

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SSW062
DA Number	DA-1053/2016/A
LGA	Liverpool City Council
Proposed Development	Modification to DA-1053/2016 pursuant to section 4.55(2) of the Environmental Planning & Assessment Act 1979. The modification proposes changes to the lot sizes and housing typologies of 32 individual lots. Amendments to several semi-attached dwelling lots and two of the manor homes lots (i.e. approved Lot 2 and 23) to a mix of detached double storey dwellings and rear loaded terraces. As a consequence of modification, the total number of lots are proposed to change from the approved 124 Torrens title lots and 1 residue lot to 130 Torrens title lots with 1 residue
Street Address	LOT 1067 DP 2475, LOT B DP 416093, DP 416093 Cnr Lot A 230 SIXTH AVENUE, AUSTRAL NSW 2179, 50 EDMONDSON AVENUE, AUSTRAL NSW 2179, 60-80 EDMONDSON AVENUE, AUSTRAL NSW 2179
Applicant/Owner	MOTT MACDONALD AUSTRALIA PTY LTD
Date of DA Lodgement	04-Oct-2017
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011).	The Sydney Western City Planning Panel is the determining authority as the application is a section 4.55(2) modification application of a development approved by the Sydney South West Planning Panel that has a Capital Investment Value over \$20 million, pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.
List of all relevant s79C(1)(a) matters	• <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i)</i> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) • <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: s4.15(1)(a)(ii)</i>

	- No draft Environmental Planning Instruments apply to the site. - List any relevant development control plan: s4.15(1)(a)(iii) - Part 2: Precinct Planning Outcomes; and - Part 3: Neighbourhood and Subdivision Design - Part 4: Development in the residential zones - List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s4.15(1)(a)(iv) - No planning agreement relates to the site or proposed development. - List any coastal zone management plan: s4.15(1)(a)(v) - The subject site is not within any coastal zone management plan. - List any relevant regulations: s4.15(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 - Consideration of the provisions of the Building Code of Australia. - Liverpool Contributions Plan 2014 - Austral and Leppington North (October 2014). - Special Infrastructure Contribution
List all documents submitted with this report for the Panel's consideration	- Recommended modified conditions of consent - Architectural Plans - Landscape Plans - Civil Plans - Statement of Environmental Effects - Acoustic Report. - Original Assessment Report (DA-1053/2016) - Original Notice of Determination (DA-1053/2016)
Report prepared by	George Nehme – Principal Planner
Report date	10 April 2018

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable

Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions 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>	Yes

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining authority as the application is a Section 4.55(2) of modification application of a development approved by the Sydney South West Planning Panel that has a Capital Investment Value over \$20 million, pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

1.1 The proposal

The application seeks consent for a modification to DA-1053/2016 pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. The modification proposes changes to the lot sizes and housing typologies of 32 individual lots. Amendments to several semi-attached dwelling lots and two of the manor homes lots (i.e. approved Lot 2 and 23) to a mix of detached double storey dwellings and rear loaded terraces. As a consequence of modification, the total number of lots are proposed to change from the approved 124 Torrens title lots and 1 residue lot to 130 Torrens title lots with 1 residue.

1.2 The site

The subject site is identified as Lot 1067 DP 2475, 230 Sixth Avenue Austral, Corner Lot A DP 416093, 60-80 Edmondson Avenue, Austral & Lot B DP416093, 50 Edmondson Avenue, Austral. The site is rectangular in shape with a total area of approximately 4.86Ha. The subject site is a corner allotment with three identifiable frontages. There is a frontage to Sixth Avenue which is approximately 161m in length, a second frontage to Edmondson Avenue of approximately 300m and a third frontage to Fifth Avenue of 160m in length. The subject site is zoned R3 Medium Density Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. An aerial photograph of the subject site is provided below.



Figure 1: Aerial Photo

1.3 The issues

After completion of a detailed assessment, no significant concerns have arisen. The modification application is compliant with the planning controls including the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Liverpool City Council Growth Centre Precincts Development Control Plan.

1.4 Exhibition of the proposal

The development application was notified from 11 October 2017 to 26 October 2017 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the notification period.

1.5 Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

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

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

The development site is located within the suburb of Austral and is located approximately 14km south west of the Liverpool CBD and approximately 3.5km north of Leppington train station, as indicated in figure 2.



Figure 2: Locality Map

2.1 The locality

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

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

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

The sites directly south of the subject site are zoned RE1 Public Recreation and B5 Business Development. The subject sites directly south are intended to be used for the purpose of bulky goods retail and a civic precinct inclusive of an aquatic/recreational centre, TAFE, Cultural/Community Centre and health facility.

