SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SSW015
DA Number	DA-265/2018
Local Government Area	Liverpool City Council
Proposed Development	Demolition of existing structures, subdivision into 3 lots, construction of an internal roads and construction of 3 residential flat buildings with basement parking. The proposal is identified as Nominated Integrated Development, requiring approval from the NSW DPI Water pursuant to the Water Management Act 2000. Liverpool City Council is the consent authority and the Sydney Western City Planning Panel has the function of determining the application.
Street Address	190 Croatia Avenue Edmondson Park
Applicant	Croatia 88 Pty Ltd
Owner	Croatia 88 Pty Ltd
Date of DA Lodgement	4 April 2018
Number of Submissions	Two (2)
Regional Development Criteria (Schedule 4A of the Act)	The development has a capital investment value of $36,550,000.00

List of All Relevant 4.15(1)(a) Matters	• *List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)*
	
	• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.
	• State Environmental Planning Policy No.55 – Remediation of Land.
	• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
	• Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
	• Liverpool Local Environmental Plan 2008.
	
	• *List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)*
	
	• No draft Environmental Planning Instruments apply to the site.
	
	• *List any relevant development control plan: Section 4.15(1)(a)(iii)*
	
	• Liverpool Development Control Plan 2008.
	  ○ Part 1: General Controls for All Development.
	  ○ Part 2.11 – Land Subdivision and Development in Edmondson Park
	
	• *List any relevant planning agreement that has been entered into under section 7.4, or any draft planning*

	agreement that a developer has offered to enter into under section 7.4: Section 4.15(1)(a)(iiia) • No planning agreement relates to the site or proposed development. • List any relevant regulations: 4.15(1)(a)(iv) • Consideration of the provisions of the Building Code of Australia.
List all documents submitted with this report for the panel's consideration	1) Recommended Conditions of Consent 2) Architectural Plans 3) Landscape Plans 4) Statement of Environmental Effects 5) Clause 4.6 Variation for Height 6) Clause 4.6 Variation for FSR 7) Design Excellence Panel (DEP) Minutes 8) Applicants Response to DEP Minutes 9) Applicants response to Submissions 10) Engineering Plans 11) BASIX Report 12) Traffic impact assessment 13) Waste management plan 14) Acoustic report 15) BCA assessment report
Recommendation	Approval, subject to conditions
Report Prepared by	George Nehme
Report date	26 November 2019

Summary of Section 4.15 matters Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.11)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**Yes**
Conditions Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**Yes**

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

Sydney South West Planning Panel is the determining body as the Capital Investment Value of the development is over $30 million, pursuant to Clause 5(b) of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

1.2 The proposal

The application seeks consent for the demolition of existing structures, subdivision into 3 lots, construction of an internal roads and construction of 3 residential flat buildings with basement parking.

1.3 The site

The subject site is known as 190 Croatia Avenue, Edmondson Park and is legally described as Lot 32 in DP 1228502. The site is irregular in shape and has an approximate site area of 2.001 ha. The development site has a frontage to Croatia Avenue to the east of 85m and a frontage to Somme Avenue to the west of 44m.

The subject DA proposes the redevelopment of the north-eastern corner of the site only as shown in the figure below outlined in blue. The area outlined in blue below has an overall site area of 7,951m².

Figure 1: Aerial photograph of the Site. Area of development delineated in blue

1.4 The issues

The main issues are identified as follows:

- Non-compliance with the Liverpool Local Environmental Plan (LLEP) 2008 - Clause 4.3 Height of Buildings; and
- Non-compliance with the Liverpool Local Environmental Plan (LLEP) 2008 - Clause 4.4 Floor Space Ratio (FSR).

1.5 Exhibition of the proposal

Application was placed on exhibition from 9 May 2018 to 8 June 2018 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No public submissions were received during the exhibition period. However, post exhibition of the application 2 public submissions were received. The concerns raised in the submissions and the response to the concerns raised are detailed in the report.

1.6 Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The overall subject site is known as 190 Croatia Avenue, Edmondson Park and is legally described as Lot 32 in DP 1228502. The site is irregular in shape and has an approximate site area of 2.001 ha. The development site has a frontage to Croatia Avenue to the east of 85m and a frontage to Somme Avenue to the west of 44m.

2.2 The locality

The proposed development is located within the suburb of Edmondson Park and is located approximately 7.5km south west of the Liverpool CBD and approximately 600m north of the Edmondson Park Town Centre and Edmondson Park train station, as indicated in figure 4. Edmondson Park is bound by the suburbs of Prestons and Horningsea Park to the north, Glenfield and Ingleburn to the south, Denham Court and Leppington to the east and Casula to the west. The locality within the immediate vicinity of the subject site is predominately characterised by a semi-rural residential area that is undergoing transition to a predominant residential area.

Figure 2: Context Map

2.3 Site Affectations

2.3.1 Flooding

The central and southern portion of the site is affected by low-high risk flooding. The high to medium risk flooding is concentrated at the southern portion of the site where Maxwell Creek runs through in an east west direction.

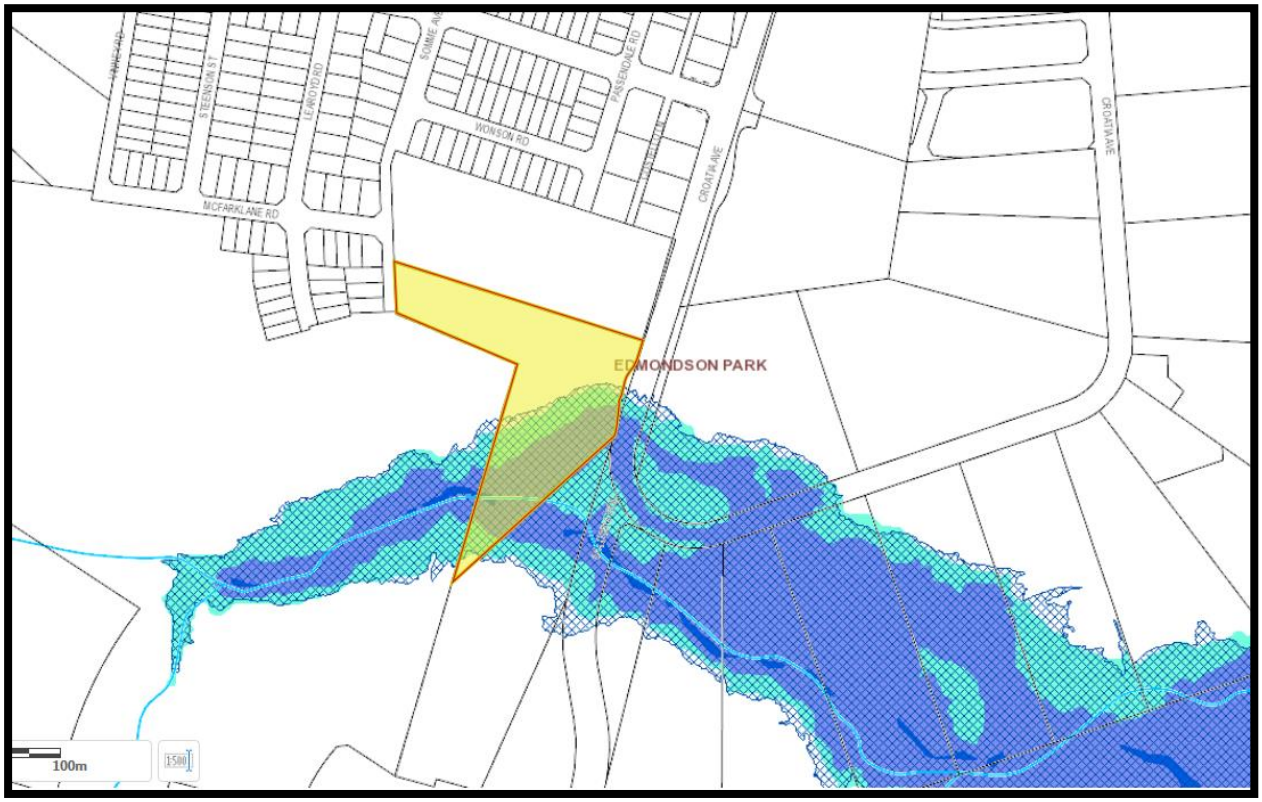

Figure 3: Flooding Map

2.3.2 Land Reservation Acquisition

The southern portion of the development site is affected by Land Reservation Acquisition. This is for the purpose of local open space and is isolated to the southern portion of the site zoned RE1 Public Recreation.

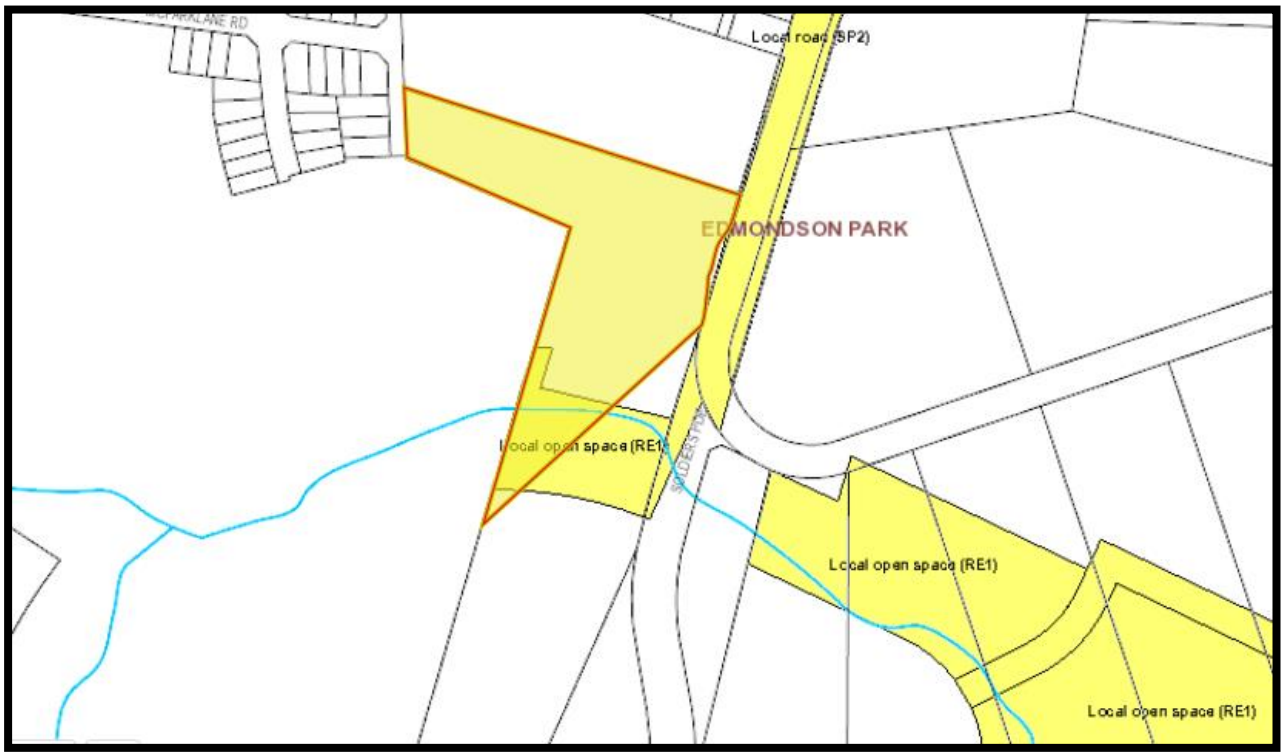

Figure 4: Land Reservation Acquisition Map

2.4 History

1) The application was lodged on 4 April 2018.
2) The application was placed on Stop the Clock on 18 April 2018 for the provision of additional information.
3) Application was taken off Stop the Clock on 5 May 2018.
4) The application was placed on public exhibition from 9 May 2018 to 8 June 2018.
5) Application was briefed to the Sydney Western City Planning Panel (SWCPP) on 4 June 2018.
6) Application was presented to the Design Excellence Panel (DEP) for the first time on 12 July 2018.
7) Additional information request sent 2 August 2018, requesting additional information regarding concerns raised from Council, DEP and SWCPP.
8) Additional information received on 25 September 2018.
9) Correspondence sent to applicant requesting clarification of the submitted additional information in November 2018.
10) A further response was provided by the applicant on 21 December 2018.
11) Amended application was presented to the DEP for a second time on 14 February 2019.

