



## STATEMENT OF ENVIRONMENTAL EFFECTS

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5 and 15 Rynan Avenue  
Edmondson Park

Prepared for: Abu Tony Pty Ltd

REF: M170295

DATE: 12 December 2017





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# 1. Introduction

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This Statement of Environmental Effects has been prepared for the applicant for the proposed development. The report is to accompany a development application to Liverpool City Council seeking consent for demolition of existing structures, removal of trees, construction of two residential flat buildings and construction of a road to be dedicated to Council. The proposal also includes subdivision to create new residential lots and dedication of a new public road and a residue lot. The construction and subdivision works are proposed to be staged over time.

This application has been lodged concurrently with an application to modify Development Consent DA898/2014 which applies to No.5 Rynan Avenue only. It is intended for the development proposed with this application to be undertaken in conjunction with the development approved with DA898/2014. The plans submitted with this development application incorporate those plans and the development as approved with DA898/2014.

Collectively the proposal the subject of this application and of development consent DA898/2014 will result in three residential flat buildings, four allotments and a new public road and footpath network linked to Rynan Avenue. The overall staged development scheme for No.5 and No.15 Rynan Avenue is to contain:

- Stage 1 - Building A with 50 x two-bedroom apartments and parking for 87 vehicles on a separate allotment (as per Development Consent DA898/2014);
- Stage 2 – Building D with 4 x one-bedroom apartments, 21 x two-bedroom apartments and 3 x three-bedroom apartments and parking for 49 vehicles on a separate allotment;
- Stage 3 – Building B/C with a shared basement and 15 x one-bedroom apartments, 53 x two-bedroom apartments and 14 x three-bedroom apartments with parking for 143 vehicles on a separate allotment; and
- A residue lot containing land in Zone RE1 and Zone E3 and Zone R1.

Construction Certificates, Occupation Certificates and Subdivision Certificates are intended to be issued in stages to match the sequencing of construction. Construction sequencing is indicated on the plans submitted with the development application.

Vehicular access to the site and to each building will be provided via a proposed public road network with two intersections to Rynan Avenue and circulating around each of the proposed residential flat buildings. The roadway will be dedicated to Council as a public road. Civil works for stormwater management are coordinated within private lots and the future public road reserves as well as to the residual lot.

The proposed development has been designed by Joshua Farkash and Associates Pty Ltd Architects. The total construction cost of the proposal is more than \$20 million and will therefore be determined by the Sydney South West Planning Panel.

According to the most recent survey of the site, the proposed construction works are more than 800m from the top of bank of a second order watercourse and therefore the development is not Integrated Development in accordance with the provisions of Section 90 of the *Environmental Planning and Assessment Act, 1979*.

In addition to this Statement of Environmental Effects, the subject application is accompanied by the following plans and technical reports:

1. Architectural Plans and associated documents;
2. SEPP No. 65 Design Verification Statement;
3. Photomontages;





4. Landscape Plans;
5. BASIX Certificate;
6. Draft Subdivision Plan;
7. Civil Works Plans and Concept Stormwater Drainage Strategy;
8. Access Report;
9. Acoustic Report;
10. AHIMS Due Diligence Assessment;
11. BCA Report;
12. Fire Engineering Compliance Statement;
13. Water Sensitive Urban Design Strategy;
14. Geotechnical Assessment;
15. Stage 2 Environmental Site Investigation (including Salinity Management Plan);
16. Remedial Action Plan;
17. Traffic Impact Report;
18. Waste Management Plan;
19. Stormwater Management Plans; and
20. Survey Plans.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S.79C of the EP&A Act, 1979.

This Statement is divided into sections, including a locality and site analysis; a background, a description of the proposal; an environmental planning assessment; and a conclusion.



## 2. Site Analysis and Context

### 2.1 SITE DESCRIPTION

The subject site is known as No.5 and No.15 Rynan Avenue, Edmondson Park, and is legally described as Lot 1 in Deposited Plan 774700 and Lot 22 in Deposited Plan 631868. The site is located on the southern side of Camden Valley Way which is a Roads and Maritime Services (RMS) classified road. The site has a primary street frontage to Rynan Avenue (eastern boundary) and adjoins Sunday Circuit in part at the rear (western boundary). The location of the site is outlined in red in Figure 1.

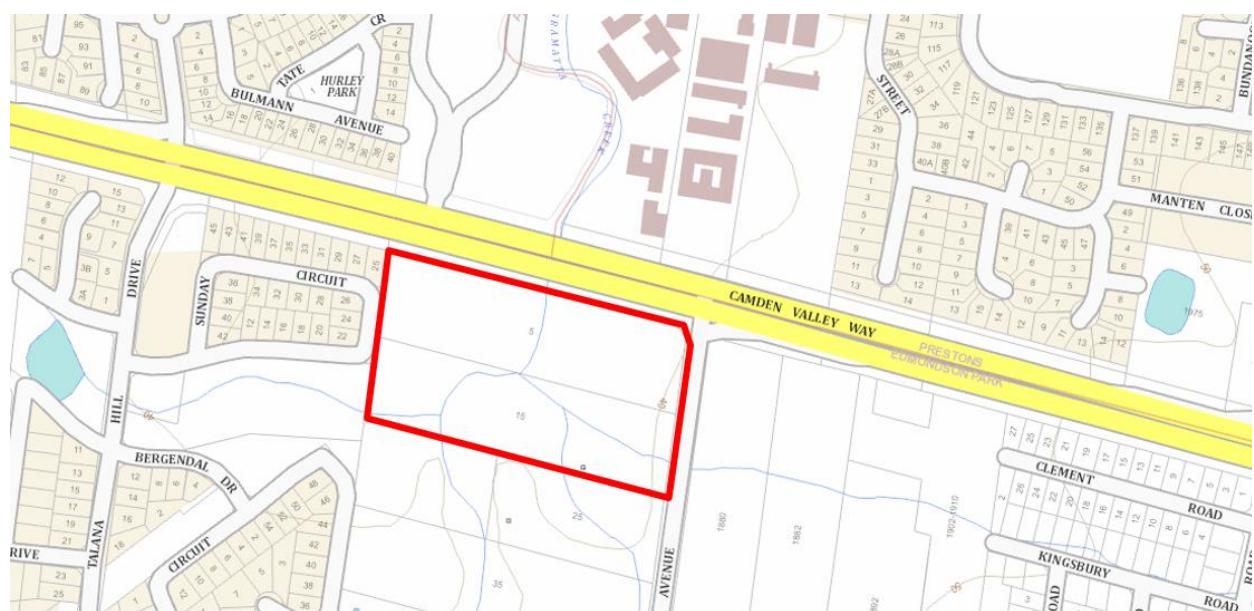


Figure 1 Site Location

The site is generally rectangular in shape and has a street frontage to Rynan Avenue approximately 120m in length with a 9.12m splay at the north-eastern corner of the site. The site has an east-west dimension of approximately 272m. The total site area is approximately 3.944Ha.

There are three (3) different land use zones that apply to the overall site as shown in the extract from the Zoning Map to Liverpool Local Environmental Plan 2008 (LLEP 2008) included in Figure 2. The construction work proposed with this development application is confined to the eastern portion of the site which is within Zone R1 General Residential. This portion of the site has a total area of approximately 12,809.91m<sup>2</sup>.

The site slopes gently from both the east and west boundaries to the centre where Cabramatta Creek flows from south to north. The location of the creekline corresponds with the bands of vegetation in the centre of the site as indicated in the aerial photograph of the site at Figure 3.





Figure 2 Extract from LLEP 2008 Zoning Map



Figure 3 Aerial photograph of the subject site

The portion of the site to the west of Cabramatta Creek, which falls outside of the area of the proposed works, comprises a maintained grass paddock.



No.5 and No.15 Rynan Avenue originally contained detached dwelling houses and outbuildings. The structures on 5 Rynan Avenue have been demolished and Building A has been constructed in accordance with DA/898/2014 (see Figure 4). There remains at No.5 Rynan Avenue a two storey brick dwelling (see Figure 5). No.15 Rynan Avenue contains a single storey detached dwelling and outbuildings to the rear (see Figure 6).



**Figure 4** View of Building A from north east



**Figure 5** Existing dwelling at No. 5 Rynan Ave



**Figure 6** Existing dwelling at No 15 Rynan Ave





Land to the western side of the creek within No.5 and No.15 Rynan Avenue includes a portion of land in Zone R1 and a portion of land in Zone E3 which is currently subject to an application for a Planning Proposal.

## 2.2 SURROUNDING DEVELOPMENT

The site is located in an area undergoing transition from rural residential character to a variety of low, medium and high density residential uses surrounding a new town centre with railway station and village centres as outlined in the Indicative Layout Plan for the Edmondson Park Priority Growth Precinct. The indicative Layout Plan has been translated in to provisions in the Liverpool LEP 2008 and a site-specific section of the Liverpool Development Control Plan (DCP) 2008.

The adjoining property to the south has been subdivided in accordance with Development Consent DA1146/2015 which created a Torrens title subdivision of 14 residential lots between 310m<sup>2</sup> and 353.4m<sup>2</sup>, a residue lot of 4,870m<sup>2</sup>, a public reserve lot of 676m<sup>2</sup> and a new public road running north-south through the site. The approved subdivision layout is shown in Figure 7. A recent photo of the subdivision is included in Figure 8.





**Figure 8** Subdivided land adjoining the site to the south as viewed from Rynan Ave

To the west of the development site is Sunday Circuit which is part of a low density residential subdivision. A photograph of Sunday Circuit looking north west from the subject site is included in Figure 9.

To the east of the site are rural residential properties that are earmarked for future mixed use and residential development. The site at the corner of Rynan Avenue and Camden Valley Way has been identified in the Indicative Layout and Structure Plans as accommodating a mixed use 'village centre' development at the Gateway entrance to the Edmondson Park precinct and is partly within Zone R3 Medium Density Residential and partly within Zone R1 as shown in Figure 2. A photograph of this site is included in Figure 10.



**Figure 9** Dwellings within Sunday Circuit (looking north)



**Figure 10** Rural Property opposite and east of the subject site as viewed from the south west





## 3. Background

DA898/2014 applies to No.5 Rynan Avenue and was approved by the Sydney West Joint Regional Planning Panel on 6 August 2015 for:

*"Demolition of existing structures, removal of trees on site, four lot Torrens title subdivision and the construction of three residential flat buildings as follows:*

- *Building A: 5 Storeys*
- *Building B: 5 Storeys*
- *Building C: 4 Storeys"*

Building A has been largely completed as well as part road construction for the new public road which extends adjacent to the southern boundary of the future lot to contain Building A.

A pre-lodgement meeting was held with Council on 18 November 2015 to discuss a modification to DA898/2014 and the new development application the subject of this Statement of Environmental Effects. Council's written advice following the pre-lodgement meeting listed matters relevant to this application which are summarised in the following table along with comments as to how these matters are addressed in this application and/or in the concurrent Section 96 application.

**Table 1 Pre-Lodgement matters and responses**

Issue from Pre-Lodgement Meeting	This application
<p><b>S96 Staged Development</b></p> <p>It is recommended that the Section 96 seeking staged development entail, but not be limited to, the following:</p> <p>Consolidation of No.5 and 15 and the subsequent Torrens title subdivisions to cater for Buildings A-D;</p> <p>It is also recommended that the Section 96 apply for the Staging of the proposal. It is requested that the staging proposed under the Section 96 be clearly defined in any future documentation submitted.</p> <p>It is advised that any Section 96 application will be subject to determination by the JRPP.</p>	<p>The details of the proposed staging are addressed in Section 4 of this Statement.</p> <p>The proposed staging begins with the consolidation of No.5 and No.15 Rynan Avenue. The staging also splits the subdivision of the proposed buildings into Stage 1 (Building A and curtilage), Stage 2 (Building D and curtilage) and Stage 3 (Buildings B and C and curtilage). Staging details for all civil and construction works are shown in plans by Diversi Consulting Project No.14139 Drawing No.SKC09 Issue B dated 15 March 2016 submitted with this application.</p> <p>The Section 96 application lodged concurrently with this development application is anticipated to be determined by the JRPP.</p>
<p><b>New DA for No.15 Rynan Avenue</b></p> <p>Any future development proposal for No.15 Rynan Avenue Edmondson Pak shall be a separate DA. It is recommended that the application propose alterations and additions to Building B and C approved under DA898/2014 and the construction of Building D along with any road works, drainage etc.</p> <p>The simultaneous lodgement of the future application for No.15 Rynan Avenue and the Section 96 application is the</p>	<p>This Statement forms part of this development application for No.5 and No.15 Rynan Avenue and has been lodged concurrently with a Section 96 modification application for DA898/2014. This development application proposes works as follows:</p> <p>Demolition of all existing structures at No.15 Rynan Avenue;</p> <p>Removal of trees within and surrounding the proposed building and site works;</p>



## Table 1 Pre-Lodgement matters and responses

recommended option in this instance. This will assist in demonstrating how the development will work as a whole.

Four lot subdivision (which matches the subdivision pattern as approved with DA898/2014 and as proposed with the Section 96 modification);

Construction of Building D and Buildings B and C (which are two parts of the same building). The works for Building B and C proposed with this development application are intended to override the works for Buildings B and C approved with DA898/2014; and

Construction and dedication of roads and footpath reserves which are intended in part to override some of the approved road and footpath works approved with DA898/2014.

The details presented in this application are to be assessed concurrently with the Section 96 modification to DA898/2014 in order to form a coherent and comprehensive sequence of development over both No.5 and No.15 Rynan Avenue.

### Apartment Mix

Apartment mix for Buildings B – D will be required to meet the specific requirements of clause 8.5 of the Edmondson Pak Development Control Plan (EDCP). The development should demonstrate the following:

Provide a mix of studio, 1 bedroom, 2 bedroom and 3 bedroom units;

Studios and 1 bedroom units are not to be greater than 25% and not less than 5 of the total mix of apartments within each development;

Two bedroom units are not to be more than 75% of the total mix of apartments within each development.

The apartment mix for buildings A – D shall also demonstrate the developments can meet the general requirements of the ADG document.

The FSR control for Buildings A, B and C is 1:1 and the FSR control for Building D is 0.75:1. The apartment mix will vary over the three stages of the project with the final mix being compliant with Clause 8.5 to the EDCP.

Specifically the cumulative apartment mix is summarised as follows:

No. bedrooms per apartment	Building A (Stage 1)	Buildings A and D (Stage 2)	Buildings A, B, C and D (Stage 3)
1	0 (0%)	4 (5%)	19 (12%)
2	50 (100%)	71 (91%)	124 (78%)
3	0 (0%)	3 (4%)	17 (10%)
TOTALS	50	78	160

The completed project will meet the requirements of the ADG as demonstrated in Annexure A to this Statement and in Annexure A to the Statement of Environmental Effects submitted with the Section 96 application for DA898/2014.

### Floor Space Ratio (FSR)

The FSR for the location of Building B – D is 1:1 as prescribed in Section 4.4 of the LLEP 2008. The FSR for the total consolidated site area can comply with the provisions of the LLEP 2008.

The total gross floor area of the development as proposed in this development application is compliant with the maximum allowable floor space for the site overall.

However, once the land is further subdivided the development will more than likely have a FSR greater than 1:1 and will no longer comply. Any future development application that proposes non-compliance with FSR will trigger a merit assessment. A clause 4.6 variation would be required to adequately justify the non-compliance.



