

SECTION 96 (2) MODIFICATION

230 SIXTH AVENUE, 155 FIFTH AVENUE &
60-80 EDMONDSON AVENUE, AUSTRAL



12 SEPTEMBER 2017
SA6289
PREPARED FOR VANTAGE PROPERTY



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1. INTRODUCTION

This Modification Report has been prepared on behalf of Vantage Property (the Applicant) under the provisions of Section 96(2) of the Act. It seeks to modify Development Consent DA1053/2016 for the staged subdivision of three lots, and construction of 149 dwellings with landscaping and service facilities.

Further design development and a progressed understanding of the housing needs and requirements of the locality have necessitated the following modifications to the existing consent:

- Amendment of approved lot boundaries;
- Modification to the facades of lots 16, 38, 54, 55, 57, 58, 68, 70, 74 and 109;
- Modification to the approved housing typologies of thirty-two (32) dwellings; and
- Subdivision of lot 23 into six lots.

This report includes the following information:

- Description of the site, its context and approvals history.
- A description of the proposed modifications, including the amendments to the conditions of the approval.
- Planning compliance assessment considering the environmental planning instruments, policies and guidelines relevant to the site and the proposed modification.

This application is accompanied by the following documents:

- Amended Architectural Plans prepared by MPS Architects (**Appendix A**);
- Civil Engineering Plans prepared by Mott MacDonald (**Appendix B**);
- Landscape Plans prepared by ATC (**Appendix C**);
- Road Traffic Noise Assessment prepared by Renzo Tonin & Associates (**Appendix D**).

2. SITE DESCRIPTION

2.1. THE SITE

The subject site (Figure 1) is located at 50, 60 – 80 Edmondson Avenue, 155 Fifth Avenue and 230 Sixth Avenue, Austral and is within the Liverpool Local Government Area. The legal description of the site is Lot 1067 DP 2475, Lot A DP 416093 and Lot B DP 416093.

The site is approximately 4.857 hectares in area, and has a gentle slope towards the north-east. The site is currently occupied by five (5) rural residential dwellings, numerous farm sheds and open space. The site also includes five (5) asphalt/ gravel driveways servicing the existing dwellings.

2.2. SITE CONTEXT

The site is located within a land release area currently under transition from large lot semi-rural residential to low and medium density residential housing. The site is adjacent to planned parkland and public recreation areas and close to planned schools and community facilities, all within 800m walking distance of the site.

The subject site is bound by Sixth Avenue to the north, Edmondson Avenue to the east, Fifth Avenue to the south and rural residential properties to the west. On the other side of Sixth Avenue is the location of future parklands and public recreation space.

2.3. APPROVAL HISTORY

On 27 July 2017, the Sydney South West Planning Panel granted consent (DA1053/2016) for subdivision, construction of residential dwellings, internal road network and construction of a drainage and stormwater management system. Specifically, development consent was granted for:

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.

Consent is sought to modify this approval after further consideration of the scheme having regard for the housing needs and requirements of the locality into the future.

3. PROPOSED MODIFICATION

3.1. OVERVIEW OF PROPOSED MODIFICATIONS

This Section 96(2) application seeks approval for modifications to the approved development. These modifications have arisen out of a design development and market sounding process of the site revealing a greater level of understanding of the housing needs and requirements of the community.

Principally, this process has resulted in changes to the lot sizes and housing typologies of 32 individual lots. These modifications will involve amending the semi-attached double style houses to a mix of detached doubles and rear loaded terraces, and amending the size of the lots to suit the amended housing style. Amendments to the facades of 10 lots will improve the streetscape and ensure the development is of a high architectural quality.

The modifications also include the subdivision of lot 23 into six lots, which will accommodate six rear-loaded terraces. This will increase the diversity of the dwelling stock provided on the site, and provide an affordable product which will correlate to the demands and requirements of the local community.

The intent of the proposed modifications is to improve the marketability and viability of the housing development in order to align with the current market demand in Liverpool and the South West Growth Centre. The dwelling mix caters for the needs of the existing and future resident population, and continues to add to the supply and choice of affordable housing available in the locality.

3.2. NUMERICAL OVERVIEW

Table 1 – Schedule of Modifications to the Lot Size and Dwelling Type

Lot No.	Approved Lot Size and Dwelling Type	Proposed Lot Size and Dwelling Type
2	614.9sqm – Manor House	231.2sqm - Detached Double Type B
3	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type D
4	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type B
5	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type D
6	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type B
7	227.5sqm – Semi-attached Double Type C	241.3sqm - Detached Double Type D
8	227.5sqm – Semi-attached Double Type C	241.3sqm - Detached Double Type B
9	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type D
10	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type B
11	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type D with fonzie
12	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type B
13	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type D
14	227.5sqm – Semi-attached Double Type B	241.3sqm - Detached Double Type B
15	227.5sqm – Semi-attached Double Type C	241.3sqm - Detached Double Type D
16	227.5sqm – Semi-attached Double Type C	241.3sqm - Detached Double Type B

