



**D-PLAN**  
URBAN PLANNING CONSULTANTS PTY LTD

# STATEMENT OF ENVIRONMENTAL EFFECTS

**D-PLAN URBAN PLANNING CONSULTANTS PTY LTD**

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**TO DEMOLISH THE EXISTING  
DWELLING WITH ALL ASSOCIATED  
STRUCTURES & CONSTRUCT A  
RESIDENTIAL FLAT BUILDING  
DEVELOPMENT COMPRISING 222  
UNITS WITH BASEMENT PARKING**

**185 FIFTH AVENUE, AUSTRAL  
(LOT 1115 DP 2475)**

**30/10/2017**

**D-Plan Urban Planning Consultants Pty Ltd**

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## ATTACHMENTS

1. Variation Request (Building Height)
2. Compliance Table
3. ADG Compliance Summary

# 1.0 EXECUTIVE SUMMARY

Austral and adjacent precincts of Leppington North and East Leppington have been rezoned by the NSW Government as part of the South West Priority Growth Area.

Because of its strategic location close to the proposed second airport, Austral's status as a peripheral precinct is recognised and its role will be paramount in accommodating the regions workforce both during and after the implementation of the envisaged infrastructure.

Releasing land for housing means Sydneysiders will have access to a range of homes that suit different needs, budgets and lifestyle choices. It also helps to place downward pressure on housing prices.

- The new revitalised community at Austral & Leppington North will benefit from up to 17,350 new homes and the delivery of local amenities close to transport options, including:
- New Major Centre
- The new Leppington station
- Three neighbourhood centres
- 220 hectares of employment land
- 135 hectares of open space and recreation areas
- Upgrades to major roads
- New primary and high schools
- Protection of significant vegetation and major creek corridors
- Improved connections to encourage walking and cycling

The proposed Major Centre will provide the growing South West community with access to jobs, shopping, entertainment, community and government services.

In relation to Residential Flat Building development, State Environmental Planning Policy No. 65 and the accompanying Apartment Design Guide, also have comprehensive planning and urban design principles and controls to ensure that development achieves desired outcomes such as:

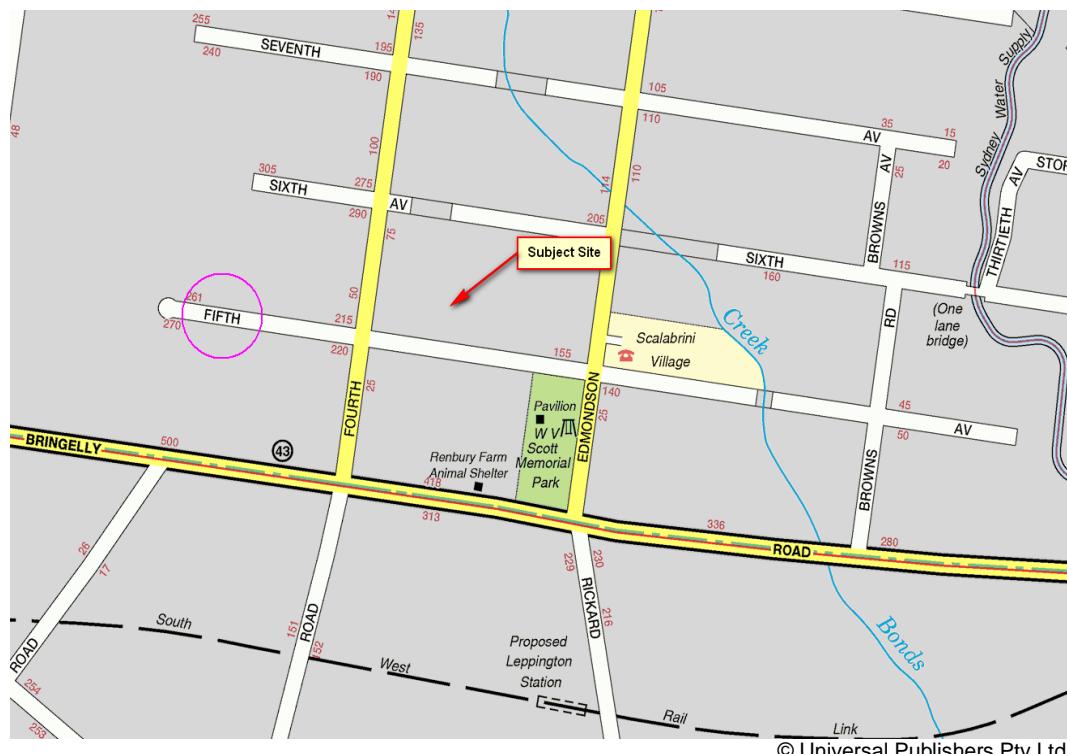
- Environmental sustainability;
- Improvements to urban design; and
- Conservation of heritage.

The proposed residential development incorporates best planning practice in its design, resulting in a high-quality development that will enhance the amenity of the locality and achieve the abovementioned planning objectives.

## 2.0 SITE/LOCALITY DESCRIPTION

The subject land, No. 185 (Lot 1115 in DP 2475) Fifth Avenue, Austral is located on the northern side of the street, between Fourth Avenue and Edmondson Avenue. The site has a frontage of 80.465m and length of 150.875m, comprising a total site area of **1.2HA**.

Currently the site accommodates a dwelling house with associated structures which will be demolished to make way for the proposed development. Being located in the Sydney Growth Centres, the existing character of the locality will be significantly transformed.



**Locality Map**



**Aerial Photo**



**Photo – Streetscape character (Note: Residential Flat Buildings will form part of the future character and built form of the locality)**



**Photo – Subject site**

## **3.0 THE PROPOSAL**

The proposal is to demolish the existing dwelling with all associated structures and construct a Residential Flat Building development comprising 222 units with basement parking.



**Artistic Impression**

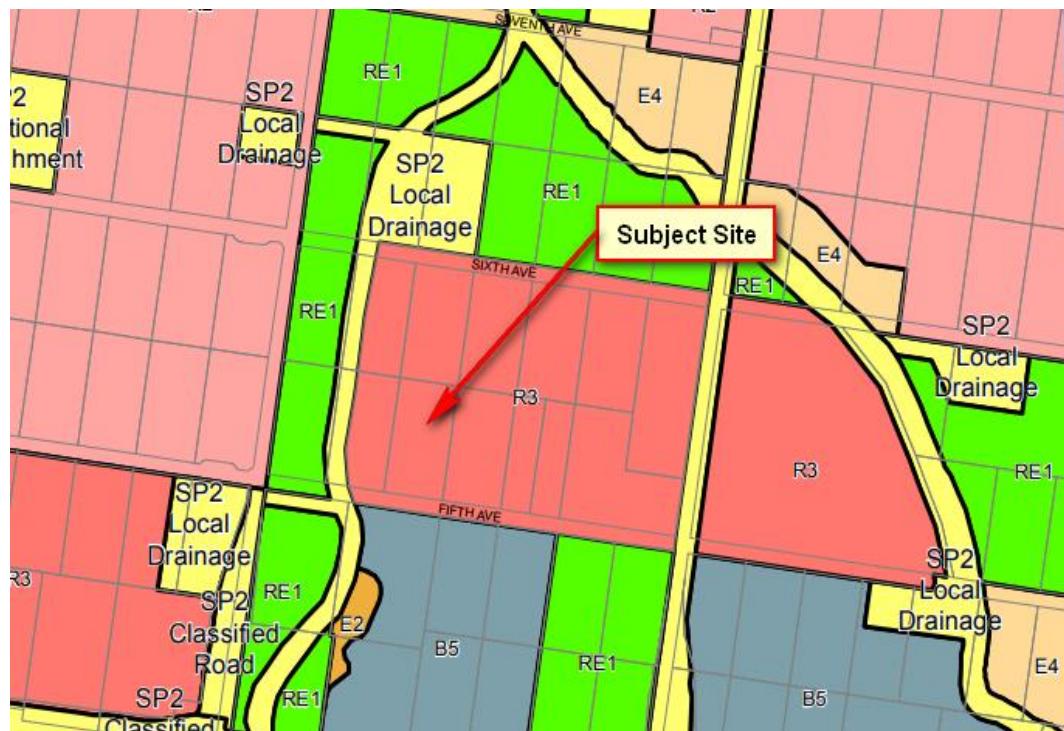
## 4.0 RELEVANT PLANNING CONTROLS

The following planning instruments and development control plans are relevant with respect to the proposed development:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Liverpool Growth Centres Precincts DCP (2013)
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- Apartment Design Guide
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
- State Environmental Planning Policy (Infrastructure) 2007

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

The subject site is within Zone R3 Medium Density Residential, under the provisions of the SEPP and in particular the Precinct Plan for Liverpool Growth Centres (Appendix 8) which has been finalised under the precinct planning process. Residential Flat Building development is permissible with the consent of Council within the zone.



