

JRPP Number	2011SYW089
Application Number	DA-1314/2011
Proposed Development	Demolition of existing structures and construction of a residential flat building comprising forty (40) residential units and two levels of basement car parking with vehicular access to be provided from Ikara Crescent and associated landscaping and service features.
Property Description	LOT 2 DP 569246, LOT X DP 38244496 96-98 NUWARRA ROAD, MOOREBANK NSW 2170
Applicant	William Karavelas
Land Owner	Nuwarra Investments Pty Ltd
Capital Investment Value	\$11,000,000
Recommendation	Approval with Conditions

1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

Pursuant to the requirements of the State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel for determination as the capital investment value of the development exceeds \$10,000,000. The application submitted to Council indicates a value of \$11,000,000.

1.2. The proposal

The development application seeks consent for the demolition of existing structures and construction of a residential flat building comprising forty (40) residential units and two levels of basement car parking with vehicular access to be provided from Ikara Crescent and associated landscaping and service features.

1.3 The site

The subject site is identified as Lot 2 DP 569246 and Lot X DP 38244496, being No. 96 -98 Nuwarra Road, Moorebank 2170.

1.4 The issues

The proposed development is situated in an area which was re-zoned under Liverpool Local Environmental Plan 2008 for R4 High Density Residential. This development application thus initiates the transition into the desired future character of the immediate locality which has been earmarked for higher density residential development. The proposed development maintains compliance with Councils codes and policies and is a high quality development for the subject site which will set an ideal precedent for future high density residential development.

1.5 Exhibition of the proposal

The development application was advertised for fourteen (14) days from 20 July 2011 to 4 August 2011. A total of 9 objections were received and 1 petition containing 300 signatures. The issues raised in the submissions include:

- Bulk and scale, overdevelopment, out of context with streetscape
- Traffic generation, congestion, car parking provision, and access via Ikara Crescent
- Impact to privacy, overshadowing, and visual amenity

- Location unsuitable, no public transport or community facilities
- Construction noise, dust, and debris
- Negative precedent and property devaluation

The issues raised above have been assessed in accordance with the relevant planning controls and are satisfactorily addressed within the submitted documentation and plans.

1.6 Conclusion

Following detailed assessment of the proposal and consideration of the issues raised in the submissions, it is considered that the proposal is an appropriate residential development for the subject site which will result in a high quality modern architectural development designed to maximise future occupants amenity whilst being sympathetic to the surrounding built form. The immediate locality has been earmarked for high density residential development, and this proposal will set an ideal example for future high quality residential development. The proposal will result in an increase in the residential density within the immediate locality which will ultimately meet the desired future character of the area. It is considered that the proposal is worthy of support subject to the imposition of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is identified as Lot 2 DP 569246 and Lot X DP 38244496, being No. 96 -98 Nuwarra Road, Moorebank 2170.

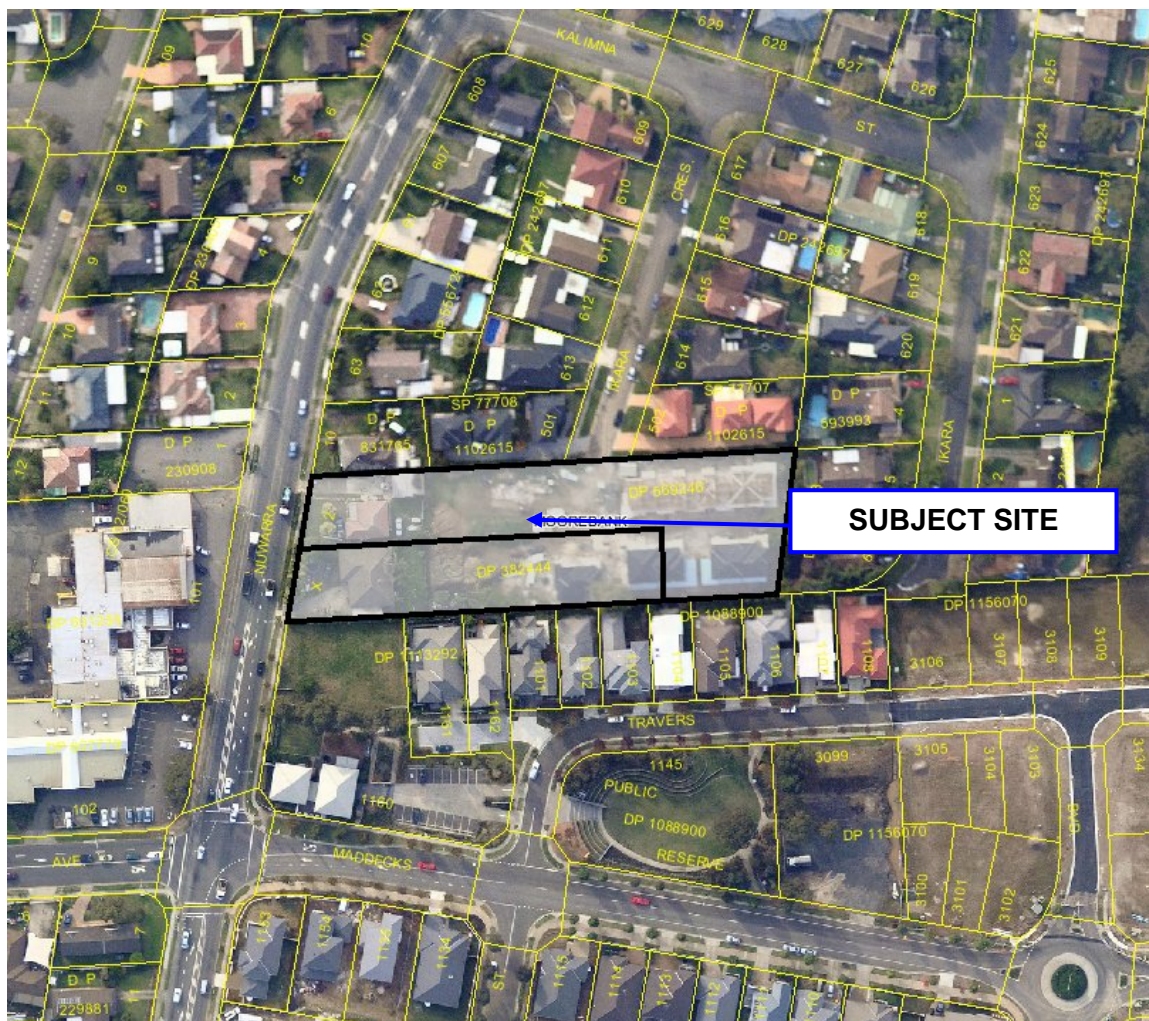


Figure 1: Aerial photograph of Site

The site is a regular shaped allotment located on the eastern side of Nuwarra Road with secondary frontage to Ikara Crescent to the northern boundary, comprising a total site area of 2955.19sqm. The subject site contains two existing detached dwellings which are both orientated to Nuwarra Road and minimal vegetation.

The eastern portion of the subject site is currently being developed in accordance with an existing consent number DA-1086/2010 for boundary adjustment and the construction of a multi-dwelling housing development on proposed Lot 2, comprising 10 x two storey townhouses with associated car parking, landscaping and cul-de-sac extension of Ikara Crescent. The cul-de-sac bulb and the multi-dwelling houses are in final stages of construction.



Figure 2: Subject site

2.2 The Locality

The surrounding locality is characterised by residential development within the R2 Low Density Residential, R3 Medium Density Residential, and R4 High Density Residential zones.