Lot No.	Approved Lot Size and Dwelling Type	Proposed Lot Size and Dwelling Type
17	227.5sqm – Semi-attached Double Type B	226.0sqm - Rear Loaded Terrace Type B
18	227.5sqm – Semi-attached Double Type B	138.3sqm - Rear Loaded Terrace Type A
19	227.5sqm – Semi-attached Double Type B	184.5sqm - Rear Loaded Terrace Type B
20	227.5sqm – Semi-attached Double Type B	184.5sqm - Rear Loaded Terrace Type B
21	212.5sqm – Semi-attached Double Type D	138.3sqm - Rear Loaded Terrace Type A
22	202.5sqm – Semi-attached Double Type D	216.7sqm - Rear Loaded Terrace Type A
23	614.9sqm – Manor House	Lot 130: 224.4sqm – Rear Loaded Terrace Type B Lot 129: 138.3sqm – Rear Loaded Terrace Type A Lot 128: 138.3sqm – Rear Loaded Terrace Type A Lot 127: 184.5sqm – Rear Loaded Terrace Type B Lot 126: 138.3sqm – Rear Loaded Terrace Type A Lot 23: 216.7sqm - Rear Loaded Terrace Type A
61	236.7sqm – Semi-attached Double Type B	218.3sqm - Detached Double Type G
62	236.7sqm – Semi-attached Double Type B	255.2sqm - Detached Double Type G
65	236.7sqm – Semi-attached Double Type B	218.3sqm - Detached Double Type G
66	236.7sqm – Semi-attached Double Type B	245.9sqm - Detached Double Type G
88	227.5sqm – Semi-attached Double Type B	245.9sqm - Detached Double Type G
89	236.7sqm – Semi-attached Double Type B	218.3sqm - Detached Double Type G
100	227.5sqm – Semi-attached Double Type B	245.9sqm - Detached Double Type G
101	236.7sqm – Semi-attached Double Type B	218.3sqm - Detached Double Type G
104	236.7sqm – Semi-attached Double Type B	255.2sqm - Detached Double Type G
105	236.7sqm – Semi-attached Double Type B	218.3sqm - Detached Double Type G

Revised architectural plans prepared by MPS Architects is provided at **Appendix A**.

3.3. AMENDED CONDITIONS

The proposed design modifications require an amendment to Condition 1 of the Development Consent (DA-1053/2016) to reflect updated drawing references. The drawing references to be modified are detailed in Table 1 below.

Table 2 – Amended Plans

Plan	Plan Number	Date	Revision	Prepared By
Architectural Plans	DA01-DA81	7 April 2017 8 September 2017	A	MPS Architects
Architectural Plans	DA82-DA88	8 September 2017	A	MPS Architects
Indicative Dwelling Types	N/A	8 November 2016	A	MPS Architects
Landscape Plans	L/00-L/03	31 October 2016 8 September 2017	A	ATC
Landscape Plans	TP/00- TP/04	20 October 2016	A	ATC
Landscape Plans	TP/05 – TP/7	21 October 2016	A	ATC
Landscape Plans	TP/08	24 October 2016	A	ATC
Landscape Plans	TP/09 – TP/12	25 October 2016	A	ATC
Landscape Plans	TP/13 – TP/14	26 October 2016	A	ATC
Civil Plans	MMD-369954-CDR-AB-XX-0001_P3 to MMD-369954-C-DR-ABXX-0003_P3 MMD-369954-C-DR-AB-S96-0001_P2- MMD-369954-C-DR-AB-S96-0003_P2	8 May 2017 12 September 2017	P3 P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0010_P4 MMD-369954-CDR-AB-S96-0010_P2	10 May 2017 12 September 2017	P4 P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0020_P5 MMD-369954-CDR-AB-S96-0020_P2	10 May 2017 12 September 2017	P5 P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0030_P4	10 May 2017 12 September 2017	P4 P3	Mott Macdonald

Plan	Plan Number	Date	Revision	Prepared By
	MMD-369954-CDR-AB-S96-0030_P2			
Civil Plans	MMD-369954-CDR-AB-XX-0031_P4 MMD-369954-CDR-AB-S96-0031_P2	8 May 2017 12 September 2017	P3 P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0040_P4	10 May 2017	P4	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0050_P4	8 May 2017	P4	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0051_P5	10 May 2017	P5	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0060_P3 to MMD-369954-C-DR-ABXX-0064_P3	8 May 2017	P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0070_P4 to MMD-369954-C-DR-ABXX-0071_P4 MMD-369954-CDR-AB-S96-0070_P2 to MMD-369954-CDR-AB-S96-0071	8 May 2017 12 September 2017	P4 P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0072_P5 to MMD-369954-C-DR-ABXX-0073_P5 MMD-369954-CDR-AB-S96-0072_P2 to MMD-369954-CDR-AB-S96-0073	10 May 2017 12 September 2017	P5 P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0075_P3	10 May 2017	P5	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0080_P4	10 May 2017	P4	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX-0090_P2 to	8 May 2017	P5	Mott Macdonald

Plan	Plan Number	Date	Revision	Prepared By
	MMD- 369954-C-DR-ABXX- 0091_P2			
Civil Plans	MMD-369954-CDR-AB-XX- 0100_P3 & MMD- 369954-C-DR-ABXX- 0111_P3 & MMD-369954-CDR- AB-XX- 0112_P3	8 May 2017	P3	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX- 0120_P4	8 May 2017	P4	Mott Macdonald
Civil Plans	MMD-369954-CDR-AB-XX- 0130_P6	10 May 2017	P6	Mott Macdonald

4. SECTION 96(2) ASSESSMENT

Approval of the proposed modification is sought in accordance with the provisions of Section 96(2) of the Act. The following assesses the modifications to DA1053/2016 against the relevant threshold tests of Section 96(2), which demonstrates that they are substantially the same as approved.

