

SYDNEY WESTERN CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SSW032
DA Number	DA-681/2018
Local Government Area	Liverpool City Council
Proposed Development	Demolition of all existing structures, construction of a five storey residential flat building comprising 63 units (15x1 bedroom and 48x2 bedroom units) with at-grade car parking to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Street Address	30-38 Ironbark Avenue, Casula Lots 19 – 23 of DP 245413
Applicant	SGCH Sustainability Ltd
Owner	SGCH Sustainability Ltd
Date of DA Lodgement	29 August 2018
Number of Submissions	24 (1 st notification) and 29 (2 nd notification)
Regional Development Criteria (Schedule 7 of the State and Regional Development SEPP)	<p>The development contains affordable housing with a capital investment value of \$19,077,193.00.</p> <p>The proposal is for an affordable housing development that has a capital investment value of over \$5 million, the Sydney Western City Planning Panel is therefore the determining authority.</p>
List of All Relevant 4.15(1)(a) Matters	<p>1. <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009. • 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. • State Environmental Planning Policy (Infrastructure) 2007. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. <p>2. <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: Section 4.15(1)(a)(ii)</i></p> <p>No draft Environmental Planning Instruments apply to the site.</p> <p>3. <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i></p> <p>Liverpool Development Control Plan 2008.</p> <ul style="list-style-type: none"> - Part 1 – General Controls for all Development.

	<p>- Part 3.7 – Residential Flat Development in the R4 Zone.</p> <p>4. <i>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)(iia)</i></p> <p>No planning agreement relates to the site or proposed development.</p> <p>5. <i>List any relevant regulations: 4.15(1)(a)(iv)</i></p> <p>Consideration of the provisions of the National Construction Code of Australia.</p>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Architectural plans, demolition plan & landscape plans 2. Survey plan and Stormwater Concept Plans 3. Recommended conditions of consent 4. Statement of environmental effects and clause 4.6 variation written justification to height 5. SEPP 65 Design Verification Statement 6. Acoustic Assessment Report 7. Arborist Report 8. Access Report 9. Traffic Report 10. Geotechnical Assessment report 11. Waste management plan 12. Phase 1 contamination report 13. BASIX certificate and house energy rating 14. Design excellence panel comments 15. SWCPP – Record of Briefing 16. Social Impact Comment
Recommendation	Approval, subject to conditions
Report Prepared by	Emmanuel Torres
Report date	30 July 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? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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 (S94EF)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
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

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Sydney Western City Planning Panel is the determining authority as the Capital Investment Value of the development is over \$5 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 proposes the demolition of all existing structures, construction of a five storey residential flat building comprising 63 units (15x1 bedroom and 48x2 bedroom units) with at-grade car parking to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

1.3 The site

The subject site is identified as Lots 19 to 23 of DP 245413 being Nos 30 - 38 Ironbark Avenue, Casula.

1.4 The issues

The main issues are identified as follows:

SEPP (Affordable Rental Housing) 2009:

- Non-compliance with Clause 14(1)(c) in relation to landscaping;
- Non-compliance with Clause 14(1)(e) in relation to solar access.

Liverpool Local Environmental Plan (LLEP) 2008

- Inconsistent with Clause 4.3 in relation to height of building

Issues raised by local residents

- Character and amenity
- Safety and welfare
- Building height
- Traffic and carparking
- Privacy
- Infrastructure
- Landscape area
- Environmental
- Flooding
- Overshadowing
- Property values
- Way of life and livelihood

1.5 Exhibition of the proposal

The DA was notified in accordance with the Liverpool Development Control Plan (LDCP) 2008 from 5 to 20 September 2018. The period was extended further from 24 September to 8 October 2018 as requested by a number of neighbours to give them time to study the published documents and prepare their submissions. Twenty four (24) unique submissions were received.

Due to significant community interest in the application, a second notification was conducted between 10 to 29 April 2019. Upon request of residents, the deadline was extended to 6 May

2019 to allow for more time to prepare submissions as the period coincided with school holidays. A total of 29 submissions were received, a significant number were the same respondents that raised the same issues in the previous notification including a photocopy of the previous petition.

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 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 development site is comprised of 5 adjoining lots legally described as Lots 19, 20, 21, 22 & 23 of DP 245413 and street address of No.30-38 Ironbark Avenue, Casula. The combined site area is 2,786.8m² (by title). Each lot is currently occupied by a single detached cottage with appurtenant structures.

The site is flanked to the north by an 80.20m wide frontage on Ironbark Avenue and to the south by an 85.975m rear boundary along Kurrajong Road. The 30.155m wide boundary to the west is shared with a 6 unit two (2) storey multi dwelling complex and to the east a 34.66m boundary with a single storey brick clad and tiled roof cottage.

The land has a cross fall of 2.2m from the 37.5 AHD highpoint on the south-west to 35.37 AHD on the low point at north-east corner.

A 3m wide easement for batter runs parallel to the rear boundary burdening all the lots included in the site.

An aerial photograph and street scape photographs of the site are provided below:



Figure 1 – Aerial photograph of the site - 30-38 Ironbark Avenue, Casula



Figure 2 - Front view of site from 38 Ironbark Avenue looking east

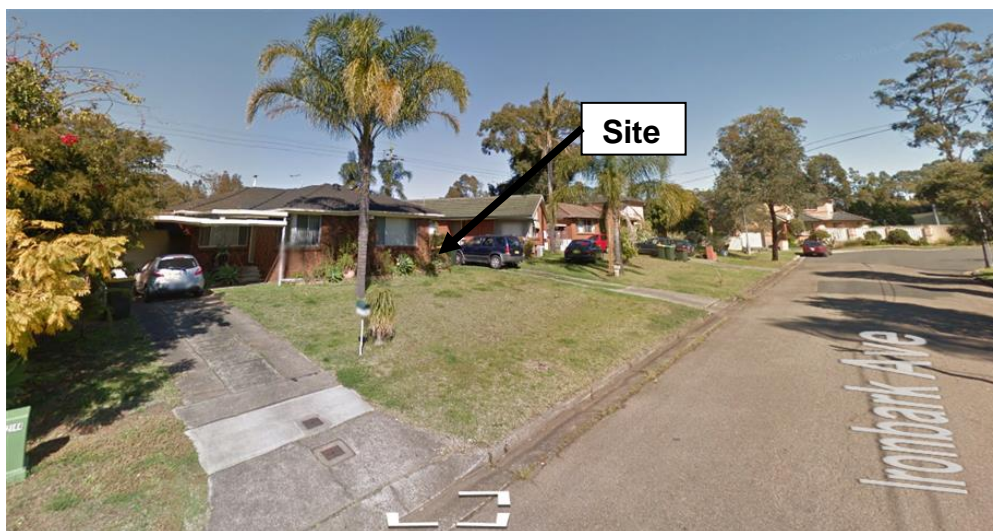


Figure 3 – Front view of site from 30 Ironbark Avenue looking west.

2.2 The locality

The locality is characterised by low density residential development, particularly to the north of the site where single storey dwellings are predominate. The current proposal, if approved, will be the first RFB to be constructed within the R4 High Density Residential zone in the locality. In view of this zoning afforded to the site, the wider area will inevitably undergo transition to higher density building forms akin to the proposed development and is considered to be representative of this desired future character.

Directly to the south of the site, across Kurrajong Road is Daruk Park that incorporates a baseball field, community centre and library facilities. Adjoining the park is Casula Mall, a subregional shopping centre with over 50 specialty shops and anchor stores that offer an array of services, amenities and commercial activities.

Approximately 40m to the west of the site is the South Western Motorway (M5) and also in the opposite direction about 850m to the east is the Hume Highway. An aerial photograph of the locality is provided in Figure 4 below.

14 June 2018 DEP Meeting	
DEP Comments	Response
<i>The scheme should respond to the slope of the land which has a cross fall on 2m between the between the western and eastern boundaries.</i>	<p>The submitted plans shows the ground floor level steps downs by 1m from the west (RL37m) to east (RL 36m). Similarly, the at-grade car park slopes between 0.3 to 1.5m above the road level.</p> <p>The proposed site levels indicate minimal ground reconfiguration where the proposed cut and fill do not exceed 1m.</p>
<i>The designated Communal Open Space (COS) along Ironbark Avenue and Kurrajong Road are not considered to provide functional and meaningful spaces that would contribute toward amenity of residents. The COS at the western side of the site has the potential to compliment the rooftop COS but it requires design development to make it fit for this purpose.</i>	<p>The submitted Landscape Plans shows more developed ground level COS provided not only with planting but turfed areas that could be utilised for active recreational activities as well as seating and footpaths for leisure.</p> <p>Likewise, the rooftop COS is provided with a BBQ facility under a metal pergola structure to allow for vines to cling on.</p> <p>Surrounding the BBQ are pockets of tables and benches designed to encourage resident interaction.</p> <p>There are also raised production gardens for growing herbs and vegetables.</p>
<i>The COS should include shade structures, amenity facilities, a toilet and BBQ.</i>	These are provided as described above.
<i>The site benefits from dual and broad street frontages to Ironbark Avenue and Kurrajong Road. The pedestrian path from Kurrajong Road should be conceived as a clear and inviting pedestrian connection that would encourage residents to utilise.</i>	<p>Two pedestrian access points are located along the Kurrajong Road side. Each entry is highly visible with the recessed entry gate house feature and 2.4m wide footpaths leading to the lift lobbies of the building.</p> <p>The three ground floor units facing Ironbark Avenue are provided with individual front door access to the street in addition to the entry access to each of the lift lobbies servicing the apartment building.</p>
<i>Open type fencing to be provided along Kurrajong Road. Screening to be provided on the open carpark.</i>	Submitted plans shows proposed palisade fencing along Kurrajong Road.
<i>Given the width of the site and scale of development, on-site waste collection should be provided.</i>	Councils waste management unit have reviewed the submitted plans and concluded that given the generally low traffic volumes in Ironbark Avenue and the unlikely nature of any significant impact to having a truck pulled up at the kerbside for the duration of the bin emptying process, the collection of waste from the kerbside will be permitted.
<i>Materials to be made of robust, low maintenance materials and detailed to avoid staining, weathering and failure of finishes. Render is discouraged.</i>	Proposed wall materials comprise predominantly of brickwork with alternating light and medium tones. These are highlighted with coloured vertical screens, off form concrete and opaque glass balustrades.
<i>Minimum 3050 to 3100mm floor to floor height is recommended to achieve the 2700mm required in the ADG.</i>	The proposed floor to floor height is 3.150m