12) Amended plans in response to second DEP was forwarded to Council on 19 March 2019.

13) A copy of the draft conditions was sent to the applicant for consideration on 22 March 2019.

14) A response from the applicant was received regarding the draft conditions in April 2019.

15) After consideration of the response from the applicant regarding the draft conditions a meeting was held with the applicant in July 2019.

16) After a meeting was held in July 2019 with the applicant further requests for amended conditions were forwarded to Council along with a revised set of architectural plans.

17) A final version of revised conditions were forwarded to the applicant in October 2019.

3. BACKGROUND

3.1 Design Excellence Panel

As part of the DA process, the proposed development was referred to the Design Excellence Panel (DEP) on two occasions being 12 July 2018 and 14 February 2019. The DEP was supportive of the proposal on the second occasion, subject to some minor design changes to be reviewed by Council. The comments from the latest DEP are provided below, including a response on how the comments have been addressed in the DA. The DEP minutes for both meetings are attached to this report.

1) Context

- *Recommendations –*
  NIL.

  The Panel commented that the proposal fits well within its context.

  Comment: Noted

2) Built Form + Scale

- *Recommendation 1 –*

  The Panel recommends redesigning the balconies, so that they work better, both spatially and visually. The long and narrow shaped balconies in the current design are not readily useable and provide limited articulation to the building facade. The panel recommends either redistributing the spaces within the apartments, in order to increase the size and shape of balconies or reducing the width of the balconies to create "outdoor spaces" (rather than balconies) that are integrated with the internal spaces. This will facilitate enhanced articulation of the built form of the building.

  The Panel commented that the redistribution of external spaces to create terraces, the shrinking of the floor plates, and the efforts made to articulate the building façade in the revised design are working well.

  Comment: The applicant has reviewed the advice of the DEP with regards to the balcony design and have incorporated the following changes;

  - The balconies for Buildings A, B and C have been amended to reduce their width and create "outdoor spaces" that are integrated with the internal spaces.
  - A break has been provided to the balconies for the smaller units (1 Bedroom). The intention of the amendment is to allow for better articulation

of the facade and improves the visual amenity of the buildings when viewed from the adjoining streets as recommended by the DEP. The design also creates outdoor spaces that were encouraged by the Panel, rather than long narrow continuous balconies as originally proposed. The modified balcony designs are illustrated in the figures below;

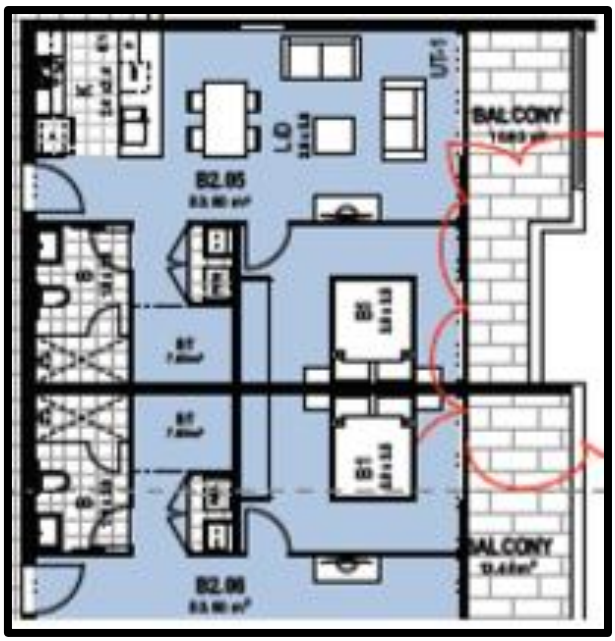

Figure 5: Modified Design – Articulated Balconies

- The balconies on the corner of the larger units have been reduced to provide articulation and improve the built form. The design amendment is in line with the DEP's recommendation to reduce the visual bulk of the balconies when viewed from the street and the long continuous form of the balconies which is discouraged. The modified design is indicated in figure 6 below.

Figure 6: Modified Design – Corner unit Balconies

- Balconies which were formerly wrap around balconies have now been further reduced, as shown in figure 7 below;

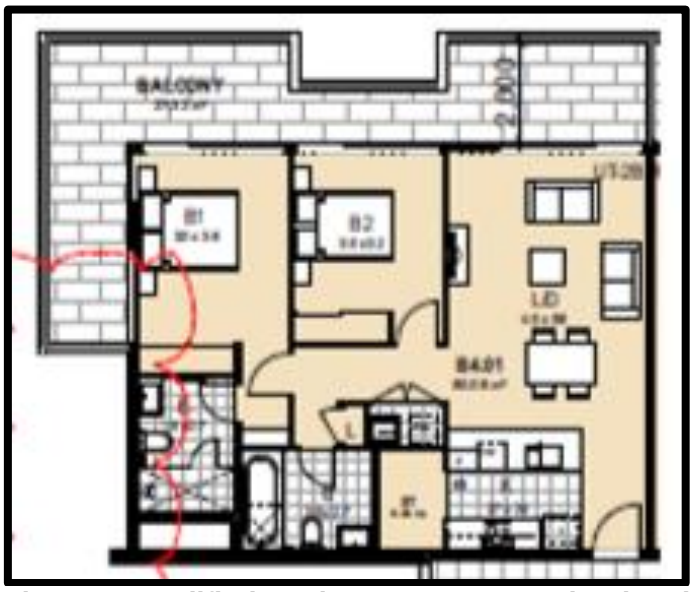

Figure 7: Modified Design – Wrap around Balconies

Based on the information above, it is considered the amended design addresses the DEP's recommendations and results in an improved design, when viewed from the street. It is also important to note that despite the reduction in balcony widths in some instances all balconies remain compliant with the ADG in terms of width and size.

3) Density

- *Recommendations* –
  NIL.

  The Panel supported the layout and orientation of the proposal.

  Comment: Noted

4) Sustainability

- *Recommendation 1 –*

  The Panel recommends using photovoltaic technology to generate power for lighting and electricity purposes in common areas (e.g. with LED lighting of car park and all common areas). This includes (if not implemented during initial building construction), future proofing the building to later incorporate photovoltaic panels (e.g. space for integrating panels into the building façade and/or covered shade areas on north of building/rooftop). This can be an attractive marketing feature for the development.

- *Recommendation 2 –*

  The Panel recommends implementing different screening treatments on each different aspect of the building façade to better reflect specific solar and climatic issues (e.g. different treatments to the north, south, east and west building facades).

  The Panel noted that the scale and layout of the building promotes good solar access.

  Comment: In response to the DEP comments, the applicants have incorporated the following changes;

- The design has been amended to include solar panels to the rooftops of Buildings A, B and C.
- The treatment to the façades for each of the Buildings A, B and C have been amended so that each elevation (eastern, western, northern and southern) of the buildings appear different. The amended plans also include changes to the finish of the proposed metal wall cladding material to a light grey finish to the address the Panel's comments and provide differentiation in colour tones of the material used.

It is considered that through the amendments outlined above the applicant has satisfactorily addressed the DEP's recommendation.

5) Landscape

- *Recommendation 1 –*

  The Panel recommends increasing the Deep Soil Zones at the eastern and western ends of the ground level communal open space, to allow for large trees, which will improve its amenity and the view through the space from the lane and Croatia Ave. This can be achieved at the eastern end by re-locating, on the first basement level and along the north-south portion of the lane parallel to Passendale, some or all of the current bicycle parking area and apartment storage areas and replacing these spaces with deep soil connecting onto the soil under the laneway. Similarly, at the western end additional deep soil can be captured by on basement Level 1 by relocating/reshaping the OSD tank and deleting/relocating spaces in the basement adjoining. The panel recommends incorporating at least two large trees for shade (i.e. one in each of these two new Deep Soil Zones). If possible, two large trees at each end would be preferable.

- *Recommendation 2 –*

  The Panel recommends encouraging richness of the building through the landscape, which can be achieved through pushing the landscape design further, in order to maximise its value. The panel recommends including large trees wherever possible, for shade and selecting drought resistant native species (including grasses) that are suited to the local climate in Liverpool.

- *Recommendation 3 –*

  The Panel recommends considering the use of artificial turf, which may be appropriate in certain areas within the site, such as heavily trafficked areas/rooftops (i.e. there are water permeable and resilient options now available).

- *Recommendation 4 –*

  The Panel recommends incorporating threshold treatments to help distinguish the road reserve and landscape area of Costello Lane from the surrounding road network. This could include an alternative surface treatment.

  Comment: In response to the recommendations above, the following comments are provided and detail of the relevant amendments are outlined

  - It should be noted that the proposed deep soil zone exceeds the 7% required under Section 3E of the Apartment Design Guidelines. The amended plans do not include additional deep soil zones within the site, however the landscape plans have been amended to incorporate additional tree and shrub plantings.

- The OSD tank has been redesigned to enable the planting of an additional two large and two medium sized trees facing Croatia Avenue. The amended design also provides additional trees facing Costello Lane (Building B) including one large and three medium sized trees.
- The amended landscape proposal provides an additional eight trees on the site and addresses recommendation 1 of Item 4.5 Landscape.
- The landscaped plan has been amended based on the recommendations of the Panel to include large trees into the design (where possible). These trees are visible from the roads and will soften the built form whilst providing shade to common open spaces.
- Artificial turf has been incorporated into the communal open space areas which were proposed to have natural turf installed.
- The design amendments to incorporate artificial turf to high traffic areas such as the communal open spaces on Levels 4 and 5 of Buildings A, B and C addresses the Panel's requirements in recommendation 3 of Item 4.5 - Landscape.
- At the recommendation of the Panel, a threshold treatment has been incorporated along Costello Lane to separate the road reserve and landscape area. The amended landscape plan allows for concrete paving between the road reserve and landscape area along Costello Lane.

It is considered based on the above the amended design addresses the DEP's comments satisfactorily.

6) Amenity

- *Recommendation 1 –*

NIL. Refer to comments made under the other 9 principles that relate to Amenity (i.e. 4.2 Built Form + Scale).

The Panel commended the changes that have been made to the upper levels of buildings, in the revised design (i.e. inclusion of the open spaces on the upper levels) and commented that the planning is clear and rational.

Comment: Noted

7) Safety

- *Recommendations –*

NIL.

The Panel supports the inclusion of traffic calming devices (thresholds) to Costello Lane.

Comment: Noted

8) Housing Diversity + Social Interaction

- *Recommendations –*

NIL.

Comment: Noted

9) Aesthetics

- *Recommendation 1 –*

  The Panel recommends the use of materials in their unfinished and unpainted state where possible (e.g. brick, concrete, timber). Where materials are applied with a finish, ensure that the highest quality materials are used and the lowest maintenance is required.

- *Recommendation 2 –*

  The Panel recommends breaking-up the form of the long horizontal balconies, (i.e. through articulation) particularly on the western sides of the buildings. The Panel commented that the dematerialisation of the other long horizontal forms in the revised proposal is working well.

  The Panel commented that opportunities to capture views are working well; both when walking into apartments (i.e. seeing outside upon entering the apartments) and in the lift lobbies (i.e. views to outside).

  Comment: In response to the recommendations above the applicant has made the following design amendments;

  - The material such as brick, concrete and timber will be used generally in their unfinished and unpainted state such as the Bowral Bricks identified in the materials schedule. The finishes include the use of paint to walls and balconies to allow for differentiation in material and finishes.
  - The proposal has redesigned the balconies for Buildings A, B and C to provide further articulation and breaking up of the built form.

  Based on the amendments proposed it is considered the revised design has adequately addressed the recommendations of the DEP.

