

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

SSWPP No	PPSSWC-130
DA Number	DA-33/2021
Local Government Area	Liverpool City Council
Proposed Development	<p>Concept development application for a mixed use development as part of the Edmondson Park Town Centre comprising of residential apartments, retail/commercial floor space and supporting roads and infrastructure</p> <p>The proposed development is identified as Nominated Integrated Development requiring an approval from the Natural Resources Access Regulator under the Water Management Act 2000. The proposed development is identified as Integrated Development requiring an approval from the NSW Office of Environment and Heritage under the National Parks and Wildlife Act 1974. The proposed development is identified as Integrated Development requiring an approval from the NSW Rural Fire Service under the Rural Fires Act 1997.</p>
Street Address	164 & 170 Croatia Avenue, Edmondson Park LOT 25 DP 228850, LOT 26 DP 228850
Owner	Super Star Holding Group Pty Ltd
Date of DA Lodgement	12 January 2021
Applicant	File Planning And Development Services
Number of Submissions	Two
Regional Development Criteria pursuant to Clause 2 of Schedule 7 of the SEPP (State and Regional Development) 2011.	The future proposal has a capital investment value of over \$30 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: Section 4.15(1)(a)(i)</i> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021;</i></li> <li>• <i>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021;</i></li> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021; and</i></li> <li>• <i>Liverpool Local Environmental Plan 2008.</i></li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <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> <ul style="list-style-type: none"> <li>• N/A</li> </ul> </li> <li>• <i>List any relevant development control plan: Section 4.15(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>• <i>Edmondson Park South Development Control Plan 2012.</i></li> <li>• <i>Liverpool Development Control Plan 2008.</i> <ul style="list-style-type: none"> <li>• <i>Part 1: General Controls for All Development.</i></li> <li>• <i>Part 2.11: Land Subdivision and Development in Edmondson Park.</i></li> </ul> </li> </ul> </li> <li>• <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)(iiia)</i> <ul style="list-style-type: none"> <li>• <i>No planning agreement relates to the site or proposed development.</i></li> </ul> </li> <li>• <i>List any relevant regulations: 4.15(1)(a)(iv)</i> <ul style="list-style-type: none"> <li>• <i>Consideration of the provisions of the National Construction Code.</i></li> </ul> </li> </ul>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li>1) Recommended Conditions of Consent</li> <li>2) Collated External Referral Advice</li> <li>3) Statement of Environmental Effects</li> <li>4) Clause 4.6 Variation</li> <li>5) Urban Design Study</li> <li>6) ADG Compliance Table</li> <li>7) Design Verification Statement</li> <li>8) Landscape Plans</li> <li>9) Landscape Concept</li> <li>10) Landscape RFI Response</li> <li>11) Landscape Specification</li> <li>12) Traffic Impact Assessment</li> <li>13) Civil Plans</li> <li>14) Temporary Works</li> <li>15) Stormwater Memo</li> <li>16) Utility Servicing Report</li> <li>17) Detailed Site Investigation</li> <li>18) Geotechnical Report</li> <li>19) Aboriginal Cultural Heritage Assessment Report</li> <li>20) Response from applicant to Heritage NSW</li> <li>21) Cost Estimate Report</li> </ol>

	22) Social Impact Assessment 23) Bushfire Report Addendum 24) CPTED Report 25) Waste Management Plan 26) Ecological Advice 27) Ambient Electromagnetic Field Measurement Assessment 28) DEP Minutes 29) SWCPP Briefing Minutes May 2022 30) Bushfire Report
Recommendation	Approval subject to conditions
Report by	Robert Micallef
SWCPP Meeting Date	05 September 2022

<b>Summary of Section 4.15 matters</b> Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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? <i>*Note: Variations to Development Standards under the appropriate SEPP are made under Clause 28 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021*</i>	<b>Yes</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.11)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>Yes</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>

## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the report

Pursuant to Part 2.4, Clause 2.20 of the State Environmental Planning Policy (Planning Systems) 2021, the Sydney Western City Planning Panel is the determining body as the Capital Investment Value of the future development is over \$30 million, pursuant to Clause 2 of Schedule 6 of the SEPP (Planning Systems) 2021.

### 1.1 The proposal

Concept development application for a future mixed use development including commercial, business/retail and residential floor space, and associated parking and public domain works.

Development consent is sought for a Concept DA that proposes mixed-use development as part of the Edmondson Park Town Centre. The Concept Development Application comprises of the following (subject to the current design):

- Mixed use development across eight buildings comprising of a total of 59,122.8m<sup>2</sup> of new floor space as follows:
  - 56,591.6sqm of residential floor space providing 674 apartments.
  - 2531.2sqm of retail/commercial floor space providing 24 small tenancies within close proximity to the station and station plaza
- Four basement car parks to service each of the development sites providing for loading, waste servicing and 814 car parking spaces.
- New streets to extend the road network from the adjacent Landcom Town Centre North site consistent with the Edmondson Park South Part 3A Concept Plan approval.
- Drainage infrastructure to enable drainage of the site to two legal points of discharge to the proposed Council bioretention basins along Maxwells Creek.
- Dedication to council of 12,631sqm of riparian open space zoned RE1 Public Recreation to support planned creek realignment, drainage infrastructure and open space.

The development is proposed into four (4) stages each comprising of two buildings to facilitate the delivery of streets.

## **1.2 The site**

The subject site is identified as Lot 25 & 26 in DP 228850, being 164 and 170 Croatia Avenue, Edmondson Park. An aerial photograph of the subject site is provided below (**Figure 1**).

## **1.3 The issues**

It is considered that the main issues with the concept application revolve around exceedance of the height of buildings development standard, compliance with the Apartment Design Guidelines including guidelines surrounding solar access, building separation and visual privacy as well as building setbacks from the street within the precinct. These issues are considered to be addressed within the concept proposal and have been dealt with through conditions of consent which will apply to any future development application for the subject site.

## **1.4 Exhibition of the proposal**

The development application was advertised from 3 February to 4 March 2021 and 13 July to 10 August 2022 in accordance with Liverpool Community Participation Plan 2019. Three submissions have been received for the proposal. Discussion pertaining to the concerns raised in the submission are provided further in this report.

## **1.5 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act (EP&A Act) 1979. Based on the assessment of the application it is recommended that the application be approved, subject to the recommended conditions of consent.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lot 25 & 26 in DP 228850, being 164 and 170 Croatia Avenue, Edmondson Park. An aerial photograph of the subject site is provided below.



**Figure 1:** Aerial photograph of the Site (Source: GeoCortex, Liverpool City Council)

The site is an irregular shaped allotment consisting of two existing lots. It consists of a gradual slope from the north-east corner (RL47.94) to the south-west corner (RL56.25) of approximately 8.31 meters over a distance of 346 meters.