The site adjoins existing residential development to the north and east of varying single and two storey developments. To the south of the site is recent residential development located within "Georges Fair" which comprises of predominantly two storey modern residential dwellings. To the west of the site opposite Nuwarra Road is an older commercial development to which an existing consent applies for a four storey mixed use development comprising of residential and retail uses.



Figure 3: Opposite the subject site to the west

3. DETAILS OF THE PROPOSAL

The proposal seeks consent for the demolition of existing structures and construction of a residential flat building comprising forty (40) residential units and two levels of basement car parking with vehicular access to be provided from Ikara Crescent and associated landscaping and service features.

Specific components of the proposal are outlined in detail below:

- The development proposes the construction of two (2) separate buildings over a common basement car parking area. Building A is proposed to be 6 storeys in height and Building B will be 4 storeys. The development will contain two (2) levels of basement car parking.
- The development proposes a total of forty (40) units. The apartment mix is 4 x 1 bedroom units and 36 x 2 bedroom units. There will be four (4) adaptable units (Nos 27, 31, 35, 39). The units vary in size from 66.35 square metres to 81.47 square metres. Units 1-24 will be contained in Building A and units 25-40 will be contained in Building B. The applicant intends to strata title each unit.
- All units will contain a ground level courtyard or balcony. The size of the principal private open space areas varies from 12.05 square metres to 77.55 square metres.
- A large communal open space area of approximately 1111.94 square metres will be provided on ground level.
- Pedestrian access to the buildings will be from both Nuwarra Road and Ikara Crescent.
- Vehicular access to the site will be via Ikara Crescent. It should be noted that as part of consent DA-1086/2010 (on proposed Lot 102) Council required the extension of Ikara Crescent. In accordance with Councils development consent and requirements a cul-de-sac bulb will be constructed on the property for existing and future residents and Councils waste contractors. The roadway and cul-de-sac will be dedicated to Council.
- A total of sixty eight (68) car parking spaces are proposed for the development. Fifty eight (58) resident car parking spaces (including four disabled spaces) and ten (10) visitor car parking spaces will be provided for the development within two (2) basement levels.

- A security gate with intercom system will be provided at the entrance to the basement car parking areas.
- A secured bicycle storage room will be provided on the lower basement level.
- A garbage storage room for the development will be provided on the ground level near the Ikara Crescent frontage.
- Secured storage areas in accordance with Councils requirements (8m3/unit) will be provided within the basement levels for each unit.
- The development will provide two (2) lifts. Each building will contain one (1) lift from the lower basement level to the upper levels. All common areas are disabled accessible.
- Materials are a mixture of shot blasted blockwork, face brickwork, render, solid balustrades and powdercoated aluminium with obscure glass infill panel balustrades, power coated windows and doors.



Figure 4: Development perspective as viewed from Nuwarra Road



Figure 5: Development perspective as viewed from Ikara Crescent

4. STATUTORY CONSIDERATIONS

4.1 Zoning

The subject site is located within the R4 – High Density Residential Zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is identified as a *Residential Flat Building* which is a permissible land use within the zone.

An extract from the LLEP 2008 – zoning map is provided below:

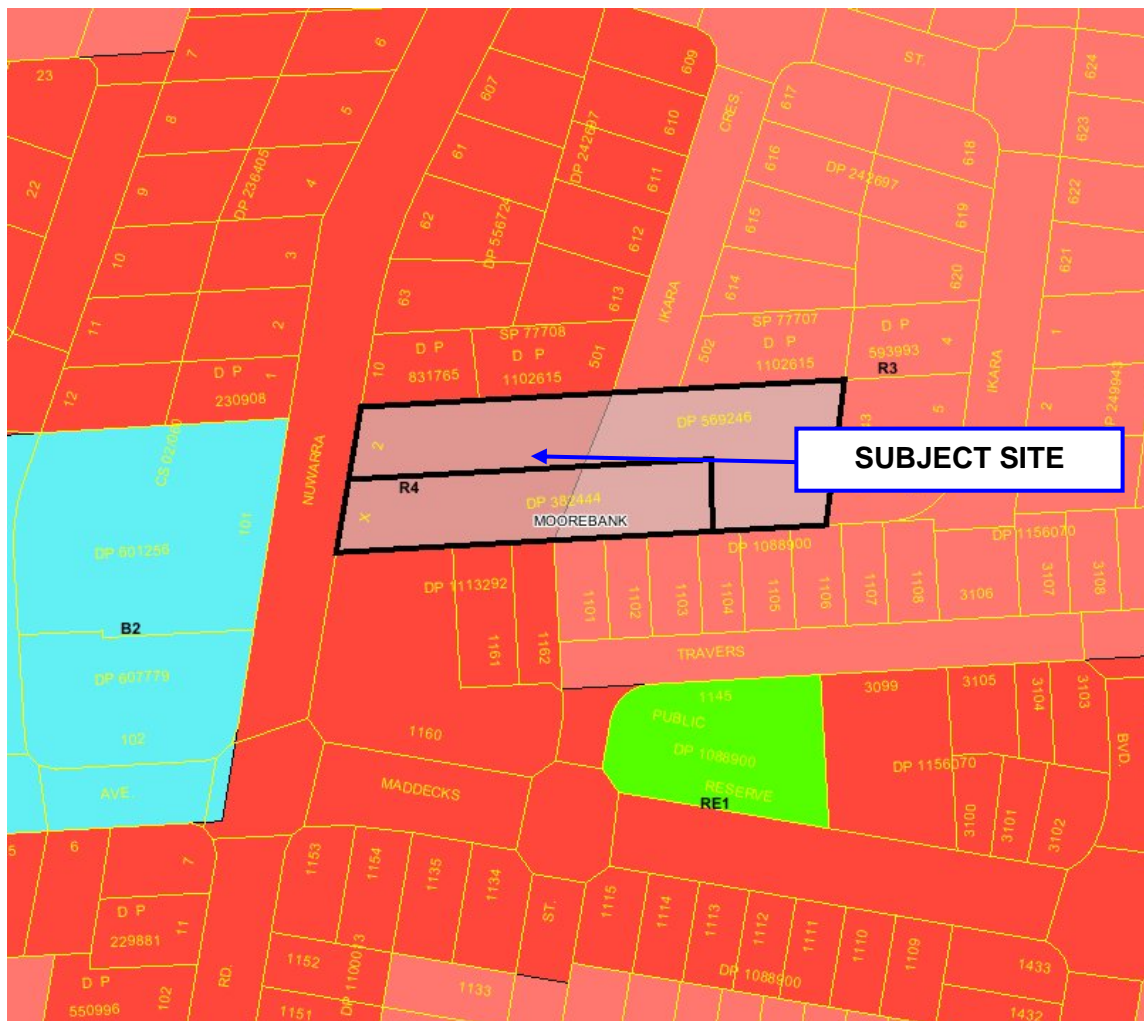


Figure 5: Extract of LLEP 2008 zoning map

4.2 Relevant matters for consideration

The following Environmental Planning Instruments (EPI's), Development Control Plan and Codes or Policies are relevant to this application:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) – (Residential Flat Design Code);
- State Environmental Planning Policy (BASIX) 2004;
- Liverpool Development Control Plan 2008, specifically:
 - Part 1.1 – General Controls for all development
 - Part 1.2 – Controls for all development;
 - Part 3.7 – Residential Flat Buildings in the R4 zone

- Liverpool Contributions Plan 2009.

5. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

5.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

(a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

The proposed development is not in conflict with the objectives of the Plan which seeks to promote the protection of the Georges River Catchment. It is considered appropriate conditions of consent have been provided relating to erosion and sediment control and stormwater runoff mitigation.

(b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The development application is accompanied by a Geotechnical Investigation and Salinity Assessment prepared by SMEC Testing Services Pty Ltd dated October 2009. The report includes a site history survey which concludes that the subject site has been used primarily for residential purposes.

The assessment report has identified based on site investigation and laboratory testing, that some elevated levels within one sample located adjacent to the southern boundary which requires remediation works. However the assessment concluded that the majority of the site produced acceptable results with respect of soil health. In consideration of the above, providing that the area of the site with the elevated levels is remediated, it is considered that the site is suitable for the proposed land use.

Council's Environmental Health Officer's concurred with the assessment findings that the site is suitable for the proposed development subject to the area of the site with the elevated levels being remediated. Conditions have been included within the draft conditions of consent requiring remediation works to be undertaken and the submission of a validation report confirming the sites suitability for residential development. The proposed development is thus considered satisfactory with respect of the requirements of SEPP 55.

(c) State Environmental Planning Policy 65 – Design Quality of Residential Flat Design Development

This policy aims to improve the design quality of residential flat development through the promotion of high quality design. The policy recognises the significance of residential flat development and aims to improve the built form and sustainability of development and to satisfy the demand for appropriate development in the social and built form context.

The SEPP provides ten design quality principles for residential flat development as follows:

1. Context
2. Scale
3. Built form
4. Density

5. Resource, energy and water efficiency
6. Landscape
7. Amenity
8. Safety and security
9. Social dimensions
10. Aesthetics

The proposal has been considered by the Design Review Panel (DRP) on 6th April 2011 and again on 9th September 2011 with respect of SEPP 65 assessment and was generally considered satisfactory subject to minor refinements.

The DRP made the following final comments with regards to the proposal:

- *It is noted that the proposal was previously considered by the DRP at pre-DA stage.*
- *Suggestions and changes identified previously by the Panel have been incorporated into the development application.*
- *The Panel continues to support the proposal and it is considered that the proposal satisfies SEPP 65 requirements.*

Based on the above, it is recommended that:

- *The proposal be supported given the performance against SEPP 65 considerations.*
- *The proposal will need some minor amendments which can be addressed to the satisfaction of Council's assessment officer*

The DRP made the following general recommendations pursuant to the 9th September meeting:

- *It is noted that some submissions were received during the exhibition period which have raised concerns in relation to overshadowing. Consideration was given to the existing dwellings adjoining the side boundary. It is noted that the existing dwellings which are overshadowed by the development, adopt reduced rear setbacks but provide for generous side setbacks and internal courtyards. It is considered that the overshadowing as a result of the development would not unduly impact on the amenity of the existing dwellings.*
- *The waste management for the operational component of the development needs to be further resolved. It is noted that at the time of the meeting, comments from Council's internal waste department have not been provided. The Panel is of the opinion that the operational waste management component of the development needs to be resolved as it has potential to impact on the amenity and functioning of the cul-de-sac.*
- *The site provides opportunity for large canopy tree species within both street frontages.*
- *Further consideration needs to be given to the landscape treatment and design for the development. This will require the submission of a further landscape plan to address the comments by the Panel in relation to defining public and private areas.*
- *Changes to the design treatment are required for the courtyard fencing. It is noted that the proposal currently provides for 1.8m masonry walls. This could be resolved through incorporating transparent elements with a reduced height of 1.5, and an upper transparent component (50%).*
- *Fencing to Nuwarra Road needs to be provided which would assist in defining private and public space as well as increasing the safety of the development. This could be resolved through a number of measures, including: a low masonry wall on the boundary and a 1.5m high security fence (mostly transparent) setback from the boundary by 1.5m.*
- *Some minor amendments are needed to the façade treatment to redefine and provide further articulation to the roofing element of the south-west corner facing Nuwarra Road (above unit 24).*
- *The entry portal needs to be a lighter colour to provide for greater differentiation to ensure that the entrance is clearly visible for pedestrians from the street.*

- The Panel is of the opinion that the development should provide for solar hot water and water recycling on site.
- The Panel note that the proposal has been well developed from pre-DA stage and results in good internal planning.
- The application as lodged with Council has incorporated the recommendations of the DRP, and the proposal is considered satisfactory.

The amended plans lodged with Council on 14th November 2011 have incorporated all of the above recommendations of the DRP, and the proposal is thus considered satisfactory.

The development has undergone a vigorous design process to result in a high quality architectural design that responds to the context which has been identified as undergoing transition into a higher density development within the immediate locality. The design will significantly contribute to the streetscape and enhance the surrounding area whilst adding to the range of housing stock within the area. Effectively, this will create a positive impact to the social dimension and present as an ideal precedent for future similar developments.

The development provides an appropriate scale and built form which complies with Council's codes and objectives. This results in an attractive built form within an appropriate density, comprising a range of units which achieve optimal amenity for future occupants whilst mitigating any potential amenity impacts to the surrounding developments. Safety and security issues have been appropriately addressed, and energy and environmental factors are incorporated to facilitate a sustainable development.

Residential Flat Design Code

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the Department of Planning's publication *Residential Flat Design Code*. The following table outlines compliance with the code where numerical requirements ("controls") are specified.

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
PART 1 – LOCAL CONTEXT			
BUILDING HEIGHT	To ensure that the proposed development responds to the desired scale and character of the street and local area and to allow reasonable access to all development and the public domain.	Clause 4.3 of LLEP 2008 prescribes a maximum building height of 18m for the subject site. In this regard, the proposal complies providing a maximum height of 17.85m.	Yes
BUILDING DEPTH	In general, apartment depth should be between 10-18m.	The maximum building depth proposed will be 13.17m.	Yes
BUILDING SEPERATION	As the building increases in height, differing separation distances between habitable rooms/balconies are required.	The development comprises 2 buildings, as such minimum separation required is 12m. The development proposes a building separation of 12m - 13.49m.	Yes
STREET SETBACKS	To establish desired spatial proportions of the street and define the street edge. To relate setbacks to the areas and street hierarchy.	The proposed setbacks establish reasonable spatial proportions and seek to define the street edge. The setbacks also maintain optimal amenity, and provide	Yes

		opportunity for casual surveillance.	
SIDE & REAR SETBACKS	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including the future buildings.	Numeric compliance with side and rear setbacks will be assessed against Part 3.7 of DCP 2008.	See assessment under DCP 2008 Part 3.7
FLOOR SPACE RATIO	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the code.	Clause 4.4 of Liverpool Local Environmental Plan 2008 prescribes a maximum FSR of 1.2:1 (3546.23sqm) for the subject site. The FSR of the proposal is 1.179:1 (3485.04sqm) which complies with Clause 4.4.	Yes
PART 2 – SITE DESIGN			
DEEP SOIL ZONES	A minimum of 25% of the open space area of the site should be deep soil zone, more is desirable.	The development provides 30.46% (900.29sqm) of common open space deep soil planting area.	Yes
COMMUNAL OPEN SPACE	The area of communal open space required should generally be at least between 25 - 30 % of the site area.	Communal Open Space area of approximately 1111.94sqm which equates to 37.62% of the site area will be provided on the ground floor level between the two buildings and along the southern boundary of the site.	Yes
PRIVATE OPEN SPACE	Minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² ; and the minimum preferred dimension in one direction is 4m.	Private open spaces areas provided to ground level units are provided at varying areas 41.84sqm – 73.94sqm which also comply with minimum dimension requirements. Private open space areas in the form of balconies are compliant with Councils DCP controls	Yes
ORIENTATION	To protect the amenity of existing development and to optimize solar access to residential apartments within the development and adjacent to the development.	The orientation of units and private open space will allow for good solar access and cross flow ventilation. The proposal will not result in unreasonable solar impacts to adjoining development.	Yes
VISUAL PRIVACY	To provide visual privacy externally and internally, during the day and at night. Relates to	The proposed design seeks to ensure visual privacy is maintained for both future occupants and existing	Yes

