

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SSW056
<b>DA Number</b>	DA-757/2017
<b>Local Government Area</b>	Liverpool City Council
<b>Proposed Development</b>	Construction of a seniors housing development comprising of 8 x two-three storey buildings containing a total of 145 two-bedroom Independent Living Units, including the construction of a shared internal vehicle and pedestrian driveway from Edmondson Avenue; car parking, landscaping works and extension/augmentation of services and utilities over seven (7) stages.
<b>Street Address</b>	222 Edmondson Avenue, Austral (Lot 1 DP 1146302) and 130 Tenth Avenue, Austral (Lot 2 DP 1146302)
<b>Applicant</b>	TSA Management
<b>Owner</b>	RSL Lifecare Limited
<b>Date of DA Lodgement</b>	22 September 2017
<b>Number of Submissions</b>	Two (2) submissions
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	The development has a CIV of \$61,001,934
<b>List of All Relevant S4.15(1)(a) Matters</b>	<ol style="list-style-type: none"> <li>1. <i>List all of the relevant environmental planning instruments: Section 4.15 (1)(a)(i)</i> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006)</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2 – 1997)</li> </ul> </li> <li>2. <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"> <li>• No proposed instrument relates to the site or proposed development.</li> </ul> </li> <li>3. <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>• Liverpool Growth Centre Precincts Development Control Plan.</li> </ul> </li> <li>4. <i>List any relevant planning agreement that has been entered into under section 7.14, or any draft planning agreement that a developer has offered to enter into under section 7.14: Section 4.15(1)(a)(iv)</i> <ul style="list-style-type: none"> <li>• No planning agreement relates to the site or proposed development.</li> </ul> </li> </ol>

	<ol style="list-style-type: none"> <li>5. List any relevant regulations: Section 4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>• Consideration of the provisions of the Building Code of Australia.</li> </ol>
<b>List all documents submitted with this report for the panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Draft Conditions of Consent</li> <li>2. Design Excellence Panel Minutes</li> <li>3. Amended Clause 4.6 Variation</li> <li>4. Submissions</li> <li>5. Survey</li> <li>6. Architectural plans</li> <li>7. Remediation Action Plan</li> <li>8. Stormwater Plans</li> <li>9. Approved plans for DA at 144 Tenth Avenue, Austral</li> <li>10. Legal Advice by Dibbs and confirmation from Council</li> <li>11. Staging Plan</li> <li>12. Traffic Report</li> </ol>
<b>Recommendation</b>	Approval, subject to conditions
<b>Report Prepared by</b>	Zeliha Cansiz –Development Assessment Planner
<b>Report date</b>	29 July 2019

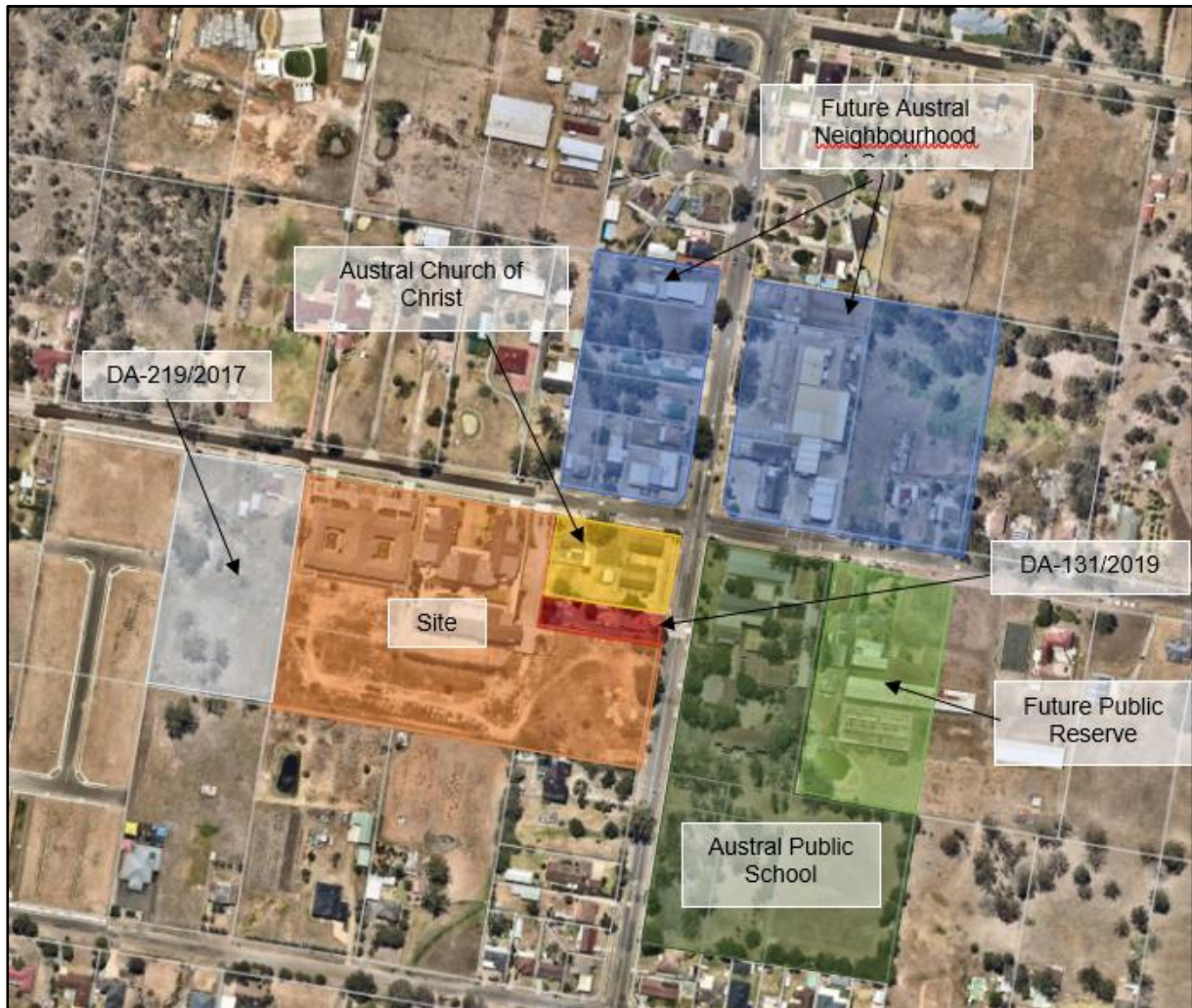
<b>Summary of s4.15 matters</b>	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
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<b>Legislative clauses requiring consent authority satisfaction</b>	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
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<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Yes</b>
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<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>Yes</b>
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<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>





The area surrounding the site is within the Sydney Region Growth Centres and as such is expected to be subject to extensive urban development over the short and medium term. Current development to the north, south and west of the site comprises of rural development.

To the immediate west of the subject site is 144 Tenth Avenue, Austral. The site is subject to an approved Development Application DA-219/2017 for thirty lot Torrens Title subdivision in three stages and demolition of existing structures. Adjoining the site to the immediate east is 234 Edmondson Avenue, Austral, currently subject to DA-131/2019 for the demolition of existing structures and the construction of a childcare centre for 81 children and basement car parking. An aerial map of the locality is provided below.



**Figure 2:** Aerial image of the locality (source: Nearmap).

## 1.5 The issues

The main issues with the proposal are as follows:

- Height of Buildings

The application seeks to vary Clause 4.3 Height of Buildings. The height exceedances range from 2.6% to 26% and only relate to lift overruns and pitch roofs. The application was accompanied by an amended Clause 4.6 statement to justify the non-compliance. The submitted written request to vary Clause 4.3 Height of Buildings has been assessed against the provisions of Clause 4.6 and the objectives of Clause 4.3. Council considers the height of building exceedance to be acceptable and not unreasonable in this instance.

- Edmondson Avenue Road Widening and access

Edmondson Avenue has recently been identified as a future rapid bus transit corridor by the State Government and is being redesigned as a nominated transit boulevard with priority bus lanes. Edmondson Avenue will be widened to a 4-lane road with a road reserve of a minimum of 24.7m. The development initially proposed access off Edmondson Avenue, whilst still maintaining the existing access off Tenth Avenue. Council's Traffic department did not support the proposed access off Edmondson Avenue to improve traffic impacts.

Following extensive meetings between the proponent and Council's Traffic Department, the applicant provided an amended scheme incorporating the required 4.7m setback from Edmondson Avenue as a result of the proposed Edmondson Avenue widening. The proposed access off Edmondson Avenue will be restricted to left-in and left-out to for emergency vehicle access only. Primary access will occur from Tenth Avenue. Council's Traffic Department is satisfied with the amended access arrangements.

- **Privacy**

The application presents potential privacy issues to the property to the west identified as 144 Tenth Avenue which has an approval for residential subdivision under DA-219/2017. The application was approved for 30 lot Torrens title residential subdivision. Privacy and interfacing concerns were raised by the SWCPP panel at its Briefing meeting, as well as by an objector. The concerns pertaining to privacy are considered to be have been adequately addressed by the proponent through the implementation of mitigation measures, namely privacy screens.

## **1.6 Exhibition of the proposal**

In accordance with Part 1 of the Liverpool Development Control Plan 2008, the application was notified to neighbouring properties from 17 October 2017 to 2 November 2017. Two (2) submissions were received during the notification period. These issues of concern are considered to have satisfactorily addressed.

## **1.7 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&AA) 1979. Based on the assessment of the application and the consideration of the written requests to vary development standards, it is recommended that the application be approved subject to recommended conditions of consent.

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

### **2.1 The site**

The site is located within Sydney's Growth Centre Region, Austral, and is legally comprised of two lots being Lot 1 and 2 in DP 1146302 and identified as 130 Tenth Avenue and 222 Edmondson Avenue, Austral. The subject site for this development application applies to Lot 1 DP 1146302, being 222 Edmondson Avenue, Austral. The site is irregular in shape with an area of 2.34ha. The site is bounded by Tenth Avenue to the north and Edmondson Avenue to the east.

Existing development on the site consists of three x 3-4 storey Seniors Housing development in the form of Residential Flat Buildings which are currently utilised for senior living purposes. These developments have frontage to Tenth Avenue.

The subject sites contain various easements as tabulated below:

<b>Location</b>	<b>Easement type</b>
Lot 1	<ul style="list-style-type: none"><li>• Easement for underground cables</li><li>• Restriction on the use of land for Seniors Housing only</li></ul>



Lot 2	<ul style="list-style-type: none"> <li>• Easement for substation</li> <li>• Restriction on the use of land for Seniors Housing only</li> <li>• Easement for overland flow</li> </ul>
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**Table 1:** Existing Easements on subject sites.

For further discussion of the current easements on the subject sites, refer to section 2.4 of this report.

An aerial photograph of the development site and photographs of the existing development are provided below.

Photographs of the existing site conditions are provided in Figures 3 to 7.



**Figure 3:** Aerial photograph of the Site



**Figure 4 – Existing Seniors Housing Living on subject site (Tenth Avenue)**



**Figure 5 – Existing Seniors Housing Living on subject site (Tenth Avenue)**



**Figure 6** – Site, facing west on Edmondson Avenue

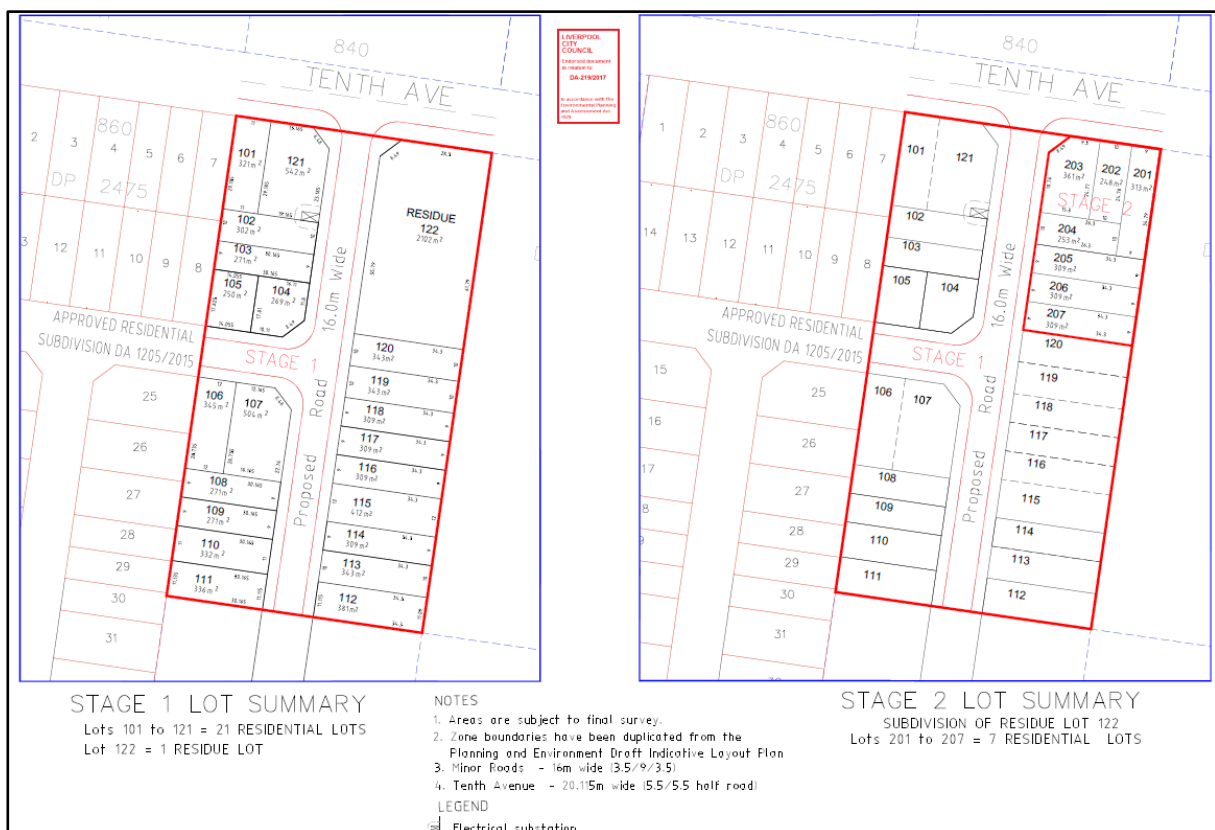


**Figure 7** – Site, facing west on Edmondson Avenue

## 2.2 The locality

The area surrounding the site is within the Sydney Region Growth Centres and as such is expected to be subject to extensive urban development over the short and medium term. Current development to the north and south of the site comprises of rural development.

To the immediate west of the subject site is 144 Tenth Avenue, Austral. The site is subject to an approved Development Application (DA-219/2017) for twenty-eight Torrens Title subdivision. An extract of the approved subdivision is provided below:



**Figure 8:** Extract of the approved DA.

The adjoining property to the east comprises the Austral Church of Christ and a single residential dwelling. Further east of Edmondson Avenue lies the Austral Public School and a future public reserve.



The site plan illustrates the proposed development on the 10000 block of Edmondson Avenue. The building layout is shown with various rooms and a central courtyard. The plan includes labels for 'PREVAILING SOUTHERLY WINDS', 'SUMMER SUN PATH', 'WINTER SUN PATH', and 'EDMONSON AVENUE'. It also shows 'RECEIVED RETAINING WALL' and 'RECEIVED RETAINING WALL' with 'REINFORCED CONCRETE' and 'REINFORCED CONCRETE'.

To the north of the site is the future Austral neighbourhood Centre which will facilitate the expansion of the existing retail as well as providing additional commercial and community uses that will provide access to shopping, employment and services for residents in the central parts of the Austral and Leppington North Precincts.