<i>Sectional drawings at 1:20 of wall section through all materials, brickwork, edging details to be submitted.</i>	The submitted plans did not include Sectional drawings of the prescribed scale.
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15 November 2018 DEP Meeting	
DEP Comments	Response
<i>The Panel appreciates the proponent's presentation which provided a background on the design rationale for the overall development and the evolution of the scheme since it was previously presented to the Panel.</i>	Noted
<i>The Panel advises that the street has good existing character and benefits from good solar access.</i>	Noted
<i>The Panel is pleased with the materiality articulated on the drawings, which are considered sympathetic to the streetscape.</i>	Noted
<i>The Panel does not favour on-grade carpark for RFBs and pressed upon the applicant to investigate the option of sinking the car park underground. Undercroft car parking is not considered ideal in comparison to having units on the ground level activating the street. Applicant advised that feasibility is tight and providing basement does not help the financial viability of the scheme.</i>	The applicant has retained at-grade parking contrary to panel advice. Instead, a feasibility assessment that demonstrates the economic cost of basement parking that will require 56% increase/breach in the GFA and an additional 2.5 floors significantly above the maximum building height to achieve financial viability of the project.
<i>The 18m wide parking zone fronting the street is not considered to be a great gesture to the public domain; it is considered to be a sub-standard design solution. The Panel asked whether the car parking spaces can be reduced. The applicant advised the parking provided is the minimum require.</i>	The submitted plan shows that the parking zone has been screened from street view by a solid wall and the garage door. The proposed tree planting will soften the visual impact of the solid wall.
<i>The Panel recommends that the applicant explores the options of reducing the size of the gaping hole created by the car park entry and possibly relocating a unit to minimise the entry car park gap.</i>	Proposed solution as mentioned above is the combination of the solid wall and tree planting will minimise the visual impact of the at grade carpark.
<i>The Panel raised concerns about passive surveillance and safety within the under croft carpark in respect to safety and CPTED principles. The panel recommends activation of the car park and that the applicant considers the option of providing access from the car park to the ground level apartments. The option should include shared or multi-use of the car park, which may include potential relocation of bin bays.</i>	The submitted plans indicate proposed security measures include swipe pass entry, roller shutter door, high fencing designed to deter unauthorised entry into the undercroft carpark. In addition, condition of consent to install a CCTV camera will be imposed.
<i>The Panel thought the through site link could be improved, and encourages the applicant to pursue the design further with a more thoughtful design response that focuses on the human pedestrian experience incorporating passive surveillance and safety.</i>	Various entry points provided from both Ironbark Avenue and Kurrajong Roads allows residents to access the apartment building in various ways and routes and increase the pedestrian experience without compromising safety and security of the building.

<i>Signage and road markings to indicate carpark is a shared zone to be detailed in the traffic study.</i>	Condition of consent will be imposed on line markings, signage and signposting at the road reserve and grade parking area will be imposed.
<i>The Panel suggested creating entries from the car park directly through the back of some ground level units to improve the safety and activity of the car park. Consolidating waste facilities to a more central location would also improve the safety and amenity of the carpark</i>	Waste facilities are consolidated into the central area of the building and this precluded direct access from the ground floor units into the carpark.
<i>The modulation of the fencing to Kurrajong Road and the activation onto the shopping centre should be improved. Details specifying high quality fencing along Kurrajong Road be provided. A colorbond fence is not supported.</i>	A palisade fencing is proposed along the Kurrajong Road frontage. The fencing line is punctuated by two entry gate features. The accessways will provide direct access to the shops and increase pedestrian activity along Kurrajong Road.
<i>Trees, shrubs and pergola structures should be introduced to the edge of the carpark to soften the visual impact of the carpark. Meaningful deep rooted zones should be introduced to allow for the planting of appropriate scaled vegetation in relation to the streetscape character and scale.</i>	Submitted landscape plan indicates significant tree and shrubs around the periphery of the under-croft carpark to soften the visual impact. To be effective, a maintenance regime should be instituted during the operation of the facility. A condition of consent is imposed for landscape maintenance
<i>The diversity of the Communal Open Space is supported. However, the panel requested that the intent of each COS be clearly articulated on the landscape plan. That is, whether the space is designed for person(s) to sit there or to allow for communal gathering such as BBQ.</i>	The landscape plan has provided specific uses of the COS including BBQ, passive and active recreation for all residents of various age group.

A referral was submitted electronically on 5 August 2019 for a third review and summarised in the table below.

14 August 2019 DEP Comments (electronic lodgement)	
DEP Comments	Response
<i>The 18m wide parking zone fronting the street seen in the earlier presentation has been amended – it is now substantially enclosed by solid walls and a garage door. A low wall to the eastern end of the site completes the screening of the carparking from Ironbark Avenue. This is an improvement and is supported.</i>	Noted
<i>The Panel raised concerns about passive surveillance and safety within the undercroft carpark in respect to safety and CPTED principles. The strengthening of the western through site passageway and the through circulation plan of both lift cores has improved this somewhat, notwithstanding minimal amendments to the car park plan itself.</i>	Noted
<i>Signage and road markings to indicate carpark is a shared zone are not readily evident in the traffic study. This should be included and form a prominent aspect of the car park design for consent, including surface</i>	A condition of consent will be imposed to provide line marking and sign posting to carparking spaces all in accordance with the approved plans including spaces for resident/staff/accessible.

<i>treatments to demarcate both pedestrian through site pathways.</i>	In addition, the condition will be imposed to provide a clear demarcation between pedestrian and vehicular circulation in the at grade carparking area using distinctive surface treatment and signage.
<i>The Panel suggested, in November 2018, creating entries from the car park directly through the back of some ground level units to improve the safety and activity of the car park. No changes were made to units to feature such rear entries; this is to the detriment of the car park's safety, usability and amenity.</i>	<p>The ground floor units backing on to the lift cores, waste bin rooms and switch room with limited opportunity to achieve rear entry to the units.</p> <p>Two entrances from Kurrajong Road that lead directly to the lift lobbies should provide additional foot traffic and surveillance to the carparking area. In addition, installation of a CCTV camera, will be imposed as a condition of consent.</p>
<i>Upper level additional windows with 1800mm sill heights are supported and will improve the amenity of the rooms they serve.</i>	Noted
<i>Some increase to the modulation of the fencing to Kurrajong Road has improved the presentation of the project to Kurrajong Road. The new front fencing to Ironbark Avenue could follow a similar pattern of modulation to relieve the length of the site with some incorporated planting zones.</i>	Condition of consent will be imposed for the applicant to provide a revised Landscape Plan prior to CC and incorporate the required entry treatment on the Ironbark Road entrances.
<i>Trees, shrubs and pergola structures should be introduced to the edge of the carpark to soften the visual impact. Meaningful deep soil zones should be introduced to allow for the planting of appropriate scaled vegetation in relation to the streetscape character and scale</i>	The Landscape Plan indicates that there is a 3m wide setback between the carpark and both the rear and eastern property boundary suitable for deep soil planting.

Council considers that the most recent comments from the DEP has been satisfied by the amended proposal and through the imposition of conditions of consent.

3.3 Sydney Western City Planning Panel (SWCPP) Briefing

A briefing meeting was held on the 3 December 2018. Key issues discussed at the meeting include the following:

3 December 2018 SWCPP Meeting	
Comments	Response
<i>Presentation of an attractive building façade when viewed from Kurrajong Road, this is considered a major issue as this building is the first RFB in this situation and its treatment will determine the approach to Kurrajong Road frontage treatment.</i>	Building mass is well articulated and stepped to reduce the perceived bulk of the development
<i>While it is noted that the proposal complies with parking demand controls concern was expressed that these controls provide inadequate supply and will result in on street parking.</i>	Parking complies with the requirements in the ARH SEPP (0.4 x 15-1br plus 0.5x48-2br=30 spaces) The submitted Traffic Report prepared by TEF consulting concludes that additional traffic will be minimal and will have no negative impacts on the street network.
<i>Non-compliance with ADG setback requirement to Level 5 needs to be addressed by providing adequate privacy screening.</i>	Submitted plans indicate that the setback breach on the western side boundary top level has been rectified.

<p><i>Given the current low density context measures need to be considered addressing privacy of adjoining premises.</i></p>	<p>Submitted plans indicate that significant planting has been proposed on both the eastern and western adjoining neighbours.</p> <p>The following conditions of consent will be imposed to mitigate overlooking, acoustic and light spill.</p> <ul style="list-style-type: none"> • Upper level balconies facing east and west are provided with louvered metal screens for the entire length of the balconies. • Full height windows to be a combination of a translucent fixed panel at the bottom with an operable awning window above. • The bottom panel to be at least 1500mm high from the finished floor level with built-in blinds, acoustic and translucent properties or similar integrated window system.
<p><i>Consideration of measures to address potential acoustic and light spill issues of adjoining property adjacent to the on-site parking.</i></p>	<p>Provision of dense planting along the property boundaries with adjoining neighbours to the east and west will ameliorate the impact from noise and light spill from the adjoining at-grade parking.</p>

Based on the amended plans provided, it is considered that the proposal provides a development that adequately addresses the concerns raised by the Panel and is worthy of support.

4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Demolition of all 5 existing dwellings and appurtenant structures on site;
- Construction of a 5 storey residential flat building comprising of 63 apartments to be used wholly for the purposes of affordable rental housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009 with the following components:
 - 15 x 1 bedroom apartments (23.8%)
 - 48 x 2 bedroom apartments (76.2%)
 - Under-croft ground level parking area with 30 car parking spaces inclusive of 7 spaces dedicated for disabled persons;
 - Communal open space (COS) proposed in 2 locations. The ground floor COS adjoins the western property boundary and the other located on the fourth floor level on the mid-section of the building. A total of 698m² which constitutes 25% of the site area is designated as COS;
 - Internal building circulation spaces comprising 2 lift cores and corresponding lobbies, 2 fire stairs and corridors on each floor level; and
 - Service areas on the ground floor level including a management room, caretaker's toilet, common bin storage room, bulky waste room, hydrant pump room and several services rooms and risers.
- The proposed vehicular access from Ironbark Avenue frontage is located close to the eastern property boundary which is also the lowest point of the site. Pedestrian entry to the building is provided from four various points. Two from Ironbark Avenue, one from Kurrajong Road and another from the parking area. The ground floor level units facing Ironbark Avenue have direct access from the street.
- A garbage storage room is proposed at ground level of the proposed RFB. Collection of bins will be undertaken at kerbside on Ironbark Avenue.

- Stormwater runoff from the proposed development will connect to the proposed on-site detention basin located within the car park and connected to the existing stormwater infrastructure in Council verge on Ironbark Avenue.
- The proposed Landscaped Area is 869m² and constitutes 31% of site area (869/2786.8 m²).



Figure 5: Photomontage of proposed building viewed from Ironbark Avenue

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- 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;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 3.7 – Residential Flat Development in the R4 Zone.

Contributions Plans

- Liverpool Contributions Plan 2009 applies to the subject development.

5.2 Zoning

The site is zoned R4 High Density Residential, pursuant to the LLEP 2008. The proposal is defined as a *residential flat building* which is a permissible form of development in the R4 zone.

