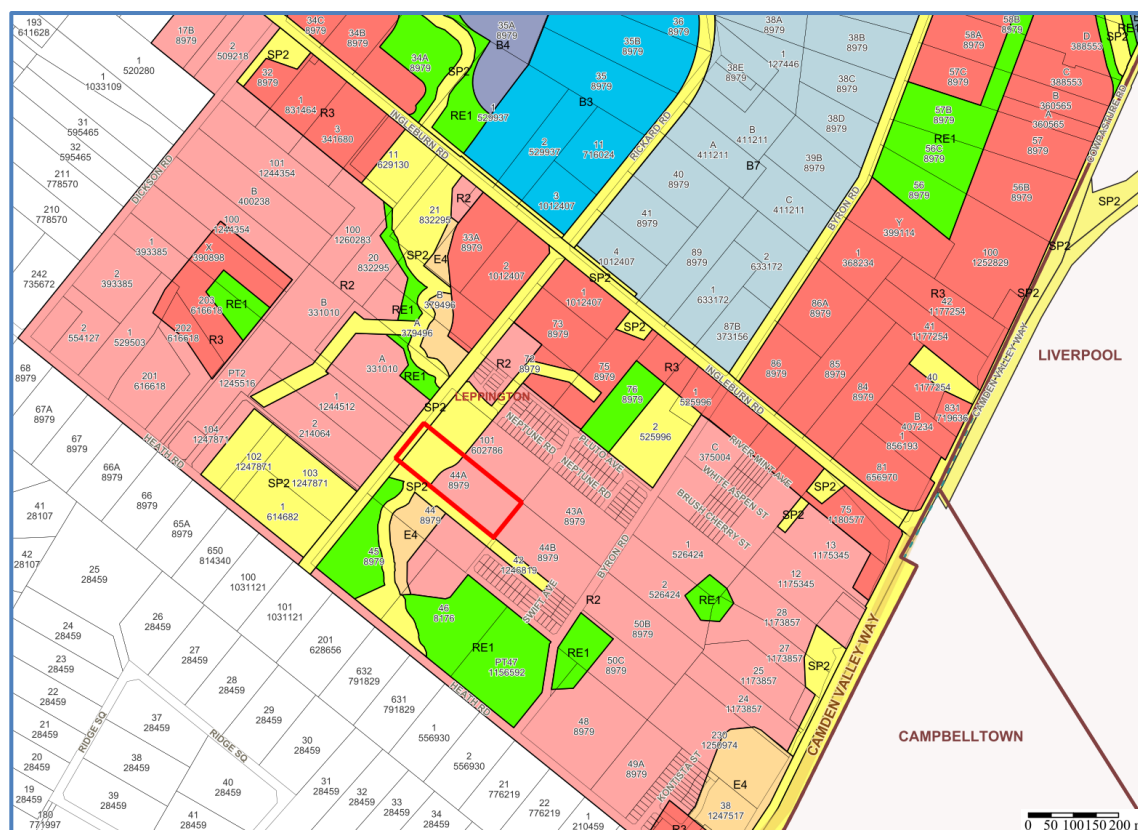


Figure 2: Zoning Plan

AREA MASTER PLAN

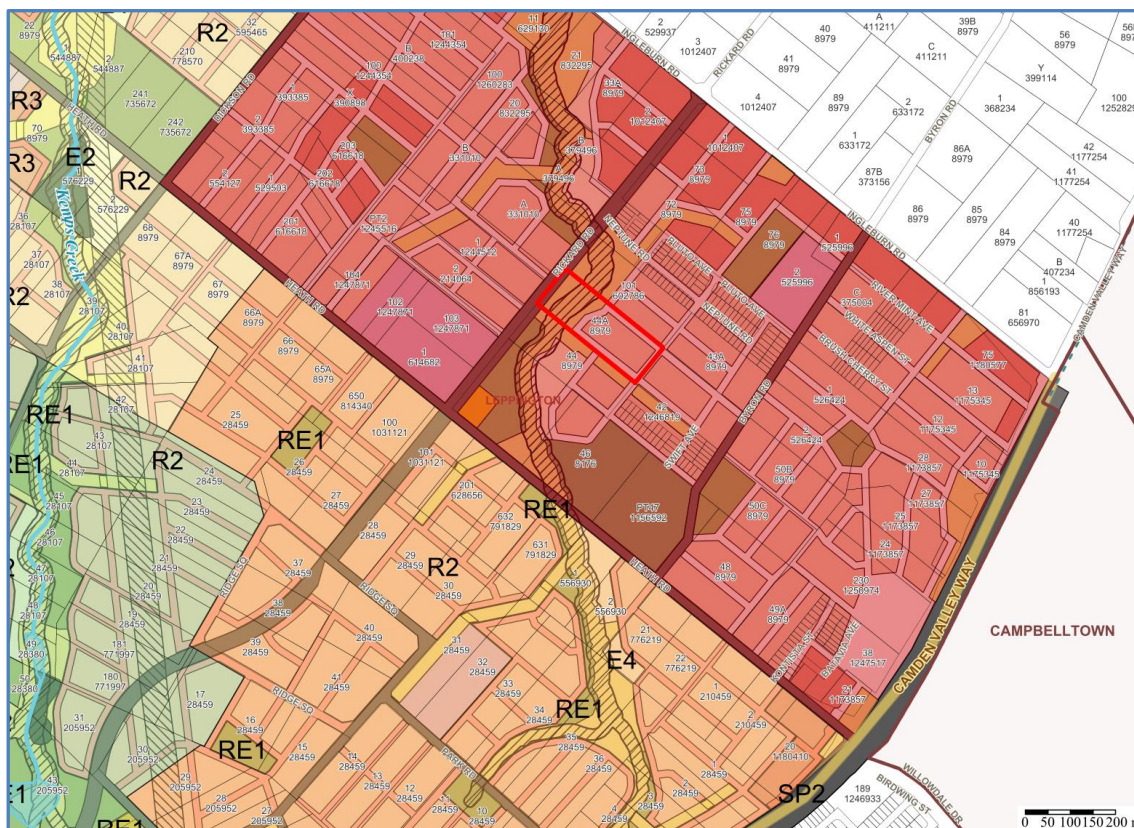


Figure 3: Indicative Layout Plan

HISTORY

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

Date	Development
1 May 2019	Approval of DA/2017/1556/1 for demolition of existing buildings and structures, tree removal, subdivision to create 126 residential lots and 3 residue lots and associated site works.
15 August 2019	Approval of DA/2017/1556/2 to modify conditions 3.0(17) and 4.0(20) to allow ENM and VENM material to brought and utilised on site.
15 November 2019	Approval of DA/2017/1556/3 to amend the wording of Condition 5.0(26) regarding Section 7.11 contributions
1 May 2019	Approval of DA/2017/1570/1 for remediation of land, subdivision to create 22 residential lots and 4 residue lots, construction of roads and associated site works
18 November 2019	Approval of DA/2017/1570/2 to amend the wording of Condition 5.0(27) regarding Section 7.11 Contributions



THE PROPOSAL

DA/2020/282/1 seeks approval for a torrens title subdivision to create five residential lots and associated site works at 36 Rickard Road, Leppington.