The site has an area of 42,920m<sup>2</sup>, with a developable area of 30,289m<sup>2</sup> and the following dimensions (Figure 3 below):

**North Boundary** (Frontage to Croatia Avenue) = 90.065 metres.

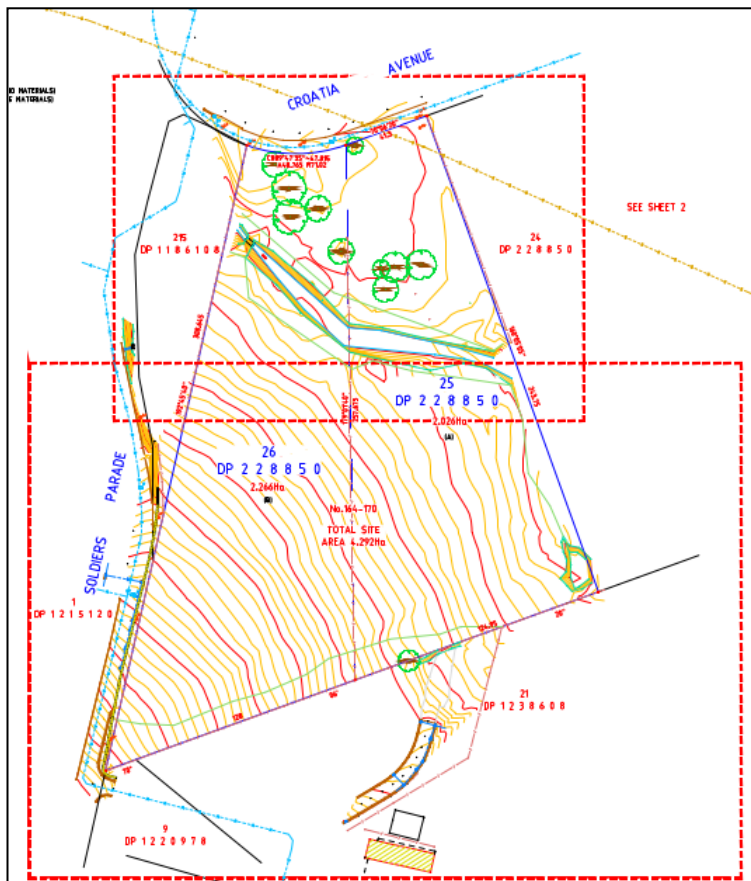
**South Boundary** (Rear) – 128m & 124.95m = 252.95 metres

**East Boundary** – 243.75 metres

**West Boundary** (partially fronting Soldiers Parade) – 308.645 metres



**Figure 2:** Aerial of Developable Area overlaid on Site. (Source: GeoCortex, Liverpool City Council)



**Figure 3:** Site Survey Plan (Source: StrataSurv, Draw No. 4418DT01a2, Rev. A dated 5/05/2020)

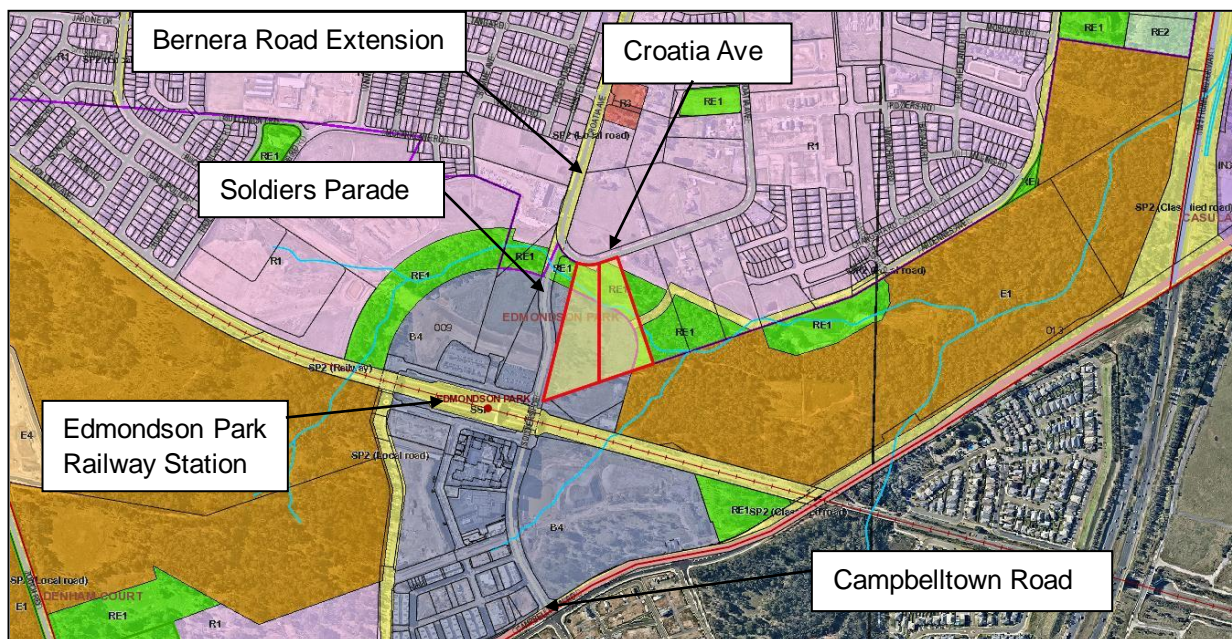


The site contains medium vegetation cover toward the north and a cluster of smaller trees running from the central west portion along the boundary towards the south-west corner and along the southern boundary connecting to the heavily vegetated nearby site to the east. Currently the site is vacant, and no structures are located on site. Maxwell's Creek transverses the site from the central east to the north west.

## 2.2 The locality

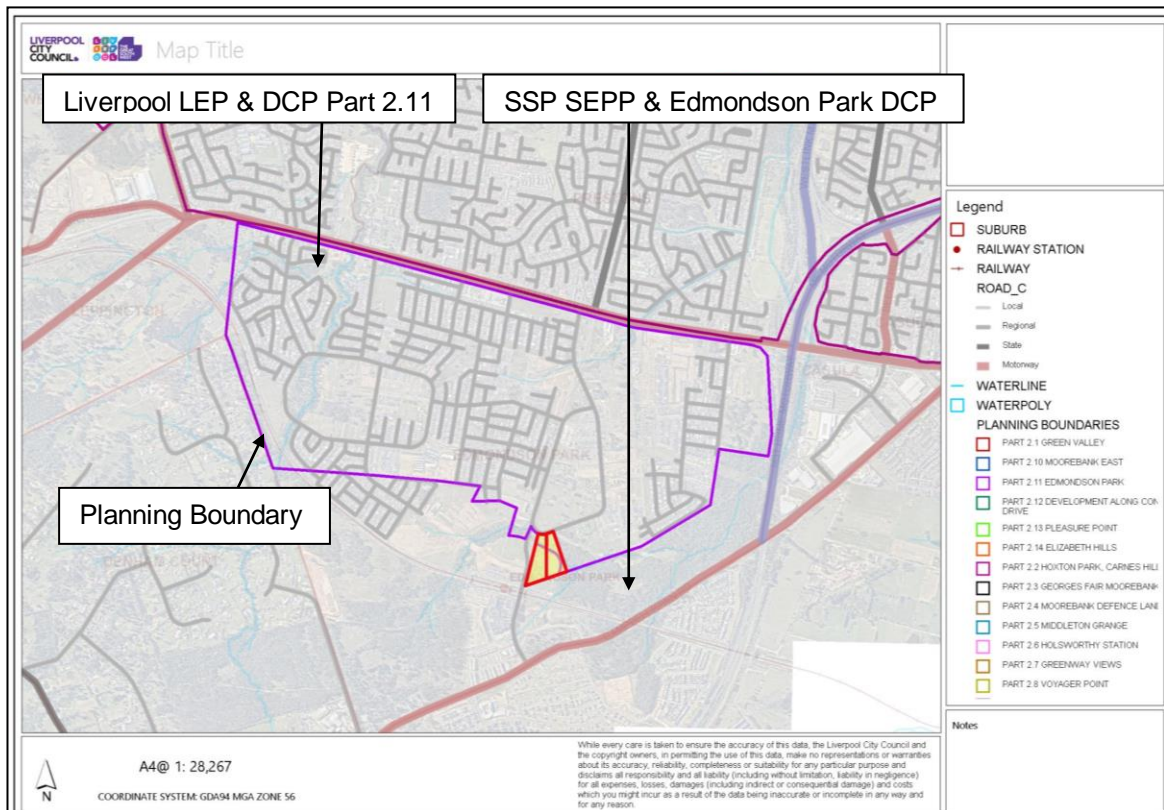
The subject site is located at the junction of Soldiers Parade and Croatia Avenue and is bound by (Figure 4):

- Edmondson Park Railway Station is approximately 100 meters to the West,
- Campbelltown Road and the border with Campbelltown Council is approximately 395 meters to the South;
- Soldiers Parade bounds the site to the west.
- Croatia Avenue bounds the site to the north; and
- Bernera Road extension is approximately 55 meters to the North West of the site.