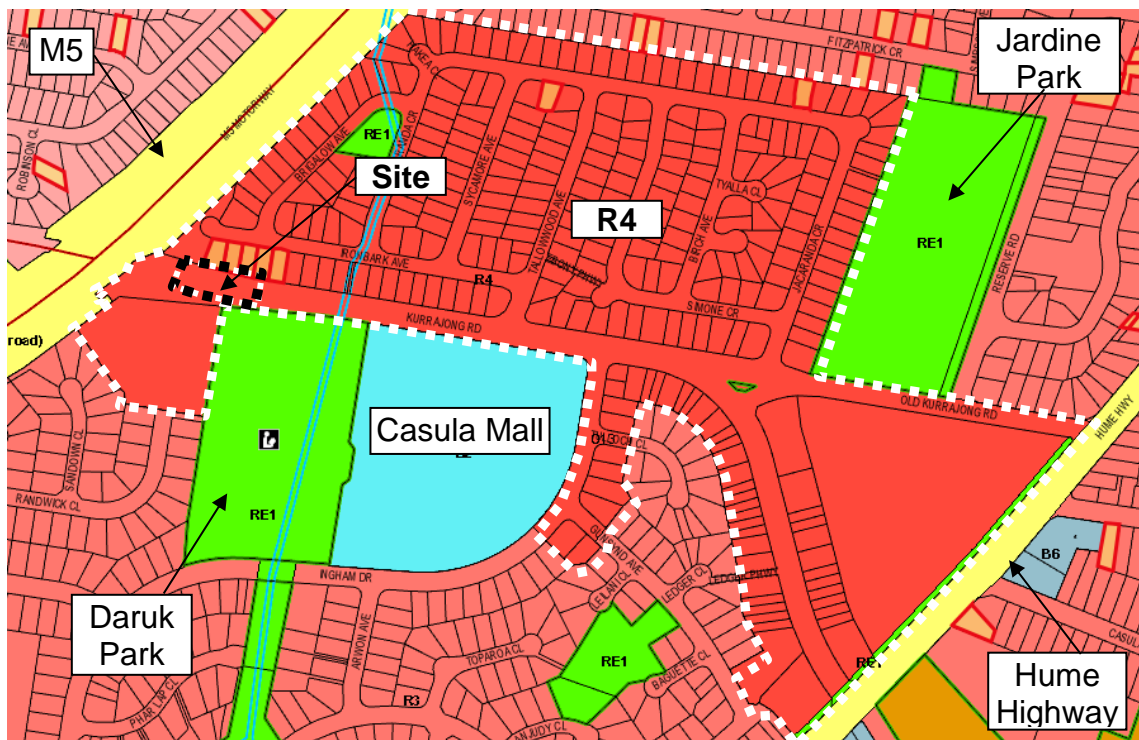


Figure 6: Extract of the LLEP 2008, zoning map

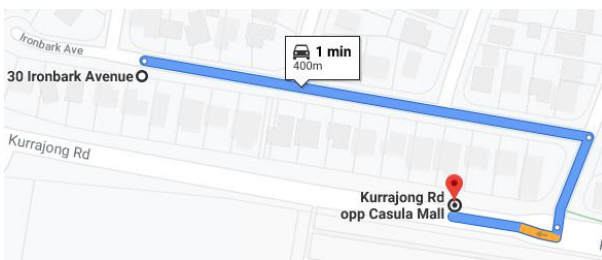
6. ASSESSMENT

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

(a) State Environmental Planning Policy (Affordable Rental Housing) 2009

The DA has been lodged pursuant to the SEPP (Affordable Rental Housing) 2009. An assessment against the relevant provisions is provided in the table below.

Provision	Comment
Part 2 New Affordable Rental Housing	
Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
<p>(1) <i>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i></p> <p>(a) <i>the development concerned is permitted with consent under another environmental planning instrument, and</i></p> <p>(b) <i>the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</i></p>	<p>Complies</p> <p>The proposed development is permitted with consent under the LLEP 2008.</p> <p>The site does not contain a heritage item.</p>
<p>(2) <i>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i></p> <p><i>‘accessible area’ means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>	<p>Complies</p> <p>The site is approximately 400m walking distance from a bus stop (Stop ID: 2170388 - Kurrajong Rd opp Casula Mall) located on the north side of Kurrajong Road.</p> <p>The proposed rear pedestrian access ways to Kurrajong Road will reduce the walking distance from the site to the same bus stop to approximately 200m.</p>  <p>The bus stop is serviced by bus route 852 that travels to and from Carnes Hill Marketplace to Liverpool via Greenway Drive & Cowpasture Road.</p> <p>The bus service frequency operate within the parameters specified in the SEPP (Affordable Rental Housing) 2009.</p>
Clause 13 Floor Space ratio	
<p>(1) <i>This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i></p>	<p>Complies</p> <p>100% of the gross floor area (GFA) of the development will be utilised for affordable housing.</p>
<p>(2) <i>The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p>(a) <i>if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p>(i) <i>0.5:1—if the percentage of the gross floor area of the development that is</i></p>	<p>Complies</p> <p>It is proposed that 100% of the GFA of the development will be utilised for affordable housing. Therefore, a bonus FSR of 0.5 is applicable.</p> <p>The total permissible FSR is 1.7:1 (1.2 + 0.5) or a GFA yield of 4,729.4m².</p> <p>The proposed GFA of 4,721m² complies with this development standard;</p>

<p>used for affordable housing is 50 per cent or higher, or</p> <p>(ii) $Y:1$—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>$Y = AH \div 100$</p>	
Clause 14 Standards that cannot be used to refuse consent	
<p>(1) <i>Site and solar access requirements</i></p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(b) <i>Site Area</i></p> <p>if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	<p>Complies</p> <p>The site has an area of 2,786.8 m² (by title)</p>
<p>(c) <i>landscaped area: if:</i></p> <p>(i) <i>in the case of a development application made by a social housing provider—a minimum 35m² of landscaped area per dwelling is provided, or</i></p> <p>(ii) <i>in any other case—a minimum of 30% of the area of the site is to be landscaped,</i></p>	<p>Considered acceptable</p> <p>The proposal has been prepared by SGCH, a social housing provider. The development contains 63 units, which equates to 2,205m² of landscaped area.</p> <p>The proposal provides for 869m² of the subject site as landscaped area, representing a shortfall of 1,366m².</p> <p>In this instance, compliance with the standard is considered to be unreasonable, given that the required 2,205m² of landscaping is equivalent to 79% of the total site area. On the other hand a private developer is only to provide 30% of the site as landscaping (Clause 14(c)(ii)). It appears that this control is intended to apply to multi dwelling and not RFB development.</p> <p>The relevant landscape requirement is contained in the ADG and LDCP, which stipulates a minimum of 25% of the site area.</p> <p>The proposed development provides approximately 869m² of landscaping area which equates to 31% of the site area. This amount of landscape area is considered acceptable.</p>
<p>(d) <i>Deep Soil Zones</i></p> <p>In relation to that part of the site area that is not built on, paved or otherwise sealed:</p> <p>(i) <i>there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and</i></p> <p>(ii) <i>each area forming part of the deep soil zone has a minimum dimension of 3m, and</i></p>	<p>Complies</p> <p>Based on a site area of 2,786.8m², a minimum deep soil zone of 418 m² (2786.8 x 0.15) is required.</p> <p>The proposed deep soil zone is approximately 518m² or 18% of site area.</p>

<p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	
<p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Considered acceptable</p> <p>The proposal has been designed to comply with the provisions of the ADG which stipulates that 70% of units of the development provide a minimum of 2 hours of solar access. The solar access provisions in the ADG is considered to be acceptable in this instance.</p> <p>On this basis, 46 units of the total 63 units (73%) receive 2 hours direct sunlight between 9am to 3pm in mid- winter.</p>
<p>(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(a) parking</p> <p>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms</p>	<p>Complies</p> <p>The proposed development requires the following parking:</p> <ul style="list-style-type: none"> - 15 x 1 bedroom requires 6 spaces; and - 48 x 2 bedroom requires 24 spaces. <p>Total requirement of 30 spaces is provided.</p>
<p>(b) dwelling size if each dwelling has a gross floor area of at least:</p> <p>(i) 35m² in the case of a bedsitter or studio, or</p> <p>(ii) 50m² in the case of a dwelling having 1 bedroom, or</p> <p>(iii) 70m² in the case of a dwelling having 2 bedrooms, or</p> <p>(iv) 95m² in the case of a dwelling having 3 or more bedrooms.</p>	<p>Complies</p> <p>Apartment sizes comply with these requirements as shown in the table below:</p>

	Unit	Br	Unit Area	Balc	Balc/ Width
<i>Ground Level</i>					
G01		2	72m ²	15m ²	
G02		2	73m ²	15m ²	
G0		2	70m ²	16m ²	
G04		2	70m ²	15m ²	
G05		2	76m ²	16m ²	
G06		2	70m ²	15m ²	
<i>Typical Level 1 to Level 3</i>					
1.01,2.01,3.01		2	72 m ²	10m ²	
1.02,2.02,3.02		2	73 m ²	13m ²	
1.03,2.03,3.03		2	70 m ²	10m ²	
1.04,2.04,3.04		2	70m ²	10m ²	
1.05,2.05,3.05		1	51m ²	8m ²	
1.06,2.06,3.06		2	70m ²	10m ²	
1.07,2.07,3.07		2	73m ²	12m ²	
1.08,2.08,3.08		2	73m ²	12m ²	
1.09,2.09,3.09		2	70m ²	10m ²	
1.10,2.10,3.10		1	51m ²	10m ²	
1.11, 2.11,3.11		2	70m ²	10m ²	
1.12, 2.12,3.12		2	70m ²	10m ²	
1.13, 2.13,3.13		1	50m ²	8m ²	
1.14,2.14,3.14		1	50m ²	8m ²	
1.15,2.15,3.15		2	70m ²	10m ²	
<i>Level 4</i>					
4.01,		2	70m ²	10m ²	
4.02		2	70m ²	11m ²	
4.03		2	70m ²	12m ²	
4.04		2	70m ²	10m ²	
4.05		1	51m ²	12m ²	
4.06		2	73m ²	12m ²	
4.07		2	73m ²	12m ²	
4.08		1	51 m ²	12m ²	
4.09		2	70 m ²	10m ²	
4.10		2	70m ²	10m ²	
4.11		1	73 m ²	9m ²	
4.12		2	70 m ²	10m ²	
(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)					
<p>It is noted that the proposed development does not comply with the standards relating to:</p> <ul style="list-style-type: none"> - Clause 14(1)(c) in relation to landscaping; - Clause 14(1)(e) in relation to solar access; <p>Subclause 3 allows for consent to be granted despite the non-compliance with the above standards relating to landscaping and solar access.</p>					
Clause 16 Continued Application of SEPP 65					
Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.			<p>Complies</p> <p>An assessment of SEPP 65 has been carried out and is found to be satisfactory as demonstrated in further discussions below.</p>		

Clause 16A Character of Local Area	
<p><i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>Complies</p> <p>The existing character of the area is comprised of single and double storey detached dwellings which was influenced primarily by the architecture of mid to late twentieth century brick and tile bungalows with hipped roofs, together with front and rear gardens.</p> <p>However, the larger area is zoned R4-High Density Residential development that will inevitably transition from low to high density residential.</p> <p>The proposed development comprises a residential flat building that accommodates a total of 63 dwellings over five storeys, above at grade parking. Although the proposed development does not strictly conform to the current character of the area, given that this is the first of its type within the immediate locality, it nevertheless conforms to the future desired character of the area.</p> <p>It is possible that adjoining lots would be constructed in accordance with the current LLEP 2008 and LDCP 2008, and the applicant has demonstrated that this can be achieved through the amalgamation of adjacent lots. As such, the proposed development generally complies with and therefore contributes to the desired future character of the area.</p> <p>It is considered that the existing and future character of the area has been given equal consideration and the delicate balance achieved in the preparation of the plans.</p>
Clause 17 Must Be Used for Affordable Housing for 10 Years	
<p><i>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</i></p>	
<p><i>(a) for 10 years from the date of the issue of the occupation certificate:</i></p> <ul style="list-style-type: none"> <i>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i> <i>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i> <p><i>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</i></p>	<p>Complies</p> <p>SGCH is a not-for-profit organisation that seek to provide affordable housing.</p> <p>Conditions of consent will be imposed to ensure compliance with this requirement.</p>

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

State Environmental Planning Policy No. 65 applies to the proposal, as the application involves residential flat buildings greater than 3-storeys in height and containing more than 4 units. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained in Part 2 of SEPP 65.