Specifically, the development involves:

- Torrens title subdivision to create five residential lots; and
- Associated site works including drainage and landscaping.

The estimated cost of the development is \$40,750.

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:

- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River; and
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

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 and sediment control measures are recommended in the conditions attached to this report.

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 and the Wilton Growth Area.

Site Zoning

The site is zoned part R2 Low Density Residential (63%) and part SP2 Infrastructure (37%) pursuant to Appendix 9, Clause 2.2 of the Growth SEPP.

Note: No development is proposed upon the SP2 zoned land under the subject DA.

Land Use/Development Definitions

The development includes the subdivision of land which is defined by Section 4B of the *Environmental Planning and Assessment Act 1979*.

Permissibility

All of the development is permitted with consent in the R2 zone pursuant to Clause 2.6 and the land use table in Appendix 9 of the Growth SEPP.

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.

Proposed Contravention

The proposed subdivision results in a residential density of 9.8dw/ha which equates to a 4.2dw/ha or 28% departure from the minimum residential density development standard prescribed under the SEPP (15dw/ha).

Accordingly, the applicant has sought a contravention to this development standard under Clause 4.6 of the SEPP.

Contravention Assessment

Pursuant to Appendix 9, Clause 4.6(3) of the Growth SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. Pursuant to Appendix 9, Clause 4.6(4) of the Growth SEPP, Council staff are satisfied that:

- The applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 9, Clause 4.6(3) of the Growth SEPP, and
- The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

A copy of the applicant's written request is provided as an **attachment** to this report.

The development standard variation is supported for the following reasons:

- The development is consistent with the objectives of the development standard as demonstrated below:

(a) to establish minimum density requirements for residential development.

Comment: The subject site is a residue lot that was approved under DA/2017/1570/1 that approved the creation of 22 residential lots and four residue lots. DA/2017/1570/1 delivered a dwelling density of 15dw/ha which is in accordance with the minimum residential density pursuant to Clause 4.1B of the Growth Centres SEPP.

Approval was granted on 19 May 2020 for a 10-lot subdivision of residue lot 2022 (also created by DA/2017/1570/1) which delivered a dwelling density of 19dw/ha.

If this Development Application is considered in the context of the parent subdivision the overall residential density is compliant as it delivers an overall density of 15dw/ha.

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing.

Comment: The proposed subdivision layout provides the opportunity for potential residents to have a variety of options available when selecting a lot which will accommodate the type of dwelling they wish to construct and reside in and the amount of private open space required to suit their needs.

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.

Comment: The proposed subdivision is compatible with the character of the surrounding subdivision pattern and delivers five larger lots in a low density residential zone.

The characteristics listed in the DCP for a residential density of 15-20dw/ha are as follows:

- *Predominantly a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.*
- *Focused areas of small lot dwelling houses in high amenity locations.*
- *At 20dw/Ha, the occasional manor home on corner lots.*
- *Single and double storey dwellings.*
- *Mainly suburban streetscapes, the occasional urban streetscape.*

The lots proposed in this DA will contribute to the delivery of a variety of development types including detached dwelling houses, semi-detached dwellings, dual occupancies and secondary dwellings. In addition, this DA has been proposed with this particular subdivision pattern to minimise the amount of battle-axe lots in accordance with the DCP.

It is noted that the Panel may assume the concurrence of the Secretary.

Consequently, it is recommended that the Panel support this proposed contravention to the Growth SEPP.

(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 controls plans that apply to the development are:

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

Camden Growth Centre Precincts Development Control Plan (Growth DCP)

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

Proposed Variation

Part 3.1.1 Residential Density of the DCP requires that all applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.

The applicant is seeking to vary the minimum residential density as prescribed by the SEPP.

Variation Assessment

Please refer to variation assessment against the Growth SEPP provided above.

Consequently, it is recommended that the Panel support this proposed variation to the Growth DCP.

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

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

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

The *Environmental Planning and Assessment Regulation 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 above assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the 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 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 5 June 2020 to 18 June 2020. No submissions were received.

(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

No external referrals were required for this DA.

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:

- i. **support the justification in the applicant's written request lodged pursuant to Clause 4.6(3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.**
- ii. **approve DA/2020/282/1 for a torrens title subdivision to create five residential lots subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the minimum residential density development standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.

-
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan and Camden Development Control Plan 2019.
 4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
 5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Clause 4.6 Contravention Request
4. Growth Centres SEPP Assessment Table
5. Camden Growth Centres DCP Assessment Table

Recommended Conditions

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Ref: 026-17- STAGE 3 Dwg No: 026- 17P DA08 [00] - Subn.	Proposed Subdivision Plan	Craig & Rhodes	12/03/2020
Ref: 026-17- STAGE 3 Dwg No: 026- 17P DA08 [00] - STP	Street Tree Plan	Craig & Rhodes	12/03/2020
Ref: 026-17 Dwg No: 26-17C- S3-DA-0002 Rev: A	General Notes	Craig & Rhodes	30/04/2020
Ref: 026-17 Dwg No: 26-17C- S3-DA-0101 Rev: A	Road and Drainage Plan	Craig & Rhodes	30/04/2020
Ref: 026-17 Dwg No: 26-17C- S3-DA-0901 Rev: A	Sediment and Erosion Control Plan	Craig & Rhodes	30/04/2020
Ref: 026-17 Dwg No: 26-17C- S3-DA-0902 Rev: A	Sediment and Erosion Control Details	Craig & Rhodes	30/04/2020

Document Title	Prepared by	Date
Report Salinity Management Plan: Proposed Residential Subdivision 35 & 45 Byron Road and 36 and 46 Rickard Road Leppington, Ref No G09/2606-B	Network Geotechnics	12 January 2018
Waste Management Plan, Ref: 026-17 – Stage 3	Craig & Rhodes	March 2020

- (2) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (4) **Street Tree Establishment and Maintenance Period** - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

- (5) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (6) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided for each approved lot. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.
- (7) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (8) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of tram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street

footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

2.0 - Prior to Issue of a Subdivision Works Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Works Certificate.

- (1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (2) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Subdivision Works Certificate application.

A stormwater plan is to be submitted to the certifier prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the certifier.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (3) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (4) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and

Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Subdivision Works Certificate application.

- (5) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.

- (6) **Provision of Kerb Outlets** - Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

The outlets shall be located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the principal certifier.

- (7) **Section 7.11 Contributions – Works In Kind** - Section 7.11 contributions may be offset by the value of land and/or works as part of a 'Works in Kind' agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's Works In Kind Policy.

- (8) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

- (9) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a description of the work to be carried out;
 - the address of the land on which the work is to be carried out;
 - the registered number and date of issue of the relevant development consent;
 - the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;

- e) if the principal certifier is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Subdivision Works Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
 - a) a Subdivision Works Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
 - a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and

- c) the name, address and telephone number of the principal certifier.

The sign shall be maintained while the work is being carried out and removed upon the completion of works.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (8) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.
- Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.
- (9) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (10) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the principal certifier.
- (11) **Fauna Exit Points** – When installing construction fencing ensure that exit points are available so that fauna does not become stuck within the fenced area.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;

- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (3) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (4) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
- "WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."*
- The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (5) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.