**Table 1 Pre-Lodgement matters and responses**

Acoustic Report

Given the proximity of the future development to Camden Valley Way, an acoustic report will be required to be submitted with any future development application, in accordance with clause 102 of the Infrastructure SEPP 2007. An amended acoustic report may be required for the Section 96 application to Buildings C and D.

Acoustic Reports by Acoustic Logic dated 20 April 2016 are submitted with this development application (and with the concurrent Section 96 application) which address the internal acoustic amenity for apartments within Buildings B and C and within Building D. The reports conclude that the interior noise levels within all proposed apartments within Buildings B, C and D will comply with the acceptable noise criteria for protection from road noise and from noise potentially generated from mechanical plant and equipment.

An acoustic report for Building A has been supported with Development Consent D898/2014 and there are no modifications proposed for Building A.

State Environmental Planning Policy (SEPP) No.65 – Design Quality of Residential Flat Development

The design of the future residential flat buildings is to comply with the requirements of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.

A design verification statement is also required to be submitted with any future DA. This statement shall address all principles of the associated Apartment Design Guide.

There are no modifications proposed to the layout of apartments approved within Building A and therefore no further assessment of compliance with the Apartment Design Guide (ADG) for Apartment A is required with this application.

A compliance table addressing the ADG guidelines for Buildings B and C and for Building D is included in Annexure A to this development application.

A design verification has been submitted with this development application.

Stormwater

Stormwater drainage for the site must be in accordance with Council's Development Control Plan.

A stormwater concept plan shall be submitted with the application.

The stormwater concept plan shall be accompanied by a supporting report and calculations.

On-site detention is required to be provided for the site

The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards

A water quality treatment device shall be provided in accordance with Council's Development Control Plan.

Details of stormwater management are provided with this development application (and with the concurrent Section 96 application) and include:

Stormwater concept report by Diversi Consulting; Water Sensitive Urban Design Concept by Diversi Consulting dated 5 April 2016;

Stormwater Concept Plans by Waterman Australia Project No.25644 (including a Construction Management and Soil Erosion and Sediment Control Plan).

These details have been prepared in accordance with Council's requirements and in accordance with the current conditions of Development Consent DA898/2014.

Access

The application must demonstrate that access, car parking and manoeuvring details comply with AS2890 Parts 1, 2 and 6 and Council's Development Control Plan.

The proposed development shall be design to be serviced by a Heavy Rigid Vehicle.

The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory

The layout, access and vehicle servicing for Building A is unchanged from the approved development with the exception of an overall change to the levels and grades of the driveway in order to achieve compatibility with overland flow path requirements as indicated in the Civil Engineering Plans submitted with this application.

Adjustments have been made to the layout and configuration of on-site parking in accordance with Condition 2 of DA898/2014.

**Table 1 Pre-Lodgement matters and responses**

manoeuvring on-site and forward entry and exit to and from the public road.	For Buildings B and C the vehicle access and egress on the western side of the basement is located in the same position as approved with Development Consent DA898/2014. However the vehicle crossing has been widened to a Category 2 vehicular crossing to accommodate for the additional traffic volumes anticipated from the proposed expansion of Buildings B and C in accordance with this Development Application. This vehicle access design has been verified by the Traffic Report for Buildings B, C and D by Traffix Traffic and Transport Planners Report Ref. 16056 dated 16 March 2016 submitted with this development application.
	The loading bay is in the same position within the public road reserve north of Buildings B and C as approved with DA898/2014.
	The Traffix Traffic and Transport Planners Report Ref. 16056 dated 16 March 2016 submitted with this application verifies that vehicle access and manoeuvring is compliant with AS2890.
<b>Traffic</b> A Traffic Impact Statement is to be provided with any future DA. The statement shall include a review of existing traffic conditions adjacent to the proposed development site, prepared by a suitably qualified person.	A report by Traffix Traffic and Transport Planners Report Ref. 16056 dated 16 March 2016 is submitted with this application and examines the existing traffic conditions in the locality and the potential integration of traffic generated by the proposal on the local road system.
All new roads must be in accordance with the LDCP 2008.	All new public roads proposed with this development application are consistent with the road design criteria table in Condition 27 of DA898/2014. Dimensions and design details of new public roads are included in the Civil Works Plans by Diversi Consulting Project No.14139 Plan No.s DA05, DA06 and D07 submitted with this development application.
Double barrier line markings are to be provided at all T-junctions and cross intersections.	All road line-marking, signposting, barrier and intersection designs are consistent with Condition 43 of Development Consent DA898/2014 and are included in the engineering plans submitted with this application.
Detailed engineering plans shall be provided with any future DA submission for all road design including line markings and signposting.	Condition 119 of Development Consent DA898/2014 requires the submission of a Public Lighting Design Brief to Council for all street lighting and this Brief will make reference to LED lighting and compliance with AS1158 and Council's requirements. This application anticipates a similar condition to be imposed with the determination of this application.
LED street lighting to be provided in accordance with AS1158 and Council's specifications.	
Road works and road reserve works The development will require the following external road works: Half road construction on Rynan Avenue	Condition 27 of Development Consent D898/2014 requires half road construction within the section of Rynan Avenue fronting the site. This application anticipates a similar condition to be imposed with the determination of this application.

**Table 1 Pre-Lodgement matters and responses****Earthworks**

No retaining walls or filling is permitted for this development which would impede, divert or concentrate stormwater runoff passing through the site.  
Earthworks and retaining walls must comply with Council's Development Control Plan  
The application is to be supported by a Geotechnical Report prepared by a suitably qualified person to address Salinity/Acid Sulphate Soils  
Proposed fill material must comply with Council's Development Control Plan

The proposed site and building works have been informed by the civil engineering and concept stormwater management plans submitted with this application. All proposed works are compatible with the stormwater management concept plans by Waterman Australia consultants and the Water Sensitive Urban Design strategy by Diversi Consulting submitted with this application and submitted with the concurrent Section 96 application for DA898/2014.

A Geotechnical Report for No.5 Rynan Avenue prepared by JK Geotechnics was submitted with the original Development Application DA898/2014 and forms part of the development consent. A Geotechnical Investigation by JK Geotechnics dated 23 March 2016 has been submitted with this development application and reports on the geotechnical conditions of No.15 Rynan Avenue and consequences for proposed excavation and construction works proposed for Buildings B, C and D.

A Salinity Assessment and Management Plan by Environmental Investigation Services dated 27 August 2014 was submitted with the original Development Application DA898/2014 and forms part of that development consent. The site conditions for No.15 Rynan Avenue are the same as for No.5 Rynan Avenue. A Salinity Management Plan is included with the Phase 2 Site Investigation Report by Environmental Investigation Services submitted with this development application.

Conditions 103 and 104 and 120 of Development Consent DA898/2014 apply to all filling work and similar conditions are anticipated in the determination of this development application.

**Subdivision Works**

The application is to be accompanied by a subdivision concept plan  
The subdivision layout shall be in general accordance with Council's Development Control Plan  
All subdivision works must be designed in accordance with Council's Design and Construction Guidelines  
Any request for works in kind shall form part of the development application  
The width and design of the access handles shall be in accordance with Council's Development Control Plan

The approved plan of subdivision is Plan Ref. SP01 13-23665/H dated 6 July 2015 prepared by Joshua Farkash and Associates. This development application proposes a subdivision layout as shown in SP01 by Joshua Farkash and Associates and is consistent with the subdivision currently approved whilst incorporating an additional lot for Building D and an extended new road network and is also consistent with the current conditions of DA898/2014 which include:

The splay corners as required by Conditions 148, 156 and 164 of DA898/2014;  
The requirement for an easement to drain water similar to Condition 165 will be implemented at No.15 due to a change in the capacity and location of detention basins as shown in the concept stormwater management plans submitted with this application;

**Table 1 Pre-Lodgement matters and responses**

	<p>Restrictions-as-to-user over the residue lot in accordance with Conditions 157 and 158 of DA898/2014; and staging of the release of subdivision certificates and registration of lots for each of Stages 1, 2 and 3 as described in Section 5 to the concurrent Section 96 application.</p>
	<p>The subdivision layout pattern including the pattern of new public roads is to remain consistent with Development Consent DA898/2014 and is detailed in the Subdivision Plan SP01 submitted with this application and the Civil Works Staging Plan prepared by Diversi Consulting dated 2/03/2016 also submitted with this development application.</p>
	<p>Existing conditions of DA898/2014 require compliance with Council's Design and Construction Guidelines and similar conditions are anticipated in the determination of this development application.</p>
	<p>No works-in-kind are proposed with this application or with the concurrent Section 96 application to offset Section 94 contributions.</p>
Heritage	<p>No further assessment is required.</p>
Natural Environment	<p>Noted.</p> <p>It is recommended that future development applications are considered within the context of compliance with the Growth Centres SEPP and the relevant biodiversity certification order.</p>
Riparian Corridor	<p>No.5 and No.15 Rynan Avenue are burdened by a watercourse that runs through the site. The presence of a water course could trigger nominated integrated development under the Water Management Act, 2000.</p>
	<p>The latest survey submitted with this development application indicates that the nearest watercourse is a second order stream located a minimum 800m from the proposed building works.</p>
	<p>The overall volume of water to be extracted during the construction of basements for Buildings B and C and D is not expected to trigger the criteria for water extraction which requires a Controlled Activity Permit. For these reasons this application is not Integrated Development and does not require General Terms of Approval from the NSW Office of Water.</p>
	<p>Therefore having regard to the above the application will have to address Part 1 / Section 7 Development near a watercourse of the Consolidated LDCP 2008 and would need to be referred to the NSW Office of Water for comment and potential issuing of controlled activity approval.</p>
S96 Staged Development	<p>Annexure E to this Statement addresses Part 1 / Section 7 of the DCP.</p> <p>It is recommended that the Section 96 seeking staged development entail, but not be limited to, the following:</p>
	<p>The details of the proposed staging are addressed in Section 4 of this Statement.</p>



**Table 1 Pre-Lodgement matters and responses**

Consolidation of No.5 and 15 and the subsequent Torrens title subdivisions to cater for Buildings A-D; It is also recommended that the Section 96 apply for the Staging of the proposal. It is requested that the staging proposed under the Section 96 be clearly defined in any future documentation submitted.  It is advised that any Section 96 application will be subject to determination by the JRPP.	The proposed staging begins with the consolidation of No.5 and No.15 Rynan Avenue. The staging also splits the subdivision of the proposed buildings into Stage 1 (Building A and curtilage), Stage 2 (Building D and curtilage) and Stage 3 (Buildings B and C and curtilage). Staging details for all civil and construction works are shown in plans by Diversi Consulting Project No.14139 Drawing No.SKC09 Issue B dated 15 March 2016 submitted with this application.  The Section 96 application lodged concurrently with this development application is anticipated to be determined by the JRPP.
New DA for No.15 Rynan Avenue Any future development proposal for No.15 Rynan Avenue Edmondson Pak shall be a separate DA. It is recommended that the application propose alterations and additions to Building B and C approved under DA898/2014 and the construction of Building D along with any road works, drainage etc.  The simultaneous lodgement of the future application for No.15 Rynan Avenue and the Section 96 application is the recommended option in this instance. This will assist in demonstrating how the development will work as a whole.	This Statement forms part of this development application for No.5 and No.15 Rynan Avenue and has been lodged concurrently with a Section 96 modification application for DA898/2014. This development application proposes works as follows: Demolition of all existing structures at No.15 Rynan Avenue; Removal of trees within and surrounding the proposed building and site works; Four lot subdivision (which matches the subdivision pattern as approved with DA898/2014 and as proposed with the Section 96 modification); Construction of Building D and Buildings B and C (which are two parts of the same building). The works for Building B and C proposed with this development application are intended to override the works for Buildings B and C approved with DA898/2014; and Construction and dedication of roads and footpath reserves which are intended in part to override some of the approved road and footpath works approved with DA898/2014.  The details presented in this application are to be assessed concurrently with the Section 96 modification to DA898/2014 in order to form a coherent and comprehensive sequence of development over both No.5 and No.15 Rynan Avenue.

In summary Table 1 demonstrates that the details submitted with this development application (and the concurrent Section 96 application) have been prepared to take into account, and constructively respond to, the matters identified by Council in the pre-lodgement process.

Section 96 modification applications were previously submitted to Council as follows:

- Application DA-898/2014/A seeking to amend Condition 8 to delay payment of contributions until the timing of release of a Subdivision Certificate. As Building A is now incorporated into Development Application DA-471/2016 this modification was withdrawn and the matter will now be dealt with under DA-471/2016 and will apply to the staging of construction of all three residential flat buildings and creation of new lots;



- Application DA-898/2014/B seeking to modify the approved height of Building A. This application was approved and Building A has been constructed in accordance with the modified plans;
- Application DA-898/2014/C seeking to modify the height and scale of Building B/C. This modification application was withdrawn and the final design detail of Building B/C is to be assessed and determined under this Development Application DA-471/2016.

Further meetings and discussions have been held between the project application team and Council staff regarding the staging of works and applications (including modifications) for No.5 and No.15 Rynan Avenue. This revised Statement of Environmental Effects and revised architectural and staging plans have been submitted to Council as a result of these discussions to present all three (3) residential flat buildings, subdivision and civil works as a single development application.





# 4. Description of the proposal

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The proposed development involves:

- Construction of three (3) residential flat buildings being Building A (already approved and constructed with DA-898/2014), Building B/C and Building D;
- subdivision of the existing site into five (5) lots. The subdivision pattern is consistent with that already approved with DA-898/2014;
- construction of civil works including footpaths and public roads and stormwater infrastructure.

The proposal is well described in the submitted plans and supporting documentation provided with this application and is described in text as follows.

## 4.1 STAGED SUBDIVISION AND CONSTRUCTION

The proposal involves subdivision of the subject site into five (5) separate lots as indicated in the plan of subdivision prepared by Joshua Farkash and Associates submitted with this application. The subdivision is proposed to be staged along with construction works described as follows:

### **Preliminary consolidation**

Consolidation of No.5 and No.15 Rynan Avenue (Lot 1 DP 774700 and Lot 22 DP 631868 respectively) into a single allotment (no consent required);

#### Stage 1

- Stage 1 construction in accordance with Development Consent DA-898/2014) including undertaking the following:
  - Construction of Building A and ancillary landscaping works, stormwater management and vehicle access, egress and parking;
  - Civil works to those parts of Camden Valley Way and Rynan Avenue road reserves adjacent to the future lot to contain Building A;
  - construction of that part of the public road as labelled 'Stage 1' in the Civil Works Staging Plan DA-05 by Diversi Consulting and associated temporary stormwater management works;
- Stage 1 subdivision will create two lots and a new public road reserve. One lot is to contain Building A as defined by the boundaries with Camden Valley Way, Rynan Avenue (after road widening dedication) and the new public road reserve and the residue lot. Restrictions are anticipated to be placed on the title of the residue lot consistent with the current Conditions 157, 158 and 165 of DA898/2014. The new public road reserve created in Stage 1 will be dedicated to Council and be completed and available for public access upon registration of the lots created from Stage 1. This new public road will allow access for residents and visitors of Building A via a new public road intersecting with Rynan Avenue.

Stage 1 requires a separate Construction Certificate and Subdivision Certificate specific to Stage 1 works. An Occupation Certificate is proposed to be issued for Building A only after all works in Stage 1 have been completed



to the satisfaction of Council and the Principal Certifying Authority. Building A and its separate allotment have already been approved in accordance with DA898/2014.