Following is a table summarising the nine (9) design quality principles outlined in SEPP 65, and compliance with such.

Design Quality of Residential Apartment Development	
Design Quality Principle	Comment
Design Principle 1 – Context and Neighbourhood Character	
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<ul style="list-style-type: none"> • The current proposal seeks consolidation of Nos. 30, 32, 34, 36 and 38 Ironbark Avenue to facilitate the proposed residential flat building development. • Existing development in the area is of low density scale comprising a mixture of single and two storey dwellings which are of an older housing stock. However, in view of the R4 High Density Residential zoning afforded to the site, the area will inevitably undergo a transition to higher density building forms. • The proposed development is located on the southern side of Ironbark Avenue and is bound by Kurrajong Road to the south. It is well located to local amenities and infrastructure with Daruk Park, Jardine Park, Casula Mall, Lurnea High School, Casula High School and Prestons Public School all located within walking distance of the site in proximate locations to the site. The site is also adequately serviced by public transport with regular bus services operating along Kurrajong Road, providing connections to a more expansive public transport network and linking the subject site to nearby suburbs, local amenities and services. • The proposal is considered to be an 'infill' development that responds to the desired future character of the area. Where possible, the proposal has made considerable effort to achieve the objectives and controls of the Apartment Design Guide as detailed in this Statement of Environmental Effects. The proposed development results in the demolition of the 5 existing houses on the sites facing Ironbark Avenue and erection of 63 residential apartments of various sizes on at grade parking level.
Design Principle 2 – Built form and scale	
<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> • The scale of the proposed development has considered the desired future character of the area and the prescriptive controls as outlined by Liverpool's planning controls and the Apartment Design Guide. The proposal is notably compliant with the applicable floor space ratio control, though a variation statement has been prepared with respect to the overall building height. The only encroachment of height occurs with the lift overrun and this is strategically located at the centre of the building to reduce visual impact. • The proposed built form of the development is divided into two distinct but integrated building blocks that breaks the massive scale into smaller components. The overall façade is adequately articulated using balconies, windows and a variety of materials to break down the monotony and evoke aesthetic appeal to the building. • In the near future, this will not be the only residential flat building in the surroundings, and consequently, as encouraged by the controls, there is a further potential for a number of other similar buildings to be developed within this area. The proposed development does not restrict adjoining sites and does not cause them to be isolated.

Design Quality of Residential Apartment Development	
Design Quality Principle	Comment
Design Principle 3 – Density	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> • The proposal provides a suitable density on the site and is within the statutory controls under the SEPP Affordable Housing and the LLEP 2008. • The subject site is afforded a maximum floor space ratio of 1:2 under the provisions of the Liverpool Local Environmental Plan 2008, with an additional 0.5:1 made available as per the development standards outlined by SEPP (Affordable Rental Housing) 2009. The proposal provides for an overall FSR of 1.7:1 which is in keeping with the numerical standard and representative of the higher densities sought within the R4 zone. • The development provides for new residential accommodation in a location where there is a demand for such accommodation. The proposed 63 units sought on the site is considered to be suitable given the site is well located to public transport, shops, services and amenities and is consistent with Council's planning instruments. Proximate bus stops service the site providing for connections to more expansive public transport networks and linking the site to nearby suburbs, local amenities and services as detailed in this report.
Design Principle 4 – Sustainability	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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</i></p>	<ul style="list-style-type: none"> • The Water, Thermal and Energy performance of the proposed residential flat building has been assessed as part of the submitted BASIX certificate prepared by Northrop. • Where possible, the principles of environmentally sensitive design have been incorporated into the development and is evident through the arrangement of floor plates to maximise north facing units, the prevalence of dual aspect units to obtain cross ventilation and built elements that promote natural daylight into apartments and projecting awnings/blade walls/screens that provide shading to recessed windows. The proposal aims to provide an environmentally friendly development. • Moreover, there is a set of guidelines the residents must abide by with regards to the overall sustainability of the building.
Design Principle 5 – Landscape	
<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>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,</i></p>	<ul style="list-style-type: none"> • A landscape plan has been prepared by Inview Design as part of the development application. • The proposal along with site appearance will be improved by the careful use of landscaping within and around the site. Deep soil areas have been incorporated throughout the perimeter of the site, allowing for plantings along the boundaries and providing for visual benefit to the street frontage. Overall, the landscaping provides for a balanced development between hard paved and soft landscaped areas throughout the site. • Ample landscaping within planter boxes and definition of passive and active recreational areas has been introduced along the east and west boundary as well as at the rooftop COS, to enhance the amenity of the development. The communal open space has been adequately landscaped to provide for better amenity of the future residents and also to soften up the building presence within its setting.

Design Quality of Residential Apartment Development	
Design Quality Principle	Comment
<p><i>solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>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.</i></p>	
Design Principle 6 – Amenity	
<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> • The design of the proposed development features a high proportion of north facing units. The proposal provides appropriate solar access (73%) and cross-ventilation (63%) of the units adding to the overall amenity of the development. Thus, natural ventilation and natural day lighting add to the amenity and reduce reliance upon mechanical equipment. The use of vegetation in the setbacks on ground level, the rooftop communal open space and in the private open spaces, are very effective. • Planning within the units achieves separation of the more active spaces from the passive rooms. Adequate private open spaces offer a variety of passive and recreational opportunities for the occupants. Walls between the apartments and those enclosing communal and service areas shall meet the National Building Code of Australia requirements to reduce the noise levels under the minimum requirements. • Ground floor units will benefit from large private open spaces. Dwellings on upper levels will benefit from large balconies and verandas with ample solar access as well as cross-ventilation.
Design Principle 7 – Safety	
<p><i>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.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> • The proposed development has made provisions for natural surveillance for both communal and public areas. The common areas will be appropriately lit to ensure safety and visibility after dark. • The entrance to the development, including private entries to the ground floor dwellings, are clearly visible from the street. Access to the building will be through a controlled security system. An intercom system will be provided adjacent to the main entry lobbies for visitor access. All common areas will be covered by CCTV. • The street numbering and the identification of the building will be clear to prevent unintended access and to assist persons trying to find the building. The proposal will also benefit from ample passive surveillance along with a large number of units facing the street. • Entry to the communal space within the site is controlled by the main security doors at the building entrances. Communal spaces are well lit and benefit from passive surveillance. • The communal open space on the rooftop creates a pleasant domain for all the family activities and minimises the safety and security issues as it is located within the building and is protected by an intercom security system that allows only residents to access.

Design Quality of Residential Apartment Development	
Design Quality Principle	Comment
Design Principle 8 – Housing Diversity and Social Interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> Housing affordability in Sydney is becoming increasingly difficult. SGCH is a recognised social housing provider that strives to provide quality affordable housing developments. All of the 63 units will be offered for affordable housing and will provide a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure. A mix of units is proposed ranging between one and two-bedroom units. The 2-bedroom layouts have been designed to demonstrate how 2 single beds could be incorporated to accommodate a family. In this regard, the proposal promotes flexible living conditions to accommodate different households. The proposal addresses lifestyle and affordability issues of the immediate area. The proposed development has been designed with a high level of social contribution in mind, not only to its residents, but to the local community. On ground level and rooftop terrace a safe and activated area for visitors and residents to meet and interact is provided. The communal rooftop garden is a common asset shared amongst the development's community. These shared facilities and spaces, will promote a real sense of community. The proposed development is designed to maximise accessibility for access impaired. Sufficient disabled car parking facilities have been provided and are located near the main access lift of the building. Passenger lifts provide easy access to all levels of the building. Further to this, each stair core has been provided with a refuge area which in itself is an amenity above and beyond that required in the National Construction Code.
Design Principle 9 – Aesthetics	
<p><i>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.</i></p> <p><i>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.</i></p>	<ul style="list-style-type: none"> It is considered that the proposed development incorporates the composition of building elements, textures, materials and finishes which all contribute to an overall high quality and aesthetically appealing development. The location of the site, and bulk and scale of surrounding existing and potential future developments have been considered in the design of the development. The internal functions and structure have been clearly expressed through the articulation and massing of the facades. The proposed built form is considered a suitable response to the site as well as desired future character of the area.

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 Apartment Design Guide (ADG). The following table provides an assessment of the development against the relevant provisions of the ADG.

Apartment Design Guide	
Provisions	Comment
PART 1 IDENTIFYING THE CONTEXT	
1A Apartment Building Types	
<i>A range of apartment building designs are presented and a variety of concepts are provided with desired building types for specific development outcomes depending on orientation, location and local context.</i>	Complies The proposed development is a row apartment. This type is consistent with the context of the locality as it provides an urban character to the major road with a private courtyard to the west. Although the orientation results in overshadowing of the courtyard in the morning, a sizeable communal open space on the roof-top is provided to off-set the lack of all-day ground level solar access.
1B Local Character and Context	
<i>Context is to be provided in relationship with the existing and desired future character and whether the proposal relates to a strategic or local centre, or is designed within the context of an urban or suburban neighbourhood.</i>	Complies The proposed building meets the zone requirements and objectives and controls for the subject site, and responds to the urban neighbourhood desired outcome, within close vicinity of public transport, Casula Mall, community, recreation facilities and educational facilities.
1C Precincts and individual sites	
<i>Individual sites especially if amalgamated should be considered in terms of desired future character of the neighbourhood and street scales, and should not restrict adjoining sites by way of causing isolation. If the site is subject to a precinct plan it must consider all relevant elements of the strategic outcome expectations.</i>	Complies The site is not subject to a precinct plan. Even-so the locality is in transition from low to a high density due to the rezoning of land. The adjoining sites can be developed to their full potential with a similar amalgamation as proposed.
PART 2 DEVELOPING THE CONTROLS	
2A Primary Controls	
<i>Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.</i>	Variations Proposed – Considered Acceptable The proposed development is considered to generally be compliant with the primary controls and provides justification where variations are proposed as discussed further in the report.
2B Building Envelopes	
<i>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</i> <i>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</i>	Variations Proposed – Considered Acceptable The proposed building envelope provides for a desired future outcome despite some minor site constraints relating to slope. The development is compliant the floor space ratio applicable to the development and design of the building incorporates the variation to the maximum height such that it is not evident in causing visual impact, and thus reducing overall impact in terms of bulk and height relative to the streetscape. This is discussed further in the report.
2C Building Height	
<i>Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.</i>	Variation Proposed – Considered Acceptable The design of the building meets the expected maximum number of floors, and despite not fully responding to the topography (cross-slope) the design of the building responds to the variation to the maximum height such that it is not evident in causing onerous physical or visual impact. As such, it provides a desired outcome in terms of bulk and height relative to the streetscape. This is discussed further in the report.