	separation distances.	developments.	
CAR PARKING	Address adequate car parking, alternative means of transport, and integrate car parking within design.	The proposal satisfies Councils car parking requirements.	See assessment under DCP 2008 Part 1.2
PEDESTRIAN ACCESS	Identify access requirements from the street and parking areas to the residential apartments and ensure access is accessible.	Main pedestrian access is provided from both street frontages to Nuwarra Road and Ikara Crescent. At least 50% of ground floor units will have separate entries.	Yes
VEHICLE ACCESS	Limit width of driveways to 6 metres and locate vehicle entries on the secondary frontage.	Driveway is 6m in width and located on the secondary frontage.	Yes
PART 3 – BUILDING DESIGN			
APARTMENT LAYOUT	Single aspect apartments should be limited to a depth to 8m from a window. The back of a kitchen should be no more than 8 metres from a window.	The apartments are efficient in terms of circulation areas and provide ideal layouts for optimal amenity. There are no single aspect apartments, and the back wall to kitchen window is less than 8m.	Yes
APARTMENT MIX	To provide a diversity of apartment types which cater for different household requirements now and in the future.	A total of 40 residential units are provided. A mix of apartment types are provided as follows: - 4 x 1 bedroom - 36 x 2 bedroom 4 units (being units No. 27, 31, 35, and 39) are nominated as adaptable units. Minimum unit sizes for 1 bedroom is 66.35sqm and for 2 bedrooms is 80.1sqm.	Yes
BALCONIES	Primary balconies to be a minimum of 2m in depth.	Primary balconies are provided with a minimum of 2m depth and provide useable outdoor areas.	Yes
CEILING HEIGHTS	2.7m for residential levels.	Minimum 2.7m provided.	Yes
FLEXIBILITY	To provide buildings that can accommodate a wider range of inhabitants and changing lifestyle needs	The development incorporates a mix of 1 and 2 bedroom apartments and adaptable apartments.	Yes
INTERNAL CIRCULATION	Generally, the number of units accessible from a	The proposal complies with this requirement as there will	Yes

	single core/corridor should be limited to eight (8).	be 4 units accessed from a corridor.	
STORAGE	To provide adequate storage for every day household items within easy access of the apartment and to provide storage for sporting, leisure, fitness and hobby equipment. At least 50% of the required storage should be within each apartment.	Adequate storage within each unit is provided. Storage areas of 8m ³ are provided for each unit within the basement levels.	Yes
DAYLIGHT ACCESS	Limit the number of single aspect apartments with a southerly aspect to a maximum of 10 percent of the total units proposed.	The development ensures 75% of units receive 3 hours sunlight access to living and principal private open space areas during 21 st June.	Yes
FAÇADE, ROOF DESIGN, AND AWNINGS/SIGNAGE	External elements to be of high quality and present to streetscape.	The façade incorporates a high quality architectural design with use of articulation and a range of materials and colours to ensure an aesthetic design. The roof is a modern flat design with articulation to provide visual interest. There are no awnings or signage proposed.	Yes
NATURAL VENTILATION	60% of residential units should be naturally cross ventilated.	100% of the units are naturally cross ventilated.	Yes
MAINTENANCE, WASTE MANAGEMENT, WATER CONSERVATION	Ensure viable long-term maintenance of residential flat development. Supply waste management plan in conjunction with the DA. Integrate measures for improved water efficiency.	The proposal seeks to incorporate sustainable design principles into the development and will ensure all BASIX requirements are satisfied with respect of energy and water efficiency. A waste management plan accompanies the development application.	Yes

Furthermore, the application is accompanied by a Design Verification Statement by a registered qualified architect which satisfies the requirements of SEPP 65.

Given all of the above, it is considered that the proposal is generally consistent with the objectives and controls contained within SEPP 65 and the Residential Flat Design Code.

(d) State Environmental Planning Policy (BASIX)

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP BASIX Policy.

(e) Liverpool Local Environmental Plan 2008

The subject site is zoned R4 – High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008).

The proposed development is classified as a “*residential flat building*” under the LLEP 2008, which is defined as “*a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*”.

The objectives of the R4 – High Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development*

The development is consistent with the objectives of the R4 High Density Residential Zone for the following reasons:

- The development provides housing within a high density residential environment to provide for the housing needs of the community.
- The proposal provides for a range of unit types and sizes which assist in promoting housing choice, flexibility and affordability.
- The development does not undermine the ability of the locality to provide facilities or services to meet the day to day needs of residents. To the west of the site is a neighbourhood centre which provides these facilities.
- The proposal provides a high density development with access to local transport and neighbouring facilities.
- The development does not result in any fragmentation of land.

Therefore, it is considered that the proposal satisfies the relevant objectives of the R4 zone.

Clause 4.3 Height of buildings

The LLEP 2008 prescribes a maximum building height for the subject site of 18metres. The development proposes a maximum building height of 17.85metres measured from natural ground level. The proposal thus complies with Councils building height control.

Clause 4.4 Floor space ratio

The LLEP 2008 prescribes a maximum floor space ratio for the subject site being 1.2:1 (3546.23sqm). The development proposes a floor space ratio of 1.179:1 (3485.04sqm) calculated in accordance with the LLEP floor space ratio definition. The proposal thus complies with Councils floor space ratio control.

5.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft environmental planning instruments apply to the site.

5.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Liverpool Development Control Plan Parts 1.1, 1.2 and 3.7 apply to the development. Parts 1.1 and 1.2 prescribe general controls for all development (other than dwelling houses). Part 3.7 prescribes standards and criteria for Residential Flat Buildings in the R4 zone. The main requirements are summarised in the following table:

Standard	Requirement	Proposed	Complies
Part 1.1 – General Controls for all Development			
Clause 2 Tree Preservation	Applies to the protection of trees that contribute to the Liverpool LGA and the protection of significant vegetation.	An Arboricultural Impact Assessment Report has been prepared for the subject site. The report provides for existing trees to be retained and protection measures are recommended.	Yes
Clause 3 Landscaping and incorporation of existing trees	Landscaping planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an appropriate mix of canopy trees, shrubs and ground cover in appropriate locations having regard to safe ingress and egress of pedestrians and vehicles.	The proposed development is accompanied by a detailed landscape plan prepared by Zenith Landscape Designs which illustrates that adequate soft landscaping is provided to the development which comprises a mixture of shrubs and trees. The landscape plan also details proposed landscaping within the communal open space area. Landscaping includes a mix of shrubs as well as furniture such as a bbq, tables and bench seating.	Yes
Clause 4 Bushland and Fauna Habitat Preservation	Applies generally to specific zones.	Not applicable to this site.	N/A
Clause 5 Bush Fire Risk	Applies generally to bushfire prone land and land that requires bushfire hazard reduction.	The subject site is not identified as being bushfire prone land.	N/A
Clause 6 Water Cycle Management	Stormwater drainage concept plan required to be submitted.	A stormwater concept plan has been submitted and is considered to be satisfactory by Council's Development Engineer.	Yes
Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation.	The subject site is not located in proximity to any watercourse.	N/A
Clause 8 Erosion and Sediment Control	Soil and water management plan or erosion and sediment control plan required to be submitted.	An erosion and sediment plan has been submitted. Appropriate conditions have been imposed regarding the implementation of erosion and sediment control during construction works.	Yes
Clause 9 Flooding Risk	Applies to flood prone land.	The subject site is not identified as flood prone land.	N/A