  Outcome

  The Panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

  The project is supported. Incorporate the required design amendments, then the Panel need not see the scheme again and the plans are to be reviewed/approved by Council.

  Comment: Council has reviewed the revised design and it is considered that the amendments have addressed the recommendations of the DEP and is a scheme that is worthy of support.

3.2 Planning Panel Briefing

The proposal was briefed to the previous Sydney Western City Planning Panel on 4 June 2018. The key issues outlined at the briefing to be addressed by Council are as follows;

- *Whether the proposal for locating communal open space on the upper level of the building is appropriate for this greenfield site?*

Comment: Since the briefing of the application to the SWCPP, the proposal has been amended and included a significant increase in the amount of COS on the ground floor for he development. The proposal now incorporates an additional COS along the northern boundary of Lots 1 and 2, which maximises solar access to these areas. The central COS area between buildings A and B has also ben increased in size.

The application was also reviewed by Council's DEP and it was advised that the provision of COS within different locations of the development, including the upper levels of the building is beneficial and provides better amenity and choice for the residents.

Based on the submitted plans and calculations and the development provides 1,623.93m² of COS for Lot 1, which exceeds the minimum requirement of the ADG by over 500sqm. The majority of the COS for Lot 1 is also provided on the ground floor of the development and in excess of 50% of the COS area receives the required solar access.

Similarly, Lot 2 provides a combined COS area of 740.9m², which exceeds the COS requirement of the ADG by 300sqm. The majority of the COS area for Lot 2 is also provided on the ground floor of the development and in excess of 50% of the COS area receives the required solar access.

Based on the above it is considered the provision of COS within this development is appropriate in this instance.

- *The correct approach to applying the density controls with particular attention to the proposal for road dedication.*

Comment: The dwelling density of the development has been calculated in accordance with the dwelling density definition under Clause 7.11 the Liverpool Local Environmental Plan 2008. The definition of dwelling density is as follows;

"means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for public open space and non-residential purposes".

Based on the definition above the proposal is compliant with the dwelling density control that applies to the development site being 28 dwellings/hectare.

It is also important to note that the subject site is located within the highest density band in Edmondson Park. Within this density band, high density residential development is the expected form of development. The proposal is considered consistent with the intended future character of the site and surrounding locality. It is also considered an appropriate location for high density form of development, given its close proximity to Edmondson Park station and the Edmondson Park Town Centre.

- *The quality of the open space and landscape treatment that is provided at ground level.*

Comment: The proposal has been redesigned to incorporate a much larger and more functional area for the purpose of COS, and landscaping on the ground floor. The design has been reviewed by the DEP on two occasions and the amendments to the ground floor COS area as well as the landscape treatment at ground level were deemed satisfactory and were also well received. All COS and landscape areas comply with the ADG in terms of solar access

- *The potential for better interface with the public open space and Croatia Street.*

Comment: As indicated previously in this report, the design of the building particularly the facades have been amended to provide for a better streetscape presentation and a better interface with Croatia Avenue and the future public reserve south of the site. Better articulation

has been incorporated, with the utilization of better building materials. The amended design has been reviewed by Council's DEP and it was considered the amended design provides for a better presentation to the street and a better response to the public domain.

4. DETAILS OF THE PROPOSAL

Due to the size and scale of the land parcel, the DA proposes a procedural subdivision of the site into three lots to allow development of the site to be undertaken in distinct stages. The initial stage will involve the redevelopment of the north-east corner of the site.

The three lots created are identified in the figure below. The construction of the three RFB's will be constructed on proposed lots 1 and 2. Buildings A & B will be constructed on proposed Lot 1 and Building C will be constructed on proposed Lot 2. Lot 1 has a site area of 4,336sqm and Lot 2 will have a site area of 1,760sqm. Proposed Lot 3 will be the remaining western and southern portion of the site that will not be developed as part of this proposal.

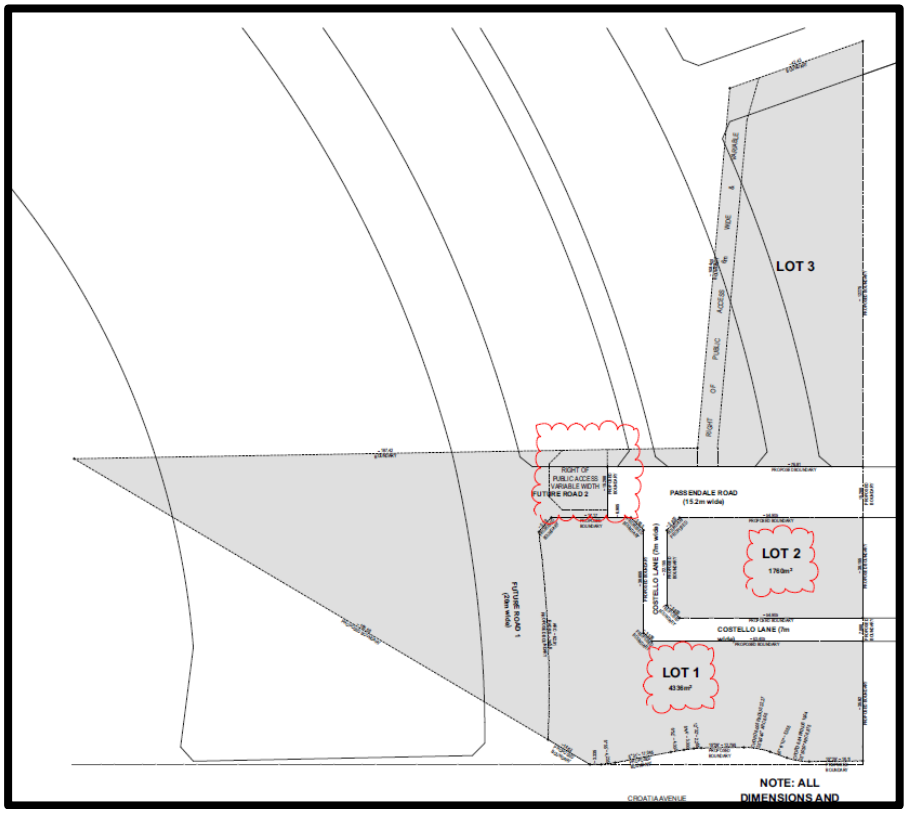

Figure 8: Proposed Subdivision Plan

Specifically development consent is sought for:

- Demolition of existing structures at the site;
- Torrens title subdivision of the site into three lots;
- Construction of new on-site roads comprising Costello Lane and part Passendale Road (to be dedicated to Council);
- Earthworks to facilitate the construction of the proposed residential development, including excavation works to facilitate two basement levels;
- Construction of three residential flat buildings over 6 storeys (Building A, Building B and Building C) which comprise of the following;
    - Building A – 14 x 1 bedroom, 20 x 2 bedroom and 5 x 3 bedroom (Total 39).

- Building B - 10 x 1 bedroom, 40 x 2 bedroom and 6 x 3 bedroom (Total 56).
- Building C - 12 x 1 bedroom, 22 x 2 bedroom and 6 x 3 bedroom (Total 40).

- A total of 135 dwellings;
- Associated private open spaces including ground level courtyards and upper level balconies; and
- Ground and rooftop communal open spaces.
- On-site car parking for 217 cars which will be accessed via two separate entry/exit driveways from Costello Lane for Lots 1 and 2.
- Site landscaping works and an upgrade of site infrastructure and utilities; and
- Flood management works including the construction of temporary flood storage and head wall to discharge water to Maxwell Creek.

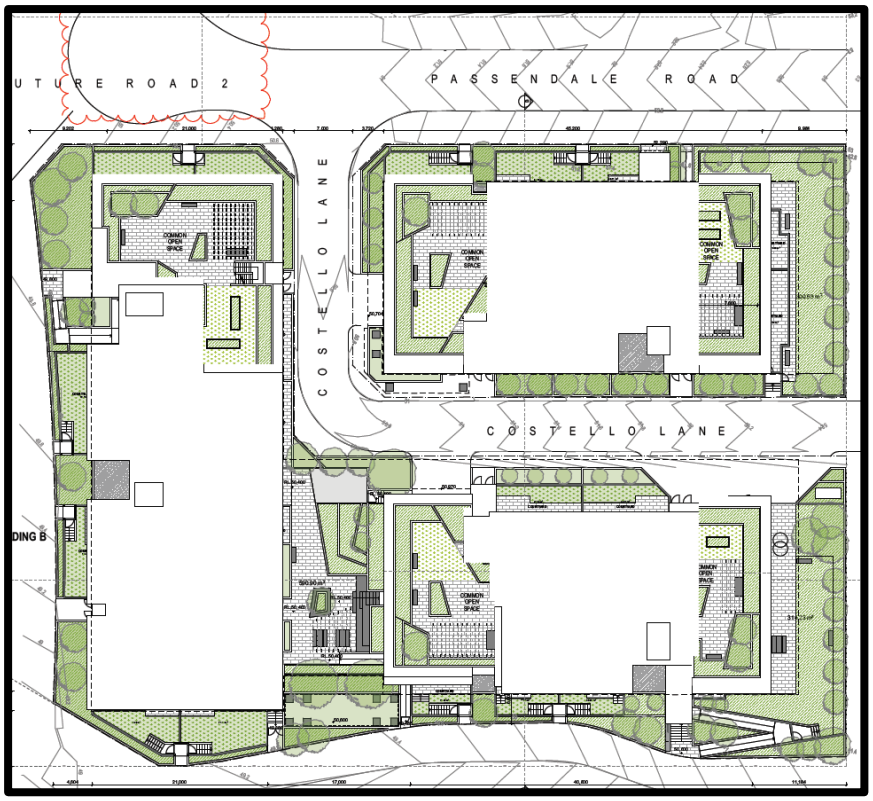

Figure 9: Proposed Site Plan

5.1 Relevant matters for consideration

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

<u>Environmental Planning Instruments (EPI's)</u>

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

- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008.

Development Control Plans

- Liverpool Development Control Plan 2008
    - Part 1 – Controls to all development
    - Part 2.11 – Land Subdivision and Development in Edmondson Park

Contributions Plans

Liverpool Contributions Plan 2008 Edmondson Park applies to this site.

6. ASSESSMENT

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

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

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

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

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

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those	The proposed development is considered to respond to its context. The development has been designed to respond to the key natural features of the site including providing a direct response to the future public open space south of the development site. The proposed development is considered to respond to the desired future context for the surrounding locality and the subject site. The proposed development is considered to be of a nature that is consistent with the objectives of the zone in which it is located as well as remaining consistent with the objectives intended future built form that is expected on the site and the immediate surrounding locality. The subject site is located within the dwelling density of 28 dwellings/hectare under the LLEP 2008. This is the highest density afforded to Edmondson Park and it is envisaged that high density development be constructed in this location. As such it is considered the proposal is consistent with the intended and desired future character of the locality. It is also considered appropriate to provide a higher density form of development at this location, given the developments sites proximity to the

Design Quality Principle	Comment
undergoing change or identified for change.	Edmondson Park train station and the Edmondson Park Town Centre.
Design Principle 2 – Built form and scale	
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) on two occasions and is considered to be satisfactory. The development provides an appropriate form that enhances the streetscape and provides a direct response to the site characteristics including the adjoining future public reserve to the south of the development site. The buildings have been designed to improve casual and passive surveillance while also providing direct views of public reserves where possible.
Design Principle 3 – Density	
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	It is considered that the proposed development achieves a high level of amenity. Each apartment meets the minimum requirements in terms of floor area and Private Open Space (POS). The proposed development achieves the required solar access and cross ventilation requirements under the ADG. The development is considered to be of a bulk and scale that is appropriate for the context and consistent with the objectives of the zone in which it is located. The proposed development provides a density that is consistent with the expected densities for the site and will provide an opportunity to encourage employment in the current and future commercial centres in the locality including the Edmondson Park Town Centre.
Design Principle 4 – Sustainability	
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation	The proposed development provides for a sustainable design. The development is consistent with BASIX and has proposed a development that meets the minimum cross ventilation and solar access requirements under the ADG. The proposed development has also incorporated solar panes on the roof of each building to promote ESD.
Design Principle 5 – Landscape	
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good	The proposed development provides a generous and extensive landscaping design and provides extensive landscaping along the boundaries of the development and within the development itself. The extensive landscape proposed along the primary frontages will assist in promoting an aesthetically pleasing streetscape.