- (6) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (7) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (8) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (9) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (10) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report titled 'Report Salinity Management Plan: Proposed Residential Subdivision 35 & 45 Byron Road and 36 and 46 Rickard Road Leppington, Prepared by Network Geotechnics, Ref No G09/2606-B, Dated 12 January 2018'.
- (11) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
 - all work must stop immediately in that area;
 - the Heritage Council of NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
 - any requirements of the Heritage Council of NSW must be implemented.
- (12) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
 - all excavation or disturbance of the area must stop immediately in that area;

- the Environment, Energy and Science Group (EES) must be advised of the discovery in writing in accordance with Section 89A of the National Parks and Wildlife Act 1974, and
- any requirements of EES must be implemented.

5.0 - Prior to Issue of a Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Certificate.

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots To Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.
- (5) **Incomplete Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (6) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the principal certifier, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (7) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the principal certifier demonstrating that satisfactory arrangements have been made for:
 - a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
 - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the principal certifier.

- (8) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the principal certifier (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.
- (9) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (10) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).

- (11) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:

- a) restriction as to user on all lots requiring that all construction works that include earthworks, imported fill, landscaping, roads, buildings and associated infrastructure must be carried out in accordance with the management strategies as contained within the report Report Salinity Management Plan: Proposed Residential Subdivision 35 & 45 Byron Road and 36 and 46 Rickard Road Leppington, Prepared by Network Geotechnics, Ref No G09/2606-B, Dated 12 January 2018'

- (12) **Compaction Report** - A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.

- (13) **Lot Numbers and Street Names** - Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the principal certifier.

The stencil medium must be of good quality UV stabilised paint and applied to the kerb thusly:

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
 - b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.
- (14) **Completion of Roads** - Construction of the section of Pluto Avenue and other connecting roads as required approved under DA/2017/1570/1 must be completed and roads dedicated to Council in order to provide legal access to the subject development.
- (15) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 7.23 of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning, Industry and Environment (DPIE).

Evidence of payment of the SIC shall be provided to Council and the principal certifier.

Alternatively, the applicant must obtain written confirmation from DPIE that the SIC is not required to be paid for the approved development.

- (16) **Defects and Liability Bond** - The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (17) **Section 7.11 Contributions – Monetary (Leppington Precinct)** - A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed	Amount Payable
		Rate	
Leppington Precinct Section 7.11 (LP) Contributions Plan - Essential Infrastructure	Open Space & Recreation - Land	\$22,739	\$49,575.00
		per lot or dwelling	
LP Contributions Plan - Essential Infrastructure	Open Space & Recreation - Works	\$8,042	\$17,530.00
		per lot or dwelling	
LP Contributions Plan - Essential Infrastructure	Community Facilities - Land	per 100m ² of Non Residential GFA	\$2,180.00
		\$1,001	
	Roads - Land	per lot or dwelling	\$9,280.00
		\$41,914	

LP Contributions Plan - Essential Infrastructure		per net developable hectare	
LP Contributions Plan - Essential Infrastructure	Roads - Works	\$243,376	\$53,910.00
		per net developable hectare	
LP Contributions Plan - Essential Infrastructure	Drainage - Land	\$276,969	\$61,350.00
		per net developable hectare	
LP Contributions Plan - Essential Infrastructure	Drainage - Works	\$132,983	\$29,455.00
		per net developable hectare	
LP Contributions Plan - Essential Infrastructure	Plan Administration Allowance	\$7,751	\$1,720.00
		per net developable hectare	
	Total		\$225,000.00

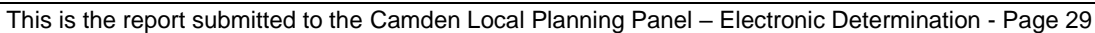
A copy of the Leppington Precinct Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue, Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

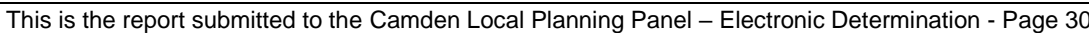
The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

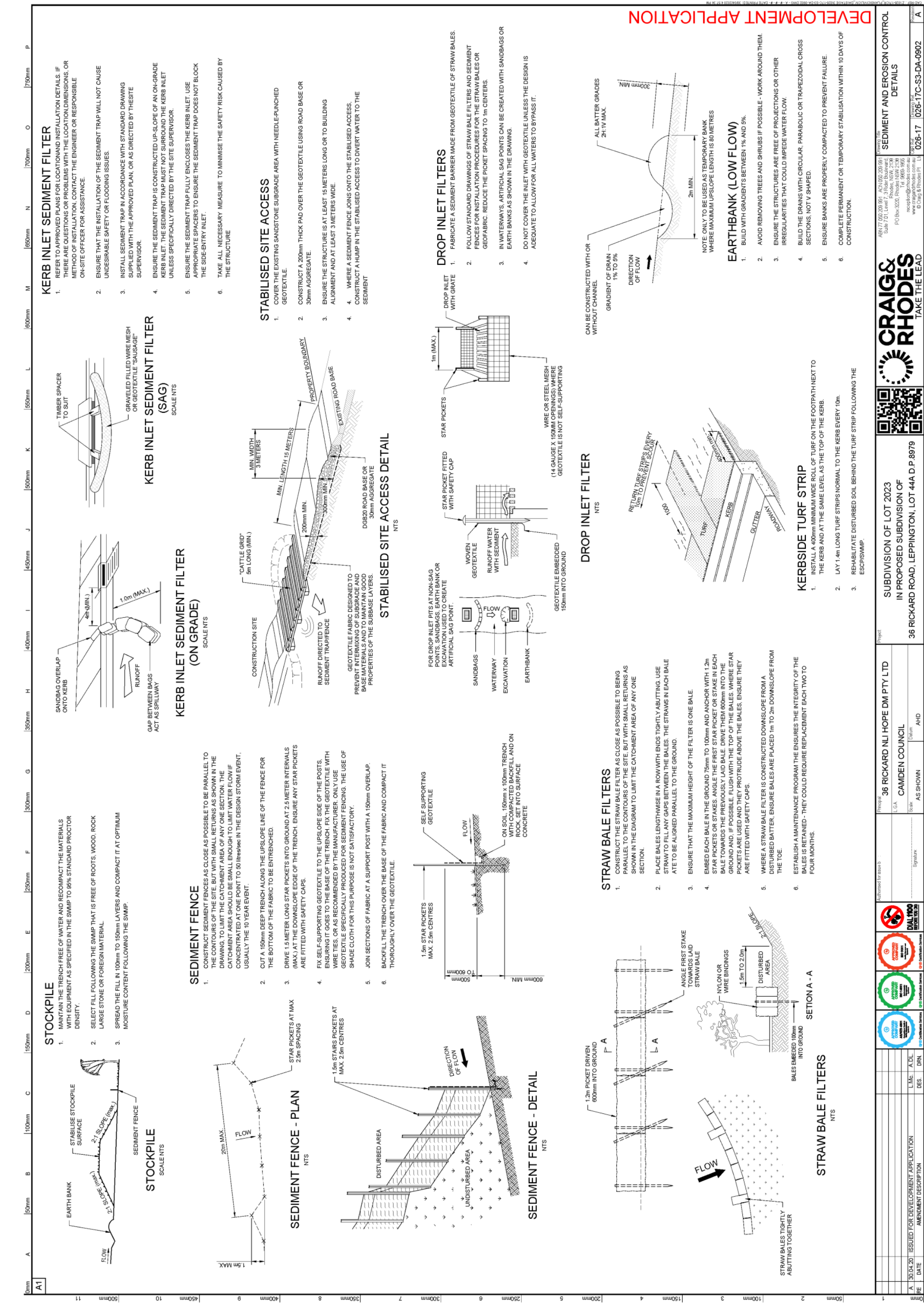




DEVELOPMENT APPLICATION









17/07/19

Our Ref: 026-17

Camden Council
70 Central Avenue
Oran Park NSW 2570

Attention: Melanie Prior – Senior Town Planner

Dear Melanie,

Re: DA/2020/282/1 - Request for Additional Information - 36 Rickard Rd, Leppington

