

SYDNEY PLANNING PANEL (Sydney South West)

SPP No	2017SSW028
DA Number	566/2017/DA-SL
Local Government Area	Campbelltown
Proposed Development	Construction of a seniors living development containing 35 dwellings and associated car parking
Street Address	Lot 1069 DP 1203266, 99 Arkley Avenue, CLAYMORE
Applicant/Owner	NSW Land and Housing Corporation
Number of Submissions	6 separate submissions
Regional Development Criteria (Schedule 4A of the Act)	Crown development with a capital investment value over \$5 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Transitional arrangements - repeal of Part 3A of Environmental Planning and Assessment Act 1979 - Provisions applying with respect to approval of concept plans • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development • Apartment Design Guide • Seniors Living Policy: Urban Design Guidelines for Infill Development • Campbelltown Local Environmental Plan 2015 • Campbelltown Sustainable City Development Control Plan 2015 • • Claymore Urban Renewal Development Control Guidelines
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No
List all documents submitted with this report for the panel's consideration	Officer's assessment report and attachments

Recommendation	Approval
Report by	Luke Joseph – Senior Development Planner
Report date	29 September 2017

Purpose

The purpose of this report is to assist the Sydney South West Planning Panel in its determination of the subject development application pursuant to the *Environmental Planning and Assessment Act 1979*.

Report

A development application was lodged with Council on 27 February 2017 by the NSW Land and Housing Corporation for the construction of a seniors living development containing 35 self-contained dwellings at the abovementioned address.

The proposed development would be constructed over three buildings, and would contain 4 one-bedroom dwellings and 31 two bedroom dwellings. The height of the proposed development varies between two and four storeys, having regard to the sloping topography of the site. Each dwelling would have its own private open space area, and all dwellings would have access to a communal open space area. The proposed development would have a basement car park containing 35 car parking spaces including 7 accessible parking spaces.

As the application is for a Crown development that has a capital investment value of greater than \$5 million dollars, the consent authority for this application is the Sydney South West Planning Panel.

Claymore is a residential suburb located approximately 1.5 kilometres northwest of the Campbelltown Regional City Centre. The development faces Rosslyn Drive, which is the main entry point to the suburb of Claymore. Across Rosslyn Drive from the subject site is land that is planned to contain a town centre. The nearest railway station is Campbelltown Station, which is located 2km from the subject site by road.



The subject site is currently vacant with a total area of 3,509sqm. Extensive earthworks and the construction of roads has recently been completed in order to prepare the site and surrounding area for redevelopment. The subject site has three road frontages: Rosslyn Drive to the north-west, Arkely Avenue to the north-east; and Dowie Drive to the south-west. The site has a frontage to Arkely Avenue of 46.1 metres, a frontage to Dowie Drive of 57.8 metres, and a frontage to Rosslyn Drive of 33.8 metres. Both of the site's street-facing corners have splayed corners. The site is adjoined to the southwest by a newly created park. The site has a crossfall of 4 metres from the southern corner to the northern corner of the site. The site does not contain any existing trees or vegetation.

As this application has been made by the NSW Land and Housing Corporation, it is a Crown Development Application, pursuant to clause 89 of the Environmental Planning and Assessment Act, 1979. Accordingly, the consent authority cannot refuse consent to the application or impose a condition of consent without the approval of the applicant or the minister. In this regard, this report recommends approval of the application, and the recommended conditions of consent have been accepted by the applicant.

Background and History

The subject site forms part of the Claymore Urban Renewal Project, which involves the staged redevelopment of the Claymore public housing precinct. The Claymore Renewal Project was determined to be a Major Project under Clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*. Consequently, the Minister for Planning & Infrastructure granted a Concept Approval for the Claymore Renewal Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) on 24 May 2013.

The subject site forms part of Stage 1 of the Concept Approval. The subdivision of land within Stage 1 and associated subdivision works including construction of new roads, drainage, site re-grading and retaining, utility services and landscaping was approved by the Joint Regional Planning Panel on 9 October 2014 (DA-1141/2014).

Report

The development has been assessed in accordance with the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters the following issues have been identified for further consideration.

1. Planning Provisions

1.1 Transitional arrangements - repeal of Part 3A of Environmental Planning and Assessment Act 1979 - Provisions applying with respect to approval of concept plans

Pursuant to Section 3B of Schedule 6A of the EP&A Act 1979, development for which a concept plan has been approved under Part 3A, a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan.

The concept master plan for the redevelopment of the Claymore public housing precinct envisages four new seniors housing developments, each containing approximately 25 dwellings. Importantly, the Concept Plan contains several references throughout to the effect that such seniors housing developments are not expected to exceed two storeys in height.

As the proposed development has a height in excess of two storeys, concerns about the consent authority's ability to consider the proposed development in light of Section 3B of Schedule 6A of the Act were conveyed to the applicant.

The applicant provided legal advice to Council, to support the proposal. The advice states in summary that the proposed development is "generally consistent" with the Concept Plan. Further, the references to the two storey height limitation within the Concept Plan are all expressed as "expectations", clearly anticipating that circumstances may change and development under the Concept Plan may not bear out that expectation.

Council commissioned its own legal advice regarding this matter, and provided its appointed solicitor with a copy of the applicant's legal advice. The advice states in summary that it would be reasonably open to the Panel to be satisfied that the proposed developments are "generally consistent with" the terms of the Concept Approval. It also states that the Concept Approval itself is non-prescriptive when it comes to the details of seniors housing, and that there is nothing in the terms of the Concept Approval and its associated documents that would lawfully require seniors housing to be a maximum of two storeys.

1.2 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SEPP (Housing for Seniors or People with a Disability) 2004 applies to the proposed development. The proposed development is defined under this policy as *in-fill self-care housing*, being "seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care."

An assessment of the application against the clauses in the SEPP relevant to the proposal is presented below:

26 Location and access to facilities

Clause 26 of the SEPP requires that a seniors living development must be located within 400 metres of shops, banks, retail services, community and recreation services and a general practitioner, or be located within 400 metres of public transport that will take residents to within 400 metres of these facilities. Suitable access pathways between the site and the public transport service, and between the public transport service and the facilities, with a gradient of no greater than 1:14, must be available.

The site is located within 400 metres of a bus stop on Glenroy Drive with the required frequency of outward and inward services that can take future residents of the proposed development to the Eaglevale Market place, which has the facilities required under this section of the SEPP. However, the return bus service does not have the required frequency on Sundays, and the return bus stop on that day is approximately 560 metres away from the site. There are also no existing pathways leading to the bus stops and no safe crossing across Glenroy Drive.

It is noted that the proposed development is within 400 metres of the proposed Claymore Town Centre (directly across Rosslyn Drive) which may eventually have the services and facilities required under Clause 26. The target date for the construction of the town centre is indeterminate at this stage. While the development of the town centre could eventually provide the facilities and services required by future residents, interim arrangements need to be made to enable the residents to access the required facilities and services.

In the above context the NSW Land and Housing Corporation has committed to the following outcomes:

- Ensuring that footpaths between the site and the bus stops and a safe pedestrian crossing are in place prior to the occupation of the development;
- Negotiating with the bus operator to either provide an additional Sunday service or relocate the return bus stop to within 400 metres of the proposed development; and
- If the negotiations outlined above are unsuccessful, LAHC will provide a shuttle bus service to ensure compliance with the location requirements of Clause 26 until the Claymore town centre is developed.

In this regard, the subject site is considered to comply with the locational requirements for a seniors development, subject to a recommended condition of consent (outlined in Attachment 1) ensuring compliance with the above commitments.

27 Bushfire prone land

Clause 27 of the SEPP requires that a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bush Fire Protection*. The site is not identified as being bushfire prone, and therefore these requirements are not relevant.

28 Water and sewer

Clause 28 of the SEPP requires that a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage. All the required water and sewer services have been provided as part of the Claymore Urban Renewal Project.

29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply (no site compatibility certificate needed)

Under clause 29 of the SEPP, the consent authority is to consider whether the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,
- (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.

The proposed development is located in an established urban area that has recently been master planned and approved for urban renewal. The land area has therefore been prepared

for redevelopment and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards). The existing uses and approved uses of land in the vicinity of the proposed development are for residential purposes. The site also adjoins a park, and is located near a planned town centre. Both of these land uses are compatible with the proposed development.

There are existing services and infrastructure that will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in Clause 26 of the Seniors SEPP).

The impact of the bulk, scale, built form and character of the proposed development is considered to be compatible with the approved uses and the likely future character of land in the vicinity of the development, noting that the subject site is opposite the future Claymore Town Centre.

31 Design of in-fill self-care housing

Pursuant to Clause 31 of the SEPP, in determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

An assessment of the application against these guidelines is presented in Attachment 2 of this report. The assessment reveals that the proposal is consistent with clause 31.

33 Neighbourhood amenity and streetscape

Pursuant to clause 33 of the SEPP, the proposed development should:

- a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and

Claymore is currently undergoing a significant transition in built form from a low density public housing estate to a master planned community containing a variety of housing types. Several sites have been identified within the Claymore Renewal Area as seniors living development sites. Importantly, there is no established built form as yet, and the proposed development would contribute towards its establishment. The desired future character of the area (as envisaged within the Claymore Urban Renewal Development Guidelines) includes more intensive development located close to the proposed town centre, around parks and along bus routes.

- b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and

There are no heritage items on the site or in the local vicinity.

- c) maintain reasonable neighbourhood amenity and appropriate residential character by:
 - i. providing building setbacks to reduce bulk and overshadowing, and

The vast majority of shadows cast by the proposed development would fall within the site, onto the street and onto Badgally Reserve. As such, the proposal will not result in any unacceptable overshadowing impacts.

In addition, the proposal provides front setbacks to all street frontages of at least 6 metres, ensuring that the proposed building will not impose on the street, making for a pleasant and positive streetscape.

- ii. using building form and siting that relates to the site's land form, and

A balance of cut and fill is proposed to address the access requirements of the Seniors SEPP and provide underground parking. The building height transitions to respond to the 4.0 metre fall across the site and to manage the bulk and scale of the development.

- iii. adopting building heights at the street frontage that are compatible in scale with adjacent development, and

The proposal transitions in height to respond to future neighbouring development, such as the future Claymore town centre. The proposal presents three storeys to Rosslyn Drive, then becomes four storeys as the site falls away at the corner of Rosslyn Drive and Arkley Avenue. It then returns to three storeys opposite along Arkley Avenue, and steps up the hill to become two storeys opposite the free standing dwellings. It is noted that the desired future character of the area (as envisaged within the Claymore Urban Renewal Development Guidelines) includes more intensive development located close to the proposed town centre, around parks and along bus routes.

- iv. considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and

No buildings are proposed to be located on boundaries.

- d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and

The proposal is setback 6 metres from the street boundaries. Future dwellings within the vicinity of the subject site are subject to a 3-4 metre primary front setback control under the Claymore urban Renewal Development Control Guidelines. The proposed 6 metre front setback is therefore sympathetic to the setbacks of future surrounding development, given the proposed scale of the development.

- e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

The surrounding area is newly subdivided and undeveloped, and therefore, planting has not been established in the streetscape, with the exception of street trees. Proposed landscaping will substantially enhance the appearance of the site and the streetscape by providing mass planting and feature trees along the street frontages.

- f) retain, wherever reasonable, major existing trees, and

The subject site has no existing trees.

- g) be designed so that no building is constructed in a riparian zone.

There are no riparian zones on or adjacent to the site.

34 Visual and acoustic privacy

Pursuant to clause 34 of the SEPP, the proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and

The proposal will not result in any significant visual or acoustic privacy issues to future neighbouring developments as the subject site does not share a common boundary with any residential lots.

- b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Some dwellings would be located adjacent to the proposed driveway, however this is unavoidable considering the type of urban form proposed. In addition, the proposed dwellings are required to comply with the sound transmission requirements of the National Construction Code, so acceptable noise levels between dwellings would be achieved.

35 Solar access and design for climate

Pursuant to clause 35 of the SEPP, the proposed development should:

- a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and
- b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

The vast majority of shadows cast by the proposed development would fall within the site, onto the street and onto Badgally Reserve. As such, the proposal will not result in any unacceptable overshadowing impacts.

In addition, the proposed building is designed such that the vast majority of dwellings receive at least some solar access each day, and most of the proposed dwellings are cross-through apartments which allow for natural cross-ventilation.

36 Stormwater

The proposed development should:

- a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and
- b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

Impervious surfaces have been minimised to reduce the impact from stormwater runoff, with 42% of the site being landscaped area. Stormwater runoff from all paved areas and the roof will be fed into a 16,000 litre rainwater tank with overflow from the tank pumped to Council's stormwater system.

37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and
- b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and
- c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

The public domain would well defined, with a continuous fence line around the full perimeter of the site reinforcing private territory. Private open spaces would also be clearly defined with courtyard fencing to provide an appropriate level of safety and security to future residents. All proposed dwellings would look outwards over the street, providing passive surveillance to entry paths, front setbacks and footpaths. The proposed dwellings would also look inward over the courtyards, providing safe and well lit spaces.

38 Accessibility

The proposed development should:

- a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

The applicant has committed to the construction of footpaths between the subject site and bus stops that would take passengers to Eagle Vale marketplace. In addition, the proposed development incorporates linear pedestrian paths into the site as well as safe on-site car parking.

39 Waste Management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Residential waste and recycled goods would be stored in the garbage storage area, which is located between Block A and Block B and is accessed via the central common courtyard. The storage area has the capacity to store 28 x 240 litre bins, which satisfied Council's requirements. It is proposed that the bins would be taken to the street for collection by tenants.

A 'No Stopping' area is required to be provided adjacent to the development in Rosslyn Drive to assist with waste collection, and the endorsement of the Local Traffic Committee is required.

40 Development standards – minimum sizes and building height

Pursuant to Clause 40(5) of the SEPP, these standards do not apply to NSW Land and Housing Corporation developments, however are included for reference.