Apartment Design Guide	
Provisions	Comment
2D Floor Space Ratio	
<i>Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.</i>	Complies The FSR complies with the requirements for the proposed development and building.
2E Building Depth	
<i>Sets out the appropriate building depth and how it relates to the maximum apartment depths, helping to ensure that natural ventilation and access to sunlight. Maximum building depth 10m-18m</i>	Complies The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met.
2F Building Separation	
<i>Sets out minimum setbacks between buildings relative to height, communal open space, visual privacy Minimum separation distances for buildings are:</i> <i>Up to four storeys (approximately 12m):</i> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <i>Five to eight storeys (approximately 25m):</i> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <i>Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance. and acoustic privacy controls.</i>	Complies The proposed development is considered to be compliant with the primary controls as follows: Side boundaries: At Ground Floor & Levels 1 to 3 (up to 12m) = 6m for habitable rooms/balconies Level 4 (12>25m) = 4.5m between non-habitable rooms and 9 metres between habitable rooms/balconies
2G Street setbacks	
<i>Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.</i>	Complies The building has been setback in accordance with relevant controls.
2H Side and rear setbacks	
<i>Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.</i>	Complies The proposed development is considered to compliant with the primary controls.
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
<i>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</i>	Complies The proposed development is considered appropriate for its context. This is the first significant redevelopment of a site in the immediate locality and will set the tone for future development, while responding to the issue of the development backing onto Kurrajong Road, a major thoroughfare.

Apartment Design Guide			
Provisions			Comment
3B Orientation			
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development.			Complies The building layout has been designed to address Ironbark Avenue. The site's orientation allows the building to completely maximise the northern orientation. Strategic window location and design results in desirable amenity for future residents Overshadowing of neighbouring properties during mid-winter is appropriate as per the proposed design.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter.			
3C Public Domain Interface			
3C-1 Transition between private and public domain is achieved without compromising safety and security			Complies A transition between the private and public domain is achieved through low height front fencing while living area balconies are orientated towards the public domain to ensure a safe and secure transition between the private and public domain.
3C-2 Amenity of the public domain is retained and enhanced			
3D Communal and public open space			
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)			Complies A total area of 698m ² which constitutes 25% of the site area is designated as communal open space into 2 locations - on the ground floor and Level 4. The multiple landscape elements provide various spaces for passive or active recreation pursuits of residents of various age groups. The communal open space receives adequate sunlight during mid-winter. Communal garden beds, fixed seating, a BBQ area and lounges are provided within the development.
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting			
3D-3. Communal open space is designed to maximise safety			
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood			
3E Deep soil zones			
Site Area >1500m ² Min. Dimensions 6m Deep soil zone (% of site area) - 7%			Complies Based on a site area of 2,786.8m ² , a minimum deep soil zone of 195m ² (2786.8 x 0.07) is required. The proposed deep soil zone is approximately 698m ² or 25% of site area.
3F Visual Privacy			
Requirement:			Complies All setbacks comply with the ADG requirement.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 Storeys)	6m	3m	

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Provisions			Comment
Up to 25m (5-8 Storeys)	9m	4.5m	
3G Pedestrian access and entries			
3G-1. Building entries and pedestrian access connects to and addresses the public domain			Complies Building access areas, entries and pathways are clearly visible from the public domain. The entrance to the residential foyers is easily identifiable and distinguishable from Ironbark Avenue. Likewise both pedestrian entries from Kurrajong Road are provided with a recessed gatehouse and readily identifiable from the street.
3G-2. Access, entries and pathways are accessible and easy to identify			
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations			
3H Vehicle Access			
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			Complies The proposal provides a vehicle access from Ironbark Avenue separate from pedestrian entry points.
3J Bicycle and Car Parking			
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.			Complies Car parking has been provided as per the requirements of SEPP Affordable Housing. Access to the at-grade car parking area will require a swipe card to activate the garage door to open. At grade parking is proposed. This parking area is screened from the Ironbark Avenue street view by a combination of a solid wall, full garage door and high fencing. On the side boundary, significant tree planting is proposed. To the rear, the view from Kurrajong Road is screened by the 1.8m high palisade fencing and tree planting to soften the visual impact. A condition of consent to provide bicycle parking/storage will be imposed.
3J-2. Parking and facilities are provided for other modes of transport			
3J-3. Car park design and access is safe and secure			
3J-4. Visual and environmental impacts of underground car parking are minimised			
3J-5. Visual and environmental impacts of on-grade car parking are minimised			
3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised			
PART 4 DESIGNING THE BUILDING			
4A Solar and Daylight Access			
1. 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.			Complies A total of 73% (46 of 63) apartments achieve a minimum of two hour solar access. A maximum of 14% (9 of 63) apartments receive no solar access on June 21 between 9am and 3pm.
2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.			
4A-2 Daylight access is maximised where sunlight is limited			Complies The site provides appropriate solar access to apartments given the orientation of the site. The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months			

Apartment Design Guide									
Provisions	Comment								
4B Natural Ventilation									
<p>4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Complies</p> <p>The site analysis contained within the architectural plans illustrates that prevailing winds originate from the north east.</p> <p>Natural ventilation is maximised through a design that encourages corner units and cross-through apartments</p> <p>A total of 63% (40 of 63) apartments achieve natural cross ventilation.</p> <p>No cross-through apartments exceed a depth of 18m, when measured glass line to glass line.</p>								
<p>4B-2 The layout and design of single aspect apartments maximises natural ventilation</p>									
<p>4B-3 The number of apartments with natural cross ventilation is maximised</p>									
4C Ceiling Heights									
<p>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table><tr><td colspan="2">Minimum ceiling height for apartment and mixed use buildings</td></tr><tr><td>Habitable Rooms</td><td>2.7m</td></tr><tr><td>Non-Habitable</td><td>2.4m</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable Rooms	2.7m	Non-Habitable	2.4m	If located in mixed use areas	3.3m for ground and first floor	<p>Complies</p> <p>All floors achieve a minimum floor-to-ceiling height of 2.7m.</p>
Minimum ceiling height for apartment and mixed use buildings									
Habitable Rooms	2.7m								
Non-Habitable	2.4m								
If located in mixed use areas	3.3m for ground and first floor								
<p>4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>									
<p>4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building</p>	<p>The floor to ceiling heights at ground floor and above is consistent with the residential use.</p>								
4D Apartment Size and Layout									
<p>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none">• Studio 35m²• 1 bedroom 50m²• 2 bedroom 70m²• 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum</p>	<p>Complies</p> <p>All units meet the required minimum areas as shown on the table above in C114 of the SEPP ARH.</p>								

Apartment Design Guide																		
Provisions		Comment																
<p>internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>		<p>All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.</p>																
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>		<p>Complies</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m. The scheme complies with this requirement, noting that the proposal incorporates open plan layouts.</p> <p>No open plan layout has a habitable room depth more than 8m from a window.</p>																
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none">• 3.6m for studio and 1 bedroom apartments• 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>		<p>Complies</p> <p>All master bedrooms and other bedrooms achieve the required areas.</p> <p>All bedrooms achieve the minimum dimension</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p>																
4E Private Open Space and Balconies																		
<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum Area</th><th>Min. Depth</th></tr><tr><td>Studio</td><td>4m²</td><td></td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table> <p>2. 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 15m² and a minimum depth of 3m.</p>		Dwelling type	Minimum Area	Min. Depth	Studio	4m ²		1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>Complies</p> <p>The development provides for sufficient balcony size and depth for all units. Also, ground floor level units are provided with sufficient private open space area and minimum width requirement.</p>	
Dwelling type	Minimum Area	Min. Depth																
Studio	4m ²																	
1 bedroom	8m ²	2m																
2 bedroom	10m ²	2m																
3+ bedroom	12m ²	2.4m																
<p>4E-2 Primary private open space and balconies are appropriately located to</p>		<p>Complies</p> <p>Private open space is directly accessible from the</p>																

Apartment Design Guide											
Provisions	Comment										
<i>enhance liveability for residents</i>	living area of each unit.										
4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	The balconies are integrated into the overall design development and form part of the detail of the building.										
4E-4 Private open space and balcony design maximises safety	Translucent glass balustrades are proposed as railings for above ground level balconies.										
4F Common circulation and spaces											
4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments. 1. The maximum number of apartments off a circulation core on a single level is eight. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Complies Two circulation zones are proposed around the lift lobbies that service the east and west wings. The west wing lift services 4 apartments on the ground floor and 7 apartments on each of the first, second and third levels. Likewise, the east wing lift services 8 apartments on each of the first, second and third levels. Both lifts service the top floor units catering for 6 apartments on each wing. Both circulation zones are linked on the rooftop level via the centrally placed common open space for the use of the residents and their visitors. The circulation corridors are provided with good amenity through the central placement of lift lobbies relative to the entrance to each dwelling unit. In addition, each lift lobby adjoins a breezeway with direct access to natural light and ventilation.										
4F-2 Common circulation spaces promote safety and provide for social interaction between residents	As discussed above, the circulation corridors are designed to have good amenity centrally located lift lobbies that have direct access to natural light and ventilation which improves personal safety and is conducive to human interaction.										
4G Storage											
4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided <table> <tr> <td>Dwelling Type</td><td>Storage volume</td></tr> <tr> <td>Studio</td><td>4m³</td></tr> <tr> <td>1 bedroom</td><td>6m³</td></tr> <tr> <td>2 bedroom</td><td>8m³</td></tr> <tr> <td>3+ bedroom</td><td>10m³</td></tr> </table> At least 50% of the required storage is to be located within the apartment	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	Complies The proposal provides for storage within each apartment. These areas comply with the minimum volume specified in the ADG.
Dwelling Type	Storage volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3+ bedroom	10m ³										
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Complies Storage is provided within each apartment.										
4H Acoustic Privacy											
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Complies Noise transfer has been minimised by setting the living areas and bedrooms back from the balconies.										
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	The apartments have been configured so that quiet spaces (e.g. bedrooms) are co-located.										