Reference is made to your request for additional information of 2 July 2020 regarding the proposed variation to the density standard. Please find enclosed advice on our request to vary the development standard, made pursuant to Clause 4.1 Residential density.

Relevant EPI and clause:

State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Cl. 4.6 Exceptions to development standards

Pursuant to Clause 4.6 of the Growth Centres SEPP, variation is sought to *Clause 4.1 Residential density*. The subject land has a minimum density control of 15 dwellings per hectare, pursuant to the Residential Density Map (Sheet RDN_008) in the Growth Centre SEPP.

The proposed 5 lot subdivision with a Net Developable Area of 0.508ha has a density of 10 dwellings/ha, being below the minimum density standard.

By way of background, the subject land 'Residue Lot 2023' was approved under DA 2017/1570/1 for subdivision to create 22 residential lots and 4 residue lots. Residue Lots 2023 and 2022 were deferred as residue lots for separate future DAs.

On Lot 2022, DA/2020/166/1 was granted approval on 19 May 2020 for a 10 lot subdivision. Based on the current approvals and the current 5 lot subdivision proposal, the overall lot yield and density is set out as follows in **Table 1** and shown at **Figure 1**, demonstrating compliance overall with the density standard of 15 dwellings/ha minimum:

TABLE 1 – OVERALL LOT YIELD AND DENSITY			
Stage	Lot yield	NDA	Density dw/ha
DA1 – parent subdivision 2017/1570/1	22 lots	1.470ha	15
DA2 – Lot 2022 - 2020/166/1	10 lots (5 battleaxe)	0.529ha	19
DA3 – Lot 2023 (this application)	5 lots	0.508ha	10
TOTAL	37 lots	2.507ha	15 dw/ha

Craig & Rhodes Pty Ltd
ABN 77 050 209 991

T 02 9869 1855 F 02 9869 2341
Suite 7.01 Level 7, 3 Rider Blvd, Rhodes NSW 2138
PO Box 3220 Rhodes NSW 2138

craigandrhodes.com.au



Section 4.55(1A) Modification Application | DA/2016/1044/2

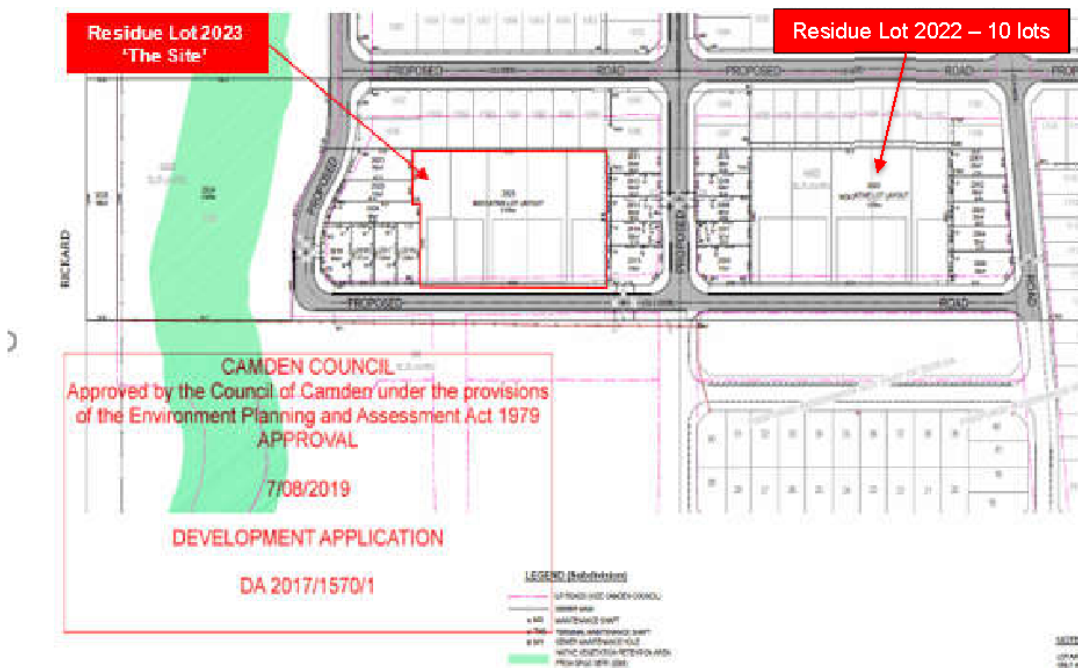


Figure 1 – approved subdivision under DA1 – parent subdivision 2017/1570/1

Based on this information, Council advised that the proposed 5 lot subdivision of Residue Lot 2023 was considered acceptable. Notwithstanding, a variation to the density standard is required noting that when assessed in isolation from 'DA1' and 'DA2' as referred to in **Table 1**, its density of 10 dwellings/ha is below the density standard. The key criteria of *Clause 4.6 Exceptions to development standards* is set out below.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment – The proposed subdivision will facilitate the development of a mix of housing under future applications to accommodate the community. With a range of lot sizes, this will help accommodate housing diversity in house size and type.

Compliance with the development standard is unreasonable as this would negate the opportunity to achieve a broad mix of lot sizes to accommodate future housing, when viewed in context of the two other approved subdivisions. A compliant scheme with battle axe subdivision was identified as undesirable noting the *Growth Centres DCP – Cl.3.1.1 Battle-axe lots* seeks to limit battle axe lots, and that DA2 adjacent to the east provides 5 battle axe lots.



Section 4.55(1A) Modification Application | DA/2016/1044/2

Compliance is also unnecessary when assessed in context of the parent and neighbouring subdivisions identified as DA1 and DA2 in **Table 1**, noting that when considered collectively the overall density is compliant with the minimum density standard at 15 dwellings/ha.

With regard to environmental planning grounds, no adverse environmental impacts will result from the proposed subdivision which complies with the DCP design controls for lot size and design (DCP Pt. 3.1.2). Furthermore the future development of each lot will be required to comply with the relevant development controls for residential development. Given the size and width of each lot, ranging from 1014m² to 1027m², they are clearly suitable to accommodate a dwelling and landscaping without undue constraint.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

Comment – The comments above address the matters raised in subclause (3). With regards to the objectives of the density standard, these are addressed as follows:

Cl. 4.1B Residential density

(1) The objectives of this clause are—

(a) to establish minimum density requirements for residential development, and

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and

(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land

Comment – The proposed subdivision provides 5 lots each with frontage to the street and will connect to stormwater and utility services provided under the parent DA1. Efficient use of infrastructure is demonstrated by way of the overall subdivision under DAs 1 – 3 achieving compliance with the density standard.