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

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

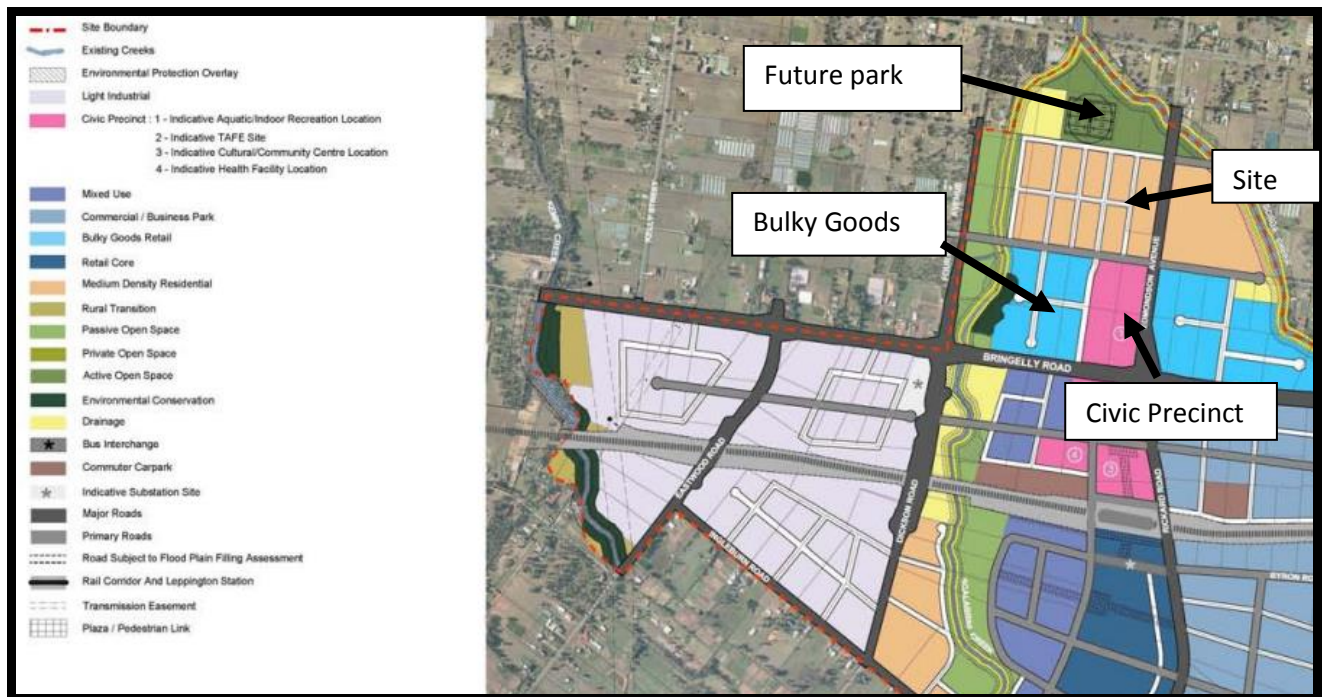


Figure 3: Showing intended uses under growth centres

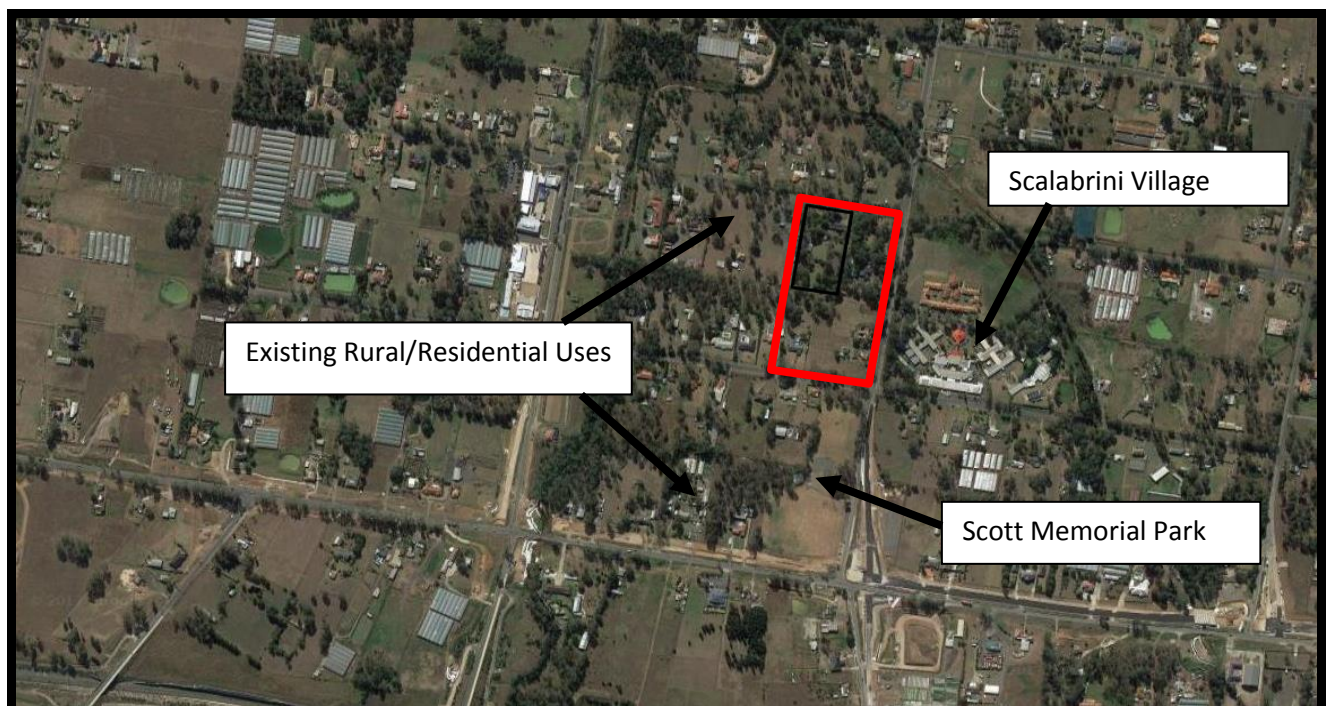


Figure 4 Surrounding Locality

2.2 Site affectations

2.2.1 Flooding

The site is located on Bonds Creek floodplain in Austral. The north eastern corner of the development site is affected by the 100 year flood and located outside the floodway of the Creek. The Q100 flood level for the site is set at 69.2m AHD. All dwellings have been

constructed to be flood free. The finished floor levels were assessed by Council's Flood Engineers and considered satisfactory. The flood waters travel from south-east to north-west across the corner of the development site as indicated in the figure below.

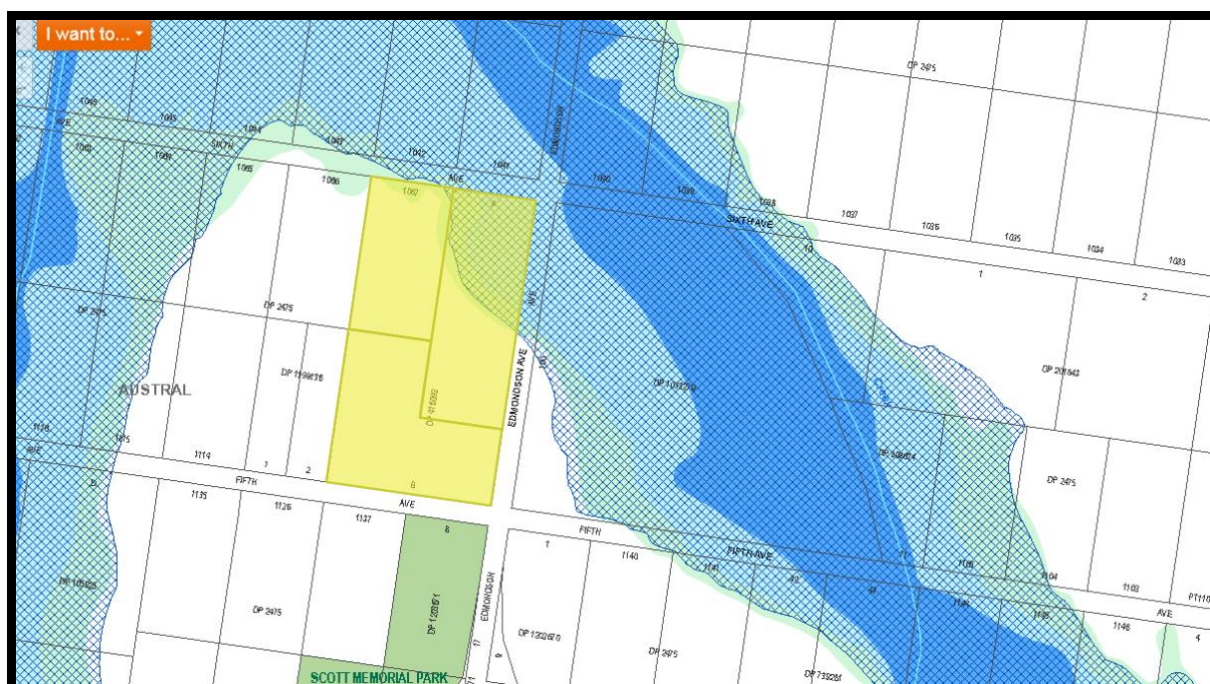


Figure 5: Flood Affection

3. BACKGROUND

3.1 Issues Identified in Initial Assessment

Following a detailed assessment of the modification application, no significant concerns were identified with the proposed modification. Notwithstanding the amendments proposed to the development it is considered that the application remains substantially the same development that was granted consent.

The proposed modification maintains appropriate streetscape presentation particularly along Edmondson Avenue. The modification maintains compliant lot sizes, widths, private open space and setbacks. The modification maintains consistency in scale and density that was approved under the original application.

The proposal does not alter approved road layout or locations and does not alter the landscape presentation that was deemed appropriate in the original application. The modification maintains an appropriate housing mix as envisaged by the Precinct Plan for the locality as identified by the Liverpool City Council Growth Centre Precincts Development Control Plan.

3.2 Related applications

a) DA-1053/2016

The original development application was approved by the Sydney South West Planning Panel at its meeting of 27 July 2017. The determination approved *an integrated housing development over 2 stages – Including the subdivision of three lots, creating 124 Torrens*

title residential lots 1 residue lot, construction of 149 dwellings, construction of three roads and three laneways, construction of drainage and stormwater management system, installation of temporary on-site stormwater detention on lot 1, construction of public utility infrastructure, site remediation works with bulk earthworks involving cut and fill, landscaping works and demolition of existing structures, with vegetation removal.