**Zoning Map**

## **Appendix 8 – Liverpool Growth Centres Precinct Plan**

### **Zone Objectives**

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 development is consistent with the above objectives in that:

- High quality residential development is being provided on land set aside for the purpose of consolidating population and housing densities near anticipated public transport, employment, retail, commercial and other planned service facilities; and
- A form of development is being provided that will add to the range of acceptable housing in the zone.

The proposed development is located on an allotment that can accommodate a 'residential flat building' development as defined in the dictionary of the SEPP.

### **Minimum Lot Sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential... (Clause 4.1AB)**

Based on the Dwelling Per Hectare Map (i.e., 25 dwellings per HA), the minimum allotment size for residential flat building development is 2000m<sup>2</sup> which the subject site exceeds, comprising an area of 12,000m<sup>2</sup>.

### **Residential Density (Clause 4.1B)**

The objectives of this clause are:

- to establish minimum density requirements for residential development, and*
- to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*
- to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.*

The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.

As mentioned earlier, the subject site falls within 25 dwellings/HA (min) band. The proposed development exceeds this density (i.e., 185 dwellings/HA) which satisfies the intent of the clause. By their very nature, higher densities are obviously anticipated with Residential Flat Building development. Furthermore, the zone objectives encourage a variety of residential development.

## **Height of Building (Clause 4.3)**

The objectives of this clause are as follows:

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

The proposed development has a maximum height of **17.8m**, which exceeds the requirements of the clause (i.e., 12m), therefore, a variation is necessary under the provisions of Clause 4.6 of the SEPP [see **Attachment 1 – Variation Request (Building Height)**].

## **Exceptions to Development Standards (Clause 4.6)**

Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. In this regard, a variation request is sought in relation to the height requirement [see **Attachment 1 – Variation Request (Building Height)**].

## **Preservation of Trees and Vegetation (Clause 5.9)**

Removal of trees is covered by an Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural. The assessment report concludes:

*“One hundred and eighty-four (184) trees are nominated for removal and replacement with species in accordance with the associated Landscape documentation for the development. The four (4) trees to be preserved will be retained and protected through the implementation of adequate measures for their integration into the development by the application of appropriate technology as detailed in this report. Where appropriate, the Landscape Plan will include planting with new trees including street tree/s.”*

It is considered that there is ample open space available to provide effective landscaping as indicated on the Landscape Plan which will enhance the future amenity of the site and locality.

## **Heritage Conservation (Clause 5.10)**

The subject site is not listed as a heritage item or located in the immediate vicinity of any heritage-listed items.

## Flood Planning (Clause 7.8)

The site is identified on the flood prone land map as being within a flood planning area, as such, KF Williams & Associates Pty Ltd (KFW Infrastructure) have carried out a Flood Study Report which concludes:

*This flood report describes the flood behaviour through the development site in the pre development scenario.*

*The site is currently minimally affected during the 100 year ARI and PMF flood events.*

*A comparison of the proposed finished floor levels and the allowable minimum habitable floor level for each Residential Apartment Block are presented in Table 4.2.*

**Table 4.2 – Minimum Floor Level Comparison**

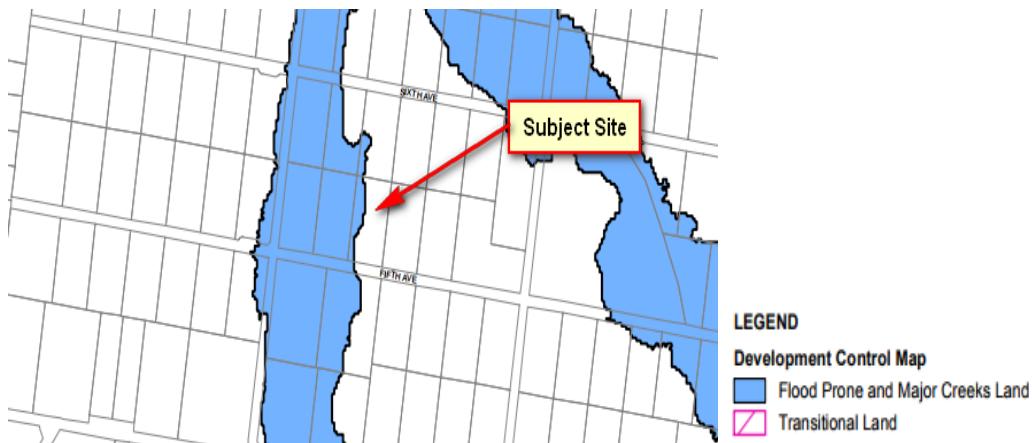
Block	Minimum Floor Level	Proposed Floor Level
A	71.66	72.80
B	71.66	72.00
C	71.16	71.55
D	71.16	72.35

*Based on the proposed finished floor levels shown on GM Architects Plan No. 16826, the proposed multi-storey residential apartment blocks will offer greater freeboard than required for both a 1% AEP flood and PMF.*

*The development complies with the objectives of the DCP.*

*The site is suitable for the proposed building.*

Appropriate Conditions of Consent can also be included to satisfy any policy requirements.



## 4.2 Liverpool Growth Centre Precincts DCP

### Part 2 – Precinct Planning Outcomes

Considerations under this part of the DCP include:

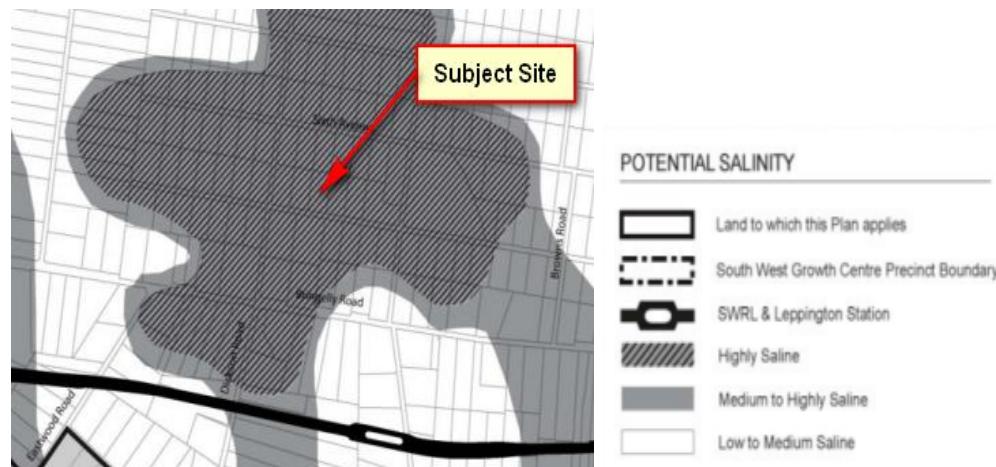
- **Indicative Layout Plan** – the proposed development takes into account all overlays including the preferred housing type for the street block. The proposed development is consistent with the Indicative Layout Plan.
- **Site Analysis** – a site analysis has been carried out and an appraisal of how the design of the development has regard to the site analysis is provided and forms part of the Architectural Plans.
- **Flooding and Watercycle Management** – the site is currently minimally affected during the 100 year ARI and PMF flood events, as such KFW Infrastructure (KF Williams & Associates Pty Ltd) have prepared a Flood Study Report, concluding:

*Based on the proposed finished floor levels shown on GM Architects Plan No. 16826, the proposed multi-storey residential apartment blocks will offer greater free board than required for both a 1% AEP flood and PMF.*

*The Development complies with the objectives of the DCP.*

The accompanying Stormwater Drainage Plan demonstrates that proposed concept is consistent with the water cycle management strategy for the precinct.