(b) the concurrence of the Director-General has been obtained.

Comment – Council or its Planning Panel may exercise their delegations granted by the Secretary (formerly Director-General) to grant concurrence to this request for a variation to the density standard.



Section 4.55(1A) Modification Application | DA/2016/1044/2

(5) In deciding whether to grant concurrence, the Director-General must consider—

(a) whether contravention of the development standard raises any matter of significance for State environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Comment – The subject variation to the density standard is a local matter that raises no matters of significance to State Environmental Planning.

Maintaining the development standard in this instance would not derive any public benefit. The proposal as an infill subdivision of a residue lot contributes to the overall lot yield and lot mix, achieving overall compliance with the density standard as shown in Table 1 of this submission.

As stated in this submission, it would negate the opportunity to provide a wide range of residential lot types (as part of the overall subdivision with DAs 1 and 2), which is an objective of Pt.3.1.2 Block and Layout controls under the Growth Centres DCP.

Having considered the advice of Council staff and a review of relevant matters under the EP&A Act and Regulation, it is understood that no other matters require consideration before granting concurrence.

Please contact the undersigned if you have any questions or require any further information.

Yours faithfully,

CRAIG & RHODES PTY LTD

Ben Rourke - Senior Planner
BTP, MEnvLaw, CPP, MPIA

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Camden
Growth Centres Precinct Plan (Growth Centres SEPP) Assessment Table

Clause	Requirement	Provided	Complies
Appendix 9 2.6 Subdivision – consent requirements.	Development consent required for subdivision.	The application seeks consent for subdivision.	Yes
Appendix 9 4.1AB Minimum lot size for residential development in Zone R2 Low Density Residential.	The minimum lot size for a dwelling house is 300m ² if the dwelling density relating to the land is 15, 20 or 25 dwellings per hectare.	The proposed residential lots range in size from 1,014m ² to 1,027m ² .	Yes
Appendix 9 4.1B Residential density.	Minimum density requirement for the subject site is 15dw/h.	The NDA of the subject site is 5,080m ² with 5 proposed lots. $5 / 0.5080 = 9.8 \text{ dw/a}$	No. SEPP contravention discussed in body of the report
Appendix 9 5.9 Preservation of trees or vegetation.	Development consent required prior to removal of trees.	Consideration has been made to the subject clause in respect to proposed tree removal within the native vegetation retention area within DA/2017/1556/1. Demolition works and tree removal over 35 & 45 Byron Road and 36 & 46 Rickard Road, Leppington have been undertaken subject to DA/2017/1556/1.	Yes
Appendix 9 5.10 Heritage conservation.	Development consent required for any proposed development that will affect any potential Aboriginal or European heritage.	It is noted that development to the immediate north subject to DA/2017/1556/1 requires a Section 90 Aboriginal Heritage Impact Permit to be obtained prior to the commencement of works. However, no artefacts are located upon 36 Rickard Road.	Yes

		<p>Standard conditions will be imposed to stop work and notify the Office of Environment & Heritage should any artefacts be discovered on site following the commencement of works.</p> <p>In respect to environmental heritage, the site is in close proximity to two heritage items (located at 43 and 66 Rickard Road). Consideration of the development's impact upon these heritage items has been made by Council's Heritage Officer who has advised that the heritage items are outside the proposed developments boundaries and is likely to have an insignificant impact upon the heritage item.</p>	
Appendix 9 6.1 Public utility infrastructure.	<p>Consent must not be granted unless Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure when required.</p>	<p>The provision of water, electricity and sewer has been considered under DA/2017/1570/1.</p> <p>Notwithstanding this, conditions of consent have been recommended to ensure compliance.</p>	Yes

Camden Growth Centres Precincts Development Control Plan 2016 Assessment Table

Clause	Requirement	Provided	Complies
1.2.2 Notification	DAs are to be publicly exhibited in accordance with the Camden DCP.	The DA has been publicly exhibited in accordance with the Camden DCP.	Yes.
2.2 Indicative Layout Plan.	The proposed development to be consistent with the Indicative Layout Plan.	The ILP identifies this site as being for low density residential development. The proposed development is generally consistent with the ILP and will provide low density residential development.	Yes
2.3.1 Flooding.	Subdivision not to be adversely affected by 1% AEP as shown in Figure 2-3 – Flood Prone Land of the Leppington Schedule.	The site is not affected by flooding as shown in Figure 2-3 of the DCP.	Yes
2.3.2 Water cycle management.	Stormwater runoff to be managed appropriately for the site.	Council Engineers have reviewed the proposed development and confirm that the proposal is satisfactory.	Yes
2.3.2 Water Cycle Management.	Consistency with Council's engineering specifications.	A standard condition is recommended to address this matter.	Yes.
	Compliance with the Precinct's Water Cycle Management and Ecology Strategy.	The proposed development is consistent with the Precinct's Water Cycle Management and Ecology Strategy.	Yes.
	Compliance with the Growth DCP's water quality and environmental flow targets. - Gross Pollutants 90% - Total suspended solids 85% - Total phosphorous 65% - Total nitrogen 45%	The Growth DCP's water quality and environmental flow targets have been demonstrated as being achieved. - Gross pollutants 100% - Total suspended solids 89.2% - Total phosphorous 73.2% - Total nitrogen 59.9%	Yes.
2.3.3 Salinity and soil management.	Provision of salinity management report.	A salinity report was submitted and referred to Council's Environmental Health Officer. A condition is recommended which requires the proposal to comply with the SMP.	Yes
	Sediment and erosion control measures must be implemented.	Sediment and erosion controls are proposed throughout the subdivision works. A standard	Yes.

		condition is recommended to address this matter.	
2.3.4 Aboriginal and European Heritage.	DAs must identify any areas of Aboriginal heritage value in the subject site.	Please see comments made against Section 5.10 of SEPP (Sydney Region Growth Centres) 2006.	Yes
2.3.5 Native Vegetation and Ecology.	Council is to consider a number of matters when assessing proposed tree removal.	No trees are proposed to be removed as part of the application.	NA
	The eradication and minimisation weed dispersal is to be considered.	A standard condition is recommended to address this matter.	Yes.
	A suitable landscaping plan must be submitted.	A suitable landscaping plan has been submitted in support of this DA for street tree planting subject to conditions.	Yes.
2.3.6 Bushfire hazard management	Reference is to be made to Planning for Bushfire Protection 2006 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2006.	This site is not mapped as being bushfire prone land. Accordingly, there is no requirement for APZ's to be created over the subject development site.	NA
2.3.7 Site Contamination.	A contamination assessment (and remediation action plan if required) must be submitted.	Remediation of the site was approved under DA/2017/1570/1	N/A
2.3.9 Noise.	An acoustic report, demonstrating that the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008) and Council's Environmental Noise Policy have been considered, must be submitted.	The subject site is not identified as being affected by noise and an acoustic report is not required.	N/A
2.3.10 Odour Assessment and Control.	Odour impacts, and the need for an odour assessment, must be considered.	The site is not affected by odour sources.	N/A
2.6 Earthworks.	Subdivision and building work are to be designed to respond to the natural	Earthworks do not form part of this application. Earthworks	N/A