Design Quality Principle	Comment
amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	The extensive landscape provided for all three buildings within the communal open space areas creates a sense of place and encourages social interaction.
Design Principle 6 – Amenity	
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The proposed development achieves a high level of amenity for residents and neighbours. All apartments achieve the required room dimensions under the ADG as well as achieving the required solar access and natural ventilation under the ADG. The development has been designed to maximise visual and acoustic privacy through the design.
Design Principle 7 – Safety	
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	The proposed development has been designed to maximise active and passive surveillance where possible. The development has been designed to encourage casual and passive surveillance of the street, future public open space and the communal open space within the development.
Design Principle 8 – Housing Diversity and Social Interaction	

Design Quality Principle	Comment
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The proposed development achieves an appropriate apartment mix and sizes that will provide for a variable housing mix and choice for different demographics. The development has been designed with appropriately located and designed communal open space areas that encourages social interaction. The proposed development has also been designed to take advantage of future communal open spaces located to the west of the site, which will also encourage social interaction of residents within the development as well as residents within the surrounding locality.
Design Principle 9 – Aesthetics	
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposed buildings have been designed with a good mix of building materials and contribute to a positive streetscape.

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

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	All three buildings have a maximum apartment depth of between 12-18m.
2F Building separation	
Minimum separation distances for buildings are: Up to four storeys (approximately 12m): - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms	**<u>Between Buildings A and B</u>** **Ground – Level 3** • A separation of 12m is provided between buildings A and B which complies. **<u>Between Buildings A and C</u>** **Ground – Level 3**

Provisions	Comment
	• A separation in excess of 12m is provided between buildings A and C across Costello Lane which complies. **<u>Between Buildings B and C</u>** **Ground – Level 3** • A separation of 12m is provided between buildings B and C across Costello Lane which complies. **<u>Buildings A and C</u>** As there is no building of a similar height located north of buildings A and C across the common northern boundary it would be considered equitable to divide the required building separation across the boundary to enable a similar scale development to be constructed on the adjoining site to the north. **Ground – Level 3** • A building setback of a minimum 7.7m is provided to the northern boundary, which complies.
Five to eight storeys (approximately 25m): - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms	**<u>Between Buildings A and B</u>** **Level 4** • A separation of 12m is provided between buildings A and B which does not comply. Refer to discussion below. **Level 5** • A separation in excess of 18m is provided between buildings A and B which complies. **<u>Between Buildings A and C</u>** **Level 4** • A separation of 15m is provided between buildings A and C across Costello Lane between habitable and non-habitable rooms which complies. • A separation in of 18m is provided between buildings A and C across Costello Lane between habitable rooms which complies. **Level 5** • A separation of 15.4m is provided between buildings A and C across Costello Lane which does not comply. Refer to discussion below.

Provisions	Comment
	<u>Between Buildings B and C</u> **Level 4** • A separation of 12m is provided between buildings B and C across Costello Lane which does not comply. Refer to discussion below. **Level 5** • A separation in excess of 25m is provided between buildings B and C across Costello Lane which complies. **<u>Buildings A and C</u>** As there is no building of a similar height located north of buildings A and C across the common northern boundary it would be considered equitable to divide the required building separation across the boundary to enable a similar scale development to be constructed on the adjoining site to the north. **Levels 4-5** • A building setback of a minimum 9m is provided to the northern boundary, which complies.
3A Site analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The design of the proposed development is based on existing site conditions and constraints. The proposed development takes advantage of the northerly aspect where possible to maximise solar access to the development. The proposal provides for adequate presentation to the street and future public open space which provides for an aesthetically pleasing development.
3B Orientation	
Building types and layouts respond to the streetscape and site while optimising solar access within the development Overshadowing of neighbouring properties is minimised during mid-winter	The development provides for a building type and layout that optimises solar access to the individual units where possible and the POS and COS available for the development. The proposal has been designed to minimise overshadowing on adjoining neighbours while also providing appropriate building separation to enable a similar development to be constructed on the northern adjoining site in accordance with the height limits and FSR applicable to the site.
3D Communal and public open space	
Communal open space has a minimum area equal to 25% of the site 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)	**<u>Lot 1 – Containing Buildings A and B</u>** Site Area = 4,336m² COS required = 25% or 1,084m² COS provided = 37.5% or 1,623.93m². **<u>Lot 2 – Containing Building C</u>**

<table>
<tr><th>Provisions</th><th>Comment</th></tr>
<tr><td>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting

Communal open space is designed to maximise safety

Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</td><td>Site Area = 1,760m²
COS required = 25% or 440m²
COS provided = 740.9m² or 42%

In excess of 50% of the COS for both lots receives a minimum of 2 hours of solar access between 9am and 3pm at mid-winter.

COS has been designed to allow for a range of activities and is responsive to site conditions. The proposal has allowed for variable locations of COS throughout the development to enhance patron usage. The majority of the COS has been provided at ground level, while the development has also incorporated elements of COS throughout levels of the development at different orientations to encourage patron usage.</td></tr>
<tr><td colspan="2">3E Deep soil zones</td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:

<table><tr><th>Site Area</th><th>Minimum Dimensions</th><th>Deep Soil Zone (% of site area)</th></tr><tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 to 1500m^2</td><td>3m</td></tr><tr><td>Greater than 1500m^2</td><td>6m</td></tr><tr><td>Greater than 1500m^2 with significant tree cover</td><td>6m</td></tr></table></td><td><u>Lot 1 – Containing Buildings A and B</u>

Site Area = 4,336m²
Deep soil required = 7% or 303.5m² with a minimum 6m width
Deep soil provided = 7.2% or 312m² with a minimum 6m width

<u>Lot 2 – Containing Building C</u>

Site Area = 1,760m²
Deep soil required = 7% or 123.2m² with a minimum 6m width.
Deep soil provided = 10% or 182m² with a minimum 6m width.</td></tr>
<tr><td colspan="2">3F Visual Privacy</td></tr>
<tr><td>Minimum separation distances from buildings to the side and rear boundaries are as follows:

<table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>12m to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table></td><td>All buildings achieve the minimum separation distances from side and rear boundaries. Please refer to section 2F.</td></tr>
<tr><td colspan="2">3G Pedestrian Access and Entries</td></tr>
<tr><td>Building entries and pedestrian access connects to and addresses the public domain</td><td rowspan="3">All building and pedestrian access connects to and addresses the public domain. Entries are easy to identify.</td></tr>
<tr><td>Access, entries and pathways are accessible and easy to identify</td></tr>
<tr><td>Large sites provide pedestrian links for access to streets and connection to destinations</td></tr>
<tr><td colspan="2">3H Vehicle Access</td></tr>
<tr><td>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</td><td>Vehicular access points for each building are located away from each other to minimise conflicts and achieve safety.</td></tr>
<tr><td colspan="2">3J Bicycle and Car Parking</td></tr>
<tr><td>For development in the following locations:</td><td></td></tr>
</table>

<table>
<tr><th>Provisions</th><th>Comment</th></tr>
<tr><td>
- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street
Parking and facilities are provided for other modes of transport
Car park design and access is safe and secure
Visual and environmental impacts of underground car parking are minimised
Visual and environmental impacts of on-grade car parking are minimised
Visual and environmental impacts of above ground enclosed car parking are minimised
</td><td>
The subject site is within 800m of the Edmondson Park station located south of the site. As such the RMS parking rates have been applied to this development. Based on the RMS guide the proposed development requires 112 parking spaces including 19 visitor spaces. The development provides for 217 spaces, which complies.

Lot 1, which contains Buildings A and B contains 150 spaces over 2 levels of basement, including 10 spaces for disabled residents.

Lot 2, which contains Building C contains 67 spaces over 2 levels of basement, including 4 spaces for disabled residents.

Visitor spaces are not indicated on the plans provided, however given the proposal well exceeds the RMS guide a condition of consent will be imposed stipulating the number of visitor spaces to be provided within each lot.

Car parking design is considered to be safe and secure. The basement parking facilities provide options for the parking of alternative modes of transport including bicycles and motorcycles. All basement parking facilities are located to minimise impacts on the surrounding locality in terms of visual impact and acoustic privacy.
</td></tr>
<tr><td colspan="2">4A Solar and Daylight Access</td></tr>
<tr><td>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</td><td>86% of living rooms and POS receive a minimum 2 hours of solar access at mid-winter.</td></tr>
<tr><td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</td><td>Less than 15% of apartments will receive no direct sunlight at mid-winter</td></tr>
<tr><td colspan="2">4B Natural Ventilation</td></tr>
<tr><td>All habitable rooms are naturally ventilated
The layout and design of single aspect apartments maximises natural ventilation
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td><td>65% of all apartments are naturally cross-ventilated.</td></tr>
<tr><td colspan="2">4C Ceiling Heights</td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table>
<tr><td colspan="2">Minimum ceiling height</td></tr>
<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>
</table>
</td><td>A minimum 2.7m floor to ceiling height is proposed for all habitable areas. A 3.1m floor to floor is also proposed, to enable the achievement of the 2.7m floor to ceiling comfortably.</td></tr>
</table>

Provisions	Comment
<table><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table>	
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	
Ceiling heights contribute to the flexibility of building use over the life of the building	
4D Apartment Size and Layout	
Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each	All internal areas of apartments exceed the minimum requirement.
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	All habitable rooms provide for a window to an external wall that is not less than 10% of the floor area of the room.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height	All habitable room depths comply with this requirement.
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	No habitable room in open plan apartments exceed a depth of 8m from a window.
Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)	All bedrooms comply with this requirement
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms comply with this requirement.
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments	All living areas comply with the minimum widths
4E Private Open Space and Balconies	
All apartments are required to have primary balconies as follows: <table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m^2</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m^2</td><td>2.4</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m	All balconies exceed the minimum depth and areas required.
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m	All ground floor courtyards for Buildings A-C provide POS areas in excess of 15m^2
4F Common Circulation and Spaces	
The maximum number of apartments off a circulation core on a single level is eight. Where design criteria 1 above is not achieved, no more than 12 apartments should be provided off a circulation core on a single level	The maximum number of apartments off a circulation core does not exceed 8.