- **Salinity and Soil Management** – the Preliminary Site Investigation (PSI), carried out by Benviron Group, discusses soil salinity.



- **Aboriginal and European Heritage** – satisfied with a Due Diligence Assessment prepared by Tocomwall Pty Ltd. In summary:
  - *No Aboriginal archaeological sites, objects, PAD or Places were located within the boundary of the study area. The study area is situated on a landform that has also been subjected to historic land clearance and development.*
  - *The proposed works are considered unlikely to harm Aboriginal objects, sites or PADs and no Aboriginal Places were identified within the subject lands. The study area therefore has no Aboriginal heritage constraints. The land within the study area is considered to have low to nil archaeological potential to retain any extant archaeological sites, objects, PAD or Places. There is therefore no requirement for further Aboriginal heritage studies for the property prior to the commencement of works. There are no Aboriginal heritage constraints relevant to the proposed development.*
- **Native Vegetation & Ecology** – refer to Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural – Arboriculture & Horticulture Consultants. The report justifies the proposed tree removals and makes recommendations for the retention of some of the trees.
- **Bushfire Hazard Management** – Sydney Bushfire Consultants have carried out a Bushfire Assessment and made recommendations in their report dated 29<sup>th</sup> August 2017. In summary, the subject development can satisfy the aims, objectives and performance requirements of *Planning for Bushfire Protection 2006* that are considered relevant to the development under *Section 100B of the NSW Rural Fires Act* and *Section 79BA of the EP&A Act* if the recommended measures are implemented.
- **Site Contamination** – a Preliminary Site Investigation (PSI) has been carried out by Benviron Group, concluding that the site can be made suitable for the proposed development, subject to the recommendations identified in the report.
- **Noise** – the subject site is not in a location requiring noise attenuation measures to be implemented as shown on the Potential noise attenuation measures figures in the relevant Precinct Schedule.
- **Odour Assessment & Control** – a general survey of the locality (i.e., within a 1km radius of the subject site) reveals that there are no significant sources of odour. A wider analysis can be carried out if considered necessary by Council.
- **Demolition** – consent is sought for demolition of all existing structures. Conditions of consent will be included and the nominated practices outlined in the accompanying Waste Management Plan ensure that waste will be dealt with appropriately.
- **Crime Prevention through Environmental Design** - design guidelines outlined in the Crime Prevention through Environmental Design (CPTED) were considered and incorporated as follows:
  - Provision of a clearly visible entry points;
  - Passive surveillance treatment has been provided through the provision of habitable room windows and balconies facing each street and common open space areas;
  - Secured basement ingress and egress;
  - Suitable landscaping will produce a defensible open space within the frontage of each street, resulting in some interaction with the public domain beyond; and
  - Fencing and landscaping will be provided to prevent intruders from accessing the private open spaces and common areas.

### Part 3 – Neighbourhood & Subdivision Design

**Residential Density and Subdivision** - the Growth Centres are subject to minimum residential density targets as detailed in the Residential Density Maps in the SEPP. The site is mapped as 25 dwellings/HA (min). The proposed development achieves a dwelling density of 185 dwellings/HA in the form of residential flat buildings with basement parking. The SEPP promotes a diversity of dwelling types and recognises differing built form controls within each density band.

Obviously, a residential flat building development will achieve a higher dwelling density than a villa or townhouse development.

The subject site is located in close proximity to public transport nodes including bus routes along Bringelly Road and is approximately 1km from Leppington Railway Station.

25 - 30 dw/Ha	<ul style="list-style-type: none"><li>m. Generally located within the walking catchment of centres, corridors and / or rail based public transport.</li><li>n. Consists of predominantly small lot housing forms with some multi-dwelling housing, manor homes and <b>residential flat buildings located close to the local centre and public transport.</b></li><li>o. Generally single and double storey dwellings with some 3 storey buildings.</li><li>p. Incorporates some laneways and shared driveways.</li><li>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.</li><li>r. Mainly urban streetscapes, some suburban streetscapes. (See Figure 3-2).</li></ul>
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**Block and Lot Layout** – the subject site will be contained within one street block and based on the zoning (i.e., R3 Medium Density Residential) Residential Flat Buildings are permissible on lots 2000m<sup>2</sup> or more. Land dedication to establish the road reserves surrounding the site have been taken into account. Given that the site occupies the entire street block, the proposed development appropriately nominates separate buildings.

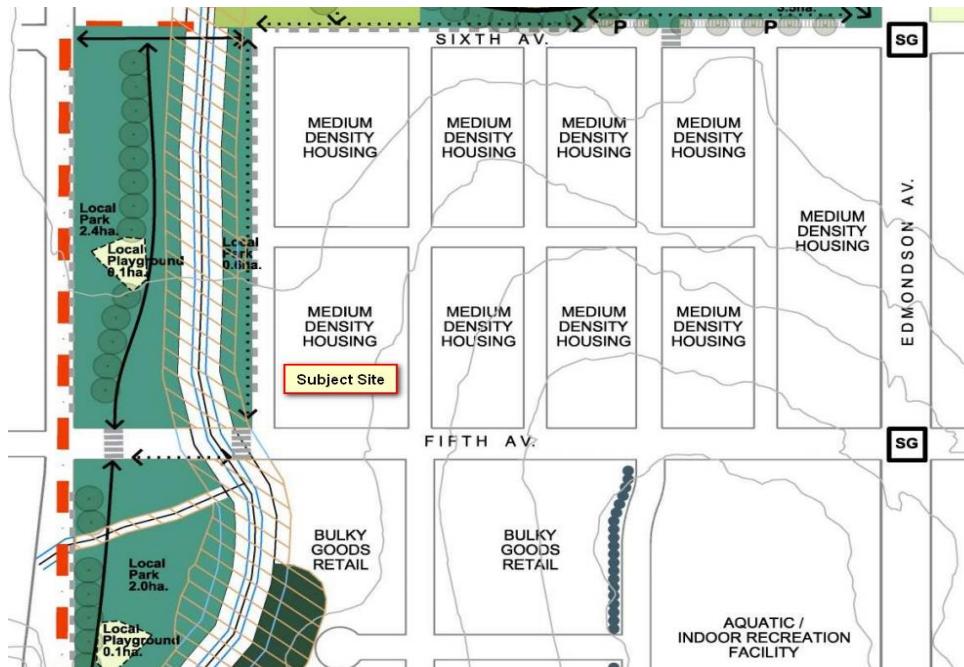


Figure 4-14 Scalabrini Creek Corridor (North) concept design

## **Part 4 – Residential Development**

### **Dwelling Design Controls**

**Note: the controls in Clause 4.3.4 do not apply to residential flat buildings.**

#### **Controls for residential flat buildings, manor homes and shop top housing**

All relevant numeric DCP requirements have been tabulated and are provided as **Attachment 2 – Compliance Table**.

It should also be noted that all residential flat building developments are also to be consistent with the guidelines and principles outlined in *SEPP No. 65 – Design Quality of Residential Apartment Development*.

Additional comments are provided in the pursuing paragraphs.

**Adaptable Housing** - in all residential flat building developments containing 10 dwellings or more, a minimum of 10% of all apartments are to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) which includes 'pre-adaptation' design details to ensure visibility is achieved.