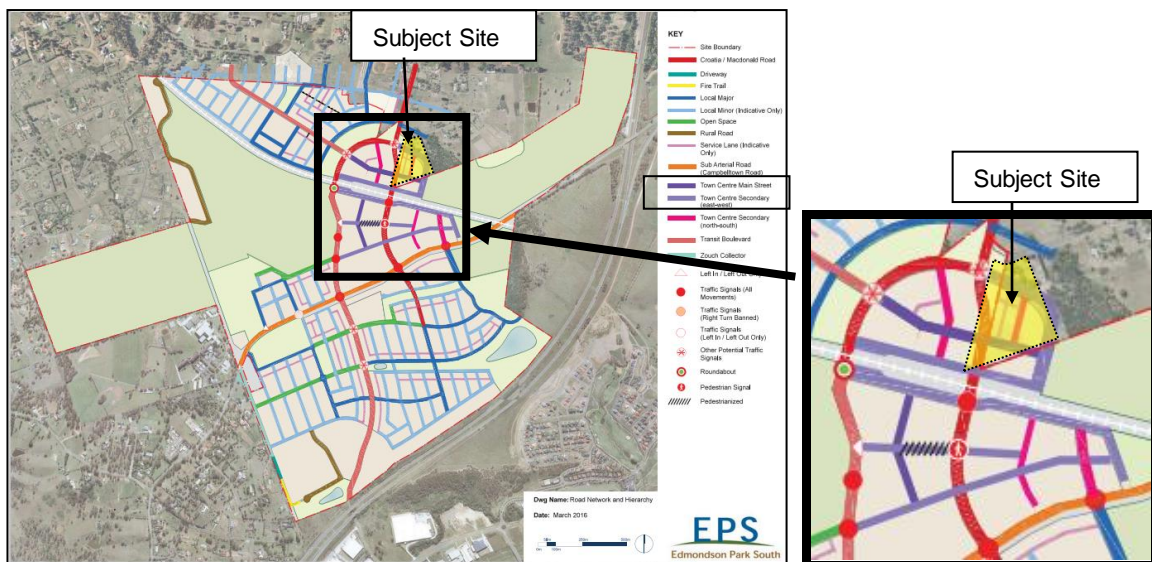
**Figure 4:** Site location and surrounding land use (**Source:** Geocortex Data, Liverpool City Council)

The north part of the site which is predominantly the RE1 zoned land is subject to Liverpool Local Environmental Plan 2008 (LLEP) and Liverpool Development Control Plan 2008 (LDGP) and the southern portion of the site is subject to the controls under State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Edmondson Park Development Control Plan 2012 as planning boundaries divide the site Figure 5 below:



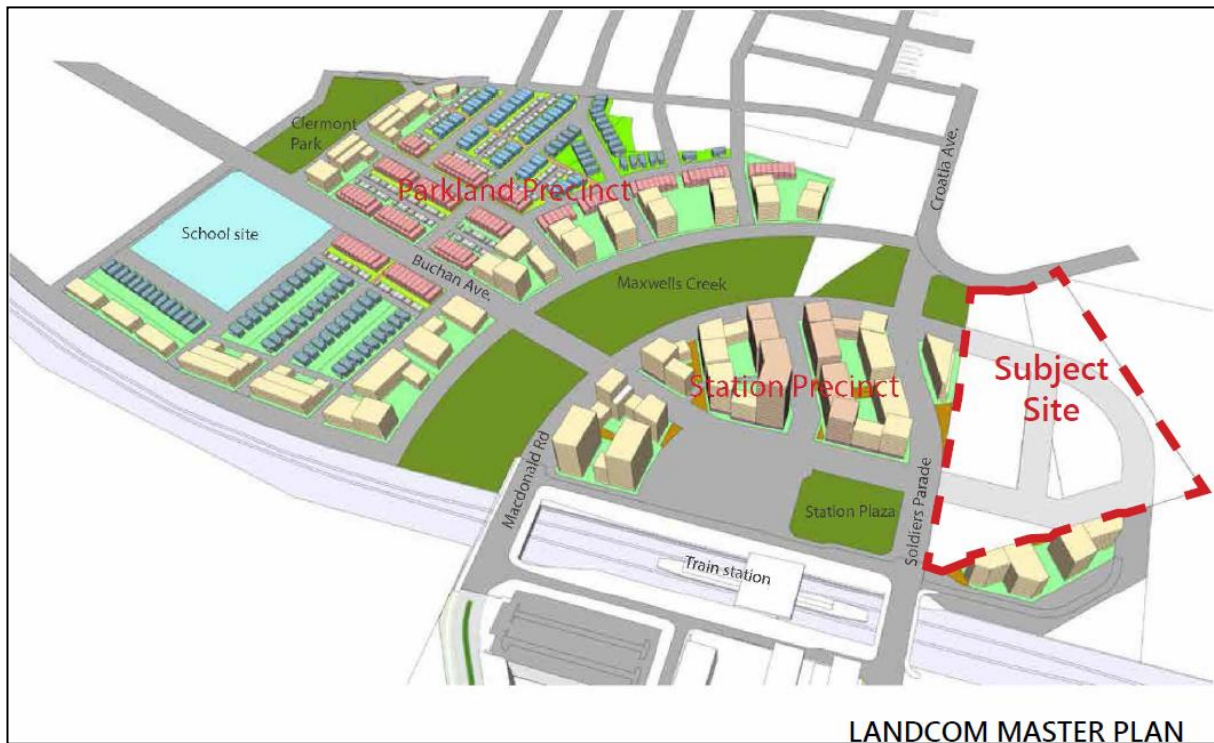
**Figure 5:** Site Location and Planning Boundaries Map (Source: Geocortex Data, Liverpool City Council)

A portion of the site is located within the Edmondson Park Town Centre precinct which straddles the site to the South, South-West and West (Figure 6 & 7 below):



**Figure 6:** Edmondson Park Concept Masterplan MO10\_0118 indicating the Town Centre development in context to the Landcom Masterplan. Town centre streets are marked in purple (Source: Landcom, dated March 2016)





**Figure 7:** Proposed Landcom Masterplan showing subject site in relation to the rest of Edmondson Park Town Centre. (**Source:** Tony Owen Partners, dated September 2020)

## 2.3 Site affectations

The site has the following affectations:

- Bushfire Prone Land (93%)
  - Vegetation Category 1 (7%)
  - Vegetation Category 3 (93%)
- Partly Flood Prone Land
  - *High Flood Risk* (2%)
  - *Medium Flood Risk* (40%)
  - *Low Food Risk* (8%)
- Environmentally Significant Land (2%)
- Potentially Salinity
- Potentially Contaminated Land
- Partly Mapped for Land Acquisition
- Aboriginal Cultural Heritage Affectation

## 3. BACKGROUND

### 3.1 History of Site Applications

Application	Proposal	Lodged	Determined
TP-442/2010	Removal of twenty-five trees (On Lot 26)	9 June 2010	Refused on 17 June 2010
CD-82/2018	Demolition of existing brick cottage and associated temporary structures. (On Lot 25)	30 January 2018	Approved on 30 January 2017 (via private certifier)

PL-39/2020	Development at Edmondson Park North of the station on a 4.3ha site, for the purpose of residential flat buildings, estate works and ancillary development. (On Lot 25)	19 May 2020	N/A
DA-33/2021	Concept DA for a mixed use development as part of the Edmondson Park Town Centre comprising of 676 residential apartments, 2000sqm of retail floor space, a child care centre and supporting roads and infrastructure Liverpool City Council is the consent authority and the Sydney West City Planning Panel has the function of the determining authority. (On Lot 25 & 26)	12 January 2021	Current Under Assessment

### 3.2 Design Excellence Panel Briefing

The concept proposal was presented to Council's Design Excellence Panel on 2 occasions prior to lodgement and 1 occasion during the development application. The concept application was presented on 9 June 2020, 10 December 2020 and 11 March 2021.

