

# SYDNEY SOUTH WEST PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

SSWPP No	2016SYW246
DA Number	DA-1053/2016
Local Government Area	Liverpool City Council
Proposed Development	Integrated development over 2 stages - Subdivision of three lots creating 124 Torrens title residential lots 1 residue lot, construction of 149 dwellings, construction of three roads and three laneways, construction of drainage and stormwater management system, installation of temporary on-site stormwater detention on lot 1, construction of public utility infrastructure, site remediation works with bulk earthworks involving cut and fill, landscaping works and demolition of existing structures, with vegetation removal. Liverpool City Council is the consent authority and the Sydney South West Planning Panel has the function of determining the application
Street Address	LOT 1067 DP 2475, LOT B DP 416093, DP 416093 Cnr Lot A BINDI EYE, 230 SIXTH AVENUE, AUSTRAL NSW 2179, 50 EDMONDSON AVENUE, AUSTRAL NSW 2179, 60-80 EDMONDSON AVENUE, AUSTRAL NSW 2179
Owner	Mrs P E Hughes Mr D and Mrs M P Ghersinich Mr A P Liszniew Ms S A Yule MS E Dropmann
Date of DA Lodgement	10 November 2016
Applicant	MOTT MACDONALD AUSTRALIA PTY LTD
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a capital investment value of over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</li> <li>• Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i></li> </ul>

	<ul style="list-style-type: none"> <li>• No draft Environmental Planning Instruments apply to the site.</li> <li>• <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>- Part 2: Precinct Planning Outcomes; and</li> <li>- Part 3: Neighbourhood and Subdivision Design</li> <li>- Part 4: Development in the residential zones</li> </ul> </li> <li>• <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i> <ul style="list-style-type: none"> <li>• No planning agreement relates to the site or proposed development.</li> </ul> </li> <li>• <i>List any coastal zone management plan: s79C(1)(a)(v)</i> <ul style="list-style-type: none"> <li>• The subject site is not within any coastal zone management plan.</li> </ul> </li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> <li>• Consideration of the provisions of the Building Code of Australia.</li> <li>• Liverpool Contributions Plan 2014 - Austral and Leppington North (October 2014).</li> <li>• Special Infrastructure Contribution</li> </ul> </li> </ul>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1. Conditions of consent</li> <li>2. Architectural Plans</li> <li>3. Indicative Dwelling Types</li> <li>4. Landscape Plans</li> <li>5. Civil Plans</li> <li>6. Aboriginal Cultural Due Diligence Assessment</li> <li>7. Road and Traffic Noise Assessment</li> <li>8. Phase 1 Environmental Site Assessment Report – 60-80 Edmondson Avenue.</li> <li>9. Phase 1 Environmental Site Assessment Report – 230 Sixth Avenue</li> <li>10. Phase 1 Environmental Site Assessment Report – 155 Fifth Avenue and 50 Edmondson Avenue</li> <li>11. Soil Salinity Report</li> <li>12. Phase 2 Environmental Site Assessment Report – 60-80 Edmondson Avenue</li> <li>13. Phase 2 Environmental Site Assessment Report – 155 Fifth Avenue and 50 Edmondson Avenue</li> <li>14. Soil Delineation Sampling – 60-80 Edmondson Avenue</li> <li>15. Soil Delineation Sampling – 155 Fifth Avenue and 50</li> </ol>

	Edmondson Avenue 16. Soil Delineation Sampling – 230 Sixth Avenue 17. Remediation Action Plan 18. Traffic Impact Assessment 19. Demolition Statement 20. Infrastructure Report 21. Water Cycle Management Report 22. Arborist Report 23. BASIX Certificate
Recommendation	Approval
Report by	George Nehme
Report date	10 July 2017

<b>Summary of s79C matters</b>  Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b>  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b>  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>N/A</b>
<b>Special Infrastructure Contributions</b>  Does the DA require Special Infrastructure Contributions conditions (S94EF)?  <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>Yes</b>
<b>Conditions</b>  Have draft conditions been provided to the applicant for comment?  <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>

## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the report

The Sydney South West Planning Panel is the determining authority as the Capital Investment Value of the development is over \$20 million, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979.

### 1.1 The proposal

The application seeks consent for an integrated housing development over 2 stages – Including the subdivision of three lots, creating 124 Torrens title residential lots 1 residue lot, construction of 149 dwellings, construction of three roads and three laneways, construction of drainage and stormwater management system, installation of temporary on-site stormwater detention on lot 1, construction of public utility infrastructure, site remediation works with bulk earthworks involving cut and fill, landscaping works and demolition of existing structures, with vegetation removal.

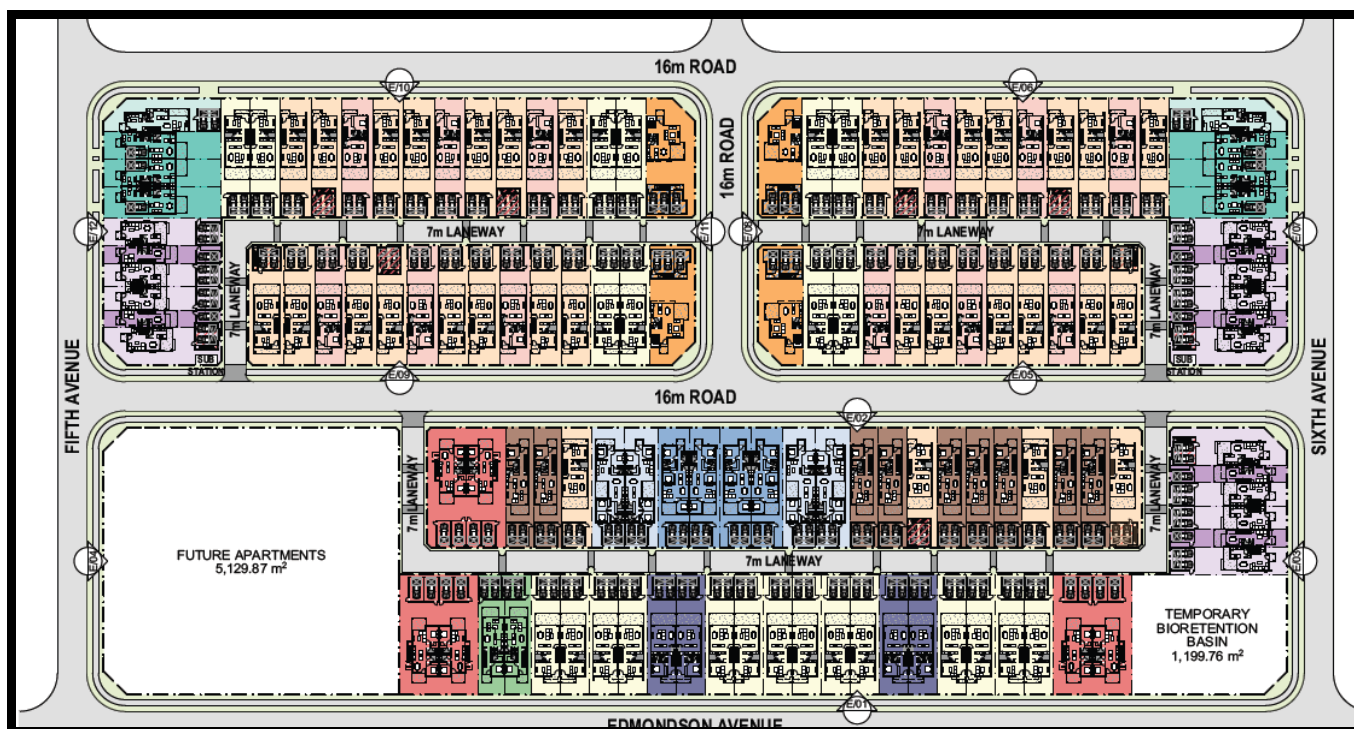


Figure 1: Overall Site Plan

### 1.2 The site

The subject site is identified as Lot 1067 DP 2475, 230 Sixth Avenue Austral, Corner Lot A DP 416093, 60-80 Edmondson Avenue, Austral & Lot B DP416093, 50 Edmondson Avenue, Austral. The site is rectangular in shape with a total area of approximately 4.86Ha. The subject site is a corner allotment with three identifiable frontages. There is a frontage to Sixth Avenue which is approximately 161m in length, a second frontage to Edmondson Avenue of approximately 300m and a third frontage to Fifth Avenue of 160m in length. The subject site

is zoned R3 Medium Density Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. An aerial photograph of the subject site is provided below.



**Figure 2: Aerial Photo**

### **1.3 The issues**

With the provision of additional information, the proposed development has presented a design that is compliant with the relevant development standards and applicable planning controls.

### **1.4 Exhibition of the proposal**

The development application was advertised between 7 December 2016 and 13 January 2017, in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the advertising period.

### **1.5 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application it is recommended that the application be approved.

## **2. SITE DESCRIPTION AND LOCALITY**

### **2.1 The site**

The subject site is identified as Lot 1067 DP 2475, 230 Sixth Avenue Austral, Corner Lot A DP 416093, 60-80 Edmondson Avenue Austral & Lot B DP416093, 50 Edmondson Avenue



Austral. The site is rectangular in shape with a total area of approximately 4.86Ha. The subject site is a corner allotment with three identifiable frontages. There is a frontage to Sixth Avenue which is approximately 161m in length, a second frontage to Edmondson Avenue of approximately 300m and a third frontage to Fifth Avenue of 160m in length.

The subject site currently contains 5 rural/residential dwellings and several outbuildings which will be demolished as part of this proposal.

The development site is located within the suburb of Austral and is located approximately 14km south west of the Liverpool CBD and approximately 3.5km north of Leppington train station, as indicated in figure 3.



**Figure 3: Locality Map**

## **2.1 The locality**

Currently the surrounding locality is predominately characterised by large rural residential lots that are intended for future residential/commercial/recreational development under the provisions of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Schedule 8 and the supporting Liverpool City Council Growth Centres Precincts Development Control Plan.

The lands east and west of the subject site are primarily large rural residential allotments zoned R3 Medium Density Residential. Directly east of the subject site across Edmondson Avenue is the Scalabrini Retirement Village, the remaining residential zoned sites surrounding the development site are predominately large rural/residential lots that are intended for a mix of medium density residential development.

The sites directly north of the subject site across Sixth Avenue are zoned RE1 Public Recreation. These sites are intended to be used for the purpose of a future park pursuant to Schedule 2 Leppington Major Centre of the Liverpool Growth Centres Precincts Development Control Plan.

The sites directly south of the subject site are zoned RE1 Public Recreation and B5 Business Development. The subject sites directly south are intended to be used for the

purpose of bulky goods retail and a civic precinct inclusive of an aquatic/recreational centre, TAFE, Cultural/Community Centre and health facility.

The adjacent commercial zoned sites south of the subject site across Fifth Avenue are also currently large rural/residential lots that are intended for a variety of commercial/industrial development consistent with the B5 zone.

The RE1 Public Recreation zoned sites south of the subject site across Fifth Avenue is currently occupied by Scott Memorial Park.