3.4 Planning Panel Briefing

The Sydney Western City Planning Panel was briefed on the modification application on 11 December 2017. No significant concerns were raised as a consequence of the briefing meeting.

4. DETAILS OF THE PROPOSAL

Development consent is sought for the modification of DA-1053/2016, which approved the following;

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

The overall site plan of the approved development is shown below.

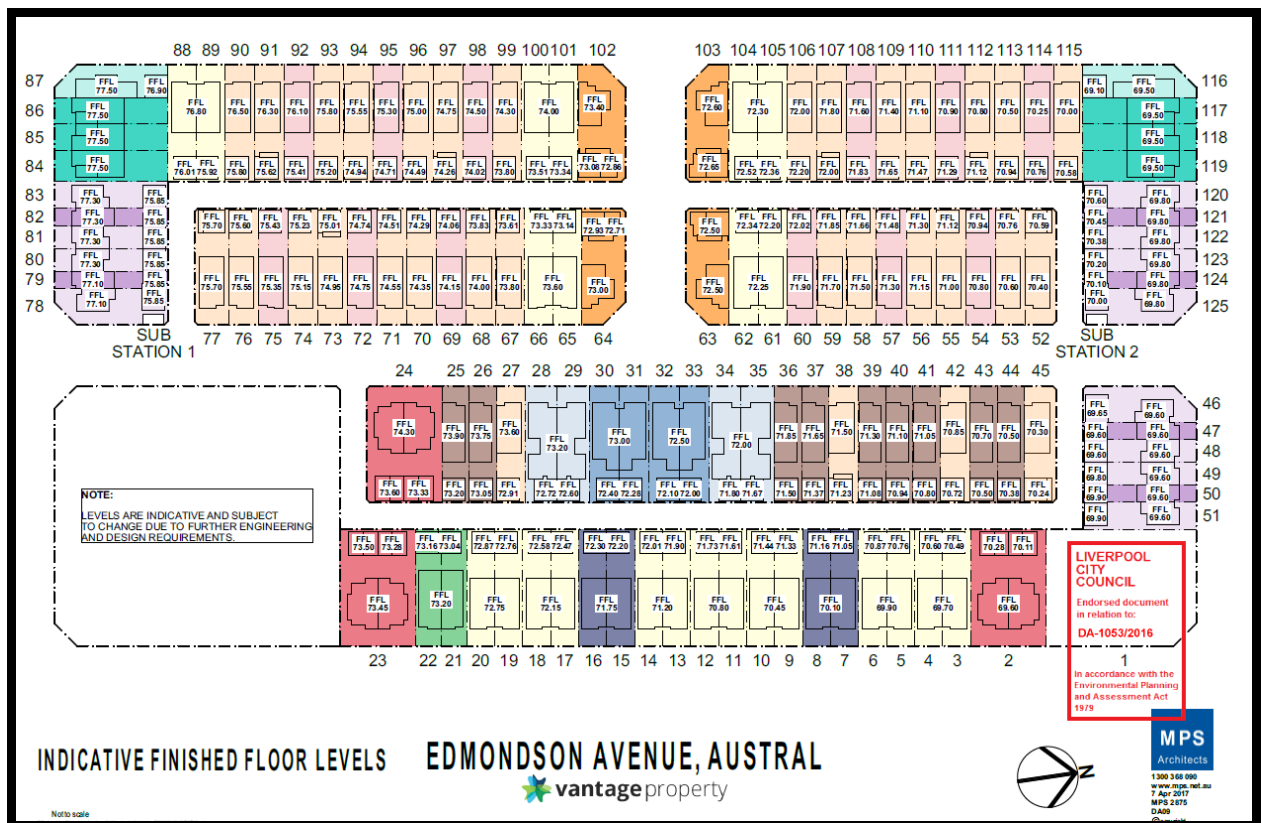


Figure 6: Approved Overall Site Plan

The original application approved the following housing mix;

Detached = 57

Semi-Detached/Attached Terrace = 64

Manor Homes = 3(12 Dwellings)

Secondary Dwellings = 16

Total Dwellings = 149

The amendments proposed under this modification are as follows;

- Amendments to the lot sizes and housing typologies of 32 individual lots.
- The modification will involve amending several of the semi-attached dwelling lots and two of the manor homes lots (i.e. approved Lot 2 and 23) to a mix of detached double storey dwellings and rear loaded terraces.
- The modification will also involve the amendment to the lot sizes and width of the modified lots to suit the proposed amendment.
- As a consequence of the modification the total number of lots are proposed to change from the approved 124 Torrens title lots and 1 residue lot to 130 Torrens title lots with 1 residue.
- The overall number of dwellings remains at 149 as originally approved.
- The modification is predominately isolated to the row of dwellings fronting Edmondson Avenue along the eastern boundary of the site and eight proposed lots along the western portion of the site as outlined in red in the figure below.

