

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SSW053
DA Number	DA-771/2017
Local Government Area	Liverpool City Council
Proposed Development	<p>The application proposes the construction of 2 x four-storey residential flat buildings containing a total of 64 units, including the demolition of existing buildings and lot consolidation.</p> <p>The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>
Street Address	12-22 Willan Drive, Cartwright (Lots 344-349 in DP 227167)
Applicant	GAT and Associates
Owner	St George Community Housing Provider
Date of DA Lodgement	26 September 2017
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	The development contains affordable housing with a capital investment value of \$20,260,605.
List of All Relevant 4.15(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009. • State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development. • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • State Environmental Planning Policy (Infrastructure) 2007. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i> <ul style="list-style-type: none"> • No draft Environmental Planning Instruments apply to the site. • <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> - Part 1 – General Controls for all Development. - Part 3.7 – Residential Flat Development in the R4 Zone. • <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning</i>

	<p><i>agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iia)</i></p> <ul style="list-style-type: none"> No planning agreement relates to the site or proposed development. List any relevant regulations: 4.15(1)(a)(iv) Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> Architectural plans, landscape plans and survey plan Stormwater drainage plans Recommended conditions of consent Statement of environmental effects Clause 4.6 variation written justification to height Sepp 65 verification statement, design principles and compliance table Acoustic report Arborist report Waste management plan Phase 1 contamination reports Basix certificate Design excellence panel comments SWCPP briefing notes Submissions Applicant's response to the planning principles of site isolation
Recommendation	Approval, subject to conditions
Report Prepared by	Rodger Roppolo
Report date	14 May 2018

Summary of Section 4.15 matters

Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 million, pursuant to Clause 5(b) of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

1.2 The proposal

The application proposes the construction of 2 x four-storey residential flat buildings containing 64 units, including the demolition of existing buildings and lot consolidation. The application is lodged pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

1.3 The site

The subject site is identified as Lots 344-349 in DP 227167, 12-22 Willan Drive, Cartwright.

1.4 The issues

The main issues are identified as follows:

- Potential site isolation; and
- Non-compliance with the Liverpool Local Environmental Plan (LLEP) 2008 - Clause 4.3 Height of Buildings.

1.5 Exhibition of the proposal

The DA was notified in accordance with the Liverpool Development Control Plan (LDCP) 2008 from 20 October 2017 to 26 September 2017. One submission objecting to the proposed development was received.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the consideration of the written request to vary the height of buildings development standard pursuant to Clause 4.6 of the LLEP 2008, it is recommended that the application be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lots 344-349 in DP 227167, 12-22 Willan Drive, Cartwright. An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site.

The site is located on the southern side of Willan Drive, between Cartwright Avenue to the west and Balmain Road to the east. The site has a frontage of 93m and a site area of 3,312m². Located on the site are six detached residential dwellings with associated outbuildings.

Proposed development within the immediate vicinity of the site includes the following:

Application No.	Address	Lodgement Date	Development Description
DA-491/2017	207-211 Hoxton Park Road, Cartwright	27 June 2017	Construction of a 5-storey residential flat building containing 26 units. The application was lodged pursuant to the SEPP (Affordable Rental Housing) 2009. The application is under assessment.
DA-986/2017	26-28 Willan Drive, Cartwright	17 November 2017	Construction of a 5-storey residential flat building containing 22 units. The application was lodged pursuant to the SEPP (Affordable Rental Housing) 2009. The application is under assessment.
DA-186/2018	203-205 Hoxton Park Road, Cartwright	14 March 2018	Construction of 2-storey child care centre for 107 children. The application is under assessment.

2.2 The locality

Development within the immediate area is typically low scale residential development of predominately single storey dwellings. However, immediately opposite the site at 17-21 Willan Drive are 3 storey walk up residential flat buildings. In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development representative of this desired future character.

To the immediate east and west are detached dwellings, while Macarthur Community College is located to the north. To the south of the subject site is Hoxton Park Road and the general industrial area of Prestons.

An aerial photograph of the locality is provided below:



Figure 2 – Aerial Photograph of the Locality

3. BACKGROUND

3.1 Design Excellence Panel

The application was referred to the Design Excellence Panel (DEP) for comment. The 9 design principles of SEPP 65 were considered and the panel identified a number of amendments to improve the overall scheme of the development.

Issues raised by the panel are detailed below with comments provided on how the concerns have been addressed by the applicant.

DEP Comments	Response
The Panel thanks the proponent for bringing the scheme back for its consideration and commends the detailed documentation presented at the meeting.	Noted.
The Panel is satisfied that the proposal is generally a well-conceived scheme with good solar access and notes that the scheme is consistent with the building separation distances of the Apartment Design Guide (ADG).	Noted.
The architectural expression and materiality of the building are acceptable to the Panel.	Noted.
The proposed garbage bays and service rooms within the car park are blocking opportunities to provide view corridors through the building. The Panel recommends a re-arrangement of the garbage bays and service rooms to allow views through the building to the rear garden from the	The garbage bins and service rooms have been reconfigured to provide a view corridor from the front entry to the rear communal open space area.

entries. This was sympathetically received by the applicant.	
The car park and ground level apartments should be judiciously recalibrated to allow for additional deep soil zones along the rear boundary of the site.	Indentation to the car parking spaces have been provided in order to allow for additional landscaping.
The applicant is to consider the provision of indentation to car parking spaces to allow for additional planting of significant canopy trees.	The rear car park has been provided with indentations to support three (3) x Brush Box (<i>Lophostemon confertus</i>) species with a mature height of 15.0m and a pot size of 45L. These trees will provide some canopy shading to the car park.
Car spaces that protrude past the building should be provided with an open pergola structure which should support a planting/vine arrangement.	<p>The proposed canopy trees along the southern boundary are complemented by native Frangipani trees (<i>Hymenosporum flavum</i>) with Asiatic Jasmine (<i>Trachelospermum asiaticum</i> 'Flat Mat') groundcovers.</p> <p>The proposed plantings to the car park have been arranged in a manner which would soften the visual outlook for future residents of the southern units, improving the overall amenity of the site and car parking area.</p> <p>It is also worth noting that the proposal complies with the deep soil requirements under the Affordable Housing SEPP and landscaping controls of the LDCP 2008.</p>
The scheme provides good composition between the bottom and top part of the building. The buildings are well proportioned and divided into appropriate modulations.	Noted.
The proposed glazed balustrades to the balconies should be frosted to provide privacy for residents.	Translucent glazing to balustrades have been provided.
There is a privacy conflict between the living rooms and balconies of apartments 101 and 107 and the bedrooms of 102 and 106 and the same apartments on other levels. This privacy issue effects 16 apartments. These bedrooms instead could have angled windows looking north to the street.	Privacy blades have been provided around the living room windows of Apartments 101, 107, 201, 207, 301, and 307, thereby removing any conflict with the bedrooms of Apartments 102, 106, 202, 206, 302 and 306.
Recesses in the building facades are used to obtain light and air for habitable rooms belonging to separate apartments (units 108 and 109, for example). This creates potential acoustic privacy problems. The Panel recommends that a 500mm - 1m vertical fin wall be provided between the two adjacent bedrooms to address the acoustic privacy issue. There is also a potential conflict between apartment types 104 and 107 where a bedroom window is adjacent to a neighbouring kitchen. Privacy fins should also be provided in these situations.	Vertical privacy fins have been provided between Units 104 and 105, Units 108 and 109, Units 204 and 205, Units 208 and 209, Units 304 and 305, and Units 308 and 309.
The kitchens in the 108 and 109 apartment lines are more than 8 metres from the living room window, more than 10 from natural light and they face due south. The applicant should explore reconfiguration of these apartments to resolve this issue.	The open plan kitchens in Units 108, 109, 208, 209, 308, 309 have a maximum depth of 8.2m from their living room window to the wall of the living room. Although the proposed depth exceeds the maximum depth specified in the ADG by 200mm, this minor exceedance would not alter the environmental performance of these units.

	<p>It is worth noting that the design provides a maximum depth of 7.4m from a full height sliding door to the kitchen benchtop and the full height cupboards, and that these apartments achieve good amenity to each unit in terms of their layout.</p> <p>While it is evident that these units are south facing units, the overall development complies with the minimum 2 hours of solar access in mid-winter to 81% of the units (52 of 64 units).</p> <p>The Apartment Design Guide also allows for a maximum of 15% of a residential flat building development (9 units) to receive no direct sunlight between 9am and 3pm in mid-winter. Units 108, 109, 208 and 209 on both buildings (therefore, 8 units) do not achieve solar access (12.5%).</p> <p>Therefore, the proposal is more than compliant with the design criteria of Objective 4A-1 of the Apartment Design Guide and the internal layout of these units are considered appropriate.</p>
<p>Consideration should be given to relocating laundries away from living areas, (as in Apartment type 103) and into the bathroom to improve the general amenity of these apartments.</p>	<p>The proposed laundries are located within a laundry cupboard and would not impact upon the internal amenity of the apartment. The living areas in these apartments have a minimum dimension of 4m which aligns with the ADG and provides for a layout which allows for flexible use of the living space.</p>
<p>The Panel recommends that rooftop communal open space be provided with essential amenity facilities including toilets, barbeque and shading structures.</p>	<p>The proposal provides for barbeque facilities, seating areas and pergola structures to the rooftop communal open space.</p> <p>With respect to toilet facilities, these were considered in the discussions held during the DEP meeting, but it was concluded by St George Community Housing, in regards to their tenant portfolio within affordable and social housing, that having a toilet on the roof level would pose safety and ill behaviour concerns from a management point of view and any potential for hiding areas on the roof top level is discouraged. Therefore, toilet facilities have not been considered appropriate in this instance.</p> <p>It is considered that the residents can use facilities within their apartments as the users of the space will be the residents or their visitors.</p>
<p>All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.</p>	<p>The development has been designed by a registered architect and their registration number is located on the drawings.</p>
<p>Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged</p>	<p>Face brick work is predominately used.</p>
<p>The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.</p>	<p>Floor to floor heights of 3.150m have been provided in order to achieve a minimum floor to ceiling height of 2.7m.</p>

Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.	It is recommended that conditions of consent are imposed to ensure compliance with this requirement.
The proposal is acceptable subject to the incorporation of the above advice given from the Panel and will not need to be seen by the Panel again.	The application has addressed the comments provided by the DEP. As such, the application does not need to be reviewed by the DEP again.