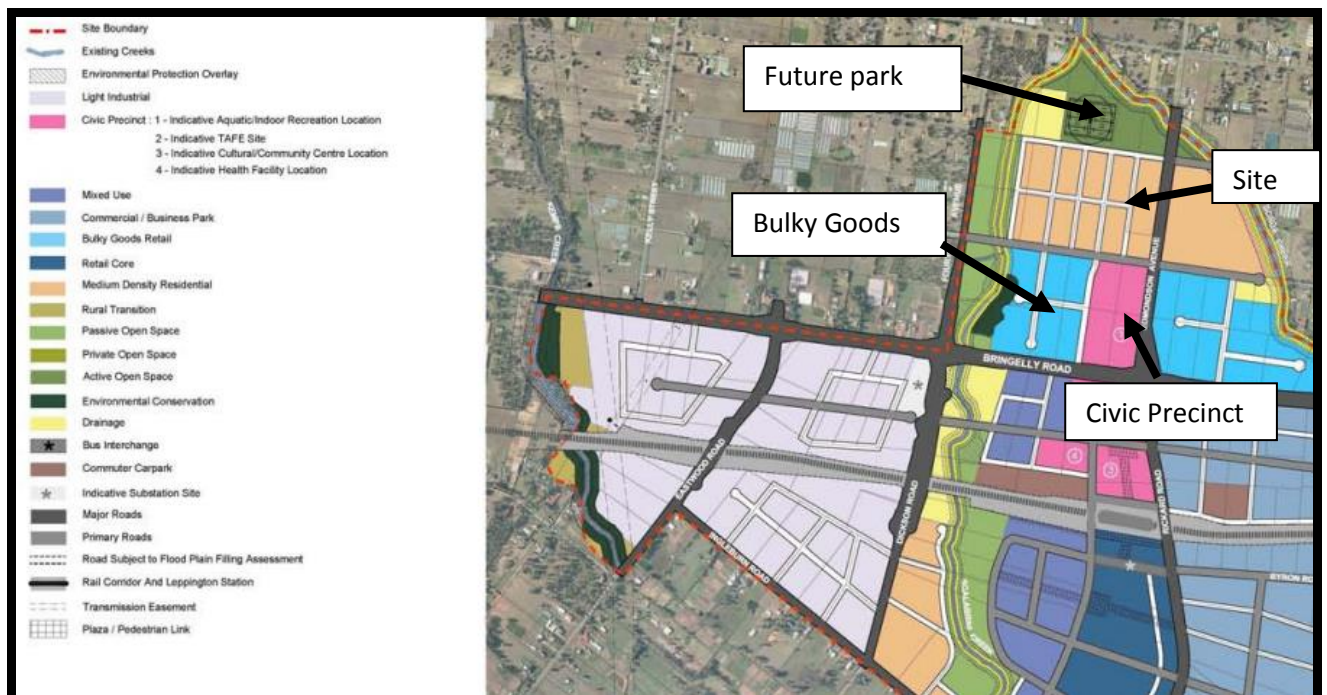


Figure 4: Showing intended uses under growth centres

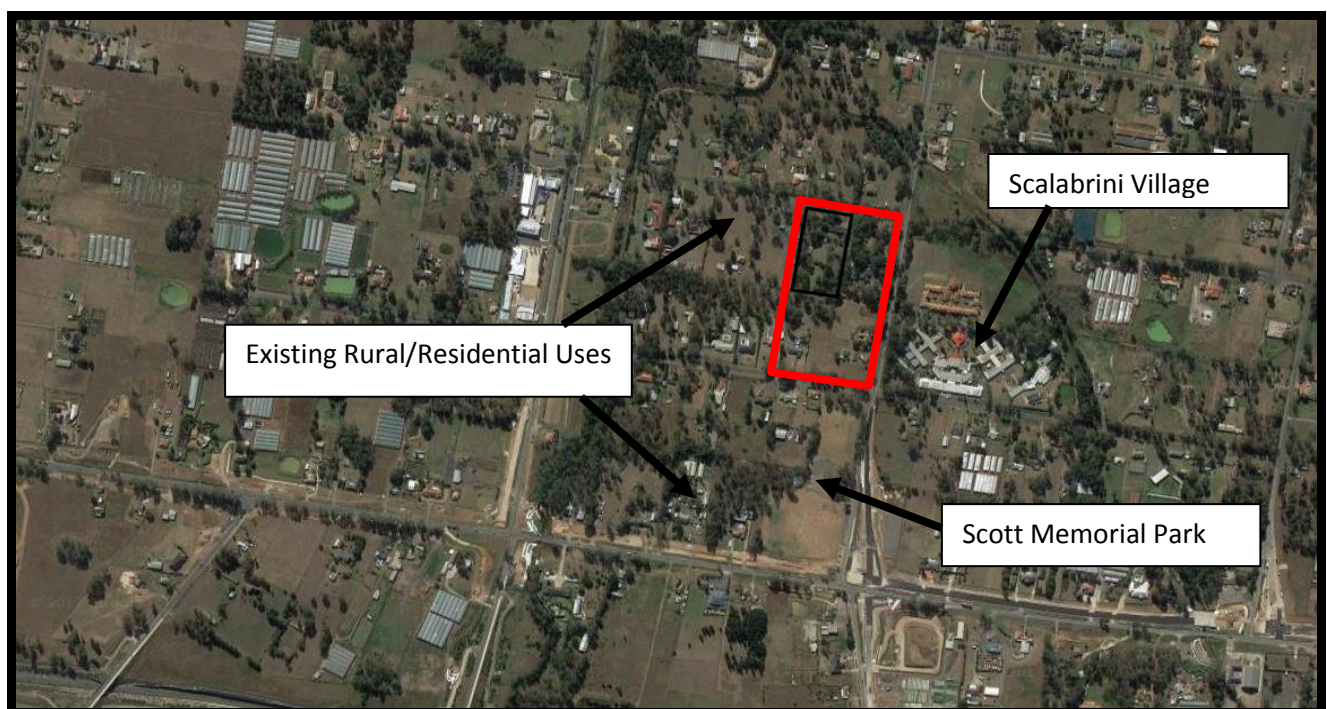


Figure 5 Surrounding Locality



## 2.2 Site affectations

### 2.2.1 Flooding

The site is located on Bonds Creek floodplain in Austral. The north eastern corner of the development site is affected by the 100 year flood and located outside the floodway of the Creek. The Q100 flood level for the site is set at 69.2m AHD. All dwellings have been constructed to be flood free. The finished floor levels were assessed by Council's Floodi Engineers and considered satisfactory. The flood waters travel from south-east to north-west across the corner of the development site as indicated in the figure below.

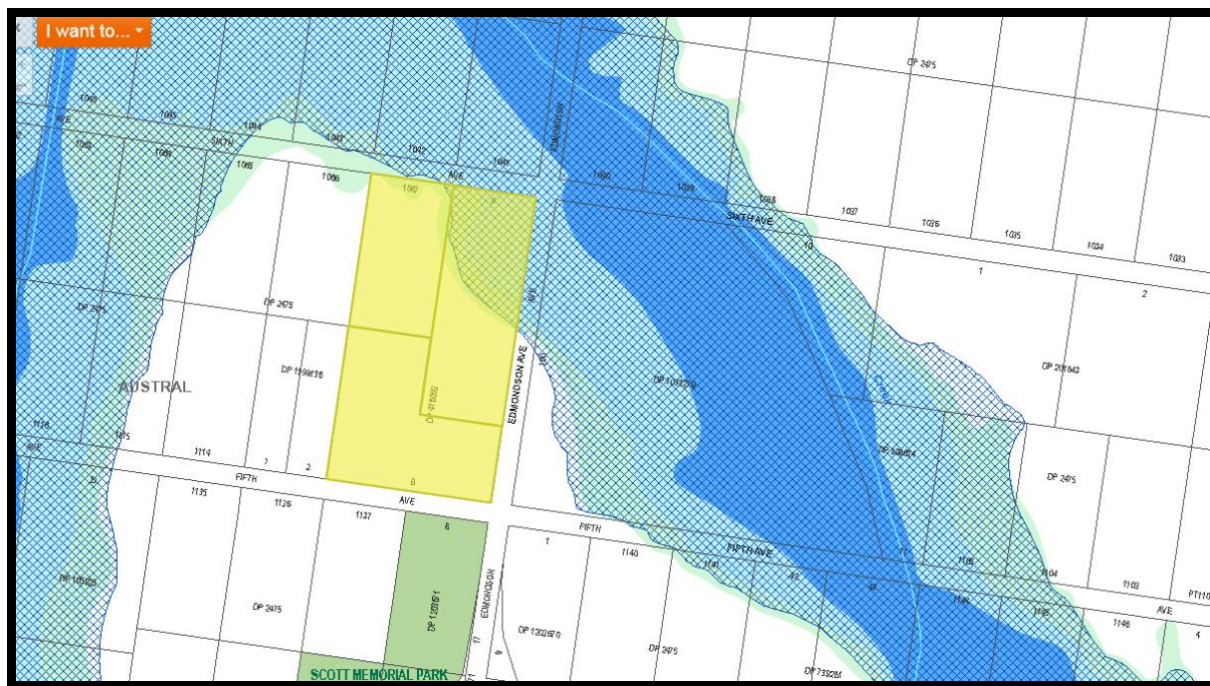


Figure 6: Flood Affection

## 3. BACKGROUND

### 3.1 Issues Identified in Initial Assessment

No major concerns were raised with the preliminary assessment.