The consent authority needs to be satisfied that the development as modified will remain substantially the same as the original approved development. The following demonstrates the reasons why the proposed modifications are substantially the same as approved.

4.1. SUBSTANTIALLY THE SAME DEVELOPMENT

The modified development is substantially the same as that approved under DA1053/2016 as it continues to provide a residential development on subdivided lots with no change in density. The use and function of the site remains materially and substantially the same as approved, and will continue to provide a diverse mix of residential dwellings within the South West Growth Centre.

Significantly, there will be no perceptible difference in the impacts upon, or the way the development will relate to surrounding properties and the public domain when compared to the development as originally approved. No change is proposed to the dwelling density, internal road layout, servicing of the site, or utility infrastructure.

For the reasons listed above, the proposed modified development is substantially the same as previously approved.

4.2. JUSTIFICATION FOR THE MODIFICATION

The principal changes to the approved development involve an amendment to the dwelling mix and associated modification to the lot sizes, and an amendment to the façades of 10 dwellings. The purpose of these modifications is to refine the housing stock based on market feedback and demand, which indicated a strong preference for detached dwellings over the semi-attached dwellings, and terraces over the manor home dwelling for the “entry level” occupant. These amendments to the approved layout are therefore an increase in the number of detached and terrace typologies, and decrease in attached and manor home lot product.

The proposed changes are justified on the following grounds:

1. The overall changes are negligible. Of the 32 lots affected, 20 will have a marginal increase in area and 12 will have a minor decrease in area. The overall lot area does not change as a result of this proposal.
2. The changes are not introducing new housing typologies beyond those approved (i.e. residential apartments), but rather adjust allotments to meet housing need and affordability.
3. The modifications do not impact housing density as the modification will retain 149 dwellings as currently approved.
4. The modification will retain a compatible built character and urban form to that approved.
5. The changes still maintain a variety of housing types. The reduction in abutting dwellings will have a positive impact on the character of the estate in providing a greater sense of ‘openness’ by providing spaces between more houses, that will allow landscaping to soften the urban form.
6. Overall the changes in the context of the development of 149 dwellings are minor and insignificant. The modification will not change the approved density and still contains a demonstrable mix of lots and future housing types to uphold the intended character for the locality.
7. It is in the public interest to secure development approval for residential lots that will accommodate housing to meet the needs of the community. The controls allow flexibility to tailor lots to meet demand and it would be contrary to public interest to apply controls that do not meet local needs.

5. SECTION 79C ASSESSMENT

5.1. STATUTORY ASSESSMENT

This chapter assesses and responds to the relevant legislative and policy frameworks in accordance with the EP&A Act, and relevant State Environmental Planning Policies and Development Control Plans.

5.1.1. State Environmental Planning Policies

The proposed modifications do not impact on the approved development's level of compliance with the State Environmental Planning Policies (SEPPs) relevant to the site. The following SEPPs have been considered in the assessment of this modification proposal:

- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006;*
- *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP);*
- *State Environmental Planning Policy No.55 – Remediation of Land;*
- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006;*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;*
- *Deemed State Environmental Planning Policy No.20 – Hawkesbury – Nepean River.*

An assessment of the relevant State Environmental Planning Policies is contained in **Table 3** and **Section 5.1.2.1** below.

Table 3 – Assessment of State Environmental Planning Policies

SEPP	Provision	Comment	Compliance
<i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>	The Growth Centres SEPP provides for the coordinated release of land for residential, employment and other urban development in the North and South West growth centres.	As this is the primary Environmental Planning Instrument (EPI) guiding development on the site, an assessment is contained in Section 5.1.1.1 .	✓
<i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>	As the site is located within 90m of Edmondson Avenue, a classified road, and the proposal includes 50 or more lots, the proposal is considered traffic generating development.	The proposed modification does not increase the density or intensity of the approved development.	✓
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	Provides for the remediation of contaminated land for the purpose of reducing risk to human health and the environment.	A Phase 1 Environmental Site Assessment was prepared by Geo-Logix was submitted with DA No. 1053/2016. The report revealed there was no contamination present on the site. The proposed modifications will not affect the suitability of the site for development.	✓
<i>Greater Metropolitan Regional Environmental Plan</i>	The REP aims to protect and enhance the environmental quality of the Catchment.	The site is located within the south west land release area and as such is considered suitable for urban development. The proposed modifications do not introduce additional	✓

SEPP	Provision	Comment	Compliance
<i>No. 2 – Georges River Catchment</i>		impacts on the Georges River Catchment.	
<i>Deemed State Environmental Planning Policy No. 20 – Hawkesbury – Nepean River</i>	The REP aims to ensure the impacts of future land uses are considered in a regional context.	The site is located within the south west land release area and as such is considered suitable for urban development. The proposed modifications do not affect the operation or location of the temporary onsite bio-detention basin, and as such all stormwater flows and impacts will be appropriately managed.	✓

5.1.1.1. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The site is located within the Liverpool Growth Centre in the South West, and as such the controls outlined in the Precinct Plan (Appendix 8 of the SEPP) must be considered.