The comments from the final DEP meeting on 11 March 2021 are summarised as follows with a response from the Applicant and Council;

#### DEP COMMENTS

For clarity purposes, the specific comments made by the DEP with regards to the application are outlined in the table below, along with a response in the corresponding column.

Design Excellence Panel Comments	Response
<b>4.1 Context</b>	
<b><i>The Panel raises concern regarding the security of communal open spaces given the nominated public cross-site links. The Panel notes that the unlimited access to communal spaces might create safety issues for children and residents.</i></b>	A CPTED analysis has been prepared to address this matter regarding safety issues in the public spaces.
<b><i>The Panel questions the location of the childcare centre within the development and the potential impacts on residents as well as issues relating to overlooking the childcare centre. The Panel recommends the applicant explore an alternative location for the childcare centre (i.e. relocate the childcare centre towards the retail functions along Soldier's Parade).</i></b>	The childcare centre has been removed from the concept DA.
<b><i>The Panel questions the interface of the riparian zone with the proposed development. The Panel recommends the applicant consider additional measures to reinforce connections to the open space within the riparian zone.</i></b>	The proposal has responded to the interface with the riparian open space including: <ul style="list-style-type: none"> <li>• The façade of building E and F follow the curve of the proposed roads.</li> <li>• Units have been oriented to directly address the road and riparian open space.</li> <li>• The central green corridor between building. A+B and shared green avenue between B+F provide direct linkage to riparian zone from the heart of the development.</li> </ul>

	<ul style="list-style-type: none"> <li>• North/South orientation of building A+B promotes outlook to riparian zone for greater number of units through the central open space.</li> </ul> <p>The proposal has also been amended to provide an additional linkage through Building E to connect to the riparian open space.</p>
<b><i>The Panel questions the location of the pedestrian entrance for Building A. The Panel suggests the applicant reconsider the location of the pedestrian entrance, and legible wayfinding to the building and provide an additional entry for Building A along the through site link and/or the local ring road.</i></b>	To address this the design has been modified to include an additional pedestrian entrance for Building A from the main street.
<b><i>The Panel questions the design of the north-south shared way within the development. The Panel requires the applicant to clearly articulate the space allocation within the shared way (i.e. within plan and sections) and identify the character of the shared way with additional sections through Buildings D &amp; F.</i></b>	Additional cross sections have been included within the additional Landscape Drawing package.
<b>4.2 Built Form &amp; Scale</b>	
<b><i>The Panel raises concerns regarding the scale and length of the building (i.e. Buildings E &amp; F especially with a curved profile). The Panel recommends the applicant reconsider the proposed length of the buildings; and where possible split the built form to achieve a more considered scale of built form with better amenity for the residential units. The Panel suggests that a portion of the building on the north-east corner could be slightly higher (subject to further design resolution) to accommodate the loss in floor space as a result of the built form modulations.</i></b>	<p>Issues relating the building length have not been raised previously, except to note that design elements should moderate the perceived building length.</p> <p>The facades of Buildings E+F already contain deeply recessed zones to reduce building length. To enhance connectivity at ground floor, a through building linkage has been provided through Building E.</p>
<b><i>The Panel raises concerns for design of the built form being overscaled (i.e. in regard to the built form for building F). The Panel recommends the applicant reconsider the design of the built form to achieve design excellence.</i></b>	The bulk and scale of the buildings has not been previously raised by the panel and it is considered this issue can be addressed through the modulation and articulation of the built form in the detailed design stages.
<b><i>The Panel recommends that Buildings A, B, C and D be subject to further design refinement to explore additional modulation of height and massing. The Panel requires the Applicant to reconsider redistributing the built form across the site.</i></b>	<p>The facades of A, B, C and D already contain deeply recessed zones to reduce building length.</p> <p>This may not have been apparent to the panel. The massing contains extensive modulation of height and can be integrated in the detailed design stage.</p>
<b><i>The Panel confirms that the Applicant is required to achieve a consistent setback as per the Growth Centre DCP (i.e. a consistent 4.5/6 m setback) for the built form across the site.</i></b>	Street setbacks have been increased to 4.5m, however some buildings have not been amended. Conditions of consent will be incorporated to have the detailed design amended to provide a 4.5m front setback to the street frontages.

<b><i>Setback deviations will set poor precedents for subsequent development.</i></b>	The cantilevered setback has been removed and retail uses align with podium with awnings to be provided over the street. This is with the exception of Buildings C and D which utilise colonnades as an integral component of the design. In this instance awnings will also be used over the street to mitigate noise and visual impacts.
<b>4.3 Density</b>	
<b><i>No further comment provided the above issues are addressed.</i></b>	Noted
<b>4.4 Sustainability</b>	
<b><i>No additional comments.</i></b>	Noted
<b>4.5 Landscape</b>	
<b><i>The Panel notes that the general intent of landscape design is acceptable and is supported. The Panel requires the Applicant to carefully assess the interface of the landscape design with the built form and ensure additional thresholds within the development that connect to the landscaped areas and the riparian zone.</i></b>	This is addressed through additional cross sections within the Landscape Drawings and shows an interface between the built form and landscaped areas.
<b><i>The Panel notes that the proposed central open spaces within the development (i.e. between Buildings A &amp; B and Buildings C &amp; D) are very constricted and need to be reconsidered/widened. The Panel requires the Applicant to consider increasing the distance between the buildings to achieve a better design outcome.</i></b>	This issue has not been raised previously by the Panel. The building separation distances between building A&B and C&D are ADG compliant at 24m and are appropriate for their role as communal open space for residents of the apartments and to accommodate an adjacent pedestrian through site link. This is further illustrated in the cross sections within the additional Landscape Drawings. Additionally, the built form and communal areas are able to meet the solar access requirements and provide passive surveillance of the site.
<b><i>The Panel questions the percentage of tree canopy cover being proposed for the site and the size of the tree canopy adopted for this calculation. The Panel recommends the Applicant consider actual tree canopy diameter that is achievable on the subject site.</i></b>	Details have been provided regarding canopy coverage for the entire site, which is increased by approximately 11% for the developable area, to 45% and an increase of 18.5% across the entire site including the RE1 land, to 52.5%. It is to be noted that the revised canopy coverages now includes rooftop terrace trees as well as trees to a diameter down to 3.5m
<b><i>The Panel raises concern regarding the soil volumes being provided for the trees on podium/basement slab. The Panel requires the applicant to provide greater soil volumes for the trees on podium/slabs. In particular, the width of planters for trees on podium appears to be insufficient and not exhibiting an understanding of the needs of sustainable widths of root plates for the canopies shown on the drawings.</i></b>	Further details have been included in the Landscape Response and updated Landscape Plans. Conditions of consent will also be applied in regard to details of soil volumes for areas of planters and deep soil on the ground floor and for rooftop canopies.
<b><i>The Panel notes that stormwater management needs to be an integral part of the landscape design and needs to be resolved up front. The Panel requires the applicant to establish the storm water</i></b>	This is addressed in the stormwater management plan submitted with the DA and updated advice.