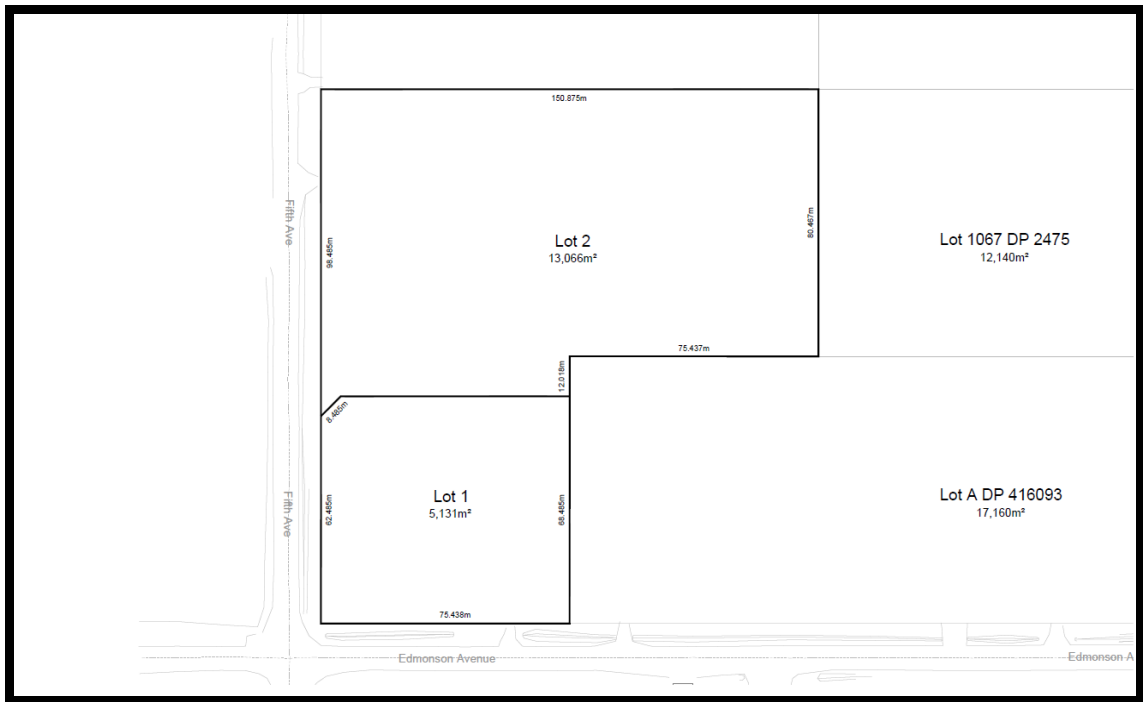
### 3.2 Related applications

#### a) DA-1146/2016

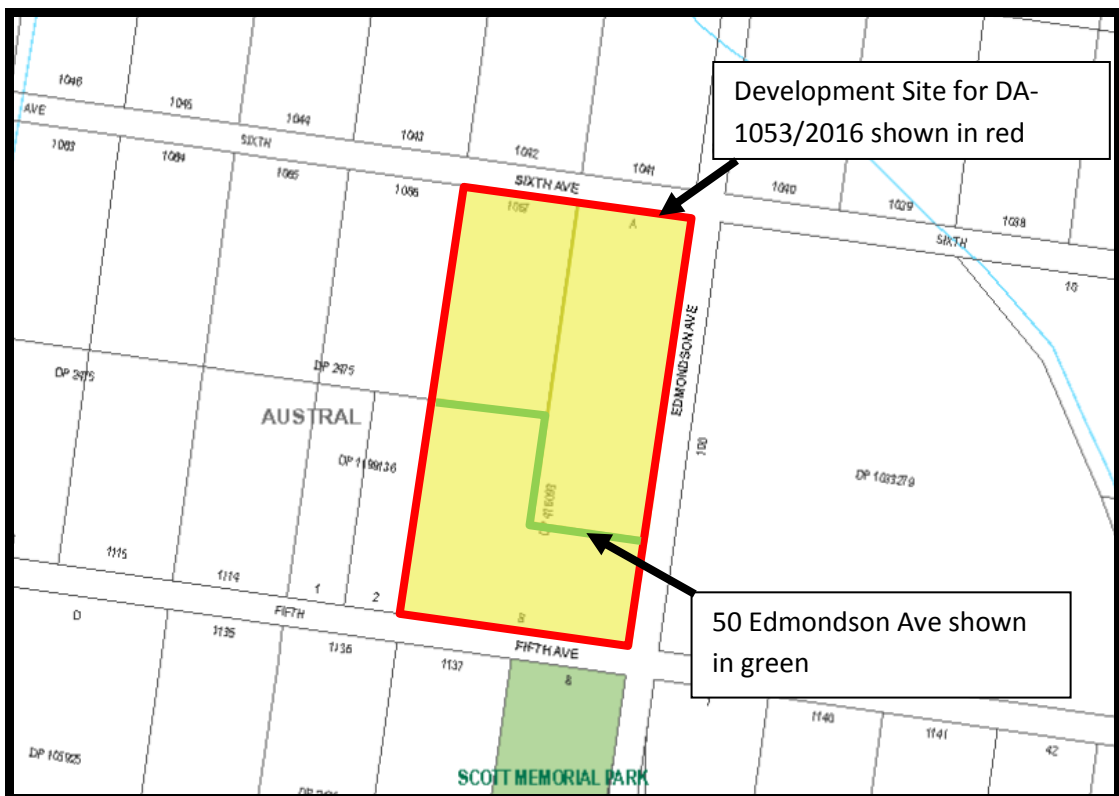
Council approved a development application for the procedural subdivision of No.50 Edmondson Avenue, Austral. The application sought consent for the subdivision of Lot B DP 416093, known as 50 Edmondson Avenue, Austral, to create two Torrens title lots. The two resulting lots are proposed to be Lot 1, and Lot 2. Lot 1 will be 5,131m<sup>2</sup> and Lot 2 will be 13,066m<sup>2</sup>. Lot 1 is to be excised off, with the intention of being utilised for future residential flat buildings.



Lot 2 forms part of this application (DA-1053/2016), and will contain integrated housing lots.



**Figure 7: Approved subdivision DA-1146/2016**



**Figure 8: Location of 50 Edmondson Ave in relation to subject DA**

**b) Pre-DA meetings**

A Pre-DA meeting was held for the proposal on 14 July 2016. No major concerns

were raised with the pre-da meeting, however it was advised that due to the lot sizes proposed within the subdivision that the applicable DCP requires dwelling designs to be lodged and approved with the subdivision. The applicants have lodged plans in accordance with the advice provided at the pre-da meeting.

### **3.4 Planning Panel Briefing**

The application was briefed to the Sydney South West Planning Panel on 13 April 2017. At the meeting, the panel requested that Council address the following;

#### **1) Investigation of the provision of additional public open space within the development;**

**Comment:** It is important to note that the subject development site is located within the Leppington Major Centre, under Schedule 2 of the Liverpool City Council Growth Centres Precincts. Under Schedule 2 the Leppington Major Centre will be the primary focus for employment, retailing and community services in the South West Growth Centre.

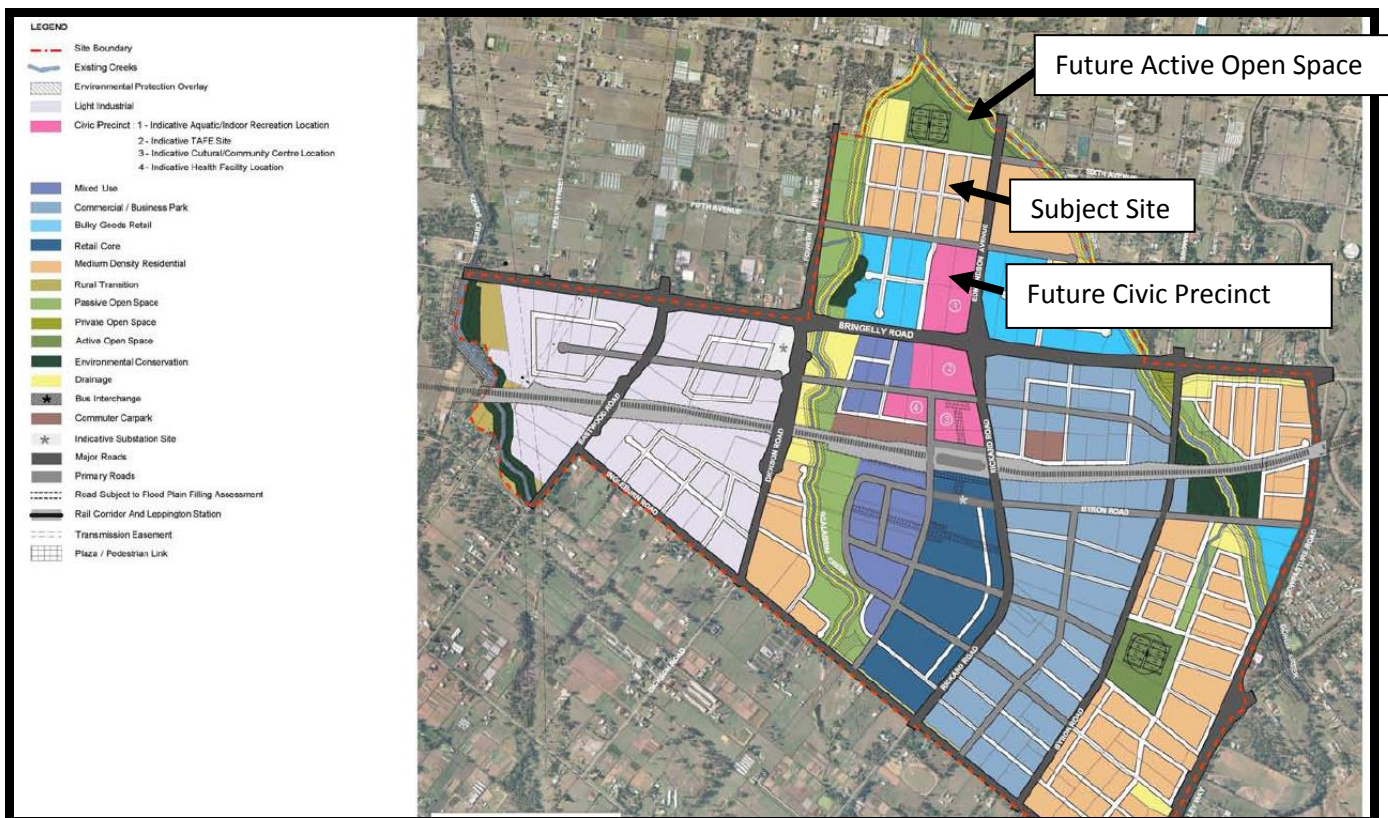
Schedule 2 effectively governed the zoning provisions within the Leppington Major Centre and set the future site characteristics and intended uses on the subject site and the surrounding sites within the Leppington Major Centre.

As will be detailed further in this report, the subject development site is located south and north of public recreation zones that are intended for the use of public open space. The Master Plan detailed in Schedule 2 and shown in figure 7 below indicates a large public open space area north of the site across Sixth Avenue intended to be used as Active Open Space. There is also a site south of the development site that has been identified as a future Civic Precinct, which include uses such as an aquatic/indoor recreation.

The sites north and south of the development site detailed above have also been zoned RE1 Public Recreation. These sites will be utilised for the purposes envisaged within Schedule 2 and identified in the master plan below.

Moreover, the development has demonstrated consistency with the typical site characteristics envisioned of a development site located within the 25dw/ha area. The proposed development has complied with all the applicable development standards under the SEPP Growth Centres and all applicable controls under the Growth Centres DCP. The development is of a scale that is consistent of an R3 medium density zone and is consistent with the type and scale of development permitted within the R3 zone.

Based on the above it is determined that the development site will be well serviced with public recreation areas in line with the vision of schedule 2 and is a development that is consistent with the Growth Centres SEPP and DCP. It is therefore concluded that the need for additional public open space within the development is not required.



**Figure 9: Master Plan under Schedule 2**

## 2) Tree Removal

**Comment:** Concern was raised at the briefing meeting in regards to the number of trees being removed as a consequence of the proposal. Council has investigated this concern and can advise that despite the proposal removing approximately 102 trees, the landscaping plans provided indicate that 185 street trees, 124 lot trees and 1,860 plants/shrubs will be planted to replace the 102 trees removed. This will total 309 trees and 1,860 plants/shrubs. The proposed tree planting species and plantings are consistent with the DCP. The proposal has provided for three times the number of trees being removed, which is considered appropriate in this instance.