Control	Required	Proposed	Compliance
Site size	Min. 1000sqm	3,509sqm	Yes
Site frontage	Min. 20 metres wide	All frontages >20m	Yes
Height	Where RFBs not permitted, 8 metres	RFBs not permitted in zone. 13 metre building height proposed.	No, however does not apply to Housing NSW developments
	2 storeys for buildings adjacent to boundary	4 storeys	No, however does not apply to Housing NSW developments
	1 storey for buildings in rear 25% of site	3 storeys in rear part of site	No, however does not apply to Housing NSW developments

41 Standards for self-contained dwellings

Pursuant to clause 41 of the SEPP, a consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development. Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.

Compliance with the relevant standards of Schedule 3 is to be achieved by the imposition of recommended conditions of consent, as outlined in Attachment 1 and agreed to by the applicant.

50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of self-contained dwellings on any of the grounds outlined in the table below. It is important to note that this clause does not require a development to comply with these standards.

Control	Required	Proposed	Compliance
Building height*	Max. 8 metres	11.8 metres	No
Density and scale	FSR of 0.5:1	0.99:1	No
Landscaped area	35sqm landscaping per dwelling (35 dwellings X 35sqm per dwelling = 1225sqm)	1,484sqm	Yes
Deep soil zones	15% of site area 3m width	36% > 3 metres	Yes Yes
	Two-thirds of the deep soil zone (347sqm) should preferably be located at the rear of the site	Less than two-thirds of the deep soil zone (278sqm) would be located at the rear of the site	No
Solar access	70% of dwellings (25) to have 3 hours of solar access to living rooms and POS on 21 June between 9am and 3pm	27 dwellings (77% of dwellings) would receive compliant solar access.	Yes

Private space	open	Ground floor dwelling – 15sqm private open space including 3m X 3m area	All ground floor dwellings comply with this criteria.	Yes
		First floor dwelling – balcony with minimum area of 10sqm (6sqm for 1 bedroom dwelling), minimum width 2m and accessible from living area	Satisfactory	Yes
Parking		1 car space per 5 dwellings for social housing providers (7 parking spaces required based on 35 proposed dwellings)	35 car parking spaces are proposed to be provided.	Yes

*Under the SEPP, height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

Building Height

Whilst the proposed development does not comply with the maximum building height standard, a non-compliance with this standard does not require the consent authority to refuse the application. It merely prevents the consent authority from refusing the application on the basis of height if the development complies with the standard. In the present case, the applicant has put forward the following reasoning in support of the height of the development:

- *The proposed scale of development is required to respond to growing housing needs within the local area and NSW in general. The Claymore Urban Renewal project is required to rehouse existing tenants of the Claymore Social Housing Estate as well as cater to those on the waiting list.*
- *The physical impacts of the proposed development are considered to be minor as a result of the proposed building height. The subject site does not share a common boundary with any future residential development, and therefore no overshadowing, overlooking and privacy issues will arise. All neighbouring development will maintain a minimum of 3 hours direct sunlight between 9am and 3pm to living areas and private open space areas during the winter solstice. At 12pm, the proposed development will result in some overshadowing of Badgally Reserve. The overshadowing impacts will be minor and will not affect the use or the amenity of the park. At 3pm, the proposed development will present some minor overshadowing to future development on the northern side of Dowie Drive. The shadows will mainly fall within the front setback of those properties and will have no significant impact.*
- *As the subject site forms part of a new subdivision and the local area is yet to be established, guidance is taken from the Preferred Project Report of the Concept Approval to determine the desired future character of the area. The Concept Approval includes seniors living to the north and south of the future Claymore Retail Centre, medium density housing on the northern side of Arkely Avenue and detached low density dwellings in the area to the south of the subject site. There is no height limit included in the Concept Approval for the future Claymore Retail Centre, however, the site is zoned B2 under CLEP2015 with a 15 metre height limit. The Concept Approval provides a height limit of 9.5 metres for the surrounding low and medium density housing. The proposal transitions in height to respond to future neighbouring development. The proposal presents three storeys to Rosslyn Drive and becomes four storeys as the site falls away at the corner of Rosslyn Drive and Arkley Avenue, opposite the future retail centre. The proposed height in this location will allow Rosslyn Drive to create a sense of arrival to Claymore and link the future Claymore Retail Centre with residential*

development. The proposal then returns to three storeys as it presents to Arkley Avenue, and steps up the hill to become two to three storeys opposite the future free standing dwellings to the south. As such, the proposed scale of the development will be harmonious with the future character of the local area.

- Approval of the proposed development would help provide social, economic and community benefits via the delivery of additional seniors housing within an area that is currently experiencing increased demand for such infrastructure and undergoing a process of renewal.*
- The height of the proposal allows for the U-Shape configuration, which provides good internal amenity by way of cross ventilation and solar access and also provides a central communal courtyard for residents. The height of the proposal also allows for the inclusion of lifts, which will allow for the provision of a greater number of accessible dwellings than could otherwise be provided without creating adverse impacts.*

These points are understood and generally agreed. However the height of the development does appear to cause issues with respect to the internal amenity of the development's future occupants in the form of insufficient solar access to the communal open space area (which will be discussed in detail later in this report). For the reasons outlined above by the applicant and notwithstanding the matter of the building's height and solar access, the development is considered permissible and complimentary to the Concept Approval..

Floor Space Ratio

Whilst the proposed development does not comply with the maximum floor space ratio, a non-compliance with this standard does not require the consent authority to refuse the application. It merely prevents the consent authority from refusing the application on the basis of height if the development complies with the standard. In the present case, the applicant has put forward the following reasoning in support of the floor space ratio of the development:

- The proposed FSR will not compromise the ability of the proposed development to provide good internal amenity with 89% of apartments receiving at least 3 hours direct solar access during midwinter; 85% of apartments being cross-ventilated; the provision of a large internal courtyard; and 41% of the site being landscaped area.*
- The proposal will not present unacceptable impacts on the amenity of future neighbours or use of Badgally Reserve. The subject site does not share a common boundary with any residential lots, which means that no overlooking issues will be created and that little overshadowing will occur.*
- The site is located opposite the future Claymore Retail Centre that will provide good access to services and transport to support the proposed density.*
- The proposed scale of development is required to respond to growing social housing needs within the local area and NSW in general.*

These arguments are considered to be reasonable, and the issue with inadequate solar access to the communal area is the result of the height of the building as opposed to its floor space ratio.

Deep Soil Zone

Whilst the proposed development does not comply with the deep soil zone locational requirements, a non-compliance with this standard does not require the consent authority to

refuse the application. It merely prevents the consent authority from refusing the application on the basis of deep soil zone location if the development complies with the standard. In the present case, the applicant has put forward the following reasoning in support of the development's deep soil zone locations:

- *The proposed development provides a total of 1,187sqm of deep soil with 278sqm located at the rear of the site. This non-compliance is considered acceptable given that the overall 1,187sqm area of deep soil zone provided exceeds the minimum 526sqm required for the proposed development.*
- *The site's corner location determines that there is not an established 'rear of the site'. The proposed deep soil zones have been concentrated along the street frontages of the site to contribute to the appearance of the development and streetscape with 16 Blueberry Ash trees with a mature height of 6 to 8 metres proposed within the front setbacks.*

These arguments are considered to be reasonable.

1.3 Seniors Living Policy: Urban Design Guidelines for Infill Development

Pursuant to Clause 31 of SEPP (Housing for Seniors or People with a Disability) 2004, in determining a development application made for the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004. An assessment of the application against these guidelines is presented in Attachment 2 of this report. This assessment has been prepared by the applicant. It has been reviewed and found to be correct.

1.4 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to the proposed residential flat building, and accordingly, the application has been assessed against this SEPP.

Part 4 of the SEPP states that a development application that relates to residential flat development must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:

- a) that he or she designed, or directed the design, of the residential flat development, and
- b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.

This certification has been provided by Mr Michael Zanardo of Studio Zanardo.

Part 2 of the SEPP outlines nine design quality principles that apply to residential flat development. Under the SEPP, the qualified designer must verify that the design quality principles set out in Part 2 of the SEPP are achieved for the residential flat development. The qualified designer Mr Michael Zanardo has provided such verification. An assessment of the application against the design principles by Mr Michael Zanardo is presented below:

Principle One: Context and Neighbourhood Character	Response
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal is for a seniors living development as part of the Claymore urban renewal project. The development occupies a key site on Rosslyn Drive, opposite the proposed shopping centre and adjacent to Badgally Reserve.</p> <p>The area is undergoing significant change. It is an intention of the masterplan that this seniors living development is prominently located and that it gives a positive identity to the area. The proposal will provide good quality social housing to seniors, providing broader economic and health benefits.</p> <p>The proposal is designed to be a 'good neighbour,' and achieve a good contextual 'fit.' The setbacks are large and landscaped, which softens the appearance of the buildings and provides a pleasant green presentation to the street.</p> <p>The massing of the buildings has been distributed to appropriately transition in response to surrounding conditions. Buildings are higher where they are opposite commercial uses and services. Buildings step down in height where they approach, are adjacent to, or opposite, freestanding dwellings.</p> <p>The designs of the buildings respond to the topography, site geometry and orientation for a site-specific solution. The proposal will enhance its streetscape and wider neighbourhood.</p>

Principle Two: Built Form and Scale	Response
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The Rosslyn Drive proposal is intended to be an 'urban' project. It is located opposite the shopping centre with a bus stop, shops and services. The site is a steeply sloping lot with three street frontages and Badgally Reserve adjoining to the west. To the east will be attached medium density housing and to the south will be freestanding dwellings. The proposal transitions in height several times to respond to this changing context and be compatible in scale with adjacent development.</p> <p>The proposal presents as three storeys to Rosslyn Drive, then becomes four storeys at the corner as the site falls away by one storey to Arkley Avenue. It then returns to three storeys opposite the medium density housing, and steps up the hill of Dowie Drive to become two storeys opposite the freestanding dwellings. The design achieves an appropriate built form for the site. The site has no adjoining residential neighbours which means that no overlooking issues are created, and that little overshadowing will occur.</p> <p>Generous front landscaped setbacks ensure that the proposal will not impose on the street, making for a pleasant and positive streetscape. The proposal presents short end walls to Badgally Reserve which are punctuated by windows providing passive surveillance. The courtyard of the proposal opens up towards Badgally Reserve allowing for a 'visual extension' of the park. A consistent fence line and low level landscaping will assist to define the public domain.</p> <p>The proposal has been purposefully composed of multiple smaller buildings with spaces between them. This reduces the bulk and scale of the buildings to be more harmonious with surrounding development, allows for smaller footprints that are better able to negotiate the landform, and makes for smaller groups of dwellings within the larger development. The buildings are designed to present attractively to the street, having 'humanscale' building elements and composed with pleasing proportions. Building mass is well articulated, stepping in and out relative to the site boundary, with breaks between buildings.</p> <p>Dwellings face forwards and back, providing a positive outlook to the street and to the courtyard. With this arrangement, the internal amenity of the dwellings is excellent.</p>

Principle Three: Density	Response
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal achieves excellent amenity for the residents of the apartments. Building depths are narrow, habitable rooms are not too deep, there is ample perimeter wall length for windows, and apartments are primarily dual aspect. These features mean that excellent daylight and natural ventilation is provided to all apartments. Impacts to neighbours are minimised. The proposals will not overshadow or overlook neighbouring development.</p> <p>The proposed number of dwellings meets the expectations of the masterplan and is consistent with the desired future character. The density is supported, and will be sustained, by the shops and services along Rosslyn Drive, as well as Badgally Reserve for open space.</p>
Principle Four : Sustainability	Response
<p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal exhibits superior passive environmental design features. A high proportion of apartments are naturally cross ventilated. A high proportion of apartments receive ample solar access in mid-winter. Passive thermal design is provided by face brick walls and concrete structure which keep the buildings cooler in summer and warmer in winter.</p> <p>Dual aspect apartments reduces the need for mechanical ventilation, and shallow habitable room depths reduce the need for artificial lighting during the day. The selected materials have relatively low embodied energy. Lobbies are an open design to allow breezes through, but covered to provide shelter from the elements. Circulation spaces will not require mechanical ventilation or need artificial lighting during the day, and are therefore more energy efficient. The basement car park is predominantly located below the building footprint allowing for plentiful areas of deep soil. These deep soil areas allow for infiltration of rain to the water table and is able to support larger trees which will reduce the urban heat island effect.</p>

Principle Five : Landscape	Response
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for</p>	<p>The proposal provides generous landscaped front setbacks to its street edges. These setbacks are comprised of deep soil landscaped area capable of supporting larger trees. Once the trees are mature, buildings will sit within a landscapes setting, with tree canopies softening the built form and providing shade to dwellings. Existing street trees will also contribute to the effect.</p> <p>The public and private domains are strongly defined with a continuous fence at the perimeter of the site. The fence steps backwards and forwards to offer lengths of low level landscaping to the street, softening the footpath edge. Beyond the fence, communal garden beds and turf areas fill the setback up to the private open space courtyards, making for an attractive and green appearance. In this way, the proposal will be contributing positively to its streetscape and neighbourhood.</p> <p>The buildings are arranged in a 'U-shape' to each address the three street frontages. This makes for a well-proportioned and usable communal open space courtyard in the centre of the site. These courtyards provide good building separation between units, a pleasant outlook, and useable communal spaces with seating for social interaction. It creates spaces with a comfortable micro-climate for the enjoyment of the residents. The fall in land is dealt with through well-integrated ramps providing access to all parts of the site, coupled with stairs for direct lines of movement. The waste enclosure and communal clothesline areas are appropriately located. Car parking is provided in a basement level located predominantly beneath the building footprints to maximise deep soil and landscaping.</p>