3.2 Planning Panel Briefing

A briefing meeting was held on the 5 March 2018. Key issues discussed at the meeting include:

- *The adjoining site at 24 Willan Drive might become isolated if this DA is approved and DA-986/2017 for the redevelopment of land including 26 Willan Drive is also approved. This DA involved the consolidation of 6 lots and was lodged before DA-986/2017. The Panel noted the availability of the Court's planning principles for isolated sites to assist with the assessment.*

Comment: As demonstrated in the figure below, the site at 24 Willan Drive will become isolated if this DA and DA-986/2017 (as currently proposed) is approved.



Figure 3: Aerial photograph showing the isolated site.

The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:

- Firstly, is amalgamation of the sites feasible?
- Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

The principles to be applied in determining the answer to the first question are set out by Brown C in *Melissa Grech v Auburn Council* [2004] NSWLEC 40. The Commissioner said:

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

In the decision *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189, the principles of *Brown C* were extended to deal with the second question and stated that:

The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

In relation to the first question, the feasibility of amalgamation has been dealt within the legal advice submitted by the applicant's lawyer (refer to attachment 15). The effect of any development consent granted to DA-771/2017 (assuming it is granted before DA-986/2017) will not result in any lot isolation, since 24, 26 and 28 Willan Drive will remain to be developed, and any development consent granted to DA-771/2017 would not leave 24 Willan Drive as an isolated site. It is really only if successive development consents are granted that it will arise, and it only arises at the time the latter development application is assessed and determined.

It is also unreasonable to place the onus of site amalgamation on the applicant of DA-771/2017, given that the DA was lodged 3 months prior to DA-986/2017. Additionally, DA-771/2017 comprises of 6 lots whereas DA-986/2017 only comprises of 2 lots.

Consideration has been given to the second question in the *Cornerstone Planning Principle* should 24 Willan Drive not be amalgamated. The applicant has provided a building envelope plan (refer to the figure below) demonstrating the possible redevelopment of 24 Willan Drive.

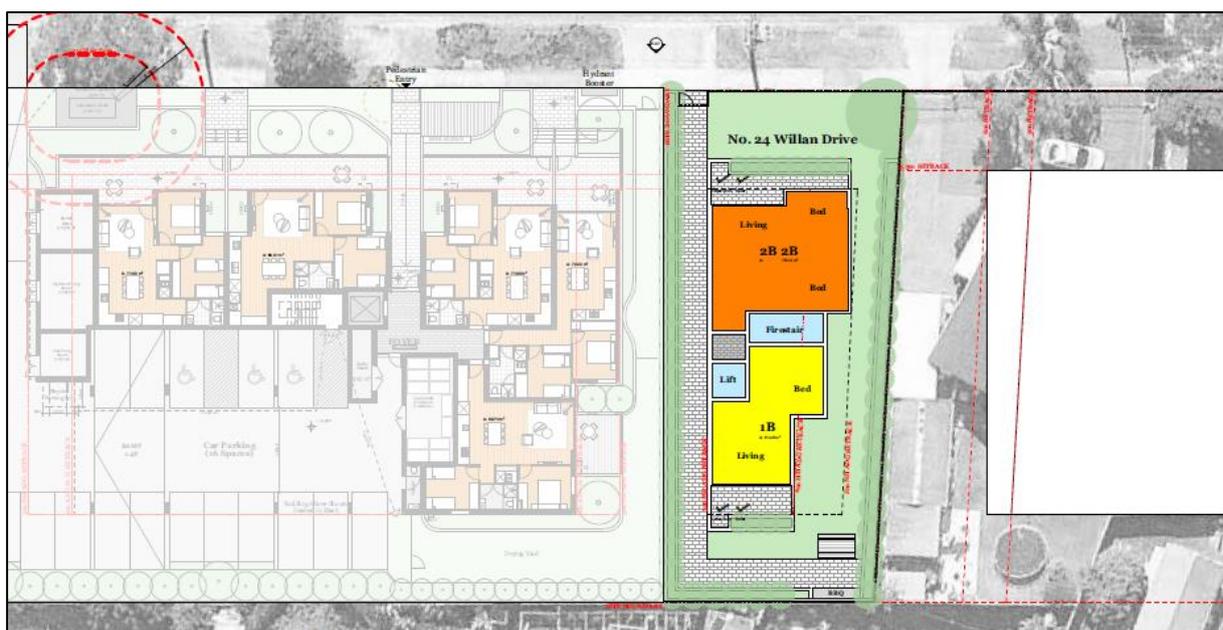


Figure 4: Concept Building Envelope Plan for 24 Willan Drive.

The concept plan indicates that 24 Willan Drive can be redeveloped in an orderly and economic manner if isolated. Under the LLEP 2008, the site is zoned R4 High Density Residential, has a maximum building height of 15 metres and a maximum floor space ratio of 1:1.

24 Willan Drive has site area of 546m² and a width of 16.7m measured at the street frontage. Although it is acknowledged that the site does not strictly achieve the minimum building street frontage requirement of 24m for any residential flat building under clause 7.14 of the LLEP 2008, a suitable development can be achieved meeting the objectives of Clause 7.14 and nothing precludes any future development application from submitting a written variation under Clause 4.6 of the LLEP 2008 to vary this standard.

The concept plan takes the minimum setback of 5.5m to the front as in accordance with the LDCP 2008 and side and the minimum rear setbacks of 3m and 6m, respectively as per Objective 3F-1 the ADG. The above controls determine the potential building envelope of this site.

Based on the above setbacks, the buildable area multiplied by the four storeys, would result in a floor space ratio that exceeds 1:1. Therefore, any future built form on 24 Willan Drive will have the ability to include modulation and articulation to its built form in order to comply with the floor space ratio of 1:1.

The design of the proposed development presents a blank wall with a 3m setback to the eastern side boundary. There are no windows proposed along this section of the elevation, ensuring that the privacy of any future development on 24 Willan Drive is protected.

Towards the rear of the proposal, the development has been stepped in 6m to enable the provision of balconies. Both setbacks are in accordance with Objective 3F-1 of the ADG. Hence, a 6m separation between the proposal to 24 Willan Drive is considered appropriate.

Based on the above, it can be concluded that a respectably sized residential flat building development with appropriate open space, privacy and separation can be accommodated on the site while maintaining amenity to future occupants and to adjoining properties.

- *The advice of the Architectural Review Panel that there may be potential for additional room for landscaping at ground level if the parking is reconfigured was reported.*

Comment: As recommended by the DEP, the plans have been revised to provide indentation to parking spaces to allow for additional planting of canopy trees. This is demonstrated in Figure 5 and 6 below.



Figure 5: Original Scheme



Figure 6: Revised Scheme

Figure 6 above shows indentation to car parking spaces, which allows for the provision of additional deep soil zones and the planting of 3 x Bush Box trees which are capable of reaching a mature height of 15m.

The development is compliant with the relevant provisions pertaining to landscaping and deep soil zones as stipulated within the ADG and the LDCP 2008.

It is noted that the indented car parking spaces still achieve compliance with the requirements of Australian Standard 2890 – Parking Facilities: Off-street car parking.

Given the above amendments and that compliance is achieved with the planning controls, it is considered that the landscaping scheme is appropriate.

- *The non-compliance with the LEP height standard was noted.*

Comment: The development proposes a height of 17.83m which represents a numerical variation of 2.83m or 18.8%. The non-compliant height relates to the central stairwell and lift overrun which provides access to the roof top communal open space. The variation to the building height is considered to be acceptable, as discussed within section 6.1(g) of this report

- *Council will consider the treatment of the rear boundary interface.*

Comment: Development to the rear of the boundary currently comprises of single storey detached dwellings. However as shown in Figure 1, Council is currently assessing two development applications which adjoin the rear boundary of the proposed development. This includes a proposal for a child care centre at 203-205 Hoxton Park Road, and a 5-storey residential flat building at 207-211 Hoxton Park Road.

The proposed development provides an appropriate interface to the rear boundary, given that compliance is achieved in regards to the building separation distances as stipulated within ADG. An extract of the southern elevation is provided below.

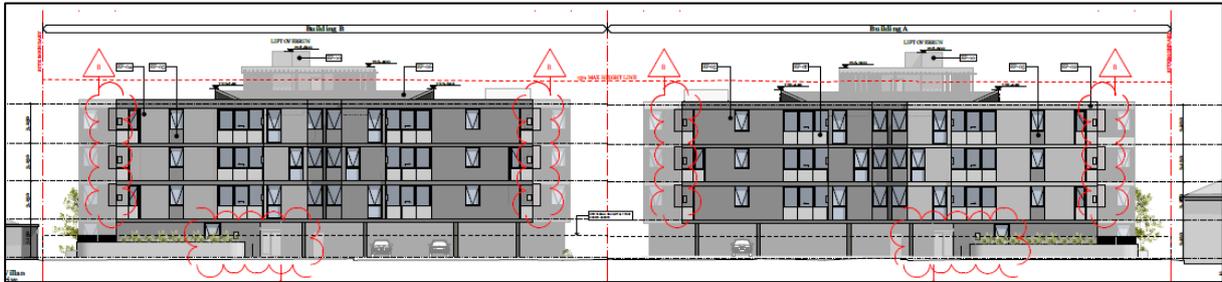


Figure 7: Southern Elevation

4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Construction of 2 x four-storey residential flat buildings containing a total of 64 units, including the demolition of existing buildings and lot consolidation. All units within the development will be used as affordable housing and managed by St George Community Housing, who are a not-for-profit social housing provider.
- Unit mix is as follows:
 - 12 x 1 bedroom units; and
 - 52 x 2 bedroom units
- Access and Parking:
 - Access provided by a central driveway;
 - At grade parking consisting of 32 parking spaces including 6 accessible spaces;
 - 8 spaces for bicycles.
- Communal open space areas provided at the rear and on the rooftop of each building.
- Lot consolidation into 2 Torrens title lots.
- Demolition of existing building and structures.