The application was also accompanied by an arborist report. The arborist report detailed that to enable suitable tree retention a root protection zone of 2-4m is required. As such it is considered that due to the scale of the development the ability to retain any trees on site is limited.

It is also important to note that the subject site is located within a biocertified area and the need to carry out a threatened species assessment under State Legislation is not required. Notwithstanding this, the arborist report submitted identified that of the 102 trees to be removed, 74 trees have low retention value and 28 trees have medium retention value.

Trees of medium retention value are located on the north-east corner of the site at Edmondson Avenue and Sixth Avenue.



The applicant has noted that retaining the medium retention value trees is not practical for the following reasons;

- *The design proposal would require substantial modifications, resulting in a departure from the medium density design objectives for the Leppington Major Centre.*
- *To meet Council's flood mitigation requirements, this corner of the site requires fill. Retaining the trees in isolated depressions would be an undesirable outcome and provide no public benefit and land that would not be useable for the purposes of which it is zoned.*
- *Excavation is required along Sixth Avenue at this location for the installation of services to the site within the road reserve, these services would be located within the root protection area required to maintain the trees, therefore making tree retention in this area unsuitable.*
- *Council has indicated that in future to manage flood risk, this intersection of road will be raised, which will ultimately impact on the trees as well.*

Council has reviewed the comments of the applicant above and concur with the comments raised. Having regard to the above, it is considered that despite the removal of 102 trees the proposal to replant 309 trees is considered appropriate and a suitable replacement for the trees that are to be removed.



Figure 10: Landscape Plan

### 3) Level changes as a consequence of the fill

**Comment:** Concern was raised regarding the impacts on the streetscape as a consequence of raising the land, particularly on Sixth Avenue and Edmondson Avenue. The fill proposed on the site reaches a maximum fill height of 1.4m at the northern portion of the site with a gradual reduction towards no fill south of the site along Fifth Avenue.

The primary reason for the fill is to raise the proposed land above the 1 in 100 year flood event, for which this site is set at 69.2m AHD in accordance with Council's Flood mapping.

The fill also has to account for the minimum freeboard required on top of the fill above the 1 in 100 year flood zone. Therefore the proposed development will result in certain dwellings located approximately 1.4m above the existing road level on Sixth and Edmondson Avenue. The applicant has provided cross sections along Sixth and Edmondson Avenue detailing how the dwellings will appear from street level. These are detailed in figures 12-15 below.

Despite the height difference between the proposed dwellings along Sixth and Edmondson Avenue, the proposal has provided for an appropriate transition that enables suitable landscaping and access from the street level into the dwellings. Moreover it is considered that the dwellings along Sixth Avenue will have minimal amenity impacts on adjoining properties as they front an RE1 zone that has been earmarked for future active recreation use. It is also considered that the applicants have staggered the fill along Edmondson Avenue to avoid large level changes and also enable the safe habitation of the dwellings. It is also noted that the sites east of the development site across Edmondson Avenue is also zoned R3 and is located within the flood zone. Any future development along the eastern portion of the site will have to be raised to be outside the 1 in 100 year flood zone.



Figure 11: Bulk Earthworks Plan

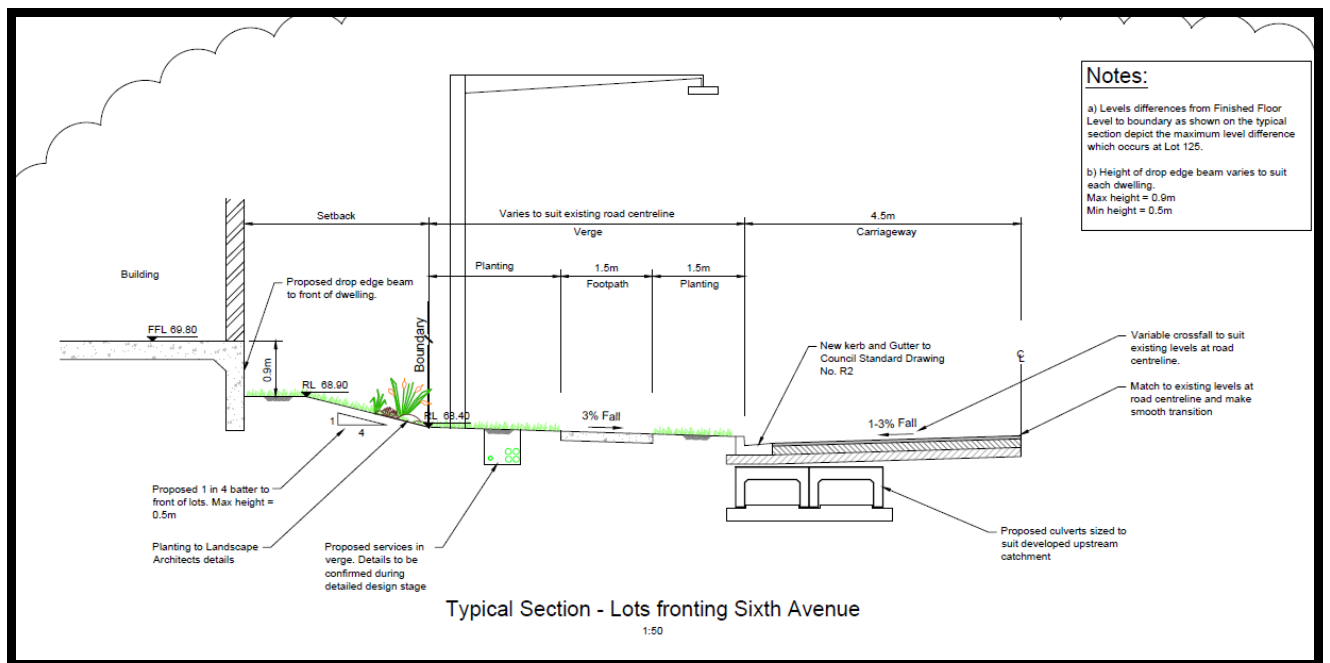


Figure 12: Cross Section Sixth Avenue

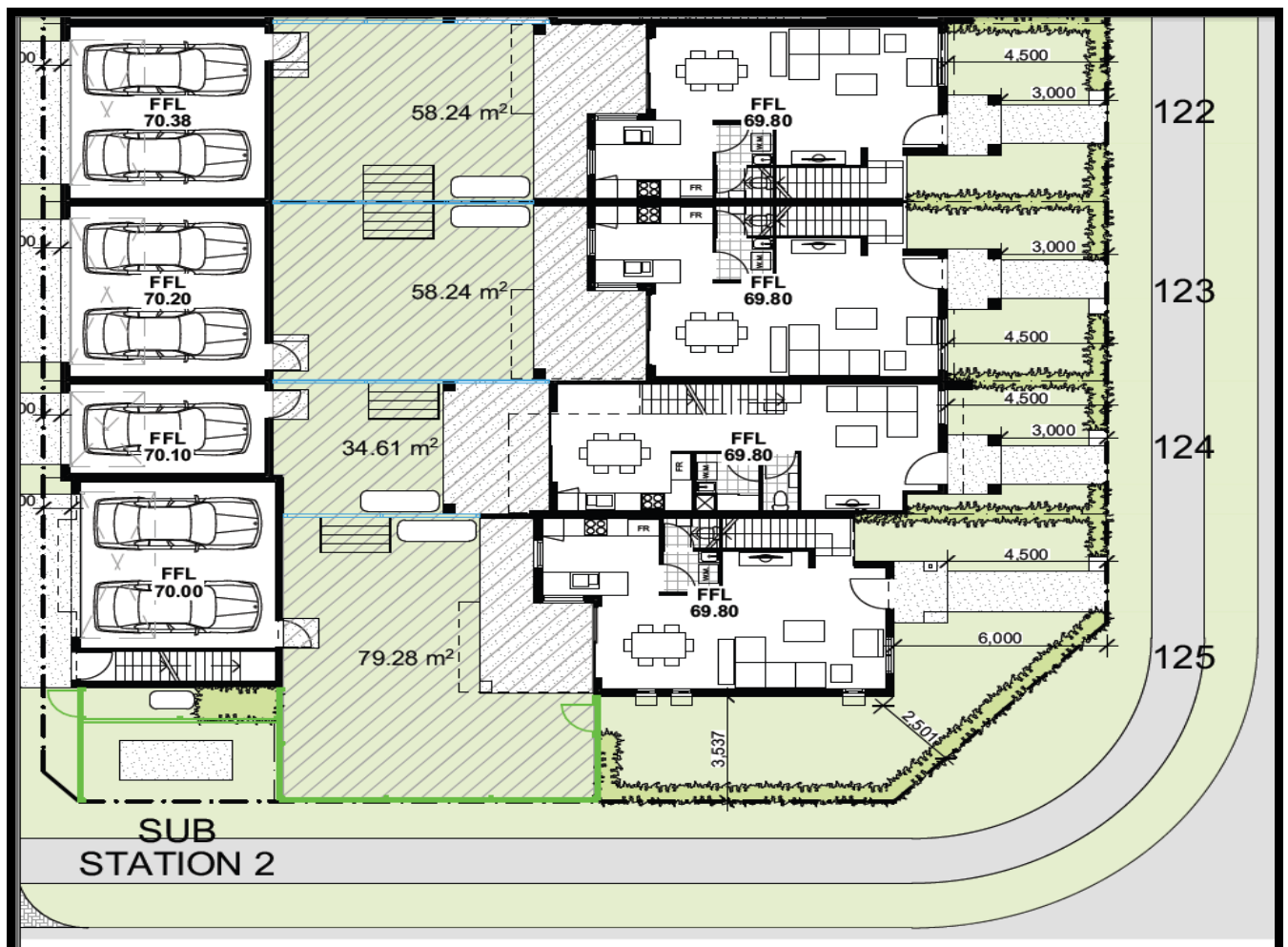


Figure 13: Floor Plans showing access via a pathway at front and rear garage to dwellings along Sixth Avenue