A photograph showing a paved area, likely a parking lot or plaza, with a brick-paved foreground. In the background, there are several trees and buildings under a clear blue sky. A yellow and red striped pole is visible in the lower left foreground.

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**Figure 12:** Edmondson Avenue facing north.



**Figure 13:** Tenth Avenue facing west.

## 2.3 Previous Applications

The site has been subject to a number of applications. Details of the relevant applications are provided below:

### **Development Application No. DA-460/2006**

Development Application No. DA-460/2006 was approved on 21 August 2006 for the construction of a seniors living development comprising of 81 x 2-bedroom units and 46 x 3-bedroom units at 222 Edmondson Avenue, Austral.

The DA was later modified on 18 December 2006 under application No. DA-460/2006/A. The modification application approved the staging of the development as follows:

- Stage 1: Buildings A and B which includes twenty-five (25) two bedroom apartments and sixteen (16) three bedroom apartments, associated amenities and basement car parking.
- Stage 2: Buildings C and D which includes thirty-three (33) two bedroom apartments and fifteen (15) three bedroom apartments, basement car parking and demolition of building
- Stage 3: Buildings E and F which includes twenty-four (24) two bedroom apartments and sixteen (16) three bedroom apartments

Works associated with Stage 1 were completed in 2009 and some of the excavation and earthworks associated with the basement of buildings C and D commenced. However, these works have now ceased due to the revised scheme proposed under the current DA.

### **Development Application No. DA-253/2008**

Development Application No. DA-253/2008 was approved on 15 January 2008 for demolition of the existing dwelling and outbuildings and construction of a 2-storey senior's living development comprising 120 single bedroom residential care units with basement car parking, over the subject development site 130 Tenth Avenue.

The DA was modified in February 2009 to amend conditions of consent relating to timing of the payment of the Special Infrastructure Contribution (SIC) and land consolidation.

The consent was never pursued due to financial reasons, hence the submission of DA-808/2012.

### **Development Application No. DA-385/2008**

Development Application No. DA-385/2008 was approved on 13 May 2008 for a re-subdivision of 6 lots to create 2 lots, and effectively formed the subject site.



**Figure 14:** Previous subdivision pattern of the site

Condition No. 31 imposed the following requirement:

*“A restriction as to user is to be registered against the title of the Lot 1 and Lot 2 in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to the following:*

- (a) seniors or people who have a disability,*
- (b) people who live within the same household with seniors or people who have a disability,*
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.”*

Condition No. 32 imposed the following requirement:

*“The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden each lot with a restriction that the development to be erected on Lot 2 is to be sited and constructed in accordance with approved plans and notice of determination issued by Council for Development Application No. DA253/2008. Any costs associated with the preparation and checking of the instrument are to be paid by the applicant. The preparation of an 88B Instrument with this restriction will not be required if construction has reached a stage where all brickwork is a minimum 500mm above finished floor level and the construction is in accordance with Development Consent DA253/2008 and accompanying Construction Certificates.”*

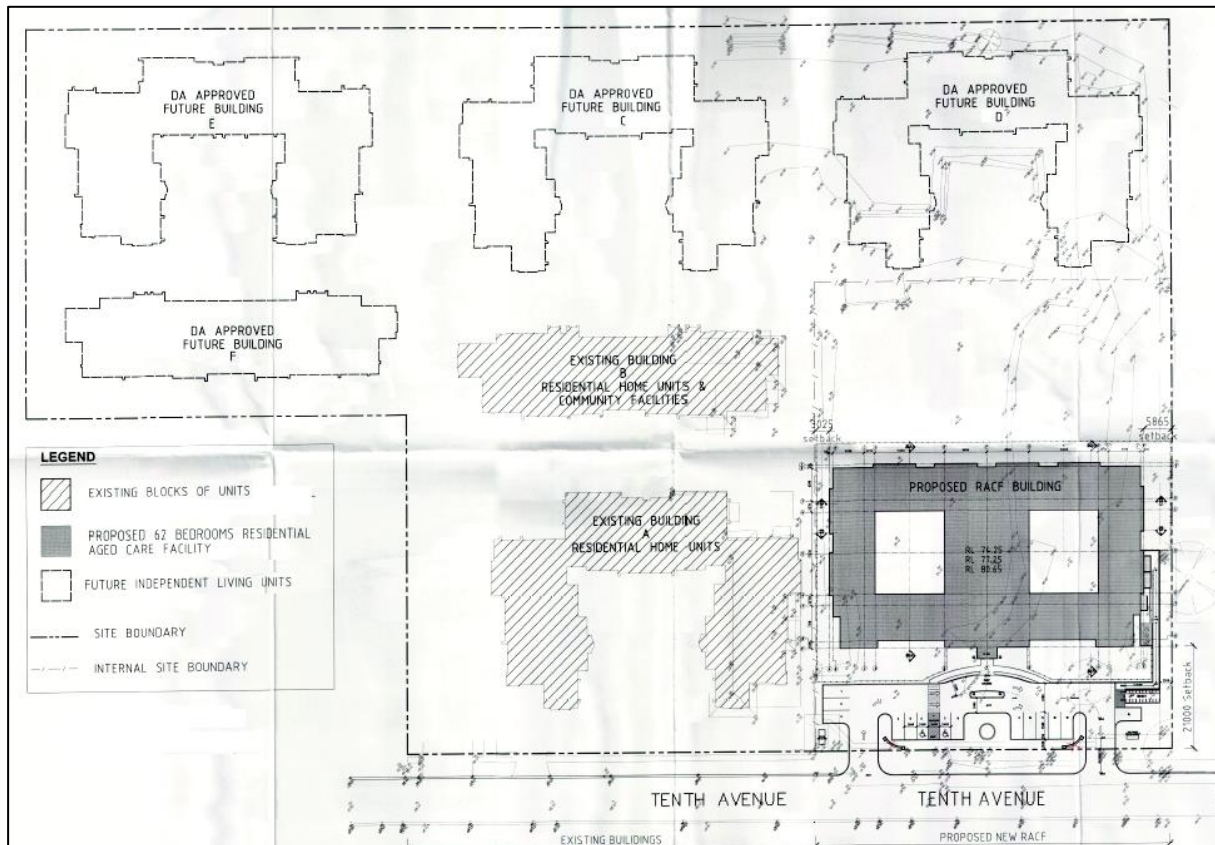
### **Development Application No. DA-808/2012**

Development Application No. DA-808/2012 was approved on 2 August 2012 for the construction of a residential aged care facility (RACF) building containing 62 x 2-bedroom units, including ancillary site works, landscaping, on-site car parking and road works at 130 Tenth Avenue, Austral.

Works associated with the development have been completed.



An extract of the approved site plan is provided below:

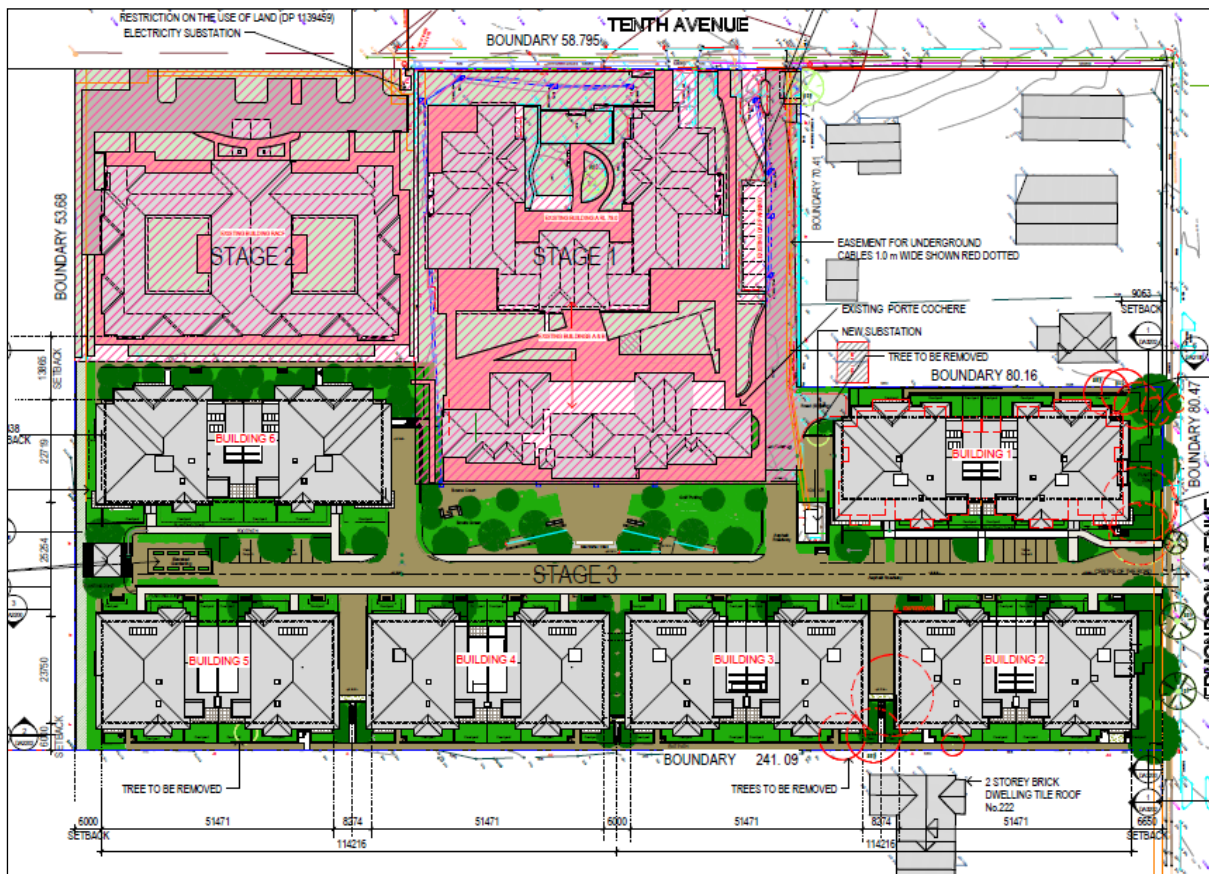


**Figure 15:** Site Plan of Approved DA-808/2012.

#### **Development Application No. DA-620/2016**

Development Application No. DA-620/2016 was lodged on 7 July 2016 which proposed the construction of a senior's housing development comprising of 6 x 3-storey buildings containing a total of 156 x two-bedroom Independent Living Units, including the construction of a shared internal vehicle and pedestrian driveway from Edmondson Avenue; car parking, landscaping works and extension/augmentation of services and utilities.

An extract of the proposed site plan is provided below:



**Figure 16:** Extract of the proposed site plan provided under DA-620/2016.

An assessment of the application identified a number of deficiencies with the proposal, including:

- Non-compliant separation distances between buildings;
- Lack of communal open space;
- Non-compliant building depths with the ADG.

Due to issues raised by Council and Council's Design Excellence Panel, the applicant withdrew the application.

## 2.4 Restrictions and Covenants

DP 1146302 and 88B Instrument identify several restrictions on the site such as restrictions on the use of land for the purpose of a seniors housing facility only, a drainage easement 2.5m wide along the western boundary, a services easement 3m wide along the northern boundary and an easement for padmount substation on the north eastern corner of the site. The following Restrictions on Use of Land are important to note:

- **Restriction on the Use of Land No. 5** stipulates that any accommodation erected upon the lot is limited to seniors housing that is consistent with the Seniors Housing policy. However, wording reflects the former superseded SEPP. The proposed development satisfies this Restriction as the proposal is for a 'residential care facility' which is a type of accommodation supported by the current SEPP.

It is possible, but is considered an unnecessary process, to impose a condition that would require the developer to formally modify the title restriction in order to update the title of the new SEPP. Accordingly, no such condition is recommended.

- **Restriction on the Use of Land No. 6** stipulates that any development on the subject Lot 2 must be constructed in accordance with Council's approval under Development Consent No. DA-253/2008. The restriction cannot be complied with as DA-253/2008

was not pursued, hence the submission of DA-808/2012. DA-253/2008 approved a 120-bed residential care facility that was similar to the subject proposal in terms of use, siting and location of the building. However, the detailed aspects of the two developments are different such as design and density (i.e. 120 beds vs. now 62 beds).

The restriction was imposed by Council to ensure that future development was restricted to seniors housing and restricted to a design format that had been assessed and already deemed suitable for the site. The design format was an important factor as the site had been previously subdivided into a non-compliant 'under-sized lot' (for the purpose of a future aged care facility) which was not typical of rural subdivisions. The design approved under DA-253/2008 was determined to be suitable for the undersized lot and was therefore required by Council to be incorporated into the title restriction.

The current proposal is consistent with the intent of the restriction on the basis that: it is for the same land use approved by DA-253/2008; and, the alternative design presented is as suitable for the site as was the design under DA-253/2008.

As Liverpool City Council is the authority to vary this restriction; and on the basis that Clause 7 of the Seniors Housing SEPP allows Council to disregard restrictions that would restrict the proposal, it is reasonable that the variation be accepted. Again, it is possible, but considered an unnecessary process, to impose a condition that would require the developer to formally modify the title restriction to update a reference to DA-808/2012 instead of DA-253/2008. Accordingly, no such condition is recommended.

- **Restriction on the Use of Land No. 7** stipulates that any further development that intensifies the use of the lot beyond that approved in DA-460/2006 may be subject to a Special Infrastructure Contribution (SIC). The authority to vary this restriction is the NSW Department of Planning, Environment & Infrastructure. The application was referred to the Department of Planning, Environment & Infrastructure who requested that the SIC be imposed as a condition. Accordingly, the proposal complies with this restriction.

## **2.5 Adjoining Development**

Considering the site location within Sydney's Growth Centres area, Austral is considered to be land in transition with considerable developments within the vicinity. The following developments are important to note:

- **DA-131/2019-** 234 Edmondson Avenue, Austral

Council is in receipt of DA-131/2019 at 234 Edmondson Avenue, Austral seeking consent for demolition of existing structures and the construction of a child care centre catering for 81 children with basement car parking. The application was lodged on 12 March 2019 and pending determination.

- **DA-219/2019-** 144 Tenth Avenue, Austral

Council approved an application for the subdivision of one existing allotment into twenty-eight (28) residential lots across two stages. The development includes the associated civil works and road construction.

## **3. BACKGROUND**

### **3.1 Design Excellence Panel Briefing**

The site was previously subject to a separate Development Application, being DA-620/2016 for the construction of a senior housing project. However, due to the significant design changes required by



Council and the Design Excellence Panel, the application was withdrawn to allow the applicant an opportunity to adequately respond to the concerns raised.