Clause 10 Contamination Land Risk	Applies to potential or actual contamination or known past or current specific land uses.	<p>The development application is accompanied by a Geotechnical Investigation Report.</p> <p>The assessment report has identified based on site investigation and laboratory testing, that some elevated levels within one sample located adjacent to the southern boundary which requires remediation works. However the assessment concluded that the majority of the site produced acceptable results with respect of soil health.</p> <p>The site is suitable for the proposed development subject to the area of the site with the elevated levels being remediated. Conditions have been included within the draft conditions of consent requiring remediation works to be undertaken and the submission of a validation report confirming the sites suitability for residential development.</p>	Yes
Clause 11 Salinity Risk	Salinity management plan required for high risk activities in salinity affected areas.	The development is accompanied by a salinity management plan. Appropriate salinity management conditions have been incorporated into draft conditions of consent.	Yes
Clause 12 Acid Sulphate Soils	Applies to land with potential acid sulphate soils.	The site is not identified as being affected by acid sulphate soils.	N/A
Clause 13 Weeds	Weed management strategy required to be submitted if site contains native weeds.	The site does not contain weeds.	N/A
Clause 14 Demolition of Existing Developments	Demolition to comply with AS2601-1991.	The proposal involves the demolition of the existing dwelling and outbuildings as part of the proposal. Appropriate conditions have been imposed to address demolition process.	Yes
Clause 15 On-site sewerage disposal	Applies to land with no access to reticulated sewer system.	The subject site has access to sewer services.	N/A
Clause 16 Aboriginal Archeology	Applies to land identified as having known or potential Aboriginal archaeological	The site is not identified as having any Aboriginal archaeological significance.	N/A

	significance.		
Clause 17 Heritage	Applies to heritage items of land in the vicinity of a heritage site, conservation area or archaeological site.	The site is not identified as having any heritage significance nor is located within the vicinity of a heritage item / area.	N/A
Clause 18 Advertising	Development to be notified / advertised.	The development application was advertised in accordance with the DCP. Submissions are addressed in detail further within this report.	Yes
Part 1.2 – Additional Controls for Development			
Clause 2 Car Parking and Access	<p>Car parking to be provided in accordance with the following; and also to comply with Australian Standards for design and access.</p> <p>Residential:</p> <ul style="list-style-type: none"> - 1 space per small dwelling (< 65sqm) or 1 bedroom - 1.5 spaces per medium dwelling (65 - 110sqm) or 2 bedrooms - 2 spaces per large dwelling (> 110sqm) or 3 or more bedrooms. - 1 visitor car space for every 4 dwellings or part thereof <p>Access for removalists and garbage servicing</p> <p>Driveway access and car parking design</p> <p>Transport Impact</p>	<p>4 x 1 bedroom = 4 spaces</p> <p>36 x 1.5 bedroom = 54 spaces</p> <p>No large dwellings proposed</p> <p>10 visitor spaces required.</p> <p>Total residential spaces required: 68 spaces. It is noted that 4 of these spaces are available for disabled parking.</p> <p>Service access is incorporated into the development.</p> <p>The development proposes one combined access (entry/exit) from the secondary frontage to Ikara Crescent. The car parking design shall comply with Australian Standard 2890.1:2004.</p> <p>The application is accompanied by a Traffic and Parking Assessment report prepared by Varga Traffic Planning Pty Ltd. Detailed assessment provided further within this report.</p>	<p>Yes</p> <p>Refer to detailed assessment below regarding Traffic Impact</p>
Clause 4 Water Conservation	All fixtures and appliances to be 3 stars under the WELS system or better rated.	Water Conservation shall be implemented via the BASIX Certificate, which includes measures such as water tanks and efficient fixtures/appliances.	Yes

Clause 5 Energy Conservation	Comply with the Energy Efficiency provisions within the BCA. Maximise natural light in buildings.	Energy Conservation shall be implemented via the BASIX Certificate, which includes measures such as energy efficient fixtures/appliances. The proposal will also comply with the BCA to maximise natural light.	Yes
Clause 6 Landfill	Requirements for any cutting or filling of land.	Minimal filling and cutting of land will be required. Appropriate conditions of consent will be imposed to ensure any cut or fill of land is carried out in accordance with Council requirements.	Yes
Clause 7 Waste Disposal and re-use facilities	Waste Management Plan required for all developments.	Waste Management Plan provided. Appropriate conditions of consent will be imposed to ensure compliance with the Waste Management Plan.	Yes
Clause 8 Outdoor Advertising and Signage	Controls for any signage for all development.	No signage has been proposed as part of the development application.	N/A
Part 3.7 – Residential flat buildings in the R4 zone			
2. Frontage and Site Area			
Frontage and Site Area	Minimum lot size 1000sqm and minimum lot width 24m.	Proposed lot size 2,955.19sqm and frontage 43.615metres.	Yes
3. Site Planning			
Site Planning and Analysis	To ensure that the residential flat building is sensitive to site attributes, such as streetscape character, natural landform, drainage, existing vegetation, land capability, slope, solar access and privacy for residents and neighbours.	<p>A site analysis of the subject site and surrounding environment has been undertaken by the architect.</p> <p>The proposed development will provide 2 separate buildings so as to reduce the bulk and scale of the development; provide useable private open space areas with sunlight access; and provide functional and attractive landscaped communal open space area.</p> <p>The development is designed compatible with existing and likely future developments in the area in terms of height, bulk, scale, roofline, materials, textures and colours; will provide a site layout, which incorporates safe pedestrian and vehicle access; and overall provide a</p>	Yes

		careful design that will not adversely impact on the amenity of surrounding properties.	
4. Setbacks			
Setbacks	<p>Front setback and secondary setback required 5.5m</p> <p>Side setbacks - first 10m in height to have 3m side and 8m rear setbacks</p> <p>- greater than 10m in height to have 8m side and rear setbacks</p>	<p>Proposed front setback and secondary setback - 5.5m</p> <p>Proposed northern side setback - 6.125m, southern side setback 10.165m</p> <p>Proposed northern side setback - 6.125m, southern side setback 10.165m</p>	<p>Yes</p> <p>Yes</p> <p>NO (refer to detailed assessment below)</p>
5. Landscaped Area and Private Open Space			
Landscaped Area and Communal open space	<p>Minimum 25% of site area shall be landscaped</p> <p>Minimum 50% of front setback area to be landscaped</p> <p>Provide communal open space which is appropriate and relevant to the context.</p>	<p>Proposed 62.6% (1,850.0sqm) landscaped areas.</p> <p>Proposed 83% (234.14sqm) front landscaped area to Nuwarra Road frontage, and 50.4% (112.86sqm) to Ikara Crescent frontage.</p> <p>Proposed communal open space area of 37.62% (1,111.94sqm) appropriately located and useable.</p>	Yes
Private Open Space and drying areas	<p>Private open space minimum areas: Small dwelling – 10sqm, minimum 2m width Medium / Large dwelling – 12sqm, minimum 2m width</p>	<p>Proposed minimum 12sqm balcony areas with minimum 2m widths.</p> <p>Drying areas provided at 5 lineal metres of line per unit.</p>	
6. Building Design, Streetscape and layout			
Building Height	Refer to LLEP 2008 building height controls	Proposal complies with LLEP 2008 building height control.	Yes
Building Appearance and Streetscape	To ensure an attractive streetscape that is consistent with the environment of residential flat buildings and promote high architectural quality in residential flat buildings.	The composition of building elements, materials, textures and colours will complement the existing and likely future character of the area in terms of height, bulk, scale, built form and roof design. The proposed buildings are highly articulated and designed to suit the site and address the streetscape.	
Roof Design	Seeks to provide quality roof designs, which contribute to the overall design and	The proposal features an attractive skillion roof.	