Zoning and Permissibility

The site is zoned R3 Medium Density Residential. The objectives of the R3 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.*

The proposed modifications to the development will continue to uphold the objectives of the R3 Zone. The revised housing types is a better response to the market demand for housing in the area, and will ensure the housing needs of the community are reflected in the built environment.

No change is proposed to the use of the site, and as such the uses are permissible with development consent.

Principal Development Standards

Part 4 of the LGCPP 2013 provides Principal Development Standards for any application. The compliance of the proposed modification has been considered in response to these development standards in Table 34 below.

Table 4 – LGCPP 2013 Principal Development Standards Compliance Summary

Standard	Required	Provided	Compliance
Subdivision resulting in lots between 225-300m ² (Clause 4.1AA)	Development consent maybe granted to the subdivision of land to which this clause applies resulting in the creation of a lot that has an area of less than 300m ² (but not less than 225m ²) if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot. This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AF	Refer to Clause 4.1AF.	✓

Standard	Required	Provided	Compliance
Minimum lot sizes for secondary dwellings in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (Clause 4.1AC)	The minimum lot size for a secondary dwelling on land in Zone R3 Medium Density Residential is the minimum lot size for the principal dwelling in conjunction with which the secondary dwelling is established, determined in accordance with clause 4.1AB, 4.1AD or 4.1AF if the dwelling density (per hectare) shown in the Residential Density Map for the land is 25.	The minimum lot size for secondary dwellings is compliant with Clause 4.1AF.	✓
Exceptions to minimum lot sizes for dwelling houses on small lots (Clause 4.1AF)	This clause applies to lots in Zone R3 that have an area less than 225m ² (but not less than 125m ²). Despite clause 4.1AB, development consent may be granted to the erection of a dwelling house on a small lot if the development application is a single development application for development 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 application seeks consent for integrated housing.	✓
Residential Density (Clause 4.1B)	The density of residential development is not to be less than 25 dwellings per hectare.	The proposed modifications does not impact the dwelling density, and the density will remain at 36 dwellings per hectare.	✓
Height of buildings (Clause 4.3)	The height of a building on any land is not to exceed M 12m.	The maximum height of buildings within the development is 8.741m as currently approved.	✓
Floor space ratio (Clause 4.4)	The site is not subject to a maximum floor space ratio.	The site is not subject to a FSR.	N/A

5.1.2. Liverpool Growth Centre Precincts Development Control Plan

The Liverpool Growth Centre Precincts Development Control Plan (LGC DCP) applies to the subject site. The proposed modifications do not impact on the approved development's level of compliance with the relevant objectives of the DCP. Nevertheless, the compliance with the relevant provisions of the DCP is outlined in Table 5 below.

Table 5 – DCP Assessment

Control	Comment	Compliance
2. Precinct Planning Outcomes		
2.2. Indicative Layout Plan	Development provides Medium Density Residential housing in accordance with the ILP.	✓
<ul style="list-style-type: none"> All development to be generally in accordance with the ILP 		

Control	Comment	Compliance
<p>2.3.1. Flooding</p> <ul style="list-style-type: none"> No new dwelling to be located within the 1% Annual Exceedance Probability Floor levels to be above 1% Annual Exceedance Probability (AEP) flood level plus freeboard of 500mm Roads and basement parking to be above 1% AEP level 	<p>The site will be filled within the 1% AEP flood extent to ensure future lots and dwellings are flood free in the PMF and 1:100 flood events, in accordance with the approved plans.</p>	✓
<p>2.3.9. Noise</p> <ul style="list-style-type: none"> DAs must be accompanied by an Acoustic Report Consider and implement measures to attenuate noise within dwellings 	<p>An Acoustic Assessment is attached at Appendix D. Acoustic insulation will be implemented for dwellings along Edmondson Avenue to provide suitable residential amenity.</p>	✓
3. Neighbourhood and Subdivision Design		
<p>3.2.1. General Controls</p> <ul style="list-style-type: none"> Subdivision layout is to create a legible and permeable street hierarchy Pedestrian connectivity is to be maximised within and between each residential neighbourhood Street blocks are to be a maximum of 250m long and 70m deep Subdivision plans are to include preferred locations for building footprints, driveway locations, plan showing proposed landscape treatments of road verges 	<p>The modifications to the lots sizes are minor, and continues to efficiently utilise the land and achieve the dwelling yield target for the Austral precinct.</p> <p>The Civil Plans attached at Appendix B illustrate the location of the dwelling structures, driveway plans and landscaping treatment.</p>	✓
<p>3.2.2. Residential Character</p> <ul style="list-style-type: none"> Demonstrate the proposal meets the minimum residential density requirements of the relevant precinct plan To be generally consistent with the Indicative Layout Plan Residential development is to consist of a mix of dwelling types including small lot housing forms and multi-dwelling housing Be designed to provide for activation of the public domain Consider the effects of road and rail traffic noise and air quality 	<p>The proposal does not modify the density of development. The development provides 36 dwellings per hectare, which meets the dwelling density requirements of the area of 49.2 dwellings per hectare.</p> <p>The development provides a diverse mix of Medium Density Residential housing, in accordance with the ILP and objectives of the area. Detached dwellings are the most common form of housing (56%), followed by abutting dwellings (30%).</p> <p>Acoustic impacts have been considered, and acoustic attenuation measures incorporated into dwellings along Edmondson Avenue.</p>	✓
<p>3.2.7. Lot dimensions</p> <ul style="list-style-type: none"> Minimum lot frontages and lot sizes are as follows: 	<p>A range of lot sizes and frontages are provided to ensure a diverse mix of</p>	Generally complies