DA-757/2017 (the subject application) was Briefed to the DEP at its meeting of 14<sup>th</sup> December 2017. The panel acknowledged the design changes from the initial scheme lodged under DA-620/2016. The applicant presented their existing proposal for the construction of a seniors housing development comprising of:

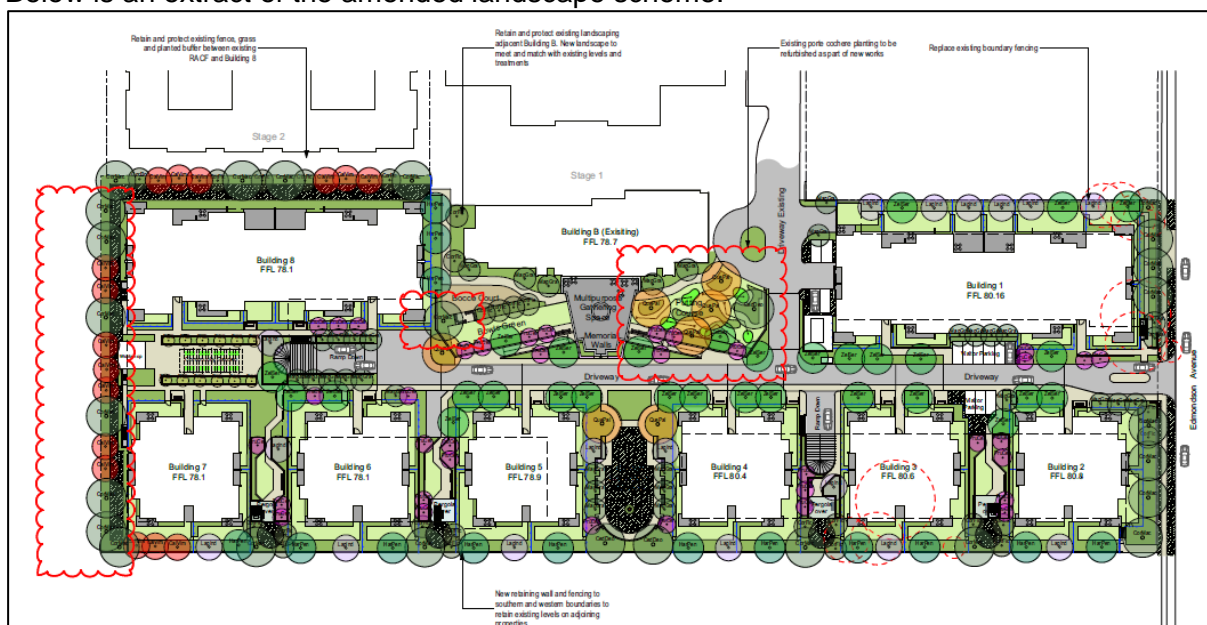
- Eight x 3-4 storey buildings containing a total of 149 x two-bedroom independent living units;
- Construction of a shared internal vehicle and pedestrian driveway from Edmondson Avenue;
- Basement car parking for 179 spaces (149 resident spaces and 20 visitor spaces); and
- Landscaping

The DEP raised the following issues with the scheme for the applicant's consideration:

**Comment 1:** The Panel recommends that the applicant gives further consideration for the provision of greater canopy trees within the development site. The communal open space in the centre of the proposal is likely to be hot and should be afforded with large canopy trees for shade, amenity and environmental reasons.

**Applicant's response:** *The provision of greater canopy trees, as recommended by the DEP, is supported by the applicant. Several canopy trees have been added to the revised landscape scheme for the site within the central communal open space and along the western boundary. This will provide amenity in the form of shade for residents and natural screening from the future proposed residential development to the west.*

Below is an extract of the amended landscape scheme:



**Figure 17:** Amended Landscape Concept Plan

**Comment 2:** Trees to the front / school edge should be retained. The submitted arborist report notes that trees 6 and 7 are substantial Eucalypts in good condition and of high significance value. The Panel recommends that these trees, located along the Edmondson Avenue frontage of the site, be retained and incorporated into the overall landscape character of the scheme. The streetscape value of these trees is considered high. Therefore, the Panel suggested that Building 1 be moved away from these trees and/or revised to allow their retention.

Applicant's response: The preference of the RSL is to remove the trees from the Edmondson Avenue. The proposed development offsets the removal of Tree 6 and Tree 7 with seven (7) new large trees in more suitable locations across the site. Unlike the existing trees, the ones proposed will provide shade and amenity within the communal open spaces of the site in line with the recommendations of the DEP. Tree 6 and Tree 7 do not provide any significant additional amenity or aesthetics to those proposed along Edmondson Avenue frontage under the proposed scheme.

Comment 3: Stormwater swales could be incorporated in the street to assist in onsite water retention for garden etc.

Applicants response: Swales were considered the least favourable option for onsite water retention. They can act as a barrier within the site and inhibit pedestrian movement. Swales are considered incompatible with the intended future users of the site.

The proposed rainwater reuse tank (84kL capacity) will capture sufficient rainwater from each of the building roofs for all irrigation purposes. This is considered sufficient to assist onsite water retention for the site.

Comment 4: The palate of the materials for the design is considered poor, and despite recommendations from client to use painted render, the Panel does not support the use of painted render. Face brick, timber and, in some cases, panel systems are more durable and should be further explored by the Applicant.

Applicant's response: The composition of light paint render with darker roofing is deliberate, seeking to replicate the existing palate on the site to create a uniform style of buildings for the aged care facility. Face brick is a dominant material used for each building and forms the majority of ground and second storey façades of Building 2 to Building 7.

The schedule of uses proposed is considered suitable for the following additional reasons:

- Face brick and paint render requires minimal maintenance, is durable and provides a contemporary finish consistent with the immediate surroundings.
- Face brick has been deliberately chosen as a transition style between the existing development on site and the likely character of the new residential developments in the area.
- The building facades which face Edmondson Avenue are more than 50% brickwork, which provide a positive transition into the likely character of future neighbouring development.
- Render is a modern façade treatment used in many new developments in combination with brickwork.
- Contemporary drymix polymer cement renders that are now available provide a higher quality and lasting façade treatment. The proposed development is not limited to traditional cement render applications which have been proven to be more susceptible to deterioration. These, and most other paint systems, have a minimum 10-year warranty.
- The finishes proposed are comprised of a combination of materials and colours which provides each building an appropriate level of variety.
- Face brick and paint render is non-reflective.
- The development is to be provided by RSL Lifecare. The RSL will be responsible for the maintenance of the building façades, without any additional dedicated costs to residents, by full time staff appointed by RSL Lifecare.

Comment 5: Condenser units on the building should be concealed and screened from public view. It was pressed upon the Applicant whether the condenser units could be relocated to the basement. Applicant indicated that advice from their consultant indicates that there is insufficient ventilation in the basement for large condenser units as proposed. The panel supports condenser units within the roof form as long as they were not visible from the ground plane or apartments within or outside the development.

Applicant's response: *Each roof is pitched at 10 degrees. With this pitch the condensers cannot be seen from ground level.*

Comment 6: Sun shade for north and west facing windows should be provided for the buildings.

Applicant's response: *Sunshades have been added to all north and west facing windows.*

Comment 7: 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.

Applicants response: *The choice of materials and finishes have been considered due to their robust and low maintenance qualities. They also seek to integrate with the existing development on the site and provide appropriate façade transitions to surrounding future development. The rationale for the materials and finishes chosen is detailed in Comment 4 above.*

Comment 8: 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.

Applicant's response: *The upper story of each building is provided a floor to ceiling height of 2.7m. The remaining floors are provided floor to floor heights of 3.2m... each building is provided a floor to ceiling height of 2.7m. This is consistent with the recommendations of the DEP and the ADG. The floor to floor heights provided achieve the 2.7m floor to ceiling heights recommended by the DEP.*

Comment 9: Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.

Applicant's response: *The requested detailed drawings would normally be prepared in advance of the application for a Construction Certificate. Accordingly, we consider it unreasonable to request this level of detail at the DA stage. The proponent would be prepared to submit the sectional drawings to Council at the appropriate time and we request that this requirement is made prior to the issue of the relevant Construction Certificate.*

Council response: The applicant has amended the proposed scheme and has submitted revised plans to address DEP's concerns. Council has considered the Applicant's responses and amended scheme to the issues raised by the DEP to be adequate. Council considers the revised scheme to be worthy of support. Furthermore, the DEP did not request to review the application. Examining figure 16 and the previous scheme lodged under DA-620/2016 it is considered the proposal has amended significantly to address the DEP concerns and present better planning outcomes.

### **3.2 Sydney Western City Planning Panel (SWCPP) Briefing**

A Briefing meeting was held on 5 March 2018. The main outcomes of the Briefing meeting with the SWCPP are summarised below:

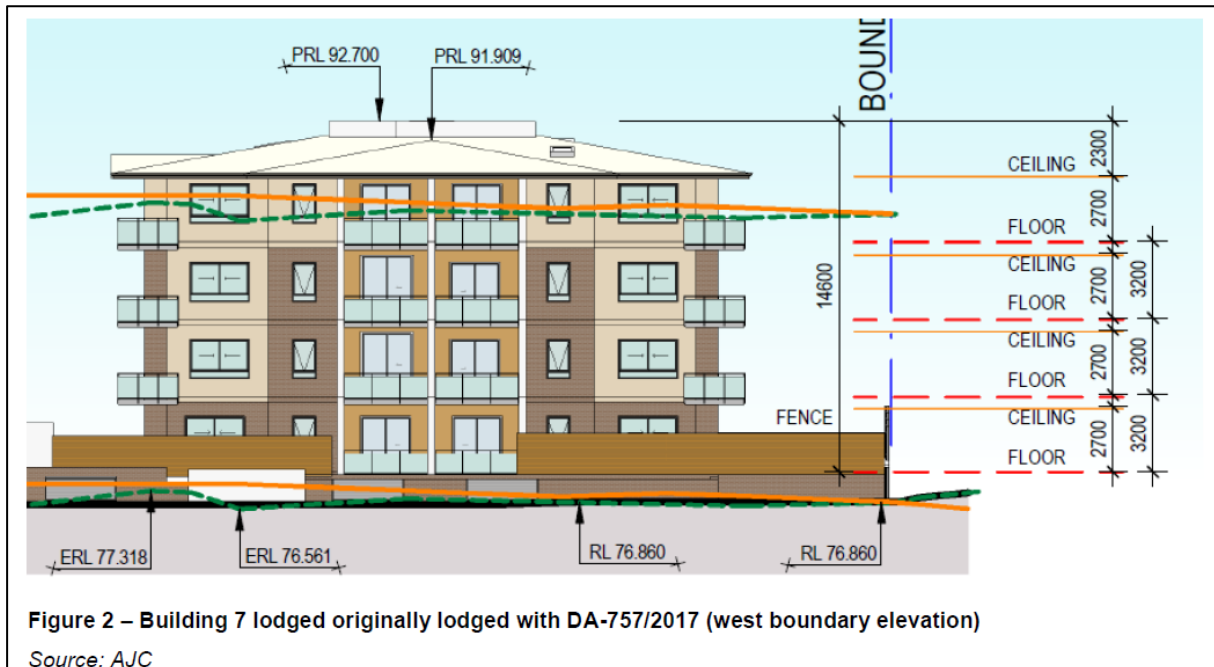
#### SWCPP Briefing Comments:

- The calculation of height is influenced by previous excavation which has occurred on the site in the past; and

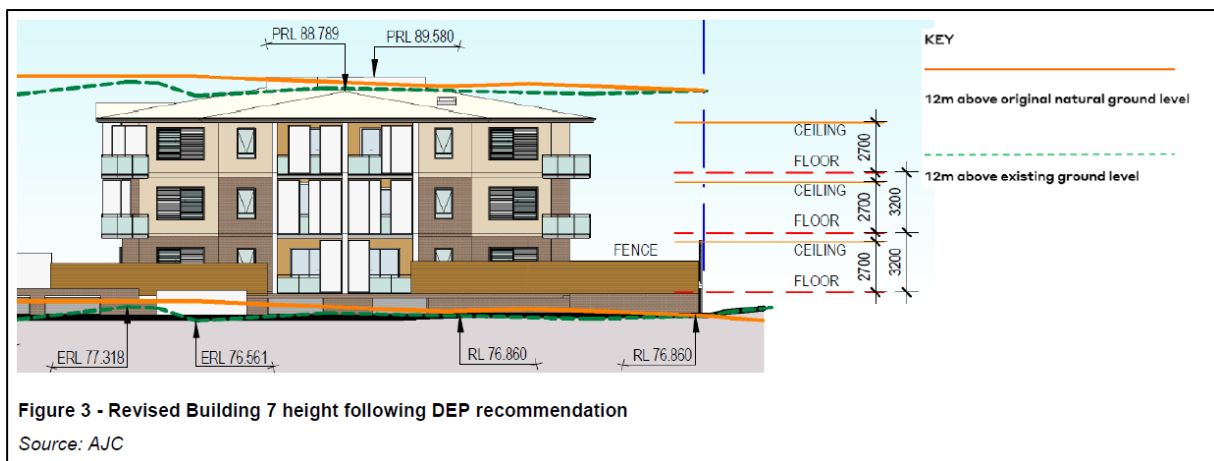


- Potential interface impacts on the site to the west where a new subdivision development is proposed.

Applicant's response: The height of building 7 will be reduced from four storeys to three storeys (14.53m to 11.42m in line with the recommendations of the Sydney Western City Planning Panel. This will be consistent with the western portion of Building 8 and ensure a consistent three storey height along the western boundary of the site (refer to figures 18 and 19 below).



**Figure 18:** Initial height proposed for Building 7



**Figure 19:** Revised scheme for Building 7

Council's response: It is noted that there are potential interface issues between two different residential land uses being residential development at 144 Tenth Avenue Austral and seniors housing. There are privacy implications associated with the proposed development onto the residential development approved under DA-219/2017

It should also be noted that the proposed buildings on the western portion of the site being building 7 and 8 where the interface occurs sufficiently addresses privacy implications due to the following:

- Setbacks are compliant. The Liverpool Growth Centre Precincts Development Control Plan requires a minimum 6m rear setback for residential flat buildings. Building 7

proposes a 6.4m setback and Building 8 propose a 6.26m western boundary setback with no encroachments.

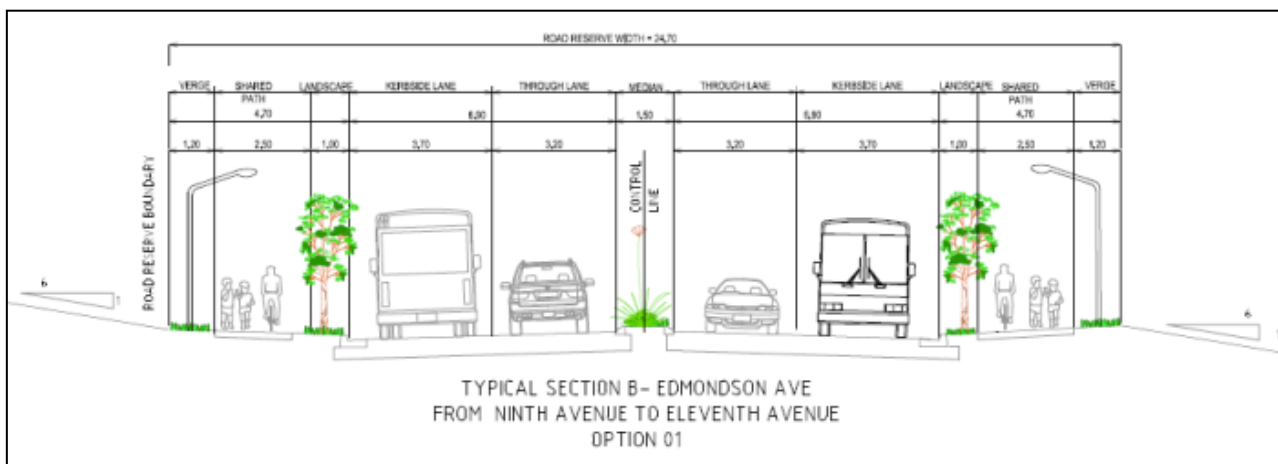
- Privacy screens have been implemented on all windows for buildings 7 and 8.
- A condition of consent will be imposed to ensure balconies contain louvered privacy screens to alleviate potential overlooking to the site to the west.
- The building height of building 7 has been reduced by 1 storey from 14.53m to 11.42m. As seen in figure 18 the original scheme indicated the fourth floor encroachments. Council considers this to alleviate the issues raised by the panel.
- Landscape concept plan is considered to sufficiently screen habitable rooms from onlooking to the adjoining property to the west at 144 Tenth Avenue. The landscape concept plans incorporate trees with a mature height of 15-20m along the western boundary which will further help to achieve additional level of privacy between the interface.