Images of the proposed development are provided below:



Figure 8: Perspective view from Willan Drive.



Figure 9: Perspective view



Figure 10: Perspective view

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Affordable Rental Housing) 2009;

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 3.7 – Residential Flat Development in the R4 Zone.

Contributions Plans

- Liverpool Contributions Plan 2009 applies to the subject development.

5.2 Permissibility

The site is zoned R4 High Density Residential, pursuant to the LLEP 2008. The proposal is defined as a *residential flat building* which is a permissible form of development in the R4 zone, subject to council consent.

A detailed assessment of the application against all relevant provisions is provided under Section 6 of this report.

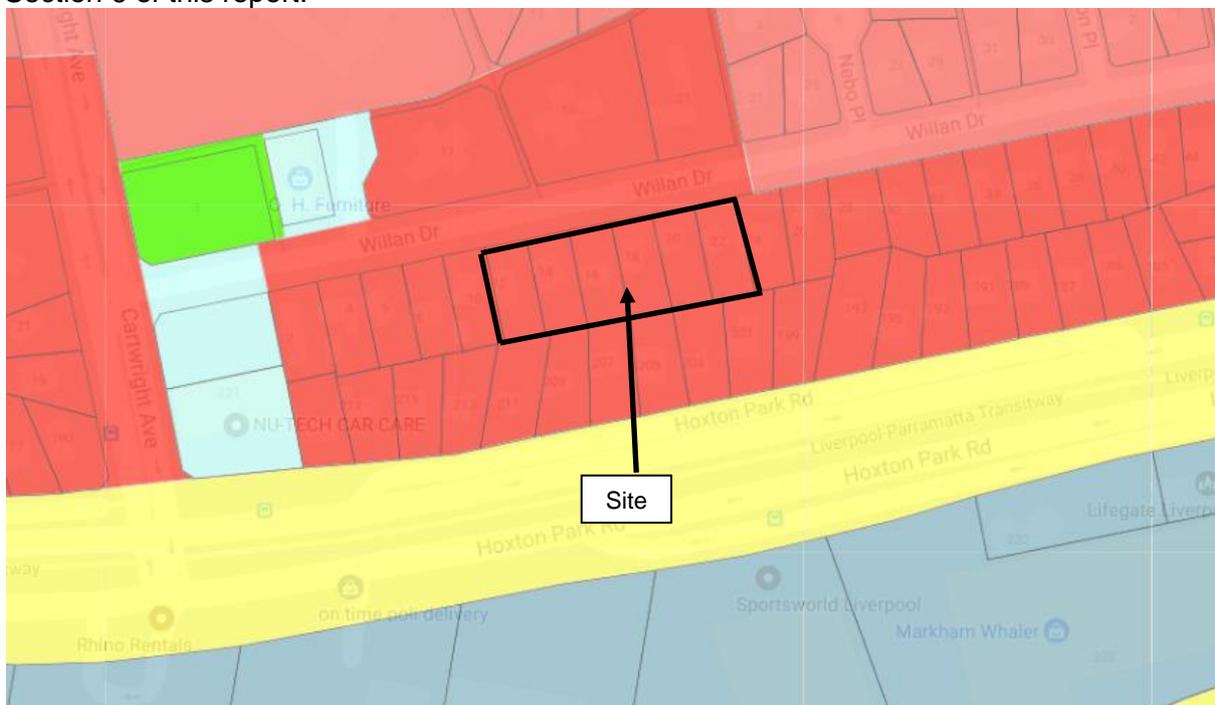


Figure 11: Extract of the LLEP 2008, zoning map

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979 as follows:

6.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

(a) State Environmental Planning Policy (Affordable Rental Housing) 2009

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. An assessment against the relevant provisions is provided in the table below.

Provision	Comment
Part 2 New Affordable Rental Housing	
Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
<p>(1) <i>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i></p> <p>(a) <i>the development concerned is permitted with consent under another environmental planning instrument, and</i></p> <p>(b) <i>the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</i></p>	<p>Complies</p> <p>The proposed development is permitted with consent under the LLEP 2008.</p> <p>The site does not contain a heritage item.</p>
<p>(2) <i>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i></p> <p><i>‘accessible area’ means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>	<p>Complies</p> <p>The site is approximately 250m from a bus stop located within Hoxton Park Road.</p> <p>The bus stop is serviced by bus route 802, 803, 853 and 854.</p> <p>The above bus services operate within the parameters specified in the SEPP (Affordable Rental Housing) 2009.</p>
Clause 13 Floor Space ratio	
<p>(1) <i>This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i></p>	<p>Complies</p> <p>100% of the gross floor area (GFA) of the development will be utilised for affordable housing.</p>
<p>(2) <i>The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p>(a) <i>if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p>(i) <i>0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</i></p> <p>(ii) <i>Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</i></p> <p><i>AH is the percentage of the gross floor area of the development that is used for affordable housing.</i></p> <p><i>Y = AH ÷ 100</i></p>	<p>Complies</p> <p>It is proposed that 100% of the GFA of the development will be utilised for affordable housing. Therefore, a bonus FSR of 0.5 is applicable.</p> <p>The maximum FSR for the site is 1.5:1, which equates to a maximum GFA of 4970m².</p> <p>The FSR will be as follows: Proposed Lot 1 – 1.49:1 Proposed Lot 2 – 1.49:1</p>
Clause 14 Standards that cannot be used to refuse consent	
<p>(1) <i>Site and solar access requirements</i></p> <p><i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p>(b) <i>Site Area</i></p>	<p>Complies</p> <p>The site has an area of 3,312m².</p>

<p><i>if the site area on which it is proposed to carry out the development is at least 450 square metres,</i></p>	
<p><i>(c) landscaped area: if:</i></p> <ul style="list-style-type: none"> <i>(i) in the case of a development application made by a social housing provider—a minimum 35m² of landscaped area per dwelling is provided, or</i> <i>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</i> 	<p>Non Compliant</p> <p>The proposal has been prepared by SGCH, a social housing provider. The development (both existing and proposed) contains 64 units, which equates to 2240m² of landscaped area.</p> <p>This seems unreasonable given that the site area is 3,312m², particularly in view of the site being zoned R4 High Density Residential.</p> <p>As the SEPP is not clear on this matter, it is assumed that the control therefore applies in the case of a multi-dwelling housing development whereby the 35m² could be provided within the courtyard/rear yard to each dwelling. In the case of a residential flat building, particularly in a high density residential zone, the control seems unreasonable.</p> <p>The more relevant landscape requirement should be that contained within the ADG and LDCP which requires a minimum of 25% of the site to be dedicated to landscaping.</p> <p>The proposed development provides approximately 896m² of landscaping areas which equates to 27% of the site area</p> <p>Additionally, subclause 3 (as discussed further below) allows the consent authority to grant consent to the development to which this Division applies whether or not the development complies with this standard.</p>
<p><i>(d) Deep Soil Zones</i> <i>In relation to that part of the site area that is not built on, paved or otherwise sealed:</i></p> <ul style="list-style-type: none"> <i>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and</i> <i>(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and</i> <i>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</i> 	<p>Complies</p> <p>Based on a site area of 3312m², a minimum deep soil zone of 496m² is required.</p> <p>The proposed development provides 501m² or 15.1% of deep soil zones, with minimum dimensions of 3m.</p>
<p><i>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p>	<p>Non-Compliant</p> <p>It is noted that both the SEPP (Affordable Rental Housing) 2009 and SEPP 65 contain provisions relating to solar access for residential flat buildings. Either SEPP does not specifically state which SEPP prevails.</p> <p>The proposal has been designed to comply with the provisions of the ADG and thus SEPP 65 – Design Quality of Residential Apartment Development to ensure that 81.25% of units of the development provide a minimum of 2 hours of solar access. It is</p>

	<p>considered unreasonable to impose a minimum of 3 hours, when the development already satisfies the controls of another SEPP which specifically governs the design of residential flat buildings.</p> <p>Furthermore, the proposal exceeds the requirements of the ADG, with only 12.5% of the units receiving no solar access, which is well below the maximum 15% achievable.</p> <p>Given the above, the variation is considered to be acceptable.</p> <p>Additionally, subclause 3 (as discussed further below) allows the consent authority to grant consent to the development to which this Division applies whether or not the development complies with this standard.</p>
<p><i>(2) General</i> <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p><i>(a) parking</i></p> <p><i>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms or</i></p>	<p>Complies</p> <p>The proposed development requires the following parking:</p> <p>Building A:</p> <ul style="list-style-type: none"> - 6 x 1 bedroom requires 2.4 spaces; and - 26 x 2 bedroom requires 13 spaces. <p>Building A requires a total of 15.4 spaces. Building A is provided with 16 spaces.</p> <p>Building B:</p> <ul style="list-style-type: none"> - 6 x 1 bedroom requires 2.4 spaces; and - 26 x 2 bedroom requires 13 spaces. <p>Building B requires a total of 15.4 spaces. Building B is provided with 16 spaces.</p>
<p><i>(b) dwelling size</i> <i>if each dwelling has a gross floor area of at least:</i></p> <ul style="list-style-type: none"> <i>(i) 35m² in the case of a bedsitter or studio, or</i> <i>(ii) 50m² in the case of a dwelling having 1 bedroom, or</i> <i>(iii) 70m² in the case of a dwelling having 2 bedrooms, or</i> <i>(iv) 95m² in the case of a dwelling having 3 or more bedrooms.</i> 	<p>Complies</p> <p>Apartment sizes comply with these requirements.</p>
<p><i>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)</i></p>	<p>It is noted that the proposed development does not comply with the standards relating to:</p> <ul style="list-style-type: none"> - Clause 14(1)(c) in relation to landscaping; and - Clause 14(1)(e) in relation to solar access. <p>Subclause 3 allows for consent to be granted despite the non-compliance with the above standards relating to landscaping and solar access.</p>
<p>Clause 16 Continued Application of SEPP 65</p>	