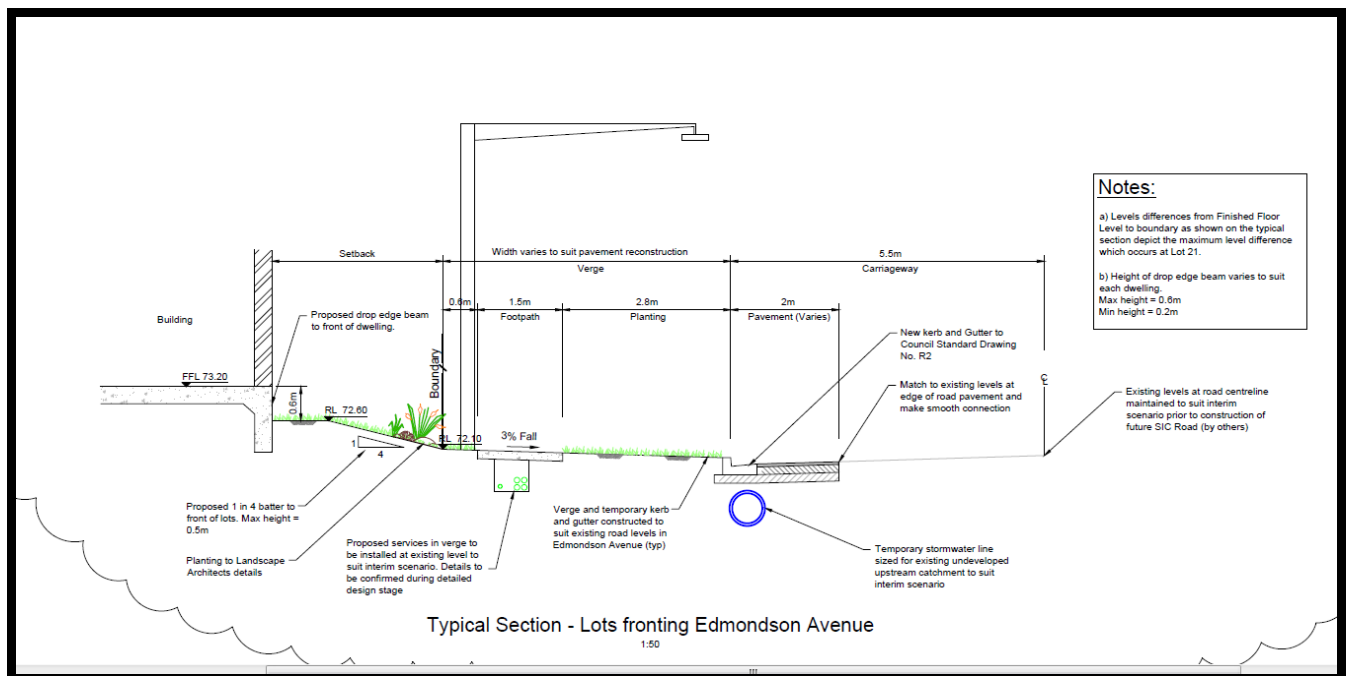


Figure 14: Cross Section Edmondson Avenue

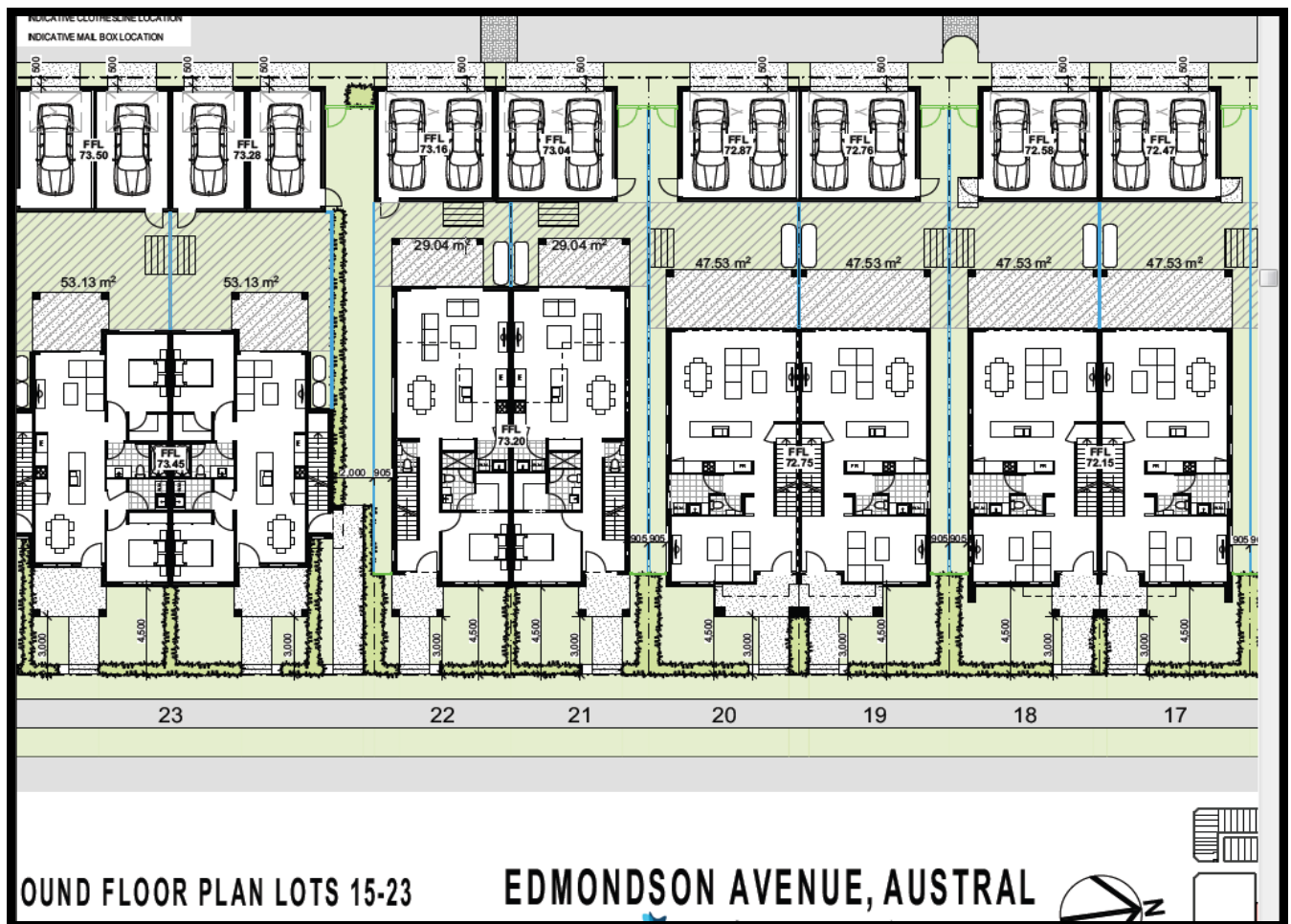


Figure 15: Floor Plans showing access via a pathway at front and rear garage to dwellings along Edmondson Avenue

#### 4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Subdivision for the creation of 124 Torrens title residential lots
- Construction of 149 dwellings (inclusive of attached dwellings, semi-detached dwellings, detached dwellings, abutting dwellings, manor homes and secondary dwellings above rear garages)
- Creation of one (1) residual lot for future residential use (Lot 1);
- Construction of three (3) internal roads to be dedicated to Council as local roads;
- Construction of three (3) internal laneways to be dedicated to Council as laneways;
- Demolition of existing structures with vegetation removal;
- Construction of drainage and stormwater management system;
- Construction of public utility infrastructure;
- Temporary on-site stormwater detention on Lot 1;
- Site Remediation works and Bulk Earthworks involving cut and fill; and
- Landscaping works.
- This application seeks a staged consent of works;
  - Stage 1 - Demolition of existing structures, earthworks, site establishment works, road and lane construction and Torrens title subdivision to create 1 residue lot (Lot 1) and 124 residential lots
  - Stage 2 - Construction of all dwellings

A table breakdown of the dwelling type proposed on each lot and the total number of dwellings proposed on each lot is detailed in the table below;

Lot Number	Dwelling Type	Secondary Dwelling Proposed	Total Dwellings
1	N/A	N/A	0
2	Manor Home	N/A	4
3	Semi-Detached	0	1
4	Semi-Detached	0	1
5	Semi-detached	0	1
6	Semi-Detached	0	1
7	Semi-Detached	0	1

8	Semi-Detached	0	1
9	Semi-Detached	0	1
10	Semi-Detached	0	1
11	Semi-detached	0	1
12	Semi-Detached	0	1
13	Semi-Detached	0	1
14	Semi-Detached	0	1
15	Semi-Detached	0	1
16	Semi-Detached	0	1
17	Semi-detached	0	1
18	Semi-Detached	0	1
19	Semi-Detached	0	1
20	Semi-Detached	0	1
21	Semi-Detached	0	1
22	Semi-Detached	0	1
23	Manor Home	0	4
24	Manor Home	0	4
25	Detached	0	1
26	Detached	0	1
27	Detached	0	1
28	Semi-detached	0	1
29	Semi-Detached	0	1
30	Semi-Detached	0	1
31	Semi-Detached	0	1
32	Semi-Detached	0	1
33	Semi-Detached	0	1
34	Semi-Detached	0	1



35	Semi-Detached	0	1
36	Detached	0	1
37	Detached	0	1
38	Detached	1	2
39	Detached	0	1
40	Detached	0	1
41	Detached	0	1
42	Detached	0	1
43	Detached	0	1
44	Detached	0	1
45	Detached	1	2
46	Attached (Terrace)	1	2
47	Attached (Terrace)	0	1
48	Attached (Terrace)	0	1
49	Attached (Terrace)	0	1
50	Attached (Terrace)	0	1
51	Attached (Terrace)	0	1
52	Detached	1	2
53	Detached	0	1
54	Detached	0	1
55	Detached	0	1
56	Detached	0	1
57	Detached	0	1
58	Detached	0	1
59	Detached	0	1
60	Detached	0	1
61	Semi-Detached	0	1

62	Semi-Detached	0	1
63	Detached	1	2
64	Detached	1	2
65	Semi-Detached	0	1
66	Semi-Detached	0	1
67	Detached	0	1
68	Detached	0	1
69	Detached	0	1
70	Detached	0	1
71	Detached	0	1
72	Detached	0	1
73	Detached	1	2
74	Detached	0	1
75	Detached	0	1
76	Detached	0	1
77	Detached	1	2
78	Attached (Terrace)	1	2
79	Attached (Terrace)	0	1
80	Attached (Terrace)	0	1
81	Attached (Terrace)	0	1
82	Attached (Terrace)	0	1
83	Attached (Terrace)	0	1
84	Attached (Terrace)	0	1
85	Attached (Terrace)	0	1
86	Attached (Terrace)	0	1
87	Attached (Terrace)	0	1
88	Semi-Detached	0	1

89	Semi-Detached	0	1
90	Detached	0	1
91	Detached	1	2
92	Detached	0	1
93	Detached	0	1
94	Detached	0	1
95	Detached	0	1
96	Detached	0	1
97	Detached	1	2
98	Detached	0	1
99	Detached	0	1
100	Semi-Detached	0	1
101	Semi-Detached	0	1
102	Detached	1	2
103	Detached	1	2
104	Semi-Detached	0	1
105	Semi-Detached	0	1
106	Detached	0	1
107	Detached	1	2
108	Detached	0	1
109	Detached	0	1
110	Detached	0	1
111	Detached	0	1
112	Detached	1	2
113	Detached	0	1
114	Detached	0	1
115	Detached	0	1

116	Attached (Terrace)	0	1
117	Attached (Terrace)	0	1
118	Attached (Terrace)	0	1
119	Attached (Terrace)	0	1
120	Attached (Terrace)	0	1
121	Attached (Terrace)	0	1
122	Attached (Terrace)	0	1
123	Attached (Terrace)	0	1
124	Attached (Terrace)	0	1
125	Attached (Terrace)	1	2
<b>Total</b>		<b>16</b>	<b>149</b>
Total  Detached = 57  Semi-Detached/Attached Terrace = 64  Manor Homes = 3(12 Dwellings)  Secondary Dwellings = 16  Total Dwellings = 149			

## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)



## Development Control Plans

- Liverpool City Council Growth Centre Precincts Development Control Plan

## Contributions Plans

- Liverpool Contributions Plan 2014 - Austral and Leppington North (October 2014) applies to the development site.
- As the development site is located within the Western Sydney Growth Area a Special Infrastructure Contribution (SIC) is applicable

## **5.2 Zoning**

The subject site is zoned R3 Medium Density Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.