### 3.3 Issues Identified in Initial Assessment

Further to the issues raised by the Panel, Council issued a request for additional information on 13 April 2018 that raised the following additional concerns:

- Edmondson Avenue road widening and access

Edmondson Avenue has recently been identified as a future rapid bus transit corridor by the State Government and is being redesigned as a nominated transit boulevard with priority bus lanes. Edmondson Avenue will be widened to a 4-lane road with a road reserve from 24.7m in width in accordance with the figure below:



**Figure 20:** Edmondson Avenue Typical Transit Boulevard Section

Given the future proposal for Edmondson Avenue and future anticipated increased traffic on Edmondson Avenue Council requested amended plans to respond to the future design of Edmondson Avenue road widening and propose all vehicular access to Tenth Avenue only. The scheme has been re-designed whereby vehicle access will be limited to Tenth Avenue. Only emergency vehicles are permitted to access the site via Edmondson Avenue.

- Remediation Action Plan (RAP)

Council's Environmental Health section initially raised issues with the proposed remediation method stipulated in the submitted Remediation Action Plan. The RAP prepared by Douglas Partners (R.001. Rev.1, dated 27 April 2018) proposed On-Site Re-Use Burial remediation method. Council requested a revised RAP as the proposed method was not supported by Council's Environmental Health section. The applicant later revised the RAP to the satisfaction of the Environmental Health section.

- Endeavour Energy

The application was referred to Endeavor Energy for comment. Endeavour Energy reiterated concerns in relation to the proposed development around Endeavour Energy's underground cables and substation. To accommodate the additional 4.7m eastern setback to Edmondson Avenue, it is required to relocate Endeavour Energy easements including the underground cables and the substation.

The above mentioned matters were addressed between the proponent and Endeavour Energy. Upon correspondence from Endeavour Energy, no objections were raised to the relocation of the easements subject to imposition of conditions.

- Submissions

The application was required to be notified to adjoining properties as per Liverpool Development Control Plan notification policy. Council received two (2) submissions against the proposal. Council requested the applicant to address the concerns raised by the objectors. The issues relate to engineering matters, privacy, acoustics and lighting.

A full assessment of the submission is discussed in the community consultation section (section 6.9) of this report.

- Social impact

Whilst the applicant submitted a Social Impact Comment, Council requested a Comprehensive Social Impact Assessment (CSIA) to address social impacts of the development. The Social Impact Comment failed to provide an in-depth explanation in relation to population change, accessibility, cultural and community significance, crime and safety, local economy and employment opportunities.

The applicant has satisfactorily responded to the abovementioned issues.

- Waste Management

Council's Waste Management officer raised issues in relation to the capacity and quantity of bins to service the development. As such, Council's Waste Management officer requested a revised Waste Management Plan.

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

Concerns were raised on the applicability of the relevant Environmental Planning Instrument. The application was lodged under the State Environmental Planning Policy (Sydney Region Growth Centers) 2006. Council requested legal advice to whether or not the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 was applicable to the proposed development.

A legal opinion was submitted to Council on the 28 May 2018 prepared by Dibbs Barker (dated 29 November 2016). The legal advice stated that the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 did not apply. Council's General Counsel agreed with the legal opinion.

On 28 May 2018 the applicant provided a response to Council's additional information request. The applicant submitted revised set of plans including the reduction of Independent Living Units from 149 to 145.

Upon review of the Applicant's response Council has considered the following matters to be unaddressed and a second additional request for information was sent to the applicant on the 27 September 2018.



- Edmondson Avenue and Access

After various meetings between the proponent and Council's traffic department, the applicant provided an amended scheme to incorporate the 4.7m setback from Edmondson Avenue as a result of the proposed Edmondson Avenue widening. The proposed access off Edmondson Avenue will remain left in and left out to for emergency vehicle access only.

The proposed access and setback of Edmondson Avenue was supported by Council's Traffic Engineering department.

- Waste Management

The revised Waste Management Plan prepared by Elephants Foot required minor amendments as requested by Council's Waste Management Officer. The applicant addressed the minor clarifications raised by Council. The revision was supported by Council's Waste Management Officer.

- Submissions

The amended plans submitted by the applicant was reviewed by the objectors, who raised the additional concerns:

- *The proposed reduction in Height of Building 7 from 4 stories to 3 and balconies relocated to be outside the 6m building setback were non-compliant initially and will now be compliant. There has been no proposed design initiatives or amendments to the proposed units that have direct views into the back yard and windows of the future housing to the west, their privacy and quality of life will be greatly threatened by the proposed design.*
- *The proposed landscaping will not add any additional privacy as the units on the ground level would be blocked by the fencing.*
- *The Units in buildings 7 & 8 on the 2<sup>nd</sup>, 3<sup>d</sup> and 4<sup>th</sup> floors that have balconies on the western side of the buildings also have a balcony with views to the North and South. The reconfiguration of the floor plans for these units to remove the balconies on the Western wall would gain additional room for the resident and assist greatly in protecting the privacy of future residents to the West. Balconies fronting North and South can have a privacy screen along the western side of the balcony that will also give privacy to the future residents to the West and in turn provide privacy to the owners of the Units.*
- *Stating that the workshop will be available during normal working hours is not acceptable, a proposed time of 9.30am to 5.30pm is a more acceptable solution. The use of the workshop between these hours will assist in minimising any noise not only for the residence to the west but also for the persons residing in the units.*
- *Buildings 7 & 8 have underground parking, the lights from the cars and noise from the garage doors are also of concern. The monitoring of the future design for lighting, acoustic by Council would be appreciated.*
- *The shadowing at 9.00am from Buildings 7 & 8 is a concern.*

The above mentioned concerns are addressed in the community consultation section (section 6.9) of this report.

#### **4. DETAILS OF THE PROPOSAL**

This DA represents the final stage of the overall Austral Tobruk Aged Care Facility scheme as represented in figure 21 below. Stage 1 and 2 is now complete.



**Figure 21:** Overall staging plan (Source: Applicant)

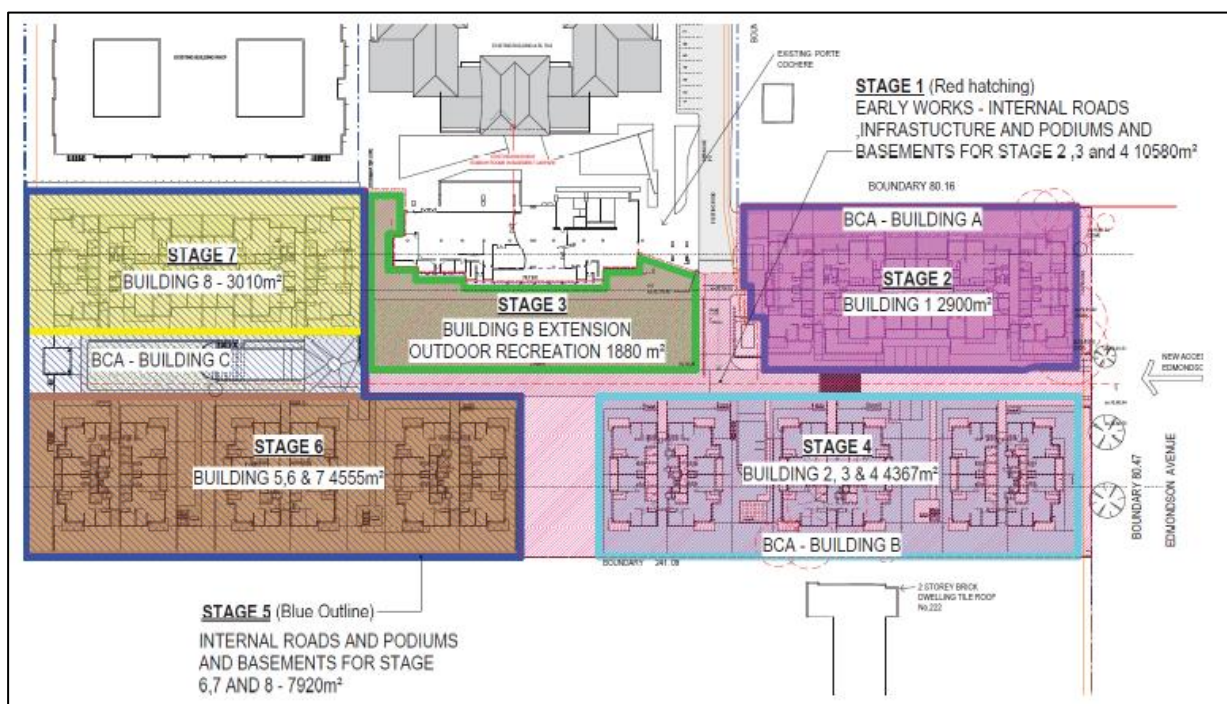
This application seeks consent for the construction of a seniors housing development comprising of 8 x two-three storey buildings containing a total of 145 x two-bedroom Independent Living Units, including the construction of a shared internal vehicle and pedestrian driveway from Edmondson Avenue; car parking, landscaping works and extension/augmentation of services and utilities over seven (7) stages as seen in figure 22 below.

Further details of the proposed development are as follows:

### Stage of the Development

The proposed development will be delivered in stages to allow the capacity of the facility to expand over time to meet demand. The development will be delivered in seven stages with an individual Construction Certificate and Occupation Certificate for each stage. Development stages may be delivered consecutively or concurrently. The staging will be as follows:

Development Stage	Development Component
Stage 1	Early works including internal roads, infrastructure, podiums and basements for Stage 2, 3 and 4.
Stage 2	Construction of Building 1
Stage 3	Alterations to existing building (Building B) and construction of outdoor recreation/communal open space.
Stage 4	Construction of Building 2, Building 3 and Building 4.
Stage 5	Internal roads, podiums and basements for Stages 6, and 7
Stage 6	Construction of Building 5, Building 6 and Building 7.
Stage 7	Construction of Building 8



**Figure 22: Staging Plan**

## Building Design

- Construction of 8 residential flat buildings, which comprises the following:

Building	1	2	3	4	5	6	7	8
Units	30	12	12	12	16	16	16	31
GFA	3,714m <sup>2</sup>	1,412m <sup>2</sup>	1,412m <sup>2</sup>	1,412m <sup>2</sup>	1,888m <sup>2</sup>	1,888m <sup>2</sup>	1,416m <sup>2</sup>	4,331m <sup>2</sup>
Height	11.68m	13.02m	12.54m	12.31m	13.02m	12.45m	11.42m	15.16m

## Vehicular and Pedestrian Access

- Vehicular access is provided from the existing access arrangements off Tenth Avenue. Additional vehicular access is provided off Edmondson Avenue for emergency vehicles only.
- Existing pedestrian access from Tenth Avenue.

## Parking Provisions

The development will provide a total of 179 car parking spaces consisting of 145 spaces for residents and 30 spaces for visitors. A breakdown of the spaces is as follows:

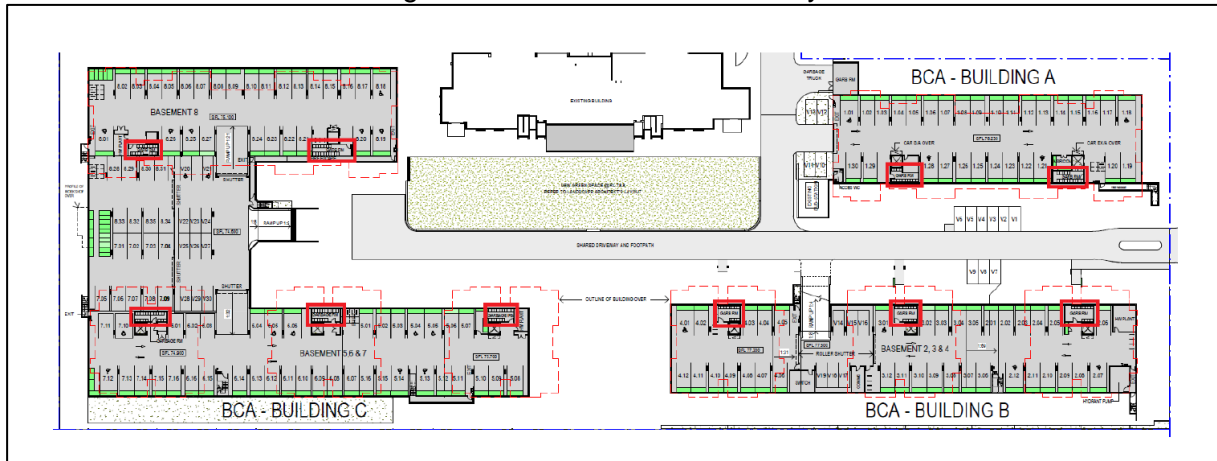
Parking Location	Details
At grade parking	Provision of 13 parking spaces provided at grade for visitors only.
Building 1 Basement	Provision of 30 parking spaces (including 4 accessible spaces) for residents only.
Building 2, 3 and 4 Basement	Provision of 42 parking spaces (including 4 accessible spaces), with 36 parking spaces allocated for residents and 6 spaces allocated to visitors.
Building 5, 6 and 7 Basement	Provision of 67 parking spaces (including 8 accessible spaces), with 56 parking spaces allocated for residents and 11 spaces allocated to visitors.



Building 8 Basement	Provision of 27 parking spaces (including 6 accessible spaces), allocated for residents.
---------------------	--

## Site Servicing

- Garbage and recycling are to be disposed and into separate 660L MGBs, located in the waste rooms on the basement level for each building (refer to figure 23)
- Full waste and recycling bins will be transferred to the kerb side collection area on the ground level outside each building for servicing.
- A room or caged area of 6m<sup>2</sup> floor area and with a minimum clear head height of 2m will be allocated for the storage of discarded residential bulky items.