<p><i>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</i></p>	<p>Complies An assessment of SEPP 65 has been carried out and is found to be satisfactory. Further discussion is provided within this report.</p>
<p>Clause 16A Character of Local Area</p>	
<p><i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>Complies The current character of the area is generally comprised of single detached dwellings with some 3 storey walk up residential flat buildings.</p> <p>This area of Cartwright is zoned R4 – High Density Residential development. The area is currently in transition from low density residential to high density residential.</p> <p>The proposed development comprises of 2 storey residential flat buildings that accommodates a total of 64 dwellings over 4 storeys. Although the proposed development does not strictly conform to the current character of the area, given that there are not many RFBs within the immediate locality, it will nevertheless conform to the future desired character of the area.</p> <p>It is expected that development within the immediate locality will be re-developed in accordance with the current LLEP 2008 and LDGP 2008. As such, the proposed development generally complies with these requirements with the exception of height and therefore, would contribute to the desired future character of the area.</p>
<p>Clause 17 Must Be Used for Affordable Housing for 10 Years</p>	
<p><i>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</i></p>	
<p><i>(a) for 10 years from the date of the issue of the occupation certificate:</i></p> <ul style="list-style-type: none"> <i>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i> <i>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i> <p><i>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</i></p>	<p>Complies SGCH is a not-for-profit organisation who seek to provide affordable housing.</p> <p>Conditions of consent will be imposed to ensure compliance with this requirement.</p>

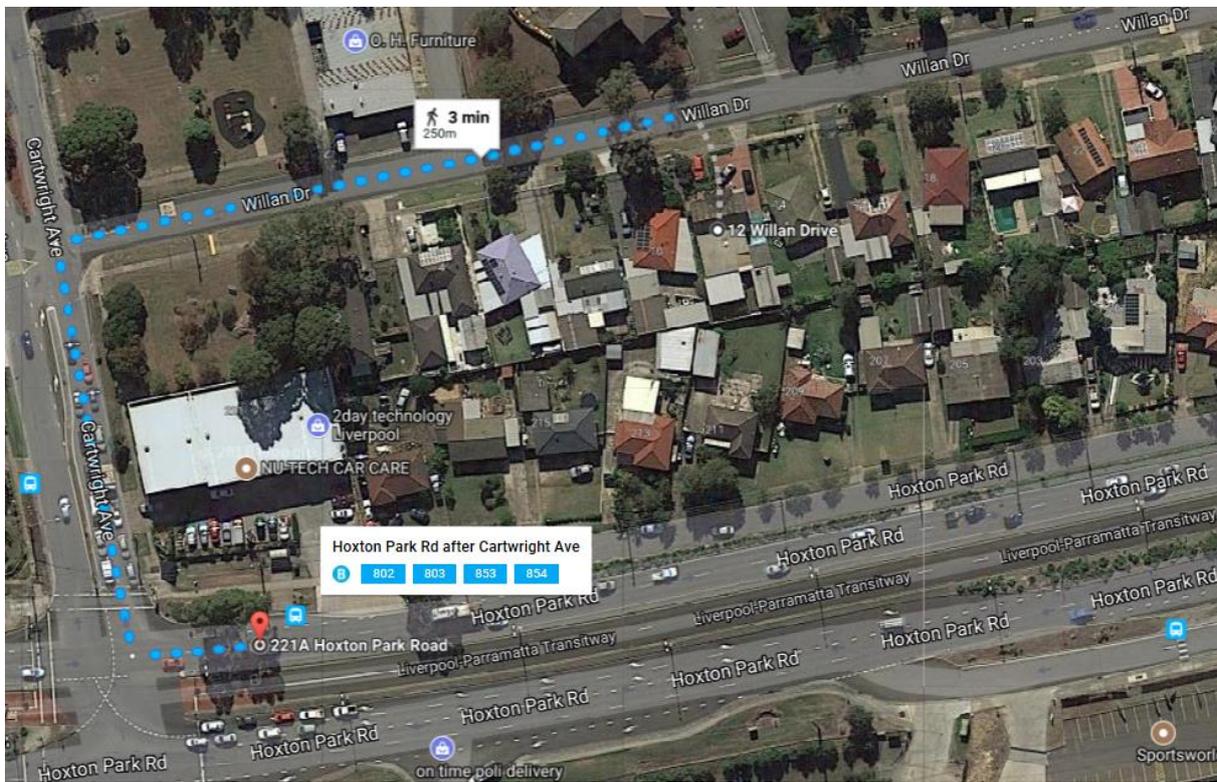


Figure 12 – Location of the bus stop in relation to the site

(b) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential apartment development. SEPP 65 does not contain numerical standards, but requires Council to consider the development against 9 key design quality principles and against the guidelines of the associated ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

Following is a table summarising the nine design quality principles outlined in SEPP 65, and compliance with such.

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<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.</p> <p>Consideration of local context is important for all sites, including</p>	<p><i>The subject site benefits from a regular rectangular lot that runs east-west, maximising its northerly aspect. With the majority of its immediate context along Willan Drive being zoned R4, the project will become a precedent for future developments in the area.</i></p> <p><i>DKO's site analysis identified the lack of pedestrian movement and general activation on the ground plane due to the areas current low density. As the area is undergoing a transition, providing passive surveillance and attractive pedestrian pathways around the site will promote community interaction and the use of public infrastructure into the future. The use of materials and building quality draws itself from the brick houses around the site.</i></p> <p><i>The proposal complies with R4 High Density Residential Zoning and will therefore complement the desired future character of the area. The development will promote infrastructure efficiency and support local commercial, retail and recreational activity in the area.</i></p> <p><i>The proposed buildings are highly articulated and have been visually broken down into volumes. The massing will sensitively</i></p>

Design Quality Principle	Comment
<p>sites in established areas, those undergoing change or identified for change.</p>	<p><i>respond to existing conditions and is aligned with council's future plans for the area.</i></p> <p><i>The proposed development complies with ADG setback requirements to all boundaries and exceeds minimum deep soil requirements. The proposal incorporates attractive landscape areas that surround the built form on ground level. This includes provisions for large tree planting in deep soil zones within side, front and rear setbacks; these planting zones will enhance the character of the streetscape along Willan Drive. Generous private open spaces are provided to ground floor units, allowing for an activated and dynamic street character.</i></p> <p><i>The proposed development is compatible with the built form context of the site.</i></p>
Design Principle 2 – Built form and scale	
<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.</p> <p>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><i>The development responds intelligently and sensitively to its location and future urban context. The role of DKO's architecture is to mediate between the existing condition and the future urban context.</i></p> <p><i>The design in terms of bulk and height has been carefully considered to respond to the areas transition into a future growth area. Instead of having a single linear building, the proposed scheme breaks up the massing on site by having detached buildings. Visually the bulk of the buildings are softened further as a result of material selection, massing techniques and landscaping that is located at the base of each building.</i></p> <p><i>The proposed scheme provides an urban framework that responds to the evolving context of Cartwright while maximising the quality of residential amenity at all times. The resultant design is ultimately providing flexibility for all occupants to use the space as they desire.</i></p> <p><i>The building form aims to reduce the perceived mass of a development of this scale by breaking up the masses in to vertical elements and fine grain detail to the bulk of the building as well as providing acoustic and privacy screening amenity to the building from Willan Drive.</i></p>
Design Principle 3 – Density	
<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><i>The proposed development is located approximately 260m heading east and 350m heading west walking distance from bus stops on Hoxton Park Road</i></p> <p><i>The proposal will contribute to a high quality streetscape for the area. The unit sizes are in accordance with to SEPP 65 standards and each unit is provided with a private open space.</i></p> <p><i>The density is appropriate for the site given its accessibility to public transport, access to communal open space, the built form context, and the high amenity achieved for every unit in the development.</i></p> <p><i>The proposed development has been designed to provide 10% of the total dwellings as adaptable units.</i></p> <p><i>The units are designed and constructed so that they may be readily re configured to allow residence for persons with a disability, in accordance with the requirements of AS4299-1995 for a Class A building.</i></p>

Design Quality Principle	Comment
	<p><i>Careful consideration has been undertaken to ensure that adequate circulation spaces are made available to living areas, kitchens, bathrooms, bedrooms and door approaches post adaptation.</i></p> <p><i>Provision has also been made to allow for easy adaptation to bathrooms in adaptable units at minimal cost.</i></p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>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><i>The building has been designed to achieve a 7 star NatHERS Rating.</i></p> <p><i>The proposed development will reduce the necessity for mechanical heating and cooling with 63% of units being cross ventilated.</i></p> <p><i>The depth of the proposed balconies, ranging from 1.1m to 2.5 m to the north contributes to passive solar performance by the balconies of the units above blocking high angle hot summer sun and allowing low angle winter sun to penetrate the unit. Screening and shading devices are also incorporated into the facades to provide additional control over solar access.</i></p> <p><i>The accessibility of the site to public transport decreases the carbon footprint of the development by reducing the need for private motor vehicle usage. Providing a viable alternative is vital to changing patterns of travel behaviour. Further, a small number of secure bicycle parks are proposed ground level on site for those who choose this means.</i></p> <p><i>Minimising the apartments that receive no solar access units to only 13% reduces the heating energy load in winter.</i></p> <p><i>Water retention tanks and OSD tanks have been provided to retain and use much of the rainwater collected on site for irrigation of the communal gardens and other water uses in the building.</i></p> <p><i>A BASIX certificate has been submitted as part of this application and demonstrates that the development meets the government's criteria for energy efficiency.</i></p>
Design Principle 5 – Landscape	
<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.</p>	<p><i>Landscaping of private and communal open spaces wrap around the building at ground level. The landscaping of the site is predominantly to the same domestic scale as surrounding individual residential properties, however the proposed planting schedule has considered a much more generous amount of trees and shrubs given that neighbouring properties have little or minimal garden provided.</i></p> <p><i>The building sits harmoniously within the streetscape, where additional planting is proposed to further enhance its contextual design response. The proposed landscaped areas will aid in reducing the scale of the building and integrate the development with the surrounding environment. A landscaped rooftop communal open space is provided as well which orientates North which provides exceptional opportunities for the residences of the building to gather.</i></p>