Principle Six : Amenity	Response
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>The dwellings are designed to respond to the site orientation and local environmental conditions. The dwellings will provide a high level of amenity to residents, utilising passive environmental principles which reduce energy consumption. With the following attributes, the proposals will provide positive living environments which will support resident well-being.</p> <p>Units are designed to maximise the northern aspect and solar access. 31 of 35 (89%) living rooms and private open spaces of the development will receive a minimum of two hours direct sunlight between 9am and 3pm in mid-winter. Only 4 of 35 (11%) apartments do not receive direct sunlight between 9am and 3pm in mid-winter. Multiple buildings with thin building sections, cross-through units and corner units allow for excellent natural cross ventilation. 31 of 35 (89%) dwellings in the Rosslyn Drive development are naturally cross ventilated. Only the one bedroom units are single aspect.</p> <p>Separated buildings with ample length of perimeter wall allow for good windows to every room permitting excellent daylight and natural ventilation. Habitable room windows and balconies are designed to face out to the street or in to the courtyard, giving a positive outlook to all apartments. Adequate building separation across the courtyard ensures that visual and acoustic privacy between units is maintained. Lobbies provide acoustic separation between units. Bedrooms are generally located away from circulation areas. Party walls are generally shared by rooms with like use, and rooms with like use are generally stacked in a typical plan.</p> <p>No habitable room windows face side boundaries which means that no overlooking or noise issues are created for neighbours. Ground floor units are provided with generous private open space courtyards. These are hard paved to reduce maintenance for the tenant. Upper units have well-proportioned balconies which are directly accessible from living rooms. All 2 bedroom units have a secondary private open space for services, which allow the larger primary balcony to be dedicated as usable space.</p> <p>Unit sizes meet the minimum areas, layouts are efficient, and living rooms are well-proportioned with good dimensions to cater for combined living-dining and associated furnishings. 33 of 35 (94%) of apartments are accessible to meet the requirements of seniors housing. Built in storage is adequate and meets the requirements of Land & Housing Corporation standards.</p>

Principle Seven : Safety	Response
<p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal has been designed with safety and security in mind, suitable for seniors social housing. The public domain is well defined, with a continuous fence line around the full perimeter of the site reinforcing private territory. Private open spaces are clearly defined with courtyard fencing. The central courtyard provides a communal open space which is secure from the street.</p> <p>Entries are signified at the street edge with a welcoming entry portal which clearly defines the threshold between public and private. A street number, gate, seat and letterboxes are integrated.</p> <p>Way finding is intuitive with a short, straight path leading directly to the recessed front door of each building. Front doors are all provided with a cover over and security access. Wide lobbies lead straight through the buildings to the courtyard spaces with clear lines of sight. All dwellings look outwards over the street providing passive surveillance to entry paths, front setbacks and footpaths. Similarly, dwellings look inward over the courtyards and make these safe spaces to be in. All communal spaces will be well lit for safety.</p>

Principle Eight : Housing Diversity and Social Interaction	Response
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p>The proposal provides dwelling types which respond to the desired portfolio of the NSW Land & Housing Corporation. The mix is comprised primarily of compact 2 bedroom apartments, with several 1 bedroom apartments, to meet the living needs and household budgets of social housing tenants. Most apartments are accessible to meet the requirements of seniors housing.</p> <p>The proposal provides a central courtyard communal open space with landscape and seating that will foster opportunities for social interaction. This space is relatively flexible and can be put to different uses as desired by the tenants. The communal open space is sized to be able to support small gatherings. Generous lobby spaces serving small groups of dwellings will also become places for chance encounters. Seats by the front gates allow for interaction with passers-by and informal conversation at the letterbox.</p>

Principle Nine : Aesthetics	Response
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposal is designed to present attractively to the street, being appropriately scaled and composed with pleasing proportions. The building massing is broken up and is well articulated, stepping in and out relative to the site boundary, and with breaks between buildings. The building is composed with a strong base, visually interesting middle, and a light top. When viewed from the street, the buildings are grounded by the continuous front fence, landscaping within the front setback, ground floor private open space fences, and a darker brick 'datum' at the lowermost level. This 'shortens' the appearance of the buildings by visually 'raising' the ground line that the overall building height is perceived from.</p> <p>The majority of the building facades are composed of face brick which provides excellent durability and reduces maintenance. It is also a 'natural' material with 'domestic' associations and thermal properties. Three colours of masonry are used to make up the wall planes. A feature brick is used to 'collect' windows together to reduce the apparent number of openings, which assists to visually reduce the scale of the buildings. Short end walls include bathroom windows to relieve their planes. Areas of brick are further broken up by integrating a variety of elements each with different materials, such as clear glass balustrades, white painted entry areas, and dark dividing walls on balconies.</p> <p>Different balcony types, such as recessed, 'pop-out' and curved balconies, create visual diversity. Individual fold-down clotheslines on balconies are mounted at handrail height, and behind solid balustrades so as not to be visible from public or communal spaces. Fenestration hoods assist to model the buildings by casting shadow across their facades, whilst also providing sun protection. Window and door frames, flashings, handrails and trims are all in black to provide contrast.</p> <p>The tops of the buildings are designed to appear 'lightweight.' A variety of roof treatments are used to create an interesting skyline. The massing is set back at top floor balconies, and elsewhere in parts, to reduce the perceived bulk and scale. Colours are recessive and will blend into the landscape. Materials, and their applications, are contemporary. The internal organisation of the building is easy to discern through the primary building elements, and individual units can be readily identified from the street. The proposal will be a positive contribution to its neighbourhood.</p>

1.5 Apartment Design Guide

The ADG applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- a) the development consists of any of the following:
 - i. the erection of a new building,
 - ii. the substantial redevelopment or the substantial refurbishment of an existing building,
 - iii. the conversion of an existing building, and
- b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- c) the building concerned contains at least 4 or more dwellings.

The ADG applies to the proposed development, as it is up to four storeys in height, and contains 35 dwellings.

Clause 30(2)(c) of SEPP 65 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the Apartment Design Guide (ADG). Compliance with the ADG is outlined below:

Control	Required	Proposed	Compliance
Building depth	Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line	13 metres	Yes
Building separation for massing and solar access (up to four storeys)	12m between habitable rooms/balconies 9m between habitable and non-habitable 6m between non-habitable	No surrounding buildings (existing or future) would be within these distances of the proposed development.	Yes
Building separation for visual privacy (up to four storeys)	6m between habitable rooms and balconies 3m between non-habitable rooms	Min. 18 metres No instances of this proposed.	Yes Yes
Deep soil zones	Minimum 15% of site area Minimum width of 6 metres	Deep soil zones with a minimum dimension of 6m exceed 7% of the site area. Deep soil zones of all dimensions exceed 15% of the site area. No existing trees are present on site. The car park basement would be located predominantly beneath the building footprint to maximise deep soil. A significant number of trees are proposed to be planted.	Satisfactory

Communal Open space	Communal open space has a minimum area equal to 25% of the site.	Greater than 25% of the site area would be communal open space	Yes
	Developments must 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.	The development would not 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.	No
	Communal open space should be consolidated into a well designed, easily identified and usable area	Complies	Yes
	Communal open space should have a minimum dimension of 3 metres.	Complies	Yes
	Communal open space should be co-located with deep soil areas	Complies	Yes
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Communal open space would be provided at ground level	Yes
	Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements: • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms	Seating and barbeque areas would be provided. Play equipment is not required.	Yes
	The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	The barbeque area and associated seating would be covered for weather protection purposes.	Yes

	Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: <ul style="list-style-type: none"> • bay windows • corner windows • balconies 	Complies	Yes
Car and Bicycle Parking	<p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas</p> <p>Protrusion of car parks should not exceed 1m above ground level.</p>	<p>Motorbikes and scooters would be unlikely to be used by seniors.</p> <p>Bicycles would be unlikely to be used by seniors.</p> <p>The basement car parking levels do not protrude more than 1 metre above ground level.</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Yes</p>
Site access	<p>Car park entries should be located behind the building line</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout</p> <p>Car park entry and access should be located on secondary streets or lanes where available</p> <p>Access point locations should avoid headlight glare to habitable rooms</p>	<p>Car park entry would be behind building line</p> <p>Vehicular entry would be at the lowest point of the site (on the lowest traffic road which the site fronts).</p> <p>Car park entry and access would be located on secondary street frontage</p> <p>No headlight glare would result from vehicles entering the basement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Apartment layout	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.	No kitchens would form part of the main circulation space within an apartment.	Yes

	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)	Complies	Yes
	A window should be visible from any point in a habitable room	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Complies	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	All bedrooms comply	Satisfactory
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	All apartments are at least 4 metres wide.	Yes
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	Complies	Yes
	Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas	Complies	
		Complies	

	<p>All bedrooms allow a minimum length of 1.5m for robes</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high</p>		<p>Yes</p> <p>Yes</p>
Apartment mix	<p>A variety of apartment types is to be provided. The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres the current market demands and projected future demographic trends the demand for social and affordable housing different cultural and socioeconomic groups 	The proposed mixture of one and two bedroom apartments is appropriate, having regard to the demographic profile of the development (seniors).	Yes
Minimum Apartment Sizes	<p>Studio – 35sqm 1 bedroom – 50sqm 2 bedroom – 70sqm</p>	Apartment sizes comply	Yes
Balcony size, Depth and Configuration	<p>1 bedroom - 8sqm 2 bedroom – 10sqm</p> <p>Depth: 1 bedroom - 2m 2 bedroom – 2m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1 metre</p> <p>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 15sqm and a minimum depth of 3m</p> <p>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to</p>	<p>Balcony sizes and depths comply</p> <p>All ground floor apartments comply with this criteria.</p> <p>Each dwelling would have a private open space area/balcony that directly adjoins a living area</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>extend the living space</p> <p>Private open spaces and balconies predominantly face north, east or west</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms</p>	<p>Private open spaces and balconies face north, east or west where possible.</p> <p>All balconies comply in this regard.</p>	<p>Yes</p> <p>Yes</p>
Ceiling heights	2.7 metres minimum	2.7 metres	Yes
Ground floor apartments	Balconies and courtyard apartments should have direct street access	Not proposed however not essential for seniors development, where security is more important than convenience.	Satisfactory
Internal Access	<p>Entry from circulation core to maximum of eight units</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed.</p>	<p>Entry to maximum of four units from circulation core</p> <p>No instances of this are proposed.</p>	<p>Yes</p> <p>Yes</p>
Storage	<p>Studio – 4m³</p> <p>1-bed unit – 6m³</p> <p>2-bed unit – 8m³</p> <p>At least 50% of the required storage is to be located within the apartment</p>	<p>The apartments comply with the required amount of storage</p> <p>All storage is within basement, however most dwellings have second bedrooms which would be used for storage. It is unlikely all bedrooms would be continually occupied.</p>	<p>Yes</p> <p>Yes</p>
Solar access	<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>A maximum of 15% of apartments in a building receive no</p>	<p>Living rooms – 31 of 35 (89%) - Complies</p> <p>Private open spaces – 32 of 35 (91%) - Complies</p> <p>All dwellings would receive at least some direct sunlight</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>direct sunlight between 9 am and 3 pm at mid winter</p> <p>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1sqm of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes</p> <p>The design maximises north aspect and the number of single aspect south facing apartments is minimised</p> <p>Single aspect, single storey apartments should have a northerly or easterly aspect</p> <p>Living areas are best located to the north and service areas to the south and west of apartments</p> <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> • dual aspect apartments • shallow apartment layouts • two storey and mezzanine level apartments • bay windows <p>A number of the following design features are used:</p> <ul style="list-style-type: none"> • balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, 	<p>All apartments that achieve the required 2 hours of solar access would also comply with this provision.</p> <p>Complies</p> <p>Single aspect, single storey apartments have a south-easterly or north-westerly aspect.</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<ul style="list-style-type: none"> pergolas, external louvres and planting horizontal shading to north facing windows vertical shading to east and particularly west facing windows operable shading to allow adjustment and choice high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) <p>Overshadowing of neighbouring properties is minimised during mid winter - Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access</p>	The proposed building would not overshadow other buildings (existing or proposed).	Yes
Natural ventilation	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms</p> <p>Depths of habitable rooms support natural ventilation</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Complies</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<ul style="list-style-type: none"> • adjustable windows with large effective openable areas • a variety of window types that provide safety and flexibility such as awnings and louvres • windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors 		Yes
			Yes
			Yes
	Apartment depths are limited to maximise ventilation and airflow	Satisfactory	Yes
	Natural ventilation to single aspect apartments is achieved with the following design solutions:	Satisfactory	Yes
	<ul style="list-style-type: none"> • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells 		Yes
			Yes
	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	All apartments would be naturally cross-ventilated.	Yes

	<p>ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p> <p>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side)</p>	<p>No proposed apartment would exceed 18 metres in width.</p> <p>The proposed building includes dual aspect apartments and corner apartments.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Facades	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements <p>Building services should be integrated within the overall facade</p> <p>Building facades should be well resolved</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals</p> <p>Building entries should be clearly defined</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</p>	<p>Satisfactory – surrounding area is under development.</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Roof Design	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> • special roof features and strong corners 	<p>Small awnings add visual interest at the roof level.</p>	<p>Yes</p>

	<ul style="list-style-type: none"> • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings <p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated <p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun 	<p>The roof design would be integrated with the design of the building.</p> <p>Proposed roof design would allow solar access to south-facing top storey apartments.</p>	<p>Yes</p> <p>Yes</p>
Universal Design	Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	Complies	Yes
Energy Efficiency	<p>Well located, screened outdoor areas should be provided for clothes drying</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • the use of smart glass or other technologies on 	<p>Outdoor clotheslines would be provided on balconies. Condition to keep clotheslines below level of balustrades.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p>

	<p>north and west elevations</p> <ul style="list-style-type: none"> • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible 	Satisfactory	Yes
Water Management and Conservation	Rainwater should be collected, stored and reused on site	A rainwater tank is proposed to be provided.	Yes
Waste management	<p>A waste management plan should be prepared</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points</p>	<p>A Waste Management Plan has been provided.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p>

Solar access to communal open space

Under the Apartment Design Guide, a residential flat building is required to 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 (mid-winter)”. This is taken to mean that 50% of the principal usable part of the communal open space in a development is required to receive a minimum of 2 hours of direct sunlight between 9 am and 3 pm on 21 June. In this regard, Council is of the view that the proposed development fails to comply with this standard, whilst the applicant is of the view that the development does comply with the standard, and further that the standard is not applicable to the proposed development.