	<p>topography of the site wherever possible, minimising the extent of cut and fill both during subdivision and when buildings are constructed.</p> <p>Finished levels must be integrated with nearby land and facilitate appropriate drainage.</p>	have been approved under DA/2018/1570/1.	
3.1.1 Residential Density	Subdivision to comply with the minimum residential density targets.	The NDA of the subject site is 5,080m ² with 5 proposed lots. $5 / 0.5080 = 9.8 \text{ dw/a}$	No. SEPP variation discussed in body of the report
	Residential development to be consistent with the typical characteristics of residential net densities (Table 3.1).	The proposed lots will accommodate development that is consistent with the characteristics of 15 – 20dw/ha and enable development of dwelling houses, semi-detached dwellings and dual occupancies	Yes
3.1.2 Block and Lot Layout	Minimum lot size for dwellings (300m ²) to be achieved.	The proposed residential lots range in size from 1,014m ² to 1,027m ² .	Yes
	The minimum lot frontage for the 15-25dw/ha range is 7m.	Lot widths range from 16.6m to 17.85m	Yes
	A range of residential lot types must be provided.	This development will deliver a range of lot types when considered in the context of the parent subdivision	Yes
	Lots should be rectangular.	All of the proposed lots are generally rectangular in shape.	Yes
	Preferred block orientation is established by the ILP. Optimal lot orientation is east-west or north-south.	The orientation of lots is dictated by the ILP and the alignment of roads. Predominately lots are configured in a north – south orientation.	Yes
3.2 Subdivision Approval Process	The land subdivision approval process is to be consistent with Table 3-4.	The proposal is consistent with Pathway A1 as the lots are greater than 300m ²	Yes
	DAs proposing subdivision that create lots equal to or greater than 300sqm may have dwelling plans approved as part of a separate DA.	Dwelling proposals will form part of future DAs or CDCs	Yes

3.4 Construction Environmental Management.	A construction environmental management plan, consistent with the Growth DCP, is to be submitted to Council or the accredited certifier prior to the issue of a construction certificate for subdivision	A standard condition is recommended to address this matter.	Yes
	Applicants are to ensure that the management of construction activities is undertaken in accordance with the Camden DCP.	A standard condition is recommended to address this matter.	Yes
3.3.6 Access to arterial roads, sub-arterial roads and transit boulevards.	Access to arterial roads, sub-arterial roads and transit boulevards may only be via another public road.	All lots will be accessed from a local road (Pluto Avenue)	N/A



CAMDEN LOCAL PLANNING PANEL

CLPP02

**SUBJECT: DA/2020/347/1 - SUBDIVISION OF COMMERCIAL PROPERTY TO
CREATE TWO LOTS FOR LEASE PURPOSES AT 13 RABY ROAD,
LEPPINGTON**

TRIM #: 20/197810

DA Number:	2020/347/1
Development:	Subdivision of commercial property to create two lots for lease purposes
Estimated Cost of Development:	\$5,000
Site Address(es):	13 Raby Road, Leppington
Applicant:	Macarthur Developments
Owner(s):	D&AI Pty Ltd
Number of Submissions:	None
Development Standard Contravention(s):	None
Classification:	Local Development
Recommendation:	Approve with conditions.
Panel Referral Criteria:	The landowner is a relative of a member of staff who is principally involved in the exercise of council's functions under the EP&A Act.
Report Prepared By:	Melanie Prior, Senior Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the subdivision of a commercial property to create two lots for lease purposes at 13 Raby Road, Leppington.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the landowner is a relative of a member of staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2020/347/1 for the subdivision of a commercial property to create two lots for lease purposes pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the subdivision of commercial property to create two lots for lease purposes at 13 Raby 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.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 19 June 2020 to 2 July 2020. No submissions were received.

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

AERIAL PHOTO



Figure 1: Subject site

THE SITE

The site is commonly known as 13 Raby Road, Leppington and is legally described as LOT 94 in DP 1203161. The lot has an area of 2,994m².

The site currently contains a KFC fast food restaurant with drive-through facility, signage, and car parking. Access to the site is available from Raby Road and Emerald Hills Drive.

The site is located within the Emerald Hills Urban Release Area as mapped in the Camden Local Environmental Plan 2010. The adjoining land to the north and east is developed for commercial purposes, including a shopping centre and retail premises. To the north lies Leppington and Catherine Field, to the east and south lies the developed residential estate of Emerald Hills which is an estate of Leppington, and to the west lies the Gledswood Hills Club and golf course.