Control	Comment	Compliance
<ul style="list-style-type: none"> – Dwelling house: minimum lot frontage 10m, minimum lot size 250sqm – Semi-detached dwelling: minimum lot frontage 8m, minimum lot size 200sqm – Attached dwelling: minimum lot frontage 5m, minimum lot size 125sqm • Subdivision is to provide a mix of lot frontage widths to enable the development of a range of housing types and sizes • Except for attached housing which is to be served by a rear lane, no more than 3 lots in a row of the same lot frontage widths will be permitted • Lots should be rectangular 	<p>housing is delivered on the site. All lots are rectangular in shape.</p> <p>The lot sizes and structures are slightly smaller than recommended in the DCP. However, the modified development continues to accommodate for a range of dwelling types to suit the housing needs and market expectations of the Austral-Leppington locality. Integrated street landscaping and landscaping of lots is provided to avoid overdevelopment of the site, and provide visual relief to the built form.</p> <p>Each dwelling is capable of complying with the setback and amenity controls of this DCP.</p>	
<p>3.3. Construction Environmental Management</p> <ul style="list-style-type: none"> • A Construction Environmental Management Plan (CEMP) is to be submitted to Council or the accredited certifier prior to the issue of CC 	<p>A Construction Management Plan will be submitted to Council prior to the issue of the Construction Certificate.</p>	✓
4. Residential Development		
<p>4.3.2. Sustainable building design</p> <ul style="list-style-type: none"> • Majority of plant species to be selected from the preferred species list • Indigenous species are preferred • Design of dwellings is to maximise cross flow ventilation and take advantage of solar orientation 	<p>The design of modified dwellings replicates the design of the approved dwellings, and demonstrate sustainable building design.</p>	✓
<p>4.3.3. Salinity, sodicity and aggressivity</p> <ul style="list-style-type: none"> • Development to comply with Salinity Management Plan • Salinity shall be considered during the siting, design and construction of dwelling 	<p>All developments comply with the Salinity Management Plan submitted and approved under the original DA1053/2016.</p>	✓
<p>4.3.4. Visual and acoustic privacy</p> <ul style="list-style-type: none"> • Overlooking of main habitable areas and private open space of adjoining dwellings should be minimised • Living area windows on upper floors with a direct sightline within 9m to the principal private open space of an existing adjacent dwelling are to be obscured, offset from the edge of one window or have a sill height of 1.7m above floor level • Design of the dwelling must minimise the opportunity for sound transmission 	<p>Acoustic attenuation measures have been implemented in the dwellings along Edmondson Avenue, as recommended in the Acoustic Assessment at Appendix D.</p> <p>All dwellings have been designed through internal layout and built form to maintain visual privacy for adjoining dwellings.</p>	✓

Control	Comment	Compliance
<ul style="list-style-type: none"> In attached or semi-detached dwellings, bedrooms are not to share walls with living space or garages of adjoining dwellings Dwellings along sub-arterial, arterial roads or transit boulevards should be designed to minimise the impact of traffic noise Internal layout should be designed to minimise noise impact and transmission 		
<p>4.4.1. Key design controls</p> <ul style="list-style-type: none"> Lots with frontages between 5m-10m Lots with frontages more than 15m 	Modified dwellings are replicates of the approved dwellings under DA1053/2016. Nevertheless, dwellings comply wholly with the controls.	✓
<p>4.4.2. Streetscape and architectural design</p> <ul style="list-style-type: none"> Primary street façade should address the street and incorporate design features Proposed dwelling materials to be consistent with the character of the neighbourhood Mirror imaging of dwelling facades is not permitted Repetition of identical housing design and colour palette in a group of dwellings is not permitted 	Architectural expression and street character is achieved through a diversification of dwelling types and material palette of each dwelling.	✓
<p>4.4.3. Front setbacks</p> <ul style="list-style-type: none"> Lots with frontages between 5m-10m: <ul style="list-style-type: none"> Building façade line: 4.5m Articulation zone: 3.5m Garage line: <7m wide no front loaded, >7m wide 5.5m front setback Lots with frontages between 10m-15m: <ul style="list-style-type: none"> Building façade line: 4.5m Articulation zone: 3.5m Garage line: 5.5m front setback or 1m behind building façade line 	Setbacks are wholly compliant with the control.	✓
<p>4.4.4. Side and rear setbacks</p> <ul style="list-style-type: none"> Lots with frontages between 5m-10m: <ul style="list-style-type: none"> Ground floor: 0m Upper floor: 0m Rear: 4m Rear with garage: 1m Lots with frontages between 10m-15m: 	Setbacks are wholly compliant with the control.	✓