### Stage 2

- Stage 2 construction is to be in accordance with DA-471/2016 for Building D including undertaking the following:
  - landscaping works, stormwater management works, vehicle access and egress and parking;
  - Civil works to that part of Rynan Avenue road reserve adjacent to the future lot to contain Building D;
  - construction of that part of the public road as labelled 'Stage 2' in the Civil Works Staging Plan DA-05 by Diversi Consulting and associated temporary stormwater management works;
- Stage 2 subdivision is proposed to create one new lot from the residue lot of Stage 1 and a new public road reserve. The new lot is to contain Building D as defined by the boundaries with Rynan Avenue (after road widening dedication), the new public road reserve and the boundaries with former Lot 3 DP 29317 and the residue lot. Restrictions are to be placed on the title of the residue lot consistent with the current Conditions 157, 158 and 165 to DA898/2014. The new public road reserve created in Stage 2 will be dedicated to Council and be completed and available for public access upon registration of the lots created from Stage 2. This new public road will allow access for residents and visitors to Building D via a new public road intersecting with Rynan Avenue.

Stage 2 requires a separate Construction Certificate and Subdivision Certificate specific to Stage 2 works. An Occupation Certificate is proposed to be issued for Building D only after all works in Stage 2 have been completed to the satisfaction of Council and the Principal Certifying Authority.

### Stage 3

- Stage 3 construction is to be in accordance with DA-471/2016 for Building B/C including undertaking the following:
  - Construction of Building B/C (the subject of this development application and overriding part of Development Consent DA898/2014 as it related to former Buildings B and C and part of the public road and footpath works);
  - including landscaping works, stormwater management works and road widening within the section of Rynan Avenue fronting Building B/C, construction of those parts of the public road and final stormwater management infrastructure labelled 'Stage 3' in the Civil Works Staging Plan DA-05 by Diversi Consulting.
  - A subdivision is proposed to create one new lot from the residue lot of Stage 2 and a new public road reserve. The new lot is to contain Building B/C. The boundaries of the lot will be as defined by the boundaries with Rynan Avenue (after road widening dedication) and the new public road reserve. Restrictions are to be placed on the title of the residue lot consistent with the current Conditions 157, 158 and 165 to DA898/2014. The new public road reserve created in Stage 3 will be dedicated to Council and be completed and available for public access upon registration of the lots created from Stage 3.
- Stage 3 requires a separate Construction Certificate and Subdivision Certificate specific to Stage 3 works. An Occupation Certificate is proposed to be issued for Building B/C only after all works in Stage 3 have been completed to the satisfaction of Council and the Principal Certifying Authority.



At the completion of Stage 3 there will be a fully formed new public road and footpath network throughout the site providing a loop link around Building B/C from Rynan Avenue and final form stormwater management infrastructure constructed within the new lots, established within the new public road reserve and connected to stormwater assets to the west of the new lots containing residential flat buildings.

The proposed staging of construction and subdivision has many advantages including but not limited to:

- minimal site disturbance at any one time with the central area of the site (Stage 3 area) being continuously used for the construction site compound for all building work plant and equipment, machinery and materials storage, site control office and the like;
- minimal spatial disruption to traffic on Rynan Avenue with works in the road reserve completed in three separate stages;
- separation of construction vehicle movements and future vehicle movements associated with the occupation of Buildings A and D. Construction vehicles can enter and leave the central site compound without using the sections of new dedicated public roads which will provide access for future occupants of Buildings A and D and avoid potential damage to the newly constructed road and footpath reserves;
- Sequential subdivision and dedication of public roads will allow income to be generated from the sale of apartments in Building A and then Building D to finance on-going work;
- a practical sequence of construction site management in conjunction with works the subject of separate and concurrent development applications for No.5 and No.15 Rynan Avenue. This sequence of construction will result in Building B/C being completed in a coherent single development; and
- practical and functional installation of utilities, services and landscaping and dedication of new public roads and footpaths.

The development data indicated on the plans submitted with this application and included in Annexures A to E has been presented in the final stage format to demonstrate the degree of compliance with the relevant planning provisions at the completion of all works.

The staging of development as described above and the inclusion of Building A as approved with DA-898/2014 into this development application supercedes those existing conditions of DA898/2014 to facilitate the staged release of Construction Certificates, Subdivision Certificates and Occupation Certificates.

## 4.2 RESIDENTIAL FLAT BUILDINGS

This application involves the construction of three (3) residential flat buildings being Building A, Building B/C and Building D. Building A (Stage 1) has been constructed in accordance with development consent DA-898/2014.

### **Building D (Stage 2)**

Building D is to contain 4 x one-bedroom apartments, 21 x two-bedroom apartments and 3 x three-bedroom apartments. The building is to include a basement with capacity for 42 car parking spaces for residents and 7 car parking spaces for visitors. The basement also includes caged storage spaces around the perimeter of the basement and a waste storage room in the north east corner.

Vehicle access to and from the basement is to be via a ramped access to the northern boundary of the new lot to contain Building D. A temporary bin storage area is to be located adjacent to the western side of the vehicle access point and bins are to be presented to the kerb side on the day of collection by a contracted building manager.





The ground floor level of Building D is to contain seven (7) apartments each with a large private terrace and courtyard area and a private access where the courtyard shared a boundary with a public street. There are three common entry points to Building D from the new public footpath along the northern boundary of the new lot to activate and enliven the street frontage. The main entry point is to be defined by a pavilion near the centre of the street frontage with broad steps and an accessible ramp. All three common entry points are linked by clear, straight accessible paths through the communal open space area in the centre of the site to the three lobby areas within the building footprint. The central lobby area is the largest and contains the shared lift.

Levels 1, 2 and 3 of Building D each contain seven (7) apartments with the common circulation corridor being a U-shape. The common corridor space is partly open with balustrades and vertical screens on the southern façade.

### **Building B/C (Stage 3)**

The original DA898/2014 granted consent for Buildings B and C as two separate buildings sharing a common basement. This development application DA-471/2016 seeks to override that part of DA-898/2014 relating to Buildings B and C and the public road to surround this building.

This development application DA-471/2016 proposes Building B/C as a single residential flat building over a two level basement. The lower level of the basement has a finished floor level of RL36.6 and has parking spaces for residents. The upper level basement has a finished floor level of RL39.5 and has car parking spaces for residents and visitors. The total number of car parking spaces within the basement is 143 of which 21 are to be available for visitor parking. Two (2) of the visitor parking spaces are accessible and nine (9) of the resident parking spaces are accessible.

There is a combined vehicle entry/exit ramp at the western side of the basement. Mechanical plant and electrical equipment rooms are located in the north west corner of both basement levels.

The upper level of the basement contains two waste storage and management rooms both in close proximity to each of two lift wells for convenient access for residents. Waste chutes are to be installed and connected to the common corridor at each residential level linked to the basement waste rooms. Each waste management room has capacity for bins and bulk waste storage. A contracted building manager will be responsible for distributing wastes into the appropriate bins and moving all waste to the temporary storage area adjacent to the southern side of the vehicle access as well as moving the bins for kerb side collection on the servicing day(s).

There are two (2) points of common pedestrian access and egress for the building and two points of egress-only. The combined entry/exit in the western façade adjacent to the northern side of the vehicle access and the combined entry/exit oriented to Rynan Avenue are to be defined within each façade by an angular awning and distinctive materials, colours and finishes. Each combined access/egress point is accessible and doors open directly into a lobby providing vertical and horizontal access through the building. The common circulation space is widened at the two lift lobby points as well as directly above the vehicle accessway.

All ground floor apartments of Building B/C have paved terraces and private landscaped courtyard spaces most of which occupy the setback areas to adjoining streets and some of which are adjacent to the central communal open space area.

The central communal open space is a consolidated area of approximate dimensions 33m x 11m.

Levels 1, 2 and 3 of Building B/C have the same floor plan. The apartments on Level 3 which are oriented towards the central communal open space have dormer-style skylights above each living room to optimise solar access.

Level 4 extends around the east, north and west edges of Building B/C and contains 11 apartments. At the south eastern and south western corners of Level 4 are two communal covered terrace areas approximately 13m x 10m and 8m x 5m respectively.





## 4.3 ROAD CONSTRUCTION AND DEDICATION

New public roads are proposed to be constructed consistent with the plans approved with DA-898/2014 and as shown in the Subdivision Plan SP01 prepared by Joshua Farkash and Associates and the Roadworks and Drainage Plan Ref. 14139 DA05/C prepared by Diversi Consulting and dated 2/3/2016. These plans are consistent with, and incorporate the following requirements of, Development Consent DA-898/2014:

- Road design criteria as set out in Conditions 26 and 27 (as modified);
- Road construction standards as required by Condition 36;
- The splay corners as required by Conditions 148, 156 and 164;
- The intersection designs as required by Conditions 4, 43, 149; and
- Footpath design requirements in accordance with Condition 161.

The abovementioned plans are also compatible with the proposed staging described in Section 4.1.1 of this Statement.

The new roads and footpaths will facilitate access for each of the proposed residential flat buildings and have been designed to enable future public access and surveillance to the future public open space along Cabramatta Creek as intended by the DCP and Precinct Layout Plan. The roads will be constructed and dedicated to Council in stages as described in Section 4.1.1. Temporary turning heads may be required subject to further assessment and recommendations of Council.





# 5. Environmental Planning Assessment

## 5.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 79C of the EP&A Act, 1979.

## 5.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 79C(1)(a) of the EP&A Act, 1979, are identified in the following Table:

**Table 2 SECTION 79C MATTERS FOR CONSIDERATION**

EP&A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.79C(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
"	SEPP No.65 – Design Quality of Residential Apartment Development	✓	✓	
"	SEPP (BASIX) 2004	✓	✓	
"	SEPP (Infrastructure) 2007	✓	✓	
"	GMREP No.2	✓	✓	
	Liverpool Local Environmental Plan 2008	✓	✓	
S.79C(1)(a)(iii)	Liverpool Development Control Plan 2008	✓	✓	
S.79C(1)(a)(iv)	Any other prescribed matter:- <ul style="list-style-type: none"><li>AS 2601-1991: Demolition of structures.</li></ul>	✓		

The primary statutory documents that relate to the subject site and the proposed development are *Liverpool Local Environmental Plan 2008* (LLEP 2008) and *SEPP No.65 – Design Quality of Residential Apartment Development*.

The primary non-statutory document relating to the subject site and proposed development is Liverpool DCP 2008 (Edmondson Park) and also the *Apartment Design Guide (ADG)* (under SEPP No. 65). The relevant provisions of these documents and other relevant planning controls are summarised below and the proposal's compliance with them assessed.

### 5.2.1 SEPP No.55 – Remediation of Land

This State Environmental Planning Policy (SEPP) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

The applicant has obtained a Phase 1 Environmental Site Investigation prepared by *Environmental Investigation Services* which concludes as follows:



*“EIS consider the site can be made suitable for the residential development provided the following additional work is undertaken to better assess the risks:*

- *Undertake a Stage 2 ESA to meet the sampling density outlined in the NSW EPA*
- *Contaminated Sites Sampling Design Guidelines (19952); an*
- *Undertake a waste classification assessment for the off-site disposal of material excavated for the proposed development”*

A Phase 2 Assessment has since been completed as reported in the Stage 2 Environmental Site Investigation by Environmental Investigation Services Report Reference E28733Krpt dated 24 February 2016 submitted with this application. This assessment has identified the presence of asbestos within the site in a contained area and recommends the preparation and implementation of a Remedial Action Plan (RAP) prior to the commencement of any site works. The report also contains recommendations for an inventory and treatment program for the identification of any hazardous materials within the existing buildings prior to their demolition.

Subject to the recommendations of the Phase 2 assessment the proposal satisfies the requirements of SEPP No. 55.

### **5.2.2 SEPP 65 – Design Quality of Residential Apartment Developments**

Schedule 1 of the Policy sets out the 9 ‘Design Quality Principles’ and Clause 28(2) requires that the consent authority, in determining a development application to take into consideration:

1. *The advice (if any) of a relevant design review panel;*
2. *The design quality of the residential flat development when evaluated in accordance with the design quality principles; and*
3. *The Apartment Design Guide.”*

A *Design Verification* has been submitted with this application detailing compliance with the design quality principles and in satisfaction of Clause 50 of the EP&A Act.

Clause 6A of the SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide in relation to:

- (a) visual privacy,*
- (b) solar and daylight access,*
- (c) common circulation and spaces,*
- (d) apartment size and layout,*
- (e) ceiling heights,*
- (f) private open space and balconies,*
- (g) natural ventilation,*
- (h) storage.”*

In addition, Clause 30(1) of the SEPP states that a development application cannot be refused if it complies with the prescribed criteria of the Apartment Design Guide in relation to ceiling heights, parking and internal apartment sizes.

A compliance table is provided at Annexure A detailing compliance with the applicable *Design Criteria* contained within the *Apartment Design Guide* (ADG) for Buildings A, B/C and D as a completed development. Annexure A demonstrates that, as an overall redevelopment of the entire site, the proposal is compliant with the relevant requirements of the ADG



with the exception of the number of apartments sharing common circulation space in Building B/C. The justification with respect to this minor non-compliance is provided in Annexure A and demonstrates that the proposed layout of apartments and the common circulation spaces in the lower three levels of Building B/C will not compromise the functional operation of the developments or the amenity of future residents and their visitors.

### 5.2.3 SEPP (BASIX) 2004

SEPP (BASIX) 2004 commenced on 1 July 2004 and applies to the proposed development. In accordance with the provisions of the SEPP, BASIX Commitment data for Building B/C and Building D are included in A-8201 and A-8202 Drawing Sheets submitted with this development application. This data confirms that the proposed buildings (once operational) will comply with the water, thermal comfort and energy efficiency requirements of the policy. BASIX requirements have already been approved for Building A with DA898/2014.

Building A has already been completed and complies with the BASIX requirements approved with DA-898/2014.

### 5.2.4 SEPP (Infrastructure) 2007

Clause 101 of the SEPP (Infrastructure) 2007 (ISEPP 2007) relates to development with frontage to a classified road. Clause 101 states that a consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:

- a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - i. *the design of the vehicular access to the land, or*
  - ii. *the emission of smoke or dust from the development, or*
  - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - iv. *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

The proposed development will be accessed via the new public roads which intersect with Rynan Avenue and no access is proposed via Camden Valley Way. In addition, the development will not impact on the safety, efficiency and ongoing operation of Camden Valley Way as discussed in the Traffic Report approved with DA898/2014 and the Traffic Report by Traffix Traffic and transport Planners ref. 16056 dated 16 March 2016 submitted with this development application.

Clause 102 of the ISEPP relates to development that may be affected by noise or vibration from a busy road. Clause 102 states that, if the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- a. *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
- b. *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Acoustic assessment has been undertaken by Acoustic Logic being:



- Project No.20140687.1/2502A/R2/RL dated 25 February 2015 for approved Building A;
- Project No.20140687/2004A/R2/RL Revision 2 dated 20/04/2016 for Building B/C; and
- Project No.20140687/2004A/R2/RL Revision 2 dated 20/04/2016 for Building D.

These reports prescribe construction techniques and materials required to achieve adequate acoustic attenuation for internal amenity in response to the measured and predicted noise levels. Subject to compliance with the recommendations of the Acoustic Reports the proposal will satisfy the requirements of Clause 102 of SEPP (Infrastructure) 2007.