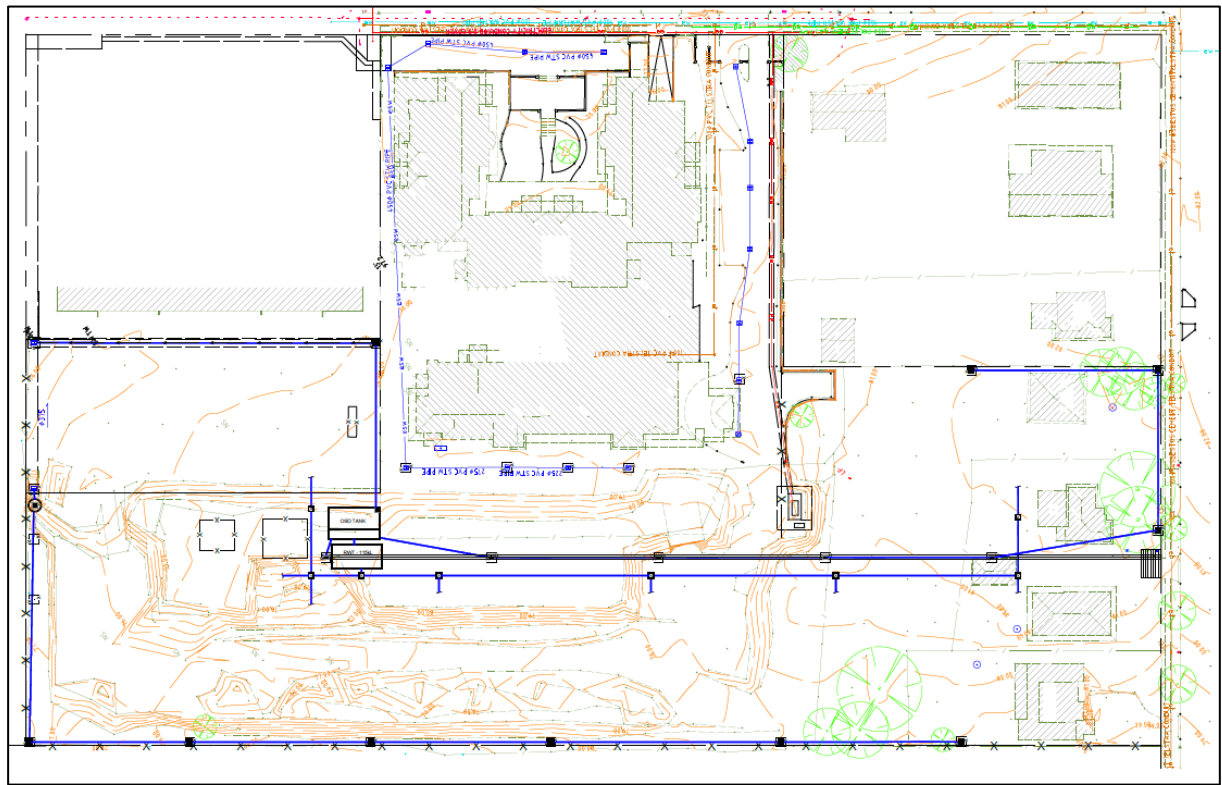
**Figure 23:** Basement parking with the location of storage areas

## Stormwater Drainage

- There are two stormwater systems to be installed: It is proposed that a stormwater pit and pipe systems is installed, running from east to west, along the new roadway which will reticulate to the proposed OSD tank under the roundabout. The outlet from the OSD tank will connect into the existing pit in the north-west corner of site, which reticulates through the RACF easement.
- A second pit and pipe system will capture runoff from the southern portion of the property behind the main line of buildings. This line will bypass the OSD tank connect directly into an existing pit located within the site boundary. The impervious community garden area will be captured by four (4) existing pits on the northern property boundary and thus will also bypass the OSD tank.
- Water captured from each of the building roofs will be reticulated to an 115kL rainwater tank through a separate pipe system.

Figure 24 below refers to the proposed stormwater plan

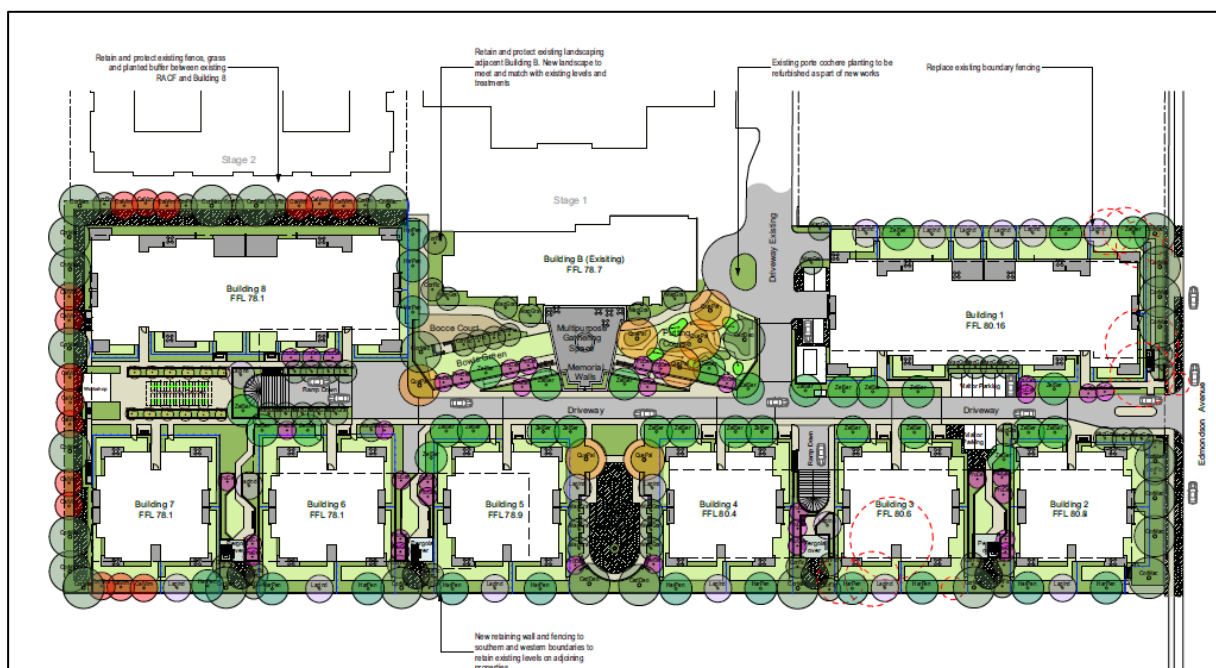




**Figure 24: Proposed Stormwater Plan**

### Landscaping and Communal Open Space

- The site will consist of 47% landscaped area consistent with the SEPP and DCP requirements. Refer to figure 25 below for the landscaped concept area.
- As per landscape plan the site will consist of concrete pavement
- The entire development will consist of 5,263m<sup>2</sup> of communal open space (29% of site area).
- The communal open space will consist of a community garden, bocce court, golf putting and lawn bowls.



**Figure 25: Proposed Landscape concept plan**

## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No. 55 – Site Remediation (SEPP 55);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Apartment Design Guide (ADG);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- Liverpool Growth Centre Precincts Development Control Plan;
- Liverpool Local Environmental Plan 2008- Part 1 (Section 18: Notification requirements)

#### State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD 2004)

Questions were raised to whether the SEPP HSPD 2004 applied to the site and development. The applicant submitted the development pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 with no reference to the SEPP HSPD 2004. Council requested legal advice on this matter.

The applicant provided legal opinion from Dibbs Baker dated 29 November 2016 which supported the view that the SEPP HSPD 2004 did not apply in this instance due to the following reasons:

- 1. The Growth Centres SEPP applies to all land in the South West Growth Centre, in which the property is located, and prevails over any other environmental planning instrument to the extent of any inconsistency (clause 6, Growth Centres SEPP).*
- 2. The proposed seniors housing development in the DA is permissible with development consent (clause 2.3 Liverpool Growth Centres Precinct Plan 2013 (**Precinct Plan**)).*
- 3. Part 4 of the Precinct Plan and the Growth Centres SEPP are the relevant statutory planning controls that Council is to have regard to when assessing development applications in the South West Growth Centres Precinct (clause 5 Growth Centres SEPP and Part 1 Precinct Plan).*
- 4. The Liverpool Growth Centre Precincts Development Control Plan March 2013 (**Precinct DCP**) is intended to provide the extra detail to be considered by Council when assessing developments in the Precinct area. These controls provide specific controls for seniors housing.*
- 5. Section 79C(1)(a)(i) of the Environment Planning and Assessment Act 1979 (NSW) provides that a consent authority is to consider an environmental planning instrument if it is of relevance to a development application.*

The application was referred to Council's General Counsel who agreed with the position that the SEPP HSPD 2004 did not apply to this development and agreed on the above reasons provided by the applicant.

#### Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

## Development Control Plans

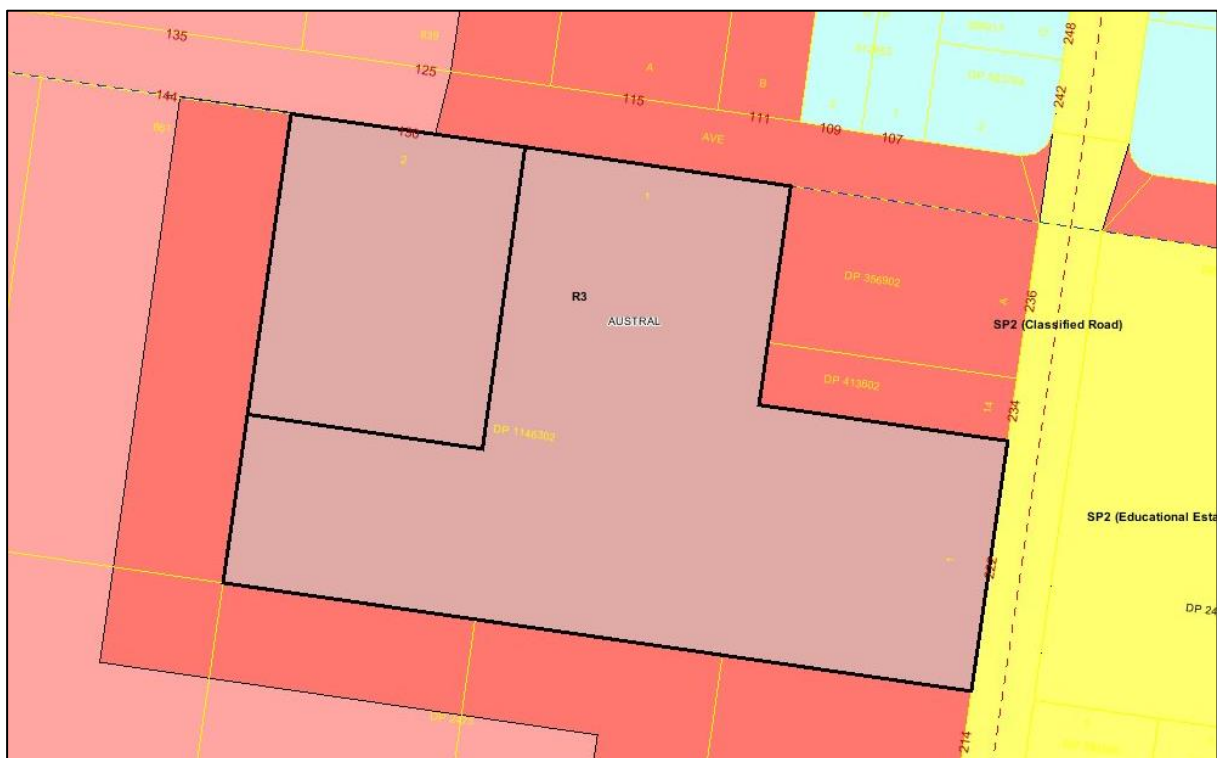
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006- Liverpool Growth Centre Precincts Development Control Plan;
- Liverpool Development Control Plan 2008- Part 1 – Controls applying to all development (Section 18: Notification Requirements)

## Contributions Plans

- Liverpool Contributions Plan 2014 - Austral and Leppington North Precincts applies to all development within the Austral and Leppington North.

## **5.2 Zoning**

The site is zoned R3 Medium Density Residential pursuant to SEPP (Sydney Region Growth Centres) 2006 as depicted in the figure below.



**Figure 26:** Zoning Map.

## **5.3 Permissibility**

The proposed development is defined as ‘Seniors Housing’, which is a permissible land use within the R3 High Medium Residential zone, pursuant to the SEPP (Sydney Region Growth Centres) 2006.

## **6. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

#### **(a) State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

## (i) Permissibility

The proposed development is for a *seniors housing* which is defined as follows:

*seniors housing means residential accommodation that consists of:*

*(a) a residential care facility, or*

*(b) a hostel, or*

*(c) a group of self-contained dwellings, or*

*(d) a combination of these,*

*and that is, or is intended to be, used permanently for:*

*(e) seniors or people who have a disability, or*

*(f) people who live in the same household with seniors or people who have a disability, or*

*(g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation, but does not include a hospital.*

The proposed development can be categorised as seniors housing development. It also satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings.

## (ii) Objectives of the zone

The objectives of the R3 – Medium Density Residential zone are identified as follows:

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

The proposed seniors housing development is considered to meet the housing needs of the community within a medium density residential environment. The development provides a variety of housing types in the form of residential flat buildings that are akin to the medium density character. The proposed seniors housing development enables further land uses to meet the day to day needs of residents.

## (iii) Principal Development Standards

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

Clause	Provision	Comment
<b>Clause 4.1B Residential Density</b>	The site is subject to a dwelling density of 25dw/ha.	<b>Complies.</b> The development meets the minimum dwelling density requirements and is akin to the medium density character.
<b>Clause 4.3 Height of Buildings</b>	Maximum height of 12m	<b>Non Compliance.</b> See below for a clause 4.6 variation to Height of Buildings.
<b>Clause 4.4 Floor Space Ratio</b>	Provisions relating to FSR.	<b>Not Applicable</b> The site is not subject to FSR controls.



<b>Clause 4.6 Exceptions to Development Standards</b>	Provisions relating to exceptions to development standards.	The development requests a variation to clause 4.3 Height of Buildings. See below for a clause 4.6 variation exceptions to development standards discussion.
<b>Clause 5.1 Relevant Acquisition Authority</b>	Provisions relating to the acquisition of land.	<b>Complies</b> The site fronts Edmondson Avenue, which is intended to be acquired by the RMS. The proposed development will not prevent the land from being acquired by the RMS.
<b>Clause 6.1 Public Utility Infrastructure</b>	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	<b>Complies</b> Comments have been received from Endeavour Energy and Sydney Water, which confirm that arrangements have been made to make public utility infrastructure available when required.

- **Clause 4.6 Exceptions to Development Standards**

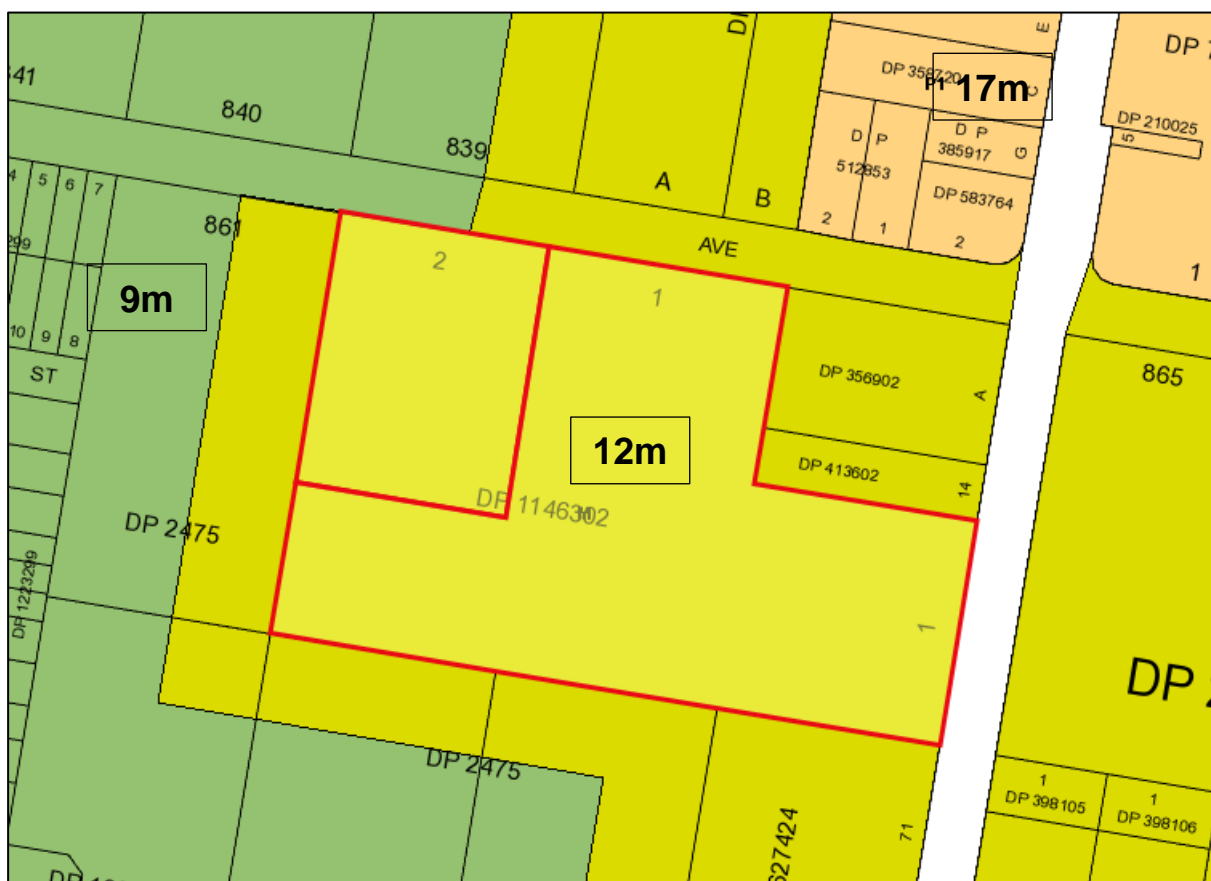
As identified in the principal development standards compliance table above, the proposal is compliant with majority of the principal development standards with the exception of clause 4.3 Height of Buildings.