The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995). – In this regard, Vista Access Architects have provided an Access Compliance Report to assist Council in the assessment of the application. The report discusses all relevant industry and legislative requirements and summarises:

*"The assessment of the proposed development has been undertaken to the extent necessary to issue Development Consent under the Environmental Planning and Assessment Act. The proposal achieves the spatial requirements to provide access for people with disability and it is assumed that assessment of the detailed requirements such as assessment of internal fit-out, details of stairs, ramps and other features will occur at CC (Construction Certificate) stage.*

*By compliance with the recommendation in this report the development complies with the requirements of Access Code of Disability (Access to Premises Building Standards 2010, the Disability Access relevant sections of Building Code of Australia 2016, the requirements of SEPP 65 related to Objective 4Q1 - Livable Housing and essential criteria of AS 4299-Adaptable Housing".*

**Landscape Plan** - a landscape plan is to be submitted with every application for residential flat buildings.

There is ample open space available to provide effective landscaping as indicated on the Landscape Plan which will enhance the future amenity of the site and locality.

Communal open spaces are extensive, diverse and safe with passive surveillance opportunities from living area windows and balconies.



**Artistic Impression (Communal Open Space)**

## **4.3 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development**

### **Application of Policy - Clause 4**

The clause states:

- (1) *This Policy applies to development for the purpose of a **residential flat building**, shop top housing or mixed use development with a residential accommodation component if:*
  - (a) *the development consists of any of the following:*
    - (i) **the erection of a new building**,
    - (ii) *the substantial redevelopment or the substantial refurbishment of an existing building,*
    - (iii) *the conversion of an existing building, and*
  - (b) *the building concerned is **at least 3 or more storeys** (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
  - (c) *the building concerned contains **at least 4 or more dwellings**.*

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

The proposed part 4/part 5 level development over basement car parking falls within the parameters of the policy. Nine design quality principles are identified by the SEPP, which are to be achieved in conjunction with satisfying the design guidelines. The principles have been addressed in the Design Verification Statement prepared by GM Architects.

Additionally, the Apartment Design Guide has also been addressed [see Attachment 2 – Compliance Table & Attachment 3 – Apartment Design Guide (ADG)].

## **4.4 State Environmental Planning Policy No. 55 – Remediation of Land**

As mentioned earlier, a Preliminary Site Investigation (PSI) has been carried out by Benviron Group, concluding that the site can be made suitable for the proposed development, subject to the recommendations identified in the report.

## 4.5 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The subject site falls within the Sydney Regional Environmental Plan No. 20. Recently all existing REPs were deemed State environmental planning policies (SEPPs). The Department is reviewing all remaining REPs as part of the NSW planning system reforms.

The aim of the Plan is 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*'. The policy requires consideration of certain general and specific matters including:

- General planning considerations:
  - The aim of this plan – ***the proposed development per say, involving construction of a Residential Development some distance from South Creek and within the South West Urban Release Area, will not have any regional planning consequences relating to the Hawkesbury Nepean River System***, and
  - Whether there are any feasible alternatives to the development or other proposal concerned – ***the proposed development is considered to be a reasonable response to the development of the site, given the current and future planning vision for the locality***, and
  - The relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored – ***the potential impacts associated with the erection of the residential development were considered and satisfactorily addressed through the following:***
    - ***The provision of reticulated sewerage to be provided by Sydney Water,***
    - ***Controlled drainage system,***
    - ***Rainwater harvesting,***
    - ***Colours and finishes, and***
    - ***New landscaping.***

- Specific planning considerations:
  - Total catchment management – ***the proposed development addresses both site specific and wider catchment issues,***
  - Environmentally Sensitive Areas – ***scenic areas associated with the Nepean River fall under this category, which the subject site does not contribute to in any way,***
  - Water Quality – ***reticulated water and sewerage services will be available as part of Sydney Water's undertaking for the release area.***
  - Water Quantity – ***refer to Stormwater Concept Plan (Note: additional measures such as; soft soil absorption and rainwater harvesting also assists in reducing runoff from the site,***
  - Cultural Heritage – ***there are no items of cultural heritage located on the subject site,***
  - Flora and Fauna – ***the proposed development will result in a net increase in vegetation which promotes local biodiversity,***
  - Riverine Scenic Quality – ***N/A (not visible from the river),***
  - Agriculture/Aquiculture and Fishing – ***N/A, and***
  - Rural Residential Development – ***State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 allows Residential Flat Building development to be erected in the zone and any perceived impacts associated with the development can be mitigated. The proposed development will not significantly impact on the environment.***

The Stormwater Concept Plan addresses any adverse environmental effects. It also takes into account the proximity of the site to natural water bodies and appropriate erosion and sedimentation control measures will be implemented during construction.

## 4.6 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP provides a consistent planning regime under the *Environmental Planning and Assessment Act 1979* (the Act) that:

- Provides greater flexibility in the location of infrastructure and services by identifying a broad range of zones where types of infrastructure are permitted.
- Allows for the efficient development, redevelopment or disposal of Government owned land. This is achieved by permitting additional uses on State land and allowing adjacent land uses to be undertaken on State land (except conservation lands) if the uses are compatible with surrounding land uses.
- Outlines the approval process and assessment requirements for infrastructure proposals.
- Identifies works of minimal environmental impact as exempt or complying development

The Infrastructure SEPP has specific planning provisions and development controls for the various types of development/infrastructure, including Residential Development.

Clause 104 of the Infrastructure SEPP outlines the planning requirements for traffic generating development listed in Schedule 3 of the SEPP. If development is proposed that meets the traffic generating criteria in Schedule 3, the Roads and Maritime Services (RMS) must be consulted.

A Residential Flat Building Development comprising 222 units and catering for 327 car parking spaces falls under Column 2 of Schedule 3, therefore referral to the Roads and Maritime Services is required under the provisions of the Policy: viz:

### ***“104 Traffic-generating development***

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
  - (a) *new premises of the relevant size or capacity, or*
  - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, relevant size or capacity means:*
  - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
  - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to RMS within 7 days after the application is made, and*
  - (b) *take into consideration:*
    - (i) *any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
    - (ii) *the accessibility of the site concerned, including:*
      - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
      - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
    - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.*

### Schedule 3 Traffic generating development to be referred to RMS

(CI

Column 1	Column 2	Column 3
Purpose of development	Size or capacity—site with access to any road	Size or capacity—site with access to <b>classified road</b> or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Note. The development may be the erection of new premises or the enlargement or extension of existing premises		
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Any other purpose	200 or more motor vehicles	

## 4.6 Other Requirements

### Design Statement

The Architect's Design Statement addressing the nine (9) Design Quality Principles outlined in Schedule 1 of SEPP 65 is provided as a separate document.

## 4.7 Non-Compliance

Apart from the Maximum Building Height requirement which has been addressed with a formal Clause 4.6 Variation Request, the proposal complies with all other SEPP and Precinct DCP requirements.

## 5.0 CONCLUSION

The proposed development satisfies the design principles stipulated in State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and complies with most of the development standards and controls of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The non-compliance issue relating to the maximum building height has been addressed as a formal Clause 4.6 Variation Request and it is considered that the variation from the standard is warranted given that the proposed development will integrate well with the envisaged future streetscape and prospective buildings in adjacent street blocks.

The proposal meets community expectations for development by providing residential accommodation within the identified growth precinct close to planned infrastructure and transportation links, which ensures the viability of the development and the attainment of specific outcomes identified in state planning policy.

Consideration has been given to matters listed in Section 79C of the Environmental Planning and Assessment Act 1979, concluding that the development warrants approval.



.....  
David Bobinac  
Town Planner

**REQUEST TO VARY A DEVELOPMENT STANDARD**  
**[CLAUSE 4.6 SEPP(SRGC) 2006]**

<b>Property:</b>	<b>185 Fifth Avenue, Austral</b>
<b>Date:</b>	<b>30/10/2017</b>
<b>Planning Instrument:</b>	<b>State Environmental Planning Policy (Sydney Regional Growth Centres) 2006</b>
<b>Development Standard:</b>	<b>Liverpool Growth Centres Precinct Plan</b>
	<b>Maximum Building Height [Clause 4.3(2)]</b>

Clause 4.6 of the SEPP states:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
  - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition, Zone E2 Environmental Conservation and Zone E4 Environmental Living.
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
  - (a) *a development standard for complying development,*
  - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) *clause 5.4.*

## Development Standard

In this particular case, the development standard relates to the maximum building height for development under the provisions of *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 & Liverpool Growth Centres Precinct Plan*, Clause 4.3(2) in particular.