ZONING PLAN

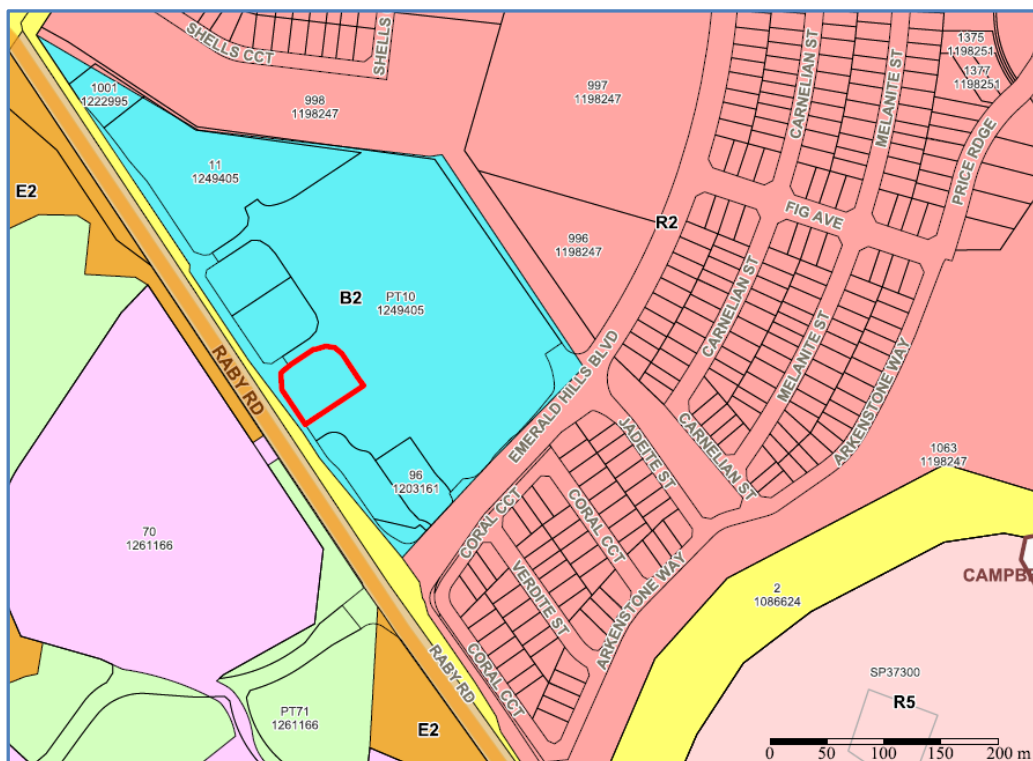


Figure 1: Zoning map

AREA MASTER PLAN

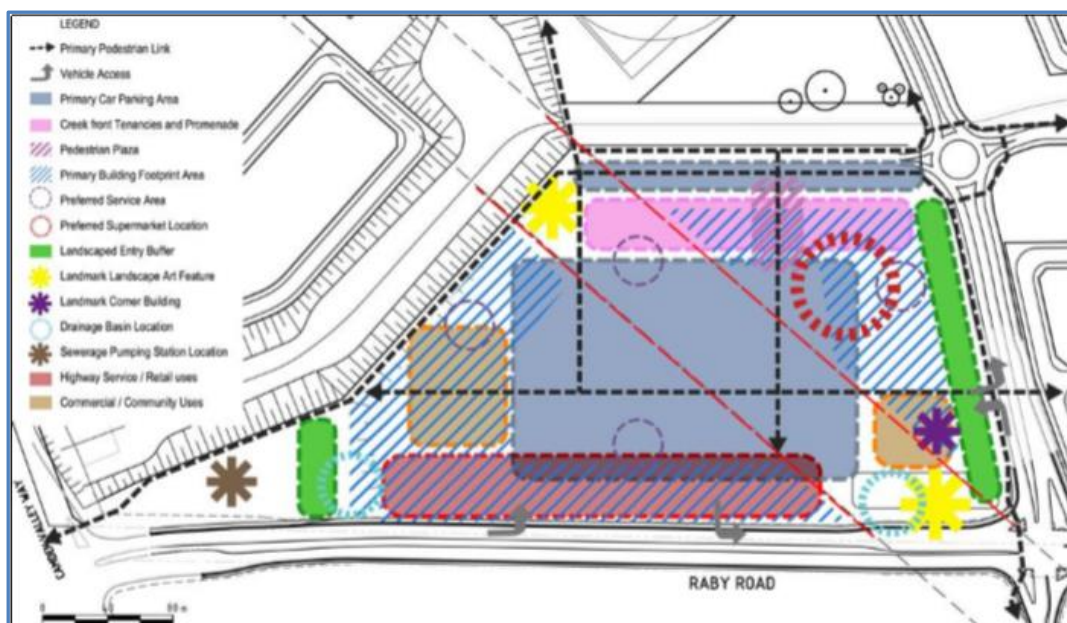


Figure 3: Site Planning Principles for Emerald Hills Centre

HISTORY

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

Date	Development
25 January 2016	Approval of DA/2014/1048/1 for a subdivision to create 8 lots, internal roads and associated site works
14 June 2018	Approval of DA/2017/1573/1 for the construction of a food and drink premises containing two tenancies and use of Tenancy B as a KFC fast food restaurant with drive-through facility, signage and associated site works

THE PROPOSAL

DA/2020/347/1 seeks approval for the subdivision of a commercial property to create two lots for lease purposes.

Specifically, the development involves:

- Subdivision of land; and
- Creation of various service Easements and Rights of Carriageway to reflect the approved and constructed access and servicing arrangements.

The estimated cost of the development is \$5,000.

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:

- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20);
- State Environmental Planning Policy (Infrastructure) 2007; and
- Camden Local Environmental Plan 2010 (Camden LEP).

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.



State Environmental Planning Policy (Infrastructure) 2007

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

TransGrid

The DA was referred to TransGrid for comment pursuant to Clause 45 of the ISEPP as the site is affected by an easement for a transmission line which traverses the south-eastern corner of the car park.

TransGrid raised no objection to the development and advised that this development does not impact on their infrastructure and no assessment is required.

Camden Local Environmental Plan 2010 (Camden LEP)

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Site Zoning

The site is zoned B2 Local Centre pursuant to Clause 2.2 of the Camden LEP.

Land Use Definition

The development includes the subdivision of land which is defined by Section 4B of the *Environmental Planning and Assessment Act 1979*.

Permissibility

All of the development is permitted with consent in the B2 zone pursuant to Clause 2.6 and the land use table of the Camden LEP.

Planning Controls

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

(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*

An assessment table in which the development is considered against the Camden Development Control Plan 2019 is provided as an **attachment** to this report.

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

The site is subject to the Emerald Hills Planning Agreement, dated 15 February 2018. As the site is subject to a VPA, the DA was referred internally to Council's Agreements Delivery Officer for comment. Agreements Delivery have advised that Clause 1.1 of the VPA defines final lots as being any lots created for the purposes of residential dwellings or which are to be dedicated to Council. The VPA does not collect for industrial/commercial lots and overrides the Contributions Plan, therefore monetary contributions are not applicable, and the creation of these lots does not trigger any contribution items within the VPA.

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

(c) the suitability of the site for the development

As demonstrated by the 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 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 19 June 2020 to 2 July 2020. No submissions were received.

(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
TransGrid	TransGrid raised no objection to the development and advised that this development does not impact on their infrastructure and no assessment is required.



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/2020/347/1 for the subdivision of a commercial property to create two lots for lease purposes subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Infrastructure) 2007, Camden Local Environmental Plan 2010 and Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
2. The development is consistent with the objectives of the Camden Development Control Plan 2019.
3. The development will not have any adverse impacts on the natural or built environment.
4. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Subdivision Plan
3. Camden Local Environmental Plan 2010 Assessment Table
4. Camden Development Control Plan 2019 Assessment Table

Recommended Conditions

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Ref: 59914 Lease	Plan of Subdivision	Aaron M. Hawke	n/d

2.0 - Prior to Issue of a Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Certificate.

- (1) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the principal certifier, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (2) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the principal certifier (Council).
- (3) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (4) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (5) **Burdened Lots To Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (6) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.
- (7) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;

- b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (8) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:
 - a) easement for services;
 - b) easement to drain water and drainage easement/s over overland flow paths;
 - c) reciprocal right of carriageway (the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway);
- (9) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the principal certifier demonstrating that satisfactory arrangements have been made for:
 - a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
 - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