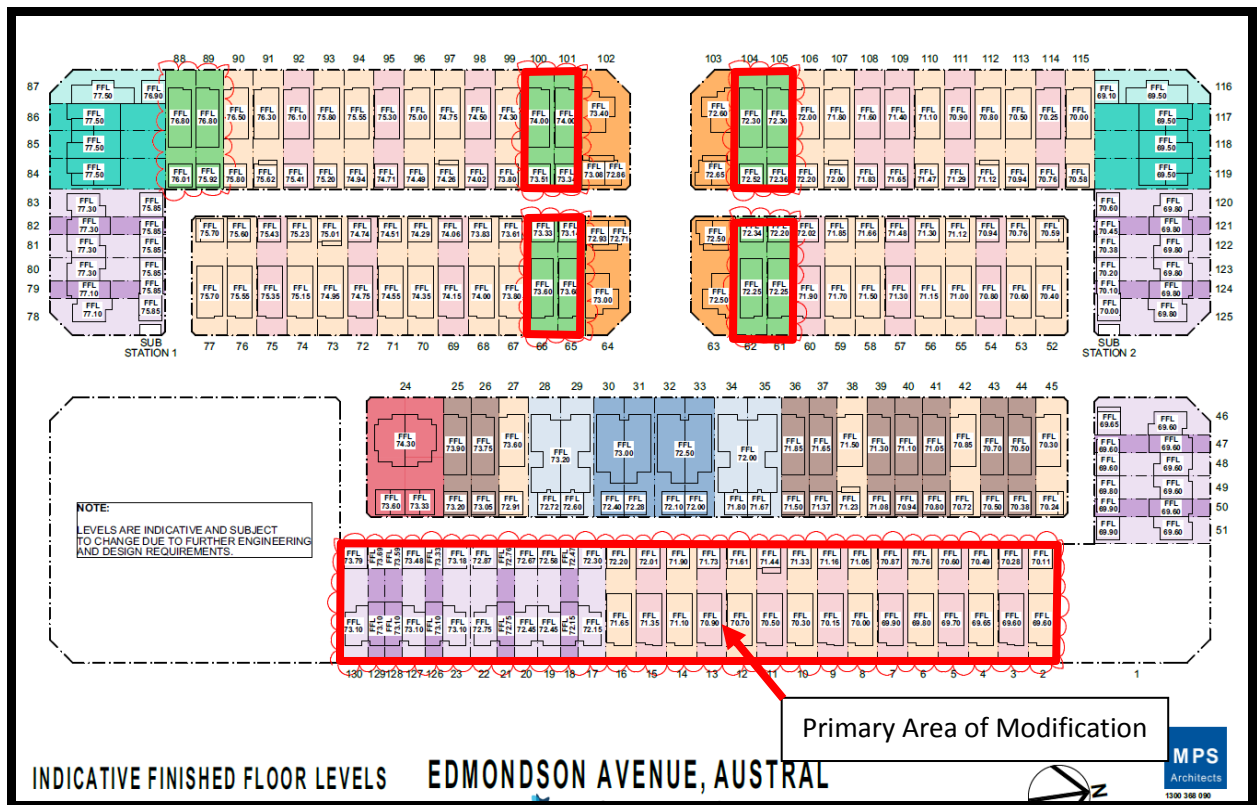


Figure 7 : Proposed Overall Site Plan

The amended housing mix under this modification proposes the following;

Detached = 84

Semi-Detached/Attached Terrace = 44

Manor Homes = 1(4 Dwellings)