<table>
<tr><th>Provisions</th><th>Comment</th></tr>
<tr><td colspan="2">4G Storage</td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><td>Dwelling Type</td><td>Storage Size Volume</td></tr><tr><td>Studio</td><td>4m^3</td></tr><tr><td>1 bedroom</td><td>6m^3</td></tr><tr><td>2 bedroom</td><td>8m^3</td></tr><tr><td>3 bedroom</td><td>10m^3</td></tr></table>
At least 50% of the required storage is to be located within the apartment.</td><td>All storage areas exceed this requirement. More than 50% of the storage area is located within the apartment, with the remaining provided in the basement areas.</td></tr>
<tr><td colspan="2">4H Acoustic Privacy</td></tr>
<tr><td>Noise transfer is minimised through the siting of buildings and building layout</td><td rowspan="2">Apartment layouts have been appropriately designed to minimise acoustic impact.</td></tr>
<tr><td>Noise impacts are mitigated within apartments through layout and acoustic treatments</td></tr>
<tr><td colspan="2">4K Apartment Mix</td></tr>
<tr><td>A range of apartment types and sizes is provided to cater for different household types now and into the future</td><td rowspan="2">An appropriate apartment mix is provided within the development. Appropriate residential mix of apartments proposed. In total 27% 1 bedroom proposed, 61% 2 bedroom proposed and 13% 3 bedroom proposed.</td></tr>
<tr><td>The apartment mix is distributed to suitable locations within the building</td></tr>
<tr><td colspan="2">4L Ground Floor Apartments</td></tr>
<tr><td>Street frontage activity is maximised where ground floor apartments are located</td><td rowspan="2">Ground floor apartments have been appropriately designed.</td></tr>
<tr><td>Design of ground floor apartments delivers amenity and safety for residents</td></tr>
<tr><td colspan="2">4M Facades</td></tr>
<tr><td>Building facades provide visual interest along the street while respecting the character of the local area</td><td rowspan="2">Visual aesthetic facades have been provided to provide interest to the streetscape.</td></tr>
<tr><td>Building functions are expressed by the facade</td></tr>
<tr><td colspan="2">4N Roof Design</td></tr>
<tr><td>Roof treatments are integrated into the building design and positively respond to the street</td><td rowspan="3">Roof design considered appropriate.</td></tr>
<tr><td>Opportunities to use roof space for residential accommodation and open space are maximised</td></tr>
<tr><td>Roof design incorporates sustainability features</td></tr>
<tr><td colspan="2">4O Landscape Design</td></tr>
<tr><td>Landscape design is viable and sustainable</td><td rowspan="2">Landscape design is considered appropriate and contributes to the streetscape amenity.</td></tr>
<tr><td>Landscape design contributes to the streetscape and amenity</td></tr>
<tr><td colspan="2">4P Planting on Structures</td></tr>
<tr><td>Appropriate soil profiles are provided</td><td rowspan="3">Not applicable</td></tr>
<tr><td>Plant growth is optimised with appropriate selection and maintenance</td></tr>
<tr><td>Planting on structures contributes to the quality and amenity of communal and public open spaces</td></tr>
<tr><td colspan="2">4Q Universal Design</td></tr>
<tr><td>Universal design features are included in apartment design to promote flexible housing for all community members</td><td rowspan="3">10% of apartments are adaptable.</td></tr>
<tr><td>A variety of apartments with adaptable designs are provided</td></tr>
<tr><td>Apartment layouts are flexible and accommodate a range of lifestyle needs</td></tr>
<tr><td colspan="2">4R Adaptive Reuse</td></tr>
</table>

Provisions	Comment
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not applicable
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not applicable
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Not applicable
Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
Development incorporates passive environmental design	Proposal has been designed to maximise solar access and natural ventilation.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Appropriate water management and conservation methods incorporated into the design.
Urban stormwater is treated on site before being discharged to receiving waters	
Flood management systems are integrated into site design	
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Appropriate waste storage facilities have been provided to reduce the impacts on the streetscape.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Building materials utilised in the building considered satisfactory. N
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

Variation to 2F – Building Separation

As indicated in the above table the development proposes a non-compliance with section 2F of the ADG for elements of the proposal on Levels 4 and 5. The ADG states that the following building separations are required from 5 - 8 storeys;

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

The development does not comply with the standard in the following instances;

Between Buildings A and B

Level 4

- A separation of 12m is provided between buildings A and B which does not comply, as shown in figure below.

Between Buildings B and C

Level 4

- A separation of 12m is provided between buildings B and C across Costello Lane which does not comply, as shown in figure below.

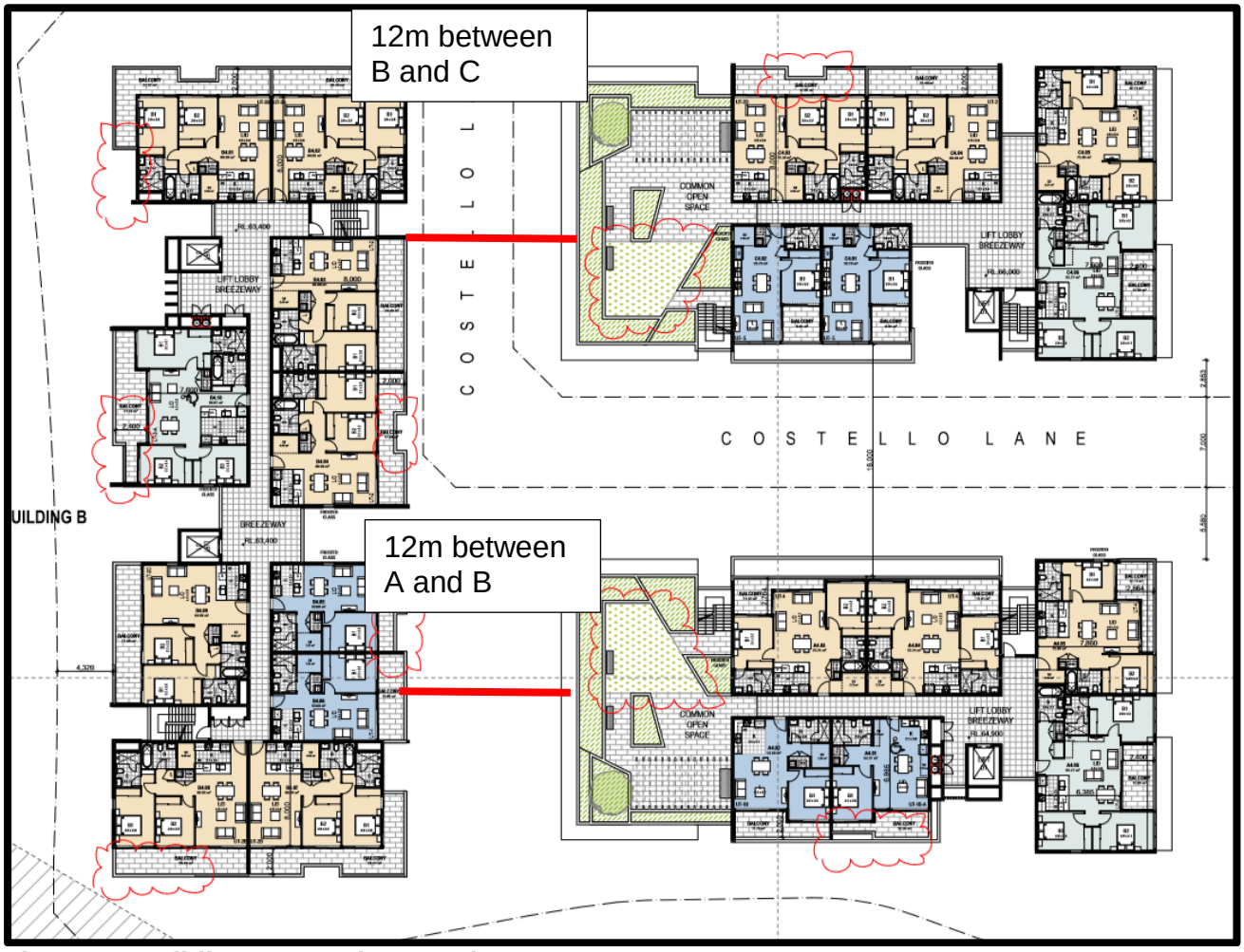

Figure 10 Building Separation Level 4

Between Buildings A and C

Level 5

- A separation of 15.4m is provided between buildings A and C across Costello Lane which does not comply, as shown in figure below.

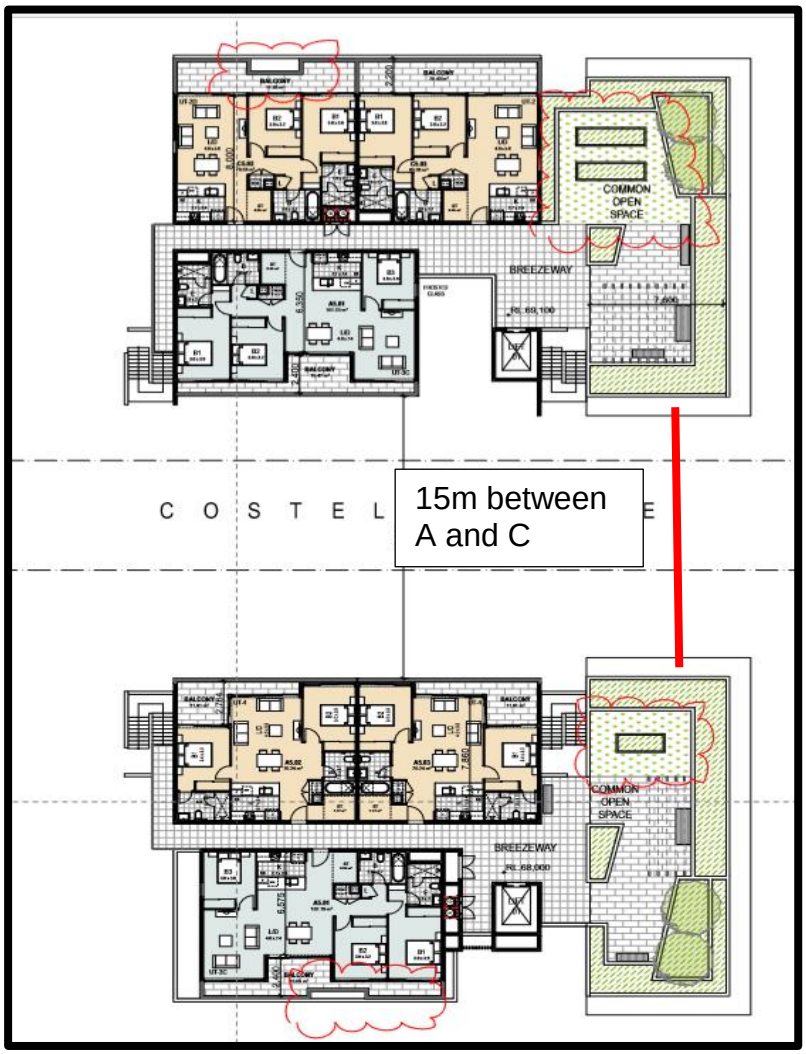

Figure 11 Building Separation Level 5

The variation to section 2F is worthy of support in this instance for the following reasons;

1) The variation on both levels 4 and 5 are isolated to COS areas, which have been provided to improve the amenity of both buildings and encourage a mixture COS uses for all residents.
2) The COS areas are well located and maximise solar access and usability for the future residents.
3) Strictly enforcing the required building separation in these instances will likely reduce the amount of COS available to the residents which will result in an inferior amenity outcome.
4) The proposed design has been reviewed twice by Council's Design Excellence Panel and it was considered the location of the COS as satisfactory.
5) To ensure privacy to the residents is maintained, a condition of consent will be imposed requiring a privacy screen at a maximum 1.8m in height to be provided along the southern boundary of the COS of Building A and C on Level 4. Similarly, a condition will be imposed requiring a privacy screen a maximum 1.8m in height to be provided along the western elevation of the COS on Level 5 of Building A and a similar screen be provided along the eastern elevation of the COS area on Level 5 of Building C.

Having regard to the above, the non-compliance with section 2F is considered worthy of support in this instance.

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

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

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

EI Australia have prepared a Stage 2 Detailed Site Investigation (ref:E23243.E02) dated 6 February 2018 for the proposed residential development. The DSI concluded the subject site is suitable for the proposed development subject to the recommendations of the DSI.

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

Clause 7 - Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A stage 2 DSI has been submitted with the DA concluded that the site is suitable for the proposed development.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	A stage 2 DSI has been submitted with the DA concluded that the site is suitable for the proposed development.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Conditions have been imposed to this effect.

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

(d) State Environmental Planning Policy (BASIX) 2004

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

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

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

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

Clause 8 General Principles	**Comment**
When this Part applies the following must be	Planning principles are to be applied when a consent

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

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not identified as containing the potential for acid sulphate soils to occur.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is identified as flood prone. The proposal has been reviewed by Council's flooding engineers and considered satisfactory.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	Not Applicable
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

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

(g) Liverpool Local Environmental Plan 2008

The subject site is split zoned. The northern and western portion of the site is zoned R1 – General Residential pursuant to the Liverpool Local Environmental Plan 2008. The southern portion of the development site is zoned RE1 – Public Recreation pursuant to the Liverpool Local Environmental Plan 2008. The southern tip of the development site is zoned B4-Mixed Use pursuant to the State Environmental Planning Policy (State Significant Precincts) 2005. The proposed development is isolated to the north-eastern corner of the site which is zoned R1-General Residential.