<b>management plan for the site and identify the quality/quantity of water that will be fed on to the riparian zone RE1.</b>	
<b>The Panel raises concern regarding the landscape design for the shared way and requires the Applicant to detail out the design for the shared way. The applicant needs to demonstrate that the space allocation within the shared way is appropriate for all users (i.e. pedestrians, cyclists, vehicular traffic, landscaping and parking).</b>	See previous comments on shareway under the Context heading.
<b>4.6 Amenity</b>	
<b>The Panel notes that the neighbouring site on the north western corner of the subject site (i.e. owned by Landcom) will be developed in future which might affect the amenity of Building A. The Panel requires the Applicant undertake appropriate studies to identify any issues relating to solar amenity and access as a consequence of future development on the Landcom site.</b>	<p>The ADG approach to sharing of building separation distances has been applied. Additionally, a condition of consent will be imposed for buildings G+H to be separated by 12m.</p> <p>Further solar analysis has been completed which takes into account the proposed built form on this site which demonstrates that the proposed development can comply with ADG.</p>
<b>The Panel appreciates the solar “sculpting” for the built form and requires the Applicant to ensure solar compliance for Building A.</b>	Noted
<b>The Panel raises concerns regarding large western walls and solar heat gain during peak summer months. The Panel recommends the Applicant undertake studies to identify solar heat gain on the western walls during peak summer months and incorporate relevant measures, such as external shading devices to mitigate solar gain.</b>	<p>Careful consideration has been given to western facades and provision made for shade devices as follows:</p> <ul style="list-style-type: none"> <li>• Buildings A+B – Deeply modelled facades with deeply recessed windows and balconies, and sliding louvre screens provide sun shade</li> <li>• Buildings C+D – Deeply modelled facades with deeply recessed windows and balconies, and sliding louvre screens provide sun shade.</li> <li>• Building E – Horizontal louvre screens and deeply recessed balconies provide sun shade.</li> <li>• Building F – Deeply modelled facades with deeply recessed windows and balconies, and sliding louvre screens provide sun shade.</li> <li>• Buildings G+H – Horizontal louvre screens and deeply recessed balconies provide sun shade</li> </ul> <p>In addition, Solar heat gain impacts will be ameliorated by the generous tree canopy planting. It is considered that additional measures where necessary can be addressed at detailed DA stage.</p>
<b>4.7 Safety</b>	
<b>The Panel requires the Applicant to undertake a detailed CPTED analysis for the site.</b>	Noted. CPTED Analysis was provided for the application to address safety concerns.
<b>4.8 Housing Diversity + Social Interaction</b>	
<b>Nil</b>	Nil
<b>4.9 Aesthetic</b>	

<b><i>The Panel appreciates the diversity of architectural expression indicated in the Applicant's proposal but recommends that further design refinement focus on a more balanced range of architectural expression which could draw on datum levels, materiality and other "design guidelines". This would allow for individual architectural expression but ensure that the total development is more cohesive and integrated whole.</i></b>	Noted. Detailed design DA will be based on integrated stages which would be able to create more cohesion between each stage of the development.
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Based on the above comments from the Design Excellence Panel, it is deemed the concept proposal put forth is considered acceptable at this stage. It is important to note as this application is for a concept proposal only that sets out building envelopes for future detailed proposals to be submitted as part of future detailed development applications and will be presented to the Panel to determine if acceptable. The DEP and Council's Urban Design and Public Domain section have recommended certain conditions be imposed on any consent issued to ensure any future development application incorporate an appropriate design.

### **3.3 SWCPP Briefing**

A SWCPP briefing meeting was held on 8 March 2021 & 23 May 2022. The following matters were raised by the panel with comments from the applicant and Council below.

#### **8 March 2021 Briefing Minutes**

<b>Comment from Panel</b>	<b>Response</b>
<b>The concept plan is being worked through with Council staff having regard to appropriate development for the locality to the north of the station. The Masterplan being developed for the adjoining Landcom site is likely to lead to increased densities.</b>	Noted. Development at a point where compliance is closer to development standards, controls and ADG and deemed to be acceptable subject to conditions. It is noted that the Landcom site masterplan is also indicating even larger building heights and it is also envisioned to have all corners developed around the station precinct.
<b>The main issues of design raised by the Design Excellence Panel were the articulation of the long north south buildings (suggesting that breaks are required), the overhang of the upper residential levels proposed over the ground floor retail units, and the substandard setbacks between buildings G and H (with resulting overshadowing impacts). The Panel would also be grateful for feedback as to whether the dense facades and resulting bulk (noting the overhangs) are within acceptable design tolerances.</b>	<p>DEP held after the previous briefing were generally supportive of the development and articulations present. More street setbacks have been reduced to 4.5m however not all are pushed back to 4.5m as advised.</p> <p>The facades of Buildings E &amp; F already contain deeply recessed zones to reduce building length. To enhance connectivity a ground floor through building linkage has been provided through Building E.</p> <p>The cantilevered setback has been removed and retail uses align with podium with awnings to be provided over the street. This is with the exception of Buildings C and D</p>

	which utilise colonnades as an integral component of the design. In this instance awnings will also be used over the street to mitigate noise and visual impacts.
<b>The location of the open space areas consolidated between the buildings has the consequence that the rest of the development is largely devoid of green. Notably, the proposed tree planting is above basement carparking which would presumably limit the potential for significant canopy. The appropriateness of that strategy will have to be thought through. The Panel would want expert opinion that adequate structural soil will be available for sufficient tree growth.</b>	The development incorporates landscaping and open green space within the common open space and thoroughfare areas as well as around the outskirts of the buildings with significant street plantings. The applicant has provided further detail regarding planters and soil however detail in this regard seems to be lacking for adequate soil structure for trees. Details have been provided regarding canopy coverage for the entire site, which is increased by approximately 11% for the developable area, to 45% and an increase of 18.5% across the entire site including the RE1 land, to 52.5%. It is to be noted that the revised canopy coverages now includes rooftop terrace trees as well as trees to a diameter down to 3.5m.
<b>The height exceedances which have so far not been assessed give rise to a consequential exceedance of FSR of 2:1. The consistency of the resulting built form with the zoning objectives needs to be considered. The interests of maintaining adequate solar access for this development and the future Landcom development will need to be considered.</b>	FSR is now at a complaint figure and buildings are proposed to have stepped features. Height is considered to be satisfactory for the concept development and further solar access and shadowing diagrams have assisted in addressing impacts on adjoining buildings and sites.
<b>The location of the childcare centre appears to give rise to overlooking and potentially adverse impacts from the adjoining proposed towers.</b>	Childcare centre component removed from concept.
<b>The proximity of the proposed development and the watercourse through the site will raise issues to be addressed through the integrated development process. The Panel would like to see some sophistication to the design for the utilisation of that natural feature to achieve a better sense of place and involvement of nature for this important edge of the town centre. The Panel does not want to see public spaces tacked on to these dense buildings, but rather would expect to see that the experience of pedestrians and the public when walking around these buildings and passing them from the station reflects attention to the public domain.</b>	<p>Noted. Applicant has submitted some plans in their urban design study representing through site access as well as relationship to the riparian corridor land. Common open space areas and pedestrian thoroughfares have also been updated to incorporate additional landscaping for that connection between the waterway land within the development as well as an improved public domain.</p> <p>The proposal has responded to the interface with the riparian open space including:</p> <ul style="list-style-type: none"> <li>• The façade of building E and F follow the curve of the proposed roads</li> <li>• Units have been oriented to directly address the road and riparian open space</li> </ul>

	<ul style="list-style-type: none"> <li>• The central green corridor between building A+B and shared green avenue between B+F provide direct linkage to riparian zone from the heart of the development.</li> <li>• North/South orientation of building A+B promotes outlook to riparian zone for greater number of units through the central open space.</li> </ul> <p>The proposal has also been amended through providing an additional linkage through Building E to connect to the riparian open space.</p>
Aboriginal artifacts may have been located on the site which has been raised with the developer. The statutory processes for seeking an Aboriginal Heritage Impact Permit (AHIP) may be invoked. To the extent that this development may result in the removal of cultural artifacts, advice on ways to offset any loss would be appreciated. The potential to reflect indigenous culture in the public space design might also be explored in consultation with traditional land owners.	Aboriginal Cultural Heritage Assessment made and submitted to Council in March 2022. Heritage NSW referral was in process at time of briefing. Comments have now been received.
A solar panel strategy (with provision for battery storage) would be expected.	Noted. The roof plans and landscape plans indicate solar panels for the rooftops of the buildings.