The difference in views between Council and the applicant appears to be a result of differences in opinion about what constitutes the “principal usable part” of the communal open space. The ADG defines the “principal usable part” of the communal open space as “a consolidated part of the communal open space that is designed as the primary focus of recreational activity and social interaction”, and provides a diagram to assist with the definition, which is reproduced below:

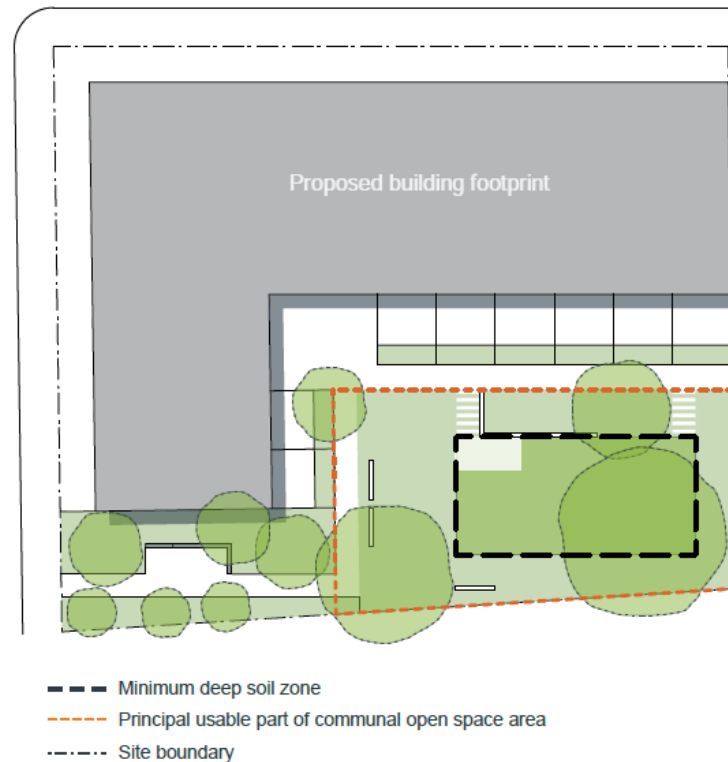
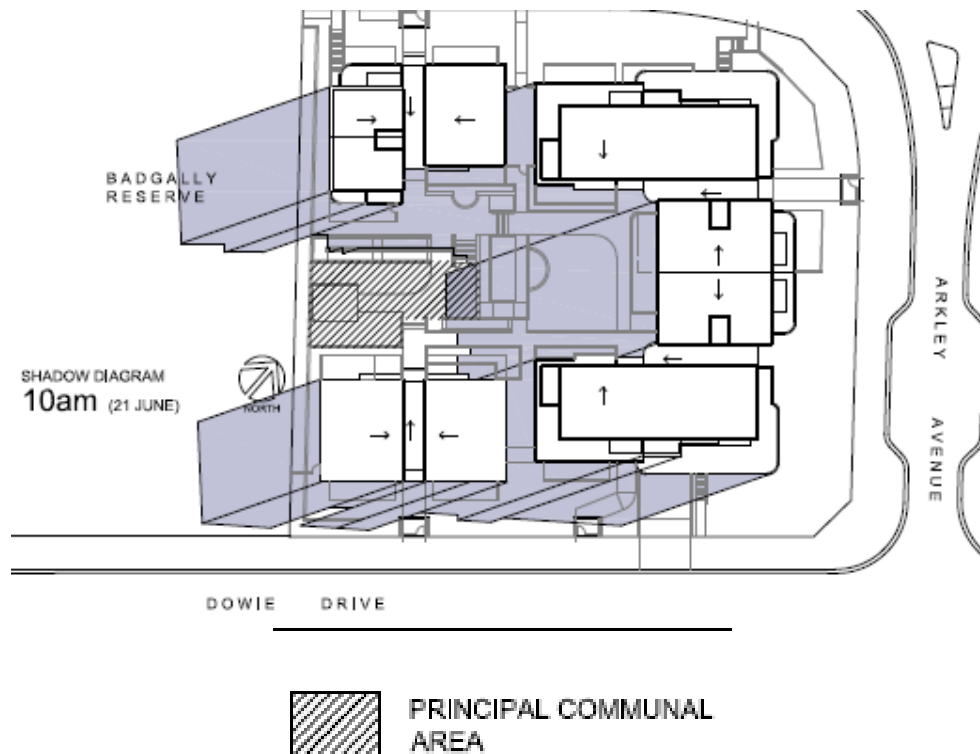


Figure 3D.3 The principal usable part of communal open spaces should be consolidated

The applicant, in their preparation of shadow diagrams for the proposed development, has communal open space area as the ‘principal useable part’, as shown in the diagram overleaf.

In subsequent correspondence, the applicant has also argued that common areas within the front setbacks of the development should also be included for the purpose of calculating solar access compliance. If the quantum and locations of communal open space nominated by the applicant is used to assess for solar access compliance, then the development would achieve a compliant amount of solar access between 10am and 12pm to the courtyard area. The front setback areas are in sun for much of the day.



The applicant has put that the area nominated on the plan is that which is likely to be more regularly used by residents as it contains amenities such as benches and a barbecue.

Upon consideration of the applicant's selection of the 'principal usable part' of the communal space in the location illustrated, it would seem that the proposal complies with the ADG. Other parts of the central open space that contain plantings would be used to soften the overall feel of the area, notwithstanding they would not be in sunlight for most of the day.

1.6 Campbelltown Local Environmental Plan 2015

Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015. The proposed development is defined as seniors housing, which is prohibited within the R2 zone. However, the proposed development is permissible by virtue of its permissibility under the Housing for Seniors or People with a Disability SEPP.

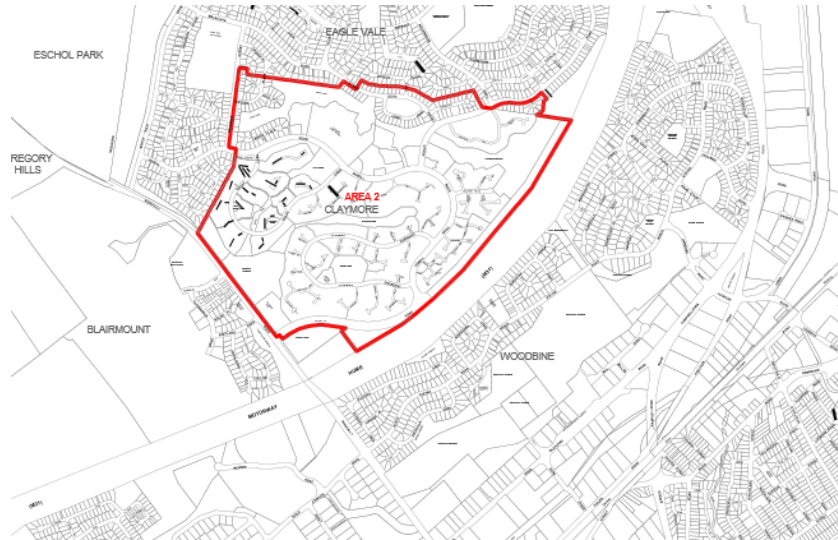
Zone objectives

The proposal is consistent with several zone objectives, particularly:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement

Maximum dwelling density in certain residential areas

This section of the CLEP sets a maximum of 1,490 dwellings for the Claymore Urban Renewal precinct, as outlined on the map below. It is noted that at present, this dwelling yield has not been exceeded within the precinct, and the subject site was designated as a seniors living site within the master plan.



Height of buildings

Under the CLEP, a maximum building height of 8.5 metres applies to the subject site. The proposed development has a maximum height above natural ground level of 12.85 metres and therefore fails to comply with this standard. However, Schedule 6A of the Environmental Planning and Assessment Act 1979 contains transitional arrangements pursuant to the repeal of Part 3A of the Act, which outlines provisions applying with respect to approval of concept plans. The relevant provision states:

“The provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan”.

In this regard, the Claymore Renewal Concept Approval includes the Claymore Urban Renewal Development Control Guidelines, which sets a maximum building height of 9.5 metres for all residential development. As the CLEP’s 8.5 metre maximum building height standard is inconsistent with this standard, it does not have effect. Council has received legal advice that confirms this.

Council has received legal advice to the effect that the proposed development can be considered to be generally consistent with the terms of the Claymore Renewal Concept Approval, as there is nothing in the terms of the Concept Approval that would lawfully require a seniors housing development to be two stories or to be below a certain height limit.

Earthworks

In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- b) the effect of the development on the likely future use or redevelopment of the land,
- c) the quality of the fill or the soil to be excavated, or both,
- d) the effect of the development on the existing and likely amenity of adjoining properties,
- e) the source of any fill material and the destination of any excavated material,
- f) the likelihood of disturbing relics,
- g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In this regard, cut is proposed to a maximum of 5.1 m and fill to a maximum of 0.5 m, in order to facilitate the construction of a basement car park. The soil is not known to be contaminated as per the submitted Geotechnical Report. There are no existing or future adjoining residential neighbours that will be affected by the level of cut or fill. As per the submitted draft Waste Management Plan, any excavated material that cannot be used on site will be removed by a licensed waste contractor. Previous investigations have shown that the likelihood of disturbing relics is low. A detailed water cycle investigation was carried out for the Concept Approval. It found that with appropriate measures in place, including rainwater reuse tanks, gross pollutant traps and infiltration facilities, development within the concept plan would exceed the statutory water quality objectives. Accordingly, the proposed earthworks are satisfactory.

Flood Planning

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- a) is compatible with the flood hazard of the land, and
- b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- c) incorporates appropriate measures to manage risk to life from flood, and
- d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Council's City Delivery section conducted a flooding assessment of the application and advised the proposal is satisfactory subject to the imposition of conditions of consent.

Salinity

In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:

- a) whether the development is likely to have any adverse impact on salinity processes on the land,
- b) whether salinity is likely to have an impact on the development,
- c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The submitted Geotechnical Report indicates that the exposure classification for the onsite soils is non-aggressive to both steel and concrete.

1.7 Claymore Urban Renewal Development Control Guidelines

An assessment of the application against the relevant standards within the Claymore Urban Renewal Development Control Guidelines is presented below.

Standard	Proposed	Compliance
Maximum building height of 9.5 metres	12.85 metres	No, however pursuant to clause 1.5 of the Guidelines, a request has been made to vary this standard.
Dwelling Design		
Site analysis should be lodged with the DA for all development.	A Site Analysis Plan has been submitted as part of this DA.	Yes
Dwellings are to be of contemporary architectural design.	The proposal has been designed to present attractively to the street utilising high quality materials and finishes.	Yes
Articulation elements of a dwelling such as entry porticos, verandahs, pergolas and other feature elements may extend beyond the front façade to a maximum distance of 1 metre	Balconies extend beyond 1 metre of the front façade. However, the façade is well articulated and the extension does not result in a 'protruding' effect. Furthermore, the dimensions of the balconies are required to allow for useable areas of private open space.	Satisfactory
Roofs are to have a maximum roof pitch of 36 degrees and are to include eaves up to 450mm	The proposed roof form is mostly flat with Block A being a butterfly roof form. Eaves are not considered applicable to this scale of development.	Yes
Locate all services and bin storage areas behind the front building line out of view	The proposed bin storage area is located behind the building line.	Yes

Solar Access		
Living areas shall generally have a northern orientation and be directly accessible to private open space areas	Living areas have been oriented to incorporate the north-eastern or north-western facing windows wherever possible to maximise solar access. Living areas have been designed to be directly accessible from the main areas of private open space.	Yes
Shadow diagrams are required for any development proposing two storeys	Shadow diagrams have been submitted as part of this DA, which demonstrate minimal impact on existing or future development.	Yes
Development shall have an appropriate regard to the impact on solar access to usable private open space, solar collectors and clothes drying areas of adjoining residential development	Shadows cast as a result of the proposed seniors housing development primarily fall across the adjoining road reserves, Badgally Reserve or will be contained within the site, and therefore will not adversely impact on the solar access of adjoining properties.	Yes
New dwellings shall be designed to reduce the need for artificial lighting	Dwellings have been designed to maximise solar access. 89% of units (i.e. 31 out of 35 units) will receive three or more hours of solar access to their living rooms and private open spaces between 9am and 3pm mid-winter.	Yes
Materials selection and construction shall respond to the orientation and potential for heat retention and protection including insulation	A large proportion of the proposed development will be constructed of masonry, providing good insulation and durability,	Yes
An outdoor clothes line with adequate solar access shall be provided for every dwelling	Individual clothes drying lines are located within the private open space of each dwelling at a height of 1 metre to allow screening behind the balustrades.	Yes
Windows and doors shall be arranged to encourage cross ventilation	The proposal allows for natural ventilation to the units, with 30 of the 35 units being cross-ventilated and only the one bedroom units having a single aspect.	Yes
Consideration to be given to the use of deciduous trees at the north and west elevations to protect against hot summer temperature and to allow for solar penetration in winter, where it may otherwise be inappropriate to plant native trees.	A total of 16 Blueberry Ash native trees with a mature height of 6 to 8 metres will be planted within the front setback providing shade in summer.	Yes
A BASIX Certificate is to be submitted with the development application for all residential dwelling development	A BASIX certificate accompanies this development application demonstrating compliance with environmental standards	Yes

Garages		
A minimum of 1 enclosed car space per dwelling is required	35 vehicle spaces are proposed, providing one space per dwelling.	Yes
Landscape and Fences		
Front gardens are to include one tree that will reach a height of 5m to 8m on maturity	A total of 16 Blueberry Ash native trees are proposed within the front setback with a mature height of 6-8 metres.	Yes
Rear gardens are to include at least one tree that will reach a height of 10m to 15m on maturity	A semi mature Chinese Elm is proposed within the central courtyard with a mature height of 6 to 9 metres.	Yes
Retaining walls shall be stepped/ terraced at a maximum height of 900mm and incorporate a minimum step of 900mm face to face	Retaining walls to a maximum height of 5.3 metres are proposed due to the excavation required for basement parking.	Satisfactory
For the purpose of creating a building platform, the sum of the maximum cut below natural ground level and the maximum depth of fill above natural ground level shall not exceed 1 metre	Cut to a maximum of 5.1 metres and fill to a maximum of 0.5 metres is proposed to provide for basement parking. A Cut and Fill Management Plan will be prepared prior to the commencement of the development.	Satisfactory
Front fences are to be provided in accordance with the Fencing Strategy as approved by Campbelltown Council for each stage of development	The fencing strategy of the Concept Approval indicates that the proposal is subject to Fence Type 1 – a 1.2 metre high fence with 350mm – 470mm wide brick columns and metal panels between the brick columns. As shown on the submitted elevations, the proposed fence is generally consistent with this style.	Yes

Maximum building height

Clause 1.5 of the Claymore Urban Renewal Development Control Guidelines (DCG) states:

The consent authority may consider variations to the requirements of the DCG in certain circumstances. Requests for variations are required to be in writing and shall clearly demonstrate the reason(s) why the variation sought would not adversely impact on the environment or local amenity and would not erode the relevant standard and requirement. Any such variations are to be justified in the circumstances of the case including an indication of how the objectives of the guidelines are met.