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4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies An acoustic report has been provided to demonstrate the proposed apartments will not be adversely affected by external or internal noise, subject recommendations which Council's Environmental Health Officer supports.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies The development proposes the following unit mix: <ul style="list-style-type: none">One bedroom: 24% (15)Two bedroom: 76% (48)
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Complies The ground floor apartments that face Ironbark Avenue provide opportunities for passive surveillance to the street and by way of landscaping and low-level fencing achieve privacy to the residents.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies Building façades are articulated and modulated through the use of balconies, varying windows, awnings and recessed elements. Ground floor building entries are clearly defined and articulated by the façade.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies As demonstrated in the elevation drawings and photomontage a flat roof treatment is proposed, which assists in mitigating building bulk and overshadowing Rooftop communal open space is proposed. The proposal complies with requirements of BASIX and will include the required thermal insulation techniques.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Complies The landscape plan incorporates sustainable environmental design and landscaping to the site. The landscape design maximises the use of drought tolerant species.
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Complies As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and	Not Applicable The development does not propose new additions or

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<i>enhance an area's identity and sense of place</i>	adaptations to an existing building.
4R-2 <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i>	
4S Mixed Use	
4S-1 <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i>	Not Applicable
4S-2 <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i>	
4Q Universal Design	
4Q-1 <i>Universal design features are included in apartment design to promote flexible housing for all community members</i>	Complies A total of 7 apartments, which equates to 11%, are capable of adaptation.
4Q-2 <i>A variety of apartments with adaptable designs are provided</i>	
4Q-3 <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i>	
4U Energy Efficiency	
4U-1 <i>Development incorporates passive environmental design</i>	Complies The BASIX Certificate provided with the application identifies that the proposed development achieves the required levels of thermal comfort for a development of this scale. The proposed development satisfies the natural ventilation design criteria requirements
4U-2 <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i>	
4U-3 <i>Adequate natural ventilation minimises the need for mechanical ventilation</i>	
4V Water Management and Conservation	
4V-1 <i>Potable water use is minimised</i>	Complies Potable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on site, prior to being discharged into Council's stormwater system.
4V-2 <i>Urban stormwater is treated on site before being discharged to receiving waters</i>	
4V-3 <i>Flood management systems are integrated into site design</i>	
4W Waste Management	
4W-1 <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</i>	Complies The residential waste facilities are incorporated into the design of development and are not readily visible from the public domain. A separate residential waste room, bulky waste and green waste is provided on the ground floor.
4W-2 <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i>	
4X Building Maintenance	
4X-1 <i>Building design detail provides protection from weathering</i>	Complies Building has been designed and will be detailed in a manner to provide protection from weathering. Systems and access enable ease of maintenance. All plant equipment is accessible, being located at the ground level.

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	Finishes selected on the basis of reducing maintenance costs.

(c) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides direction for matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

As the proposed development is on land that is within proximity to a classified road, being M5 motorway, the consent authority must be satisfied that where the development is for the purpose of residential development, certain noise criteria is achieved for the development. Specifically Clause 102 of SEPP (Infrastructure) 2007 prescribes:

- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The application was accompanied by an Acoustic Assessment Report prepared by Acoustic Logic Consultancy (ALC) which concluded that the proposed development is capable of complying with the noise criteria, subject to the implementation of noise mitigation measures such as laminated glazing, acoustic seals around doors and windows.

Conditions will be imposed prescribing compliance with the recommendations of the Acoustic Assessment Report and noise criteria within Clause 102 of the SEPP (Infrastructure) 2007, to ensure that the proposed development incorporates noise attenuation to minimise any adverse impact from road noise. This will ensure that an appropriate level of residential amenity is achieved in accordance with the requirements of the SEPP (Infrastructure) 2007.

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

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 application was accompanied by Stage 1 Preliminary Contamination Report prepared by Ideal Geotech to ascertain whether the site presents a risk to human health and/or the environment arising from any past/present activities at the site or neighbouring properties. The scope of work included a documentary review of historical records, a site walkover, limited sampling and preliminary laboratory testing and the preparation of the report.

The assessment was undertaken in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated Sites.

The results of the chemical analyses indicate that the site does not present a risk to human health or the environment in a 'residential with garden/accessible soil' ('A') setting and is considered suitable for the sites proposed development.

The following table summarises the matters for consideration in determining development application (Clause 7).

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
<i>(1) A consent authority must not consent to the carrying out of any development on land unless:</i>	
<i>(a) it has considered whether the land is contaminated, and</i>	A Preliminary Contamination Assessment was prepared by Ideal Geotech dated October 2017 to assess the site for potential sources of contamination.
<i>(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</i>	The consultant reported that based on a desktop review, site inspection and collection of samples, the site in its current condition is suitable for the proposed residential land use.
<i>(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.</i>	Not applicable.

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

(e) State Environmental Planning Policy (BASIX) 2004

The proposal is accompanied by a BASIX Certificate (Certificate No 938743M_02 prepared by Northrop Consulting Engineers) which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

(f) 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(2)).

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

(g) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is best described as a *residential flat building*. As per the LLEP 2008, a *residential flat building* is defined as follows:

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

The proposed development satisfies the definition of a *residential flat building*. The subject site is zoned R4 High Density Residential under the LLEP 2008 and a residential flat building is permissible within the zone, subject to Council consent.

(ii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are identified as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

The proposal satisfies the above objectives of the R4 zone as follows:

- It will provide for housing needs within a high density residential environment. It is noted that while immediate development within the vicinity of the site consists of low density residential development; the area has been zoned as High Density Residential and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housing types within a high density residential environment.
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is within an 'accessible area' as defined in the SEPP ARH to be within 400 meters of a bus stop with an hourly frequency of at least a bus once every hour between 6am to 9pm Mondays to Fridays and 8am to 8pm during the week and on the weekends and public holidays.
- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

(iii) Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below.

It is noted that Clause 8 of the SEPP (Affordable Rental Housing) 2009 prescribes that *if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.* In this regard, only those provisions of the LLEP 2008 which are not in conflict with the SEPP (Affordable Rental Housing) 2009 have been considered.

Clause	Provision	Comment
Clause 2.7 Demolition	<i>The demolition of a building or work may be carried out only with development consent</i>	Complies Development consent is sought for the demolition of the existing buildings on the development site.
Clause 4.1 Minimum Subdivision Lot Size	<i>Minimum lot size of 1000m²</i>	Complies The existing 5 lots will be amalgamated resulting in a total land area of 2786.8m ²
Clause 4.3 Height of Buildings	<i>Maximum height of 18m</i>	Does not comply The maximum height of buildings for the site is 18m. The majority of the proposed building complies except for the east lift overrun that breaches the height limit by 0.5m or 2.77%.
Clause 4.4 Floor Space Ratio	<i>Maximum FSR of 1.2:1</i>	Complies

		<p>Pursuant to the LLEP 2008, the FSR for the site is 1.2:1. However, the SEPP (Affordable Rental Housing) 2009 provides a bonus of 0.5:1 for sites located in an 'accessible area' in which 100% of the units are designated for affordable housing.</p> <p>All units are designated for the purpose of affordable housing. Therefore, the total permissible FSR is 1.7:1 (1.2 + 0.5) or a GFA yield of 4,737.22m². The proposed GFA of 4,721m² complies with this development standard.</p>
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	Variation Sought A written request to vary Clause 4.3 Height of Buildings has been submitted. Further discussion is provided below.
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a total frontage of 80.2m to Ironbark Avenue and 85.975m to Kurrajong Road.
Clause 7.31 Earthworks	Provision relating to bulk earthworks	Not Applicable No earthworks proposed other than those ancillary to the development.

Discussion on variation under Clause 4.6 of LLEP 2008 development standards

As identified in the compliance table above, building height does not comply with the provisions of the LLEP 2008 and is discussed as follows:

Variation to Clause 4.3 Height of Buildings

Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 18m for the site. The majority of the proposed building complies except for the east lift overrun that breaches the height limit by 0.5m or 2.77% (See Figure below).

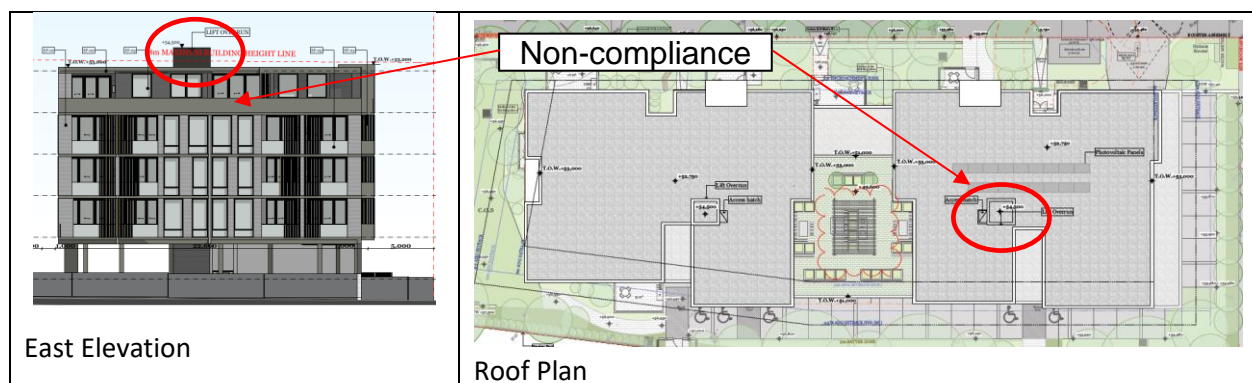


Figure 7: – Extract of the section plan showing the building elements which exceed the height limit.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance. The submitted written request to vary Clause 4.3 - height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone. These are discussed below.

The objectives of Clause 4.6 Exceptions to development standards of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

(1) The objectives of this clause are as follows—

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *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.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

1) 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 proposed variation is attributable to the increased density available on the site. In view of the context of the site, it was not considered feasible to further encroach upon the setbacks to the adjoining developments and consequently the proposed height has exceeded the maximum standard.*
- *It is noted that the greatest variation to the height control is achieved only for the lift overrun with no variation attributable to habitable floor areas. The tallest component of the building contributing to the breach in height is therefore limited to a relatively small portion of the built form comprising part of the lift overrun. The lift overrun has been centred over the site to reduce its visual prominence. No variation is sought in terms of habitable floor area, with this being contained within the prescribed maximum height control.*
- *The proposed development has been carefully designed to project a highly articulated appearance to each of the facades. The depth of the units has been limited allowing for breaks in each elevation and steps in the overall design. The use of balconies to the front and rear of the building provides for visual relief from solid external walls and aids to break up the building mass.*
- *The proposed development has also been designed to maximise solar access with 73% of the proposed units across the entire development achieving a minimum of 2 hours solar access. A total of 63% of units across the development will be naturally cross ventilated.*
- *The proposed development has been well articulated to the street frontage and proposes varying setbacks to both side and rear boundaries to ensure that the actual*

and perceived bulk of the building is minimised not only from the street but also as viewed from the adjoining properties.

- The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts. As demonstrated in the accompanying Statement of Environmental Effects the development has demonstrated compliance in terms of shadowing, privacy and visual amenity. The development positively responds to the desired future character of the area.*
- The proposal will result in a better planning outcome as SEPP (ARH) 2009, only requires that up to 50% of the dwellings be offered as affordable housing for a period of 10 years, whereas all of the proposed 63 units will be nominated as affordable housing to be managed by St George Community Housing. The proposal therefore provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by public transport services and local infrastructure, consequently, addressing housing affordability issues within the Sydney region.*
- The development is also notably compliant with the maximum 1.7:1 FSR prescribed by SEPP (Affordable Rental Housing) 2009.*

In response to the applicant's submission, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

- The development accommodates two lift lobbies, in separate wings of the building, so as to limit the number of apartments sharing a lift. Consequently, one lift overrun is located on the western portion of the site while the other lift overrun is located on the eastern portion of the site. The land has a cross fall of 2.2m from the highpoint on the south-west to the low point at north-east corner. In this regard, the lift overrun in the eastern portion of the site breaches the height limit due to difference in natural ground levels caused by the topography of the site.
- The development proposes a maximum height of 18.5m to lift overrun which represents a numerical variation of 500mm or 2.77%. However, as the lift overrun is setback from the roof slab of the floors below, there are no any adverse impacts to surrounds in terms of streetscape character and overshadowing. Considering this, the lift overrun is a breach of the height limit that is considered to be reasonable and compliance is not necessary in this instance.
- The subject site accommodates a five storey building which is an anticipated built form in a zone that permits a height of buildings of 18m. The breach in height limit mainly stems from the topography of the site. In order to achieve a compliant building height, it would be necessary to remove the fifth storey of the building thereby reducing the dwelling yield of the development and possibly the amount of affordable housing onsite; or retaining the development yield but not without substantial changes to the building design which may result in an inferior design outcome. In this case, it is considered that there is adequate environmental grounds to support a variation.
- The proposed non-compliant building height was reviewed by the DEP. The panel found that the proposed development exhibits design excellence when assessed against the design principles of SEPP 65 such as context, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.
- Given the large site area, it is considered that the proposed development is of an appropriate bulk and scale.