Design Quality Principle	Comment
<p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	
<p>Design Principle 6 – Amenity</p>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</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><i>The proposed building is aligned on an east-west axis to ensure that majority of units receive good natural day lighting. In the proposed development, unit depths are reduced and daylight access is shared more equitably across the site. This approach achieves 81% of units of the total units on site with 2+ hours sunlight in midwinter and 63% of units with natural cross ventilation.</i></p> <p><i>Passive solar is enhanced by the balconies of the units above blocking high angle hot summer sun and allowing low angle winter sun to penetrate the unit. The proposed apartment layout allows adequate circulation and privacy for each room. The solar access for the development is sound with minimal single aspect apartments facing south. The development also achieves a high degree of cross-ventilation which is further enhanced by the installation of operable skylights. Sufficient private open spaces ensure good solar penetration and ventilation to each unit. Where windows are within a slot, privacy screens are provided to avoid overlooking in to the adjacent units property and generally an extended separation of 2.8m is provided in the middle of the building.</i></p> <p><i>Common Circulation</i> <i>The proposed development has a maximum of 9 units off a single core, which helps to ensure good amenity for residents. Proposed lobbies and corridors have a generous width, not only allowing access by persons with a disability but avoiding a claustrophobic, dark, or tight space. Further to this a slot to the northern elevation allows light into the corridor. A corridor break is provided to minimise amount of shared walls within the development and also provide natural cross ventilation in to the corridors.</i></p> <p><i>The proposed development is designed to provide the maximum amenity to a majority of the dwellings, with most units having northern aspects. The design maximises the daylight to each unit. The proportion of all units that achieve a minimum 2 hours of sunlight into living room windows between 9 am and 3 pm during mid-winter is 81%. Only 13% will not receive any sunlight between 9 am and 3 pm during mid-winter</i></p>
<p>Design Principle 7 – Safety</p>	
<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</p>	<p><i>The proposal has been designed in such a way that safety and security is ensured for the site and its residents:</i></p> <ul style="list-style-type: none"> - <i>Casual surveillance of open spaces: casual surveillance entrances and exits on the site are possible from the units. Corner balconies/windows and balconies provide a wider degree of casual surveillance along the street.</i> - <i>Letterboxes: size and location of letter boxes comply with the requirements of Australia Post. The letter boxes are located perpendicular to the street, reducing their visual impact, and are located in a suitable area under the gatehouse close to the front boundary.</i>

Design Quality Principle	Comment
and visible areas that are easily maintained and appropriate to the location and purpose.	
Design Principle 8 – Housing Diversity and Social Interaction	
<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.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><i>The proposed development has been designed with a high level of social contribution in mind, not only to its residents, but to the local community.</i></p> <p><i>On ground level, and rooftop terrace a safe and activated area for visitors and residents to meet and interact will be provided.</i></p> <p><i>The communal rooftop garden is a common asset shared amongst the development’s community. These shared facilities and spaces, will promote a real sense of community.</i></p> <p><i>The proposal includes a variety of different housing typologies that will be offered in different sizes and layouts. The mix in housing typologies will help diversify the residents in the development.</i></p> <p><i>The development is being funded through project finance that will be serviced by rental income from this and other SGCH housing projects. There has been no significant injection of funding into this project from Federal, State or Local Government by way of grants, affordable housing levies, inclusionary zoning or other external contributions such as government land grants.</i></p> <p><i>ABS population projections showed an unexpected increase in population numbers while the Department of Planning’s discussion paper “Sydney over the next 20 years” calls for increases in the number of small units (1 and 2 bedroom) to meet future needs of the metropolitan area. The proposed development will assist in meeting this demand. The proposed development meets this trend by providing 100% 1 and 2 bedroom units.</i></p> <p><i>The proposed development is designed to maximise accessibility for access impaired. Sufficient disabled car parking facilities have been provided and are located near the main access lift of the building on the ground floor. Passenger lifts provide easy access to all levels of the building. 10% of the proposed units are adaptable. Further to this, each stair core has been provided with a refuge area which in itself is an amenity above and beyond that required in the BCA.</i></p> <p><i>The sites’ proximity to public transport and local services will assist in reducing greenhouse gases by reducing the need to own private cars. Bicycle parking is provided on ground level to further promote alternative means of transport. The bicycle parking is provided on ground level in the carpark; there are 8 bicycle spaces provided for residents of the building. Having the bicycle parking located within a secure and covered communal area means well-lit access at all hours of the day, removing any potential safety issue for residents dismounting and parking their bicycle late at night in a possibly more vulnerable position closer to the street.</i></p>
Design Principle 9 – Aesthetics	
<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 a well-designed apartment development responds to the existing or future</p>	<p><i>The development proposes two 4 storey buildings surrounded by landscaped gardens and communal open space at ground level and a North facing rooftop communal open space on the roof. The building’s main entrance is positioned on the North along Willan Drive. Residents and visitors enter the building along a path at street level; the main entrance is accentuated by communal areas, ornamental trees and planting that line the walkway up to the entrance door of the ground floor lobby (refer to landscape architect’s drawing).</i></p>

Design Quality Principle	Comment
<p>local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><i>Motor vehicle and service access is via Willan Drive. This ramp entrance is at the middle of the site.</i></p> <p><i>The massing of each of the proposed apartment blocks have been broken into three vertical elements to ensure an interesting and appropriate overall proportion is achieved. This reduces the bulk and scale and identifies three clear “parts” to the building while also providing an indent for natural ventilation in the lobbies.</i></p> <p><i>Potential privacy impacts between neighbouring buildings and the proposed development are addressed through internal building layout, offsetting of windows and the use of privacy louvres. Landscaping assists with screening but is not relied upon to achieve privacy.</i></p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the development against the relevant provisions of the ADG.

Provisions	Comment
2E Building depth	
<p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation</p>	<p>Non-Compliant</p> <p>A building depth ranging from 20m to 24m is proposed.</p> <p>The building exceeds the building depth guideline. However, the variation is considered acceptable as the units are of an appropriate apartment depth and configuration to provide natural ventilation and solar access.</p> <p>Further discussion is provided below.</p>
2F Building separation	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	<p>It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</p> <p>These separation distances apply to the ground floor, Level 1, Level 2 and Level 3.</p> <p>Separation Distance between the side boundary and the development:</p> <ul style="list-style-type: none"> - A separation distance of 3m is provided between non-habitable rooms of the building and the side boundary, which achieves compliance. - A separation distance of 6m is provided between habitable rooms of the building and the side boundary, which achieves compliance. <p>Separation Distance between the rear boundary and the development:</p> <ul style="list-style-type: none"> - A separation distance of 6m is provided between habitable rooms of the building and the rear boundary, which achieves compliance. <p>Separation Distances Between Building A and Building B:</p>

Provisions	Comment
	<ul style="list-style-type: none"> - A separation distance of 6m between non-habitable rooms is provided, which achieves compliance. - A separation distance of 12m between habitable rooms is provided, which achieves compliance.
3A Site analysis	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>Complies A detailed site analysis plan has been provided.</p>
3B Orientation	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p>Complies The proposed RFB has been designed to address Willan Drive through the provision of pedestrian and vehicle access points. All north facing ground floor units are provided with private entries.</p> <p>The site is provided with a north-south orientation, and where possible units have been orientated to maximise solar access.</p> <p>The proposal will exceed the maximum building height control by some 2.83 metres. Careful consideration has been given to the siting of the additional height to minimise any potential overshadowing to the adjoining sites.</p>
3D Communal and public open space	
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Communal open space is designed to maximise safety</p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>Complies</p> <p>Based on a site area of 3,313m², a minimum communal open space area of 828m² is required for the development.</p> <p>The total communal open space area provided is 850m² which equates to 26%.</p> <p>The communal open space consists of the following:</p> <ul style="list-style-type: none"> - Ground floor communal open space of 612m²; - Rooftop communal open space area of 238m². <p>The proposed rooftop communal open space will ensure solar access is achieved.</p> <p>The communal open space on the roof top includes a BBQ and seating areas offering a quality outdoor space for the future occupants which are completed by landscaping works to create a pleasant setting.</p> <p>With respect to the design guidance criteria provided under the ADG, the following comments are made:</p> <ul style="list-style-type: none"> - The proposed areas of communal open space have been designed as three large usable spaces at ground level that easily identifiable within the front, side and rear setbacks. The ground levels of communal open space have