### 5.2.5 Greater Metropolitan REP No.2 – Georges River Catchment

The aims of the Greater Metropolitan Regional Environmental Plan No.2 – Georges River that are relevant to this application are listed in Table 3 along with comments as to how the proposal is consistent with those aims.

**Table 3 Compliance with AIMS of GMREP NO.2**

Aim	Comment
(a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment	Demolition and construction works will ensure protection of water quality and quantity runoff controls in accordance with the Soil and Water Management Plan and Erosion and Sedimentation Control Details prepared by Diversi Consulting dated 2/3/2016 Project No.14139 DA02 Issue C and DA03 Issue A respectively.
(b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner	Land within the site which has been identified as Environmentally Significant in LLEP 2008 will not be disturbed by the proposed works.
(f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package	See the Stormwater Management Plans by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA05 Issue C and Stormwater Concept Plans prepared by Waterman Australia Project Ref.25644 Drawing No.s H500 to H505dated 16 March 2016 submitted with this development application.

Part 2 to GMREP No.2 contains general and specific planning principles to be taken into consideration with development proposals. Clause 8 lists matters for consideration in assessment of all development applications. Those matters relevant to the proposal are contained in Table 4 along with comments as to how those matters relate to the proposal.

**Table 4 Matters for consideration in assessment of development applications**

Aim	Comment
(a) the aims, objectives and planning principles of this plan	See Table 3.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas	Appropriate measures are to be implemented to protect and improve downstream water quality and quantity as detailed in the Soil Erosion and Sediment Control Plans and the Concept Stormwater Management Plans submitted with this development application. New stormwater management infrastructure has been designed in accordance with the Water Sensitive Urban Design Concepts prepared by Diversi Consulting dated 5 April 2016 submitted with this development application.

**Table 4 Matters for consideration in assessment of development applications**

(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries	The proposal will not contribute a detrimental cumulative impact based on the proposed controls to maintain and improve water quality and ensure post-development flows are equivalent to pre-development flows.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments)	Stormwater management is to be consistent with Council's requirements and any General Terms of Approval to be issued by the NSW Office of Water (although it is anticipated that all works are more than 40m from the top of bank of the watercourses within the site and GTAs are not considered necessary).
(e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning)	The proposal is consistent with the requirements for urban development as identified in the Strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice	Treatment of the riparian area and the buffer between the development site and the western boundary of Lot 1 will be consistent with the NSW Office of Water Guidelines for riparian corridors on waterfront land (July 2012) and Guidelines for vegetation management plans on waterfront land. Works proposed with this development application are considered to be more than 40m from the top of the bank of watercourses within the site as detailed on the plans by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA05 Issue C and Stormwater Concept Plans prepared by Waterman Australia Project Ref.25644 Drawing No.s H500 to H505dated 16 March 2016 submitted with this development application.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	Alternative development scenarios are not required to be considered as the proposal is consistent with the desired future character facilitated by LLEP 2008 and LDCP 2008.

Part 2 to GMREP No.2 contains general and specific planning principles to be taken into consideration with development proposals. Clause 9 lists specific planning principles for consideration in assessment of development proposals. Those planning principles are contained in Table 5 along with comments as to how those principles relate to the proposal.

**Table 5 Matters for consideration in assessment of development applications**

Aim	Comment
(1) Acid sulfate soils	The site is not mapped in LLEP 2008 as being within an area of Acid Sulfate Soil classification 1 to 5. Therefore the proposal is unlikely to disturb Acid Sulfate Soils.
Disturbance of acid sulfate soil areas is to be avoided or minimised and those areas are to be protected in accordance with the requirements set out in the Acid Sulfate Soils Assessment and Management Guidelines prepared by the Acid Sulfate Soils Management Advisory Committee	No works are proposed which would disturb the banks of Cabramatta Creek. A vegetated buffer compliant with the requirements of LDCP 2008 is to be maintained to the designated riparian corridor of Cabramatta Creek as

**Table 5 Matters for consideration in assessment of development applications**

<p>identified by the area within Zone RE1 (and this land is not to be impacted by this development application).</p>	
<p>(3) Flooding</p> <p>The following are to be recognised:</p> <p>(a) the benefits of periodic flooding to wetland and other riverine ecosystems,</p> <p>(b) the pollution hazard posed by development on flood liable land in the event of a flood,</p> <p>(c) the cumulative environmental effect of development on the behaviour of flood water and the importance of not filling flood prone land.</p>	<p>(a) See the Stormwater Concept Plans prepared by Waterman Australia submitted with this development application which demonstrates that the proposed development will not alter the natural flood regime of Cabramatta Creek within the defined riparian corridor and will not divert or reduce flood water from the natural catchment in a manner which would be detrimental to the environmental benefits of flooding to the function of the catchment.</p> <p>Conditions of DA898/2014 note that all materials to be below the 1%AEP shall be flood compatible and this development application anticipates similar conditions to be imposed for the construction of Buildings B/C and D.</p> <p>(b) The proposal does not introduce any pollution hazard which would be exposed to flooding.</p> <p>(c) The stormwater management concept plans submitted with this application demonstrates that all proposed works are compatible with the movement of floodwater through the site and will not detrimentally alter the flood impacts on neighbouring sites and other land within the catchment.</p>
<p>(5) Land degradation</p> <p>Land degradation processes, such as:</p> <p>(a) erosion,</p> <p>(b) sedimentation,</p> <p>(c) deterioration of soil structure,</p> <p>(d) significant loss of native vegetation,</p> <p>(e) pollution of ground or surface water,</p> <p>(f) soil salinity and acidity, and</p> <p>(g) adverse effects on habitats and sensitive natural environments (aquatic and terrestrial) within the Catchment, must be avoided where possible, and minimised where avoidance is not possible.</p>	<p>Demolition and construction works will include measures for the protection of water quality and quantity runoff in accordance with a Soil and Water Management Plan / Erosion and Sedimentation Control Plan prepared by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA02/C and DA03/A.</p> <p>Vegetation removed from the site will be compensated by new landscaping including endemic species more compatible with the long term environmental attributes of the site.</p> <p>A Salinity Management Plan was approved with DA898/2014 and a similar Management Plan is contained in the Stage 2 Environmental Site Investigation submitted with this application and is proposed to apply to this development proposal as the soil conditions and construction methods are proposed to be consistent over No.5 and No.15 Rynan Avenue.</p> <p>The proposal provides an appropriate spatial buffer to the future riparian corridor of Cabramatta Creek.</p>
<p>(9) Urban/stormwater runoff</p> <p>The impacts of stormwater runoff, including sewage contaminated runoff into or near streams within the Catchment,</p>	<p>Refer to the plans by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA05 Issue C and</p>



**Table 5 Matters for consideration in assessment of development applications**

is to be minimised and mitigation measures that address urban stormwater runoff are to be implemented in accordance with the local council requirements and the Managing Urban Stormwater series of documents. Development is also to be in accordance with the NSW State Rivers and Estuaries Policy available from offices of the Department of Urban Affairs and Planning. Stormwater management must be integrated so that quality, quantity and land use aspects are all encompassed

Stormwater Concept Plans prepared by Waterman Australia Project Ref.25644 Drawing No.s H500 to H505dated 16 March 2016 and the Water Sensitive Urban Design Concept by Diversi Consulting dated 5 April 2016 submitted with this development application.

**(10) Urban development areas**

The environment within the Catchment is to be protected by ensuring that new or expanding urban development areas are developed in accordance with the Urban Development Program and the Metropolitan Strategy and that the requirements of the NSW Floodplain Development Policy and Manual (prepared by and available from the Department of Land and Water Conservation) are also satisfied. It is important to ensure that the level of nutrients entering the waterways and creeks is not increased by the development

Refer to the plans by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA05 Issue C and Stormwater Concept Plans prepared by Waterman Australia Project Ref.25644 Drawing No.s H500 to H505dated 16 March 2016 and the Water Sensitive Urban Design Concept by Diversi Consulting dated 5 April 2016 submitted with this development application.

**(11) Vegetated buffer areas**

Appropriate buffer widths (as identified in item 21 relating to Development in Vegetated Buffer Areas in the Planning Control Table in Part 3) must be retained as a means of improving surface runoff entering into the Georges River or its tributaries.

A vegetated buffer is to be established adjacent to the western side of the new public road which runs north-south through the site. The minimum vegetated buffer distance created for the watercourse within the site is 20m wide and is consistent with the requirements of LDCP 2008.

**(12) Water quality and river flows**

Water quality and river flows within the Catchment are to be improved through the implementation of environmental objectives for water quality and river flows agreed between the Minister for Environment and the Minister for Land and Water Conservation and by the application of consistent decisions affecting the use and management of land.

Refer to the plans by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA05 Issue C and Stormwater Concept Plans prepared by Waterman Australia Project Ref.25644 Drawing No.s H500 to H505dated 16 March 2016 and the Water Sensitive Urban Design Concept by Diversi Consulting dated 5 April 2016 submitted with this development application.

Part 3 to GMREP No.2 contains a planning control table which lists specific matters for consideration based on the type of development proposed. In this case the proposal is within the “Housing Development” category. The matters for consideration relating to Housing Development are listed in Table 6 along with comments addressing the specific features of this proposal.

**Table 6 Planning controls in assessment of Housing Development**

Aim	Comment
For land included in the Urban Development Program: Development consent required for land identified in the Urban Development Program unless the land is not connected to a reticulated sewerage system or is flood liable, in which case it is prohibited.	The portion of the site which is to contain the proposed residential flat buildings and new public road is affected by flooding and all works will be compatible with the flooding parameters for the site as determined in accordance with the concept stormwater management details submitted with the development application.

**Table 6 Planning controls in assessment of Housing Development**

<p>For land within the Urban Development Program:</p> <p>Whether the proposal for development accords with the Metropolitan Strategy and satisfies the strategy's goals and key principles.</p> <p>Whether the land is adequately serviced.</p> <p>Whether adequate provision has been made to meet the requirements of any council stormwater management plans and erosion and sediment control plans or policies.</p> <p>Whether provision has been made for sediment and/or erosion control during construction in accordance with best practice.</p> <p>Whether adequate provision has been made to prevent untreated urban runoff including nutrients, oils and greases, animal wastes, detergents and other pollutants from car washing and general litter entering into the Georges River or its tributaries.</p> <p>Any treatment measures will need to be in accordance with the NSW State Rivers and Estuaries Policy and have the necessary approval of the Department of Land and Water Conservation.</p> <p>The provision of planted areas and the minimisation of hard surface areas mitigates against increased urban runoff from built up areas and must be encouraged. Reuse of treated waste water and the utilisation of appropriate water conservation practices must also be encouraged</p> <p>Whether adequate provision has been made to incorporate vegetated buffer areas to watercourses, foreshores or other environmentally sensitive areas</p> <p>The potential cumulative environmental impact of urban runoff on the Georges River or its tributaries</p>		<p>The residential flat buildings can be connected to a reticulated sewerage system.</p> <p>Development consent is sought as required by this Planning Control.</p> <p>The site is part of an Urban Release Area and is identified in the Urban Development Program and meets the goals for minimum residential density to deliver efficient redevelopment of the land.</p> <p>The land can be serviced by all essential utilities.</p> <p>See plans by Diversi Consulting dated 2/3/2016 Project Ref 14139 Drawing No.DA05 Issue C and Stormwater Concept Plans prepared by Waterman Australia Project Ref.25644 Drawing No.s H500 to H505dated 16 March 2016 and the Water Sensitive Urban Design Concept by Diversi Consulting dated 5 April 2016 submitted with this development application.</p> <p>See Stormwater Management Plan submitted with the development application.</p> <p>Requirements are expected to be specified through General Terms of Approval issued by the NSW Office of Water for any water extraction required during construction.</p> <p>See the Landscape Plan submitted with the development application.</p> <p>Water re-use is proposed to be incorporated with rainwater storage tanks indicated on the plans submitted with the development application.</p> <p>A vegetated buffer is to be established along the western edge of the north-south section of new public road to provide a buffer to the watercourse. All land within the site which is identified in the maps to LLEP 2008 as being environmentally significant will not be disturbed as part of this development proposal.</p> <p>The proposed Stormwater Management measures are expected to contribute positive cumulative impacts to the catchment.</p>
<p>In summary, the proposal is consistent with all relevant aims, matters for consideration and principles contained in GMREP No.2.</p>		



### 5.2.6 Liverpool Local Environmental Plan 2008

The *Liverpool LEP 2008* came into force on 29 August 2008 and applies to the subject site. Under the LEP three separate zones apply to the site as indicated at Figure 11.

The north-west corner of the site and the eastern portion of the site are within Zone R1 General Residential. The area of the site which includes the tributaries of Cabramatta Creek is within Zone RE1 Public Recreation. The remainder of the site is in Zone E3 Environmental Management. There is an application for a Draft Planning Proposal currently under assessment by Council to change the zoning of the portion of the site in Zone E3 to Zone R1.



Figure 11 Extract from LLEP 2008 Zone Maps (subject site outlined in red)

The new lots to contain the residential flats and the new public roads are confined to the area of land within Zone R1 on the eastern portion of the site. The residue lot to exist at the completion of Stage 3 will contain all land to the west. No permanent building works are proposed within the residue lot resulting from this development application. Civil works are proposed within the residue lot for stormwater management.

Therefore the assessment of this proposal against the provisions of LLEP 2008 addresses the construction of roads and residential flat buildings in Zone R1.

LLEP 2008 defines residential flat buildings as:

“A building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

The proposed buildings are best described as *residential flat buildings* and are permissible with development consent in Zone R1. The construction and dedication of a public road is also permitted with development consent in Zone R1.

A detailed assessment of the requirements of LLEP 2008 as they apply to the proposal is provided at Annexure B. The proposed development is consistent with all relevant LEP provisions with the exception of building height. A request for variation to the building height control in accordance with Clause 4.6 to LLEP 2008 is provided in Annexure C.





In light of the reasons presented in Annexure C it would be unreasonable and unnecessary to insist on strict compliance with the building height development standard for this proposal. Furthermore, to insist on strict compliance would frustrate the orderly and economic development of the site as intended by the strategic planning for the Growth Centres thereby hindering the attainment of the objects of the *Environmental Planning and Assessment Act, 1979*. In this case the variation to the maximum building height standard is considered reasonable and consistent with the requirements of Clause 4.6(3) of the LEP. The proposal complies with all other relevant provisions of LLEP 2008.

#### 5.2.7 Liverpool DCP 2008

This DCP was adopted by Council on 28 July 2008 and came into force on 29 August. The Plan applies to all land within the Liverpool local government area. Part 2.11 of the DCP relates specifically to land subdivision and development in Edmondson Park and was effective from 19 February 2014. The relevant provisions of the DCP are detailed at Annexure D.

It is noted that the site is within the minimum 17 dwelling per hectare area as mapped in LLEP 2008 Dwelling density map DWD 009. However, Council's written response to the Pre-DA Lodgment meeting dated 30 April 2014 states:

*“Whilst the development is not located within the Edmondson Park Town Centre, the building and appearance controls within the 38 dwellings/hectare would be applicable to the proposal”.*

The compliance table identifies the relevant provisions that relate to the proposal and demonstrates that the development is compliant with those provisions. Where departures to the controls exist, a justification is provided in Annexure D.

### 5.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

#### 5.3.1 Topography & Scenic Impacts

The proposed development has been designed to relate to the site and topography. Some excavation is required to provide the basements for each building, however, the buildings will be positioned above the excavated areas and there will be no visible external change to the site topography evident from excavation of the basements.