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Comment from Panel	Response
Building separation does not comply for all buildings. In particular the Council observed that the building separation between buildings G & H rely upon the relevant portions of the building not including habitable spaces or rooms. The Council observes that the plans at this concept stage do not specify whether balconies or habitable rooms might in fact be included. It may be that a condition can suitably restrict the use of the relevant portion of the buildings, and Council and the Applicant should confer to consider whether the potential for a non-compliance can be removed in that way or in some other way.	The applicant has requested that a condition would be made in requiring a 12m building separation between Buildings G and H, with privacy for dwellings above the fourth storey (L4 to L8), where the ADG requires further separation, to be addressed through appropriate internal layouts and/or window treatments. Council finds this a better outcome than the current envelope with a non-compliance up the whole building and will condition Buildings G and H to provide treatments or particular layouts for these opposing walls from the fifth storey and upwards (inclusive).
Council has also queried why the Design Excellence Panel's recommendation of	A condition would be acceptable requiring a 4.5m setback to the streets for Buildings A



<p>4.5 metre setbacks to the street for buildings A and B have not been followed to the streets to the north. Noting the potential for precedent in terms of street character if less than 4.5 metres is adopted, the Panel will need to be convinced that this outcome is appropriate. Again the Panel would be interested as to whether this issue could be resolved through condition rather than requiring further amendments to the drawings, and again suggests conferral between the Council and the Applicant in that regard.</p>	<p>and B location to enable consistency with the approach taken with the rest of the buildings setback to the street.</p>
<p>The Council has advised that solar access minimum requirements should be complied with for each building. Buildings D, E and H is of concern as they each exceed the standard if considered separately. Again the Panel would be interested to know why the standard cannot be complied with, and whether conditions requiring compliance are an option to allow the concept DA to be approved, leaving compliance for consideration with the detailed DA's. The Panel wished to ensure that apparent errors in the modelling for the surrounding master planned development do not affect the reliability of the solar access calculations.</p>	<p>Although compliance with the ADG per individual building would be the ideal scenario, compliance per stage would be the most consistent approach to how ADG compliance is facilitated in the Edmondson Park Town Centre. Due to the road layout, adjoining sites and the site orientations, building by building compliance is difficult to achieve.</p> <p>This approach is consistent and also more stringent than what is applied in both the Frasers Town Centre and the Landcom Town Centre Design Guidelines, which requires the living rooms and private open spaces of at least 70% of apartments across the (<i>Landcom/ Frasers</i>) Town Centre as a whole to receive a minimum of 2 hours sunlight between 9am and 3pm mid-winter.</p> <p>The Town Centres would have multiple apartment buildings, whereas each stage of this proposed Town Centre area would consist of two buildings.</p> <p>Furthermore, it is also to be noted that a number of developments located within the Liverpool City Centre which proposed two or more buildings as part of the application relied on compliance of the entire development as a whole rather than individual units.</p> <p>As such a condition of consent will be applied to ensure that compliance with solar access is able to be achieved per stage.</p>
<p><b>The Applicant must demonstrate that the</b></p>	<p>The deep soil provision is satisfactory.</p>

<p><b>proposal can be constructed without the basement carpark further encroaching into areas relied upon for deep soil compliance. The envelopes for the basement carpark should be fixed by the approval, and the Panel would want to be satisfied that sufficient structural soil will be available for planned landscaping and tree planting. That may be able to be managed through condition.</b></p>	<p>Conditions of consent will also be applied in regard to details of soil volumes for areas of planters and deep soil on the ground floor and for rooftop canopies to ensure enough structural soil can be provided for landscaping and trees.</p>
<p><b>If there is to be any reduction in the envelopes through condition, the proposed yield may also need attention in the conditions.</b></p>	<p>Any changes to envelopes will be addressed in the detailed DA. The description of the development application has been amended to not indicate measurements and yield, however indicative numbers have been addressed in this report.</p>

### 3.4 Landcom Concept Plan

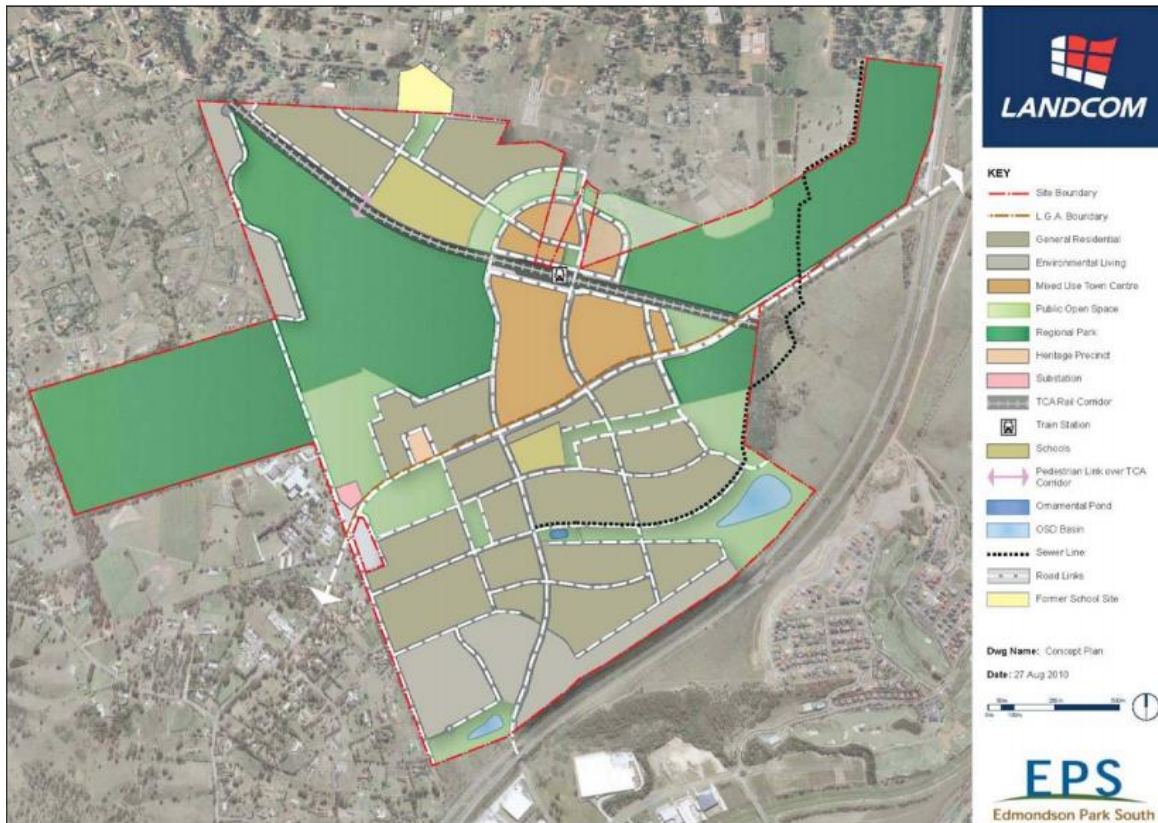
In 2010 Landcom submitted a concept plan and stage 1 for The Edmondson Park Town Centre to the NSW Department of Planning pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (EPA&A Act).