Provisions	Comment												
	<p>also been designed as dual use incorporating drying yards and meeting points for residents.</p> <ul style="list-style-type: none"> - Direct, equitable access is provided to the communal open space areas from circulation areas, entries and lobbies. - The ADG also reinforces that where communal open space cannot be provided at ground level, it should be provided on a podium or roof. As stated, the north-south orientation of the site together with the R4 zoning means overshadowing to the rear is somewhat inevitable. Therefore, the provision of communal open space at roof level, provides for a better level of amenity to the occupants in terms of solar access and usability. 												
3E Deep soil zones													
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="204 801 778 1025"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² to 1500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1500m² with significant tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	<p>Complies</p> <p>Based on a site area of 3313m², a minimum deep soil zone of 231m² with minimum dimensions of 6m is required.</p> <p>The development provides for 262m² of deep soil zones with minimum dimensions of 6m, provided within the rear.</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)											
Less than 650m ²	-	7%											
650m ² to 1500m ²	3m												
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Greater than 1500m ² with significant tree cover	6m												
3F Visual Privacy													
<p>Minimum setback distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="204 1155 778 1379"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>12m to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Complies</p> <p>Building height of up to 12m (this applies to Ground floor, Level 1, Level 2 and Level 3)</p> <p>Setback distances from the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> - 3m from non-habitable rooms; and - 6m from habitable rooms.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 storeys)	6m	3m											
12m to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											
3G Pedestrian Access and Entries													
<p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>Access, entries and pathways are accessible and easy to identify</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p>Complies</p> <p>Vehicle access to the development will be via central driveway from Willan Drive. Pedestrian access is provided to each building as well as the ground floor units facing Willan Drive.</p>												
3H Vehicle Access													
<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>Complies</p> <p>Vehicle access points are located to achieve safety and minimise conflict.</p>												
3J Bicycle and Car Parking													
<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed 	<p>Not Applicable</p> <p>Car parking has been provided in accordance with the requirements of the SEPP (Affordable Rental Housing) 2009.</p>												

Provisions	Comment													
<p>Use or equivalent in a nominated regional centre</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p> <p>Parking and facilities are provided for other modes of transport</p> <p>Car park design and access is safe and secure</p> <p>Visual and environmental impacts of underground car parking are minimised</p> <p>Visual and environmental impacts of on-grade car parking are minimised</p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised</p>														
4A Solar and Daylight 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>Complies</p> <p>81.25% of all units will receive a minimum of 2 hours of solar access during mid-winter.</p>													
<p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter</p>														
<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</p>	<p>Complies</p> <p>12.5% of all units will receive no direct solar access.</p>													
4B Natural Ventilation														
<p>All habitable rooms are naturally ventilated</p>	<p>Complies</p> <p>63% of all units are naturally cross ventilated.</p>													
<p>The layout and design of single aspect apartments maximises natural ventilation</p>														
<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p>														
<p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>														
4C Ceiling Heights														
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="204 1641 778 1921"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td rowspan="2">For 2 storey apartments</td> <td>2.7m for main living area floor</td> </tr> <tr> <td>2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m from ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor	2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	<p>Complies</p> <p>Floor to floor heights of 3.15m are proposed to ensure that minimum ceiling heights of 2.7m can be provided.</p>
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor													
	2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use													
<p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</p>														
<p>Ceiling heights contribute to the flexibility of building use over the life of the building</p>														

Provisions	Comment															
4D Apartment Size and Layout																
<p>Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="204 264 778 394"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p>	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Complies The apartments comply with the minimum size areas.</p>					
Apartment Type	Minimum Internal Area															
Studio	35m ²															
1 bedroom	50m ²															
2 bedroom	70m ²															
3 bedroom	90m ²															
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Complies Habitable rooms are provided with windows of sufficient glass areas.</p>															
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p>	<p>Complies Habitable rooms are generally limited to 2.5m x the ceiling height.</p>															
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Non Compliant All units comply, except for Units 108, 109, 208, 209, 308, 309 have a maximum depth of 8.2m from their living room window to the wall of the living room. Although the proposed depth exceeds the maximum depth specified in the ADG by 200mm, this minor exceedance would not alter the environmental performance of these units.</p> <p>It is worth noting that the design provides a maximum depth of 7.4m from a full height sliding door to the kitchen benchtop and the full height cupboards, and that these apartments achieve good amenity to each unit in terms of their layout.</p>															
<p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p>	<p>Complies Bedrooms are of sufficient size.</p>															
<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p>	<p>Complies Bedrooms have a minimum dimension of 3m.</p>															
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	<p>Complies Sufficient widths are provided to living rooms/dining rooms.</p>															
4E Private Open Space and Balconies																
<p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="204 1675 778 1827"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>12m²</td> <td>2.4</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	<p>Non-Compliant All units comply with the minimum area and depth requirement, except for unit type 1 and unit type 5:</p> <ul style="list-style-type: none"> - Unit type 1 is a two bedroom unit and therefore the balcony requires a minimum area of 10m². Only 9.66m² is provided. - Unit type 5 is a one bedroom unit and therefore the balcony requires a minimum area of 8m². Only 7.49m² is provided. <p>The non-compliances are considered to be very minor and therefore unlikely to impact upon the</p>
Dwelling Type	Minimum Area	Minimum Depth														
Studio	4m ²	-														
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3 bedroom	12m ²	2.4														

Provisions	Comment										
	usability of the balcony. As such the variation is considered acceptable.										
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Complies More than 15m ² of private open space is provided to ground floor units.										
4F Common Circulation and Spaces											
The maximum number of apartments off a circulation core on a single level is eight.	Non-Compliant The maximum number of units off a circulation core is 9. However, the design guidance stipulates <i>where design criteria is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</i> The variation is considered acceptable given that the development complies with the design guidance.										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable										
4G Storage											
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3 bedroom</td> <td>10m³</td> </tr> </tbody> </table> At least 50% of the required storage is to be located within the apartment.	Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	Complies Sufficient storage space is provided within each unit.
Dwelling Type	Storage Size Volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3 bedroom	10m ³										
4H Acoustic Privacy											
Noise transfer is minimised through the siting of buildings and building layout	Complies Appropriate noise mitigation measures will be implemented in accordance with the recommendations provided within the Acoustic Report.										
Noise impacts are mitigated within apartments through layout and acoustic treatments											
4K Apartment Mix											
A range of apartment types and sizes is provided to cater for different household types now and into the future	Complies 1 bedroom and 2 bedroom units are provided, which will meet the demand of the housing provider.										
The apartment mix is distributed to suitable locations within the building											
4L Ground Floor Apartments											
Street frontage activity is maximised where ground floor apartments are located	Complies The proposal includes landscaping at ground level to provide for visual interest. The proposed fences and pathways clearly delineate areas of public and private open space. Private entries are also proposed to all ground floor units.										
Design of ground floor apartments delivers amenity and safety for residents											
4M Facades											
Building facades provide visual interest along the street while respecting the character of the local area	Complies The overall design including building façade has been endorsed by the Design Excellence Panel.										
Building functions are expressed by the facade											
4N Roof Design											

Provisions	Comment
Roof treatments are integrated into the building design and positively respond to the street	Complies The development is in accordance with these objectives.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Complies The development is in accordance with these objectives.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies The development is in accordance with these objectives.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Complies The development is in accordance with these objectives.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable The DA does not proposed a mixed use development.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Not Applicable
Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
Development incorporates passive environmental design	Complies The development is in accordance with these objectives.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies Potable water use is minimised and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	Complies

Provisions	Comment
	This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	Not Applicable
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies Waste storage facilities are provided and will be maintained by the caretaker.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

The above assessment has identified a number of non-compliances, namely:

Building Depth

The ADG recommends maximum building depths of 12-18m from glass line to glass line. The proposed development provides a building depth of 20m-24m.

Although the buildings exceed the recommended building depths provided by the ADG, the internal layout of the apartments have been designed to ensure that sufficient solar access and natural ventilation is provided. The ADG stipulates that a minimum of 70% of the units are to receive solar access and a minimum of 60% of the apartments are to be cross ventilated. The development provides a minimum of 2 hours of solar access to 83% of the apartments and 63% of the apartments are cross ventilated. Given the above, the variation to the building depth is considered acceptable.

(c) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides direction for matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

As the proposed development is for a residential use that is within proximity to a classified road, being Hoxton Park Road, the consent authority must be satisfied that where the development is for the purpose of residential development certain noise criteria is achieved for the development. Specifically Clause 102 of SEPP (Infrastructure) 2007 prescribes:

- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The application was accompanied by an Acoustic Report, which concluded that the proposed development is capable of complying with the noise criteria, subject to the implementation of noise mitigation measures such as laminated glazing, acoustic seals around doors and windows.

Conditions will be imposed prescribing compliance with the Acoustic Report and the noise criteria within Clause 102 of the SEPP (Infrastructure) 2007, to ensure that the proposed

development incorporates noise attenuation to minimise any adverse impact from road noise. This will ensure that an appropriate level of residential amenity is achieved in accordance with the requirements of the SEPP (Infrastructure) 2007.

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

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

The proposal involves a change in the use of the land, low density residential to high density residential and under the SEPP 55 guidelines is considered a site that could be contaminated.

The application was accompanied by Stage 1 Preliminary Contamination Assessment to ascertain whether the site presents a risk to human health and/or the environment arising from any past/present activities at the site or neighbouring properties. The scope of work included a documentary review of historical records, a site walkover, preliminary laboratory testing and the preparation of this report.

The assessment was undertaken in accordance with NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites*.

Aerial photographs were obtained from 1942 to current time. In summary, the aerial photographs reveal that the site was initially situated within a farming paddock evident from the photograph in 1942. The photographs taken in 1951 indicates the site has now been occupied by two houses. The site has remained largely unchanged from the photograph in 1951 to the date of the site inspection in 2017.

The report states that the site does not present a risk to human health or the environment and is considered suitable for the proposed development.

Council’s Environment and Health section have reviewed the report and agree that the site is suitable for the proposed development.

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The Preliminary Assessment concluded that the site is suitable for the proposed development.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The submitted assessment concludes that the site is not contaminated.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Not applicable.

Given the above, the site is considered to be suitable for the proposed development and meets the requirements of SEPP 55.

(e) State Environmental Planning Policy (BASIX) 2004

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

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

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. The Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and the proposal provides an opportunity to address past potentially contaminating land use practices.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not identified as containing the potential for acid sulphate soils to occur.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	Council's Flood Engineers have advised that the site is not affected by flood planning and therefore flood related developments controls are not applicable.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and

	minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

(g) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is defined as a *residential flat building*. As per the LLEP 2008, a *residential flat building* is defined as follows:

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

The proposed development satisfies the definition of a *residential flat building*. The subject site is predominately zoned R4 High Density Residential under the LLEP 2008 and a residential flat building is permissible within the zone, subject to Council consent.