The applicant has made a submission pursuant to this clause of the Claymore Urban Renewal Development Control Guidelines, which is summarised below:

- *Blocks A & D achieve full compliance but elements of Blocks B & C exceed the 9.5m level, particularly at the corner of Rosslyn Drive and Arkley Avenue. This zone of non-compliance is where Block B has a fourth storey to deal with the fall of the finished ground level. This design outcome seeks to maintain even floors across the complex without needing to step the floor levels internally, so that better access to multiple lifts is provided for the units. On balance, the desire to design the seniors living units relative to*

the slope of the land, with even floors and limited steps, is considered a better design outcome in light of the future clientele of elderly residents.

- *The site has superior amenity, through its location next to the recently constructed Badgally Reserve as well as through its location opposite the future new retail centre envisaged for Claymore. Transport for NSW has also advised that a new bus service will be commenced along Badgally Road (from Gregory Hills, future Route 840) around Christmas 2017, well in advance of completion of the complex programmed for mid-2019. The bus stops will be made available as part of the forthcoming Stage 3 subdivision works, which are programmed to commence on site in early 2018. The bulk and scale of the proposal seeks to take advantage of this superior amenity, and to increase the density level appropriately around the new town centre precinct. This outcome further satisfies the Concept Plan desires for more surveillance over the adjoining Badgally Reserve as well as greater accessibility to retail, open space and public transport services for incumbent future residents.*
- *The Concept Plan for the Claymore Urban Renewal Area intends for the predominant built form to be detached and attached dwelling houses, with some small lot housing forms and some seniors units. The Concept Plan envisages four additional seniors housing developments and indicative locations for seniors housing is shown on the Concept Plan. Both proposed developments are on sites that are earmarked for seniors housing and are well located in proximity to open space and the future retail centre. They are ideally located for higher density development and for higher built forms. The provision of seniors housing across the urban renewal area is to be limited, with regular residential flat buildings not permissible under the land use zoning applying to the sites. Consequently, the variation to the controls in the circumstances of these two cases would not erode the veracity and potency of the approved guidelines.*
- *Section 3.1 of the DCGs outlines the objectives of the development guidelines:*
 - *Encourage diversity in housing types to that there is a choice of housing that is affordable and capable of meeting the needs of a range of household types;*
 - *Encourage good house designs on a range of lot sizes including compact lots;*
 - *Create attractive landscaped front gardens;*
 - *Ensure an acceptable level of amenity for residents and neighbours;*
 - *Encourage quality-designed dwelling houses that make a positive contribution to the streetscape and amenity of the neighbourhood;*
 - *Encourage homes that achieve good environmental performance.*

It is considered that the development meets these objectives in the following manner:

- *It encourages diversity in housing through the provision of seniors housing in apartment building forms that are affordable and for social housing designed to meet the requirements of older person seniors household types;*
- *The development is well designed and provides variety and diversity whilst ensuring that the overall concept plan provides a range of lot sizes;*
- *The design of the developments provides adequate landscaped building setbacks consistent with the emerging character of the area;*
- *It provides an acceptable level of amenity for residents and neighbours through dwelling design, solar access, private open space and relationship to neighbours;*
- *It provides quality-designed dwellings that make a positive contribution to the streetscape and amenity of the neighbourhood;*
- *The development achieves good environmental performance through passive thermal building design measures, landscaping, and BASIX compliance.*

The objectives of the guidelines are directed to the predominant form of housing in the renewal area being detached dwellings. However, the proposed development meets these objectives notwithstanding partial non-compliance with the building height guideline.

- *In the context of the favourable location of the development, the lack of adverse environmental impact and the Concept Plan's desire for increased density around the future retail centre, this degree of non-compliance with the guidelines is justified in the circumstances of the case. This is supported by the strongly expressed design preference of the Council and the community strongly for:*
 - *Multiple lift cores to be provided within the building (further recognising the need for these lifts to be economically viable through additional units);*
 - *Higher density to be provided on the approved seniors housing sites, observing their superior access to public transport and other community facilities.*

The non-compliance of the four-storey element of the Rosslyn Drive development, is where Block B has a fourth storey to deal with the fall of the ground level. The design outcome seeks to maintain even floors across the complex without needing to step the floor levels internally, so that better access to multiple lifts is provided for the units.

- *The approved Concept Plan for the Claymore Renewal Project and the DCGs provides necessary flexibility for the construction of new Seniors Housing developments, considering key design issues, the needs of seniors, the effective provision of lift access, encouraging more housing in appropriate locations and the evolution of these elements during the implementation phases of the Concept Plan. These key issues are identified in both the Concept Plan approval as well as the SEPPHS, and generally advocate for:*
 - *Good access to public transport and retail services;*
 - *Proximity to open space areas, particularly when they can offer passive surveillance;*
 - *Appropriate bulk and scale given the building siting context;*
 - *Good site planning and design;*
 - *Streetscape presentation and relationship to neighbours;*
 - *High quality amenity for future residents considering matters of cross ventilation, solar access, internal accessibility and car parking provision.*
- *The proposal is sited at a location that was identified for seniors housing within the approved Concept Plan and have been developed in consultation with Council and the local community. Both applications have been supported by planning and legal advice concerning Council's ability to grant consent to the applications. In our view, the detailed design of the proposal has achieved compliance with these abovementioned key design issues and variation to the building height control in the DCGs is justified in the circumstances of the case.*

These points are understood, however the height of the development does appear to cause issues with respect to the internal amenity of the development's future occupants in the form of insufficient solar access to the communal open space area (which will be discussed in detail later in this report). In this regard, it is considered that the matter of building height has not been satisfactorily resolved.

1.8 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Views and vistas – The proposed development would not substantially alter views to and from Campbelltown's important public views and vistas.

Sustainable Building Design – A BASIX certificate has been submitted with the application, which demonstrates that the proposed development would achieve the relevant water and energy targets. A 16,000 litre rainwater tank is proposed to be provided for the proposed development.

Cut, Fill and Floor Levels – Substantial excavation is proposed in order to provide for a basement car park. A cut and fill management plan will be required to be provided prior to construction commencing.

Landscaping – Adequate native landscaping would be provided within the courtyards of the dwellings and the communal open space area.

Water cycle management – The application was referred to Council's Development Engineer for assessment of the stormwater aspects of the proposed development. Conditions of consent were provided.

Waste Management – The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Residential waste and recycled goods would be stored in the garbage storage area, which is located between Block A and Block B and is accessed via the central common courtyard. The storage area has the capacity to store 28 x 240 litre bins, which satisfied Council's requirements. It is proposed that the bins would be taken to the street for collection by tenants.

A 'No Stopping' area is required to be provided adjacent to the development in Rosslyn Drive, and the endorsement of the Local Traffic Committee is required.

2.1 Public Participation

The application was publicly exhibited and notified to nearby and adjoining residents. Council has received five submissions including one from the Claymore Residents Group, raising the following issues:

Issue

The proposed development would bring traffic congestion and parking problems to the neighbourhood, particularly given the narrow width of roads within the locality. The driveway location would create safety issues for houses across the street from the development.

Comment

Each proposed dwelling would have its own car parking space, which would reduce the need for residents of the proposed development to park on the surrounding streets. In addition, a development of the scale proposed would not significantly increase the volume of traffic experienced by the surrounding streets. The location and design of the proposed driveway are compliant with the relevant Australian Standards.

Issue

"Prior to finalising the sale of our land, we asked Landcom of any high rise or high density development in the area where we are proposing to buy and they have given us the indication and assurance that the area will be occupied mostly by private housing and the proposed Seniors Living (coloured in light blue in the sales plan) will be just like any other

ordinary houses in the area and that there was no indication that it will be a 3-4 storey structure as is now being proposed.”

Comment

Pursuant to Section 3B of Schedule 6A of the EP&A Act 1979, development for which a concept plan has been approved under Part 3A, a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan.

The concept master plan for the redevelopment of the Claymore public housing precinct envisages four new seniors housing developments, each containing approximately 25 dwellings. Importantly, the Concept Plan contains several references throughout to the effect that such seniors housing developments are not expected to exceed two storeys in height.

As the proposed development has a height in excess of two storeys, concerns about the consent authority’s ability to consider the proposed development in light of Section 3B of Schedule 6A of the Act were conveyed to the applicant.

The applicant provided legal advice to Council, which has been supplied under separate cover. The advice states in summary that the proposed development is “generally consistent” with the Concept Plan. Further, the references to the two storey height limitation within the Concept Plan are all expressed as “expectations”, clearly anticipating that circumstances may change and development under the Concept Plan may not bear out that expectation.

Council commissioned its own legal advice regarding this matter, and provided its appointed solicitor with a copy of the applicant’s legal advice. The legal advice received by Council has been supplied under separate cover. The advice states in summary that it would be reasonably open to the Panel to be satisfied that the proposed developments are “generally consistent with” the terms of the Concept Approval. It also states that the Concept Approval itself is non-prescriptive when it comes to the details of seniors housing, and that there is nothing in the terms of the Concept Approval and its associated documents that would lawfully require seniors housing to be a maximum of two storeys.

Issue

The proposed development would overshadow the neighbourhood.

Comment

The overwhelming majority of the shadows cast by the proposed development between 9am and 3pm would fall upon the adjoining park and roads. After 2pm, some dwellings across Dowie Drive from the proposed development would experience some overshadowing, however these dwellings as well as the adjoining park would continue to receive a significant amount of solar access.

Issue

The building would be an eyesore and would hugely impact the outlook of the street. The density of the proposed development is inappropriate.

Comment

The application includes architectural certification that the design of the proposed development complies with the design principles of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide.

Issue

The proposed development would reduce the value of surrounding properties.

Comment

No evidence has been submitted to substantiate this claim.

Issue

A number of second floor units do not benefit from either lift or ramp access.

Comment

The two storey component of the development does not have lift access, however there is no requirement in any legislation applicable to the development for dwellings within a two storey seniors housing building to have lift access.

Issue

The clotheslines would be at a height of 1 metre above ground level, which would prevent the drying of towels, sheets or other long items.

Comment

Clotheslines are required to be at a low level to avoid them being visible from the street, as the private courtyards in which the clotheslines are located are all in front of the building line. Larger items to be dried can be dried within a dryer.

Issue

The bin area should not be accessible to those outside of the complex, in order to avoid the dumping of rubbish in the complex's bin area.

Comment

The proposed bin area would not be easily accessible to people who do not reside within the complex. Bins would be stored within a roofed area with access by a lockable door.

Issue

The lift shafts adjoining bedroom walls should be soundproofed to avoid noise and vibration transmission into the units.

Comment

The Building Code of Australia contains standards relating to the prevention of noise and vibration transmission, which the proposed development is required to comply with.

2.2 Conclusion

Having regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues raised above, it is considered that the application is generally consistent with the relevant planning legislation and objectives for development at the site.

Matters considered in the assessment of the proposal include its compatibility with surrounding existing and future development, compliance with relevant State and local planning controls and submissions made by the public.

The development is considered to be suitable for the site, having regard to its proximity to transport and other amenities and would allow for tenants of NSW Land and Housing Corporation to 'age in place', which is of great benefit to the social cohesion of the local community.

The application has been submitted by the Crown and accordingly, recommended conditions in Attachment 1 have been reviewed and accepted for imposition.

Accordingly, the proposal is recommended for conditional approval.

Officer's Recommendation

That development application 566/2017/DA-SL proposing the construction of a seniors living development containing 35 dwellings and associated car parking be approved subject to the conditions outlined in Attachment 1.

ATTACHMENT 1
566/2017/DA-SL
Recommended Conditions of Consent
GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan/ Document No.	Version/ Revision	Prepared by	Date
1526.LA01 Sheets 1 and 2	E	Greenland Design Pty Ltd	7 June 2017
BGQZM Sheets A1, A3, A5, A6, A7, A8, A9, A10, A11, A12, A15	A	Barry Rush & Associates Pty Ltd	29 June 2017
BGQZM Sheets 01 to 10 inclusive	P5	Inline Hydraulic Services	20 February 2017

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to Council, prior to construction commencing:

- A 16,000 litre rainwater tank shall be shown on the architectural and stormwater plans.