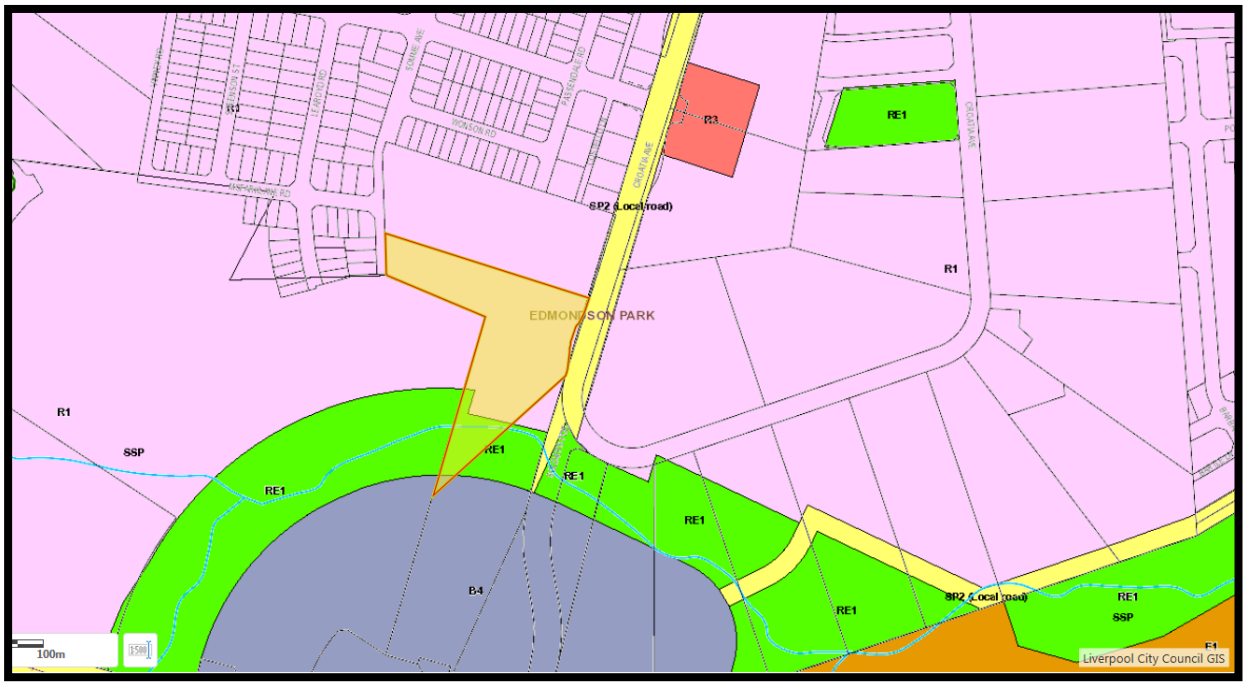

Figure 12: Extract of zoning map

(i) Permissibility

The proposed development is most appropriately defined by the standard instrument as "Residential Accommodation" and more specifically "Residential Flat Building", which is a permitted land use in the R1 General Residential Zone. A residential flat building is defined as;

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

(ii) Objectives of the zone

The objectives of the R1 General Residential Zone under the LLEP 2008 are as follows;

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.*
- *To facilitate development of social and community infrastructure to meet the needs of future residents.*

The proposed development provides housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R1 General Residential Zone.

(iii) Principal Development Standards and Provisions

The following principal development standards are applicable to the proposal when assessed against the LLEP 2008:

DEVELOPMENT PROVISION	REQUIREMENT	PROPOSED	COMMENT
4.1 Subdivision Lot Size	Minimum 300m²	Lot 1 = 4,336m² Lot 2 = 1,760m²	Yes Yes
4.3 Height of Buildings	Maximum 21m	Building A = 21.86m Building B = 21.75m Building C = 22.21m	**NO** (See clause 4.6 variation below) variation equates to between 3.5% - 5.7%
4.4 Floor Space Ratio	Maximum 1.5:1	**Overall FSR (Pre-Subdivision and dedication of road)** Maximum GFA permissible = 11,927.63m² (when reflected as a ratio it equates to 1.5:1) Maximum GFA proposed = 11,494m² (when reflected as a ratio it equates to 1.44:1) **FSR post subdivision and dedication of roads** **Lot 1 Containing Buildings A and B** Maximum FSR permissible = 1.5:1 or 6,504m² Maximum FSR proposed = 1.87:1 or 8,103m² **Lot 2 Containing Building C**	Yes **NO** (See clause 4.6 variation below) variation equates to between 24.7% - 28.3%

		Maximum FSR permissible = 1.5:1 or 2,640m² Maximum FSR proposed = 1.92:1 or 3,391m²	
6.5 Public Utilitiy Infrastructure	Public utility infrastructure must be available	Provided by conditions of consent	Yes
7.8 Flood Planning	Proposal is to comply the flood planning controls	The proposed development site is located on the floodplain of Maxwells Creek. Maxwells Creek runs through the property and the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event.	The proposed development has been reviewed by Council's Flooding Engineers and is considered satisfactory subject to conditions of consent.
7.11 Minimum Dwelling Density	Development site is located within the 28 dwellings/hectare area	Based on the developable site area a minimum 23 dwellings is required. The proposal provides for 136 dwellings	Yes
7.13 Minimum Lot Width in Zones R1, R2, R3 and R4	Minimum width 10m	All lots accommodating residential development i.e. lots 1 and 2 exceed 10m in width	Yes
7.31 Earthworks	Council to consider matters listed (a)-(g)	Matters addressed by applicant and considered by Engineers – conditioned as required	Yes

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

As identified in the compliance table above, the proposal is generally compliant with the majority of provisions prescribed by LLEP 2008 with the exception of the following:

Variation to Clause 4.3 Height of Buildings

Clause 4.3 of the LLEP 2008, stipulates that the maximum height permissible on the subject site is 21m as indicated in the figure below;

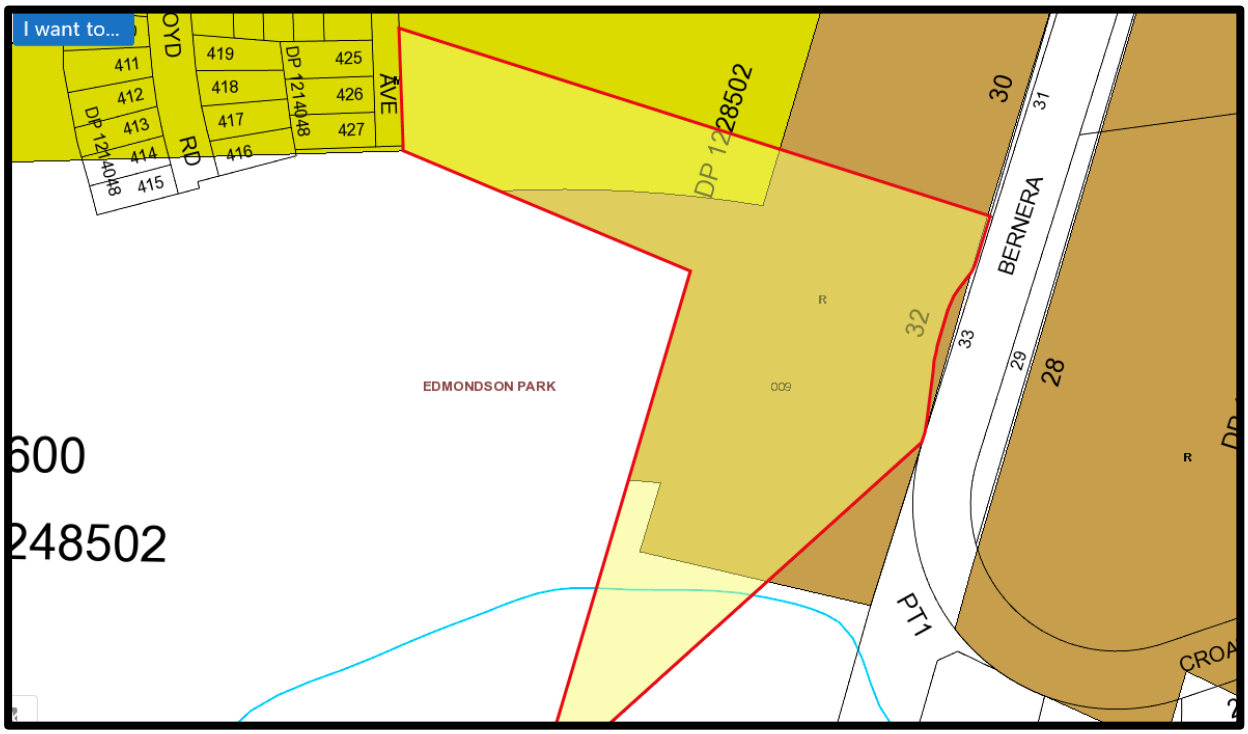

Figure 13: Applicable heights for the site

The development has proposed a maximum height above existing NGL for building A of 21.86m. The area of exceedance is isolated to the lift overrun. The remaining elements of Building A are within the 21m height limit. The non-compliance equates to 860mm or 4%.

The development has proposed a maximum height above existing NGL for building B of 21.75m. The area of exceedance is isolated to the lift overruns. The remaining elements of Building B are within the 21m height limit. The non-compliance equates to 750mm or 3.5%.

The development has proposed a maximum height above existing NGL for building C of 22.21m. The area of exceedance is primarily isolated to the lift overrun, where the height exceedance of 1.21m occurs, however there is a minor element along the south-eastern corner of the building that protrudes above the 21m height limit by 260mm. The remaining elements of Building C are within the 21m height limit. The non-compliance ranges from 260mm to 1.21m or 1.2%-5.7%.

The figure below demonstrates the elements of the development that exceed the height limit.

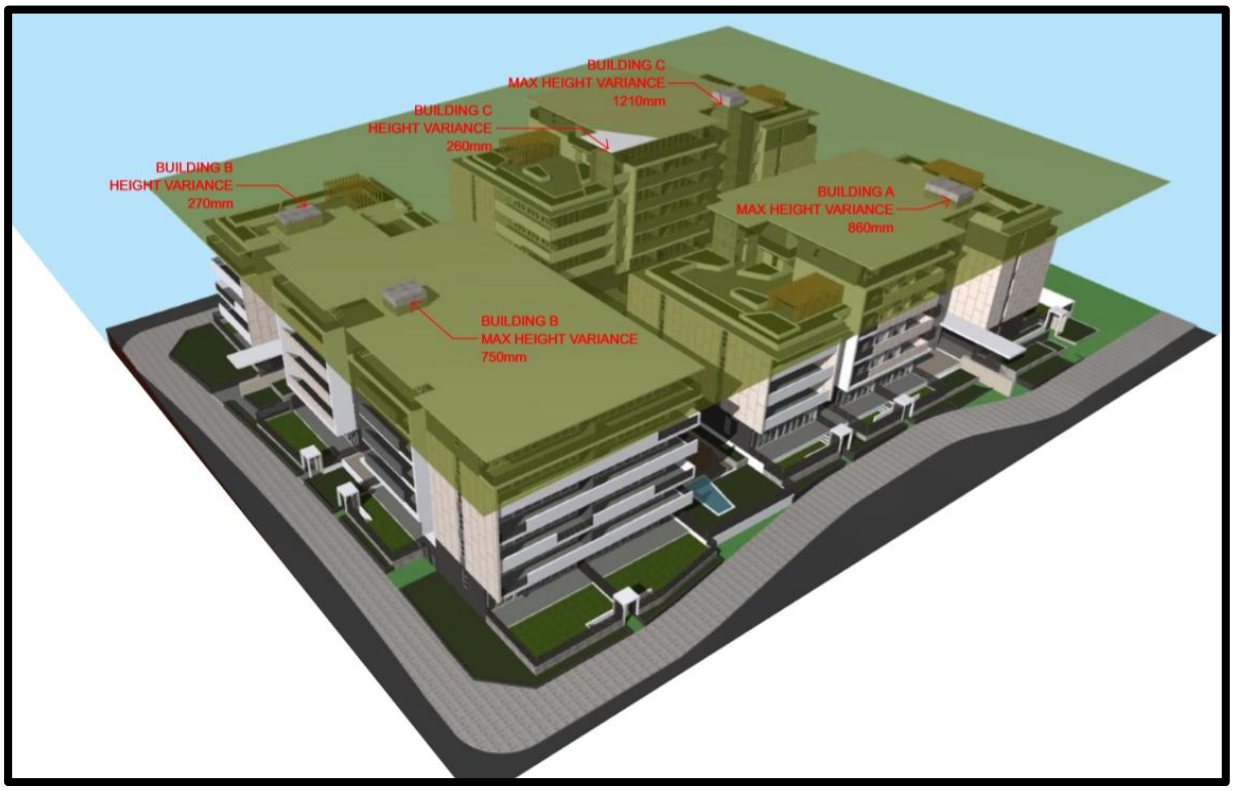

Figure 14: Height Plane Diagram showing points of exceedance.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report.