In addition, the proposal has been designed with regard to the applicable density and height controls and represents a form of development that is reasonably anticipated at the subject site. As such, despite the changing nature of development in the area there will be no adverse scenic impacts associated with the proposal.

#### 5.3.2 Flora and Fauna Impacts

The proposal involves removal of all existing vegetation from the area of the site within Zone R1. It is noted that no works are proposed within the proposed Lot 1 that will result in adverse impacts on the existing environmental qualities of the site.

Whilst the density of the site will increase and all existing vegetation will be removed, this is consistent with the anticipated future character of the site as part of the Edmonson Park Urban Release Area. The Urban Release Area was established to provide additional housing in conjunction with new high quality landscaping and a future network of vegetated public open space and riparian areas.

The Landscape Plan submitted with the application indicates all replacement trees to be planted in common areas around the site. New planting will both soften the built form, offset the loss of the existing trees and contribute to improving the local biodiversity.





### **5.3.3 Micro-climate Impacts**

The proposed development will have no significant impact on the micro-climate of the locality.

### **5.3.4 Water & Air Quality Impacts**

The proposed development will have no significant impact on air or water quality in the locality. Details of the works proposed, to reduce silt laden stormwater runoff from the site during and after construction is contained in the Stormwater Plan and Environmental Site Management Plan which is submitted separately with the application.

The completed project will incorporate on-site stormwater detention and re-use in accordance with Council's requirements and stormwater retention in accordance with the submitted BASIX Certificate.

The proposed development will be connected to the sewer and is not likely to generate any unusual liquid waste, odour or fumes. It is therefore unlikely to have any adverse impact in terms of air or water quality.

### **5.3.5 External Appearance & Design**

The proposal presents a 5 storey appearance to the corner of Camden Valley Way and Rynan Avenue and is representative of the desired scale and form of development in the area that is undergoing significant change. Buildings B and C provide a transition in form from the larger Building A which will be a landmark building at the main road access point to the urban release area. Photomontages of the proposal are included in the set of plans submitted with the development application.

The distribution of density at the site as three separate buildings provides appropriate levels of building separation internally. Three separate buildings enables solar penetration to the ground floor common areas and to all private living spaces throughout the site. The relationship of the buildings internally to the site promotes a well-balanced urban environment and neighbourhood setting as indicated in the photomontages submitted with the development application.

The proposal has been designed in anticipation of future redevelopment of the adjoining site to the south which is under the control of the applicant for the proposed development.

The proposed development provides variation in the layout and orientation of apartments at the site to cater for a range of lifestyle choices despite most apartments being 2 bedroom dwellings. The size and orientation of each dwelling has been designed in accordance with the intent of the Apartment Design Guide which seeks to provide high levels of privacy, solar access and natural ventilation. Every apartment is provided with either a single or double (stacked) parking space.

Each building will appear contemporary and unique at the site and will set a high standard for development in the area. Materials will consist of contemporary face brick as well as select render and cladding elements. The façade detail incorporates a number of textures and colour tones appropriate for contemporary development and decorative façade elements to add interest and distinction to each building. Material and colour details have been provided separately as part of this revised application.

Whilst the density of the site will increase in accordance with the desired future character under the LEP and DCP, the distribution of building mass in conjunction with the material details is considered to be well balanced and is consistent with the desired future character statements in the DCP.

### **5.3.6 Relationship to Neighbouring Properties**

It is demonstrated below that the proposed development will not have any unreasonable impacts on the amenity enjoyed by the surrounding properties, which confirms that development of the site in the form and density proposed is appropriate to the locality.





## **Solar Access**

Shadow diagrams of the proposed development have been submitted with the development application and indicate the shadows cast at 9am, 12 noon, and 3pm during mid-winter.

The proposed development has been designed and oriented to ensure excellent levels of solar access to the proposed dwellings. As indicated at Annexure A, the proposal provides solar access to well in excess of the minimum number of apartments under the Residential Flat Design Code.

The shadow diagrams indicate that the proposal will result in an increase in overshadowing to the adjoining property to the south. However, given the orientation of the site (having a long east to west axis) a degree of overshadowing to the adjoining southern property should therefore be reasonably anticipated. Furthermore the adjoining site has been filled relative to the ground level of the subject site which will further reduce the extent of shadow impacts.

The road reserve of Rynan Avenue will provide appropriate separation to any future development on the eastern side of Rynan Avenue to ensure adequate solar access to this nearby land.

## **Views**

The proposal involves the construction of three residential flat buildings ranging in height from 4 to 5 storeys. There are no significant views gained over the subject site and the built form is representative of the applicable planning controls. As such, view loss is within what should be reasonably anticipated as a result of the development of the site and is considered to be acceptable.

## **Aural & Visual Privacy**

The proposed development has been designed to minimise as far as practicable the likelihood of any adverse overlooking or invasion of aural privacy on internally adjacent dwellings and likely future neighbouring properties. This has been achieved by carefully considering building location and massing across the site and through the use of a number of design and landscape elements.

Each building at the site has been designed to comply with the relevant building separation requirements and has been oriented to face the front, side or rear boundaries. The proposal therefore promotes excellent levels of visual privacy and separation between internally adjacent dwellings and adjoining properties.

The design of basement parking will minimise future noise impacts on the site associated with parking and access and the Acoustic Report submitted with the application assesses the amenity of the future building occupants given the proximity of the site to Camden Valley Way. The report makes recommendations that will ensure that acceptable levels of amenity will be achieved within each dwelling, consistent with the requirements of SEPP (Infrastructure) 2007.

As such, the proposal will not result in adverse aural and privacy impacts on the internally adjacent dwellings and likely future development to the south of the site.

### **5.3.7 Traffic Generation and Car Parking**

An assessment of the likely traffic generation and car parking impacts created by the proposed development is provided in the Traffic and Parking Assessment submitted in support of this application. The report confirms that the proposal will generate additional traffic levels. However, additional traffic will not affect the level of service, capacity and safe function of nearby intersections, including the Camden Valley Way. In accordance with the provisions of the Infrastructure SEPP, the proposed development is required to be referred to the RMS for consideration.





## 5.4 ECONOMIC & SOCIAL IMPACTS

The proposal is a well-designed contemporary residential apartment development, as envisaged by Council's planning controls and the intentions for the Edmondson Park Urban Release Area. The subject site enjoys good access to expanding public bus services as well as the new commercial town centre and services in the vicinity of the site. The development will utilise existing infrastructure including electricity, sewer, water and telecommunication services.

Demolition and construction works will have some short-term positive economic impacts through direct employment and multiplier effects.

Accordingly, it is considered that the proposed development is likely to have only positive social and economic impacts in the locality.

## 5.5 THE SUITABILITY OF THE SITE

### 5.5.1 Access to Services

The subject site is well served by public transport and services are likely to increase as development in the area continues to progress. Liverpool City Centre provides a wide variety of retail, commercial and community services and facilities. As the site is within an Urban Release Area appropriate arrangements have been made for all essential services and infrastructure.

### 5.5.2 Hazards and Risks

The subject site is identified as bush fire prone land and is affected by flooding. A bushfire assessment report and flood report have been submitted with the application demonstrating that the proposed development will not increase risk to life or property subject to complies with the recommendations of each report.

## 5.6 THE PUBLIC INTEREST

The proposed development has been designed to sympathetically relate to the size, shape and topography of the site and has been designed with consideration to the applicable planning controls.

The proposal seeks to provide apartment accommodation within a prime new urban growth location where sufficient demand exists. In addition and as demonstrated throughout this report, the proposal will not have any unreasonable amenity impacts on surrounding properties.

Despite the minor numeric variations sought to the controls for building height, the proposal has been demonstrated to achieve the performance objectives of those controls and to be consistent with the objectives for land uses in Zone R1. Accordingly, the proposed development is considered to be in the public interest.





## 6. Conclusion

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The proposed development has been assessed in light of Section 79C of the Environmental Planning & Assessment Act, 1979 and Council's planning instruments.

The proposed subdivision is permissible in the relevant zones. The residential flat buildings and road are permissible with Council's consent in Zone R1 – General Residential. The proposal complies with the relevant objectives and development standards contained within the Liverpool LEP 2008, however, seeks a departure from the maximum height standard pursuant to Clause 4.6 of the LEP as discussed in this Statement.

Additionally, the proposal complies with all of the objectives contained within the Liverpool DCP 2008 and any proposed variations to DCP controls have been addressed in the accompanying DCP compliance table and shown to be acceptable on merit.

The siting, design and external appearance of the proposal is considered to be appropriate and in character with development in the locality. The completed development will have no significant impact on the topography, micro-climate, air or water quality of the locality and is also considered to comply with the objectives and provisions of Council's planning controls in relation to aural and visual privacy.

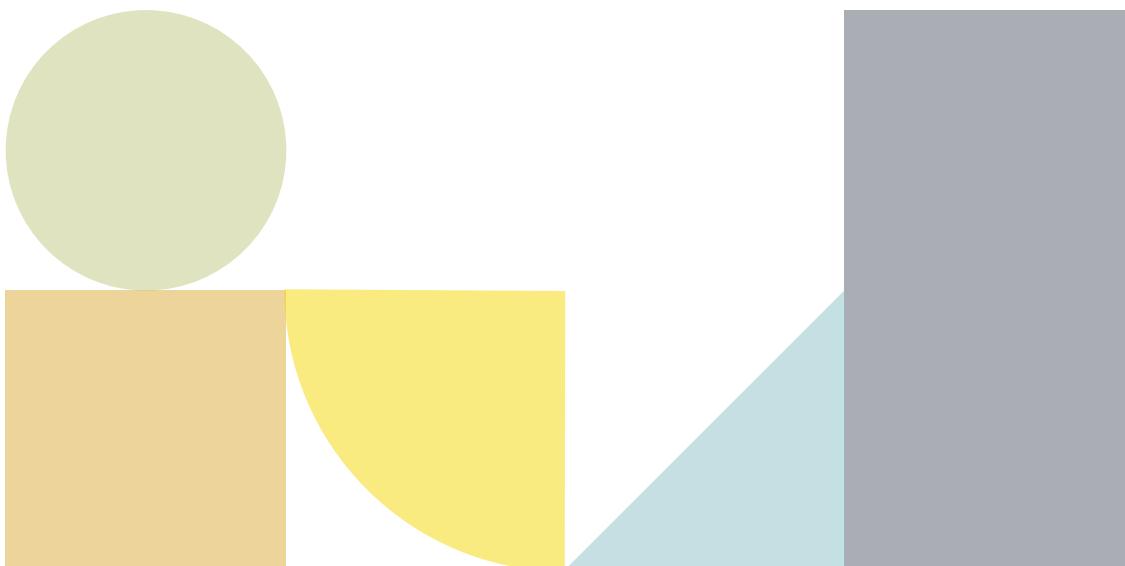
Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects. The proposal will not generate any significant additional traffic levels and will not affect the level of service, capacity and function of nearby intersections.

Accordingly, in the circumstances of the case, the proposal is considered to be in the public interest and worthy of Council's and the Sydney South West Planning Panel's support.



## ANNEXURE A

### SEPP NO 65 Apartment Design Guide – Compliance Table



SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE

Design Criteria	PROPOSAL	COMPLIES						
Communal and Public Open Space	<p>Communal open space has a minimum area equal to 25% of the site.            Building A requires 939.25m<sup>2</sup>            Building B/C requires 1,571m<sup>2</sup>            Building D requires 687.7m<sup>2</sup>            Overall total required = 3,197.95m<sup>2</sup></p> <p>Building A is provided with 300m<sup>2</sup>            Building B/C is provided with 1,240m<sup>2</sup>            Building D is provided with 231m<sup>2</sup>            Overall total provided = 1,771m<sup>2</sup></p> <p>In addition to the communal open space available to future residents of each residential flat building there is an area of land within the residue lot identified for future acquisition as regional open space associated with the riparian corridor supporting Cabramatta Creek. There are also generous public open spaces, cycle and walking networks throughout the Edmondson Park locality which have been specifically identified and quantified to cater for the estimated future residential population in accordance with the Indicative Layout Plan and overall strategic planning for the Growth Centres.</p> <p>The communal open space area for Building A is overshadowed in midwinter and has been approved on merit with Development Consent DA-898/2014. Less than 50% of the communal open space of Building B/C receives direct solar access between 11am and 1pm in midwinter. However, more than 50% will receive direct solar access between 9am and 11am and therefore will receive the minimum 2 hours as required by the ADG. More than 50% of the communal open space for Building D receives direct solar access between 11am and 2pm in midwinter.</p>	On merit						
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter).		On merit Yes Yes						
Deep Soil Zones								
Deep soil zones are to meet the following minimum requirements:								
<table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimension</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Above 1,500m<sup>2</sup></td> <td>6m</td> <td>7%</td> </tr> </tbody> </table> <p>Building A requires 234.81m<sup>2</sup>            Building B and C requires 392.75m<sup>2</sup>            Building D requires 171.93m<sup>2</sup>            Overall total required = 799.49m<sup>2</sup></p>	Site Area	Minimum Dimension	Deep Soil Zone (% of site area)	Above 1,500m <sup>2</sup>	6m	7%	<p>Building A is provided with 684m<sup>2</sup>            Building B/C is provided with 781m<sup>2</sup>            Building D is provided with 231m<sup>2</sup>            Overall total provided = 1,696m<sup>2</sup> which exceeds the amount required for the overall redevelopment of the site.            12.8% deep soil is provided.</p>	Yes
Site Area	Minimum Dimension	Deep Soil Zone (% of site area)						
Above 1,500m <sup>2</sup>	6m	7%						
Visual Privacy								

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE

Design Criteria	PROPOSAL	COMPLIES												
<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>12m – 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>25m +</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p>	Building Height	Habitable Rooms and Balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	12m – 25m (5-8 storeys)	9m	4.5m	25m +	12m	6m	<p>All separation distances are shown on the plans submitted with the development application and are compliant with the ADG requirements.</p> <p>Where private open space areas are adjoining or in close proximity to each other or close to common circulation spaces they are separated by fin walls and/or oriented in different directions. Sliding privacy screens are to be attached to the outer edges of some private open space areas to control privacy and solar access at the occupants' discretion.</p>	Yes
Building Height	Habitable Rooms and Balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6m	3m												
12m – 25m (5-8 storeys)	9m	4.5m												
25m +	12m	6m												
<p>Bicycle and Car Parking</p> <p>The site is more than 400m from land zoned B4 Mixed use and more than 800m from railway station. Therefore the on-site parking provisions of the Development Control Plan apply.</p> <p>The DCP requires:</p> <p>75 car parking spaces for Building A</p> <p>120 car parking spaces for Building B and C; and</p> <p>42 car parking spaces for Building D.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>Parking is provided on site as follows:</p> <p>Building A 75 spaces</p> <p>Building B/C 143 spaces</p> <p>Building D 49 spaces.</p>	Yes Yes Yes												
<p>Solar Access and Daylight</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p>	<p>Building A – More than 80% of apartments receive more than 2 hours of direct solar access in midwinter.</p> <p>Buildings B/C and Building D = 60% receive 3 or more hours of direct solar access and 80% receive at least 2 hours of direct solar access in midwinter.</p>	Yes Yes												
<p>Natural Ventilation</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p>	<p>Building A – 100% of apartments are naturally cross ventilated.</p> <p>Buildings B/C and D – 65%) are naturally cross ventilated.</p> <p>Cross-through apartments do not exceed 18m in depth.</p>	Yes Yes												