2) 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.*

The proposed development is considered to be consistent with the objectives of Clause 4.3 of LLEP 2008, in that notwithstanding the height exceedance, it will provide a built form that is compatible with the intended future character of the area.

The subject site accommodates a five storey building which is characteristic of development that is to be anticipated in a zone that permit a height of buildings of 18m. The proposed development is considered modern in its design with a strong presentation to the street frontages. The upper level of the building has been designed to break the bulk of the building into two separate modules/wings.

The proposal allows for a development that encourages high quality urban form with the inclusion of extensive communal open space and landscaped areas at ground level and the fourth level. Furthermore, the shadows cast by the development do not significantly alter from a compliant scheme.

Given the above, it is considered that the proposed development is consistent with the objectives of Clause 4.3 of LLEP 2008.

3) Consistency with objectives of the zone – R4 High Density Residential

The objectives of the R4 zone are as follows;

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

The proposal will provide for 63 new residential units which is reflective of the high density zone. It is acknowledged that there is a demand for more affordable housing within the Liverpool Local Government Area and the applicant responds to this need by offering 100% of the dwellings as affordable housing for a period of at least 10 years, as per the requirement under the SEPP (Affordable Rental Housing) 2009. The proposed development is consistent with other high density residential development in the LGA.

4) 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,*

As detailed above, the request to vary the development standard of Clause 4.3 - Height of Buildings is considered to be well founded and justified under the circumstances. It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site. Moreover, it is considered that achieving a greater height in this instance will allow for the creation of a high quality development within the locality and in turn represents a design outcome that is suitable for the locality.

5) 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.

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 3.7 *Residential Flat Buildings in the R4 Zone*.

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 on merit Out of the total 11 trees identified on site, 2 are proposed to be retained.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies The development will involve the removal of 9 trees. The application is accompanied by an Arborist Report, which considered that these trees were of low significant value. The proposed landscaping and tree removal has been reviewed by Council's Landscape Officer, who has raised no issues, subject to conditions and additional planting as shown in the submitted landscape concept plan.
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.	Not Applicable The site is not within close proximity to a water course.
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 control measures are implemented during the construction of the development.

Development Control	Provision	Comment
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies Council's Flood Engineers have advised that the site is not affected by flood planning and therefore flood related development controls are not applicable.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed within this report, the site is suitable for development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Complies The site is identified as containing a high 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. Submissions were received and are discussed in more detail in the next section
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: <ul style="list-style-type: none"> - 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 Car parking has been provided in accordance with the SEPP (Affordable Rental Housing) 2009.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Complies The lots will be amalgamated to meet the minimum lot size requirement and lot width requirements.
Section 22. and Section 23 Water	New dwellings are to demonstrate compliance with State Environmental	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.

Development Control	Provision	Comment
Conservation and Energy Conservation	Planning Policy – Building Sustainability Index (BASIX).	
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	<p>Complies</p> <p>During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p>On-going Waste Management: Two bin storage rooms are provided on the ground floor which will accommodate the following:</p> <ul style="list-style-type: none"> - 11 x 660L waste bins; - 11x 660L recycling bins <p>A sufficient number of bins have been provided in accordance with Council's waste management policy.</p> <p>Bins will be wheeled to the Ironbark Avenue no earlier than the evening before collection day and promptly removed after collection.</p> <p>A garbage room has been provided for the storage of bins.</p> <p>Waste is proposed to be collected once a week.</p>
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	<p>Not Applicable</p> <p>The DA does not propose any signage.</p>
Section 27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 200 units or affordable rental housing.	<p>Complies</p> <p>The application was accompanied by a social impact comment (Attachment 16).</p> <p>The development will result in a positive social impact, as it will be providing 100% affordable housing among other social benefits.</p>

Part 3.7 – Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
Frontage and Site Area		
	Minimum frontage of 24m	<p>Complies</p> <p>The site has a total frontage of 80.2m to Ironbark Avenue and 85.975m to Kurrajong Road.</p>
Site Planning		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	<p>Complies</p> <p>The building has been designed to step down and follow the land form from the highest level on the southwest corner to the lowest point on the northeast corner and minimise earthworks.</p>
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	<p>Complies</p> <p>Where possible, ground level private open space, balconies and windows have been orientated to the north to</p>

Development Control	Provision	Comment
		maximise solar access and improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies Safe access is provided directly from the street via individual pedestrian entries for each of the north facing units on the ground floor. Two additional main entrances have been provided for the lobbies on the ground floor. A driveway with a minimum width of 6.5m has been provided for vehicular access to the ground floor at grade parking.
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Complies The development is in accordance with the objectives of the zone and provides for an appropriate built form.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate	Complies This aspect has been reviewed by Council’s technical officers, who have recommended approval subject to conditions.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Complies As demonstrated within this report, the development generally demonstrates compliance with SEPP 65.
Setbacks		
Front Setback	Front setback of 5.5m is required. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Complies A front setback of 5.5m is provided.
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3 Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	Not Applicable The side and rear setbacks of the development have been designed to achieve compliance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	
Landscaped Area and Private Open Space		
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Complies Based on a site area of 2786.8m ² , a minimum landscaped area of 696.7m ² is required. The proposed development provides approximately 869m ² of landscaping area which equates to 31% of the site area.
	A minimum of 50% of the front setback area shall be landscaped area	Complies

Development Control	Provision	Comment
		Majority of the front setback area to Ironbark Avenue is landscaped area.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Complies Landscaped areas are generally consolidated within the front, side setbacks and rear setback areas.
	Promote landscape health by supporting for a rich variety of vegetation type and size	Complies A variety of native plant species are provided.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies Communal open space areas are provided to the west of the building on the ground level along the side boundary and another area on the rooftop.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	Complies The ground floor level COS will receive solar exposure from midday onwards while the roof top COS will receive sufficient solar access throughout the day. The ground floor level COS have sufficient space and facilities to allow active or passive recreation for all ages. The rooftop are provided with BBQ facilities, tables and seating for a range of leisure activities.
	Locate open space to increase the potential for residential amenity.	Complies The communal open space increases residential amenity.
Private Open Space	Private open space shall be provided as follows: - 10m ² for a dwelling size less than 65m ² - 12m ² for a dwelling size over 65m ²	Complies Private open space requirements are provided in accordance with the requirements of the ADG.
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies Private courtyards are provided for units on the ground floor and balconies are provided for units above the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings.	Complies The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is

Development Control	Provision	Comment
	c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	highly articulated and designed to suit the site and address the streetscape.
Roof Design	Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	Complies The proposed roof design contributes positively to the design of the building.
Building Entry	Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	Complies Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	Complies The majority of the units and the communal open space will receive adequate solar access.
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Complies The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Complies The ground floor units will complement the streetscape and provide safe access.
Security	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings.	Complies The entrance to the building is clearly defined, causal surveillance opportunities exist, and the development provides a safe and

Development Control	Provision	Comment
	b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	secure building for future occupants and visitors.
Natural Ventilation	Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	Complies All units have direct access to natural ventilation.
Building Layout	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Complies Proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume of 8m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage.	Complies Adequate storage spaces are provided within units.
	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage areas within the building are adequately lit.
Landscaping and Fencing		
Landscaping	Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	Complies The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.
Planting on Structures	a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards. b) To encourage the establishment and healthy growth of trees in urban areas.	Complies Landscaping on the rooftop communal open space is provided and detailed within the landscape plan.

Development Control	Provision	Comment
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Complies The front fencing is comprised predominantly of a 900mm high palisade metal fencing. A 1.5m high slatted fence is proposed on the COS areas located on the western side of the building.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	
	The front fence must be 30% transparent.	
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	
	The maximum height of side boundary fencing within the setback to the street is 1.2m.	Considered acceptable No side boundary fencing on the setback area is proposed to the east. To the west, both 1.5m and 1.8m high fencing is proposed so as to provide for the privacy of COS
	Boundary fences shall be lapped and capped timber or metal sheeting.	Complies Fencing to be provided as required.
Car Parking and Access		
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Not Applicable Parking spaces have been provided in accordance with the SEPP (Affordable Rental Housing) 2009. As such, no visitor spaces are required.
	Visitor car parking shall be located between any roller shutter door and the front boundary.	
	Pedestrian and driveways shall be separated.	Complies Pedestrian walkways and vehicular driveways are separate.
	Driveways shall be designed to accommodate removalist vehicles.	Complies Driveway has been designed to accommodate a range of vehicle types.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Not Applicable Side vehicular entrance is not appropriate in this instance.
	Give preference to underground parking	Complies Underground parking is not provided because of prohibitive costs.
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	Complies Pedestrian entries are clearly defined and accessible from the street via compliant common pathways, doors, lifts and corridors. All common area are accessible.
Amenity and Environmental Impact		
Over-shadowing	Adjoining properties must receive a minimum of three hours of sunlight	Complies The submitted shadow diagrams demonstrate that the proposal will not

Development Control	Provision	Comment
	between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	impact the ability of adjoining sites to receive a minimum of three hours of sunlight between 9am and 5pm on 21 June. There are no adjoining properties to the south where most of the overshadowing occurs.
Privacy	Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Complies The building has been designed to largely comply with the building separation distances of the ADG, which will ensure that a reasonable amount of privacy is afforded to future development.
Acoustic Impact	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	Complies The development is able to achieve an acceptable level of amenity, subject to the implementation of noise attenuation measures as recommended in the submitted Acoustic Report
Site Services		
	Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	Complies All required site services will be provided to the site and maintained.

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

Built Environment

This section of Liverpool is zoned R4 - high density residential and the proposal is therefore considered consistent with the long term future character of the locality.

Natural Environment

The proposed development requires the removal of 9 and retention of 2 existing trees which is unlikely to cause detrimental impact to any endangered and non-endangered species of flora and fauna. The proposed landscape plan shows appropriate planting of at least 40 new medium to large sized trees and establishment of vegetation within the setbacks.

(b) Social Impacts and Economic Impacts

The development is likely to result in a positive social impact within the locality as it will be providing 100% of the dwellings within the development for affordable housing.

The development will also result in a positive economic impact through the employment opportunities generated during the construction phase and on-going maintenance of the development.