(ii) Objectives of the zone

The objectives of the zone are as follows:

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

The proposal satisfies the above objectives of the R4 zone as follows:

- It will provide for housing needs within a high density residential environment. It is noted that while immediate development within the vicinity of the site consists of low density residential development; the area has been zoned as High Density Residential and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housings types within a high density residential environment;

- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is within close proximity to transport facilities which include the Liverpool Transit Way.
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

(iii) Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below.

It is noted that Clause 8 of the SEPP (Affordable Rental Housing) 2009 prescribes that *if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.* In this regard, only those provisions of the LLEP 2008 which are not in conflict with the SEPP (Affordable Rental Housing) 2009 have been considered.

Clause	Provision	Comment
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing buildings on the development site.
Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 1000m ²	Complies The lots will be consolidated into 2 lots being: - Lot 1 with a lot size of 1656m ² ; and - Lot 2 with a lot size of 1656m ²
Clause 4.3 Height of Buildings	Maximum height of 15m	Non-Compliant A building height of 17.83m is proposed which represents a non-compliance of 2.83m or 18.8%.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.0:1	Not Applicable Pursuant to the LLEP 2008, the FSR for the site is 1:1. However, the SEPP (Affordable Rental Housing) 2009 prescribes a maximum FSR of 1.5:1. The development provides an FSR of 1.5:1, which is in accordance with the SEPP (Affordable Rental Housing) 2009.
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	A request to vary Clause 4.3 Height of Buildings has been submitted. Further discussion is provided below.
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a frontage of approximately 92m

Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 15m for the site.

The development proposes a height of 17.83m which represents a numerical variation of 2.83m or 18.8%. As demonstrated below, the non-compliant height relates to central stairwell and lift overrun which provides access to the roof top communal open space.



Figure 13 – Extract of the section plan showing the building elements which exceed the height limit

The applicant has provided justification for the departure to the development standard in accordance with Clause 4.6 of the LLEP 2008 summarised as follows (a copy of the Clause 4.6 is attached):

Is Compliance With the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The objectives supporting the height of buildings control as identified by Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance. The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

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

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity”.*

With respect to objective (a), the subject site is afforded a maximum building height limit of 15 metres and floor space ratio control of 1:1 under LLEP 2008. As the current proposal is made under SEPP (Affordable Rental Housing) 2009, a bonus 0.5:1 is afforded, enabling a maximum floor space ratio of 1.5:1 to be achieved on the site.

The proposal is notably compliant with the maximum floor space ratio control, however seeks a variation to the maximum height control. In a decision of the Land Environment Court, Abdul-Rahman v Ashfield Council [2015] NSWLEC 1122, Commissioner O’Neil stated,

“I accept the argument put by the applicant that the consequence of the SEPP ARH incentives, which seek to facilitate the effective delivery of new affordable rental housing by way of expanded zoning permissibility, floor space ratio bonuses and nondiscretionary development standards, is to expand the permissible building

envelope for a site in some way, although pursuant to cl 16A of SEPP ARH, any increase of the building envelope has to be compatible with the character of the local area. In this matter, the proposal complies with the FSR development standard in LEP 2013 and does not seek the benefit of the FSR incentive of SEPP ARH at cl 13, however the principle of an expanded building envelope in recognition of the contribution of affordable rental housing made by the proposal is still relevant”.

In keeping with the above, the proposed variation is attributable to the increased density available on the site. In view of the context of the site, it was not considered feasible to encroach upon the setbacks of the adjoining developments and consequently the proposed height has exceeded the maximum standard.

It is worthy to note, that the proposed variation to the height control is limited to the central stairwell and lift overrun accessing the communal open space at roof level, rather than any habitable floor area.

As such the proposed variation spans a relatively short area of the proposed building, and relates to an element of the design that has been included so as to provide for an increased level of amenity to the future occupants. The proposed rooftop terrace will achieve excellent levels of solar access and has been designed to include opportunities for both passive and active recreation.

The proposed development has been carefully designed to project a fine grain appearance to Willan Drive despite spanning the width of six consolidated sites. This has been achieved through the separation of the two buildings by the common driveway and the vertical definition of each building as three distinct components. Although a consistent brick material will be applied, tying together the overall development, variations in colour and the use of blade walls and horizontal banding will provide for articulation to the design. The proposal therefore satisfies objective (b).

The proposed development has also been designed to maximise solar access with 81% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 63% of units across the development will be naturally cross ventilated in keeping with objective (c).

In addition, the proposed development has been well articulated to the street frontage and proposes varying setbacks to both side boundaries to ensure that the actual and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.

Are there sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

We respectfully submit that the proposal will result in a better planning outcome as unlike SEPP (Affordable Rental Housing) 2009, which requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, all of the proposed 64 units will be nominated as affordable housing to be managed by St George Community Housing.

The proposal therefore provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure.

Regular bus services are available along Hoxton Park Road to the rear of the site and along nearby Cartwright Avenue. The site is also located in close proximity to the retail/commercial

premises sited along Hoxton Park Road with Westfield Liverpool located to the north east of the site.

The development is also notably compliant with the maximum 1.5:1 FSR prescribed by SEPP (Affordable Rental Housing) 2009.

In this case, strict compliance with the development standard for height of buildings development standard of the LLEP 2008 is unnecessary and unreasonable.

Is the Variation in the Public Interest?

Clause 4.6 states that the development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 4.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the R4 High Density Residential zone in relation to the development, which are as follows:

Zone R4 High Density Residential

Objectives of zone

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

In response to the above the following is provided: The proposal will provide for 64 new residential units increasing reflective of the high density zone. It is acknowledged that there is a demand for more affordable housing with the Liverpool local government area and our client is endeavouring to respond to this need by offering 100% of the dwellings as affordable housing far exceeding the requirements of SEE (Affordable Rental Housing) 2009. Under the requirements of the SEPP, only 50% of the units are required to be nominated as affordable housing. Our client, St. George Community Housing is a not for profit organisation who are genuinely seeking to address a rising demand for quality affordable housing in the area.

The development provides for a mix of units, in terms of size, layout, orientation and number of bedrooms. The proposed development is consistent with other high density residential development in the Liverpool precinct.

There are no other land uses proposed.

Regular bus services are available from Hoxton Park Road and nearby Cartwright Avenue. As stated above, retail/commercial facilities are also located within proximity of the site along Hoxton Park Road with Westfield Liverpool also located to the north-east.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest

As detailed above, the request to vary the development standard of Clause 4.3 Height of Buildings is considered to be well founded and justified under the circumstances. Accordingly, the departure from the allowable building height is not considered to be unreasonable and unnecessary for the following reasons:

- The proposed development will not impose any adverse impacts on the amenity of adjoining development as a result of the height. The area of non-compliance relates to the rooftop elements of the staircase lobby, lift overrun and structures, which are non-habitable space. Additionally, the variation is required in order to allow occupants access to the roof top communal open space.
- As demonstrated above, the proposed development is generally consistent with, or not antipathetic to, the objectives of the building height control, notwithstanding the numerical variation.

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that apply to the site

6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*, and Part 3.7 *Residential Flat Buildings in the R4 Zone*.

The table below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Complies The site does not contain any significant vegetation.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The development will involve the removal of 10 trees. The application was accompanied by an Arborist Report, which considered that the trees were not of significant value or worthy of retention. The proposed landscaping and tree removal has been reviewed by Council's Landscape Officer, who has raised no issues, subject to conditions. Council's Street officer has reviewed the existing street trees fronting the site and has recommended that the trees (which consists of 3 trees) are removed, as they are not suitable species to be located within the road reserve and within close proximity to overhead powerlines. Council's Street Tree Officer has recommended that the trees be replaced with 6 x Fraxinus Griffithii (minimum pot size of 25 litre) spaced evenly across the frontage of the site. This will be enforced through a condition.

Development Control	Provision	Comment
Section 4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The site is not identified as bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies Council's Flood Engineers have advised that the site is not affected by flood planning and therefore flood related developments controls are not applicable.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the site is suitable for development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Complies The site is identified as containing a low potential for saline soils. Conditions relating to erosion and sediment control measures will be implanted to prevent further spread of potentially saline soils.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is highly disturbed. As such, it is unlikely that it would contain Aboriginal Archaeology.
Section 17. Heritage and	Provisions relating to heritage sites.	Not Applicable The site is not identified as a heritage item or within the immediate vicinity of a heritage item.