The proposal included a concept plan for 413 hectare site within the South West Growth centre (known as the Edmondson Park South) to provide for the following (Figure 8 below):

- Residential development of 3,200 dwellings;
- Transit oriented development within the Edmondson Park town centre including 35,000-45,000 sqm of retail, business and commercial floor space, and associated uses;
- An expanded Ingleburn North Primary School and a new combined primary/high school;
- Protection of approximately 150 hectares of conservation lands within regional parklands;
- Retention of the Ingleburn Military Heritage Precinct and the Mont St Quentin, and adaptive relocation of three heritage prefabricated cottages; and
- Associated infrastructure.

The concept plan also sought approval for the carrying out of the following aspects of the proposal:

- Remediation works relating to lots 1, 2, part lot 7 and part lot 8 DP 1127652;
- Remediation of unexpected contamination finds;
- Demolition of existing buildings and other structures including paved roadways; and
- Temporary sales offices, and temporary signage associated with the sale of land.

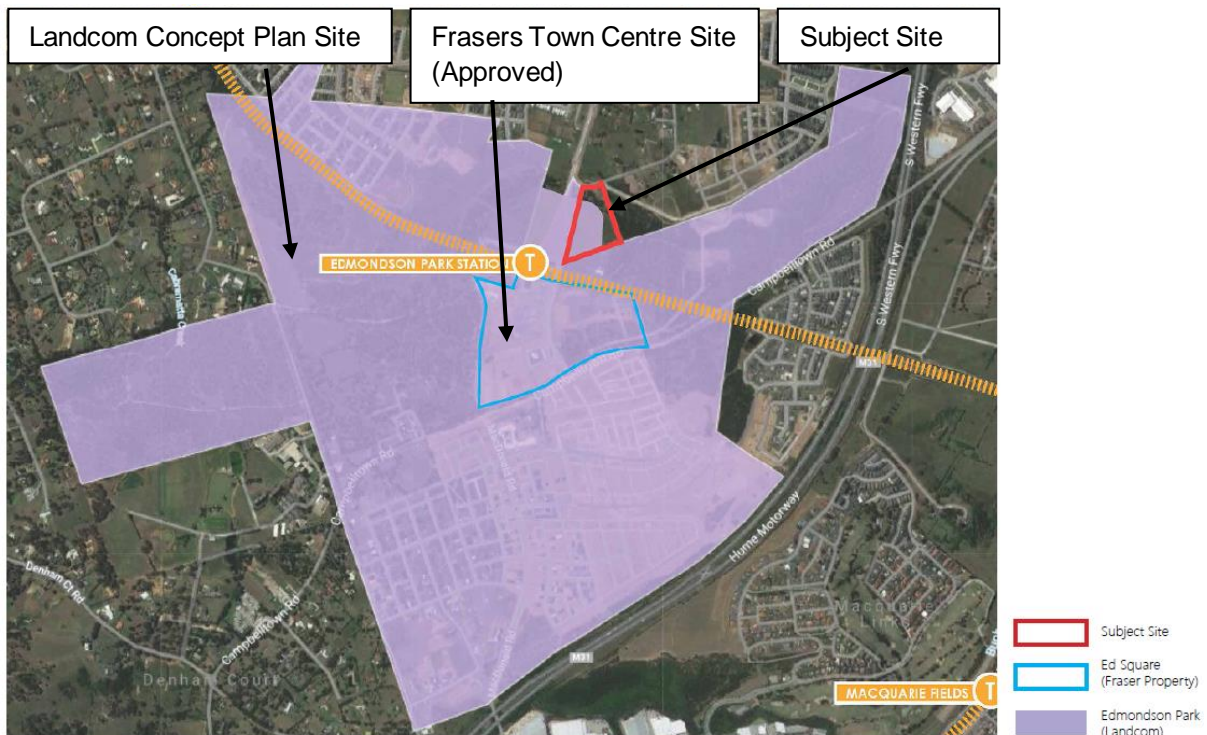


**Figure 8:** Landcom site subject to Part 3A application in 2010 (**Source:** NSW Department of Planning, Major projects Assessment, dated March 2011)

On 03 August 2017 a Section 75W Request to modify the Edmondson Park South Concept Plan under Part 3A was lodged to the NSW Department of Planning and Environment (DPE) as follows:

- a maximum gross floor area control of 140,389m<sup>2</sup>
- increase minimum residential yields in the Town Centre North from 440 to 3,286,
- change the residential mix to include residential flat buildings, mixed use apartment buildings, walk-up apartment, manor house, terrace, cottage and studio dwellings,
- amend the site boundary to include 2.5 ha of land owned by Office of Strategic Lands and align with the State Environmental Planning Policy (State Significant Precincts) 2005 boundary,
- reduce the size of the school site, to between 2ha and 6 ha (from 8 ha), to be confirmed by the Department of Education,
- provide design guidelines for the Town Centre North, and
- amend the road network and street hierarchy.

The application has not been finalised and is currently ongoing with the DPE.



**Figure 9:** Image showing subject site in relation to the Landcom Concept Plan and surrounding developments (**Source:** PAC Website, dated October 2017)

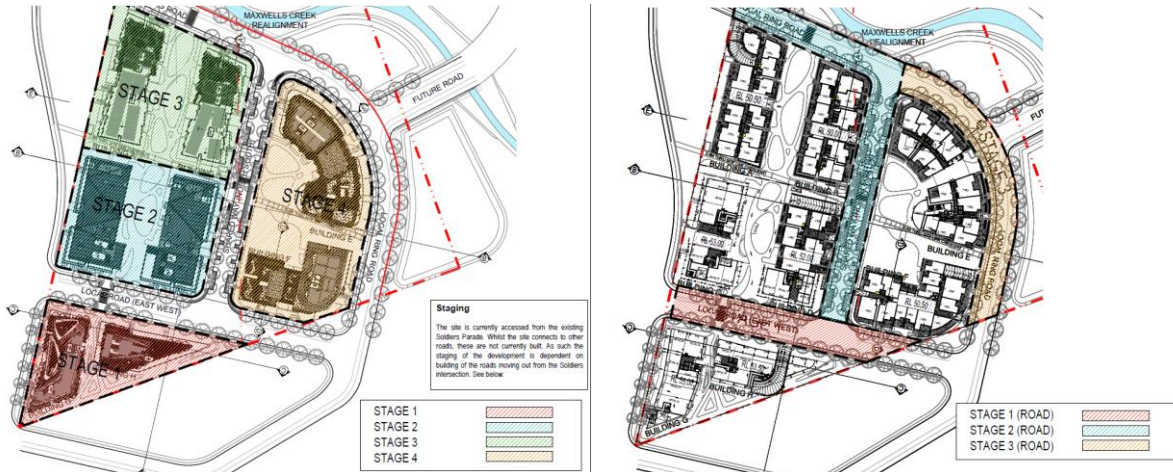
#### 4. DETAILS OF THE PROPOSAL

Development consent is sought for a Concept DA that proposes mixed-use development as part of the Edmondson Park Town Centre. The Concept Development Application comprises of the following (subject to the current design):

- Mixed use development across eight buildings comprising of a total of 59,122.8m<sup>2</sup> of new floor space as follows:
  - 56,591.6sqm of residential floor space providing 674 apartments.
  - 2531.2sqm of retail/commercial floor space providing 24 small tenancies within close proximity to the station and station plaza
- Four basement car parks to service each of the development sites providing for loading, waste servicing and 814 car parking spaces.
- New streets to extend the road network from the adjacent Landcom Town Centre North site consistent with the Edmondson Park South Part 3A Concept Plan approval.
- Drainage infrastructure to enable drainage of the site to two legal points of discharge to the proposed Council bioretention basins along Maxwells Creek.
- Dedication to council of 12,631sqm of riparian open space zoned RE1 Public Recreation to support planned creek realignment, drainage infrastructure and open space.