Control	Comment	Compliance
<ul style="list-style-type: none"> – Lots less than 10-12.5m: Side A – 0m, Side B – 0m – Lots greater than 10-12.5m: Side A – 0m, Side B – 1.5m 		
<p>4.4.5. Dwelling height, massing and siting</p> <ul style="list-style-type: none"> • To be a maximum of 2 storeys high • Site coverage <ul style="list-style-type: none"> – 5m-10m: 65% of lot area – 10m-15m: 60% single storey dwellings, 50% at ground floor and 30% at upper for two storey dwellings 	The maximum building height on the site is 2 storeys. All development complies with site coverage requirements.	✓
<p>4.4.6. Landscape Area</p> <ul style="list-style-type: none"> • Landscaped area <ul style="list-style-type: none"> – 5m-10m: 15% of lot area – 10m-15m: 25% of lot area 	Proposal is wholly compliant with the requirements of the controls.	✓
<p>4.4.7. Private Open Space</p> <ul style="list-style-type: none"> • Each dwelling to provide an area of Private Open Space <ul style="list-style-type: none"> – 5m-10m: 16sqm – 10-15m: 20sqm 	Proposal is wholly compliant with the requirements of the controls.	✓
<p>4.4.8. Garages, storage, site access and parking</p> <ul style="list-style-type: none"> • 1-2 bedrooms to provide at least 1 car space • 3 bedrooms or more to provide 2 car spaces • Vehicular access integrated with site planning 	Proposal is wholly compliant with the requirements of the controls.	✓
<p>4.5.2. Attached Dwellings</p> <ul style="list-style-type: none"> • Maximum length of the building in a row of attached dwellings is 30m • Minimum gap between rows is 5m • Preferred garages located to the rear of the lot 	No change is proposed to the attached dwellings onsite.	✓
<p>4.5.3. Secondary dwellings and dual occupancies</p> <ul style="list-style-type: none"> • No additional car space, private open space required • No separate access to street or services required • Finishes, materials and colours are to complement the principal dwelling. • Garages with secondary dwelling above are to be setback 1.5m from rear boundary 	<p>The finishes and materials of the detached Fonzie will be consistent with the principal dwelling.</p> <p>The garage is located on the rear boundary, however this is facing an internal laneway and as such will not impact the amenity of surrounding dwellings. This will provide an opportunity for casual surveillance of the laneway,</p>	GENERALLY

Control	Comment	Compliance
	which will enhance the security and safety of the site.	
Schedule 2 –Leppington Major Precincts		
3. Town Centre Structure		
3.1. Indicative Layout Plan <ul style="list-style-type: none"> Development to be in accordance with the ILP 	The proposed development is in accordance with the Medium Density Residential land use.	✓
3.2. Road Hierarchy <ul style="list-style-type: none"> Hierarchy of streets to be in accordance with the ILP Traffic management measures are to be utilised 	The proposed modifications do not alter the approved road layout network.	✓
4. Public Domain Controls		
4.1 Materials <ul style="list-style-type: none"> Unified and integrated character through consistent materials, details, finishes and treatments Selected materials to be in accordance with the materials outlined in the DCP 	All modified dwellings are consistent with the design, built form and materials of the approved dwellings.	✓
4.2 Landscaping <ul style="list-style-type: none"> Consistency of species selection and landscaping design in the public domain Plant species selection from DCP 	Selected trees are generally in accordance with the trees outlined in the DCP.	✓
4.3. Street Design <ul style="list-style-type: none"> Residential streets to be designed in accordance with controls in Part 3 of the DCP For local residential streets with on road cycle lane between parking and traffic lane (as shown on Figure 3-33-3), the road reserve is to be 18m wide Each DA is to include a landscaping plan 	No change is proposed to the design of the street layout. A Landscaping Plan is attached at Appendix C.	✓
5. Building Controls		
5.1.1. Building Orientation <ul style="list-style-type: none"> Buildings to be oriented towards and provide active frontages to main streets Main pedestrian entries to buildings are to be from main streets Buildings to be oriented towards Edmondson Avenue 	The modified dwellings replicates the design and siting of the previously approved dwellings. All dwellings are oriented and provide pedestrian entries towards Edmondson Avenue in the east or the internal access roads in accordance with the street network hierarchy of the DCP.	✓