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

4. Standards Applying to Self-Contained Seniors Dwellings

Wheelchair access

If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.

If the whole of the site does not have a gradient of less than 1:10:

- a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and

- b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.

Common areas

Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.

Security

Pathway lighting:

- a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
- b) must provide at least 20 lux at ground level.

Letterboxes

Letterboxes:

- a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
- b) must be lockable, and
- c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

Private car accommodation

The basement car park must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

Accessible entry

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

Interior: general

- a) Internal doorways must have a minimum clear opening that complies with AS 1428.1.
- b) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.
- c) Circulation space at approaches to internal doorways must comply with AS 1428.1.

Bedroom

At least one bedroom within each dwelling must have an area sufficient to accommodate a wardrobe and a queen-size bed, and

- a) a clear area for the bed of at least:
 - i. 1,200 millimetres wide at the foot of the bed, and
 - ii. 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- b) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- c) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- d) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- e) wiring to allow a potential illumination level of at least 300 lux.

Bathroom

The bathrooms within the dwellings must have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

- a) a slip-resistant floor surface,
- b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
- c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
 - i. a grab rail,
 - ii. portable shower head,
 - iii. folding seat,
- d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- e) a double general power outlet beside the mirror.

Subclause (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.

Toilet

Each dwelling must have a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.

Surface finishes

Balconies and external paved areas must have slip-resistant surfaces.

Door hardware

Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.

Ancillary items

Switches and power points must be provided in accordance with AS 4299.

Living room and dining room

A living room in a self-contained dwelling must have:

- a) a circulation space in accordance with clause 4.7.1 of AS 4299, and
- b) a telephone adjacent to a general power outlet.
- c) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.

Kitchen

A kitchen in a self-contained dwelling must have:

- a) a circulation space in accordance with clause 4.5.2 of AS 4299, and
- b) a circulation space at door approaches that complies with AS 1428.1, and
- c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
 - i. benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
 - ii. a tap set (see clause 4.5.6),
 - iii. cooktops (see clause 4.5.7), except that an isolating switch must be included,
 - iv. an oven (see clause 4.5.8), and
- d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- e) general power outlets:
 - i. at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - ii. one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Laundry

A self-contained dwelling must have a laundry that has:

- a) a circulation space at door approaches that complies with AS 1428.1, and
- b) provision for the installation of an automatic washing machine and a clothes dryer, and
- c) a clear space in front of appliances of at least 1,300 millimetres, and
- d) a slip-resistant floor surface, and
- e) an accessible path of travel to any clothes line provided in relation to the dwelling.

Storage for linen

A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.

5. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

6. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

7. Garbage Room

The garbage storage enclosure identified on the approved plans shall:

- a) be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- b) The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c) A hose cock shall be provided within the room.
- d) be vented to the external air by natural or artificial means.

8. Switchboards/Utilities/Air Conditioning Units

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall be screened to the front elevations of the building or side elevations that can be seen from a public place.

Clotheslines shall be kept below the level of balcony balustrades so that they are not visible from public areas.

9. Driveway and Underground Car Park Layout

The driveway width, gradients, underground car park layout and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2 (as amended)*.

10. Underground Car Park

The applicant shall ensure that the underground car park complies with the design requirements detailed in Section 4.13.8 of Council's *Engineering Design Guide for Development (as amended)*.

11. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property as soon as practicable.

12. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

13. Car Parking Spaces

35 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

14. Rubbish/Recycling Bin Storage

The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

The bin(s) shall only be stored in accordance with the approved plans.

15. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

16. Cut and Fill Management Plan

Prior to the commencement of works, a Cut and Fill Management Plan shall be prepared and submitted to Council.

17. Utility Servicing Provisions

Prior to the commencement of works, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

18. Geotechnical Report

Prior to the commencement of works, where proposed excavation and/or filling exceed 900mm in depth, or where the subject site is identified as being filled land, a geotechnical report prepared by a NATA registered laboratory shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion.

19. Soil and Water Management Plan

Prior to the commencement of works, a detailed soil and water management plan shall be prepared and submitted to Council.

20. Traffic Committee

Prior to the commencement of works, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting. In this regard, the establishment of a 'No Parking area' to allow for waste collection is required.

21. Construction Traffic Management Plans

Prior to the commencement of works, the building contractor shall submit a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified consultant, for the excavation and construction stages of the development.

The CTMP's shall include, but not be limited to, the following details;

- a) The staging and timing of the construction works.
- b) Perimeter fencing and hoarding requirements.
- c) Locations of temporary vehicular entry points to the site.
- d) Provisions for pedestrian traffic and any diversions that are proposed.
- e) Hoisting arrangements for cranes, travel towers or lift operations.
- f) The number and type of vehicles to be used during the demolition stage, their proposed routes, turning paths and parking arrangements.
- g) Work zone requirements, if proposed.
- h) Traffic control associated with road occupancy and standing plant.
- i) Waste collection areas.

In preparing the CTMP's, the applicant shall address all relevant NSW road rules and consideration shall be given to public notification (including residents).

Copies of the CTMP's shall be kept on site for the duration of the works, in accordance with *SafeWork NSW* requirements and copies shall also be forwarded to Council for its records.

22. Traffic Control Plans

Prior to the commencement of works, the building contractor shall prepare a Traffic Control Plan (TCP) in accordance with RMS manual *"Traffic Control at Work Sites"* and Australian Standard AS 1742.3 (*as amended*), by an accredited person. A copy of the approved TCP shall be kept on site for the duration of the works, in accordance with *SafeWork NSW* requirements and a copy shall be submitted to Council for its records.

23. Vehicle turning movements

Prior to the commencement of works, vehicle turn paths shall be reviewed by a suitably qualified consultant. All car spaces must be demonstrated to be safe for vehicle manoeuvring both into and out of the space. Particularly, the car parking spaces located at the ends of the parking aisles namely, parking spaces 2, 3, 27 and 28. Vehicle turning paths shall be submitted for all parking spaces (midblock spaces which are clearly addressed by adjoining turn path assessments do not need to be shown). All turn path assessments shall comply with the following:

- Vehicle turning movements (for the appropriate vehicle types as agreed with Council) are to be assessed using Autodesk Vehicle Tracking and provided to Council's Executive Manager Infrastructure for approval prior to the commencement of works.
- Vehicle tracking files and associated development proposal files are to be submitted to Council in .dwg/.dwg format for assessment.
- The speed environment used in the assessment is to be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

24. Stormwater Management Plan (Development)

Prior to the commencement of works, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted to Council. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels. All proposals shall comply with the requirements detailed in Council's *Engineering Design Guide for Development (as amended)*.

With regards to the stormwater plan submitted, it is proposed to discharge the stormwater from the subject site to an existing kerb inlet pit located in Rosslyn Drive. The applicant shall advise Council's Executive Manager Infrastructure, the discharge rate from the subject site into this pit, and shall also demonstrate that such flow does not exceed the pit capacity.

As no stub has been provided in the kerb inlet pit located in Rosslyn Drive, the applicant shall submit the connection details (including pipe size) to Council's Executive Manager Infrastructure.

25. Work on Public Land

Prior to the commencement of works, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council, prior to occupation of the development.

26. Telecommunications Infrastructure

- a) If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works shall be obtained; and
- b) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

27. Sydney Water

Prior to the commencement of works, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. An approval receipt will be issued if the building plans have been approved.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

28. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

29. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b) Stating that unauthorised entry to the work site is prohibited
- c) Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d) Stating the approved construction hours in which all works can occur
- e) Showing the name, address and telephone number of the LAHC representative for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

30. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a) A public sewer, or
- b) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

31. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

32. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

33. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *SafeWork* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

34. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

35. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

36. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans and Council specifications. The erosion and sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

37. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

38. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

39. Excavation and Backfilling

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) Must preserve and protect the building from damage; and
- b) If necessary, must underpin and support the building in an approved manner, and
- c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

40. Fill Compaction Requirements

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction.

41. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

42. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

43. Excess Material

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

44. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with Australian Standard AS 1742.3. Council may at any time and without prior notification make safe any such works that are considered to be unsafe and recover all reasonable costs incurred, from the applicant.

45. Footpath

The footpath adjoining the subject land shall be graded at a 2.5% standard crossfall. Concrete footpath paving of variable width shall be constructed/laid along each street frontage in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*. Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing footpath levels.

46. Medium Density Driveway and Layback Crossing

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's *Medium Density Vehicle Crossing Specification* and *Engineering Design Guide for Development (as amended)*.

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

47. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any other civil works directed by Council, to make a smooth junction with existing work.

48. Construction Works

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping.

PRIOR TO THE COMPLETION OF WORKS

The following conditions of consent must be complied with prior to the completion of works.

49. Access to Services and Facilities

Prior to the occupation of the development, the applicant shall ensure that the development site complies with the locational requirements of Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. In this regard:

- The applicant shall provide footpaths between the site and bus stops 255911 and 255927 in Glenroy Drive, and a pedestrian crossing across Glenroy Drive, in a location to be determined in consultation with Council's City Works division.
- The applicant shall either:
 - negotiate with the relevant bus operator to either provide an additional Sunday service to access the Eagle Vale shopping centre, or relocate bus stop 255927 to within 400 metres of the proposed development; or
 - provide a bus stop within 400 metres of the development on the northern side of Badgally Road opposite the existing bus stop outside Blairmount School for the proposed new 840 bus route linking Oran Park and Gregory Hills to Campbelltown Station and Macarthur Shopping Centre.
- Should the negotiations outlined above prove unsuccessful or the new 840 bus route not eventuate, the applicant shall provide a shuttle bus service to ensure compliance with the location requirements of Clause 26 until the Claymore town centre is developed to a point where it contains:
 - a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
 - b) community services and recreation facilities, and
 - c) the practice of a general medical practitioner.

50. Section 73 Certificate

Upon completion of works, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

51. Completion of External Works Onsite

All external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls shall be completed.

52. Works as Executed Plans

Upon completion of construction works, the applicant shall submit to Council a copy of a works as executed plan, certified by a qualified surveyor, which has been prepared in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

53. Restoration of Public Roads

Prior to the completion of works, any restoration of the public road pavement required as a result of the development, shall be carried out by Council and all costs shall be paid by the applicant.

54. Public Utilities

Prior to the completion of works, any adjustments to public utilities required as a result of the development, shall be completed to the in consultation with the relevant authority and at the applicant's expense.

55. Service Authorities

Upon completion of works, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

56. Council Fees and Charges

Prior to the completion of works, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 2. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 3. Smoke Alarms

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 4. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 5. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 6. Inspection within Public Areas

All works within public areas are required to be inspected at all stages of construction.

Advice 7. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

Advice 8. Salinity

Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Council's *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

Advice 9. Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

Advice 10. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 11. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 12. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS

Attachment 2 – Applicant's Assessment against Seniors Living Policy: Urban Design Guidelines for Infill Development



Land & Housing
Corporation

SENIORS LIVING URBAN DESIGN GUIDELINES CHECKLIST

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
1. Responding to Context		
Analysis of neighbourhood character		
The key elements that contribute to neighbourhood character and therefore should be considered in the planning and design of new development are:		
1.01 Street layout and hierarchy – has the surrounding pattern and hierarchy of the existing streets been taken into consideration? (eg scale and character of the built form, patterns of street planting, front setbacks, buildings heights)	Yes / No or N/A	Setbacks, form and spacing of the buildings are in accordance with proposed vision of the area.
1.02 Block and lots – does the analysis of the surrounding block and lot layout take into consideration local compatibility and development suitability? (eg lot size, shape, orientation)	Yes / No	The proposed development should reinforce future surrounds.
1.03 Built environment – has a compatibility check been undertaken to determine if the proposed development is consistent with the neighbourhoods built form? (eg scale, massing, should particular streetscapes or building types be further developed or discouraged?)	Yes / No or N/A	The proposed built form and the architectural elements sets standard for future developments.
1.04 Trees – do trees and planting in the proposed development reflect trees and landscapes in the neighbourhood or street?	Yes / No or N/A	The development will provide a well-considered selection of new local natives.
1.05 Policy environment – has Council's own LEP and DCP been considered to identify key elements that contribute to an areas character? Does the proposed development respond this?	Yes / No or N/A	The proposal complies partially with council's LEP and DCP.
Site analysis		
Does the site analysis include:		
1.06 Existing streetscape elements and the existing pattern of development as perceived from the street	Yes / No or N/A	New development area.
1.07 Patterns of driveways and vehicular crossings	Yes / No or N/A	
1.08 Existing vegetation and natural features on the site	Yes / No or N/A	
1.09 Existing pattern of buildings and open space on adjoining lots	Yes / No or N/A	.
1.10 Potential impact on privacy for, or overshadowing of, existing adjacent	Yes / No or N/A	

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
dwelling.		
2. Site Planning and Design		
General		
Does the site planning and design:		The internal amenity is optimised by orientating most living areas to the north and accessing outlook to the common and private open spaces
2.01 Optimise internal amenity and minimise impacts on neighbours?	Yes / No or N/A	
2.02 Provide a mix of dwelling sizes and dwellings both with and without carparking?	Yes / No or N/A	There is a mix of dwelling sizes. All dwellings have car parking.
2.03 Provide variety in massing and scale of build form within the development?	Yes / No or N/A	Variety in massing of built form provided.
Built form		
Does the site planning and design:		
2.04 Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage the public street?	Yes / No or N/A	Bulk of development is located towards the front of site.
2.05 Have developments more modest in scale towards the rear of the site to limit impacts on adjoining neighbours?	Yes / No or N/A	The development is more modest in scale towards the rear of the site
2.06 Orientate dwellings to maximise solar access to living areas and private open space, and locate dwellings to buffer quiet areas within the development from noise?	Yes / No or N/A	Living areas and private open spaces to most units are oriented to the north to maximise the solar aspect. Noise buffer is maximised through positioning of driveway and common open space.
Trees, landscaping and deep soil zones		
Does the site planning and design:		
2.07 Retain trees and planning on the street and in front setbacks to minimise the impact of new development on the streetscape?	Yes / No or N/A	No existing trees. New planting is proposed.
2.08 Retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid block deep-soil planting?	Yes / No or N/A	New site planting will minimise the impact of the development upon its future surroundings.
2.09 Retain large or otherwise significant trees on other parts of the site through sensitive site planning?	Yes / No or N/A	New planting is proposed to minimise the impact of new development.
2.10 Where not possible to retain existing trees, replace with new mature or semi-mature trees?	Yes / No or N/A	Planting is proposed to minimise the impact of new development
2.11 Increase the width of landscaped areas between driveways and boundary fences	Yes / No or N/A	Landscaping is provided to all sides of the site with a significant area allowed for deep soil planting.