The EP&A Act defines development standard as follows:

*"development standards" means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) *the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,..."*

**NOTE: It is clear from the above definition that the 'maximum building height' requirement of the SEPP is a 'development standard'.**

A variation is sought to Clause 4.3(2) which states the following:

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

The Height of Buildings Map stipulates a maximum height of **12m** for the subject site.

The proposed development involves the erection of a contemporary style residential flat building development comprising 4 buildings, which exceed the maximum building height [i.e., **17.8m** (max)], hence, the need for a Clause 4.6 - Variation Request to accompany the application.

**building height** (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

# Compliance with Development Standard is Unreasonable and Unnecessary

The application must address whether strict compliance with the standard in this particular case, would be unreasonable or unnecessary and why.

The usual way is to demonstrate that the proposed development proffers an alternative means of achieving the objective, then strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

Justice Preston in a decision in the Land and Environment Court **Wehbe v Pittwater Council [2007] NSWLEC 827 at 43** outlines a number of other ways to establish that compliance with a development standard would be 'unreasonable' or 'unnecessary.' These include:

1. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
2. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
3. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
4. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

It is a well-known fact that the strict application of numeric requirements in the planning process restricts the design process and often produces poor urban design outcomes.

The Department of Planning's "Guidelines for the Use of State Environmental Planning Policy No.1" (refer to DOP Circular No. B1 - issued 17<sup>th</sup> March 1989) state that:

*"As numerical standards are often a **crude reflection of intent**, a development which departs from the standard may in some circumstances achieve the underlying purpose of the standard as much as one which complies. In many cases the variation will be numerically small and in other cases it may be numerically large, but nevertheless be consistent with the purpose of the standard..."*

*"In deciding whether to consent to a development application the Council should test whether the proposed development is consistent with the State, regional or local planning objectives for the locality; and in particular the underlying objective of the standard. If the development is not only consistent with the underlying purposes of the standard, but also with the broader planning objectives of the locality, strict compliance with the standard would be unnecessary and unreasonable."*

The underlying purpose of the maximum height standard can be deduced from the following objectives identified in Clause 4.3 (1) of the SEPP, viz:

## 4.3 Height of buildings

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

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

It is considered that strict compliance with Clause 4.3(2) of the SEPP would be unreasonable and unnecessary when adopting the abovementioned test of Justice Preston.

In summary, the underlying purpose of the maximum building height requirement is to ensure that new development is of a comparable height as other development in the locality and to maintain views, privacy and solar access. The proposed development which is located within a R3 Medium Density Residential Zone satisfies the above objectives as follows:

1. The masterplan for the precinct encourages a range of building forms and horizontal variation (i.e., 3 to 5 storeys).
2. From an urban design viewpoint bulkier building forms are encouraged on corner site locations, which each building group will be when the road network is established.
3. There are site specific constraints which need to be addressed with the proposed development, including:
  - Flooding;
  - Post bulk siteworks with assumed ground levels; and
  - The inclusion of basement levels to accommodate the car parking generation rates.
4. Strict compliance with the numeric requirement, in this particular case, would result in a diminished range of horizontal variation (i.e., all buildings would need to be uniformly 3 storeys max), which significantly diminishes the development potential of the site, making it unfeasible.
5. The proposed building heights will form a good transition between the bulkier building forms planned in the Business Development zone on the opposite side of the street.
6. The design skillfully addresses visual bulk through the effective use of design elements and colours and textures.

Overall, it is considered that the proposed development will effectively assimilate with the envisaged future streetscape, therefore, its appearance will not be in strong visual contrast, being within the environmental capacity of the zone and the variation to the maximum building height requirements is considered acceptable.

The justification is based on site specific and local circumstances which have no bearing on State or Regional environmental planning interests and there are no particular benefits in strictly maintaining the maximum building height standard in this particular case, given that:

1. It would be inconsistent with the precinct masterplan; and
2. The inconsequential impacts of the variation and the mitigating circumstances with the skillful design (i.e., the design achieves the intent of the development standard).

## Environmental Planning Grounds

In addition to the benefits to broader planning grounds, such as:

- Public benefit arising from additional housing, and
- An increase in the variety of housing stock<sup>1</sup>.

The more specific environmental planning grounds established in the recent case of **Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009**, are discussed in the following paragraphs.

As mentioned earlier, the building height standard restricts the attainment of the urban design principles established through the precinct masterplan. It is therefore, specific to the site and immediate locality and the delivery of permissible forms of residential development.

As such, a building that did comply with building height controls would restrict the development to an unreasonable height limit of only 3 storeys, which represent an unfeasible and unreasonable outcome that actually undermines the intent of the standard (i.e., *to provide a variety of housing types*).

Hence, in this instance, there is sufficient planning grounds to justify contravening the standard) so as to achieve a better outcome from the development.

Other site specific factors stem from the opportunities and constraints of the site including; flood controls and the sites context within the planned road network. Finally, the fact that adjoining land to the west will be reserved for drainage and public open space purposes, therefore there are no environmental consequences/impacts as a result of the additional height.

The proposed development will be in the public interest because it is consistent with the objectives of the R3 Medium Density Residential zone (i.e., the objectives of the zone encourage medium density housing).

The objectives of the 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 development satisfies the above objectives as follows:

- The proposed development is within the range of permissible uses and will meet the housing needs of the community;
- Consideration has been given to the desired future amenity and character of the area and it is considered that the proposed development will be sympathetic and harmonious with nearby development in the precinct and wider locality in general; and
- The proposed development will enhance the amenity of the site and immediate locality by the provision of new housing stock of a comparable scale as adjoining and nearby dwellings.

Given the above, it is considered that the proposed development is within the environmental capacity of the R3 – Medium Density Residential zone.

The EP&A Act also promotes the economic use of land, which will be achieved through a development that caters for the desired lifestyle of future occupants of the land and the highest and best use of the site, in this particular case, being a residential flat building development. **The alternative situation of restricting or limiting the design affects the economic viability of developing the site.**

In terms of orderly use – all residential amenities are available to the development (i.e., vehicular and pedestrian access, car parking, open space and services). The interface of the development with the public domain is consistent with envisaged outcomes described in the precinct masterplan.

A compliant development with a reduced height would not, for all intents and purposes, achieve a better environmental outcome in the zone or enhance the residential amenity of residents living in the development, given that, the development is consistent with the envisaged building character in the locality.

## CONCLUSION

In summary, the variation to the development standard is due to specific site and immediate locality circumstances associated with flood controls, adjoining land classification, future street patterns and masterplan outcomes.

The proposed development adequately addresses the sites opportunities and constraints and the maximum building height would not be a significant factor in the visual impact of the development or its compatibility with the scale of future development in the immediate locality. As such, it has been demonstrated that the objectives behind the maximum building height requirement have been met and therefore, it would be unreasonable and unnecessary in the circumstances to strictly insist on compliance with the numeric height requirement as it would tend to hinder the attainment of the objects specified in Sections 5(a)(i) and (ii) of the Environmental Planning & Assessment Act.

Accepting the variation will result in an orderly and economic use of the land, by accommodating a sympathetic development, appropriate for the zone and locality in which it is located.