Development Control	Provision	Comment
Archaeological Sites		
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified in accordance with the LDCP 2008.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per one bedroom; - 1.5 spaces per two bedroom units; - 2 spaces per three or more bedroom dwelling; - 1 space per 4 units or part thereof, for visitors - One service bay	Not Applicable Car parking has been provided in accordance with the SEPP (Affordable Rental Housing) 2009.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Complies The lots will be amalgamated in 2 lots which meet the minimum lot size requirement and lot width requirements.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction. On-going Waste Management: Two bin storage rooms are provided on the ground floor which will accommodate the following: - 6 x 660L waste bins; - 6x 660L recycling bins and A sufficient number of bins have been provided in accordance with Council's waste management policy. Bins will be wheeled to the front for collection. A storage room has been provided for the storage of bulky waste. Waste is proposed to be collected twice weekly.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
Section 27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 20 units or affordable rental housing.	Complies The application was accompanied by a SIC, which has been reviewed by Council's Community

Development Control	Provision	Comment
		<p>Planning Section, who have raised no issues subject to recommendations.</p> <p>The development will result in a positive social impact, as it will be providing 100% affordable housing.</p>

Part 3.7 – Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
Frontage and Site Area		
	Minimum frontage of 24m	<p>Complies</p> <p>The site provides for a frontage of 93m to Willan Drive. Following the proposed lot consolidation, each lot will provide for a width of 46.635m.</p>
Site Planning		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	<p>Complies</p> <p>Minimal earthworks are proposed.</p>
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	<p>Complies</p> <p>Where possible ground level private open space, balconies and windows have been orientated to the north to maximise solar access and improve energy efficiency of the building.</p>
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	<p>Complies</p> <p>Where possible proposed units have been orientated to address Willan Drive providing opportunities for casual surveillance of pedestrian pathways, the driveway and the street. The ground level units to each tower will also provide for private courtyards within the front setback.</p>
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	<p>Complies</p> <p>The development is in accordance with the objectives of the zone and provides for an appropriate built form.</p>
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate	<p>Complies</p> <p>This aspect has been reviewed by Council's technical officers, who have recommended approval subject to conditions.</p>
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	<p>Complies</p> <p>As demonstrated within this report, the development generally demonstrates compliance with SEPP 65.</p>
Setbacks		
Front Setback	Front building setback of 5.5m is required	<p>Complies</p> <p>A front setback of 6m is provided.</p>

Development Control	Provision	Comment
	Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3)	Not Applicable The side and rear setbacks of the development have been designed to achieve compliance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
	Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	
Landscaped Area and Private Open Space		
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Complies Based on a site area of 3313m ² , a minimum landscaped area of 828m ² is required. The proposed development provides approximately 896m ² of landscaping areas which equates to 27% of the site area
	A minimum of 50% of the front setback area shall be landscaped area	Complies Majority of the front setback area to Willan Drive is landscaped area.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Complies Landscaped areas are generally consolidated within the front, side setbacks and rear setback areas.
	Promote landscape health by supporting for a rich variety of vegetation type and size	Complies A variety of native plant species are provided.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies Communal open space areas are provided to the rear of the building, along the side boundaries and within small pockets along the front boundary. Communal open space is also provided on the rooftop to supplement the ground level communal open space.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.	Complies The roof top communal open space will receive sufficient solar access and will allow for a range of activities.

Development Control	Provision	Comment
	<ul style="list-style-type: none"> - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking. 	
	Locate open space to increase the potential for residential amenity.	Complies The communal open space increases residential amenity.
Private Open Space	Private open space shall be provided as follows: <ul style="list-style-type: none"> - 10m² for a dwelling size less than 65m² - 12m² for a dwelling size over 65m² 	Not Applicable Private open space requirements are provided in accordance with the requirements of the ADG.
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies Private courtyards are provided for units on the ground floor and balconies are provided for units above the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: <ul style="list-style-type: none"> a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design. 	Complies The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape.
Roof Design	Objectives of the controls are: <ul style="list-style-type: none"> a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection. 	Complies The proposed roof design contributes positively to the design of the building.
Building Entry	Objectives of the controls are: <ul style="list-style-type: none"> a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. 	Complies Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.

Development Control	Provision	Comment
	c) To contribute positively to the streetscape and building facade design.	
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	Complies The majority of the units and the communal open space will receive adequate solar access.
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Complies The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Complies The ground floor units will complement the streetscape and provide safe access.
Security	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	Complies The entrance to the building is clearly defined, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.
Natural Ventilation	Objectives of the controls are:	Complies All units have direct access to natural ventilation.

Development Control	Provision	Comment
	a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	
Building Layout	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Complies Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume of 8m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage spaces are provided within units. Complies Storage areas within the apartment are adequately lit.
Landscaping and Fencing		
Landscaping	Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the	Complies The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.

Development Control	Provision	Comment
	development in the forms of privacy, outlook and views.	
Planting on Structures	a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards. b) To encourage the establishment and healthy growth of trees in urban areas.	Complies Landscaping on the rooftop communal open space is provided and detailed within the landscape plan.
Fencing	<p>Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.</p> <p>Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>The front fence must be 30% transparent.</p> <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m.</p> <p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>Not Applicable A front fence is not proposed.</p> <p>Complies, via condition.</p> <p>Complies, via condition.</p>
Car Parking and Access		
Car Parking	<p>Visitor car parking shall be clearly identified and may not be stacked car parking.</p> <p>Visitor car parking shall be located between any roller shutter door and the front boundary.</p> <p>Pedestrian and driveways shall be separated.</p> <p>Driveways shall be designed to accommodate removalist vehicles.</p> <p>Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.</p> <p>Give preference to underground parking</p>	<p>Not Applicable Parking spaces have been provided in accordance with the SEPP (Affordable Rental Housing) 2009. As such, visitor spaces are not required.</p> <p>Complies Pedestrian and driveways are separated.</p> <p>Not Applicable On-street parking is available for removalist vehicles.</p> <p>Not Applicable Side vehicular entrance is not appropriate in this instance.</p> <p>Complies Underground parking has not been provided.</p>
Pedestrian Access	<p>Objectives of the controls are:</p> <p>a) To promote residential flat development that is well connected to the street and</p>	Complies Pedestrian entries are clearly defined and accessible.

Development Control	Provision	Comment
	<p>contributes to the accessibility of the public domain.</p> <p>b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.</p>	
Amenity and Environmental Impact		
Over-shadowing	<p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	<p>Complies</p> <p>Shadow diagrams of the proposed development have been prepared for 21 June (winter solstice).</p> <p>The shadow diagrams demonstrate that a reasonable amount of solar access will be afforded to the immediate sites to the south, between the hours of 10am to 2pm.</p> <p>It is important to note that overshadowing of the southern sites is unavoidable given the orientation of the proposed development. The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.</p>
Privacy	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space. 	<p>Complies</p> <p>The building has been designed to comply with the building separation distances of the ADG, which will ensure that a reasonable amount of privacy is afforded to future development.</p>
Acoustic Impact	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings. 	<p>Complies</p> <p>As discussed previously within this report, the development is able to achieve a high level of amenity, subject to the implementation of noise attenuation measures.</p>
Site Services		
	<p>Objectives of the controls are:</p> <ul style="list-style-type: none"> a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained. 	<p>Complies</p> <p>All required site services will be provided to the site and maintained.</p>

The above assessment has found that the development is generally compliant with the LDCP 2008 and is satisfactory.

6.4 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.5 Section 4.15(1)(a)(iv) – The Regulations

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

6.6 Section 4.15(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

Built Environment

This section of Cartwright is zoned R4 - high density residential and the proposal is therefore considered consistent with the long term future character of the locality.

Natural Environment

The proposed development does not require the removal of any significant vegetation and is unlikely to cause detrimental impact to any endangered and non-endangered species of flora and fauna. The proposed landscape plan shows appropriate planting and establishment of vegetation within the setbacks such that the development is unlikely to result in any detrimental impact upon the natural environment.

(b) Social Impacts and Economic Impacts

The development is likely to result in a positive social impact within the locality as it will be providing 100% of the dwellings within the development as affordable housing.

The development will also result in a positive economic impact through the employment opportunities generated during the construction phase and on-going maintenance of the development.

6.8 Section 4.15(1)(c) – The Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

The proposal is generally compliant with the provisions of SEPP (Affordable Rental Housing) 2009, LLEP 2008 and LDCP 2008 as outlined in the report. The identified variations have been considered and are supported as they do not result in any long term adverse impacts. Overall the development is considered to satisfy the relevant controls for site selection.

6.9 Section 4.15(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

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

Internal Departments	
Department	Comments
Building	Supported, subject to conditions.
Engineering	Supported, subject to conditions.

Health and Environment	Supported, subject to conditions.
Traffic and Transport	Supported, subject to conditions.
Flooding	Supported, subject to conditions.
Waste Management	Supported, subject to conditions.
Landscape Officer	Supported, subject to conditions.
Street Tree Officer	Supported, subject to conditions.

(b) External Referrals

The DA was referred to the following external Public Authorities for comment:

Authority	Comments
Endeavour Energy	Supported, subject to recommendations.

(c) Community Consultation

The DA was notified in accordance with the LDCP 2008 from 20 October 2017 to 26 September 2017.

One submission (refer to attachment 14) was received objecting to the proposed development. Details of the concerns raised and a response to the concerns is provided in the table below:

Concerns Raised	Comment
The approval of the proposed development together with the approval of DA-986/2017 will result in the isolation of 24 Willan Drive	As discussed earlier within this report, the proposed development will not result in the isolation of 24 Willan Drive as DA-986/2017 is still under assessment. As part of the assessment of DA-986/2017, the applicant will need to address the planning principles established for isolated sites. This includes: <ul style="list-style-type: none"> - Submission of written evidence of negotiations between the land owners; and - Where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations. Evidence shall be submitted of negotiations including offers made. Council recommends undertaking two separate valuations so that it can be demonstrated a reasonable offer has been made
Lack of parking	Parking has been provided in accordance with the requirements of the SEPP (Affordable Rental Housing) 2009.
The proposed development is considered to be an overdevelopment	The proposed development is consistent with the FSR and ADG building separation distances and is generally consistent with the maximum height limit. As such, the development is not considered to be an overdevelopment.
Overshadowing of 24 Willan Drive	The proposed development will overshadow 24 Willan Drive between the hours 3pm to 5pm. However, sufficient solar access is afforded to 24 Willan Drive between the hours of 9am to 3pm, which complies with the requirements of the ADG and the LDCP 2008.

6.7 Section 4.15(1)(e) – The Public Interest

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

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

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form would be consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will generate a social benefit for the community, given the provision of affordable rental housing, which will be managed by a not-for-profit social housing provider.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

8 ATTACHMENTS

1. Architectural plans, landscape plans and survey plan
2. Stormwater drainage plans
3. Recommended conditions of consent
4. Statement of environmental effects
5. Clause 4.6 variation written justification to height
6. Sepp 65 verification statement, design principles and compliance table
7. Acoustic report
8. Arborist report
9. Waste management plan
10. Phase 1 contamination reports
11. Basix certificate
12. Design excellence panel comments
13. SWCPP briefing notes
14. Submissions
15. Applicant's response to the planning principles of site isolation