Secondary Dwellings = 17

Total Dwellings = 149

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Development Control Plans

- Liverpool City Council Growth Centre Precincts Development Control Plan

Contributions Plans

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

5.2 Zoning

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

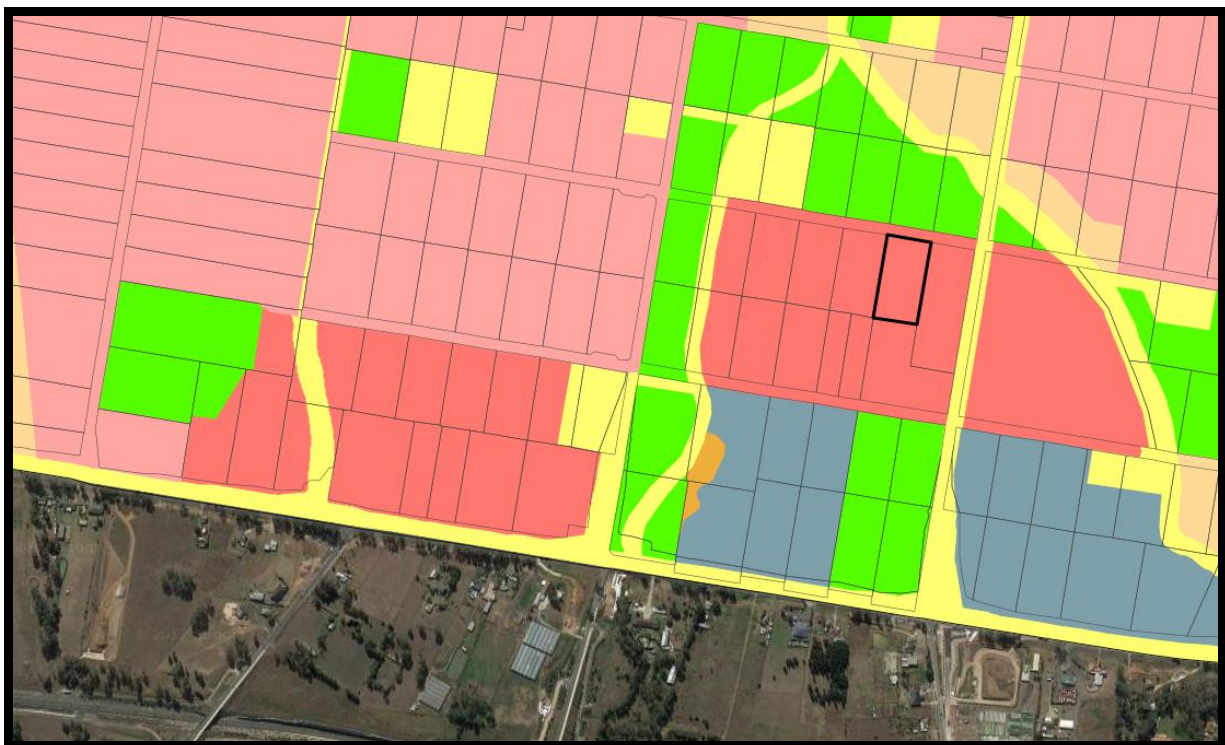


Figure 8: Zoning Map

5.3 Permissibility

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

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

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

6.1 Section 4.55(2) of the Environmental Planning and Assessment Act 1979

(2) Other modifications to which subsections (1) and (1A) do not apply

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: The proposed modifications results in a development which is considered to be substantially the same development for which consent was originally granted. The proposal maintains the overall same number of dwellings that was originally approved, thus maintaining the dwelling density for the site. The proposal does not alter approved road and lane locations and remains consistent with the Indicative Layout Plan (ILP). The proposal maintains the predominant subdivision pattern and maintains an appropriate streetscape presentation that was originally approved.

The amended lot layouts along Edmondson Avenue and along the western portion of the development site maintain compliance with the relevant planning controls. Therefore, the proposal is considered to be substantially the same development as the development for which consent was originally granted. Despite the modifications, the modified lots and the proposed dwellings on those lots maintain compliance with the required height control and is consistent with the overall approved building form expected for the surrounding locality and zone.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment: No additional concurrence was required as part of this modification proposal.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The development application was notified from 11 October 2017 to 26 October 2017 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be

Comment: No submissions were received during the notification period.

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

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

(i) Objectives of the R3 zone

Objectives of the R3 Medium Density Residential Zone are

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

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

Principal Development Standards

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

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

Clause	Provision	Proposed	Comment
4.1.AA Subdivision resulting in lots between 225- 300sqm	The consent authority must be satisfied that any lot between 225-300sqm will contain a sufficient building envelope to enable the erection of a dwelling house on the lot	All modified lots that are between 225-300sqm have proposed dwellings on them that will be approved with the application. Only approved dwellings can be built.	Complies
4.1AB Minimum lot sizes for; a) Semi-detached dwellings in 25	125sqm	All modified lots comprising of semi-detached allotments	Complies

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

5.9 Preservations of trees or vegetation	Provided when consent is required to be granted subject to the provision of this clause to remove trees or vegetation.	No additional vegetation is proposed to be removed as part of this modification.	N/A
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	The subject site is not identified as being of heritage significance	Complies
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	Comments obtained with the original approval from Endeavour Energy and Sydney Water, confirm that arrangements will be made to make public utility infrastructure available around December 2018. The requirements of these utility providers were made as conditions of consent of the original approval. The proposed modification does not alter these conditions	Complies
6.3 Development Controls – Existing Native Vegetation	The consent authority must not grant development consent to development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995)	No additional vegetation is proposed to be removed as part of this modification.	N/A

Having regard to the above assessment, the proposal is permitted in the zone and is considered consistent with the objectives of the zone and relevant development standards in the SEPP.

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

After a review of the modification application, it is concluded that the application does not alter any matters of consideration under this SEPP that was not already considered satisfactory under the original application. The modified proposal is considered to satisfy the relevant objectives and provisions of SEPP 55. Therefore, it is considered that the subject site can be made suitable for the proposed development.

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

Modified BASIX certificates have been provided for the application. The modified BASIX certificates were reviewed and considered satisfactory.

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

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

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

After a review of the modification application, it is concluded that the application does not alter any matters of consideration under this SEPP that was not already considered satisfactory under the original application. As such, it is considered that the modified proposal satisfies the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997).