David Bobinac  
Town Planner

## ATTACHMENT 2

### COMPLIANCE TABLE – RFB

Standard/control SEPP (SRGC) 2006	Requirement	Proposal	Compliance
<b>Building Height</b>	12m (Max)	17.8m	No
<b>Site Coverage</b>	50% (Max)	47%	Yes
<b>Landscaped Area</b>	30% (Max)	42%	Yes
<b>Communal Open Space</b>	15% (Max)	32%	Yes
<b>Principle Open Space</b>	10m <sup>2</sup> per dwelling (Min Dimension 2.5m)	> 10m <sup>2</sup> (all Units)	Yes
<b>Front Setback</b>	6m (min) (Balconies and other articulation may encroach to max 4.5m)	6m (all frontages)	Yes
<b>Corner Lots (Secondary Street Setback)</b>	6m	6m	Yes
<b>Side Setback</b>	3-storeys – 3m (Min) ➤ 3 storeys – 6m (Min)	N/A	N/A
<b>Rear Setback</b>	6m (Min)	N/A	N/A
<b>Habitable Room Balcony Separation Distance (3 storeys +)</b>	12m (Min)	12m (min)	Yes
<b>Car Parking Spaces</b>	1 space/dwelling, plus 0.5 spaces per 3 or more bedroom dwelling  1 visitor car parking space per 5 apartments  Bicycle parking 1 space per 3 dwellings = 74 spaces	327 spaces – See Traffic & Parking Reports  58 spaces  80 spaces	Yes  Yes  Yes
SEPP 65 & ADG			
<b>Communal Open Space</b>	25% of the site	32%	Yes
<b>Deep Soil Zones</b>	7% of the site with a minimum dimension of 6m	19%	Yes
<b>Separation Distances</b>	Up to 12m (4 storeys) Habitable – 6m Non-Habitable – 3m	12m 12m	Yes Yes
<b>Solar and Daylight Access</b>	2hrs to 70% of Apartments	Provided	Yes
<b>Natural Ventilation</b>	60% of Units (Min)	72% of Units	Yes
<b>Ceiling Heights</b>	Habitable – 2.7m (Min) Non-Habitable – 2.4m (Min)	2.7m (available between floors)	Yes

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<b>Apartment Sizes</b>	Studio – 35m <sup>2</sup> 1 Bed – 50m <sup>2</sup> 2 Bed – 70m <sup>2</sup> 3 Bed – 90m <sup>2</sup>	Studio – N/A 1 Bed – All > 50m <sup>2</sup> 2 Bed – All > 70m <sup>2</sup> 3 Bed – All > 90m <sup>2</sup>	N/A Yes Yes Yes
<b>Apartment Layout</b>	Master Bed – 10m <sup>2</sup> Other Bed – 9m <sup>2</sup> Min Dimension 3m Living Rooms – 4m (Min)	All Units > 10m <sup>2</sup> All Units > 9m <sup>2</sup> All Units All Units	Yes Yes Yes Yes
<b>Building Depth</b>	18m (Generally)	Predominantly < 18m	Yes
<b>Corridor Circulation</b>	8 Units per corridor (max)	< 8 Units	Yes
<b>Daylight Access</b>	3hrs to 70% of Units	➤ 70%	Yes
<b>Private Open Space</b>	1 Bed – 8m <sup>2</sup> 2 Bed – 10m <sup>2</sup> 3 Bed – 12m <sup>2</sup> Min Depth 2m to 2.4m	All > 8m <sup>2</sup> All > 10m <sup>2</sup> All > 12m <sup>2</sup> All Units	Yes Yes Yes Yes
<b>Storage</b>	1 Bed – 6m <sup>3</sup> 2 Bed – 8m <sup>3</sup> 3 Bed – 10m <sup>3</sup>	➤ 6m <sup>3</sup> ➤ 8m <sup>3</sup> ➤ 10m <sup>3</sup>	Yes Yes Yes
<b>Livable Housing</b>	Silver Level – 20% of Units	20% of Units	Yes
<b>Awnings</b>	N/A	N/A	N/A
<b>Side</b>	N/A	N/A	N/A
<b>Rear</b>	N/A	N/A	N/A

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# APARTMENT DESIGN GUIDE

## Part 1

### Identifying the context

In summary, the desirable attributes of the site and locality are as follows:

- New revitalised community at Austral & Leppington North will benefit from up to 17,350 new homes and the delivery of local amenities close to transport options, including:
  - New Major Centre
  - The new Leppington station
  - Three neighbourhood centres
  - 220 hectares of employment land
  - 135 hectares of open space and recreation areas
  - Upgrades to major roads
  - New primary and high schools
  - Protection of significant vegetation and major creek corridors
  - Improved connections to encourage walking and cycling
  - Proximity to Western Sydney's Airport

The proposed Major Centre will provide the growing South West community with access to jobs, shopping, entertainment, community and government services.

The proposed development will complement the emerging/desired character of the locality with a design that effectively addresses the site's location and context within the Precinct, by:

- Incorporating contemporary urban design themes and features to produce interesting and aesthetically pleasing buildings without impacting on the wider locality;
- The building bulk is reduced with contrasting horizontal and vertical elements and colouring;
- Compliant front setbacks and effective landscaping;
- High level of residential amenity; and
- Adequate spatial relief between buildings.

## Residential Flat Building Types

Given the size and shape of the site and the fact that it will occupy the entire street block, the most suitable residential building type would be '**courtyard apartments**' as proposed. This building form enables compliance with the desired front setbacks off all street frontages and enables adequate separation distances and communal open space to be provided between each building group. This approach maximises passive surveillance opportunities of both the public and private domains.

## Amalgamation + Subdivision

The site is large enough to effectively accommodate the proposed development and will in fact occupy an entire street block.