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE

Design Criteria	PROPOSAL	COMPLIES
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		Yes
Ceiling Height  Measured from finished floor level to finished ceiling level, minimum ceiling heights are:  Habitable Rooms – 2.7m Non-habitable rooms – 2.4m 2 storey apartments - 2.7m for main living area and 2.4m for second floor where its area does not exceeds 50% of the apartment area Attic Spaces - 1.8m at the edge of the room with a 30 degree minimum ceiling slope. If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility  These minimums do not preclude higher ceilings if desired.	All habitable rooms have minimum 2.7m ceiling heights. Non-habitable rooms contain ceiling heights that are at least 2.4m N/A  N/A N/A  Noted.	Yes Yes N/A  N/A N/A  -
Apartment Layout  Apartments are required to have the following minimum internal areas:  Studio - 35m <sup>2</sup> 1 Bedroom - 50m <sup>2</sup> 2 Bedroom - 70m <sup>2</sup> 3 Bedroom - 90m <sup>2</sup>  The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each  A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each  Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms  Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)  Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments	N/A Min. 50m <sup>2</sup> Min. 76m <sup>2</sup> Min. 91m <sup>2</sup>  Each unit that has more than one bathroom has a floor area which exceeds the minimum. Second bathroom are an ensuite size and do not require 5m <sup>2</sup> .  N/A  All habitable rooms have a window to an external wall. Proposed room areas comply with the relevant requirements.  Refer to the plans for compliance.  Refer to the plans for compliance.	N/A Yes Yes Yes  On merit  N/A  Yes  Yes  Yes

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE

Design Criteria	PROPOSAL	COMPLIES
4m for 2 and 3 bedroom apartments  The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Refer to the plans for compliance. Refer to the plans for compliance.  All cross-through apartments are at least 4m wide.	Yes Yes  Yes
Environmental Performance  Habitable room depths are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Refer to plans for compliance.	Yes
Open Space  All apartments are required to have primary balconies as follows: Studio - 4m <sup>2</sup> 1 Bedroom - 8m <sup>2</sup> (Minimum depth of 2m) 2 Bedroom - 10m <sup>2</sup> (Minimum depth of 2m) 3 Bedroom - 12m <sup>2</sup> (Minimum depth of 2.4m)  The minimum balcony depth to be counted as contributing to the balcony area is 1m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	N/A All 1 bedroom balconies exceed 2m in depth and 8m <sup>2</sup> All 2 bedroom balconies exceed 2m in depth and 10m <sup>2</sup> All 3 bedroom balconies exceed 2.4m in depth and 12m <sup>2</sup>  Ground level units have private courtyards/terraces/gardens that exceed the minimum 15m <sup>2</sup> .	N/A Yes Yes Yes  Yes
Common Circulation Space  The maximum number of apartments off a circulation core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Buildings A and D comply. Building B/C has a maximum of 18 dwellings at each level sharing a common circulation space with two lift cores and four stair cores. This equates to nine (9) apartments per lift which is a minor variation to the maximum of 8 recommended by the ADG. The common circulation spaces are wide with additional space at each dwelling entry door and at each lift lobby and stair well. The available space will not compromise the potential for two way movement of pedestrians or the movement of bulky items such as furniture. Every corridor receives natural light and natural ventilation to enhance the microclimatic quality of the space. The number of dwellings sharing the vertical access points will not compromise the amenity and function of the circulation space with multiple options for vertical movement via stairs and lifts. The spatial distribution of the vertical access points throughout the building footprint will ensure the equitable use of all vertical movement spaces without congestion or loss of amenity.	Yes On merit.
Storage		

SEPP NO. 65 APARTMENT DESIGN GUIDE (DESIGN CRITERIA) - COMPLIANCE TABLE

Design Criteria	PROPOSAL	COMPLIES
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>Studio - 4m3</p> <p>1 Bedroom - 6m3</p> <p>2 Bedroom - 8m3</p> <p>3 Bedroom - 10m3</p> <p>At least 50% of the required storage is to be located within the apartment</p>	<p>Required storage is provided within the basement and within each dwelling as indicated on the submitted plans.</p>	Yes



## ANNEXURE B

### LEP – Compliance Table



LIVERPOOL LEP 2008 – COMPLIANCE TABLE

LEP Clause	Standard	Requirement	Proposal	Complies?
	Land Use Table	<p>Zone R1 General Residential</p> <p>Zone Objectives:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community.</i></li> <li>• <i>To provide for a variety of housing types and densities.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.</i></li> <li>• <i>To facilitate development of social and community infrastructure to meet the needs of future residents.</i></li> </ul> <p><i>Residential flat buildings and Roads</i> are permitted with development consent.</p>	<p>The proposal is consistent with the objectives in the following ways:</p> <p>It provides housing compatible with the needs of the community;</p> <p>It adds to the variety of housing types by proposing residential apartments on a site identified for higher density residential development by the DCP;</p> <p>It is compatible with other land uses which include surrounding medium and lower density residential development to the west and south and medium density and mixed use development to the east as well as the other services and facilities to be established in the Edmondson Park Town Centre;</p> <p>The density of housing is compatible with the future provision of public transport, utilities and infrastructure to the Edmondson Park Urban Release Area;</p> <p>The proposal includes road widening and the provision of additional local roads, cycleways and footpaths in accordance with the objectives for movement routes and public space throughout the precinct;</p> <p>It will not hinder the development of social and community infrastructure and is compatible with the future creation of public open space along the Cabramatta Creek riparian area.</p> <p>The subdivision of the site will not impact on the potential for the riparian land to be landscaped and dedicated in the future in a manner consistent with the objectives for Zone RE1.</p>	Yes
	Land Use Table	<p>Zone RE1 Public Recreation</p> <p>Zone Objectives:</p> <ul style="list-style-type: none"> <li>• <i>To enable land to be used for public open space or recreational purposes.</i></li> <li>• <i>To provide a range of recreational settings and activities and compatible land uses.</i></li> <li>• <i>To protect and enhance the natural environment for recreational purposes.</i></li> <li>• <i>To provide sufficient and equitable distribution of public open space to meet the needs of residents.</i></li> <li>• <i>To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.</i></li> </ul>	<p>Some temporary works and infrastructure installation as well as subdivision to create a residual lot involves land in Zone RE1 and is consistent with the objectives of the zone in the following ways;</p> <p>It establishes an allotment boundary which matches the zoning boundary between Zone R1 General Residential and Zone RE1 Public Recreation to create a future eastern boundary to the area to become public open space along Cabramatta Creek;</p> <p>It provides a public road at the eastern edge of the potential new public open space area which enhances safety, security, passive surveillance and access opportunities; and</p> <p>The new lot boundary is sensitive to the environmental qualities of the creek by establishing a riparian area of dimensions as prescribed by the DCP;</p> <p>The temporary works and drainage infrastructure works are compatible with the natural assets and movement of water through the catchment as demonstrated in the Flood Impact Assessment and the Stormwater Concept Plans submitted with this development application; and</p> <p>The land has been identified as necessary for future public open space by the current LEP and DCP.</p>	Yes

LIVERPOOL LEP 2008 – COMPLIANCE TABLE

LEP Clause	Standard	Requirement	Proposal	Complies?
	Land Use Table	<p>Zone E3 Environmental Management</p> <p>Zone Objectives:</p> <ul style="list-style-type: none"> <li>• <i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i></li> <li>• <i>To provide for a limited range of development that does not have an adverse effect on those values.</i></li> <li>• <i>To enable the recreational enjoyment or scientific study of the natural environment.</i></li> </ul>	<p>The subdivision to create the residual lot includes land in Zone E3. The proposed subdivision is consistent with the objectives because it retains the area of land in Zone E3 in a single consolidated parcel which facilitates consistent future management of the ecological values of the land.</p> <p>The future constraints and opportunities of that part of the site in Zone E3 are currently subject to review as part of a separate application for a Planning Proposal being considered by Council.</p>	Yes
4.1	Minimum subdivision lot size	<p>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 <a href="#">Lot Size Map</a> in relation to that land</p> <p>Minimum lot size for land in Zone R1 on the eastern portion of the site is 300m<sup>2</sup> (for the new lots with access to the proposed public road).</p> <p>There is no minimum lot size applicable to the land in Zone RE1 and Zone E3.</p>	<p>Lot sizes for land in the R1 zone exceed 300m<sup>2</sup>.</p> <p>The lot containing Building A = 3,741m<sup>2</sup></p> <p>The lot containing Building B and C = 6,320m<sup>2</sup></p> <p>The lot containing Building D = 2,752m<sup>2</sup></p> <p>The eventual size of the residue lot at the completion of Stage 3 = 2.663ha.</p>	Yes     -
4.3	Maximum Height	<p>Maximum height of 15m for Buildings A and B/C.</p> <p>Maximum height of 12m for Building D.</p>	<p>Maximum proposed height of Building A = 16.54m to parapet and 17.54m to the highest point of the lift overrun and has been approved and constructed with DA-898/2014.</p> <p>Maximum proposed height of Building B/C = 16.38m to parapet and 17.97m to the highest point of the lift overrun</p> <p>Maximum proposed height of Building D = 14.46m to parapet and 15.09m to the highest point of the lift overrun</p>	Refer to Annexure C for Clause 4.6 request for variation
4.4	Floor Space Ratio	<p>Maximum FSR 1:1 for Stage 1 and Stage 3</p> <p>Maximum FSR 0.75:1 for Stage 2</p>	<p>Stage 1 (Building A) FSR = 1:1 (approved with DA898/2014)</p> <p>Stage 2 (Building D) FSR = 0.75:1</p> <p>Stage 3 (Building B/C) = 1:1</p> <p>As an overall project Stages 1, 2 and 3 result in a GFA for the entire site which is fully compliant.</p>	Yes
4.6	Exceptions to development standards	<p><i>(3) Development 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:</i></p>	<p>A written request for a variation to the development standard for height of buildings has been included in Section 4.2.5.1 to the Statement of Environmental Effects. The request demonstrates that compliance with the 15m height standard is unreasonable or unnecessary and provides environmental planning grounds in support of the variation.</p>	See Annexure C of the Statement

LIVERPOOL LEP 2008 – COMPLIANCE TABLE

LEP Clause	Standard	Requirement	Proposal	Complies?
		<p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>(4) Development consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(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</p> <p>(b) the concurrence of the Director-General has been obtained.</p>		
5.1	Relevant acquisition authority	<p>The relevant authority to acquire land under the owner-initiated acquisition provisions is:</p> <p>Council for land in Zone RE1 Public Recreation and marked "Local open space"; and</p> <p>Council for land in Zone SP2 Infrastructure and marked "Local Road"</p> <p>The land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).</p>	<p>Land within the site which is in Zone RE1 Public Recreation has been identified on the Land Reservation Acquisition Map LRA 008 and 009 for acquisition by Council. The land is subject to owner-initiated acquisition provisions. This development application does not include a proposal to initiate acquisition of the land.</p> <p>The land within the Rynan Avenue road reserve adjacent to the subject site is also identified for acquisition as a Local Road and this development application proposes to widen the road reserve of Rynan Avenue and dedicate the widened road to Council in accordance with this provision of the LEP and consistent with the conditions of DA898/2014 for the full frontage of Rynan Avenue.</p>	<p>Noted.</p> <p>Yes</p>
5.1A	Development on land intended to be acquired for a public purpose	<p>Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified being for land in Zone RE1 Public Recreation and marked "Local open space" development consent is limited to <i>earthworks and recreation areas</i> and for land reserved for local roads being local roadworks.</p>	<p>No building works are proposed within the area of the site in Zone RE1 Public Recreation and marked "Local open space".</p> <p>Road widening, half road construction, construction of kerb and gutter and footpath reserve for the full frontage of Rynan Avenue is proposed with this development application as detailed in the plans by Diversi Consulting dated 2/3/2016 Project 14139 Drawing DA05/C and consistent with the conditions of DA898/2014.</p>	<p>Yes</p> <p>Yes</p>

LIVERPOOL LEP 2008 – COMPLIANCE TABLE

LEP Clause	Standard	Requirement	Proposal	Complies?
5.9	Tree Removal	Any trees to be removed are to be properly identified and assessed.	Trees proposed for removal are indicated on the Site Survey/Demolition Plan Drawing No.A-1102 prepared by Joshua Farkash and Associates and submitted with this development application and are also discussed in Section 4.3 of the Statement of Environmental Effects.	Yes
<b>URBAN RELEASE AREAS</b>				
6.1	Aims of this Part	<p>The aims of urban release areas identified in the LEP are:</p> <p><i>(a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas, and</i></p> <p><i>(b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes, and</i></p> <p><i>(c) to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.</i></p>	<p>The site is within the Edmondson Park Urban Release Area.</p> <p>The proposal is consistent with the aims of Clause 6.1 as follows:</p> <p>The proposal includes urban development in the form of three residential flat buildings and also protects and conserves riparian land and land within Zone E3;</p> <p>Arrangements have been made for State public infrastructure compatible with the demands generated by the intense urban development proposed for the eastern portion of the site (see Annexure E for more details on infrastructure provision);</p> <p>The manner in which the development responds to the adopted DCP is discussed in Annexure E and Section 4.2.7 to the Statement of Environmental Effects.</p>	
6.4	Arrangements for designated State public infrastructure	(1) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.	<p>The Director-General has provided certification of arrangements for designated State public infrastructure for Edmondson Park. Details of the infrastructure arrangements have been adopted in Liverpool Contributions Plan 2008.</p> <p>Council may impose relevant conditions for the payment of Section 94 contributions. As described in Section 4.1.1 of the Statement this development application seeks the payment of Section 94 Contributions and SIC payments to be made proportional to the stages of the development and prior to the release of Subdivision Certificates (rather than prior to the issue of Construction Certificates).</p>	Yes
6.5	Public utility infrastructure	<i>Development consent must not be granted for development on land in an urban release area unless the 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 available when required</i>	<p>All essential utility services are available for connection to the proposed residential flat buildings via existing services in Camden Valley Way and Rynan Avenue.</p> <p>Utility services can be connected to the western residual lot to support any future development via existing services in Sunday Circuit. (and subject to a separate application).</p>	<p>Yes</p> <p>Yes</p>