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

No draft Environmental Planning Instruments applies to the site

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

Liverpool City Council Growth Centre Precincts Development Control Plan

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

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

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

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

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	Complies A Salinity Assessment Report was submitted with the original application and indicated the site to be affected by non-aggressive to moderately aggressive saline soils and recommended appropriate salinity management during construction. The Salinity Assessment Report was included as an approval document in the original application. The proposed modification does not alter the recommendations of the approved report.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	Complies The proposed modification does not alter any matters of consideration pertaining to Aboriginal and European Heritage that was deemed satisfactory under the original application.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	Not Applicable The modification application does not propose the removal of additional vegetation
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	Complies The site is not bushfire prone.
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	Complies A Contamination Assessment and Remedial Action Plan have been provided as part of the original application. The modification application does not alter the findings and conclusions pertaining to contamination that was deemed

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		satisfactory under the original approval.
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	Complies Not identified as being Land Adjacent to Electricity and Gas easements
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	Complies Due to the amended dwelling types proposed under this modification an updated acoustic assessment was provided with the application that recommended appropriate noise attenuation measures for the modified lots. The updated acoustic assessment is considered satisfactory and will form part of the updated conditions of consent.
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	Complies There are no odour emitting sources in the immediate locality.
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	Not Applicable The DA does not propose industrial or employment development.
2.4 Demolition	This section contains controls relating to demolition of buildings	Not Applicable The modified proposal does not propose any further demolition.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	Complies The modified development is unlikely to contravene the principles of CPTED.
2.6 Earthworks	This section contains controls relating to earthworks	Complies No additional earthworks are proposed

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
		for this modification application.

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

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	<i>storey buildings.</i> <i>p. Incorporates some laneways and shared driveways.</i> <i>q. Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces.</i> <i>r. Mainly urban streetscapes, some suburban streetscapes.</i>	
3.1.2 Block and Lot Layout	(Min lot size for lots located in 25 dwellings/hectare and R3 zone) Minimum lot size of 125m² for dwelling houses Minimum lot size of 125m² for semi-detached dwellings Minimum lot size of 600m² for manor homes in the R3 zone.	Complies All proposed modified lots comply with the minimum lot size requirements and have been proposed as an integrated housing DA.
	(Minimum frontage width for lots in 20 to 45dw/ha) Font Loaded = 7m Rear Loaded = 4.5m	Complies No additional front loaded lots proposed as a result of this modification. All rear loaded lots proposed under this modification have a frontage width greater than 4.5m.
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden	Complies The proposed modification maintains a range of residential lot sizes and widths are provided.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	suburban, suburban and urban characters across a neighbourhood.	
	In areas with a minimum residential density of ≤ 20 dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide. Lots subdivided using Subdivision Approval Pathway B1 or B2 (Integrated Housing) for attached or abutting dwellings are exempt from this control.	N/A
	In density bands ≤ 25 dw/ha, total frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on street parking impacts.	Complies The front accessed lots do not exceed 20% of any block length.
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Complies The lots are all rectangular in shape.
	Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.	Not Applicable The modified proposal does not impact on the dwellings approved under the original application that front public open space.
<u>Zero Lot Lines</u>	The location of a zero-lot line is to be determined primarily by topography and should be on the low side of the lot to	Complies Zero-lot lines are provided on low sides of the lots where possible.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation	
	On all lots where a zero-lot line is permitted, the side of the allotment that may have a zero-lot alignment must be shown on the approved subdivision plan.	Complies All dwellings proposed with zero lot line are indicated on the approved plans.
	Where a zero-lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement.	Complies A condition of consent has been imposed on the original application to this effect.
	The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero-lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.	Complies A condition of consent has been imposed on the original application to this effect.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
<u>Subdivision of shallow lots</u>	Shallow lots (typical depth 14-18m, typical area ≤200sqm) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots such as overshadowing and overlooking of POS, satisfy the requirements of the DCP	Not Applicable No shallow lots proposed under this modification application.
<u>Subdivision for Attached or Abutting Dwellings</u>	Subdivision of lots for Torrens title attached or abutting dwellings must take into account that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.	Complies The modified lots satisfactorily address this provision.
	The maximum number of attached or abutted dwellings permissible in a set is six.	Complies Maximum number does not exceed six in a set
	The composition of sets needs to be determined in the subdivision design to take into account the lot width required for a side setback to the end dwellings in each set.	Complies The proposal takes into account the lot width required for a side setback to the end dwelling in each set.
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Not applicable The proposed modification does not impact any of the approved corner allotments.
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	Not applicable The proposed modification does not impact any of the approved corner allotments.
	Plans of subdivision are to	Not applicable

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
	show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	The proposed modification does not impact any of the approved corner allotments.
3.2 Subdivision Approval Process	The land subdivision approval process is to be consistent with the requirements of Table 3-4. Pathway B1 Dwelling construction involving detached or abutting dwellings on lots less than 225m² or lots with a width less than 9m, require dwelling plans as part of the subdivision application. 88B restrictions are required to state that only approved dwelling can be built. Subdivision certificate can be released prior to the issue of the CC for the dwellings.	Not applicable The modification application does not alter the approval pathway granted under the original application.
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design.	Not applicable The modification application does not alter the approved street network or design originally approved.
3.3.2 Laneways	This section contains controls relating to laneway design. The minimum garage doorway widths for manoeuvrability in a laneway is 2.4m (single) and 4.8m (double)	Complies The proposed laneways have been designed in accordance with the minimum requirements of the DCP. All garage door widths off the laneways comply with this requirement.
3.3.5 Pedestrian and	This section contains controls relating to the implementation of pedestrian and cycle	Complies The ILP indicates that an on-road cycle-way is required for Edmondson Avenue

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
Cycle Network	networks.	for frontage of the site. The modification application does not impact this provision.
3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	Complies Conditions of consent have been imposed on the original consent ensuring the implementation of a construction environmental management plan, prior to issue of a CC.