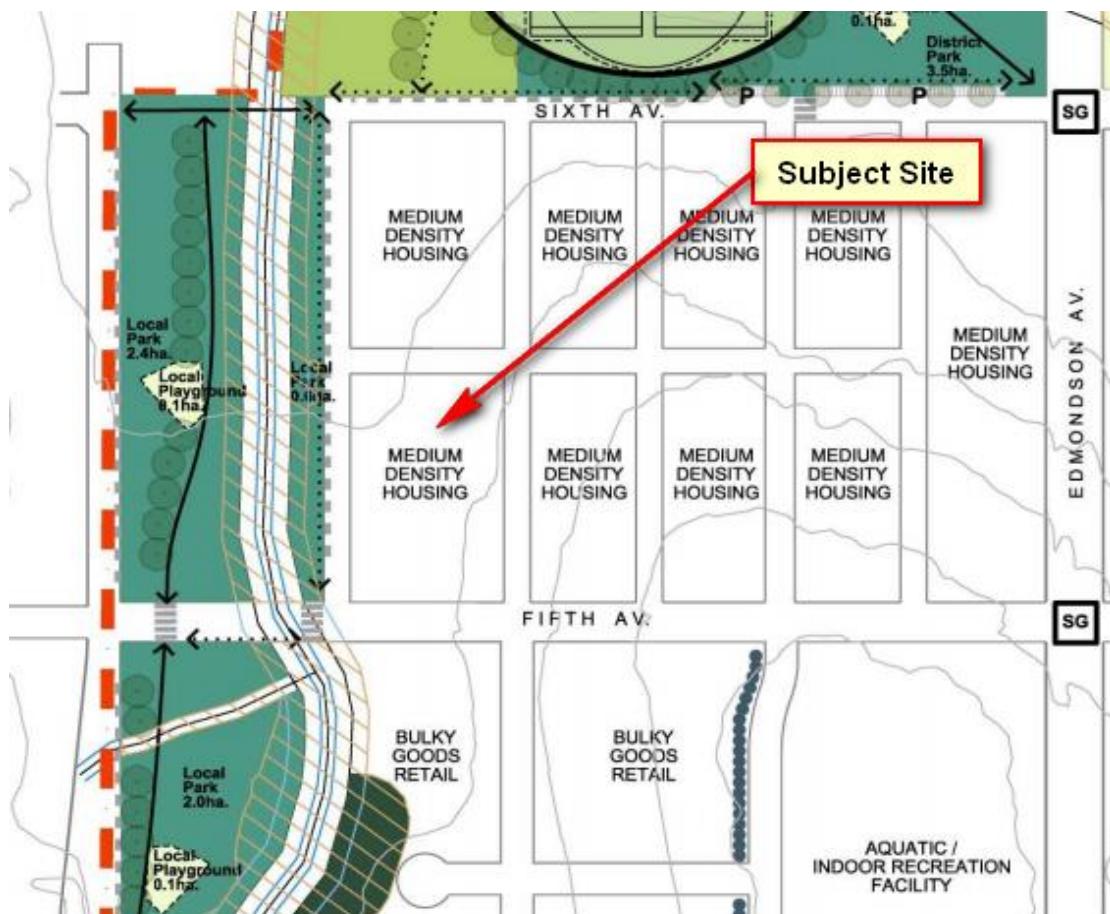


Figure – Extract of future road pattern

# Part 3

## Siting the development

Control/Principle	Objectives/Performance Criteria	Comment
<b>3A. Site Analysis</b>	<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</p>	<p>A site analysis has been carried out and an appraisal of how the design of the development has regard to the site analysis is provided on the Architectural Plans.</p> <p><b>Constraints</b></p> <ul style="list-style-type: none"> <li>➤ Flood constraints</li> </ul> <p><b>Opportunities</b></p> <ul style="list-style-type: none"> <li>➤ Ideal location close to existing and planned infrastructure and amenities</li> <li>➤ Site will have street frontages which assists in accommodating the courtyard apartment design</li> <li>➤ Start a trend to accommodate the desired residential densities for the precinct</li> </ul>
<b>3B. Orientation</b>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>➤ Building types and layouts respond to the streetscape and site while optimising solar access within the development.</li> <li>➤ Overshadowing of neighbouring properties is minimised during mid-winter.</li> </ul>	<p>The subject site is appropriately orientated and the buildings have been designed to maximise solar access.</p> <p>Living areas, private open space and communal open spaces receive solar access in accordance with the prescribed requirements.</p>
<b>3C. Public Domain Interface</b>	<p><b>Objectives</b></p> <p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.</p>	<p>The proposed entry areas, disabled access and landscaping defines the private and public domain edge and assist in establishing relatively active street fronts and passive surveillance opportunities. Orientation of balconies and living area windows also assist.</p> <p>It is evident from the Landscape Plan and Artistic Impression that the public domain interface will be aesthetically pleasing.</p>

<b>3D. Communal and Public Open Space</b>	<p><b>Objectives</b></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p> <p>Communal open space is designed to maximise safety.</p> <p><b>Design Criteria</b></p> <ol style="list-style-type: none"> <li>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).</li> <li>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</li> </ol>	<p>The proposed development provides communal open space at a rate exceeding the Liverpool Growth Centre Precinct DCP requirement, which is considered to be appropriate for RFB development in the precinct.</p> <p>The apartment guide rate of 25% of the site area is also achieved, counting all available communal space areas.</p> <p>The Communal open space areas are considered to be safe, being:</p> <ol style="list-style-type: none"> <li>1. Well lit</li> <li>2. Visible from balconies and habitable room windows of units</li> </ol>												
<b>3E. Deep Soil Zones</b>	<p><b>Objectives</b></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p><b>Design Criteria</b></p> <p>Based on the site area the required Deep Soil Zone is:</p> <ul style="list-style-type: none"> <li>➤ 7% of the site with a minimum dimension of 3m</li> </ul>	<p>The proposed development easily achieves the ADG requirement, providing a Deep Soil Zone area equivalent to <b>19%</b> of the site.</p>												
<b>3F. Visual Privacy</b>	<p><b>Objectives</b></p> <p>Adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.</p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p> <p><b>Design Criteria</b></p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="584 1643 1057 1833"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>The proposed development is 4 and 5 storeys above basement and provides a 12m minimum separation distance between buildings which provides full compliance with the separation distance requirement. All windows along the western elevation are screened to avoid ANY perceived privacy concerns.</p> <p>The design appropriately orientates windows to increase privacy between units.</p> <p>Pedestrian and vehicular entries activate street frontages.</p>
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

<b>3H. Vehicle Access</b>	<p><b>Objectives</b></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The proposed carpark access points are integrated with the siting of the buildings.</p> <p>Security doors will avoid a void appearance off each street frontage.</p> <p>The car parking entries will be a subservient element of the building.</p>
<b>3J. Bicycle and Car Parking</b>	<p><b>Objectives</b></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Parking and facilities are provided for other modes of transport.</p> <p>Carpark design and access is safe and secure.</p> <p>Visual and environmental impacts of underground car parking are minimised.</p> <p>Visual and environmental impacts of on-grade car parking are minimised.</p>	<p>Car and bicycle parking has been provided at the required generation rate set by the Precinct DCP.</p> <p>The layout and design is in accordance with the relevant Australian Standards.</p> <p>It is predominately below natural ground level and the elements that are slightly above ground level are well treated and have no adverse visual impacts.</p>

# Part 4

## Designing the building

Control/Principle	Objectives/Performance Criteria	Comment
<b>4A. Solar and Daylight Access</b>	<p><b>Objectives</b></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>Daylight access is maximised where sunlight is limited.</p> <p>Design incorporates shading and glare control, particularly for warmer months.</p> <p><b>Design Criteria</b></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>All units receive the required 2hrs solar access.</p> <p>Sun shading and screening devices have been incorporated to assist in reducing heat loads during the warmer months.</p>
<b>4B. Natural Ventilation</b>	<p><b>Objectives</b></p> <p>All habitable rooms are naturally ventilated.</p> <p>The layout and design of single aspect apartments maximises natural ventilation.</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</p> <p><b>Design Criteria</b></p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>	<p>Cross ventilation is achieved by limiting the depth of each unit and accommodating breezeways through the majority of units (i.e., <b>72%</b> which satisfies the design criteria of the ADG).</p> <p>The BASIX Certificate will address energy consumption and cross ventilation in detail.</p>

<h2>4C. Ceiling Heights</h2>	<p><b>Objectives</b></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building</p> <p><b>Design Criteria</b></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1" data-bbox="621 614 1029 925"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr> </thead> <tbody> <tr> <td>Habitable rooms</td><td>2.7m</td></tr> <tr> <td>Non-habitable</td><td>2.4m</td></tr> <tr> <td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr> <tr> <td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr> <tr> <td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr> </tbody> </table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>There is adequate space between each level to accommodate the prescribed ceiling heights.</p>
Minimum ceiling height for apartment and mixed use buildings														
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For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
<h2>4D. Apartment Size and Layout</h2>	<p><b>Objectives</b></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p><b>Design Criteria</b></p> <p>Apartments are required to have the following minimum internal areas:</p> <table border="1" data-bbox="621 1290 1024 1474"> <thead> <tr> <th>Apartment type</th><th>Minimum internal area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m<sup>2</sup></td></tr> <tr> <td>1 bedroom</td><td>50m<sup>2</sup></td></tr> <tr> <td>2 bedroom</td><td>70m<sup>2</sup></td></tr> <tr> <td>3 bedroom</td><td>90m<sup>2</sup></td></tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<p>All units in the development achieve the minimum internal area requirement.</p> <p>Overall, the size and layout of each apartment is functional and provides a high level of amenity.</p>		
Apartment type	Minimum internal area													
Studio	35m <sup>2</sup>													
1 bedroom	50m <sup>2</sup>													
2 bedroom	70m <sup>2</sup>													
3 bedroom	90m <sup>2</sup>													

<h4>4D. Apartment Size and Layout (cont.)</h4>	<p><b>Objectives</b></p> <p>Environmental performance of the apartment is maximised.</p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p><b>Design Criteria</b></p> <p>Habitable room depths are limited to a maximum of 2.5m x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep, narrow apartment layouts.</p>	<p>Solar access is available to the majority of units and the environmental performance will be determined by the BASIX commitments.</p> <p>Room sizes achieve the design criteria requirements.</p>															
<h4>4E. Private Open Space and Balconies</h4>	<p><b>Objectives</b></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Primary private open space and balconies are appropriately located to enhance livability for residents.</p> <p>Integrate balconies with the overall architecture of the building with safety in mind.</p> <p><b>Design Criteria</b></p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="628 1552 995 1742"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>Each unit is provided with a functional usable balcony which is directly linked with the internal living areas.</p> <p>The balconies are of an appropriate width and area and form an integral feature of the architectural form of the residential flat building development.</p> <p>They assist in providing passive surveillance opportunities of the public domain, pedestrian paths and common areas.</p> <p>Some of the ground level units comprise only one bedroom. Furthermore, the available communal open space area is more than specified, therefore, larger private open space areas are considered unwarranted for the one bedroom units.</p> <p>Balconies are integrated into the overall design and complement the architectural merits of the buildings.</p> <p>They are considered to be private and safe areas.</p>
Dwelling type	Minimum area	Minimum depth															
Studio apartments	4m <sup>2</sup>	-															
1 bedroom apartments	8m <sup>2</sup>	2m															
2 bedroom apartments	10m <sup>2</sup>	2m															
3+ bedroom apartments	12m <sup>2</sup>	2.4m															