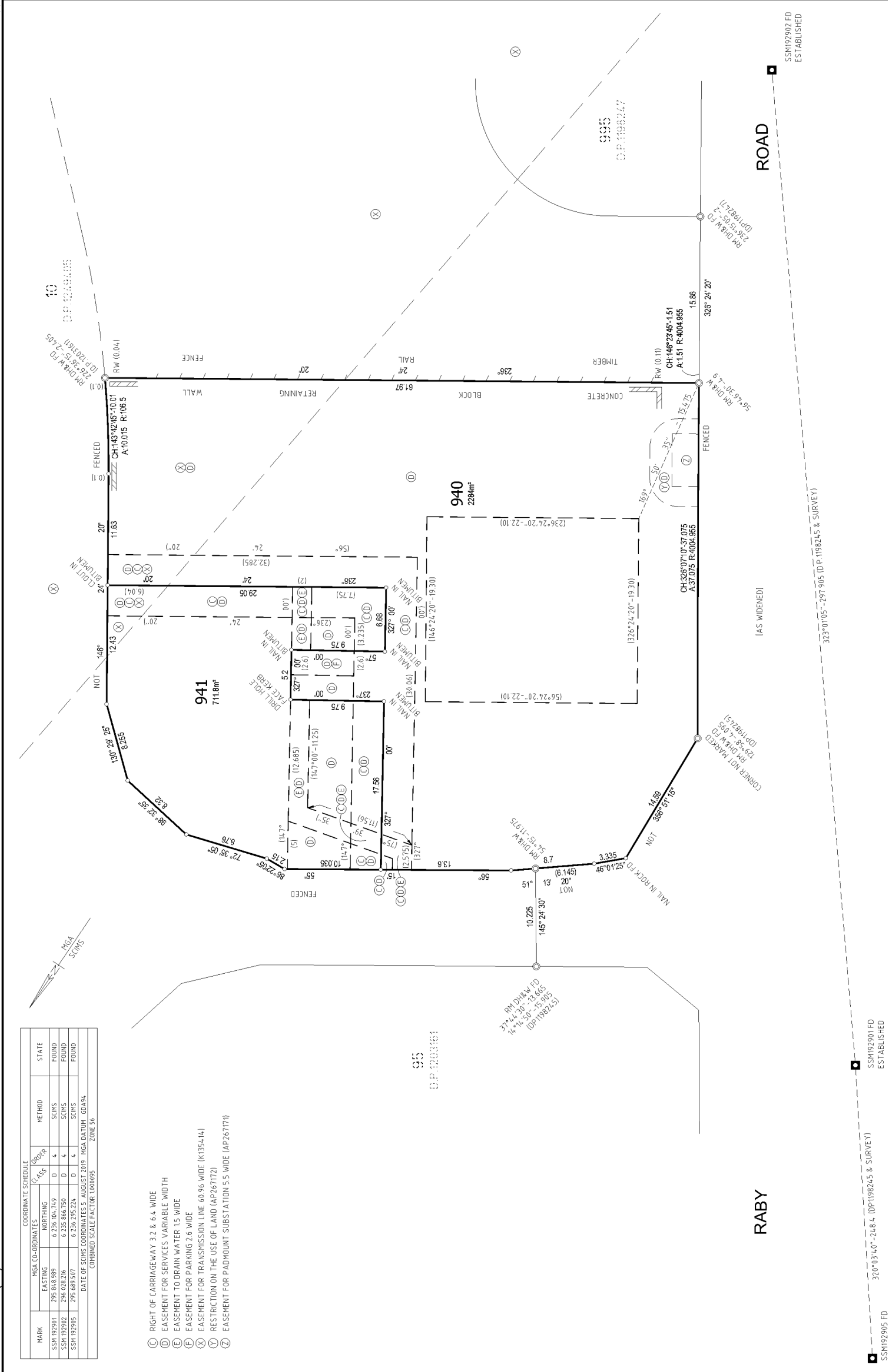
This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the principal certifier.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

MARK	COORDINATE SCHEDULE			
	MGA CO-ORDINATES		CLASS	METHOD
	EASTING	NORTHING		
SSM 192901	295 868 989	6 236 004 714.9	D 4	SCMS
SSM 192902	296 028 216	6 235 866 750	D 4	SCMS
SSM 192905	295 689 507	6 236 295 224	D 4	SCMS
DATE OF SCMS COORDINATES 5 AUGUST 2019 MGA DATUM GDA94				
COMBINED SCALE FACTOR 1.000095				
ZONE 56				

- (C) RIGHT OF CARRIAGEWAY 3.2 & 6.4 WIDE
- (D) EASEMENT FOR SERVICES VARIABLE WIDTH
- (E) EASEMENT TO DRAIN WATER 15 WIDE
- (F) EASEMENT FOR PARKING 2.6 WIDE
- (X) EASEMENT FOR TRANSMISSION LINE 60.96 WIDE (K135414)
- (Y) RESTRICTION ON THE USE OF LAND (AP267172)
- (Z) EASEMENT FOR PADMOUNT SUBSTATION 5.5 WIDE (AP267171)



SURVEYOR Name: AARON M. HAWKE Date: Reference: 59914 LEASE	PLAN OF SUBDIVISION OF LOT 94 IN D.P.1203161 FOR LEASE PURPOSES		LGA: CAMDEN Locality: LEPPINGTON Reduction Ratio: 1: 250 Lengths are in metres	Registered	D.P.1256007

Camden Local Environmental Plan 2010 Assessment Table

Clause	Requirement	Provided	Compliance
2.6 Subdivision – consent requirements.	Development consent required for subdivision.	Consent is sought for the subdivision of land	Yes
4.1 Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	There is no minimum lot size prescribed for this site	Yes
6.1 Public utility infrastructure.	Consent must not be granted unless Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure when required.	Provision of public utility infrastructure was considered under DA/2017/1573/1	Yes

Camden Development Control Plan 2019 Assessment Table

Clause	Requirement	Provided	Compliance
1.2.2 Notification	DAs are to be publicly exhibited in accordance with the Camden DCP.	The DA has been publicly exhibited in accordance with the Camden DCP.	Yes.
2.2 Salinity Management	Salinity resistant construction	<p>A salinity management plan was submitted with the parent subdivision and is listed on the S88B instrument.</p> <p>A condition is recommended to ensure that all existing restrictions are carried over.</p>	Yes
2.18.2 Off street car parking rates/requirements	<p>Developments with on-site seating and drive through facilities</p> <p>The greater of: 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external)</p> <p>Queuing area for 5 to 12 cars.</p> <p>Parking for bicycles and motorcycles is required for developments with parking in excess of 25 car parking spaces. 1 bicycle and 1</p>	<p>DA/2017/1573/1 has approved car parking rates as follows:</p> <p><u>KFC</u> 50 internal / 2 = 25 required, or 64 internal & external / 3 = 21 required</p> <p>25 provided.</p> <p><u>Tenancy 1</u> 22 internal / 2 = 11 required, or 32 internal & external / 3 = 11 required</p> <p>11 spaces provided.</p> <p>Queuing for 12 cars is provided.</p> <p>One Bicycle space is required. Six bicycle spaces provided.</p> <p>Approval of this subdivision will not alter the approved parking numbers and the car</p>	Yes

	motorcycle space is required for every 25 car parking spaces in excess of the first 25 car parking spaces.	parking required for each tenancy will remain compliant.	
S8.3 Centre Development Controls	<p>Development shall be in accordance with the site planning principles contained in the master plan for the Centre in Figure 8-16.</p> <p>Vehicle access and/or car parking facilities will not be approved if within 30 metres of a Transmission Line structure without adequate precautions provided to protect the structure from any accidental damage.</p>	<p>The development is located within the highway service/retail uses indicated upon Figure 8-16.</p> <p>Car parking has been approved under DA/2017/1573/1 and it is noted that the car park south eastern corner of the proposed car park is burdened by an easement for a transmission line and is approximately 30.5m from a transmission line tower.</p> <p>The DA was referred to TransGrid for comment. TransGrid raised no objection to the development and have advised that an assessment is not required to be undertaken for this subdivision.</p>	Yes