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings in $\geq 25\text{dw/ha}$		
Development Control	Provision	Comment
Front Setback	3m to building façade line and 1.5m to articulation zone	Complies All proposed rear accessed dwellings have a minimum 3m front setback.
Side setback	<u>Zero lot, attached or abutting boundary (benefited lot)</u> Ground Floor = 0m Upper floor = 0m <u>Detached Boundary</u> Ground floor = 0.9m First Floor = 0.9m	Complies All zero lot dwellings propose a 0m side setback on ground and first floor of the benefited lot All detached boundaries are a minimum 0.9m from the ground and first floor

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings in $\geq 25\text{dw/ha}$		
Development Control	Provision	Comment
	<u>Zero lot (burdened lot)</u> Must be within easement and Ground Floor = 0.9m First Floor = 1.2m	All lots burdened by a zero lot boundary have a minimum 1.2m side setback on ground and first floors that are contained within an easement.
Maximum length of zero lot line on boundary	15m	Complies No zero lot lines on boundaries exceed 15m
Rear Setbacks	0.5m (rear loaded garage to lane)	Complies All rear setbacks off the lanes are a minimum 0.5m
Corner lots secondary street setback	1m	Not applicable The proposed modification does not alter any approved corner blocks
Building Height	3 storeys	Complies No buildings proposed exceed 3 storeys in height
Site Coverage	Upper levels are to be no more than 40% of lot area	Complies All upper levels do not exceed 40% of their respective lot areas.
Soft Landscaped Area	Minimum 15% of lot area The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.	Complies All lots have a minimum 15% soft landscaped area and a minimum of 1m soft landscaping excluding paths are provided within the front setback.

Part 4 Development in the Residential Zones		
Part 4.2 Dwelling Design Controls		
Summary of key controls for lots with frontage width $\geq 4.5\text{m}$ for rear accessed dwellings in $\geq 25\text{dw/ha}$		
Development Control	Provision	Comment
Principle Private Open Space (PPOS)	Minimum 16m^2 with a minimum dimension of 3m	Complies All lots provide a minimum 16m^2 of PPOS with a minimum dimension of 3m .
Solar Access	At least 3 hours of sunlight between 9am and 3pm at the mid-winter solstice (21 June) to at least 50% of the required PPOS (8m^2) of: a) All affected neighbouring properties b) At least 70% of proposed dwellings	Complies In excess of 70% of all dwellings proposed receive a minimum 3 hours of solar access to 8m^2 of the PPOS.
Garages and car parking	Minimum garage width 2.4m (single) and 4.8m (double). 1-2-bedroom dwellings will provide at least 1 car space 3 bedrooms or more dwellings will provide at least 2 car spaces	Complies All garage widths comply with this requirement and each dwelling provides the required number of car spaces.

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

No planning agreement relates to the site or proposed development.

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

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

6.6 Section 4.15(1)(a (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

Built Environment

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

Natural Environment

The proposed modification is considered to maintain an overall positive impact on the natural environment. No additional vegetation is proposed for removal under this modification. The proposal maintains the intention to replant 309 trees which is over six times of the trees removed under the original application. This is considered to have an overall positive impact on the natural environment and will enable the creation of an aesthetically pleasing streetscape that will create a high level of amenity within the development and the surrounding locality.

(b) Social Impacts and Economic Impacts

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

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

The land is zoned for medium density residential. The proposed development remains in keeping with the zones objectives and is compatible with the anticipated future character of the area, particularly when having regard to the intended future uses stipulated in Schedule 2 of the growth centres SEPP for the Leppington Major Centre. The proposal still effectively responds to its surroundings. Having regard to the above it is considered the site remains suitable for the proposed development.

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

(a) Internal Referrals

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

Internal

Department	Response
Flooding Engineers	No objection raised. No additional conditions

	provided
Development Engineering	No objection raised subject to conditions

(a) Community Consultation

The development application was notified from 11 October 2017 to 26 October 2017 in accordance with the LDCP 2008. No submissions were received during the notification period.

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

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

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

7 CONCLUSION

In conclusion, the following is noted:

- The subject Modification Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposed modification maintains compliance with the relevant development standards of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- The proposal remains consistent with the objectives of the R3 – Medium Density Residential zone that are applicable to the site under the Growth Centres SEPP 2006
- The proposed modification maintains compliance with the provisions of the Liverpool City Council Growth Centres Precincts DCP.
- The proposed modification maintains an appropriate response to the site's context. The scale and built form is consistent with the desired future character of the area that is envisaged under the SEPP Growth Centres and the DCP.

It is for these reasons that the proposed modification application is considered to be satisfactory and the subject modification application is recommended for approval.

8 ATTACHMENTS

- 1. Recommended modified conditions of consent**
- 2. Architectural Plans**
- 3. Landscape Plans**
- 4. Civil Plans**
- 5. Statement of Environmental Effects**
- 6. Acoustic Report.**
- 7. Original Assessment Report (DA-1053/2016)**
- 8. Original Notice of Determination (DA-1053/2016)**