Control	Comment	Compliance
<ul style="list-style-type: none"> Buildings to be oriented to public open space, land zoned for drainage purposes, plazas, squares, and pedestrian through site links 		
5.1.2. Setbacks <ul style="list-style-type: none"> Setback: 4.5m Façade elements may extend into the front setback to a maximum of 1.5m and for a maximum of 50% of the length of the building façade Setbacks for residential buildings to be in accordance with the residential controls contained in Part 4 of the main body 	Setbacks within the development are wholly compliant.	✓
5.1.3. Building height and envelope controls <ul style="list-style-type: none"> Max building heights along Fifth, Sixth and Edmondson Avenue: 3-5 storeys 	The maximum height across the development is 2 storeys.	✓
5.2. Façade design <ul style="list-style-type: none"> Architectural expression should be diverse across building groups/ blocks and facades should be articulated to create visual interest Contemporary architectural style based on simple primary building forms and a fine-grained assemblage of elements 	Architectural expression of each dwelling type is diversified and presents a contemporary architectural façade. Further diversification of building façade is available through selection of a range of materials and finishes which will provide visual relief to the built form.	✓
5.3. Landscaping <ul style="list-style-type: none"> Setback area is to be landscaped and consists of soft ground with deep soil Landscaping to complement the landscape character of adjoining streets and other public spaces 	An updated Landscape Plan is provided at Appendix C . Landscaping is provided within the setback area of each dwelling, and along internal roads and public spaces.	✓
5.4. Water Sensitive Urban Design <ul style="list-style-type: none"> Comply with Leppington Water Sensitive Urban Design Strategy Measures to treat stormwater quality are to be incorporated into each development. 	Development complies with the Water Sensitive Urban Design Strategy. A temporary bio-retention basin is located onsite to treat stormwater runoff.	✓
5.5. Parking, Loading and Access <ul style="list-style-type: none"> Rates to be determined with reference to car parking rates specified in Part 4 Parking to be provided under or behind buildings, and on street to limit visual impact and maintain pedestrian amenity 	All dwellings provide either a 1 or 2 car garage, in accordance with the dwelling type and number of bedrooms provided.	✓
5.6. Development and use of flood prone land <ul style="list-style-type: none"> Development within the 100 year ARI flood extent, as shown on the Floodprone Land figure in Schedule 1, is only to occur where the controls relating to flood prone land in Part 2 of the main body of this DCP are met. Use of flood prone land for activities that are ancillary to development on adjoining land are encouraged. 	The proposed modifications do not influence the suitability of the site for residential development. The controls in Part 2 of the main body of the DCP have been met, and the majority of flood-prone land onsite will be used as a temporary bio-retention basin.	✓

5.2. LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed modifications upon the natural and built environments are considered under separate headings below.

5.2.1. Bulk, Scale and Density

The proposed modifications will not result in any change to residential density. The proposed development will have a residential density of 36 dwellings per hectare, consistent with the approved development and representative of the type of housing development suited for the subject site.

The proposed modifications will continue to provide a diversity in built form through the provision of a range of dwelling types and lot sizes. The proposed modifications will result in a greater variety of housing types along Edmondson Avenue, avoiding long repetitions in the building form and contributing to street articulation.

5.2.2. Residential Demand

Residential Delivery

The modified development is designed to respond to the residential demand and needs of the locality. After further assessment of current market conditions and of the viability of the approved dwelling mix, a greater level of understanding has been reached regarding the housing needs of the community and modifications to the type of housing typologies is required. Feedback from marketing illustrated a clear preference for terraces and detached dwellings over manor homes and semi-detached dwellings. The purpose of the proposed modifications is to provide a refined housing product that is in demand by the local community.

The dwelling size and layout of the approved semi-attached typology is very similar to the detached typology. The only substantial difference is the abutting wall. The market, in particular first home buyers, had a clear preference for the detached typology. For the 'entry level' typologies, the approved layout offered manor home dwellings and terraces. The demand for terraces is far greater than manor homes; as a Torrens title dwelling is more appealing than strata title dwellings with annual strata fees.

The removal of the manor home and provision of six terraces provides an opportunity to deliver an increased number of dwellings on the site, continuing to add to the supply and choice of housing available in the District. The delivery of this entry-level affordable product ensures the requirements of the community are met and home ownership is economically feasible. The modifications to the approved development ensures the product correlates with local demand, and continue to address the strategic objectives of the Growth Centres SEPP and the intended use of the land.

Residential Diversity

Diversity in the built form and urban character is maintained through the mix of housing typologies constructed, and the range of materials, colour palettes and landscaping options of each housing type. As demonstrated in Table 4 below, a range of dwelling types are provided in accordance with the housing demands of the community and market expectations of the local area.

The proposed modifications include a slight increase in the amount of detached product, and a decrease in abutting and manor home dwellings. As demonstrated in the Architectural Plans attached at **Appendix A**, there is only a marginal difference in the built form and design of the detached and attached dwellings, being the abutting wall. As such, the change is negligible in terms of residential diversity as the material form and character of the dwellings remain consistent with the approved.

The reduction in manor homes responds not only to current market demand, but also to dwelling delivery in the immediate future. The residue lot to the south-east of the site is planned to accommodate multi-dwelling housing within a residential apartment building, responding to the demand for this style of product. As such, it is clear a variety in dwelling size and design is provided, promoting housing choice and creating an interesting streetscape.