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
and between driveways and new dwellings?		
2.12 Provide pedestrian paths?	Yes / No or N/A	Pedestrian paths are provided around the development.
2.13 Reduce the width of driveways?	Yes / No or N/A	One driveway have been proposed for the whole site
2.14 Provide additional private open space above the minimum requirements?	Yes / No or N/A	The proposed dwellings have greater private open spaces than the minimum required by DCP.
2.15 Provide communal open space?	Yes / No or N/A	Communal open space is provided to the rear of the site.
2.16 Increase front, rear and/or side setbacks?	Yes / No or N/A	Setbacks are consistent with councils DCP.
2.17 Provide small landscaped areas between garages, dwellings entries, pedestrian paths, driveways etc.	Yes / No or N/A	Yes refer to landscape plan.
2.18 Provide at least 10% of the site area, at the rear of the site, for deep soils zones to create a mid-block corridor of trees within the neighbourhood?	Yes / No or N/A	Deep soil planting area is provided at the rear of the site.
2.19 Replicate an existing pattern of deep soil planting on the front of the site?	Yes / No or N/A	
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	Yes / No or N/A	Semi- pervious paving is provided for paved areas within private open spaces where possible.
2.21 Use on-site detention to retain stormwater on site for re-use?	Yes / No or N/A	On site detection will be provided as per council requirements and reused as per BASIX requirements.
Parking, garaging and vehicular circulation		
Does the site planning and design:		
2.22 Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages?	Yes / No or N/A	Common carpark area has been provided in the basement.
2.23 Maintain, where possible, existing crossings and driveway locations on the street?	Yes / No or N/A	The proposal includes one crossing from Dowie Drive.
3. Impacts on Streetscape		
General		
Does the site planning and design:		
3.01 Sympathise with the building and existing streetscape patterns? (i.e. siting, height, separation, driveways locations, pedestrian entries etc.)	Yes / No or N/A	Site layout follows the proposed vision of the area.
3.02 Provide a front setback that relates to adjoining development?	Yes / No or N/A	The front setback is in accordance with future development of adjoining sites.
Built form		

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
Does the site planning and design: 3.03 Break up the building massing and articulate building facades?	Yes / No or N/A	The project presents buildings with a good massing and articulated facades to reduce impact of development.
3.04 Allow breaks in rows of attached dwellings?	Yes / No or N/A	Breaks are provided by stepping the heights of the dwellings and provide breaks in the roof structures.
3.05 Use a variation in materials, colours and openings to order building facades with scale and proportions that respond to the desired contextual character?	Yes / No or N/A	Variation in materials, colours and openings is proposed.
3.06 Set back upper levels behind the front building façade?	Yes / No or N/A	Upper storeys are not stepped back from lower levels but stepping along the façade provides interest and reduces perceived bulk.
3.07 Where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses?	Yes / No or N/A	
3.08 Reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements?	Yes / No or N/A	Roofing is broken into smaller elements through steps in height and an articulated façade.
3.09 Use a roof pitch sympathetic to that of existing buildings in the street?	Yes / No or N/A	
3.10 Avoid uninterrupted building facades including large areas of painted render?	Yes / No or N/A	A variety of textures and finishes characterize the proposal.
Trees, landscaping and deep soil zones		
Does the site planning and design: 3.11 Use new planting in the front setback and road reserve where it is not possible or not desirable to retain existing trees/planting?	Yes / No or N/A	New planting in the front and side setbacks is proposed.
3.12 Plant in front of front fences to reduce their impact and improve the quality of the public domain?	Yes / No or N/A	Ample planting will be provided between front boundary and building.
Residential amenity		
Does the site planning and design: 3.13 Clearly design open space in the front setback as either private or communal open space?	Yes / No or N/A	Open spaces in the front setback are clearly designed as private or communal open spaces.
3.14 Define the threshold between public and private space by level change, change in materials, fencing, planting and/or signage?	Yes / No or N/A	Fencing, materials, planting and signage define the public/ private areas.
3.15 Design dwellings at the front of the site to address the street?	Yes / No or N/A	All dwellings to front are designed so that they address the street.

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
3.16 Design pedestrian entries, where possible, directly off the street?	Yes / No or N/A	Pedestrian entry for front units has been provided via a common path directly off the street.
3.17 Provide a pedestrian entry for rear residents that is separate from vehicular entries?	Yes / No or N/A	Pedestrian entry for rear units has been provided via a common path separate from driveway.
3.18 Design front fences that provide privacy where necessary, but also allow for surveillance of the street?	Yes / No or N/A	Open style metal picket fences provide for street surveillance. Private open space is well screened for privacy. The dwellings are sited above street level and allow good street surveillance.
3.19 Ensure that new front fences have a consistent character with front fences in the street?	Yes / No or N/A	Front fencing provided.
3.20 Orientate mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings?	Yes / No or N/A	Mailboxes are well set in from the street to reduce visual clutter.
3.21 Locate and treat garbage storage areas and switchboards so that their visual impact on the public domain is minimised?	Yes / No or N/A	Garbage storage areas and services are located off the street and within enclosures.
Parking, garaging and vehicular circulation		
Does the site planning and design:		Driveway length is kept to a minimum
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	Yes / No or N/A	
3.23 Set back garages behind the predominant building line to reduce their visibility from the street?	Yes / No or N/A	Carparking in the basement provided.
3.24 Consider alternative site designs that avoid driveways running the length of the site?	Yes / No or N/A	Driveways do not run along the length of site.
3.25 Terminate vistas with trees, vegetation, open space or a dwelling rather than garages or parking?	Yes / No or N/A	Vistas terminate in landscaping, dwelling or open spaces.
3.26 Use planting to soften driveway edges?	Yes / No or N/A	Planting has been proposed to soften the driveway edges.
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Yes / No or N/A	Driveway length is kept to a minimum.
3.28 Limit driveway widths on narrow sites to single carriage with passing points?	Yes / No or N/A	
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway?	Yes / No or N/A	No gates provided at the head of driveways.
3.30 Reduce the width where possible to single width driveways at the entry to basement carparking rather than double?	Yes / No or N/A	One double driveway provided for whole site.

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
3.31 Locate the driveway entry to basement carparking to one side rather than the centre where it is visually prominent?	Yes / No or N/A	The driveway entry to basement carparking is located on secondary street to avoid visual prominence.
3.32 Recess the driveway entry to basement car parking from the main building façade?	Yes / No or N/A	The driveway entry to basement car parking is well recessed from the building façade
3.33 Where a development has a secondary street frontage, provide vehicular access to basement car parking from the secondary street?	Yes / No or N/A	The proposal includes vehicular access to basement car parking from the secondary street (Crowley Blvd).
3.34 Provide security doors to basement carparking to avoid the appearance of a 'black hole' in the streetscape?	Yes / No or N/A	Security doors to basement provided.
3.35 Return façade material into the visible area of the basement car park entry?	Yes / No or N/A	The basement car park entry is not visually prominent from the street.
3.36 Locate or screen all parking to minimise visibility from the street?	Yes / No or N/A	Main carparking area is not visible from street.
4. Impacts on Neighbours		
Built form		
Does the site planning and design:		The proposed dwellings address the streets.
4.01 Where possible, maintain the existing orientation of dwelling 'fronts' and 'backs'?	Yes / No or N/A	
4.02 Be particularly sensitive to privacy impacts where dwellings must be oriented at 90 degrees to the existing pattern of development?	Yes / No or N/A	
4.03 Set upper storeys back behind the side or rear building line?	Yes / No or N/A	Upper storeys are not stepped back from lower levels but stepping along the façade provides interest and reduces perceived bulk.
4.04 Reduce the visual bulk of roof forms by breaking down the roof into smaller elements rather than having a single uninterrupted roof structure?	Yes / No or N/A	A variety of proposed roof planes provide sufficient diversity.
4.05 Incorporate second stories within the roof space and provide dormer windows?	Yes / No or N/A	
4.06 Offset openings from existing neighbouring windows or doors?	Yes / No or N/A	
4.07 Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks?	Yes / No or N/A	The buildings are setback and well articulated with good landscaping.
Trees, landscaping and deep soil zones		

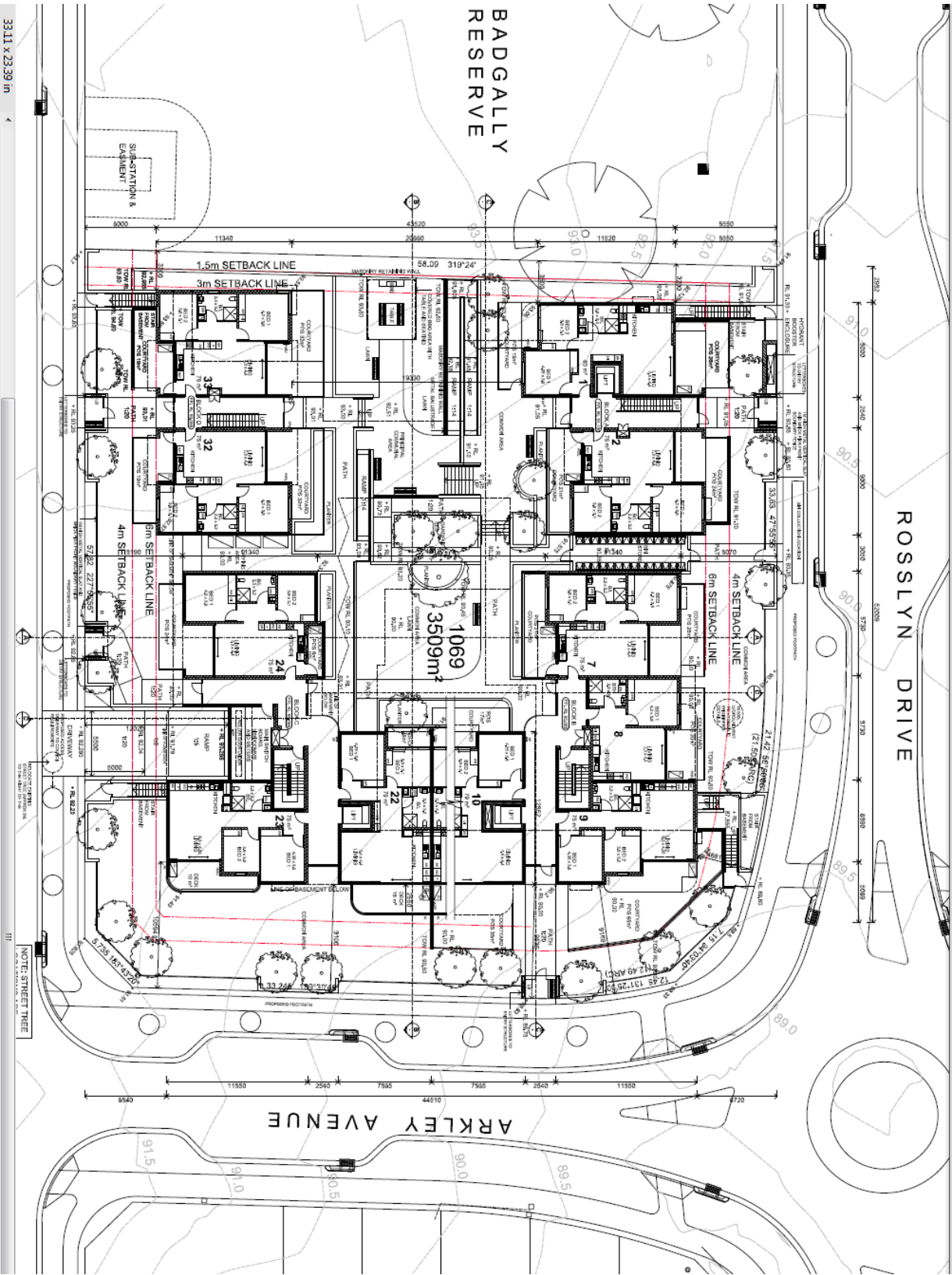
Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
Does the site planning and design: 4.08 Use vegetation and mature planting to provide a buffer between new and existing dwellings?	Yes / No or N/A	Significant planting is provided to form appropriate buffers.
4.09 Locate deep soil zones where they will be provide privacy and shade for adjacent dwellings?	Yes / No or N/A	Deep soil zone is located to provide privacy to adjoining sites
4.10 Plant in side and rear setbacks for privacy and shade for adjoining dwellings?	Yes / No or N/A	Privacy and shade is provided to adjoining sites through appropriate planting.
4.11 Use species that are characteristic to the local area for new planting?	Yes / No or N/A	The landscape design incorporates species from the Council's recommended planting for the area. Refer to Landscape plan.
Residential amenity		
Does the site planning and design: 4.12 Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation?	Yes / No or N/A	Sun access and ventilation to adjoining sites is maintained.
4.13 Design dwellings so that they do not directly overlook neighbours' private open space or look into existing dwellings?	Yes / No or N/A	Privacy to adjoining sites is maintained.
4.14 Locate private open space in front setbacks where possible to minimise negative impacts on neighbours?	Yes / No or N/A	Private open space provided in both front and setbacks with adequate landscaping to minimise negative impacts on adjoining sites
4.15 Ensure private open space is not adjacent to quiet neighbouring uses, eg bedrooms?	Yes / No or N/A	
4.16 Design dwellings around internal courtyards?	Yes / No or N/A	Dwellings have been designed so that they are all facing private open space.
4.17 Provide adequate screening for private open space areas?	Yes / No or N/A	Private open spaces are well screened.
4.18 Use side setbacks which are large enough to provide usable private open space to achieve privacy and soften the visual impact of new development by using screen planting?	Yes / No or N/A	Visual impact of new development is reduced by use of good landscape.
Parking, garaging and vehicular circulation		
Does the site planning and design: 4.19 Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts?	Yes / No or N/A	Planting has been proposed so as to soften the driveway edges.
4.20 Position driveways so as to be a buffer between new and existing adjacent	Yes / No or N/A	