	performance of residential flat buildings.		
Building Entry	Create entrances which provide a desirable residential identity for the development.	Entries are located such as to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.	
Balconies	Balconies to contribute positively to the façade of a building and are functional and responsive to the environment.	Proposed balconies are integrated into the architectural form of the development and will compliment the façade and also provide for casual surveillance.	
Daylight Access	Daylight access to be provided to all habitable rooms and to make use of natural energy.	Natural daylight access is provided to all units.	
Internal Design	Amenity to be achieved for future occupants.	Each unit is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.	
Ground floor dwellings	To contribute to the desired streetscape of an area and to create active safe streets	The ground floor units will complement the streetscape and provide safe access.	
Security	Building shall promote safety, casual surveillance, and provide security.	Entrances to buildings are clearly defines, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.	
Natural ventilation	Ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.	All units are provided with natural cross ventilation.	
Building Layout	Building layout to provide articulation, increase privacy and assist with ventilation and daylight access.	Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.	
Storage Areas	Provide for the need of residents to be able to store personal items adjacent to the car parking area.	Secure storage areas of 8m3 provided for each apartment.	
7. Landscaping and Fencing			
Landscaping	The development shall use 'soft landscaping' treatments	The use of landscaping elements is appropriate to the scale of the	Yes

Fencing	to soften the appearance of the buildings, complement the streetscape, and ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. Fencing shall provide a clear transition between public and private space and enhance the streetscape. Front fence height may be 1.5m if the fence is setback 1m from the boundary with suitable landscaping.	development and provides a variety of native species in varying heights to complement the development. Proposed front fence provided at the recommendation of the Design Review Panel (DRP). Front fence to Nuwarra Road proposed at 1.5m height, of transparent material, and setback 1m from boundary with landscaping.	Yes
8. Car Parking and Access			
Car parking	To comply with DCP requirements.	Car parking and access designed in accordance with Part 1.2 of the DCP as assessed earlier in this report.	Yes
Pedestrian Access	To be well connected to street and accessible.	Pedestrian entries are clearly defined and accessible.	Yes
9. Amenity and Environmental Impact			
Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Proposed development complies with SEPP 65 solar access requirements. Shadow diagrams of the proposed development have been prepared for 21 st June. The shadow diagrams demonstrate that the proposed development will not adversely overshadow adjoining properties.	Yes
Privacy	Locate and design buildings to maintain privacy between residents, and to avoid overlooking of adjoining sites.	Building separation is adequate to ensure privacy is achieved between residents. Appropriate siting of windows and balconies, and adequate setbacks ensures this is achieved.	Yes
Acoustic Impact	Seeks to protect the privacy of residents within residential flat buildings	An acoustic report prepared by Koikas Acoustics has been submitted with the application. The use of noise attenuated windows, doors, walls and floors will ensure that aural privacy will be maintained	Yes
10. Site Services			
Letterboxes, waste management, council infrastructure,	This control seeks to ensure that required services are provided and maintained.	All required site services shall be provided to the site and maintained. A waste management plan has been provided in accordance with	Yes

and electricity substation.		Councils requirements.	
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Non compliance with side setback requirement

As identified above, the proposed development does not comply with the following components of Part 3.7 of the DCP 2008:

- Side setback for building greater than 10m in height to have 8m side and rear setbacks

The proposal indicates a northern side setback of 6.125m. The development provides an increase in the side setbacks along the southern side of the site (of 10.0m) with a reduced setback (of 6.0m) along the northern boundary of the site. The increase in the side setbacks (along the southern side) would ensure that the adjoining dwellings to the south would not be adversely overshadowed by the buildings and that privacy would be maintained.

The proposed building and adjoining townhouses will be separated by landscaping and the existing driveway for the townhouses. The separation between proposed Building B and the townhouses will be minimum 12.3 metres. The separation between proposed Building A and the existing dwelling at No. 94 Nuwarra Road is 7.78 metres. It should be noted that the property at No. 94 Nuwarra Road is located within an area earmarked for future higher density residential development and therefore will likely be subject to future redevelopment.

As outlined in the table above, the proposal is generally consistent with the controls prescribed by the relevant components of Liverpool DCP 2008.

Traffic Impact Assessment

A parking and traffic assessment report has been prepared by Varga Traffic Planning Pty Ltd for the proposed development.

The traffic report provides the following assessment with respect of traffic impact:

“An indication of the traffic generation potential of the proposed development is provided by reference to the Roads and Traffic Authority’s publication Guide to Traffic Generating Developments, Section 3 - Land Use Traffic Generation (October 2002).

The RTA Guidelines are based on extensive surveys of a wide range of land uses, and nominate the following traffic generation rates which are applicable to the development proposal:

*High Density Residential Flat Buildings in Sub-Regional Centres
0.29 peak hour vehicle trips/dwelling*

The RTA Guidelines also make the following observation in respect of high density residential flat buildings:

Definition

A high density residential flat building refers to a building containing 20 or more dwellings. This does not include aged or disabled persons housing. High density residential flat buildings are usually more than 5 levels, have basement level car parking and are located in close proximity to public transport services. The building may contain a component of commercial use.

Factors

The above rates include visitors, staff, service/delivery and on-street movements such as

taxis and pick-up/set-down activities.

Application of the above traffic generation rates to the 40 residential apartments outlined in the development proposal yields a traffic generation potential of approximately 12 vehicle trips per hour during commuter peak periods.

That projected future level of traffic activity should however, be offset or discounted by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the nett increase (or decrease) in traffic flows expected to occur as consequence of the development proposal.

Application of the dwelling house traffic generation rates nominated in the RTA Guidelines to the two existing dwelling houses on the site yields a traffic generation potential of approximately 2 peak hour vehicle trips.

Accordingly, it is likely that the proposed development will result in an increase in the traffic generation potential the site of approximately 10 vph as set out below:

Projected Nett Increase in Peak Hour Traffic Generation Potential as a consequence of the development proposal

Projected Future Traffic Generation Potential: 11.6 vehicle trips

Existing Traffic Generation Potential: 1.7 vehicle trips

Nett Increase in Traffic Generation Potential: 9.9 vehicle trips

That projected increase in traffic activity as a consequence of the development proposal is minimal and will clearly not have any unacceptable traffic implications in terms of road network capacity.”