The submitted written request to vary Clause 4.3 (Height of buildings) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R1 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 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.

(1) *Development 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.

(2) *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

1) Circumstances of the development

The application seeks consent for the subdivision into four lots, construction of three residential flat buildings and construction of roads to be dedicated to Council.

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

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- *The maximum heights in the LLEP 2008 are appropriate for new buildings in this urban release area and reflect the Future Character Statement for Edmondson Park in the LDCP, which states (amongst other things);*

  "Taller buildings are encouraged to frame Croatia Avenue and the Maxwells Creek Urban Park. Buildings are predominantly between 3 - 6 storeys and massed towards the public realm." The proposed variation is minor in nature and the development adopts a height, bulk and scale that reflects the desired future character for the site and area more generally.

- *The proposed buildings have been designed, positioned and oriented so that they make a positive contribution to the future streetscape character and achieve a high standard of residential amenity.*

  The areas of non-compliance are sited behind the main parapets and are not readily visible from the public domain and will not detract from the overall design of the development. The elements that breach the height standard do not erode the ability to achieve high quality-built form on the site.

- *The extent of overshadowing attributed by the additional building height beyond the shadow cast by a complying height is negligible.*

- *The built form of the proposal is consistent with the desired future character for this area of Edmondson Park. The development provides an appropriate height transition between the Edmondson Park Town Centre and the surrounding lower density residential areas.*

  The extent of variation sought is insignificant.

- *A mix of one, two and three bedroom apartments is proposed consistent with the LDCP 2008 for Edmondson Park and this will in part meet the demand for housing in this urban release area.*

- *The site is highly accessible and proximate to Edmondson Park railway station. The development will be supported by future employment generating land uses to be delivered in the Town Centre. The site is highly suitable for supporting the proposed development density.*

In response to the comments raised above, Council has provided the following justification as to why the imposition of the applicable height control is unreasonable and unnecessary in this instance:

- The predominant extent of the height exceedance occurs at the lift overruns for all buildings. The lift overruns are located centrally on the roof of the buildings and are not readily visible when viewed from street level and do not generate additional overshadowing on adjoining properties.

- The extent of the variations ranges from 1.2% to 5.7%, which is considered minor in this instance and will not contribute to additional bulk and scale of the development.

- The development provides a consistent floor to floor height of 3.1m, which exceeds the minimum the ADG. The additional height provides additional amenity for the units by enabling better solar access and cross-ventilation and enables a better urban design outcome. The floor-floor can be reduced to achieve a height compliance, however will result in an inferior design outcome.

- The proposed buildings remain consistent with the expected number of storeys envisaged by the maximum height limits on the site. It envisaged that a 21m height limit will cater for a 6 storey building when considering the minimum 2.7m floor to ceiling height and a 3.1m floor to floor height under the ADG.

- Notwithstanding the height exceedance the proposed development does not create any additional overshadowing or privacy impacts on the adjoining developments.

- The proposed development is considered to be of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG.

3) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assessment are as follows:

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

Comment: It is considered that the proposed development is consistent with the objectives of Clause 4.3 in that the proposed development encourages high quality urban form. Despite the non-compliance the proposed development achieves the required solar access to living areas, COS and POS as required by the ADG. The proposed development provides an appropriate density outcome for the site, particularly when having regard to the 28 dwellings/hectare location of the site its close proximity to the Edmondson Park Town Centre and the Edmondson Park Station.

4) Consistency with objectives of the zone – R1 General Residential

The objectives of the R1 General Residential Zone under the LLEP 2008 are as follows;

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.*
- *To facilitate development of social and community infrastructure to meet the needs of future residents.*

The proposed development provides housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R1 General Residential Zone.

5) Consistency with Clause 4.6 objectives

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,*

It is considered appropriate in this instance for the reasons stated above to apply a degree of flexibility when applying the maximum height development standard.

6) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.3 *"height of buildings"* has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

As identified in the compliance table above, the proposal is generally compliant with the majority of provisions prescribed by LLEP 2008 with the exception of the following:

Variation to Clause 4.4 Floor Space Ratio

Clause 4.4 of the LLEP 2008, stipulates that the maximum FSR permissible on the subject site is 1.5:1. The figure below indicates the applicable FSR's of the site.

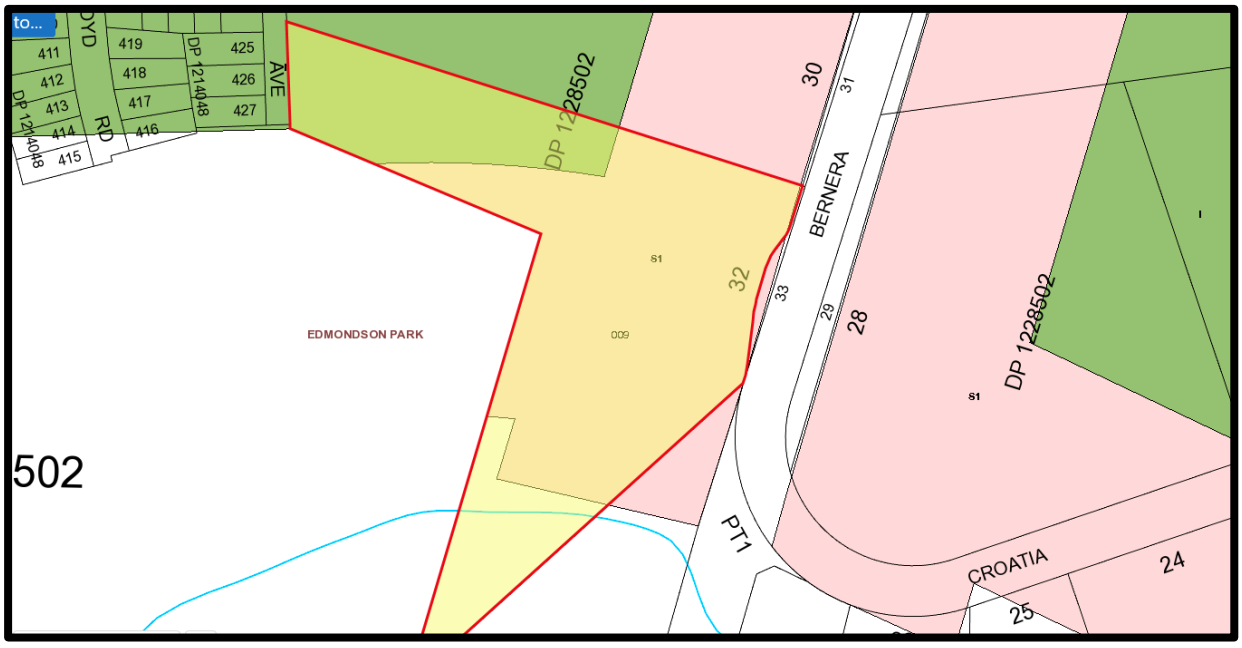

Figure 15: FSR

As indicated in the assessment table above the development provides for a Gross Floor Area of (GFA) 11,494m² overall which equates to an FSR of 1.44:1, which complies with the LLEP 2008. However, once the roads that are to be dedicated to Council are constructed the resultant Lots that contain Buildings A-C generate a non-compliance with the applicable FSR.

On future Lot 1 containing Buildings A and B the resultant FSR post dedication of roads is 1.87:1 instead of 1.5:1, which exceeds the allowable FSR on future Lot 1 by 1,599m².

Similarly, on future Lot 2 containing Building C the resultant FSR post dedication of roads is 1.92:1 which exceeds the FSR on future Lot 2 by 751m². Consequently the applicant has provided a clause 4.6 variation to justify the non-compliance. The clause 4.6 variation is attached to this report.

The submitted written request to vary Clause 4.4 (Floor Space Ratio) has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R1 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 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.

(1) *Development 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.

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

(a) the consent authority is satisfied that:

(iii) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(iv) 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

7) Circumstances of the development

The application seeks consent for the subdivision into four lots, construction of three residential flat buildings and construction of a road to be dedicated to Council.

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

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- *The site is located within 800m of the Edmondson Park railway station and the future Edmondson Park Town Centre, which will contain a variety of employment and retail opportunities. As noted on Council's Possible Public Transport Route Plan included in*

Part 2.11 of the Liverpool Development Control Plan 2008 (LDCP 2008), Croatia Avenue will become the 'Main Bus Route' through the area.

A public utility infrastructure report was submitted as Appendix S of the SEE. This report indicates that all major services (sewer, water, stormwater, electrical, gas and telecommunications) are available within the vicinity of the site. Upgrade works to relevant services will be undertaken as "lead in works" that are typical of greenfield subdivision sites within urban release areas.

As outlined within the Traffic and Parking Assessment that accompanied the DA, proposed traffic generated by the proposal is projected to be minimal. Local infrastructure and public transport is therefore readily available within the surrounding area to support the proposed density within the site.

- *In accordance with the Edmondson Park 'Urban' Future Character Statement within the LDCP 2008, "taller buildings are encouraged to frame Croatia Avenue and the Maxwells Creek Urban Park. Buildings are predominantly between 3 – 6 storeys and massed towards the public realm".*

- *The proposed development is a maximum of six storeys and has been specifically designed to be of a height and scale that reflects this desired character.*

  Given that the proposal is located on a greenfield site within a primarily rural environment, the site is not immediately surrounded by neighbouring properties. However, it is noted that there are existing approvals for residential development on neighbouring properties.

  Nonetheless, as outlined in Section 7.2 of the SEE, the proposal will not prejudice the development of adjoining properties or unreasonably impact on the amenity of future residents given:

  - *The subject site is in the beneficial position of being surrounded by existing and proposed roadways on three sides and an approved residential subdivision to the immediate north (DA-141/2015).*
  - *Buildings A and C incorporates appropriate separation to comply with the building design criteria of the ADG (refer to section 3.2.2 of the covering statement).*
  - *The separation provided by the roadways and setback to the northern boundary will avoid unreasonable overlooking from the development into future dwellings surrounding the site.*
  - *Shadow diagrams prepared by MPA accompanied the DA and assessed shadowing impacts generated by the proposal. These diagrams indicate that on 21 June, shadows will largely be contained within the subject site or fall across Croatia Avenue and the proposed roadways. Importantly, the proposal will not overshadow the approved residential development to the north. Moreover, shadow over the residue lot (lot 4) is limited in extent enabling 3 hours of solar access and would not affect future development or amenity. The public domain is relatively unaffected.*

- *It is considered that the proposal has been designed with consideration of the visual impact of the development on the locality as well as to offer scenic outlook opportunities for residents. The proposal incorporates high quality and articulated facades that will contribute to the architectural diversity expected in this transitional area and will deliver a streetscape with visual interest.*

- *This proposal is located within an environment that is currently undergoing significant development to facilitate higher density development in accordance with the future desired built form character of Edmondson Park. The proposal has been designed to*

reflect this desired built form character while also providing an appropriate transition from the town centre to the lower scale dwellings that already exist to the north-west of the site.