Table 4 – Comparison of Original Consent and Proposed Development

Dwelling Mix	Approved	Proposed
Detached Dwellings	59	84
<i>Proportion of Detached Dwellings</i>	<i>39%</i>	<i>56%</i>
Abutting Dwellings	62	44
<i>Proportion of Abutting Dwellings</i>	<i>41%</i>	<i>30%</i>
Secondary dwelling (strata or single title)	16	17
<i>Proportion of Secondary Dwellings</i>	<i>10%</i>	<i>11%</i>
Manor Home Dwellings	12	4
<i>Proportion of Manor-Home Dwellings</i>	<i>8%</i>	<i>2%</i>
Total	149 dwellings	149 dwellings

Residential Amenity

The modified dwelling structures continues to achieve a high level of residential amenity. The amendment of lots along Edmondson Avenue replicates the layout of already approved dwellings, and as such is consistent with the design and amenity standards of Council. The additional dwelling style, a detached double type G, is consistent with the design objectives and controls contained in the Liverpool Growth Centres Precincts Development Control Plan, as illustrated in **Section 5.1.2**. Furthermore, the provision of six detached terrace-style dwellings creates a more consistent urban form and streetscape along Edmondson Avenue, facilitating enhanced amenity for the occupants of the development. The building form, layout, functionality and relationship of the dwellings to the surrounding residences provide a high degree of residential amenity.

5.2.3. Landscaping

Landscape Plans have been prepared by ATC and is provided at **Appendix C**. The revised plans include plans for the public domain streets and laneways. A range of street trees are proposed to provide diversity in the urban character and to create an identity for the wider development site. The selected plant species are suitable for the local environment and design outcomes.

5.2.4. Traffic

The proposed modifications do not change the approved use of the site and have a similar level of traffic generation. As such, the proposal will have no unacceptable traffic implications.

No change is proposed to the internal road layout and design, which remains consistent with the Austral and Leppington North Indicative Layout Plan.

5.2.5. Acoustic Impact

A Road Traffic Noise Assessment has been prepared by Renzo Tonin & Associates and is attached at **Appendix D**. The Report has considered the relevant provisions of the Infrastructure SEPP, the Liverpool Growth Centre Precincts DCP and site specific acoustic issues. Several dwellings exposed to Edmondson Avenue will be affected by noise levels that will require design recommendations to mitigate acoustic intrusion. Recommendations include revising the internal dwelling layout, utilising construction materials and implementing acoustic seals along external windows and doors. Subject to the recommendations of the report, the modified residential development will not experience any unacceptable noise impacts.

5.2.6. Economic and Social Impacts

The modified proposal is consistent with the vision, aims and objectives of the Austral and Leppington North Precinct Plan. The proposal provides the following economic and social benefits:

- The modified proposal responds directly to the housing demand and market expectations of the area, and provide a more affordable housing product to allow local buyers to enter the market.
- The development provides a residential community to address local demand within walking distance of the planned Leppington Strategic Centre.
- Employment opportunities will arise in the construction of dwellings and with the population growth associated with the proposal.
- The internal road network and street layout continues to provide linkages to various centres and the broader Austral precinct, promoting community integration, connectivity and opportunities for incidental physical activity and healthy lifestyles.

5.3. SUITABILITY OF THE SITE

The proposed modifications maintain the original design intent of the approved development which appropriately responds to the site and surrounding context. The proposal does not change the suitability of the site for the approved development, and the modifications continues to meet the land use objectives of the R3 Zone.

The approved built form has been designed to minimise impacts on surrounding sites where possible, and continues to meet the objectives and provisions of the relevant environmental planning instruments guiding development on the site. The proposal continues to expand the housing density and choice for the locality, and is consistent with the planning of the site as identified in the Austral and Leppington Indicative Layout Plan.

5.4. PUBLIC INTEREST

It is anticipated the proposed development will provide the following public benefits:

- The proposed modifications are minor and still achieve the same intent as the approved development, and is adequately consistent with the projected character of the area.
- The modified dwelling mix ensures a greater number of detached and terrace style dwellings to address housing affordability and market demand in this location. The modifications will provide a dwelling mix that caters for the housing needs and requirements of the locality.
- The modifications provide a high standard of amenity for future residents, and will not result in any additional built form impacts in terms of solar access, views or privacy.
- The proposal is consistent with the objectives of the Draft Southwest District Plan to provide balanced residential growth to contribute to the achievement of 126,900 new dwellings by 2031.

Therefore, the proposal is consistent with the public expectation for development in the locality and is in the public interest.

6. CONCLUSION

This Section 96 (2) Modification has been submitted to Liverpool City Council in support of proposed modifications to DA 1053/2016. The proposed scheme, as modified, is substantially the same development as was approved under the original consent, satisfying the requirements of Section 96(2) of the *Environmental Planning and Assessment Act 1979*.

The proposed modifications are the result of further design development and adjustments to align with local market expectations and housing demands. The modifications maintain the original design intent of the approved development, and there will be no adverse environmental impacts as a result of the proposed modifications. Specifically, the modifications continue to provide a diverse mix of dwelling types and increases the supply and choice of housing in the area, in accordance with the objectives of the Growth Centres SEPP and intended use of the land.

As demonstrated within this report and the attached documentation, the modified scheme is satisfactory under Section 79C of the *Environmental Planning and Assessment Act 1979*, and as such it is recommended that approval be granted to the proposal as modified.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ARCHITECTURAL PLANS

APPENDIX B CIVIL ENGINEERING PLANS

APPENDIX C LANDSCAPE PLANS

APPENDIX D ACOUSTIC ASSESSMENT



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