Furthermore, the proposal has been considered by Councils Traffic Engineer, who concluded the following:

“The maximum hourly traffic volume that should be permitted on Ikara Crescent (environmental capacity) is approximately 180 passenger car units per hour. All of the existing and proposed developments in Ikara Crescent could generate up to 37 vehicles per hour in total. This means that while the proposed development will increase traffic in Ikara Crescent it should be within acceptable levels.”

The proposed development was also referred to the Roads and Traffic Authority (RTA) for their comments and conditions. The RTA raised no objections to the proposed development and did not require any conditions to be placed on the consent.

In consideration of the above, the proposed development is considered acceptable based on traffic impact assessment.

5.4 Section 79C(1)(a)(iv) – The Regulations

The EP&A Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Conditions of consent have been imposed requiring compliance with the BCA.

5.5 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

The scale, density, and built form is considered appropriate with respect of the context of the site and the desired future character of the area. The development presents as a high quality

architectural built form and does not result in any adverse impacts to the built environment as demonstrated in this report.

The development is not considered to result in unreasonable amenity impacts to surrounding lands, taking into account both existing and possible future development. The development will provide a positive contribution to the streetscape of Nuwarra Road, whilst maintaining a sympathetic approach to existing residential development. The proposal is thus considered satisfactory with respect of the natural and built environment.

(b) Social and Economic Impacts

The proposed development will have a positive social and economic impact through the provision of housing choice within the locality and a high quality living environment which will positively contribute to the area.

5.6 Section 79C(1)(c) – The Suitability of the Site for the Development

These matters have been considered in the assessment of the development application. The site is not known to be affected by any site constraints or other natural hazards likely to have a significant adverse impact on the proposed development. The proposal is suitable as it will provide a high density residential development that is cognisant of the desired future character of the area.

Accordingly, the site is considered suitable to accommodate the proposed development, being for construction of a new residential flat building to a site located within the R4 High Density Residential zone, in the context of the site and locality.

5.7 Section 79C(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Landscape	Satisfactory, with recommended conditions.
Traffic Engineers	Satisfactory, with recommended conditions.
Health	Satisfactory, with recommended conditions.
Development Engineers	Satisfactory, with recommended conditions.
Flora and Fauna	No objections raised and no conditions required.
Waste Services	Satisfactory, with recommended conditions.

(b) External Referrals

The following comments have been received from External Authorities:

DEPARTMENT	COMMENTS
Roads and Traffic Authority (RTA)	No objections raised and no conditions required.
NSW Police – Liverpool Local Area Command	Satisfactory, with recommended conditions.

(c) Community Consultation

The development application has been advertised in accordance with Liverpool DCP 2008, Part 1.1. This included a notice placed on site and an advertisement in the local paper.

The development application was advertised for fourteen (14) days from 20 July 2011 to 4 August

2011. A total of 9 objections were received and 1 petition containing 300 signatures.

The following comments are made in relation to the issues raised in the submissions:

Issue 1: Siting, scale, built form, and context

- Proposal is out of context;
- Density is too high and results in over-development of site;
- Height should be reduced;
- Proposal does not fit within streetscape;
- Development is oversized for the size of the lot;
- Design is not aesthetically pleasing;
- Development will reduce standards and quality of the area;
- Moorebank area not suitable for units

As identified earlier in this report, the subject site is zoned R4 – High Density Residential, where this form of development is a permissible land use with Council consent. It is noted that the immediate locality has been rezoned for high density development as part of the gazettal of LLEP 2008.

The LLEP 2008 prescribes an 18m height control for development along Nuwarra Road within the immediate locality. The rear of the site also has an 18m (6 storeys) height limit. The proposed development consists of two buildings addressing Nuwarra Road and Ikara Crescent. The building addressing Nuwarra Road has a compliant height of 17.85m (6 storeys). However, the proposed units which address Ikara Crescent have been kept at 4 storeys. This building therefore acts as a transitional building to the largely two storey townhouse developments in this vicinity. Therefore, the scale of the area progressively decreases from 6 storeys to 4 storeys to 2 storeys. The proposed development is therefore appropriate and consistent with the height and scale as per the planning controls relevant to the site.

The proposed development complies with Council's floor space ratio control. The development proposes a floor space ratio of 1.179:1 which is less than Council's allowable floor space ratio of 1.2:1 for the subject site. The intended bulk, height, scale, and density of the proposed residential flat building are consistent with that identified by Council for the desired future character of the area

The development will not present any adverse social, economic, amenity or environmental impacts as a result of the proposed density. The proposed residential development will positively contribute to the housing stock of the Liverpool Local Government Area.

The site is situated in a transitional area currently dominated by detached residential dwellings and multi-dwelling developments. This proposal will be the first development in the vicinity to take advantage of the R4 High Density Residential zone under LLEP 2008. The development has been designed to reflect the future scale and type of housing that Council proposes for the area.

It is also noted that Council's Design Review Panel has stated that *"the type of development proposed is in accordance with the desired future character for this particular section of Nuwarra Road."* The proposal has responded to the desired future character of the area by proposing buildings that are within Council's 18m maximum building height control and present as an articulated built form to respond to the existing and likely future adjoining built form.

It is considered that the proposed development by its design and use is in keeping with the existing and likely future developments in the area. The composition of building elements, materials, textures and colours will complement the existing and likely future character of the area in terms of height, bulk, scale, built form and roof design. The development has been specifically designed to suit the subject site; address the streetscapes to Nuwarra Road and Ikara Crescent; promote good urban design and respond to the context of the area.

Issue 2: Traffic impacts

- No vehicular access should occur from Ikara Crescent, vehicular access should be via Nuwarra Road;
- Traffic impacts to Nuwarra Road, Kalimna Street, and Ikara Crescent;
- Traffic lights should be installed at Nuwarra road and Kalimna Street;
- Impacts to street parking;
- Unacceptable traffic generation;
- Traffic impact to cause risk to pedestrian safety
- Ikara Crescent does not appear to be wide enough to cater for extra units
- Limited access for emergency vehicles

Councils Traffic Engineers considered the matter of vehicle access and identified that vehicular access is desirable from Ikara Crescent and no vehicular access shall occur from Nuwarra Road, due to the use and traffic volume of each street. Accordingly the development proposes one combined (entry/exit) driveway from Ikara Crescent. As part of development consent DA-1086/2010 (Lot 102) Council required the extension of Ikara Crescent, therefore a cul-de-sac bulb will be constructed on the property for existing and future residents and for emergency vehicle access and Council's waste contractors.

A parking and traffic assessment report has been prepared by Varga Traffic Planning Pty Ltd for the proposed development. The traffic report made the following conclusion with respect of traffic impact:

"That projected increase in traffic activity as a consequence of the development proposal is minimal and will clearly not have any unacceptable traffic implications in terms of road network capacity."

Furthermore, the proposal has been considered by Councils Traffic Engineer, who concluded the following:

"The maximum hourly traffic volume that should be permitted on Ikara Crescent (environmental capacity) is approximately 180 passenger car units per hour. All of the existing and proposed developments in Ikara Crescent could generate up to 37 vehicles per hour in total. This means that while the proposed development will increase traffic in Ikara Crescent it should be within acceptable levels."

The proposed development was also referred to the Roads and Traffic Authority (RTA) for their comments and conditions. The RTA raised no objections to the proposed development and did not require any conditions to be placed on the consent.

The submitted traffic report does not indicate that traffic lights are necessary at the intersection of Nuwarra Road and Kalimna Street as a result of the proposed development, and no requests for traffic lights were made by Councils Traffic Engineer or the RTA.