- *The proposal is of an appropriate scale in relation to the size of the site. In particular, the site area with the proposed roads included, compiles with the maximum FSR standard. Furthermore, the predominant building height complies with the height of buildings development standard (with the exception of the lift overruns and a small portion of Building C's parapet).*

- *The proposal will provide a mix of one, two and three bedroom apartments consistent with the LDCP 2008 for Edmondson Park and this will in part meet the demand for housing in this urban release area.*

- *The proposal will contribute to the delivery of broader housing types including a variety of apartment types to cater for a range of lifestyles and household sizes.*

- *The site is within 800 metres walking distance to Edmondson Park railway station and will be supported by future employment generating land uses to be delivered in the Edmondson Park Town Centre. Accordingly, the site is highly suitable for supporting the proposed development density.*

- *The common practice for greenfield development, where strategic planning nominates future roads to be constructed and dedicated to Council, is to include for the purposes of calculating site area and FSR, the area of the proposed roads. Costello Lane and part of Passendale Road are proposed to be developed (and dedicated to Council) as part of the DA and are entirely consistent with the Edmondson Park Indicative Layout Plan included in the LDCP 2008. Accordingly, the specific areas of the site in which these roads are to be developed are considered to be part of the total site area that is used to calculate proposed FSR:*

    - *FSR is defined as "the ratio of the gross floor area of all buildings within the site to the site area"; and*
    - *Site area is defined as "the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan."*

      Only those portions of the Site on which the development is permissible have been included in the calculation of the "site area" for the purpose of establishing a suitable GFA and FSR;

    - *Calculation of site area has been guided by the application of clause 4.5 (3) (b) of LLEP 2008 that states "if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out"*

  Based on the site area pre-subdivision of 7,759.25sqm which includes Lot 1, 2 and part Lot 3, the proposal is fully compliant with the maximum allowable FSR.

In response to the comments raised above, Council has provided the following justification as to why the imposition of the applicable height control is unreasonable and unnecessary in this instance:

- As indicated in the LLEP assessment table above when taking into account the entire developable site area of 7,951.75m² the proposed development provides a compliant FSR.

- The non-compliant FSR is directly the result of the roads that have been constructed and dedicated to Council as part of the development proposal.

- Notwithstanding that the road construction and dedication is a requirement of the Liverpool Development Control Plan Part 2.11, given the nature of the proposed development as a high-density residential development, the location of the development site on the proposal may have been able to obtain direct access off Croatia Avenue to each building without the need for the construction of the roads without affecting adjoining sites.

  However, by providing the roads the proposal contributes to creating a safe and efficient street network, enables the creation of a connected suburb, encourages pedestrian walkability and also enables safe and direct vehicular and pedestrian connections to future public open space directly south of the site. This is considered consistent with the objectives of the zone and the DCP and contributes to an improved and connected urban environment, not only for the development but for the locality as a whole.

- The proposed development remains consistent with the envisaged bulk and scale of development for the site. The subject site is located within the dwelling density of 28 dwellings/hectare under the LLEP 2008. This is the highest density afforded to Edmondson Park and it is envisaged that high density development be constructed in this location. As such it is considered the proposal is consistent with the intended and desired future character of the locality. It is also considered appropriate to provide a higher density form of development at this location, given the developments sites proximity to the Edmondson Park train station and the Edmondson Park Town Centre.

- The proposed development remains consistent with the majority of standards and the objectives of the ADG and has been designed to minimise overshadowing, privacy impacts on adjoining properties, while still maintaining appropriate amenity for the development itself through the provision of generous POS, satisfactory solar access to living areas and POS and satisfactory natural ventilation.

- By providing the high density urban form the proposal also contributes to the availability of housing choice within the locality. This is achieved through the development itself by providing and appropriate apartment mix of 1, 2 and 3 bedrooms, but also for the locality by contributing to a range of available dwelling types within Edmondson Park.

9) Consistency with objectives of the development standard Clause 4.4 Floor Space Ratio

The objectives of Clause 4.4 and assessment are as follows:

(a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,
(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,
(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
(d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
(e) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
(f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.

Comment: It is considered that the proposed development is consistent with the objectives of Clause 4.4 in that the proposed development remains consistent with the intended bulk, scale and density envisaged for the site. The proposal remains consistent with the current and desired future character of the locality by maintaining consistency with the expected development form for the site.

The proposal has been reviewed multiple times by the Design Excellence Panel and is considered to exhibit a good urban design outcome with limited impacts on adjoining properties while maintain consistency with the objectives and standards of the ADG.

The proposal has been designed to take advantage of the future public open space south of the site, while also contributing to an accessible, connected and walkable suburb.

The development has also been designed taking into consideration future development on adjoining sites by providing appropriate setbacks and building separation to enable similar built forms on adjoining sites to be constructed in accordance with the applicable development standards and controls of the LLEP, LDCP and ADG.

10) Consistency with objectives of the zone – R1 General Residential

The objectives of the R1 General Residential Zone under the LLEP 2008 are as follows;

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.*
- *To facilitate development of social and community infrastructure to meet the needs of future residents.*

The proposed development provides housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R1 General Residential Zone.

11) Consistency with Clause 4.6 objectives

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,*

It is considered appropriate in this instance for the reasons stated above to apply a degree of flexibility when applying the maximum Floor Space Ratio standard.

12) Recommendation

With considerations to the discussion above, the proposed variation to the Clause 4.4 *"Floor Space Ratio"* has satisfied the provisions of Clause 4.6 and is supported in this circumstance.

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

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

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 2.11 – Land Subdivision and Development in Edmondson Park

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

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Complies The site does not contain any significant vegetation.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies
Section 4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The site is not identified as bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Complies The site is within 40m of Maxwells Creek. The proposal was referred to the department of Primary Industries – Water who have provided General Terms of Approval.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies The proposed development site is located on the floodplain of Maxwells Creek. Maxwells Creek runs through the property and the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The proposal has been reviewed by Councils Flooding Engineers and considered satisfactory.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the applicants have provided contamination assessments and remedial action plans that will satisfy SEPP 55.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Complies

Development Control	Provision	Comment
		The site is identified as containing a low potential for saline soils. Conditions relating to erosion and sediment control measures will be implanted to prevent further spread of potentially saline soils.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site is highly disturbed. As such, it is unlikely that it would contain Aboriginal Archaeology.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not Applicable The site is not identified as a heritage item or within the immediate vicinity of a heritage item.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified in accordance with the LDCP 2008. No submissions were received during the notification period.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per one bedroom; - 1.5 spaces per two bedroom units; - 2 spaces per three or more bedroom dwelling; - 1 space per 4 units or part thereof, for visitors - One service bay	Not Applicable. RMS guidelines apply to this proposal.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Not Applicable.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Complies <u>During Construction:</u> A waste management plan has been submitted. Conditions of consent will be imposed to ensure that

Development Control	Provision	Comment
		compliance with the WMP is achieved during construction. On-going Waste Management: The applicant has provided a Waste Management Plan based on Council's Waste Management Policy. The WMP has been reviewed and considered satisfactory. A suitable bin storage area has been provided at grade and within the basement for Buildings A-C to enable the collection of the bins from the development site. A loading bay has been provided for future Lot 1 and 2 to enable the safe pickup of waste from the site.

CONTROLS	PROVIDED	COMPLIES
PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK		
1.1 INDICATIVE LAYOUT To be in accordance with Figure 2.	The proposal has provided a road layout that is consistent with the Indicative Layout Plan (ILP)	Complies
1.2 DEVELOPMENT WITHIN SUB PRECINCTS	Development site maintains the level and access to fixed roads, the proposal will allow for the provision of drainage and services through conditions of consent and storm water design and does not create a detrimental impact on adjoining sub-precincts.	Complies
1.5 PUBLIC TRANSPORT	Proposed development does not impact the ability to maintain required public transport routes in Edmondson Park	Complies
2.1 STREET NETWORK AND ACCESS Subdivision plans must indicate street type.	The submitted development is consistent with the indicate ILP within the DCP.	Yes
2.3 STREETSCAPE AND TREES Minimum of two trees per six metres of frontage	Suitable Planting is provided	Yes
2.7 CONTAMINATION Potential for contamination to be assessed.	Contamination assessment submitted as discussed previously in the report. The contamination assessment concluded the subject site is suitable for residential development.	Yes

8. CONTROLS FOR CERTAIN SITES 8.5 Residential choice and mix for apartment buildings	Appropriate residential mix of apartments proposed. In total 27% 1 bedroom proposed, 61% 2 bedroom proposed and 13% 3 bedroom proposed.	Yes

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

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

No planning agreement relates to the site or proposed development.

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

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

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

(a) Natural and Built Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause adverse impacts. Issues considered included, but were not limited to: soil contamination; earthworks; stormwater management; erosion and sediment control; and landscaping.

The impacts on the built environment have also been assessed and are also considered to be acceptable and unlikely to have significant negative impacts. Issues considered included, but were not limited to: the traffic impacts; adequacy of car parking; built form (height, bulk, scale); streetscape and visual impacts; overshadowing; compatibility with the future character of the locality; design; acoustic impacts; access; site layout; compliance with Building Code of Australia (BCA) and Australian Standards (AS); fire safety requirements; adequacy of site services; waste management; and potential impact on amenity of locality.

(b) Social Impacts and Economic Impacts

The proposal is unlikely to cause any adverse social impacts in the locality. Overall, the proposal is likely to contribute positively to the locality by providing required housing to the community and is acceptable with respect to any potential social impacts.

The potential economic impacts of the development in the locality are acceptable. The development is likely to have a minor but positive contribution to the local economy via the capital investment value associated with the proposal

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

The proposal has been designed in line with the desired future character of the site and the surrounding locality. The proposed development is of an appropriate bulk and scale and has been designed to accommodate the exiting site attributes. Given the above the proposed development is considered suitable for the site.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Engineering	Approved subject to conditions
Building	Approved subject to conditions
Environmental Health	Approved subject to conditions
Traffic	Approved subject to conditions
Floodplain engineering	Approved subject to conditions
Natural Resources - Landscaping	Approved subject to conditions

(b) External Referrals

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

DEPARTMENT	COMMENTS
NSW Office of Water	Comments received from the NSW Office of Water have advised the proposed development is not considered integrated development pursuant to the Water Management Act 2000.

(c) Community Consultation

Application was placed on exhibition from 9 May 2018 to 8 June 2018 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the notification period. However, post exhibition of the application 2 public submissions were received. The concerns raised in the submissions and the response to the concerns raised are discussed below.

1) **Concern**: Infrastructure and building works proposed as part of the development encroached on adjoining lots, which required owners consent.

Response: Amended plans have been provided to Council, which isolated all infrastructure and built form onto the proponent's development site. The proposals revised plans and civil drawings were reviewed by Council and considered satisfactory subject to conditions of consent.

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

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

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

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

- Based on the assessment of the application and the consideration of the written request to vary the height of buildings and FSR development standard pursuant to Clause 4.6 of the LLEP 2008, it is considered the Clause 4.6 is well founded and worthy of support in this instance.

- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form would be consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.

- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

8 ATTACHMENTS

1) Recommended Conditions of Consent
2) Architectural Plans
3) Landscape Plans
4) Statement of Environmental Effects
5) Clause 4.6 Variation for Height
6) Clause 4.6 Variation for FSR
7) Design Excellence Panel (DEP) Minutes
8) Applicants Response to DEP Minutes
9) Applicants response to Submissions
10) Engineering Plans
11) BASIX Report
12) Traffic impact assessment
13) Waste management plan
14) Acoustic report
15) BCA assessment report