**Figure 16: Zoning Map**

## **5.3 Permissibility**

Subdivision is a permissible form of development pursuant to Clause 2.6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

‘Dwelling Houses’, ‘Attached Dwellings’, ‘Manor Homes’, ‘Semi-Detached Dwellings’, and ‘Secondary Dwellings’ are all permissible within the R3 Medium Density Residential zone.

## **6. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of

consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

## **6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument**

### **(ii) Summary of Relevant SEPP (Sydney Region Growth Centre) 2006 Provisions**

#### **(i) Objectives of the R3 zone**

Objectives of the R3 Medium Density Residential Zone are

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

It is considered that the proposed development is consistent with the objectives of the R3 Medium Density zone. The proposal will facilitate the provision of housing that will meet the needs of a growing community.

#### **Principal Development Standards**

The SEPP (Sydney Region Growth Centre) 2006 contains a number of provisions which are relevant to the proposal. Assessment of the application against the applicable provisions is provided below. The proposal generally demonstrates compliance with these provisions.

Note: The Liverpool Local Environmental Plan does not apply to this proposal as the land is located within a Growth Centre Precinct and the SEPP prevails over the LEP. It is instead assessed against the SEPP and the Liverpool Growth Centre Precincts DCP 2014.

<b>Clause</b>	<b>Provision</b>	<b>Proposed</b>	<b>Comment</b>
4.1.AA Subdivision resulting in lots between 225- 300sqm	The consent authority must be satisfied that any lot between 225-300sqm will contain a sufficient building envelope to enable the erection of a dwelling house on the lot	All lots between 225-300sqm have proposed dwellings on them that will be approved with the application. Only approved dwellings can be built.	Yes
4.1AB Minimum lot sizes for;		All lots for semi-detached	Complies

a) Semi-detached dwellings in 25 dwellings/hectare	125sqm	dwellings are 125sqm or greater.	
b) Manor homes in 25 dwellings/hectare	600sqm	All lots for manor homes are 600sqm or greater	
4.1AC Minimum lot size for secondary dwellings in R3	The minimum lot size for the principle dwelling in conjunction with which the secondary dwelling is established	All lots in which secondary dwellings are proposed comply with the minimum lot sizes permissible.	Complies
4.1AF Exceptions to minimum lot sizes for dwelling houses on small lots for a lot in zone R3 that has an area less than 225sqm (but not less than 125sqm)	Consent may be granted to the erection of a dwelling house on a small lot if the development application is a single development application that is both of the following;  a) The subdivision of land into 2 or more lots,  b) The erection of the dwelling house on one of the lots resulting from the subdivision	The proposal is for subdivision and construction of housing on lots within the R3 zone. No lots proposed are less than 125sqm	Complies
4.1B Residential Density	The site is subject to a dwelling density of 25dw/ha	25dw/ha = 108 dwellings required over a net developable area of 4.3442ha  149 dwellings provided	Complies
4.3 Height of Buildings (as per HOB Map)	12m for this site	No dwelling exceeds 8.8m in height	Complies
5.1 Relevant Acquisition Authority	Land to be acquired as identified on the Land Reservation Acquisition Map	No Land Acquisition Identified for the site.	N/A

5.9 Preservations of trees or vegetation	Provided when consent is required to be granted subject to the provision of this clause to remove trees or vegetation.	There are a number of significant trees on-site. However, the subject site is identified as 'certified' pursuant to the Sydney Region Growth Centres 2006 Biodiversity Certification Order. As such in accordance with Part 5 of the order a Flora and Fauna assessment is not required.	Complies
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	The subject site is not identified as being of heritage significance	Complies
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	Comments have been received from Endeavour Energy and Sydney Water, which confirm that arrangements will be made to make public utility infrastructure available around December 2018. The requirements of these utility providers will be made as conditions of consent of any approval.	Complies
6.3 Development Controls – Existing Native Vegetation	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the	The proposal includes the removal of vegetation within a biodiversity certified area as indicated on the SEPP Maps. The removal of vegetation is required in order to facilitate the proposed roads and bulk earthworks.	Complies



	Threatened Species Conservation Act 1995)		
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Having regard to the above assessment, the proposal is permitted in the zone and is considered consistent with the objectives of the zone and relevant development standards in the SEPP.

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

The proposal has been assessed under the relevant provisions of SEPP 55 as the proposal involves a change of use of land with the potential under the SEPP 55 guidelines to be a site that could be contaminated (*agricultural/horticultural activities*). Therefore, under the SEPP 55 guidelines the subject site is identified as a site that could be contaminated.

The objectives of SEPP 55 are:

- *to provide for a state-wide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

To enable a proper assessment under SEPP 55, the applicant provided the following reports;

- 1) Phase 1 Environmental Site Assessment Report, prepared by Geo-Logix, (report ref: 1601067-Rpt02FinalV01-22Sept16) dated September 2016 for the premises identified as 60-80 Edmondson Avenue, Austral;
- 2) Phase 1 Environmental Site Assessment Report, prepared by Geo-Logix, (report ref: 1601067-Rpt01FinalV01) dated July 2016 for the premises identified as 230 Sixth Avenue, Austral;
- 3) Phase 1 Environmental Site Assessment Report, prepared by Geo-Logix, (report ref: 1601067-Rpt03FinalV01) dated September 2016 for the premises identified as 155 Fifth Avenue and 50 Edmondson Avenue Austral
- 4) Phase II Environmental Site Assessment Report, prepared by Geo-Logix, (report ref: 1601114Rpt01FinalV02\_28Feb17) dated February 2017 for the premises identified as 60-80 Edmondson Avenue, Austral;
- 5) Phase II Environmental Site Assessment Report, prepared by Geo-Logix, (report ref: 601114Rpt02FinalV02\_28Feb17) dated February 2017 for the premises identified as Partial of 155 Fifth Avenue, and 50 Edmondson Avenue, Austral;
- 6) Phase II Environmental Site Assessment report, prepared by Geo-Logix, (report ref: 1601114Rpt03FinalV02\_28Feb17) dated February 2017 for the premises identified as 230 Sixth Avenue, Austral;
- 7) Soil Delineation Sampling report prepared by Geo-Logix (report ref: 1701011Ltr01FinalV01\_27Feb17) dated February 2017 for the premises identified as 60-80 Edmondson Avenue, Austral;

- 8) Soil Delineation Sampling report prepared by Geo-Logix (report ref: 1701012Ltr01FinalV01\_27Feb17) dated February 2017 for the premises identified as Partial of 155 Fifth Avenue and 50 Edmondson Avenue, Austral;
- 9) Soil Delineation Sampling report prepared by Geo-Logix (report ref: 1701010Ltr01FinalV01\_28Feb17) dated February 2017 for the premises identified as 230 Sixth Avenue, Austral;
- 10) Remediation Action Plan prepared by Geo-Logix dated February 2017) for the premises identified as:
  - a. 230 Sixth Avenue, Austral;
  - b. Part 155 Fifth Avenue and 50 Edmondson Avenue, Austral;
  - c. 60-80 Edmondson Avenue, Austral;

The Phase II assessment reports prepared for all the sites concluded that further assessment or remediation is required, in order for the site to be considered suitable for the proposed residential land use.

Based on the above information, the site requires remediation, in order for the site to be considered suitable for the proposed residential land use. As a result, Geo-Logix were engaged to prepare a Remediation Action Plan (RAP) for the premises identified as:

- 230 Sixth Avenue;
- 60-80 Edmondson Avenue;
- Part 155 Fifth Avenue; and 50 Edmondson Avenue;

The RAP provides advice on remediation acceptance criteria and sampling strategies required to validate the Areas of Environmental Concern as suitable for the residential land use. The RAP has been prepared in accordance with the "Guidelines for Consultants Reporting on Contaminated Sites.

The objectives of the RAP are to:

- Define contaminants of potential concern (COPC) and areas of the site requiring remediation;
- Evaluate remedial options in consideration of site conditions, logistical constraints and commercial objectives;
- Define remediation procedures and methodologies;

Soil Delineation Reporting was also undertaken for the site to further determine the extent of several contamination issues identified in the Phase 2 ESA's. The objective of the works was to define the extent of soil contamination issues so that remedial options could be considered.

Geo-Logix have outlined in the RAP the preferred remedial option for the area of environmental concern to be a combination of excavation and off-site disposal and on-site remediation.

Geo-Logix have outlined that the proposed remediation works are considered to be Category 2 Remediation Works (not requiring consent).

Geo-Logix concludes that, subsequent to remediation, a Validation Report is to be prepared in accordance with NEPM 2013 and Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA, 1997).

The Validation Report shall determine the suitability of the land for the proposed residential land use; and recommend for additional remediation works or environmental monitoring (if required).

These reports were reviewed by Council's Environmental Health Officer who concurred with their findings.

Pursuant to Clause 7 of SEPP 55, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The reports submitted as mentioned above identified contaminants on the development site
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The Phase 1 and 2 contamination assessment report and RAP has been submitted as part of this application and reviewed by Council's Environmental Health Staff. The land is considered suitable for its proposed residential use, subject to remediation works carried out in accordance with the contamination assessment, and subject to conditions of consent recommended by Council's Environmental Health Officer.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Conditions of any consent shall require the remediation of the land to be undertaken and the site validated prior to any occupation of the dwellings

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55. Therefore, it is considered that the subject site can be made suitable for the proposed development.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.**

A BASIX certificate for all dwellings was submitted and considered satisfactory.

**Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997)  
(Deemed SEPP)**

The subject land is located within the Hawkesbury Catchment and as such the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) applies to the application.

The Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

When a consent authority determines a development application, planning principles are to be applied (Clause 4). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 5 and Clause 6), and compliance with such is provided below.

<b>Clause 5 General Principles</b>	<b>Comment</b>
(a) the aims of this plan,	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 6.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed subdivision, dwelling construction, road construction, stormwater works and demolition are appropriate and no alternatives need be considered.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	A Stormwater concept plan submitted and reviewed by Council's development engineers. Conditions of consent applied aim to improve the quality of expected stormwater discharge from the site.
<b>Clause 6 Specific Planning Policies and Recommended Strategies</b>	<b>Comment</b>
(1) Total catchment management	Environmental Planning consideration through SEPP (Sydney Region Growth Centre) 2006 has considered the impact of the residentially zoned land within the catchment
(2) Environmentally sensitive areas	The site is not part of an Environmentally Sensitive area as defined in this plan.

