

Supplementary Report

DA Number:	DA/2021/1914/1.
Development:	Demolition of existing structures, tree removal, two staged construction of a four level self-storage facility, car parking, landscaping, signage, drainage, three lot subdivision, indicative road and associated site works
Estimated Cost of Development:	\$12,263,614
Site Address(es):	431 Bringelly Road, Leppington Lot 13 DP 1204465

PURPOSE OF REPORT

The purpose of this report is to provide additional information to the Camden Local Planning Panel ("the Panel") to facilitate the electronic determination of the above-described development application (DA).

BACKGROUND

A Planning Assessment Report for the above-described DA was forwarded to the Panel seeking electronic determination of the application. It was recommended that the Panel approve the DA subject to appropriate conditions.

The Panel identified an issue / matter that required further clarification to enable the determination of the application. The purpose of this supplementary report is to respond to the issue / matter raised.

MATTERS FOR FURTHER DISCUSSION

The Panel raised concern regarding how certainty for the delivery of Stage 2 was to be achieved, to ensure the delivery of the Indicative Layout Plan (ILP) road at the appropriate time and remove the temporary access to/from Bringelly Road.

There are a number of conditions of consent recommended in the original assessment report that aim to incentivise and require the delivery of Stage 2 of the development. That said, to provide further certainty and surety of the delivery of Stage 2 regardless of the ownership of the site, the following additional restriction is recommended as part of the requirements prescribed under condition 7.0(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:

- (e) *A restriction on Lot 131 requiring Stage 2 of the development approved under Determination No. 2021/1914/1 to be completed and the ILP road constructed on Lot 132. The completion of Stage 2 is required to occur when the ILP road connection from Eastwood Road and/or Bringelly Road is available and*

construction of the ILP road on Lot 132 can connect through to one or both of these intersections.

The proposed additional part (i.e. restriction) to condition 7.0(11) has been discussed with the applicant who has provided written confirmation of their acceptance of the additional condition.

Furthermore, a slight amendment to condition 1.0(17) is proposed to align with recommended condition 7.0(11)(e) as follows:

Current wording:

Access to Bringelly Road – *Vehicular access from the site to Bringelly Road is temporary. Stage 2 of the development must be enacted, and the ILP road constructed on Lot 132 as soon as road connection becomes available at 423 Bringelly Road (Lot: 14 DP: 1204465)*

Proposed wording:

Access to Bringelly Road – *Direct vehicular access to/from the site and Bringelly Road is temporary. Stage 2 of the development must be enacted and the ILP road constructed on Lot 132 as soon as road connection becomes available from Eastwood Road and/or Bringelly Road and the ILP road on Lot 132 can connect through to one or both of these intersections.*

RECOMMENDATION

The Panel determine DA/2021/1914/1 as per the recommended conditions contained in the original planning assessment report subject to the following amended conditions:

1.0 - General Conditions of Consent

- (17) **Access to Bringelly Road** – Direct vehicular access to/from the site and Bringelly Road is temporary. Stage 2 of the development must be enacted and the ILP road constructed on Lot 132 as soon as road connection becomes available from Eastwood Road and/or Bringelly Road and the ILP road on Lot 132 can connect through to one or both of these intersections.

7.0 - Prior to Issue of a Subdivision Certificate

- (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) Temporary right of carriageway and services over the frontage lot (Lot 131) in favour of the rear lot (Lot 132 and 133) (such restriction to be extinguished whereby the benefitting lot acquires a frontage to a constructed public road).
 - b) A restriction as to user shall be created over Lot 133 indicating that it is a residue lot and that no further development shall be permitted on the lot until such time that satisfactory arrangements have been approved by Camden Council. These arrangements include the construction of the road reserve within Lot 132, services (water, sewer, electricity, telecommunications) and any outstanding contributions.

- c) A restriction on Lot 131 requiring the site be connected to reticulated sewer when the infrastructure becomes available.
- d) retaining wall, positive covenant, and restriction to user
- e) A restriction on Lot 131 requiring Stage 2 of the development approved under Determination No. 2021/1914/1 to be completed and the ILP road constructed on Lot 132. The completion of Stage 2 is required to occur when the ILP road connection from Eastwood Road and/or Bringelly Road is available and construction of the ILP road on Lot 132 can connect through to one or both of these intersections.