<b>4F. Common Circulation and Spaces</b>	<p><b>Objectives</b></p> <p>Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>Common circulation spaces promote safety and provide for social interaction between residents.</p> <p><b>Design Criteria</b></p> <p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>The service corridors at each level service <u>less than eight units</u> which in turn assist in satisfying the other objectives.</p>										
<b>4G. Storage</b>	<p><b>Objectives</b></p> <p>Adequate, well designed storage is provided in each apartment.</p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments.</p> <p><b>Design Criteria</b></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="626 1043 1018 1220"> <thead> <tr> <th>Dwelling type</th><th>Storage size volume</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m<sup>3</sup></td></tr> <tr> <td>1 bedroom apartments</td><td>6m<sup>3</sup></td></tr> <tr> <td>2 bedroom apartments</td><td>8m<sup>3</sup></td></tr> <tr> <td>3+ bedroom apartments</td><td>10m<sup>3</sup></td></tr> </tbody> </table>	Dwelling type	Storage size volume	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3+ bedroom apartments	10m <sup>3</sup>	<p>Storage areas have been provided for each unit in accordance with Precinct DCP which is consistent with the Apartment Design Guide.</p>
Dwelling type	Storage size volume											
Studio apartments	4m <sup>3</sup>											
1 bedroom apartments	6m <sup>3</sup>											
2 bedroom apartments	8m <sup>3</sup>											
3+ bedroom apartments	10m <sup>3</sup>											
<b>4H. Acoustic Privacy</b>	<p><b>Objectives</b></p> <p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	<p>Adequate building separation is provided within the development and surrounding land uses (Section 2F Building separation and Section 3F Visual privacy overlap and were discussed under their respective headings).</p>										

<b>4J. Noise and Pollution</b>	<p><b>Objectives</b></p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The subject site is located in a planned, relatively quiet residential setting and noise mitigating devices are NOT required.</p>
<b>4K. Apartment Mix</b>	<p><b>Objectives</b></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>The proposed development provides a mixture of 1, 2 and 3 bedroom units which assists in diversification of household types and equity.</p> <p>The proposed unit mix is considered to be appropriate given the size of the development.</p>
<b>4L. Ground Floor Apartments</b>	<p><b>Objectives</b></p> <p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	<p>The design accommodates private courtyard space for the GF Units which assist in creating a safe, active streetscape and internal circulation.</p>
<b>4M. Facades</b>	<p><b>Objectives</b></p> <p>Building facades provide visual interest along the street while respecting the character of the local area.</p> <p>Building functions are expressed by the façade.</p>	<p>Architecturally, the buildings have been designed at multiple scales, tying in the whole composite and massing of major built components. Design elements such as, modulation, projecting borders, boxed elements and colours and textures all combine to produce a <b>base</b>, <b>middle</b> and <b>top</b> appearance for visual interest and to break up the building bulk, and together with the roof treatment have all been successfully incorporated on each elevation, both horizontally and vertically.</p> <p>Details of finished surface materials will be provided with the application. The selection of colours and textures will be consistent with the recommended palette for courtyard apartment buildings and will harmonise with surrounding development.</p>

<b>4N. Roof Design</b>	<p><b>Objectives</b></p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use roof space for residential accommodation and open space are maximised.</p> <p>Roof design incorporates sustainability features.</p>	<p>The roof treatment has been successfully incorporated as a top element of the buildings and integrates well with the overall architecture of the building and the site's location.</p> <p>Operable skylights have also been incorporated into the roof design.</p>
<b>4O. Landscape Design</b>	<p><b>Objectives</b></p> <p>Landscape design is viable and sustainable.</p> <p>Landscape design contributes to the streetscape and amenity.</p>	<p>The application is accompanied by a comprehensive Landscape Plan prepared by a suitably qualified Landscape Architect, which nominates both native and introduced species to complement the scale of the development and generally enhance the landscape quality of the precinct.</p> <p>Approximately <b>19%</b> of the site can be classified as a Deep Soil Zone according to the ADG definition.</p> <p>The design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> <li>• Changes of levels.</li> <li>• Specific landscaping objectives including; beautification, screening, reducing the bulk and scale of the buildings and softening the visual impact of hard surface areas.</li> </ul>
<b>4P. Planting Structures</b>	<p><b>Objectives</b></p> <p>Appropriate soil profiles are provided.</p> <p>Plant growth is optimised with appropriate selection and maintenance.</p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces.</p>	<p>The size and volume configuration of planter boxes is in accordance with the "minimum soil standards for planter types and sizes" outlined in the ADG.</p>

<b>4Q. Universal Design</b>	<p><b>Objectives</b></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members.</p> <p>A variety of apartments with adaptable designs are provided.</p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>The design incorporates an adaptable "Silver Level" LHA units as required.</p> <p><b>Note: the Access Compliance Report details compliance with section 4Q.</b></p>
<b>4R. Adaptive Reuse</b>	<p><b>Objectives</b></p> <p>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</p> <p>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</p>	N/A
<b>4S. Mixed Use</b>	<p><b>Objectives</b></p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p> <p>Residential levels of the building are integrated within the development and safety and amenity is maximised for residents.</p>	N/A
<b>4T. Awnings and Signage</b>	<p><b>Objectives</b></p> <p>Awnings are well located and complement and integrate with the building design.</p> <p>Signage responds to the context and desired streetscape character.</p>	N/A
<b>4U. Energy Efficiency</b>	<p><b>Objectives</b></p> <p>Development incorporates passive environmental design.</p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<p>The BASIX Certificate demonstrates that the energy efficiency and thermal comfort levels within each unit achieve the desired outcome.</p> <p>A Waste Management Plan will accompany the application. The plan adopts the principles of <b>Avoid Reuse Recycle and Dispose</b> to minimise landfill waste.</p> <p>As such, it is considered that the design is sustainable and incorporates efficient use of natural resources and energy and water, thus satisfying the intents of the principle.</p>

<b>4V. Water Management and Conservation</b>	<p><b>Objectives</b></p> <p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into site design.</p>	<p>The proposal provides for approximately <b>19%</b> of the total site area as soft soil.</p> <p>A Stormwater Concept Plan demonstrates that stormwater can be collected, stored and discharged at an acceptable rate of flow, ensuring that there will be no adverse impact on Council's stormwater system, the development itself or adjoining properties.</p> <p>The storage capacity of the pump-out sumps caters for the required storm event, which ensures that there will be no additional impact on natural watercourses.</p> <p>Soft soil areas within the site also assist in reducing runoff from the site.</p> <p>Erosion and sedimentation control measures will be implemented during construction.</p>
<b>4W. Waste Management</b>	<p><b>Objectives</b></p> <p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>The waste bin storage areas have been designed to integrate with the overall architecture of each building and will not be highly visible from the street interface.</p> <p>All dwellings have waste and recycling cupboards.</p> <p>A Waste Management Plan (WMP) will accompany this application. The plan adopts the principles of <b>Avoid Reuse Recycle and Dispose</b> to minimise landfill waste and demonstrates compliance with AS 2601-2001.</p>
<b>4X. Building Maintenance</b>	<p><b>Objectives</b></p> <p>Building design detail provides protection from weathering.</p> <p>Systems and access enable ease of maintenance</p> <p>Material selection reduces ongoing maintenance costs.</p>	<p>The selection of building materials and species selection within the landscaped areas aims to limit maintenance. The design incorporates the following:</p> <ul style="list-style-type: none"> <li>• Roof overhangs to protect walls</li> <li>• Hoods over windows and doors to protect openings</li> <li>• Detailing horizontal edges with drip lines to avoid staining of surfaces</li> <li>• Methods to eliminate or reduce planter box leaching</li> <li>• Appropriate design and material selection</li> </ul>