Clause 4.3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 stipulates that:

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

- (a) *to establish the maximum height of buildings,*
- (b) *to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
- (c) *to facilitate higher density development in and around commercial centres and major transport routes.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*



**Figure 27: Height of Buildings Map**

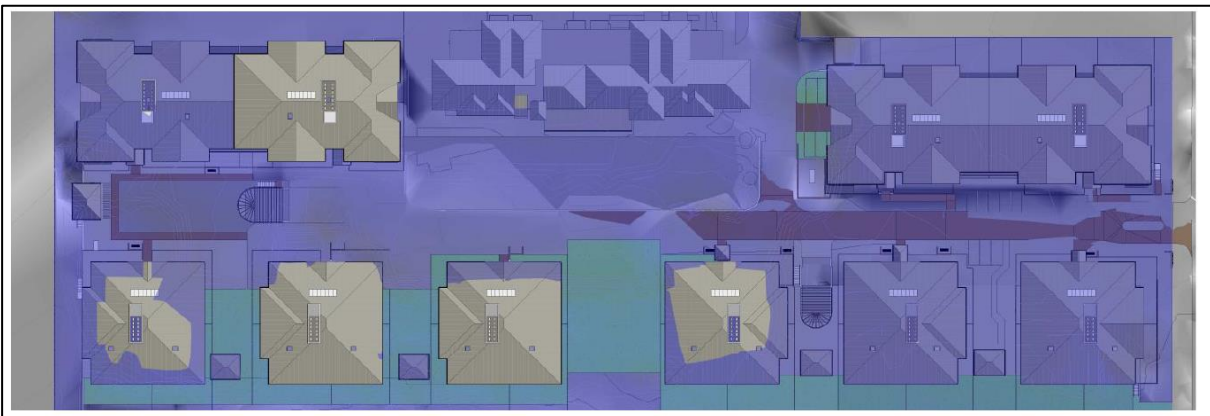
As depicted in figure 28 above, the maximum height of buildings applicable to the subject sites is 12m. The proposed development proposes height of buildings of:

	Height of buildings (from natural ground level)	Height of buildings (from existing ground level)	Variation
Building 1	11.38m	11.68m	-
Building 2	13.05m	13.02m	1.02m (8.5%)
Building 3	12.33m	12.54m	0.54m (4.5%)
Building 4	11.90m	12.31m	0.31m (2.6%)
Building 5	13.03m	13.02m	1.02m (8.5%)
Building 6	12.27m	12.45m	0.45m (3.8%)
Building 7	10.91m	11.42m	-
Building 8	12.65m	15.16m	3.16m (26%)

As seen in the table above it is clear that majority of the residential flat buildings contravene the development standard relating to height of buildings. The applicant seeks variations between 2.6% to 26%. It should be noted height exceedances only relate to lift overruns and portions of the pitched roofs for buildings 2, 3, 5, 6 and 8 as seen in figures 29 and 30 below:



**Figure 28:** Proposed development with the height of buildings overlay of 12m (blue) (Source: applicant)



**Figure 29:** Proposed development with the height of buildings overlay of 12m (blue) (Source: applicant)

Additionally, buildings 7 and 8 were subject to significant design amendments due to the issues raised by objectors and the SWCPP. These changes include the reduction of building height for building 7 from 14.54m to 11.42m.

The application was accompanied by an amended Clause 4.6 statement to justify the non-compliance. The submitted written request to vary Clause 4.3 Height of Buildings has been assessed against the provisions of Clause 4.6 and the objectives of Clause 4.3.

The key objectives of Clause 4.6 exceptions to development standards is stipulated below:

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

The provisions of Clause 4.6 are as follows:

(3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Director-General has been obtained.*

Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard.

The applicant, in their written statement, has addressed the objectives of Clause 4.3 Height of Buildings, which highlight that the full-compliance with the Clause is unreasonable and unnecessary:

- Clause 4.3 within Appendix 8 of the Growth Centre's SEPP sets a maximum permissible height for development. Clause 4.6 however, enables a degree of flexibility and variation to this standard to achieve better outcomes or cater to specific circumstances.*
- The artificial modification of the natural ground level from existing excavation works is specific to the site and reduces the level by where the building height is measured. Without excavation works, buildings which are four storeys in height, would exceed the height plane with only roof features and lift overruns. This departure would be deemed acceptable due to the positioning of buildings on the site, away from the public domain free of adjoining development.*
- Development to the east, adjoining Edmondson Avenue, is fully compliant with the height control, ensuring departures from the development standard are not visible from the public domain.*
- Land to the south of the subject site is characterised by a dam and open paddocks. It does not contain any buildings that would potentially be affected by the proposed development. All but two buildings proposed, including those which exceed the 12m height plane, adjoin the southern boundary of the site.*
- Setbacks provided from the southern and western boundary are consistent with the DCP to ensure adequate separation from the adjacent building and to provide a suitable transition to potential future development. Landscaping is also proposed along these boundaries to soften the developments interface with the adjacent properties and mitigate potential visual impacts to both current and future adjoining development.*
- The proposal is adjacent to the Austral Town Centre and is directly opposite land intended for high density commercial and retail land uses under the Austral Precinct Plan. The proposal, inclusive of the height variation, will facilitate increased density around the Austral Town Centre. The height will also provide an appropriate transition from the centre, consistent with the medium density residential land use intended for the site under Precinct Plan.*



**Council Comment:** It is considered that the proposal facilitates higher density major transport routes. Given the future proposal of Edmondson Avenue widening the height exceedance of building 2 facing Edmondson Avenue is appropriate.

It is envisaged the height exceedance of buildings 2-6 and building 8 will not have amenity impacts on the adjoining properties. Given that there are no FSR controls applicable to the site, the development is considered to be of an appropriate scale for the R3 locality. The siting of dwellings allow for the saturation of solar access throughout the site and is considered a favourable design form despite the minor technical non-compliance.

From the above it is noted that the development application proposal does not contravene with the objectives set out in Clause 4.3. The development is considered to comply with relevant controls relating to open space, overshadowing and setback controls. It is noted that the height exceedances will not create conflict with the visual impacts of the medium density area.

It is considered that the applicant has sufficiently demonstrated that the non-compliance with height of building, which relates to the lift overrun pitched roofs, is not unreasonable and unacceptable under the circumstances of the case. Thus, the departure from the height of building development standard is considered to be well-founded and has planning merit.

**(b) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat 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 Apartment Design Guidelines (ADG). The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

The ten key design quality principles that must be considered are listed below. In its amended form, the application demonstrates consistency with the principles and is acceptable.

- |  |   |
|--|---|
| 1. Context and Neighbourhood Character | 5. Landscape                                |
| 2. Built form and Scale                | 6. Amenity                                  |
| 3. Density                             | 7. Safety                                   |
| 4. Sustainability                      | 8. Housing diversity and social interaction |
|  | 9. Aesthetics                               |

Assessment of the application against the principles of SEPP 65 and the ADG, together with advice from Council's independent DEP has concluded that the proposal is satisfactory with respect to the provisions of SEPP 65 and the ADG, despite some variations to the guidelines.

An evaluation of the proposal against the principles of the SEPP 65 is provided in Attachment 1. An evaluation of the proposal against the ADG is provided in Attachment 2. While Attachment 2 addresses the main guidelines, this section of report only addresses the variations. The variations are considered to be acceptable as discussed below.

Variation building depth

The ADG requires the following control for building depths:

*"Use a range of appropriate maximum apartment depths of 12-18m from glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and ventilation"*

Assessment reveals all buildings have a building depth of 23m. The variation is considered acceptable given the development proposes an appropriate scale for the desired character of the area and zone. The development has been assessed in accordance with ADG controls and it is considered full compliance with natural ventilation, as 91% of units achieve natural ventilation. Furthermore, the development achieves minimum requirements of apartment size and

#### Variation to apartment mix

The ADG stipulates developments shall contain a range of apartment types and sizes.

The development proposes 8 x three-four storey buildings containing a total of 145 two-bedroom independent living units. Considering the development application is considered acceptable due to the following:

- The use of the development relates to seniors living;
- The proposal is located in close proximity to Leppington Train Station;
- The development is consistent with the desired outcome of the area and zone; and
- The building arrangement reflect a campus style scheme to ensure social integration with existing and proposed services such as communal open space and recreational areas.

#### **(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 accommodation that is within close proximity to a future transit road being Edmondson Avenue, the consent authority must be satisfied for where the development is for the purpose of residential development the certain noise criteria is achieved for the development. Specifically, Clause 102(3) 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, prepared by Pulse Acoustics, which concluded that the proposed development is capable on the basis of acoustics subject to noise attenuation measures such as appropriate façade glazing.

Conditions are 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 impacts from the future transit road. 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 (SEPP 55)**

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

The objectives of SEPP 55 are:

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

The application was referred to Council's Environmental Health Officer who raised objections with the submitted Remediation Action Plan (RAP) prepared by Douglas Partners. Particularly, Council's Environmental Health Officer deferred the assessment due to preferred method of remediation presented by the application. The submitted RAP contained methods of remediation strategies that conflicted with Council's preferred options, including the option of capping or on-site containment.

The applicant submitted a revised RAP to contain Council's preferred options for remediation strategies including off-site disposal and on-site treatment. The revised RAP concluded that the preferred option is off site disposal. The application was re-referred to Council's Health Officer who raised no objections on the grounds of the revised RAP prepared by Douglas Partners.

In this regard, the proposed development is not in conflict with the aims and objectives of the Policy.

Pursuant to the above SEPP, Council must consider:

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

The following were considered in the assessment of SEPP 55:

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Considered.
(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	It is considered that the remediation of the site in accordance with the submitted RAP is suitable for residential accommodation and will enable appropriate strategies to manage contamination on the subject site. The application was referred to Council's Environmental Health Officer who raised no objections.
(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.	It is considered that the remediation of the site in accordance with the submitted RAP is suitable for residential accommodation and will enable appropriate strategies to manage contamination on the subject site. The application was referred to Council's Environmental Health Officer who raised no objections.

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

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

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

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

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



(4) Water quantity	Council's development engineers have provided conditions of consent aiming to reduce the impact from the expected storm-water runoff and flow characteristics through the site, on downstream aquatic ecosystems.
(5) Cultural heritage	The site is not mapped as containing Aboriginal and or cultural significance.
(6) Flora and fauna	The entire site is identified as Biodiversity certified. The site does not contain environmentally sensitive flora and fauna.
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.
(10) Urban development	The site has been rezoned to residential and the proposal does not propose further subdivision of land. The proposed development allows for the provision of various residential accommodation with the R3 medium density zoned land. Further, Council's engineers have provided conditions for any consent, to manage erosion and sediment erosion and loss, and to improve the quality of expected stormwater discharge from the site.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy by contributing to greenfield development in the South West Growth Centre.

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

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

The following draft Environmental Planning Instruments applies 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 Liverpool Growth Centres Precincts Development Control Plan, particularly Part 4 *Development in residential zones*. The development is found to be generally compliant and 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.

## **6.7 Section 4.15(1)(b) – The Likely Impacts of the Development**

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

### ***Built Environment***

It is considered that the proposed development will have minimal impact on the built environment. The proposed development is consistent with the future desired locality of Austral. Although the proposal seeks a variation to the height of buildings, it was assessed the height exceedance is unlikely to have detrimental impacts on the locality. The development is compliant with Apartment Design Guidelines and DCP controls for residential flat buildings, including provisions relating to building separation and setbacks.

The proposal has been subject to significant design changes to accommodate for potential privacy concerns on the western boundary and for these reasons it is considered the proposal will not have unreasonable impacts on the built environment.

### ***Natural Environment***

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. The subject site does not have further environmental constraints and is not mapped as bushfire or flood prone land.

The application was referred to Council's Floodplain management section who raised no objections, subject to conditions of consent.

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

The development is likely to result in a positive social impact within the locality. The existing Aged Care facility on site continues to provide local residents and families with vital services within the locality. The proposed development will enhance the existing service and provide for additional aged care services to meet the demand and ageing population. Particularly, the proposed development will provide for communal open spaces with services such as lawn balls and sitting areas to ensure the social cohesion and social interaction of future occupants.

The development will likely result in a positive economic impact, through the provision of employment generation during the construction of the development and the on-going use of the development including additional care worker jobs.

## **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 the relevant EPI's with the exception of variation to the height of buildings. The identified variations have been considered in this report and are supported as they do not result in adverse impacts on the locality. 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:

<b>Department</b>	<b>Comments</b>
<b>Traffic</b>	Supported, subject to conditions.
<b>Flooding</b>	Supported, subject to conditions.
<b>Environmental Health</b>	Supported, subject to conditions.
<b>Engineering</b>	Supported, subject to conditions.

<b>Community Planning</b>	Supported.
<b>Natural Environment</b>	Supported, subject to conditions.
<b>Waste Management</b>	Supported, subject to conditions.
<b>Legal</b>	Supported.

**(b) External Referrals**

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

<b>Authority</b>	<b>Comments</b>
<b>Endeavour Energy</b>	Supported, subject to conditions.
<b>Sydney Water</b>	Supported, subject to conditions.
<b>Transport for NSW</b>	Supported, subject to conditions.
<b>RMS</b>	Supported.

**(c) Independent Council Panels**

The development application was referred to Council's Design Excellence Panel (DEP) on 14<sup>th</sup> December 2017. The DEP identified various design issues relating to provision of trees, landscaping, storm water swales, schedule of materials. Subsequently, the applicant responded to the DEP's concerns and amended plans were submitted. Council considered the applicants response to DEP's comments to be satisfactory.

Amended plans were submitted addressing the concerns raised by the DEP, which resulted in a reduction to the overall number of units from 149 to 145.

**(d) Community Consultation**

In accordance with Part 1 of the Liverpool Development Control Plan 2008, the application was notified to opposite and adjacent lots from 17 October 2017 to 2 November 2017. Two (2) submissions have been received relating to the subject DA. The initial concerns raised were:

The applicant provided amended plans on 29 October 2018. Upon review of the revised plans the objectors raised additional concerns.