The traffic report submitted with the development application and Councils Traffic engineers assessment have taken into consideration the existing local road network and the road capacities and have considered the proposal to be acceptable. Adequate space is available for vehicular access, maneuverability, and emergency vehicle access.

A total of sixty eight (68) car parking spaces (including 4 disabled spaces) are proposed for the development. Fifty eight (58) resident car parking spaces and ten (10) visitor car parking spaces will be provided for the development within the basement levels. The proposal satisfies Council's car parking requirements and car parking space dimensions and aisle widths are in accordance with Council's Development Control Plan. The proposal has been designed so that traffic entering and exiting the site will do so in a forward direction. Adequate site lines are also provided from the

driveway crossing the footpath.

Issue 3: Amenity impacts

- Privacy impacts to adjoining properties;
- Overshadowing impacts to adjoining properties;
- Development will obstruct views;
- Buildings will obstruct and minimize air flow;
- Noise concerns during construction and from future use of the units;
- Dust, debris, and noise during construction;

The design of the proposal ensures that privacy to adjoining residential properties is maintained by virtue of adequate building separation and ample landscaping buffers. Appropriate siting of windows and balconies, and adequate setbacks ensures privacy is achieved.

Shadow diagrams of the proposed development have been prepared for 21st June. The shadow diagrams demonstrate that the proposed development will not adversely overshadow adjoining properties. While there is some overshadowing to the existing dwellings which are to the south of the site, the development still ensures adequate sunlight is provided to private open space areas.

The Design Review Panel (DRP) acknowledged the following with respect of overshadow:

“It is noted that some submissions were received during the exhibition period which have raised concerns in relation to overshadowing. Consideration was given to the existing dwellings adjoining the side boundary. It is noted that the existing dwellings which are overshadowed by the development, adopt reduced rear setbacks but provide for generous side setbacks and internal courtyards. It is considered that the overshadowing as a result of the development would not unduly impact on the amenity of the existing dwellings.”

It is considered that shadow cast by complying areas of the building cannot be considered as unreasonable, particularly given that Council's LEP controls seek to promote high density residential development in the immediate locality where a maximum building height of 18m is permitted.

An acoustic report prepared by Koikas Acoustics has been submitted with the application. The use of noise attenuated windows, doors, walls, and floors will ensure that aural privacy will be maintained.

Noise generated during construction activities is regulated by the Protection of the Environment Operations Act 1997. Appropriate conditions of consent will be applied to require compliance with this Act.

The development has been carefully design and sited to ensure that there will be no adverse wind conditions at street level or onto adjoining properties.

There will be no unreasonable view impacts as a result of the development as there are no iconic or significant views ascertainable within the immediate locality. The development provides ample landscape buffers to soften visual impact.

The proposed development will be conditioned to comply with Council's demolition controls that include:

- Compliance with the Australian Standard AS2601-1991-The Demolition of Structures.
- Provide security fencing.
- Demolition work not conducted in high winds.
- Complying with the requirements of NSW Environment Protection Authority.
- Dust controls during demolition.

- Removal of any asbestos in accordance with the requirements of Work Cover.
- All trucks/trailers their loads being covered.
- Temporary toilet facilities being provided on site.
- Demolition hours being restricted.
- A waste management plan being provided.
- Relevant sections of the waste management plan will be completed.

Appropriate conditions will be applied regarding hours of construction work and associated noise as required under the DECCW Interim Construction Noise Guideline 2009.

Issue 4: Environmental impacts

- Inadequate landscaping provided and negative impact on the environment;
- Inadequate garbage facilities

A detailed landscaped plan has been prepared by Zenith Landscape Designs in accordance with Council's requirements. Sufficient areas are provided with deep soil planting along with 'soft landscaping' treatments to soften and enhance the development. It is proposed to plant a mixture of shrubs and trees, including native species.

Landscaping will be to scale with the height of the building to soften visual impact and to complement the streetscape. The proposed landscaping will also enhance privacy and provide summer shade.

Council's Natural Resource Officer has assessed the environmental implications of the development and concluded that there are no ecological or riparian issues relevant to this application.

The proposed development will comply with Council's requirements for waste facilities. Appropriate conditions of consent will be applied to ensure ongoing management of waste facilities.

Issue 5: Social impacts

- Not within vicinity of public transport;
- There are no educational establishments to cater for development;
- Units could be rented and will result in shift in community dynamics;
- Property devaluation and negative planning precedent

The subject site is located close to bus services. Bus route No 902 (bus company – Veolia) from Liverpool Interchange to Holsworthy Interchange runs along Nuwarra Road and Maddecks Avenue.

There are a number of nearby schools within a 5km radius that will cater for the development, they include Nuwarra Public School at McKay Ave Moorebank (120m away from the site) Moorebank High School at Bangalow Avenue Moorebank, Newbridge Heights Public School at Lewin Crescent Chipping Norton and St Joseph's School at 225 Newbridge Road Chipping Norton.

The development will provide an appropriate mix of housing in the area and will contribute to the wider choice of housing within the area. The proposed development will provide the opportunity for future occupants to live and work in the area and will create a high quality living environment. The development is a positive response to the increasing demand for diverse housing choices.

There is not evidence to suggest property devaluation as a result of the development. On the contrary, the development will enhance the streetscape and positively contribute to the immediate locality. This will set a positive precedent for future developments by setting the standard for high quality architectural design.

Issue 6: Notification procedure

- Notice of the proposals to all rate payers within a reasonable distance;
- Notice of the proposal to all rate payers of Moorebank and adjoining suburbs

The development application was notified in accordance with Liverpool Development Control Plan 2008 and the relevant statutory requirements.

5.8 Section 79C(1)(e) – The Public Interest

The provision of high density residential units will contribute to the diversity of housing within the locality. The development will not result in any unacceptable amenity impacts to the surrounding properties. The proposed development seeks to provide a contemporary building of high quality that will address the surrounding public spaces and achieve a satisfactory form as presented to the immediate and wider locality.

The development satisfactorily addresses the relevant planning objectives under all the applicable legislations, State Environmental Planning Policies, and Local Environmental Planning Controls. It is therefore considered that the proposal serves the broader public interest.

6. CONCLUSION

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and the relevant Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development is generally consistent with the standards contained within LLEP 2008 as well as the intention and objectives of the design principles contained within the Residential Flat Design Code in accordance with SEPP 65.

The proposal is also generally consistent with the controls contained within Liverpool DCP 2008, except for a minor departure from the controls contained within Part 3.7 relating to side setbacks. This has been assessed on its merits and found to be acceptable. Furthermore, the proposal has been considered satisfactory by the Design Review Panel (DRP).

The proposed development for a residential flat building is well within the context of an area earmarked for higher density residential development. The high quality architectural design is appropriate for the subject site and takes into consideration the amenity of existing adjoining land uses and future expected occupants.

Following detailed assessment of the proposal and consideration of the issues raised in the submissions, the development application has been assessed on its merits and is considered satisfactory. Accordingly it is recommended that the development application be approved subject to conditions of consent.

6.1 Recommendation

That Joint Regional Planning Panel Sydney West Region (JRPP) approve Development Application 1314/2011 for demolition of existing structures and construction of a residential flat building comprising forty (40) residential units and two levels of basement car parking with vehicular access to be provided from Ikara Crescent and associated landscaping and service features at 96 - 98 Nuwarra Road Moorebank, subject to the attached conditions.

7. ATTACHMENTS

7.1 Plans of the proposal

7.2 Recommended conditions of consent