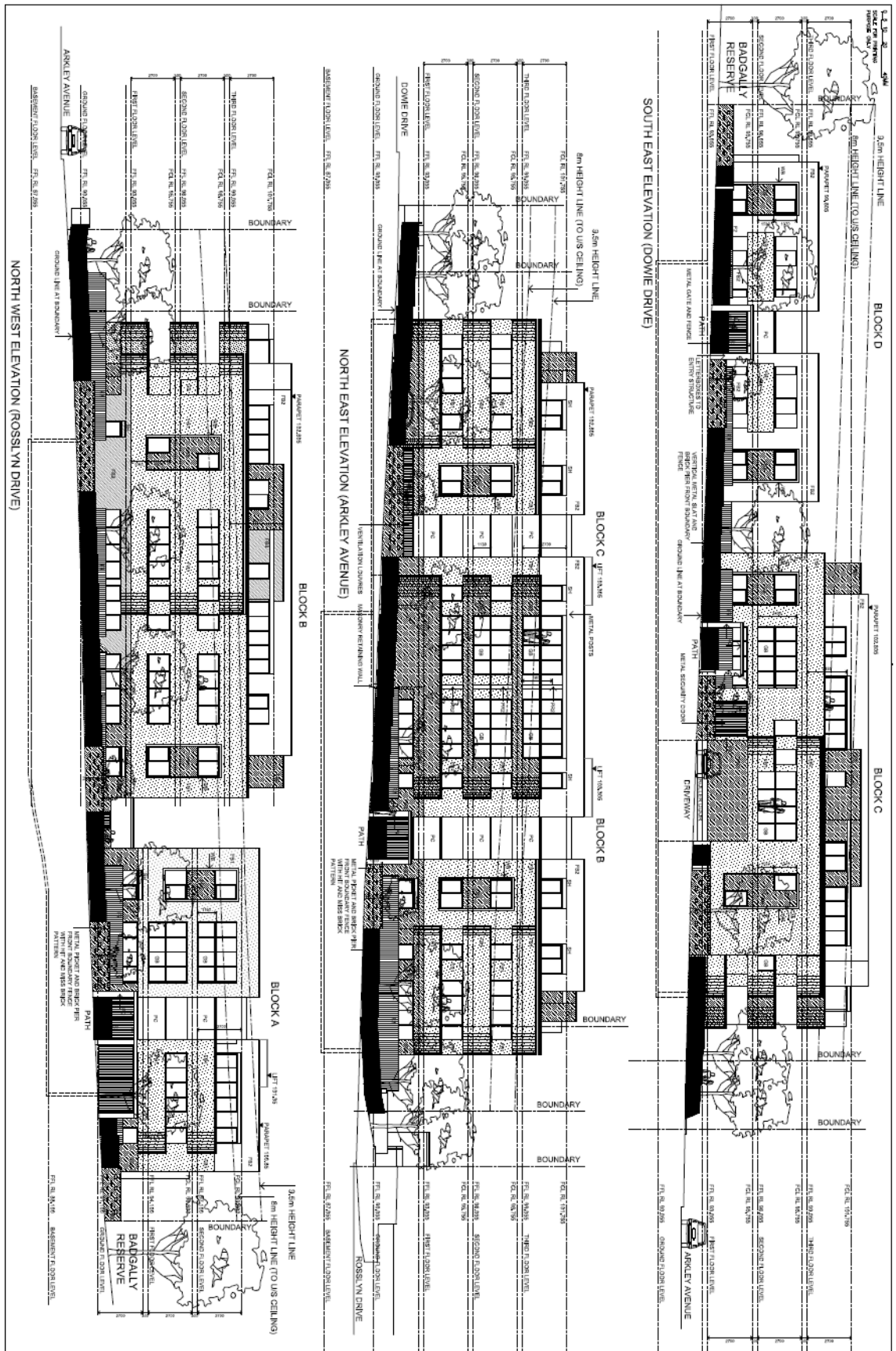
Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
dwelling?		
5. Internal Site Amenity		
Built form		
Does the site planning and design:		
5.01 Maximise solar access to living areas and private open space areas of the dwelling?	Yes / No or N/A	Solar access to private open spaces and living areas is maximised.
5.02 Provide dwellings with a sense of identity through building articulation, roof form and other architectural elements?	Yes / No or N/A	The buildings provide a good façade to the street. Variety of textures and finishes characterize the proposal.
5.03 Provide buffer spaces and/or barriers between the dwellings and driveways or between dwellings and communal areas for villa or townhouse style developments?	Yes / No or N/A	Buffering provided between the dwellings and communal areas.
5.04 Use trees, vegetation, fences, or screening devices to establish curtilages for individual dwellings in villa or townhouse style developments?	Yes / No or N/A	
5.05 Have dwelling entries that are clear and identifiable from the street or driveway?	Yes / No or N/A	Entries are clearly defined from the streets and pathways on site.
5.06 Provide a buffer between public/communal open space and private dwellings?	Yes / No or N/A	Public areas are clearly separated from the private dwellings with the help of landscaping and fences.
5.07 Provide a sense of address for each dwelling?	Yes / No or N/A	Cluster of dwellings have been provided with an entry foyer.
5.08 Orientate dwelling entries to not look directly into other dwellings?	Yes / No or N/A	Dwelling entries have been oriented such that they do not look directly into other dwellings.
Parking, garaging and vehicular circulation		
Does the site planning and design:		
5.09 Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths, or where this is not possible use physical separation, planting, screening devices or louvers to achieve adequate privacy?	Yes / No or N/A	Bedrooms and living areas have been located away from the driveways.
5.10 Avoid large uninterrupted areas of hard surface?	Yes / No or N/A	Hard surface areas are minimised.
5.11 Screen parking from views and outlooks from dwellings?	Yes / No or N/A	Parking area provided in the basement.
Reduce the dominance of areas for vehicular circulation and parking by:		
5.12 Considering single rather than double width		

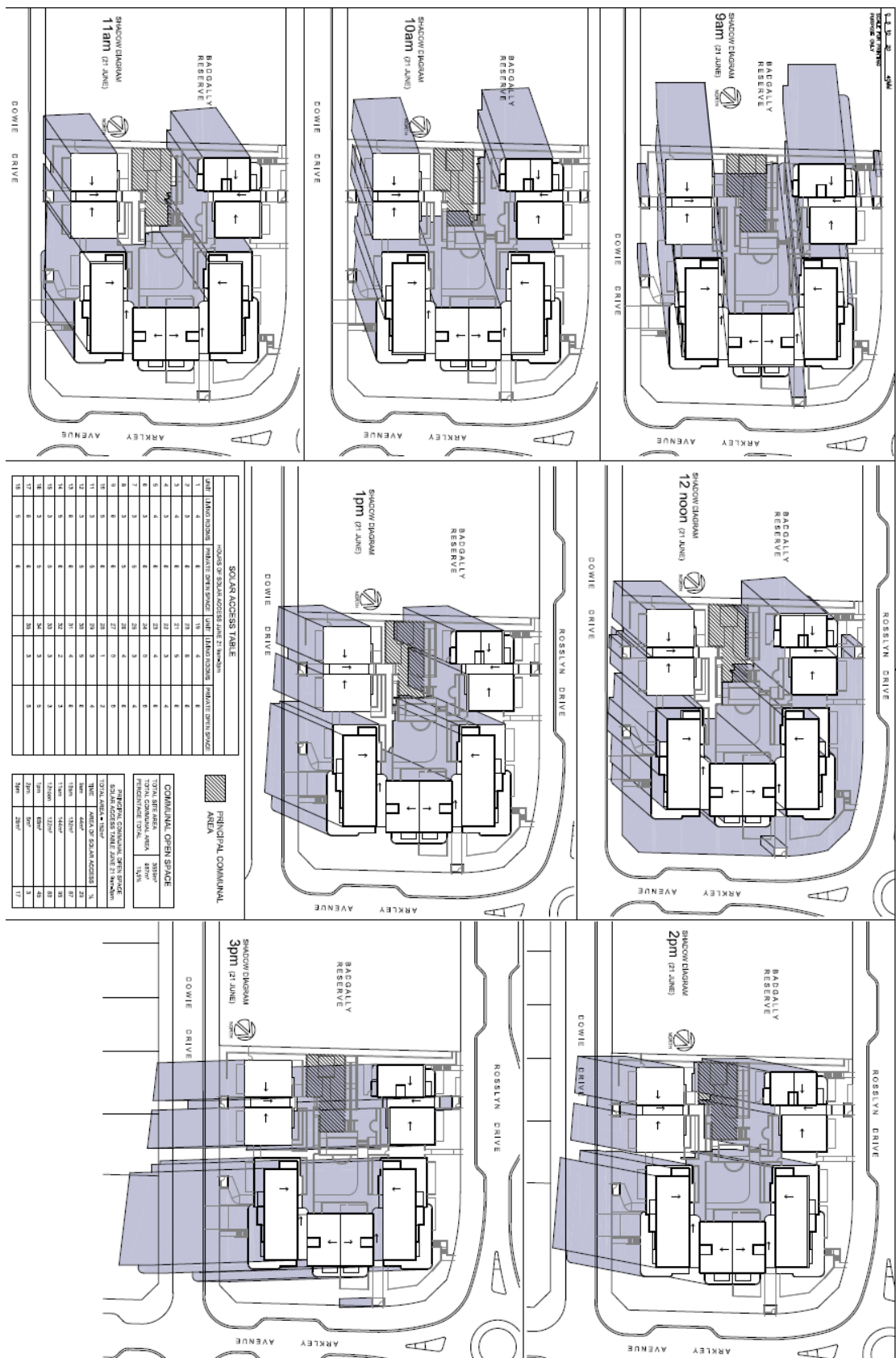
Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
driveways?	Yes / No or N/A	One double width driveway provided for the whole site.
5.13 Use communal car courts rather than individual garages?	Yes / No or N/A	A communal carparking area is provided.
Reduce the dominance of areas for vehicular circulation and parking by considering: 5.14 Single rather than double garages?	Yes / No or N/A	A communal carparking area is provided.
5.15 Communal car courts rather than individual garages?	Yes / No or N/A	A communal carparking area is provided.
5.16 Tandem parking or a single garage with single car port in tandem?	Yes / No or N/A	
5.17 Providing some dwellings without any car parking for residents without cars?	Yes / No or N/A	A communal carparking area is provided. One single car space is provided to one dwelling.
Residential amenity		
Does the site planning and design: 5.18 Provide distinct and separate pedestrian and vehicular circulation on the site where possible, where not possible shared access should be wide enough to allow a vehicle and a wheelchair to pass safely?	Yes / No or N/A	Distinct and separate pedestrian and vehicular access is provided on site.
5.19 Provide pedestrian routes to all public and semi-public areas?	Yes / No or N/A	Pathways are provided for access to all public and semi-public areas.
5.20 Avoid ambiguous spaces in building and dwelling entries that are not obviously designated as public or private?	Yes / No or N/A	Distinct and separate private and public spaces are provided.
5.21 Minimise opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks?	Yes / No or N/A	Spaces as designed so as to minimise opportunities for concealment around the site.
5.22 Clearly define thresholds between public and private spaces?	Yes / No or N/A	Fencing, gates and landscaping clearly indicate the interface between private and public areas.
5.23 Provide private open space that is generous in proportion and adjacent to the main living areas of the dwelling?	Yes / No or N/A	Private open spaces are of good size and are located directly off internal living areas.
5.24 Provide private open space area that are orientated predominantly to the north, east or west to provide solar access?	Yes / No or N/A	Orientation of the private open spaces is predominantly to the north, east and west
5.25 Provide private open space areas that comprise multiple spaces for larger dwellings?	Yes / No or N/A	Multiple areas of private open space are provided to each dwelling
5.26 Provide private open space areas that use screening for privacy but also allow casual surveillance when located adjacent to public	Yes / No or N/A	Use of open style slatted fences and level changes allow overlooking from private open spaces to common areas.

Design Issues / Design Principals and Better Practices	Addressed in Design (strike through)	Design Response / Comment
or communal areas?		
5.27 Provide private open space areas that are both paved and planted when located at ground level?	Yes / No or N/A	All ground floor private open spaces are level and have paved and planted areas.
5.28 Provide private open space areas that retain existing vegetation where practical?	Yes / No or N/A	
5.29 Provide private open space areas that use pervious pavers where private open space is predominantly hard surfaced to allow for water percolation and reduced run-off?	Yes / No or N/A	Pervious paving provided where required.
5.30 Provide communal open space that is clearly and easily accessible to all residents and easy to maintain and includes shared facilities, such as seating and barbeques to permit resident interaction?	Yes / No or N/A	Communal open space that is clearly and easily identified.
5.31 Site and/or treat common service facilities such as garbage collection areas and switchboards to reduce their visual prominence to the street or to any private or communal open space?	Yes / No or N/A	Garbage area is within own enclosure and is located away from dwellings and private and public open spaces.

Attachment 3 – Plans of the proposed development









EXTERIOR COLOUR SCHEME

CLAYMORE
Job No: BGQZM