The outstanding issues raised and the responses are as follows:

**Privacy**

*Concern: The proposed reduction in Height of Building 7 from 4 stories to 3 and balconies relocated to be outside the 6m building setback were non-compliant initially and will now be compliant. There has been no proposed design initiatives or amendments to the proposed units that have direct views into the back yard and windows of the future housing to the west, their privacy and quality of life will be greatly threatened by the proposed design.*

*Applicant's response: Building 7 and Building 8 has been subject to following design initiatives and amendments since the lodgment:*

- *The height of building 7 has been reduced from four storeys to three storeys;*
- *A considerable number of privacy screens have been added to the western elevation of building 7 and building 8; and*
- *The balconies along the western elevation of Building 8 have been reduced to ensure no building element encroaches the 6m side setback.*

*Each of the above points clearly and unambiguously represent design amendments and initiatives undertaken to date, which have aimed to address concerns over privacy to the future residential housing to the west of the site.*

*Building 7 and Building 8 remains compliant with the relevant development standards applicable to the site, in particular those which aim to mitigate impacts associated with privacy between developments. Specifically:*

- Each building element adjoining the western boundary is compliant with the maximum height control applicable to the site;*
- Building 7 is setback a minimum of 6.4m from the western boundary. Building 8 is setback a minimum of 6.0m from the western boundary. Each setback is compliant with minimum requirements of the Liverpool Growth Centre Precincts Development Control Plan 2013 (for residential flat building in the R3 zone); and*
- A 6m setback is consistent with the building separation distances recommended under the ADG for development up to 12m (four storeys).*

*It is noted that the property located directly west of the site has lodged a development application (DA-219/2017), which seeks approval for the demolition of existing structures, the subdivision of the existing lot, and associated subdivision works, including earthworks, tree removal, roads, drainage construction and installation of utility services<sup>1</sup>. As the development application (DA-219/2017) does provide detailed designs in relation to the future residential buildings it would be unreasonable (and impossible) to require the design of Building 7 and Building 8 within this application to contemplate further design amendments to accommodate a potential future neighbouring development.*

### **Comment from Council**

Assessment reveals potential privacy impacts from the proposed development to the property to the west identified as 144 Tenth Avenue. Buildings 7 and 8 contain openings including balconies and windows on looking onto the private open spaces of the future residential subdivision. It is considered the design initiatives by the applicant to satisfactorily address privacy concerns raised by the applicant. Additionally, it is considered that by the imposition of louvered privacy screens of 1.8m as a condition of consent will fully ensure privacy concerns to be addressed and comply with objectives of privacy controls stipulated in the Liverpool Growth Centre Precincts DCP.

### **Landscaping**

*Concern: The proposed landscaping will not add any additional privacy as the units on the ground level would be blocked by the fencing.*

*Applicant's response: The fencing along the western boundary of the site will assist in mitigating privacy concerns at ground level between adjoining developments. The medium and taller canopy trees that are proposed will assist the natural screening of the upper storeys of Building 7 and Building 8 and will reduce overlooking from upper levels to any future development to the west of the site as they mature.*

### **Comment from Council**

Council acknowledges the implementation of landscaping as a trivial mechanism to aid privacy implications. The design of the buildings and the full adherence to relevant controls including setbacks elevates privacy implications. In this case, landscaping proposed trivially assists privacy impacts and interface issues with the implementation of mature height trees.

### **Floor plans**

*Concern: The Units in buildings 7 & 8 on the 2<sup>nd</sup>, 3<sup>d</sup> and 4<sup>th</sup> floors that have balconies on the western side of the buildings also have a balcony with views to the North and South. The reconfiguration of the floor plans for these units to remove the balconies on the Western wall would gain additional room for the resident and assist greatly in protecting the privacy of future residents to the West. Balconies fronting North and South can have a privacy screen along the*

*western side of the balcony that will also give privacy to the future residents to the West and in turn provide privacy to the owners of the Units.*

*Applicant's response: Building 7 and Building 8 have been subject to several design amendments, and are compliant with the development standards which mitigate privacy impacts between development...Building 7 and Building 8 should not be required to further reconfigure internal floorplates and balcony designs to satisfy a potential future development in which the detailed design is unknown.*

#### **Comment from Council**

It should be noted that all the balconies will have 1.8m high privacy louvres as a condition of consent. The buildings have gone under significant design changes to ensure the mitigation of privacy impacts onto 144 Tenth Avenue. Building 7 and 8 complies with side setback requirements in the Growth Centres DCP and ADG requirements.

#### **Workshop operating hours**

*Concern: Stating that the workshop will be available during normal working hours is not acceptable, a proposed time of 9.30am to 5.30pm is a more acceptable solution. The use of the workshop between these hours will assist in minimising any noise not only for the residence to the west but also for the persons residing in the units.*

*Applicant's response: The hours of operation for the workshop are proposed to be restricted to 9:30am to 5:30pm, in accordance with the recommendation of the submission.*

#### **Comment from Council**

Council considers this concern raised by the objector and has imposed a condition of consent to limit the workshop hours of operation from 9.30am to 5.30pm. This condition will be applied as an on-going use condition.

#### **Noise and lighting**

*Concern: Buildings 7 & 8 have underground parking, the lights from the cars and noise from the garage doors are also of concern. The monitoring of the future design for lighting, acoustic by Council would be appreciated.*

*Applicant's response: The entry to the proposed basement for Building 7 and Building 8 is greater than 50 metres from the western boundary of the site. The noise generated from the vehicles and basement will be no greater than that generated by any other residential street. The physical distance and the intermittent nature of vehicle movements associated with seniors housing will mitigate any issues associated with vehicle lights shining to the west of the site.*

*Notwithstanding, the location of the proposed workshop, which directly aligns with the basement ramp for Building 7 and Building 8, will provide a physical screen and block vehicle lights penetrating to the west when they enter the basement. This, combined with the fencing and landscaping at ground level, provides adequate screening to mitigate light penetration to the adjoining lot to the west.*

*It should be noted by Council that the Acoustic Impact Assessment prepared by Pulse Acoustic, concluded that the additional traffic movement is unlikely to generate an adverse noise impact to the closest residential receivers, which within the assessment, includes the residents to the west.*

#### **Comment from Council**



Council's Environmental Health officer has considered the Acoustic Assessment prepared by Pulse Acoustic to have no adverse acoustic impacts on adjoining properties. Lighting is to be contained within the development and entire site and has no impacts on adjoining residences in this case. Additionally, the entrance for the basement car parks will be from 120 Tenth Avenue approximately 80m east from 144 Tenth Avenue.

### **Overshadowing**

*Concern: The shadowing at 9.00am from Buildings 7 & 8 is a concern.*

*Applicants response: It is recognised that Building 7 and Building 8 do create some overshadowing to the lot directly west of the site at 9:00am on June 21. The overshadowing during this period falls close to the lot boundary and does not significantly extend westward into the adjoining lot.*

*The adjoining lot to the west is completely free of overshadowing by 12:00pm... a time when solar access is most desired. The proposed development will not inhibit the adjoining lot's ability to achieve a minimum of three hours of sunlight between 9am and 3pm at the winter solstice (21 June), which is consistent with the solar access provisions for residential dwellings under the DCP.*

*Building 7 and Building 8 are compliant with the development standards applicable to the site and are consistent with the medium density built form envisaged for the site under the Austral and Leppington North Indicative Precinct Plan.*

### **Comment from Council**

Submitted shadow plans by AJ+C illustrate overshadowing to the western adjoining property in the morning. It is considered the development has minimised overshadowing of neighbouring dwellings given:

- The building 7 is compliant with the height requirement;
- Building 8 height non-compliant relates to the pitched roof which is considered not to have adverse overshadowing impacts onto 144 Tenth Avenue.
- The redesign of the building forms initially lodged with the previous DA containing bulkier residential flat buildings would have created adverse overshadowing impacts. It is considered with the design amendments, the new built forms limit overshadowing to 144 Tenth Avenue.
- Solar access will be achieved by 10am.
- The development achieves solar access requirements.

### **Stormwater and Floodplain**

The applicant also raised concerns in relation to stormwater and floodplain management.

*Concerns: The line on the western boundary is sized for the 1:100 year, however, there is no formed swale or wall/kerb along the western boundary to prevent flows entering the site in the event the pit/pipe system gets blocked, any overland flow should be directed towards the 2.5m wide easement which ultimately drains to Tenth Avenue.*

*There is an existing 2.5m swale drain along the northern part of the side boundary which needs to be extended the full length of the side boundary to ensure all stormwater over flow is directed towards Tenth Ave.*

### **Comment from Council**

The concerns were reviewed by Council's flooding and land development engineers who provided the following comments:

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There is considerable fall along the western boundary toward the existing easement. Any excess flows would make their way north along the western boundary toward the existing easement. To ensure no water is directed to the property to the south in the event of a complete blockage, the following condition of consent has been imposed:

*“Prior to the issue of any Construction Certificate, stormwater drainage plans must be amended to include a formed emergency overland flow path along the full length of the western boundary of the site from proposed Pit 6/3 through to the existing easement to drain water on Lot 2 DP 1146302. The flow path must be sized to cater for all storm events in the event the stormwater system fails or becomes blocked. Details must be submitted to and approved by Council.”*

Council considers the applicant has adequately addressed the objectors concerns through the amended architectural plans and/or through conditions of consent.

#### **6.10 Section 4.15(1)(e) – The Public Interest**

The proposed development is consistent with the zoning of the land and would represent a high quality and diverse development for Liverpool LGA. The development provides additional housing opportunities within close proximity to employment opportunities and transport corridors.

In addition to the social and economic benefit of the proposed development and taking into consideration the submissions received, the development is considered to be in the public interest.

#### **7. DEVELOPER CONTRIBUTIONS**

Contributions have been applied to the development in accordance with Liverpool Contributions Plan 2014 Austral and Leppington North. A Special Infrastructure Contribution is also be required.

The total contributions are:

Stage 1: Not applicable  
Stage 2: \$604,201.00  
Stage 3: Not applicable  
Stage 4: \$779,627.00  
Stage 5: Not applicable  
Stage 6: \$961,490.00  
Stage 7: \$625,161.00

NSW SIC Levies maybe applicable to the development and will be conditioned in consent.

#### **8. CONCLUSION**

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for a seniors living development at 130 Tenth Avenue and 222 Edmondson Avenue, Austral.
- The proposal is consistent with the objectives of the R3 Medium Density Residential zones that are applicable to the site under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

- The proposal is also consistent with the objectives of Clause 4.3 Height of Buildings despite the numerical non-compliance. The application is supported by written request to vary the development standards.
- The proposal substantially complies with the provisions of the Liverpool Growth Centre Precincts Development Control Plan.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 Design Principles and the requirements of the Apartment Design Guide. The scale and built form is consistent with the desired future character of the area that is envisaged under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- The development will be well located in relation to Leppington Train Station, employment, shopping, business and community services. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site. The development is in accordance with the zone objectives and other principal development standards stipulated in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 irrespective to height of buildings.

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

## 9. ANNEXURES TO REPORT

1. SEPP 65 Design Quality Principles Compliance Table
2. Apartment Design Guide Compliance Table
3. Compliance Table – LGCP DCP- **Part 2 Precinct Planning Outcomes**
4. Compliance Table – LGCP DCP- **Part 4 Development in Residential Zones**

## 10. ATTACHMENTS

1. Draft Conditions of Consent
2. Design Excellence Panel Minutes
3. Amended Clause 4.6 Variation
4. Submissions
5. Survey
6. Architectural Plans
7. Remediation Action Plan
8. Stormwater Plans
9. Approved plans for DA at 144 Tenth Avenue
10. Legal advice by Dibbs and response from Council
11. Staging Plan
12. Traffic Report

## Annexure 1: SEPP 65 Design Quality Principles Compliance Table

Design Quality Principle	Comment
<b>Principle 1: – Context and Neighbourhood Character</b>	
<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 sites in established areas, those undergoing change or identified for change.</p>	<p>The development site is located along Edmondson Avenue which is identified as a future transit boulevard. The boulevard is undergoing a major transition from rural to residential living. The proposed development is considered to correspond to the future characteristic of the locality and is consistent with the R3 zone objections. As such the new development will add to the quality and identity of the growth area.</p>
<b>Design Principle 2 – Scale &amp; Built Form</b>	
<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>The locality is considered to be land in transition and as such the proposed development will establish the scale of the R3 zoned locality. There are no FSR provisions applicable to the site. Although the proposed buildings exceed the height limit, it has been assessed that the height exceedance relating to the pitched roofs and lift overruns to have no detrimental impacts on the locality.</p> <p>The proposed built form is respectful of the surrounding built form context by responding to the predominant building alignments, setbacks and future desired proportions.</p>
<b>Design Principle 3 – Density</b>	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed density is appropriate for the site and within the desired future character of the immediate context of the area. The development site is located close to public transport, transit routes, community facilities and businesses within Austral. The development ensures that the amenity of the adjoining properties is not unreasonably compromised.</p> <p>The density proposed is considered to be suitable, given the site is well located to public transport, shops, services and amenities.</p>
<b>Design Principle 4 – Sustainability</b>	

Design Quality Principle	Comment
<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>The proposed development incorporates water and energy saving devices provided in the submitted BASIX certificate.</p>
<b>Design Principle 5 – Landscape</b>	
<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>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>The development provides for sufficient landscaping and deep soil planting where possible. Deep soil planting and landscaping is provided on the ground floor, while landscaped areas are provided to the communal open space. Landscaping consists of native species that are capable of reaching a mature height of 20m.</p>
<b>Design Principle 6 – Amenity</b>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The development overshadows adjoining land to the west at 9am. However, the development still achieves solar access requirements. Notwithstanding, careful consideration has been given to the orientation and positioning of the units to ensure a satisfactory level of visual and acoustic privacy for neighbouring residents. There are significant privacy mitigation measures employed such as the implementation of privacy screens throughout the western boundary where the interface of residential to seniors housing uses occur.</p>
<b>Design Principle 7 – Safety</b>	



Design Quality Principle	Comment
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development has been designed to the principles of 'Safer by Design'. Aspects such as natural surveillance and controlled access have all been taken into consideration.</p>
<b>Design Principle 8 – Housing diversity and social interaction</b>	
<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>The development is considered to optimise the needs of the local community as it increases access to aged care. It is considered with the Australia's ageing population that this development will address and provide for future generations.</p> <p>The development also provides for positive social outcomes such as the provision of communal open space with opportunities for future occupants to interact.</p> <p>The development provides for suitable housing which will meet both the current and future community.</p>
<b>Design Principle 9 – Aesthetics</b>	
<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 local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed building is designed having regard to the future surrounds and development of the precinct. It is considered that the proposed development incorporates the composition of building elements, textures, materials and finishes which all contribute to the overall high quality and aesthetically appealing development.</p>

## Annexure 2: Apartment Design Guide Compliance Table

Provisions	Comment
<b>2E Building depth</b>	
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><b>Does not comply.</b></p> <p>Building 1- 23m. Does not comply.  Building 2- 23m. Does not comply.  Building 3- 23m. Does not comply.  Building 4- 23m. Does not comply.  Building 5- 23m. Does not comply.  Building 6- 23m. Does not comply.  Building 7- 23m. Does not comply.  Building 8- 23m. Does not comply.</p> <p>Refer to Section 6.1(b) of this report for discussion.</p>
<b>2F Building separation</b>	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul>	<p><b>Complies.</b></p> <p>Minimum building separation distances are provided.</p>
<b>3A Site analysis</b>	
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><b>Complies.</b></p> <p>A detailed site analysis plan has been provided.</p>
<b>3B Orientation</b>	
<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><b>Complies.</b></p> <p>The building type is appropriate for the streetscape.</p> <p>Overshadowing of neighboring properties is minimal.</p>
<b>3D Communal and public open space</b>	
<p>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</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><b>Complies.</b></p> <p>5,263m<sup>2</sup> of communal open space is provided which equates to 29% of the site area.</p> <p>The communal open space includes a community gardens, bowling green, bocce court, putting greens, and various areas for sitting.</p>
<b>3E Deep soil zones</b>	