LIVERPOOL LEP 2008 – COMPLIANCE TABLE

LEP Clause	Standard	Requirement	Proposal	Complies?
6.6	Development control plan	Development consent must not be granted for development unless there is a development control plan in place which addresses the specific matters listed in this clause.	Liverpool Development Control Plan 2008 including Part 2.11 Land Subdivision and Development in Edmondson Park applies to the subject land.	Yes
7.6	Environmentally significant land	<p><i>Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant:</i></p> <p>(a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,</p> <p>(b) the importance of the vegetation in that particular location to native fauna,</p> <p>(c) the sensitivity of the land and the effect of clearing vegetation,</p> <p>(d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream,</p> <p>(e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),</p> <p>(f) the effect of the development on public access to, and use of, any waterbody and its foreshores.</p>	Part of the site has been identified as environmentally significant land (ESL) in the LEP Maps ESL 008 and 009. The proposal is consistent with the matters for consideration in Clause 7.6 in the following ways: The condition of vegetation within the ESL land will not change as no works are proposed within this land; The vegetation is significant for water quality and as a riparian corridor; No vegetation is proposed to be cleared within the area of land identified as being environmentally significant; Bank and bed stability will not be affected as a riparian buffer is to be maintained in accordance with the DCP requirements (See Annexure E); Riparian vegetation will be retained and protected; Public access is not proposed to the riparian area with this development application.	Yes
7.7	Acid Sulfate Soils	Clause 7.7 specifies circumstances where a development consent is required and where an Acid Sulfate Soils Management Plan is required.	The land is not mapped as being affected by Acid Sulfate Soils.	N/A
7.8	Flood Planning	<p>2A. Development consent must not be granted to development in a flood planning area for the purposes of residential accommodation unless the consent authority is satisfied that the development satisfactorily addresses the matters listed in the clause.</p> <p>3. Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development satisfactorily addresses the matters listed in the clause.</p>	Part of the site proposed for residential development is within a flood planning area and the majority of the site is flood prone land as shown in the Flood Planning Area Maps 008 and 009 to LLEP 2008.  A Flood Assessment Report prepared by Neilly Davies and Partners Pty Limited dated 15 August 2014 has been submitted with DA898/2014 and a revised Flood Assessment Report has been submitted with this development application and addresses all relevant matters listed in clause 7.8.	Yes  Yes
7.11	Minimum dwelling density	Development consent must not be granted for the subdivision of land shown on the Dwelling Density Map unless the consent authority is satisfied that the dwelling density likely to be achieved by the subdivision is not less than the dwelling density shown for the land on that Map being a minimum of 17 dwellings per hectare.	The proposal exceeds 17 dwellings per hectare for the allotments to contain residential flat buildings.	Yes

LIVERPOOL LEP 2008 – COMPLIANCE TABLE

LEP Clause	Standard	Requirement	Proposal	Complies?
7.13	Minimum lot width in Zone R1, R2, R3 and R4	The width of any lot, resulting from a subdivision of land to which this clause applies, that is capable of accommodating residential development but is not the subject of a development application for that purpose, must not be less than 10 metres except as provided by subclause (4).	This clause does not apply as the development application also includes residential development	N/A
7.31	Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>(a) The earthworks associated with the proposed residential flat buildings and the new public road will change the drainage pattern but will direct stormwater to controlled systems which shall be suitably integrated with the natural system.</p> <p>(b) The earthworks are compatible with the future use of part of the site for residential accommodation and for use as public roads and footpath areas.</p> <p>(c) Soil to be excavated has been investigated by a geotechnical engineer and a report has been submitted with the development application.</p> <p>(d) Amenity of adjoining properties is discussed in Section 4.3 to the Statement of Environmental Effects.</p> <p>(e) All excavated material is to be managed in accordance with a Waste Minimisation and Management plan submitted with the development application. Fill material will comply with council's requirements. Council may wish to impose conditions in this regard.</p> <p>(f) Relics are unlikely to be disturbed. However, appropriate protective legislation exists for the treatment of relics if discovered during site works. Council may wish to impose conditions in this regard.</p> <p>(g) A Construction Site Management Plan has been submitted with the development application to demonstrate appropriate measures for the protection of the watercourses and environmentally sensitive land within the site.</p>	Yes
Schedule 1	Additional Permitted Uses	<p>5 Use of certain land at Edmondson Park in Zones R1, R3 and B2</p> <p>(1) This clause applies to land in Zones R1 General Residential, R3 Medium Density Residential and B2 Local Centre at Edmondson Park.</p> <p>(2) In Zone R1 General Residential, development for the purpose of residential accommodation (other than dual occupancy) is permitted with consent.</p>	This development proposal involves works on land in Zone R1 General Residential and seeks development consent for residential accommodation in the form of residential flat buildings.	Yes

## ANNEXURE C

### **Clause 4.6 –** Height



## **Clause 4.6 Variation Request – Residential Flat Buildings at No.5-15 Rynan Avenue, Edmondson Park**

### **Clause 4.3 – Height of Buildings**

#### ***IMPORTANT NOTE:***

Development application DA-471/2016 includes Building A. Building A has been approved and constructed in accordance with Development Consent DA-898/2014. Assessment and determination of DA-898/2014 included approval of a request for variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 to LLEP 2008. This request for variation does not include the variation which applied to Building A as it has been previously approved by DA-898/2014.

#### **1. Building height control**

Clause 4.3 (2) of LLEP 2008 relates to the maximum building height requirements and refers to the *Height of Buildings Map*. The relevant map identifies the building height controls that apply to the site as shown in the extract of the map in Figure 1 (with the subject site outlined in red). A maximum building height of 15m applies to the portion of the site to contain Building A and Building B/C and a maximum building height of 12m applies to the part of the site to contain Building D.



Figure Extract from Height of Buildings Map to LLEP 2008 (O = 15m, M = 12m)

Building height is defined in LLEP 2008 as:

*“ building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

The maximum building height control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

#### **2. Proposed Variations to Maximum Building Height**



As indicated in the extracts of the building elevations in Figures 2, 3, 4 and 5, Building B/C exceeds the maximum building height over part of the uppermost storey, the lift overruns and the dormer-style skylights. An orange line in these figures indicates a level which is 15m above existing ground level along the edge of the each facade. The numeric details of the proposed maximum non-compliances are summarised in Table 1.

The site works require changes to the finished ground surface levels surrounding each building in order to achieve an overland flow path within the future public road reserves. These changes in ground level are consistent with Condition 39 to DA898/2015. A blue line in each of Figures 2, 3, 4 and 5 shows a level 15m above the finished ground level at the edge of each façade of the building. This blue line shows that the actual or perceptible building height (accounting for changes in ground surface level) will result in a minor non-compliance.



Figure: Northern elevation Building B/C

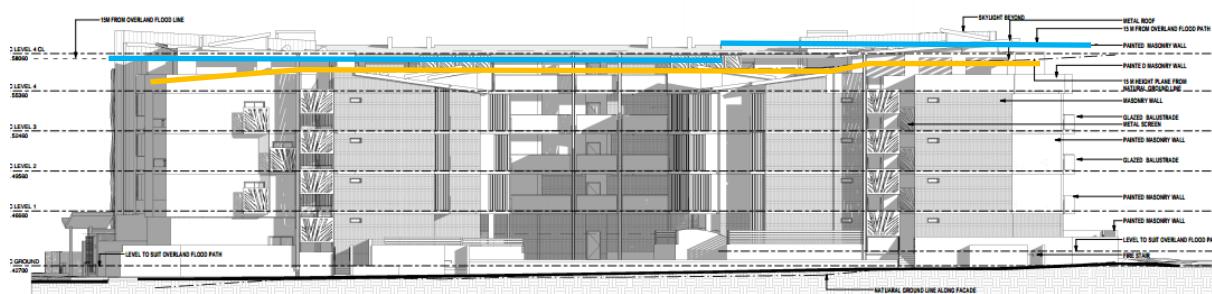


Figure: Southern elevation Building B/C



Figure: Eastern elevation Building B/C

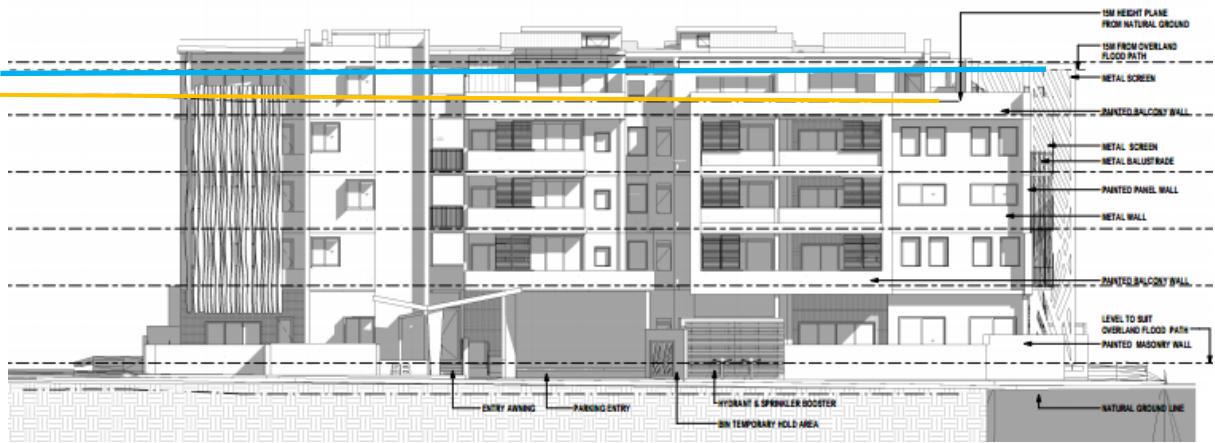


Figure: Western elevation Building B/C

As indicated in the extracts of the building elevations in Figures 6, 7, 8 and 9, Building D exceeds the maximum building height along the uppermost storey and the lift overrun. An orange line in these figures indicates a level 12m above existing ground level along the edge of the each facade.

As explained above for Building B/C, the site works require changes to the finished ground surface levels surrounding each building in order to achieve an overland flow path within the future public road reserves. These changes in ground level are consistent with Condition 39 to DA898/2015. A blue line in each of Figures 6, 7, 8 and 9 shows a level 12m above the finished ground level at the edge of each façade of Building D. This blue line shows that the actual or perceptible building height (accounting for changes in ground surface level) will result in a minor non-compliance. The numeric details of the proposed maximum non-compliances are summarised in Table 1.

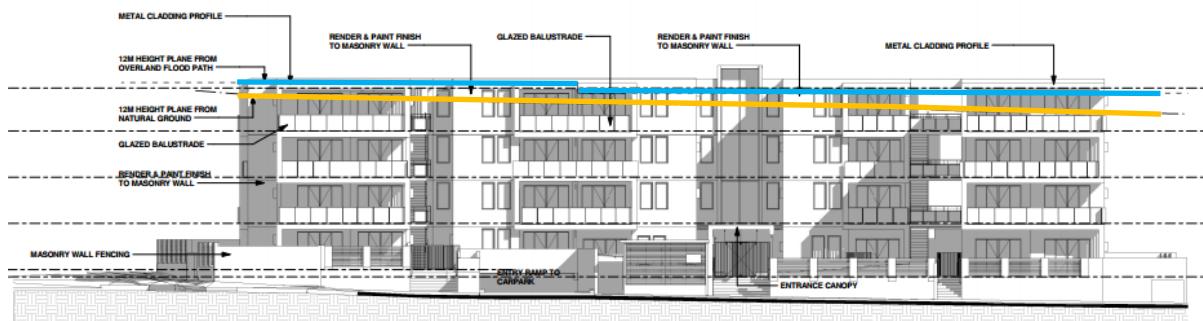


Figure: Northern elevation Building D



Figure: Southern elevation Building D

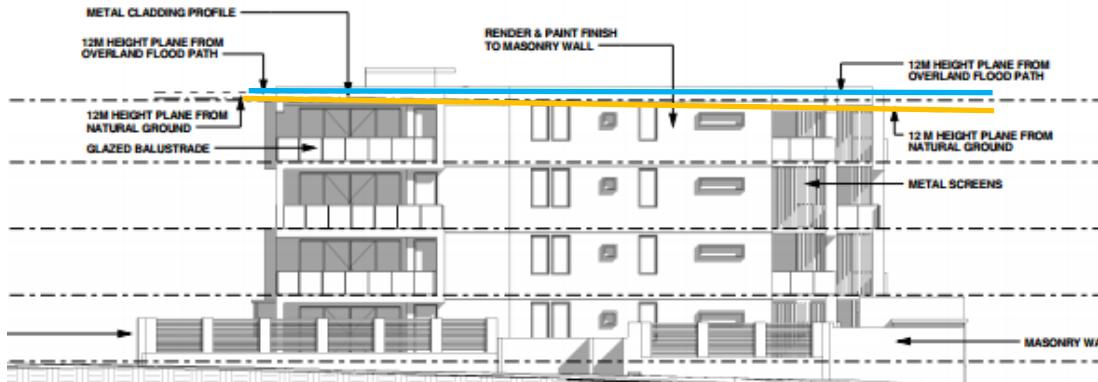


Figure: Eastern elevation Building D

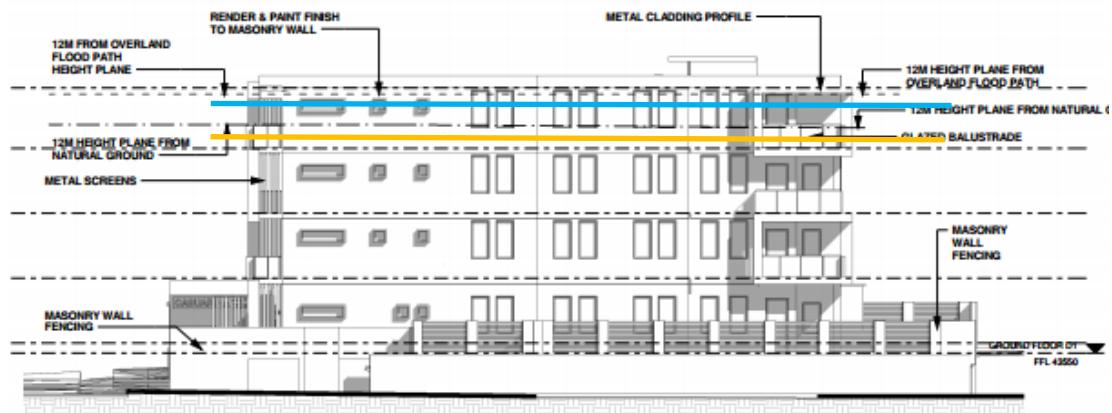


Figure: Western elevation Building D

Table: Summary of maximum non-compliances with building height

Building feature	Max. height from existing ground level (m)	Max. exceedance of building height control (m)	Max. height from finished ground level (m)	Max. perceived exceedance (m)	Max. variation to building height control (%)
Building B/C: - top of parapet	16.38	1.38	14.79	nil	9.2%
Building B/C: - Lift overrun	17.97	2.97	17.27	2.27	19.8%
Building D:	14.46	2.46	13.68	1.68	20%





- top of parapet					
Building D: - lift overrun	15.09	3.09	14.32	2.32	25.75%

In summary, the required site works will markedly change the perceived appearance of building height throughout the site and particularly from the primary frontages to Rynan Avenue. It is important to note that the changes to finished ground level surrounding each building footprint is similar to the change in finished ground level created for the neighbouring subdivision to the south (see Figure 10) which has significant elevated the ground level and associated footpath levels immediately adjoining the subject site. The site works will be consistent with the completed streetscape and public domain.

### **3. Clause 4.6 to LLEP 2008**

The objectives and provisions of clause 4.6 to LLEP 2008 are as follows:

*"4.6 Exceptions to development standards*

*(1) The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development 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.*

*(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*

*(b) the concurrence of the Secretary has been obtained.*



(5) In deciding whether to grant concurrence, the Secretary must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional 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 Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004** applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (ca) clause 6.4, 6.5, 6.6, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30."

The development standards in clause 4.3 are not "expressly excluded" from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This request addresses the requirements of subclauses 4.6(3) and 4.6(4) in order to demonstrate to the consent authority that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in subclause 4.6(6).

Objective 1(b) of clause 4.6 is addressed later in this request.

The objectives and relevant provisions of clause 4.3 for building height control are as follows, *inter alia*:

- "(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,

*(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.”*

It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit the maximum building heights as described in Section 2 above.

In order to address the requirements of subclause 4.6(4)(a)(ii), the objectives of clause 4.3 are addressed in turn below.

Objective (a): “to establish the maximum height limit in which buildings can be designed and floor space can be achieved.”