Liverpool Contributions Plan 2009

The Liverpool Contributions Plan 2009 provides information on the extent of anticipated new development, the extent of new public services and amenities needed to support the new development and the contributions that the new development must make to fund the public services and amenities.

Accordingly, the payable Section 7.11 Contribution fee for the development proposed is \$119,129, subject to the CPI applicable at the time of payment.

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

The site is considered to be suitable for the proposed development.

The proposal is generally compliant with the provisions of SEPP (Affordable Rental Housing) 2009, SEPP 65 (Design Quality of Residential Apartment Development), LLEP 2008 and LDCP 2008 as outlined in the report.

The identified variations have been considered and are supported as they do not result in any long term adverse impacts. Overall the development is considered to satisfy the relevant controls for site selection.

6.8 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:

Internal Departments	
Department	Comments
Land Development Engineering	No objection, subject to conditions.
Natural Environment (Landscape and Flora)	No objection or specific conditions.
Traffic Engineering Branch	No objection, subject to conditions.
Waste Management	No objection, subject to conditions.
Heritage Advisor	No objection or specific conditions.

(b) External Referrals

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

Authority	Comments
NSW Police	No response was provided

(c) Community Consultation

The DA was notified in accordance with LDCP 2008 from 5 to 20 September 2018. The period was extended further from 24 September to 8 October 2018 as requested by a number of neighbours to give them time to study the published documents and prepare their submissions. There were a total of 24 original submissions (rest were duplicates) and one petition containing 102 signatories, some of whom have previously submitted individual objections.

On 27 September 2018, upon request of some residents, a meeting was conducted in the Council building between 15 residents, a councillor and 2 council planners to discuss issues relating to the development application. Some residents also approached the local state member to provide representation through a submission.

Due to significant community interest in the application, another notification was conducted between 10 to 29 April 2019. Upon request of residents, the deadline was extended to 6 May 2019 to allow for more time to prepare submissions as the period coincided with school holidays. A total of 29 submissions were received, a significant number were the same respondents that raised the same issues in the previous notification including a photocopy of the previous petition.

The following is a summary of the submitted objections combined into common and unique issues alongside corresponding comments.

Issues	Comments
Out of character	
<ul style="list-style-type: none">• The area is for quiet small houses, not RFB's• The proposal is out of place. We are a residential neighbourhood of 1 and 2 storey building area with many kids, pets and grandparents.• This is not Liverpool (CBD), Sydney or Newtown.• This 5 storey building with 63 units is far too large for the site. It will not fit within the local context.• The proposed development is in stark contrast to the immediately surrounding homes and the wider area.• This development will set a precedence for others to follow.• This type of development is for main roads, not small private streets.	<p>The land and the locality is zoned R4 – High Density Residential. Residential Flat Buildings are types of development that are encouraged within the R4 Zone. It is noted that the dimensions and area of the site meets the site requirements for residential flat buildings. In addition, the prescribed FSR for the site of 1.7:1 has been complied with.</p> <p>In considering the proposed development, it is noted that the desired future character of the locality is for greater density residential developments. In this case, essential services such as water and sewage are considered at the strategic planning level to ensure that redevelopment of the locality is viable.</p> <p>The site backs on to Kurrajong Road which is a main road (not a small street) and the proposed residential flat building benefits from this proximity which allows future residents access to a well serviced bus stop nearby.</p>

Future tenancy of the RFB	
<ul style="list-style-type: none"> • Undesirable people will live in these apartments which will impact our livelihood. • These streets mainly house retired people who enjoy a quiet life. 	<p>The proposed tenant mix supports a safe and viable community. The residents are drawn from the social housing register and will make up approximately 70% of the occupants. The applicant assures that it operates a sensitive allocation policy which ensures tenant mix is appropriate for the building and its location.</p> <p>SGCH is required to provide support to tenants to assist in the maintenance of tenancies as well as relevant support. The properties will also be advertised as affordable housing and offered to local key workers that earn low to moderate incomes.</p> <p>An on-site manager's office has been provided at the ground floor level. The tenancy manager is responsible in supporting the residents, resolve any disputes and respond to any complaints that arise.</p> <p>The office will be staffed on an as-needs basis appropriate to the needs of the building and tenants.</p> <p>Issues and complaints can be raised thru the SGCH call centre that has an after-office number.</p> <p>A CCTV system may monitored on-site and can be accessed remotely from any of the SGCH office locations.</p>
Car parking and traffic movement	
<ul style="list-style-type: none"> • Many people that live along the street have cars and trailers, where are they going to park. • There is insufficient room for parking for this many people, let alone for their visitors. • There are only 30 car parking spaces for 126 people. This does not include visitors. • How is garbage collected when cars are parked on both sides of the narrow street. • There will be increased difficulty in manoeuvring large vehicles and make access for emergency vehicles difficult or hindered • There will be increased traffic movement along Ironbark Ave and spill over into adjoining streets of Jacaranda, Brigalow and Tallowood. Parking and traffic from Casula Mall already impacts on the street network. Tallowood is a bottleneck in the 	<p>The application was accompanied by a traffic report which was referred to Council's Traffic Engineering Unit for review.</p> <p>Council's Traffic Engineering Unit concurs with the submitted report which concludes that the surrounding road network has the capacity to accommodate the increased traffic generated by the development.</p> <p>In regards to car parking, while lower than Council standards, the application complies with the SEPP ARH parking requirements. The parking is considered sufficient as the site is located in an 'accessible area' as defined by the SEPP (ARH) being within 400m walking distance of a bus stop used by a regular bus service.</p> <p>The SEPP does not require the provision of visitor car parking spaces for the development.</p>

<p>morning and afternoon during pick up and dropping of children to the bus stop.</p> <ul style="list-style-type: none"> It will increase noise, safety for children playing nearby. 	<p>The development proposes a single driveway (2 cars wide) so that the remaining frontage of the site will be available if on-street parking is required.</p> <p>The proposed development was accompanied by an acoustic assessment report which considered the impact of local noise sources on the units and the potential impact of the new residential flat building on the existing environment. The report concluded that all potential acoustic issues can be managed to comply with published guidelines and that the development will not cause a noise nuisance.</p>
Privacy	
<ul style="list-style-type: none"> There are windows and balconies on the eastern elevation that overlook into bedrooms, backyards, and bathroom of adjoining dwellings. Units on level 3 will have direct views to adjoining properties and backyards. 	<p>The proposed development is designed to comply with the ADG building separation requirements. Such distances are considered to be appropriate to preserve privacy of the adjoining properties to the east and west.</p> <p>However, to further limit any overlooking into private open spaces and windows of adjoining properties, privacy screening up to 1.5m will be required for the entire opening of balconies facing adjoining properties to the east and west.</p> <p>The proposed full height windows facing adjoining properties are a combination of a fixed panel at the bottom with an operable awning window above. The bottom fixed panel will be translucent. The windows will also be fitted with internal blinds to minimise overlooking.</p> <p>A condition of consent is provided.</p>
Infrastructure	
<ul style="list-style-type: none"> A conservative estimate would be a minimum of around 126 people living in the unit block. The roads, stormwater and sewerage in the area have not been upgraded. 	<p>The site is located within an established urban context where essential services including water, sewerage and electricity are available.</p> <p>A standard condition is imposed that requires the applicant to obtain a certificate from service providers (i.e. Sydney Water) to confirm that there is adequate capacity to accommodate the development.</p> <p>The site also benefits from its proximity to the Casula Library and Daruk Park to the south and Jardine Park to the northeast.</p>

Landscaped area	
<ul style="list-style-type: none"> The proposal does not meet the requirement for landscape area of 35m² per dwelling. 	<p>A variation on this condition was sought by the applicant as it will be unreasonable to impose this condition which clearly was intended for multi dwelling developments and not for a RFB typology.</p> <p>The proposed landscape area complies with the SEPP (ARH) requirement of 30% of the total site area which applies to private developers.</p>
Environmental	
<ul style="list-style-type: none"> The summer breeze blows from the south. The large development will block the summer breeze, increasing the temperature in our home and reducing our air flow in summer Increased exhaust fumes as a result of increased traffic. Noise, dust and underpinning during construction There is a bush corridor which would be nearly adjacent to the proposed development. Dharruk Park is recognised as flood zone area and is designed to catch flood water. 	<p>There is no basis on the assertion that the proposed development will block the summer breeze and increase the temperature.</p> <p>The development of the site does not impact or is it impacted by either the bushland to the west or Daruk Park to the south.</p> <p>The submitted Traffic report concluded that additional traffic generated by the proposed development is minor and with no noticeable impact on the existing road network.</p>
Overshadowing	
<ul style="list-style-type: none"> The proposal will overshadow existing dwellings. 	<p>The difference in scale now permitted for development in the R4 zone compared to the established single storey development means that there will be shadow impacts as the area transitions from low to high density development. In this case, the main impact will be to the south site which is Kurrajong Road.</p> <p>However, adjoining properties to the east and west will also be overshadowed at different times of the day. The submitted shadow diagrams for the midwinter solstice shows that these properties will still receive sufficient amount of solar access as prescribed by the standards.</p>
Property values	
<ul style="list-style-type: none"> Value of surrounding properties will be reduced 	<p>The impact of development on adjoining property values is not a planning concern.</p>

Way of life and livelihood	
<ul style="list-style-type: none"> • Most existing residents are retired and have been living in the area for over 40 years with established connections and way of life. Introducing short term subsidised housing tenants will take away the sense of security. • Not in the community interest but only to the developer. 	<p>Affordable rental housing developed under the SEPP (ARH) must be rented to very low and moderate income households for at least 10 years. It must be managed by a registered community housing provider such as the applicant, SGCH that has been in operation for at least 30 years and has under its portfolio over 6,300 properties providing homes to about 11,000 people.</p> <p>Future tenants will include people with special housing needs as well as key workers (i.e. teachers, nurses, police officers) who are assigned to an area and cannot obtain affordable accommodation near their place of work.</p> <p>Introduction of this population group into the existing community will bring about diversity and enhance sustainability. It is in the interest of the wider community.</p> <p>While it may bring some apprehension and discomfort to some established communities and neighbourhoods, the site and its environs has been zoned to accommodate RFB's including affordable housing and will inevitably change the demographic profile overtime.</p>

The issues raised in the submissions are considered to contain varying degrees of relevance and have been considered in the assessment of the application.

6.9 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.
- 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 development will generate a social benefit for the community, given the provision of affordable rental housing, which will be managed by a not-for-profit social housing provider.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

8 RECOMMENDATION

That DA-681/2018 be approved, subject to conditions.

9 ATTACHMENTS

1. Architectural plans, demolition plan & landscape plans
2. Survey plan and Stormwater Concept Plans
3. Recommended conditions of consent
4. Statement of environmental effects and clause 4.6 variation written justification to height
5. Sepp 65 Design Verification Statement
6. Acoustic Assessment Report
7. Arborist Report
8. Access Report
9. Traffic Report
10. Geotechnical Assessment report
11. Waste management plan
12. Phase 1 contamination report
13. BASIX certificate and house energy rating
14. Design excellence panel comments
15. SWCPP – Record of Briefing
16. Social Impact Comment