Provisions			Comment	
Deep soil zones are to meet the following minimum requirements:			<b>Complies.</b> 34% of the site area is deep soil zones.	
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)		
Less than 650m <sup>2</sup>	-	7%		
650m <sup>2</sup> to 1500m <sup>2</sup>	3m			
Greater than 1500m <sup>2</sup>	6m			
Greater than 1500m <sup>2</sup> with significant tree cover	6m			
3F Visual Privacy				
Minimum required separation distances from buildings to the side and rear boundaries are as follows:			<b>Complies.</b> <u>Western Boundary:</u>  Building 7- 6.4m  Building 8- 6m  <u>Southern Boundary:</u>  Building 2- 6m  Building 3- 6m  Building 4- 6m  Building 5- 6m  Building 6- 6m  Building 7- 7m  <u>Northern Boundary:</u>  Building 1- 6m	
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				
Building entries and pedestrian access connects to and addresses the public domain				<b>Complies.</b> Pedestrian access and entries complies with the objectives of the ADG.
Access, entries and pathways are accessible and easy to identify				
Large sites provide pedestrian links for access to streets and connection to destinations				
3H Vehicle Access				
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			<b>Complies.</b> Vehicle access points are located to achieve safety and minimize conflict.	
3J Bicycle and Car Parking				
For development in the following locations:			<b>Complies.</b>	

Provisions	Comment
<ul style="list-style-type: none"> <li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li> </ul> <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>	<p>Car parking is provided in accordance with the DCP of the SEPP (Sydney's Growth Center) 2006. Parking space is provided for service vehicles. The car parking design is considered to be safe and secure for both occupants and visitors.</p>
<b>4A Solar and Daylight Access</b>	
<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>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><b>Complies.</b></p> <p>90% of apartments receive a minimum of 2 hours of solar access.</p> <p>8% of the apartments receive no solar access.</p>
<b>4B Natural Ventilation</b>	
<p>All habitable rooms are naturally 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>	<p><b>Complies.</b></p> <p>Cross ventilation plans to be provided which demonstrate which units receive cross ventilation.</p> <p>Approximately 91% of all units are naturally cross ventilated.</p>
<b>4C Ceiling Heights</b>	
<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height</p>	<p><b>Complies.</b></p> <p>A floor to ceiling height of 3.2m is provided for the ground floor and first floor, and a</p>

Provisions		Comment										
Habitable rooms	2.7m	floor to ceiling height of 2.7 is provided to the second floor.										
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											
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms												
Ceiling heights contribute to the flexibility of building use over the life of the building												
4D Apartment Size and Layout												
Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</p>		Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<b>Complies.</b> The size of the units exceeds the minimum internal area requirements.
Apartment Type	Minimum Internal Area											
Studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
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		<b>Complies.</b> Habitable rooms are provided with windows of sufficient glass areas.										
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		<b>Complies.</b> Habitable rooms are generally limited to 2.5m x the ceiling height.										
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		<b>Complies.</b>										
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)		<b>Complies.</b> Bedrooms are of sufficient size.										
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		<b>Complies.</b> Bedrooms have a minimum dimension of 3m.										



Provisions		Comment															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>- 3.6m for studio and 1 bedroom apartments</li><li>- 4m for 2 and 3 bedroom apartments</li></ul>		<b>Complies.</b> Sufficient widths are provided to living rooms/dining rooms.															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m<sup>2</sup></td><td>2.4</td></tr></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 <sup>2</sup>	-	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3 bedroom	12m <sup>2</sup>	2.4	<b>Complies.</b> The development provides for sufficient balcony size and depths.
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m <sup>2</sup>	-															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3 bedroom	12m <sup>2</sup>	2.4															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m		<b>Complies.</b> More than 15m <sup>2</sup> 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		<b>Complies.</b> The maximum number of units off a circulation core is 5.															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40		<b>Not applicable.</b>															
4G Storage																	
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom</td><td>8m<sup>3</sup></td></tr><tr><td>3 bedroom</td><td>10m<sup>3</sup></td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>		Dwelling Type	Storage Size Volume	Studio	4m <sup>3</sup>	1 bedroom	6m <sup>3</sup>	2 bedroom	8m <sup>3</sup>	3 bedroom	10m <sup>3</sup>	<b>Complies.</b> Sufficient storage space is provided within each unit and within the basement.  Storage cages are provided in the basement which generally provided 3-4m <sup>3</sup> . Additional storage cages are provided in the basement.					
Dwelling Type	Storage Size Volume																
Studio	4m <sup>3</sup>																
1 bedroom	6m <sup>3</sup>																
2 bedroom	8m <sup>3</sup>																
3 bedroom	10m <sup>3</sup>																
4H Acoustic Privacy																	
Noise transfer is minimised through the siting of buildings and building layout		<b>Complies</b> The development is in accordance with the objectives.															
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		<b>Non Compliance</b> Refer to section 6.1(b) for discussion.															

Provisions	Comment
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	<b>Complies.</b> The development is in accordance with these objectives.
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	<b>Complies.</b> The overall design including building façade has been endorsed by the Design Excellence Panel.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	<b>Complies.</b> 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	<b>Complies.</b> 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	<b>Complies.</b> 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	<b>Complies.</b> 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	<b>Not Applicable.</b>
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	<b>Not Applicable.</b>
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	

Provisions	Comment
Awnings are well located and complement and integrate with the building design	<b>Complies.</b> Awnings are provided to entries for wet weather protection.
Signage responds to the context and desired streetscape character	<b>Complies.</b> Building address signage is integrated into the building design.
<b>4U Energy Efficiency</b>	
Development incorporates passive environmental design	<b>Complies.</b> 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	
<b>4V Water Management and Conservation</b>	
Potable water use is minimised	<b>Complies.</b> Potable water use is minimized 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	<b>Complies.</b> 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	<b>Complies.</b> The development incorporates flood mitigation measures.
<b>4W Waste Management</b>	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	<b>Complies.</b> Waste storage facilities are provided and will be maintained by the caretaker.
Domestic waste is 54inimized by providing safe and convenient source separation and recycling	
<b>4X Building Maintenance</b>	
Building design detail provides protection from weathering	<b>Complies.</b> The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

**Annexure 3: Compliance Table – LGCP DCP- Consideration of DCP Part 2 Precinct Planning Outcomes**

Development Control	Provision	Comment
<b>2.2 The Indicative Layout Plan</b>	All development applications are to be generally in accordance with the Indicative Layout Plan.	<b>Complies</b> The DA is in accordance with the ILP.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
<b>2.3.1 Flooding</b>	This section controls relating to development on flood prone land	<b>Complies</b> The site is not identified as flood prone land. However, the site is subject to overland flow. The application was referred to Council's Floodplain section who raised no objections to the development, subject to the imposition of conditions.
<b>2.3.2 Water Cycle Management</b>	This section contains controls relating to stormwater management.	<b>Complies</b> There are two stormwater systems to be installed: It is proposed that a stormwater pit and pipe systems is installed, running from east to west, along the new roadway which will reticulate to the proposed OSD tank under the roundabout. The outlet from the OSD tank will connect into the existing pit in the north-west corner of site, which reticulates through the RACF easement. A second pit and pipe system will capture runoff from the southern portion of the property behind the main line of buildings. This line will bypass the OSD tank connect directly into an existing pit located within the site boundary. The impervious community garden area will be captured by four (4) existing pits on the northern property boundary and thus will also bypass the OSD tank.  The application was referred to Council's Land Development Engineers who raised no objections subject to the imposition of conditions.

Development Control	Provision	Comment
<b>2.3.3 Salinity and Soil Management</b>	This section contains controls relating to salinity and soil management.	<b>Complies.</b> The site is not mapped as containing salinity potential.
<b>Clause 2.3.4 Aboriginal and European Heritage</b>	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	<b>Not Applicable.</b> The site has not been identified as containing the potential for Aboriginal and European Heritage.
<b>2.3.5 Native Vegetation and Ecology</b>	This section contains controls relating to the conservation and rehabilitation of native vegetation.	<b>Not Applicable.</b> The site is bio-certified.
<b>2.3.6 Bushfire Hazard Management</b>	This section contains controls relating to development on bushfire prone land.	<b>Not Applicable</b> The site is not identified as bushfire prone land.
<b>2.3.7 Site Contamination</b>	This section contains controls relating to development on potentially contaminated land.	<b>Complies</b> The site is required to undergo a remediation strategy. The application was referred to Council's Environmental Health Officer who requested a revised remediation action plan. Upon review the Environmental Health officer was satisfied and imposed conditions of consent. See SEPP 55 for a full assessment.
<b>2.3.8 Development on and adjacent to electricity and gas easements</b>	This section contains controls relating to development on and adjacent to electricity and gas easements.	<b>Complies</b> The development site contains easements benefitting Endeavour Energy for two existing padmount substations and associated cabling. The DA was referred to Endeavour Energy for comment, who raised no issues with the development subject to recommendations.  The site is not affected by any gas easements.
<b>2.3.9 Noise</b>	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	<b>Complies</b> The application was accompanied by a Noise Impact Assessment Report, which concluded that acoustic treatment would be required to future dwellings in order to achieve acoustic privacy from traffic noise associated from Edmondson Avenue.
<b>2.3.10 Odour Assessment and Control</b>	This section relates to land deemed by Council to be affected by an odour source.	<b>Not Applicable</b> There are two existing odour sources within the vicinity. However, the subject site is more than 500m from the sources and does not trigger further odour assessments.
<b>2.3.11 Air Quality</b>	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	<b>Not Applicable</b> The DA does not propose industrial or employment development.



Development Control	Provision	Comment
<b>2.4 Demolition</b>	This section contains controls relating to demolition of buildings	<b>Complies</b> The DA proposes the demolition of existing development on site, which consists of dwellings and outbuildings. Conditions of consent will be imposed to ensure compliance with the relevant controls.
<b>2.5 CPTED</b>	This section contains controls relating to the principles of CPTED.	<b>Complies</b> An assessment of the CPTED principles was conducted by the NSW Police Force – Green Valley Local Area Command, who raised no issues, subject to recommendations.
<b>2.6 Earthworks</b>	This section contains controls relating to earthworks	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues to the bulk earthworks, subject to conditions.

#### Annexure 4: Compliance Table – LGCP DCP- Part 4 Development in Residential Zones

Development Control	Provision	Comment
<b>4.4.6 Seniors Housing</b>	Applications for seniors housing are to comply with the controls in clause 4.3.4 of this DCP for multi dwelling housing, or controls for residential flat buildings in clause 4.3.5, as appropriate to the proposed development.	<b>Complies.</b> As the proposed development resembles the typology of a residential flat building, the assessment of the provisions of Clause 4.3.5 have been undertaken, as detailed below.
<b>4.3.5 Controls for Residential Flat Buildings</b>	In density areas of 20dw/Ha and 25dw/Ha, manor homes may only be located on corner lots.	<b>Not Applicable.</b> Manor homes are not proposed.
	Residential flat buildings are to: <ul style="list-style-type: none"> <li>- be located on sites with a minimum street frontage of 30m, and</li> <li>- have direct frontage to an area of the public domain (including streets and public parks), and</li> <li>- not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact, privacy impact or visual impact.</li> </ul>	<b>Complies.</b> <ul style="list-style-type: none"> <li>- The site has a frontage of approximately 151m to Tenth Avenue and 75m to Edmondson Avenue.</li> <li>- The site has a direct frontage to Tenth Avenue and Edmondson Avenue.</li> <li>- The proposed development is unlikely to impact upon the existing or future amenity with respect to overshadowing, privacy impact or visual impact.</li> </ul>
	All residential flat buildings are to be consistent with: <ul style="list-style-type: none"> <li>- the guidelines and principles outlined in SEPP No. 65 – Residential Flat Development; and</li> <li>- the primary controls set out in Table 4-10, which take precedence over the above where there is any inconsistency.</li> </ul>	<b>Complies.</b> <ul style="list-style-type: none"> <li>- An assessment of the guidelines and principles outlined in SEPP No. 65 have been carried out and the development is considered to be acceptable.</li> <li>- The development satisfies the primary controls set out in Table 4-10.</li> </ul>
	In all residential flat building developments containing 10 dwellings or more, a minimum of 10% of all apartments are to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes	<b>Complies.</b> As the development is for Seniors Housing, the apartments are specifically designed for access by people with all levels of mobility.

Development Control	Provision	Comment
	'pre-adaptation' design details to ensure visitability is achieved.	
	Where possible, adaptable dwellings are to be located on the ground floor. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	<b>Not Applicable.</b>
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	<b>Complies.</b> The application was accompanied by a Disability Access Report demonstrating that the units comply with the BCA and relevant standards in relation to disability access requirements.
	Car parking and garages allocated to adaptable dwellings must comply with the requirements of Australian Standards for disabled parking spaces	<b>Complies.</b> Accessible car parking has been designed to comply with AS.
	A landscape plan is to be submitted with every application for residential flat buildings.	<b>Complies.</b> A landscape plan has been submitted and is found to be satisfactory.

#### Consideration of DCP Part 4 Development in Residential Zones - Table 1-10

Development Control	Provision	Comment
<b>Site Coverage</b>	<p>Maximum site coverage of 50%</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (e.g. carport, garage, shed) but excluding unenclosed balconies,</p>	<p><b>Complies.</b></p> <p>The site area is 18,000m<sup>2</sup>. A site coverage of 6,858m<sup>2</sup> is proposed which equates to 38% of the site area.</p>

Development Control	Provision	Comment
	verandahs, porches, al fresco areas etc.)	
<b>Landscaped Area</b>	Minimum of 30% of the site area	<b>Complies.</b> 8,449m <sup>2</sup> of landscaping is provided which equates to 47% of the site area.
<b>Communal Open Space</b>	Minimum of 15% of the site area	<b>Complies.</b> 5,263m <sup>2</sup> of communal open space is provided which equates to 29% of the site area.
<b>Principal Private Open Space</b>	Minimum of 10m <sup>2</sup>	<b>Complies.</b> A minimum of 10m <sup>2</sup> is provided per dwelling.
<b>Front Setback</b>	Minimum of 6m  <i>Balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length</i>	<b>Complies.</b> A minimum front setback of 6m is provided with some minor encroachments of balconies into the front setback.
<b>Side Setback</b>	Buildings up to 3 storeys: 3m Buildings above 3 storeys: 6m	<b>Complies.</b> All buildings comply with the minimum side and rear setbacks as assessed under the ADG. Proposed design has been amended to ensure no encroachments occur on side and rear setbacks.
<b>Rear Setback</b>	Minimum of 6m	<b>Complies.</b> All buildings comply with the minimum side and rear setbacks as assessed under the ADG. Proposed design has been amended to ensure no encroachments occur on side and rear setbacks. .
<b>Habitable room/balcony separation distance (minimum) for buildings 3 storeys and above</b>	Minimum of 12m	<b>Complies.</b> Minimum separation distances of 12m are provided between buildings.
<b>Car Parking Spaces</b>	1 space per dwelling, plus 0.5 spaces per 3 or more-bedroom dwelling.  May be in a 'stack parking' configuration.  Car parking spaces to be located below ground or behind building line	<b>Complies.</b> The development provides for 145 x 2 bedroom units which equates to: <ul style="list-style-type: none"> <li>- 145 parking spaces for residents;</li> <li>- 30 parking spaces for visitors.</li> <li>- 50 parking spaces for bicycles.</li> <li>- 22 parking bays for disabled parking</li> </ul> The development provides: <ul style="list-style-type: none"> <li>- 145 spaces for residents;</li> <li>- 30 spaces for visitors; and</li> </ul>

Development Control	Provision	Comment
	<p>1 visitor car parking space per 5 apartments</p> <p>Bicycle parking spaces: 1 per 3 dwellings</p>	<ul style="list-style-type: none"> <li>- 50 parking spaces for bicycles.</li> <li>- 22 parking bays for disabled parking</li> </ul>