(3) Water quality	Council's development engineers have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site.
(4) Water quantity	Council's development engineers have provided conditions of consent aimed to reduce the impact from the expected storm-water runoff and flow characteristics through the site, on down-stream aquatic ecosystems.
(5) Cultural heritage	The site is not identified as being of or containing Aboriginal / cultural heritage.
(6) Flora and fauna	The site is identified as Biocertified and otherwise not containing threatened species of flora and fauna
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.
(10) Urban development	The site has been rezoned to residential and the subdivision proposal provides variable lot sizes. Further, Council's engineers have provided conditions for any consent, to manage erosion and sediment erosion and loss, and to improve the quality of expected stormwater discharge from the site.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy by contributing to greenfield development in the South West Growth Centre.

It is considered that the proposal satisfies the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997), subject to appropriate sedimentation and erosion controls being implemented during construction.

## **6.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument**

The following draft Environmental Planning Instruments applies to the site

## **6.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan**

### **Liverpool City Council Growth Centre Precincts Development Control Plan**



The application has been considered against the controls contained in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in particular:

- Part 2: Precinct Planning Outcomes; and
- Part 3: Neighbourhood and Subdivision Design
- Part 4: Development in the residential zones

The assessment has identified that the proposal generally demonstrates compliance with the relevant DCP requirements. The key controls are discussed in the following tables:

<b>Part 2 Precinct Planning Outcomes</b>		
<b>Development Control</b>	<b>Provision</b>	<b>Comment</b>
2.2  The  Indicative Layout Plan	All development applications are to be generally in accordance with the Indicative Layout Plan.	<b>Complies</b>  The proposed development has indicated a road layout that is consistent with the indicative layout plan.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
2.3.1  Flooding	This section contains controls relating to development on flood prone land	<b>Complies</b>  The subject site is identified as being flood prone and is affected by overland flow paths. Council's floodplain engineers have reviewed the proposed design and have raised no issues subject to conditions of consent.
2.3.2  Water  Cycle Management	This section contains controls relating to stormwater management.	<b>Complies</b>  The application was accompanied by Stormwater Engineering Concept Plans. Council's Land Development Engineers have reviewed the proposed development and raised no issues

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		subject to conditions.
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	<b>Complies</b>  A Salinity Assessment Report indicates the site to be affected by non-aggressive to moderately aggressive saline soils, and recommends appropriate salinity management during construction. Council's Land Development Engineers have reviewed the proposed development and raised no issues subject to conditions.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	<b>Complies</b>  The subject site is not identified as being of heritage significance. However, Council's Heritage Officer has reviewed the proposal in relation to Aboriginal heritage and raises no objection subject to conditions of consent.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	<b>Complies</b>  The proposal includes the removal of vegetation within a biodiversity certified area, as indicated on the SEPP Maps. The removal of vegetation is required in order to facilitate the development.
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	<b>Complies</b>  The site is not bushfire prone.
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	<b>Complies</b>  A Contamination Assessment and Remedial Action Plan have been provided. The investigation concludes the site is suitable for residential development subject to remediation of the land. This has been reviewed by

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		Council Environmental Health officers who support the report and the proposed works subject to the imposition of conditions of consent.
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	<b>Complies</b>  Not identified as being Land Adjacent to Electricity and Gas easements
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	<b>Complies</b>  An acoustic assessment has been provided with the application due to the location of the site on Edmondson Avenue being a transit boulevard. The acoustic assessment concluded the subject development is satisfactory subject to the implementation of several noise attenuation measures for dwellings along Edmondson Avenue.
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	<b>Complies</b>  There are no odour emitting sources in the immediate locality.
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	<b>Not Applicable</b>  The DA does not propose industrial or employment development.
2.4 Demolition	This section contains controls relating to demolition of buildings	<b>Complies</b>  Demolition is proposed for dwellings and outbuilding structures, and conditions of consent shall be imposed.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	<b>Complies</b>  The proposed development is unlikely

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		to contravene the principles of CPTED.
2.6 Earthworks	This section contains controls relating to earthworks	<p><b>Complies</b></p> <p>This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues to the bulk earthworks, subject to conditions.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.1.1 Residential Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	<p><b>Complies</b></p> <p>The DA complies with the dwelling density control of 25dw/ha</p>
	<p>Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1. The typical characteristics of dwelling density 25 is identified as;</p> <p><i>m. Generally located within the walking catchment of centres, corridors and / or rail based</i></p>	<p><b>Complies</b></p> <p>The proposal is providing a development that is consistent with the characteristics stipulated in the dwelling density controls. The subject site is located within walking distance of public transport and future catchment centres as identified in Schedule 2 of the DCP. The proposal consists predominately of small lot housing and manor homes being single and double storey in height. The proposal incorporates 3 laneways. Where possible the proposed dwellings have been orientated towards the current and future public open</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	<p><i>public transport.</i></p> <p><i>n. Consists of predominantly small lot housing forms with some multi-dwelling housing, manor homes and residential flat buildings located close to the local centre and public transport.</i></p> <p><i>o. Generally single and double storey dwellings with some 3 storey buildings.</i></p> <p><i>p. Incorporates some laneways and shared driveways.</i></p> <p><i>q. Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces.</i></p> <p><i>r. Mainly urban streetscapes, some suburban streetscapes.</i></p>	space north and south of the development site.
3.1.2 Block and Lot Layout	<p>(Min lot size for lots located in 25 dwellings/hectare and R3 zone)</p> <p>Minimum lot size of 125m<sup>2</sup> for dwelling houses</p> <p>Minimum lot size of 125m<sup>2</sup> for semi-detached dwellings</p> <p>Minimum lot size of 600m<sup>2</sup> for manor homes in the R3 zone.</p>	<p><b>Complies</b></p> <p>All proposed lots comply with the minimum lot size requirements and have been proposed as an integrated housing DA.</p>
	(Minimum frontage width for	<b>Complies</b>



Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	lots in 20 to 45dw/ha)  Font Loaded = 7m  Rear Loaded = 4.5m	All front-loaded lots have a frontage width greater than 7m.  All rear loaded lots have a frontage width greater than 4.5m.
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	<b>Complies</b>  A range of residential lot sizes and widths are provided.
	In areas with a minimum residential density of $\leq 20$ dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 (Integrated Housing) for attached or abutting dwellings are exempt from this control.	<b>N/A</b>
	In density bands $\leq 25$ dw/ha, total frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on street parking impacts.	<b>Complies</b>  The front accessed lots do not exceed 20% of any block length.
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls	<b>Complies</b>  The lots are all rectangular in shape.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	in this DCP.	
	Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.	<b>Complies</b>  The lots containing dwellings fronting the open space north and south of the site have the main residential entry points fronting the open space.
<u>Zero Lot Lines</u>	The location of a zero-lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation	<b>Complies</b>  Zero-lot lines are provided on low sides of the lots where possible.
	On all lots where a zero-lot line is permitted, the side of the allotment that may have a zero-lot alignment must be shown on the approved subdivision plan.	<b>Complies</b>  All dwellings proposed with zero lot line are indicated on the approved plans.
	Where a zero-lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of	<b>Complies</b>  A condition of consent will be imposed to this effect.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	the dwelling on the benefited lot will be permitted within the easement.	
	The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero-lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.	<b>Complies</b>  A condition of consent will be imposed to this effect.
<u>Subdivision of shallow lots</u>	Shallow lots (typical depth 14-18m, typical area ≤200sqm) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots such as overshadowing and overlooking of POS, satisfy the requirements of the DCP	<b>Complies</b>  All shallow lots are located so as to avoid any detrimental impact on overshadowing and privacy of adjoining dwellings.
<u>Subdivision for Attached or Abutting Dwellings</u>	Subdivision of lots for Torrens title attached or abutting dwellings must take into account that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.	<b>Complies</b>  Proposal takes into account attached or abutting dwelling in sets.
	The maximum number of attached or abutted dwellings permissible in a set is six.	<b>Complies</b>  Maximum number does not exceed six in a set
	The composition of sets needs to be determined in the	<b>Complies</b>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	subdivision design to take into account the lot width required for a side setback to the end dwellings in each set.	The proposal takes into account the lot width required for a side setback to the end dwelling in each set.
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	<b>Complies</b>  This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	<b>Complies</b>  All dwellings on corner lots have been designed to address both street frontages.
	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	<b>Complies</b>  The location of infrastructure has been shown on the relevant plans.
3.2 Subdivision Approval Process	<p>The land subdivision approval process is to be consistent with the requirements of Table 3-4.</p> <p><b>Pathway B1</b></p> <p>Dwelling construction involving detached or abutting dwellings on lots less than 225m<sup>2</sup> or lots with a width less than 9m, require dwelling plans as part of the subdivision application. 88B restrictions are required to state that only approved dwelling can be built. Subdivision certificate can be released prior to the issue of the CC for the dwellings.</p>	<p><b>Complies</b></p> <p>The DA is for an integrated housing DA and complies with pathway B1.</p> <p>The consent will be staged so as to allow the Torrens title lots to be created under stage 1 with an 88B restriction stipulating only approved dwellings can be built under stage 2.</p>

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design.	<b>Complies</b>  The DA is in accordance with the street network layout. Road reserve widths are in accordance with ILP. Conditions of consent will be imposed to ensure that correct carriage way widths, verge widths and footpath widths are provided.
3.3.2 Laneways	This section contains controls relating to laneway design.  The minimum garage doorway widths for manoeuvrability in a laneway is 2.4m (single) and 4.8m (double)	<b>Complies</b>  The proposed laneways have been designed in accordance with the minimum requirements of the DCP.  All garage door widths off the laneways comply with this requirement.
3.3.5 Pedestrian and Cycle Network	This section contains controls relating to the implementation of pedestrian and cycle networks.	<b>Complies</b>  The ILP indicates that an on-road cycleway is required for Edmondson Avenue for frontage of the site. Conditions of consent will be imposed to ensure a correct design.
3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	<b>Complies</b>  Conditions of consent will be imposed ensuring the implementation of a construction environmental management plan, prior to issue of a CC.

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings in $\geq 25\text{dw/ha}$		
Development Control	Provision	Comment
Front Setback	3m to building façade line and 1.5m to articulation zone	<b>Complies</b>  All rear accessed dwellings have a minimum 3m front setback.
Side setback	<p><u>Zero lot, attached or abutting boundary (benefited lot)</u></p> <p>Ground Floor = 0m</p> <p>Upper floor = 0m</p> <p><u>Detached Boundary</u></p> <p>Ground floor = 0.9m</p> <p>First Floor = 0.9m</p> <p><u>Zero lot (burdened lot)</u></p> <p>Must be within easement and</p> <p>Ground Floor = 0.9m</p> <p>First Floor = 1.2m</p>	<p><b>Complies</b></p> <p>All zero lot dwellings propose a 0m side setback on ground and first floor of the benefited lot</p> <p>All detached boundaries are a minimum 0.9m from the ground and first floor</p> <p>All lots burdened by a zero lot boundary have a minimum 1.2m side setback on ground and first floors that are contained within an easement.</p>
Maximum length of zero lot line on boundary	15m	<b>Complies</b>  No zero lot lines on boundaries exceed 15m
Rear Setbacks	0.5m (rear loaded garage to	<b>Complies</b>

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings in $\geq 25\text{dw/ha}$		
Development Control	Provision	Comment
	lane)	All rear setbacks off the lanes are a minimum 0.5m
Corner lots secondary street setback	1m	<b>Complies</b>  All setbacks off the secondary frontage is a minimum 1m
Building Height	3 storeys	<b>Complies</b>  No buildings proposed exceed 3 storeys in height
Site Coverage	Upper levels are to be no more than 40% of lot area	<b>Complies</b>  All upper levels do not exceed 40% of their respective lot areas.
Soft Landscaped Area	Minimum 15% of lot area  The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.	<b>Complies</b>  All lots have a minimum 15% soft landscaped area and a minimum of 1m soft landscaping excluding paths are provided within the front setback.
Principle Private Open Space (PPOS)	Minimum 16m <sup>2</sup> with a minimum dimension of 3m	<b>Complies</b>  All lots provide a minimum 16m <sup>2</sup> of PPOS with a minimum dimension of 3m.
Solar Access	At least 3 hours of sunlight between 9am and 3pm at the mid-winter solstice (21 June) to at least 50% of the required PPOS (8m <sup>2</sup> ) of:  a) All affected neighbouring properties  b) At least 70% of proposed dwellings	<b>Complies</b>  In excess of 70% of all dwellings proposed receive a minimum 3 hours of solar access to 8m <sup>2</sup> of the PPOS.



Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings in $\geq 25\text{dw/ha}$		
Development Control	Provision	Comment
Garages and car parking	<p>Minimum garage width 2.4m(single) and 4.8m(double).</p> <p>1-2 bedroom dwellings will provide at least 1 car space</p> <p>3 bedrooms or more dwellings will provide at least 2 car spaces</p>	<p><b>Complies</b></p> <p>All garage widths comply with this requirement and each dwelling provides the required number of car spaces.</p>

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 7\text{m}$ and $< 9\text{m}$ for front accessed dwellings		
Development Control	Provision	Comment
Front Setback	<p>3.5m to building façade line</p> <p>2m to articulation zone</p> <p>5.5m to garage line and minimum 1m behind the building line</p>	<p><b>Complies</b></p> <p>All rear accessed dwellings have a minimum 3m setback to articulation zones and minimum 4.5m to building façade line.</p> <p>A minimum 5.5m is provided to garage which is located a minimum 1m behind the building façade.</p>
Side setback	<p><u>Detached Boundary</u></p> <p>Ground floor = 0.9m</p> <p>First Floor = 0.9m</p>	<p><b>Complies</b></p> <p>All detached boundaries are a minimum 0.9m from the ground and first floor</p>
Rear Setbacks	<p>Ground floor = 4m</p> <p>First Floor = 6m</p>	<p><b>Complies</b></p> <p>A minimum 8m rear setback is</p>

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 7\text{m}$ and $< 9\text{m}$ for front accessed dwellings		
Development Control	Provision	Comment
		proposed from ground floor.
Corner lots secondary street setback	1m	<b>Complies</b> A minimum 2.5m secondary setback is proposed
Building Height	3 storeys	<b>Complies</b> No buildings proposed exceed 3 storeys in height
Site Coverage	Upper levels are to be no more than 50% of lot area	<b>Complies</b> All upper levels do not exceed 50% of their respective lot areas.
Soft Landscaped Area	Minimum 15% of lot area  The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.	<b>Complies</b> All lots have a minimum 15% soft landscaped area and a minimum of 1m soft landscaping excluding paths are provided within the front setback.
Principle Private Open Space (PPOS)	Minimum 16m <sup>2</sup> with a minimum dimension of 3m	<b>Complies</b> All lots provide a minimum 16m <sup>2</sup> of PPOS with a minimum dimension of 3m.
Solar Access	At least 3 hours of sunlight between 9am and 3pm at the mid-winter solstice (21 June) to at least 50% of the required PPOS (8m <sup>2</sup> ) of:  a) All affected neighbouring properties  b) At least 70% of proposed dwellings	<b>Complies</b> In excess of 70% of all dwellings proposed receive a minimum 3 hours of solar access to 8m <sup>2</sup> of the PPOS.

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width ≥7m and <9m for front accessed dwellings		
Development Control	Provision	Comment
Garages and car parking	<p>Single width garage or car space only.</p> <p>Carport and garage minimum internal dimensions: 3m x 5.5m.</p> <p>1-2 bedroom dwellings will provide at least 1 car space.</p> <p>3 bedrooms or more dwellings will provide at least 2 car spaces.</p> <p>The garage must be less than 40% of the total area of the front façade.</p>	<p><b>Complies</b></p> <p>All garage widths comply with this requirement and each dwelling provides the required number of car spaces.</p>

Part 4 Development in the Residential Zones		
Part 4.3 Additional controls for certain dwelling types		
Summary of key controls for manor homes		
Development Control	Provision	Comment
Site Coverage	50%	<p><b>Complies</b></p> <p>All manor home lots have a site coverage less than 50%</p>
Landscaped Area	30% of the site	<p><b>Complies</b></p> <p>A minimum 30% of the manor home sites are landscaped</p>
PPOS	<p>16m<sup>2</sup> with min dimension of 3m on ground floor</p> <p>8m<sup>2</sup> per dwelling with minimum dimension of 2m if provided on</p>	<p><b>Complies</b></p> <p>The PPOS for each ground floor unit exceeds 16m<sup>2</sup> and all PPOS on balconies for upper level units exceed</p>

Part 4 Development in the Residential Zones		
Part 4.3 Additional controls for certain dwelling types		
Summary of key controls for manor homes		
Development Control	Provision	Comment
	balcony	8m <sup>2</sup>
Front setback	4.5m to building façade line and 3m to articulation zone.	<b>Complies</b>  A minimum 4.5m front setback is proposed and a minimum 3m to articulation zone.
Corner Lots secondary street setback	2m	<b>Complies</b>  A minimum 2m secondary setback is proposed
Side setback	1.5m	<b>Complies</b>  A minimum 1.5m setback is proposed
Rear setback	0.5m to rear lane	<b>Complies</b>  0.5m to rear lane provided.

#### **6.4 Section 79C(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement**

No planning agreement relates to the site or proposed development.

#### **6.5 Section 79C(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

#### **6.6 Section 79C(1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates**

There are no Coastal Zones applicable to the subject site.

## **6.7 Section 79C(1)(b) – The Likely Impacts of the Development**

### **(a) Natural and Built Environment**

#### ***Built Environment***

The proposed development is considered to have an overall positive impact on the surrounding built environment. The proposal has been designed in accordance with the relevant development standards under the SEPP Growth centres and has been designed in accordance with the relevant controls stipulated in the Growth Centres Development Control Plan

#### ***Natural Environment***

It is considered that the proposed development will have an overall positive impact on the natural environment. While it is appreciated that the proposal is seeking the removal of approximately 102 trees, the proposal also intends to replace them with a total of 309 trees which is over six times of the trees removed. This is considered to have an overall positive impact on the natural environment and will enable the creation of an aesthetically pleasing streetscape that will create a high level of amenity within the development and the surrounding locality. The proposal has also been designed to respond to the adjoining open space north and south of the site by having dwellings wherever possible front the public recreation area.

### **(a) Social Impacts and Economic Impacts**

The proposal is considered to have an overall positive social impact. The proposed development is providing a range of housing to meet the growing population of Sydney. The proposal has provided for a range of dwelling types and lot sizes to cater for a range of markets. The proposal will also provide for a positive economic impact by enabling the provision of jobs during construction.

## **6.8 Section 79C(1)(c) – The Suitability of the Site for the Development**

The land is zoned for medium density residential. The proposed development is in keeping with the zones objectives and is compatible with the anticipated future character of the area, particularly when having regard to the intended future uses stipulated in Schedule 2 of the growth centres SEPP for the Leppington Major Centre.

The proposal effectively responds to its surroundings. The proposal has been accompanied by a range of expert reports including contamination assessment, traffic reports and acoustic reports that demonstrate the site is suitable for the proposed development subject to the implementations of the recommendations set out in the respective reports. Having regard to the above it is considered the site is suitable for the proposed development.

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

### **(a) Internal Referrals**

The application has been referred to the following external agencies and internal departments for comment:

#### External

<b>Agency</b>	<b>Response</b>
Roads and Maritime Services	No objection raised
DPI Water	Response received advising that a controlled activity approval is not required
Sydney Water	No objection raised
Transgrid	No objection raised

#### Internal

<b>Department</b>	<b>Response</b>
Natural Environment	No objection raised subject to conditions
Flooding Engineers	No objection raised subject to conditions
Environmental Health	Additional contamination assessments requested. These reports have been submitted and are currently being reviewed.
Development Engineering	No objection raised subject to conditions
Heritage Officer	No objections raised subject to conditions
Traffic Engineer	No objections raised subject to conditions

### **(a) Community Consultation**

The development application was advertised between 7 December 2016 and 13 January 2017, in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the advertising period.

## **6.7 Section 79C(1)(e) – The Public Interest**

The proposed development is consistent with the zoning of the land and would represent a high-quality development for Austral. The development provides additional housing opportunities within close proximity to future employment opportunities and public transport.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

## **7 Liverpool Contributions Plan**

Section 94 Contributions will be imposed in accordance with the Liverpool Contributions Plan 2014 Austral and Leppington North. A Special Infrastructure Contribution condition is also required.

## 8 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for an integrated housing development with subdivision at 230 Sixth Avenue, 50 Edmondson Avenue and 60-80 Edmondson Avenue
- The proposal is consistent with the objectives of the R3 – Medium Density Residential zone that are applicable to the site under the Growth Centres SEPP 2006
- The proposal complies with the provisions of the Liverpool City Council Growth Centres Precincts DCP.
- The proposal provides an appropriate response to the site's context. The scale and built form is consistent with the desired future character of the area that is envisaged under the SEPP Growth Centres and the DCP.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.

It is for these reasons that the proposed development is considered to be satisfactory and notwithstanding the submission received, the subject application is recommended for approval.

## 9 ATTACHMENTS

1. Conditions of consent
2. Architectural Plans
3. Indicative Dwelling Types
4. Landscape Plans
5. Civil Plans
6. Aboriginal Cultural Due Diligence Assessment
7. Road and Traffic Noise Assessment
8. Phase 1 Environmental Site Assessment Report – 60-80 Edmondson Avenue.
9. Phase 1 Environmental Site Assessment Report – 230 Sixth Avenue
10. Phase 1 Environmental Site Assessment Report – 155 Fifth Avenue and 50 Edmondson Avenue
11. Soil Salinity Report
12. Phase 2 Environmental Site Assessment Report – 60-80 Edmondson Avenue
13. Phase 2 Environmental Site Assessment Report – 155 Fifth Avenue and 50 Edmondson Avenue
14. Soil Delineation Sampling – 60-80 Edmondson Avenue
15. Soil Delineation Sampling – 155 Fifth Avenue and 50 Edmondson Avenue
16. Soil Delineation Sampling – 230 Sixth Avenue
17. Remediation Action Plan
18. Traffic Impact Assessment
19. Demolition Statement

- 20. Infrastructure Report
- 21. Water Cycle Management Report
- 22. Arborist Report
- 23. BASIX Certificate