The maximum building height control of 15m allows for a five storey residential building with a flat roof. The proposed Building B/C is five storeys with a flat roof. The floorplate of the uppermost level of the building is stepped in from the eastern, western and southern facades and from the central courtyard space to reduce the visual appearance and scale of the top storey and enhance the transition of reduced scale towards the south.

The maximum building height control of 12m allows for a four storey residential building with a flat roof. The proposed Building D is four storeys with a flat roof. The largest area of deep soil zone is located within the southern setback area to further enhance the separation between proposed Building D and the adjoining property to the south (which is subject to the same height control).

The maximum allowable gross floor space is achieved by the proposal with the distribution of floor space the subject of a separate request for a minor variation. The proposed distribution of floor space breaks up the overall built form and reduces the bulk of the proposal and is consistent with the transition in scale sought by the LEP controls for higher density and taller buildings to the north of the site and lower buildings to the south of the site.

Objective (b): “to permit building heights that encourage high quality urban form”

The proposal displays high quality urban form. The height and floor plate size and layout of each building is distinctly different and this adds variety and interest to the streetscape. The buildings enhance the aesthetic quality, utility and amenity of the locality and are of a form that is anticipated by the applicable planning controls. In particular the site-specific Development Control Plan provisions for Edmondson Park identify the site as part of a “Village Centre” where building heights of four to six storeys are anticipated. The proposed building heights are consistent with the urban form described for the site and the property to the east (on the opposite side of Rynan Avenue).

The buildings meet the requirements of the ADG in terms of the building siting, orientation and setbacks and apartment design and layout. The proposed building forms allow for a large proportion of dual aspect apartments. All apartments have primary orientation to a public road and/or large areas of open space which enhances the privacy and amenity of apartments.

The degree to which the buildings exceed the maximum height limit does not substantially change the overall appearance of the buildings and would not be readily apparent to the casual observer at street level. The site is a prominent corner and a ‘gateway’ point to Edmondson Park. Tall buildings distinguish this entry point and are exemplary of the desired character for this location as described in LDCP 2008.

The future development of the neighbouring site to the east is likely to result in buildings of a similar scale and height and the proposed buildings will be well integrated into the evolving character of the neighbourhood.

The lift overruns are recessed from the perimeter of both buildings and will not be readily apparent as adding height to the overall building form as viewed from adjoining public spaces. The lift overruns are the minimum required to accommodate essential mechanical equipment and will not detract from the aesthetic and architectural quality of the buildings.





The skylights enhance the internal amenity of apartments in Building B/C and also add variety and interest on the roofline as viewed from a distance (as they will not be readily visible from the immediate adjoining streets and public spaces).

Objective (c): “to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight”

Exposure to the sky will remain a prominent feature throughout the development site with the buildings being separated by new public roads and the widening of Rynan Avenue creating large open spaces throughout the site. The adjoining land to the west is identified for future acquisition as a public reserve and therefore will maintain open outlooks to the west.

The requirements to achieve finished ground levels to accommodate flood water and stormwater flows have determined the relative levels of roads, footpaths, private and common space, driveway threshold levels and building floor levels. The overall siting, layout and design of the proposed buildings has achieved compliance with the requirements of the ADG in terms of solar access for apartments and private open space areas within the development.

The lift overruns are located in the centre of each building footprint and the skylights to Building B/C are not located on the southern edge of the roof. Therefore the lift overruns and the skylights do not contribute to shadowing.

The greatest setback within the development site is proposed to the southern boundary to create an appropriate degree of separation between Building D and the neighbouring site to the south. The shadow diagrams submitted with this application indicate that a portion of the neighbouring site approximately 12m wide (north-south) will be impacted by mid-winter shadow cast by Building D. However, this degree of overshadowing is reasonable to anticipate from the redevelopment of the subject site in accordance with the planning provisions and accounting for the changes in finished levels required to achieve flood-compatible development.

Since preparation of the shadow diagrams, the neighbouring site to the south has been approved for Torrens title subdivision which included the substantially filling of the adjoining property. Figure 10 shows the degree to which the adjoining land has been filled at the shared boundary. The filling of adjoining land reduces the extent of potential shadow to be cast onto the neighboring site in midwinter in comparison to that shown in the shadow diagrams. Furthermore the lot layout and provision of a new road as part of the adjoining subdivision will ensure that the new lots sharing a boundary with the subject site will have direct road frontages that will allow appropriate ‘exposure to the sky’ to meet the requirements of Objective (c).



Figure: Southern boundary of subject site showing filled land on neighbouring site to the south





Objective (d): “to nominate heights that will provide an appropriate transition in built form and land use intensity.”

The proposed buildings heights are consistent with the desired future character and intensity of development for the site as described in Liverpool DCP 2008 (see Section 4.2.7 and Annexure E). The uppermost level of Building B/C is recessed from the southern, eastern and western facades to reduce the scale of the building and create a transition in scale to Building D. The height of Building D creates a transition from Building B/C to the north and the adjoining property to the south (which has the same height and FSR controls as the site for Building D). The transition in height and scale will be perceptible and logical within the primary streetscape to Rynan Avenue (as depicted in the streetscape diagram in Figure 10) as well as from the streetscape view from the proposed new road to the west of the buildings and from the future public open space area along Cabramatta Creek.

The proposed building heights are also comparable to the potential building heights achievable for the neighbouring site to the east (on the opposite side of Rynan Avenue). Given that the existing ground level of the property to the east is generally higher than the subject site, the actual height of future buildings on this neighbouring site may be similar to the overall heights proposed for Building B/C and for Building D.

The new lots created on the neighbouring property to the south are subject to the same height of buildings control as Building D and a transition in height is not sought by the planning controls. The form of development to be constructed on the new Torrens lots is mostly likely to be large detached dwellings although the planning provisions allow for a variety of built forms and the subdivision does not preclude future amalgamation and redevelopment to a variety of built form options. The presence of a Torrens title subdivision in the manner approved on the neighbouring site should not preclude the proposed development of the subject site in the manner proposed given that the built form is consistent with the adopted planning provisions and Indicative Structure Plan.

For the reasons detailed above, the proposed development is therefore consistent with the objectives for building height despite the numeric non-compliances.

Clause 4.6(4) also requires consideration of the relevant zone objectives. The objectives of Zone R1 General Residential are as follows:

- *“To provide for the housing needs of the community.”*
- *“To provide for a variety of housing types and densities.”*
- *“To enable other land uses that provide facilities or services to meet the day to day needs of residents.”*
- *“To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.”*
- *“To facilitate development of social and community infrastructure to meet the needs of future residents.”*

The proposed development is consistent with the zone objectives and its setting at the gateway entry to Edmondson Park. The development provides medium density housing consistent with the density and character objectives for the precinct and adds to the variety of housing forms in the locality. Rynan Avenue is the major road route linking Edmondson Park to the broader south west Sydney locality and is targeted to be the main bus route linking to the new railway station and town centre. The site is also part of the pedestrian and cycle network throughout the precinct. Therefore future residents will have access to a variety of transport options which will provide links to employment, services and facilities in the local area and broader metropolitan area.

The proposal requests variation to the height controls that will enable delivery of a well-designed medium density housing development. In the absence of any significant amenity impacts the non-compliances are far more desirable than lower bulkier buildings, increased site coverage and reduced building separation that may result from the redistribution of floor space horizontally.





There is no planning purpose to be served by limiting the building height to strictly comply with the 15m and 2m allowable limits given the achievement of high quality design and absence of amenity related impacts and the fact that finished ground levels surrounding each building will be compatible with the future topography of the streetscape and the perceptible building height will also be similar to the anticipated future height of medium density development on the site to the east in particular. The proposed height will not offend the objectives of the LEP height control, as previously demonstrated.

For these reasons the development proposal meets the objectives for development in Zone R1 and the context of the Edmondson Park precinct.

#### **4. Sufficient Environmental Planning Grounds**

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, the assessment of the numerical non-compliance is guided by the recent decision of the NSW *LEC Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* whereby Justice Pain ratified the decision of Commissioner Pearson.

The redevelopment of the site for medium density residential accommodation requires works within the site to manage flood and stormwater. The finished surface levels of roads, footpaths, open space, vehicle access thresholds and minimum habitable flood levels are determined by the levels of flood and stormwater through the site during various design storm events. As a consequence, this proposal (and indeed any proposal for future residential development of the site) must be designed to be compatible with flood overland flow paths. The proposed buildings are compatible with the environmental constraints imposed by the management of floodwater and stormwater both within the site and on adjoining public and private lands.

The development has notable environmental benefits in maintaining the ecological function of the catchment, the major tributaries and corridor of Cabramatta Creek and introducing new water sensitive urban design mechanisms for stormwater management. The development also accommodates for the appropriate movement and discharge of floodwaters in a manner which does not compromise the future development of surrounding properties without detrimental impacts to the future amenity of neighbouring properties.

The development proposes additional new public roads which create a more permeable network and will distribute traffic, cyclists and pedestrians more efficiently through the site to and from Rynan Avenue than the layout proposed in the DCP. The new road layout also adds to the effective separation of the buildings within the site to enhance the streetscape and provide many points of access to the future public open space corridor along Cabramatta Creek.

These are all positive environmental planning grounds which support the redevelopment of the site as proposed despite the numeric non-compliance with building height.

On “planning grounds” and in order to satisfy that the proposal meets objective 1(b) of clause 4.6 in that allowing flexibility in the particular circumstances of this development will achieve “*a better outcome for and from development*”, the non-compliance is primarily a consequence of site works and finished levels which must be compatible with the flooding and stormwater design parameters for this section of the catchment. The buildings overall will be compatible with the streetscape and the character of the neighbourhood as adjoining and surrounding sites are redeveloped. The site works required to raise the finished ground level surrounding each building will reduce the actual or perceived overall height of each building and the perceived non-compliance will be minor when observing the completed development.

Strict compliance would be contrary to the intended future character for five and four storey medium density residential development on this gateway site. Strict compliance would have no qualitative impact to the streetscape or impacts to neighbouring properties when considering the future overall site works required to accommodate for overland flows and stormwater management within the site and immediate surrounds.





The merits of the proposal on “environmental planning grounds” need to be balanced with the burden that strict compliance places on the proposal and whether strict compliance will result in a better or neutral outcome. The development has been designed to provide a high quality urban outcome with residential apartments of a high standard of amenity and accessibility which will not impact on the privacy and amenity of neighbouring properties. Insisting on strict compliance in this instance (based on the definition of building height applying to *existing* ground level) would require the deletion of the uppermost level of each building. This would not achieve consistency with the intended future character for medium density redevelopment of this gateway site. Deletion of the uppermost level of each building would not be consistent with the anticipated future streetscape to be created at this gateway location.

To require strict compliance would therefore result in an unreasonable burden on the development with no demonstrable built form, environmental or amenity benefits. The proposal will result in a high quality residential development which is suited to the site and its context in defining the gateway of the Edmondson Park precinct.

##### **5. Insistence on Compliance is Unreasonable and Unnecessary**

Returning to Clause 4.6(3)(a), in *Wehbe V Pittwater Council (2007) NSW LEC 827* Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, *inter alia*:

*“ An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”*

The judgement goes on to state that:

*“ The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”*

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

21. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
22. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
23. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
24. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
25. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Having regard to all of the above, it is our opinion that compliance with the maximum building height development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard





and the zone objectives. Furthermore the non-compliance is a consequence of an environmental constraint and the degree of non-compliance for the completed development (including changes to finished ground levels surrounding each building) will result in the actual non-compliance being imperceptible in the streetscape. Insisting on strict compliance would be an unreasonable and inequitable burden on the redevelopment of this site when considering the environmental benefits of appropriately managing stormwater and overland flow paths and the alleviation of flooding impacts for adjoining and nearby properties.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.

In light of the above reasons demonstrating compliance with the relevant objectives it would be unreasonable and unnecessary to insist on strict compliance with the 15m and 12m height standards. The majority of the proposed built form of Building B/C and Building D is compliant with the height standard. Furthermore, to insist on strict compliance would frustrate the orderly and economic development of the site thereby hindering the attainment of the objectives of the Environmental Planning and Assessment Act, 1979. In this case the variation to the maximum building height standard is considered reasonable and consistent with the requirements of Clause 4.6(3) of the LEP to allow an appropriate degree of flexibility.



## ANNEXURE D

### LEP – Compliance Table



LIVERPOOL DCP 2008 - COMPLIANCE TABLE

Control	Requirement	Proposal	Compliance
<b>Part 1.1- Controls for all Development</b>			
<b>Part 1.1 Controls for All Development</b>			
2. Tree Preservation	All tree removal or pruning requires separate approval of development consent	<p>Existing trees to be removed are indicated on the Site Survey/Demolition Plan Drawing No.A-1102.</p> <p>Tree removal is limited to those trees within 3m of all proposed construction and utility installation works.</p> <p>New landscaping for the site includes planting of new canopy trees, shrubs and ground covers. The number of canopy trees within the completed development exceeds the number proposed to be removed.</p> <p>No trees of habitat value are to be removed.</p> <p>No trees or vegetation is to be disturbed outside the proposed work area.</p>	Yes Yes Yes Yes Yes
3. Landscaping and incorporation of existing trees	<p>3.1 Existing trees to be retained are to be identified on plans submitted with an application.</p> <p>Existing trees within setback areas are to be retained where possible.</p> <p>3.2 Existing street trees to be retained and protected where possible.</p> <p>3.3 Protection of existing trees during construction</p> <p>3.4 Landscaping specifications</p> <p><i>1. Landscape planting should be principally comprised of native species provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access. Environmental and noxious weeds in Liverpool shall not be used in the landscape design</i></p>	<p>Existing vegetation to be retained is clear of the building works and includes vegetation within the riparian corridor of Cabramatta Creek.</p> <p>Due to the requirements for road widening of Rynan Avenue, construction of new roads and changes to finished ground levels to achieve overland flow paths – existing trees within the setback to Rynan Avenue and most trees within the building and works footprint are to be removed and replaced with new landscaping.</p> <p>Existing trees and vegetation to be retained and protected within the residue lot will be well clear of all works and fences and suitably protected prior to the commencement of construction.</p> <p>Street tree planting is to be provided in accordance with Council's requirements and subject to details of road reserve and footpath finished levels to be determined by Council. Council may impose conditions for the provision of street trees compatible with public works within the existing public road reserve and the new public road reserve to be created within the site.</p>	Yes Yes Yes Yes

LIVERPOOL DCP 2008 - COMPLIANCE TABLE

Control	Requirement	Proposal	Compliance
	<p>2. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors.</p> <p>3. Landscaping in the vicinity of a driveway entrance must not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.</p> <p>4. Trees, which are planted around high use facilities such as car parking areas, children's, play areas and walkways should have clean trunks to a height of 1.8m.</p> <p>5. All topsoil used shall be sourced from a recognized commercial topsoil supplier. Site topsoil will only be considered suitable where the material has a high organic content. The consultant shall inspect and approve all top soiling prior to commencement of planting and application of mulch. An imported light and free draining topsoil mix is to be used in all planters.</p>	<p>See the Landscape Concept Plan submitted with the development application. A variety of plant forms are provided compatible with the layout and design of the development and the intended function of spaces.</p> <p>Landscaping adjacent to driveways is appropriate.</p> <p>Plants have been suitably selected. See Landscape Plan submitted with the development application.</p> <p>Can comply.</p>	<p>Yes</p> <p>Yes</p> <p>Can comply.</p>