The development is proposed into four (4) stages each comprising of two buildings to facilitate the delivery of streets in figure 10 below:



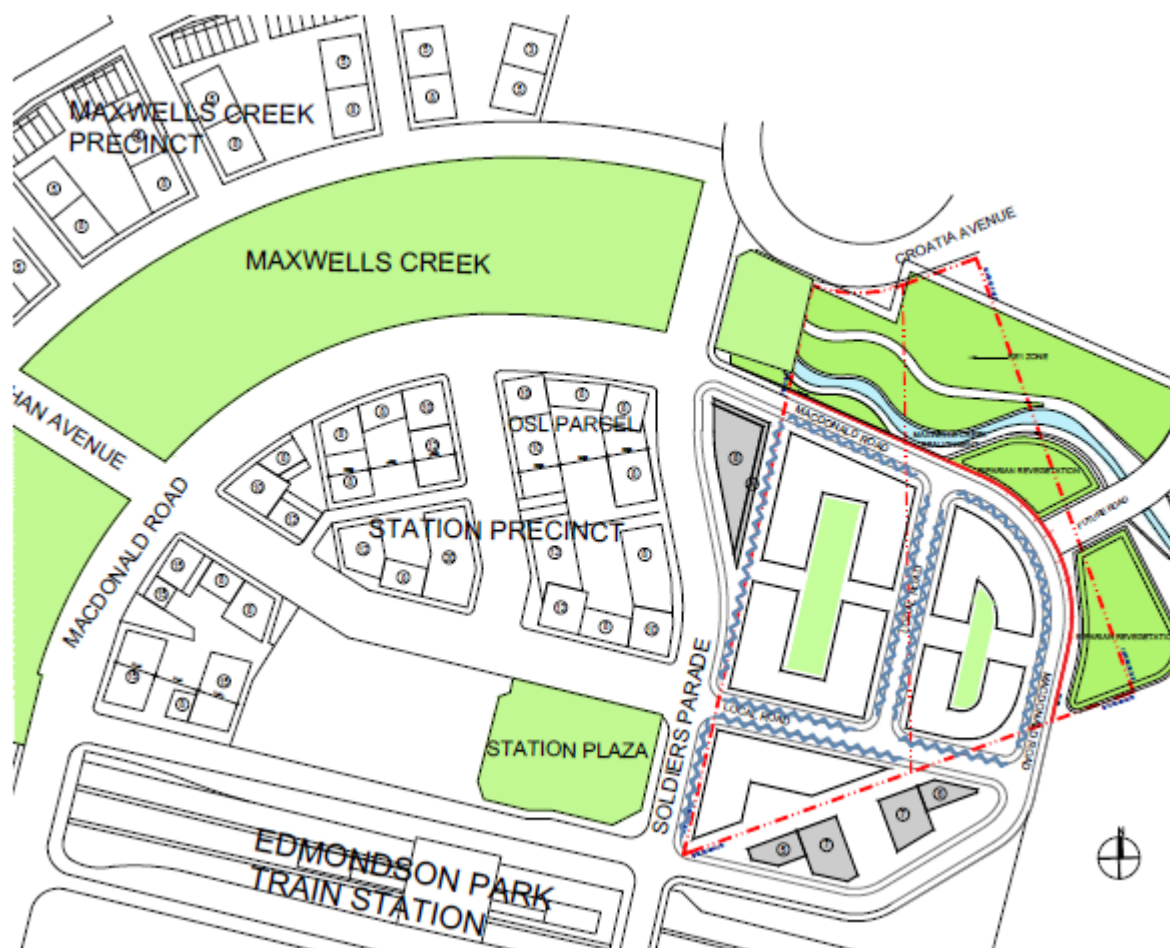


**Figure 10: Staging Diagram (Source: Tony Owen Partners, April 2021)**

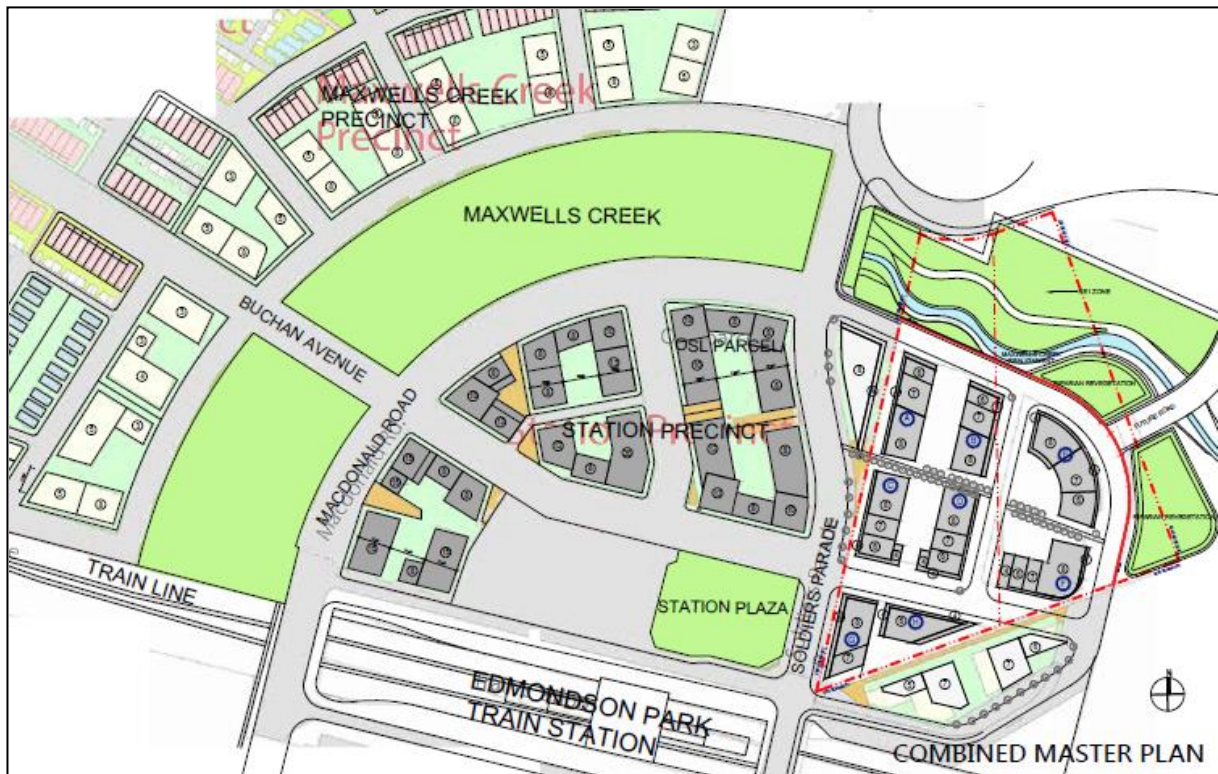
The development is largely proposed to be located within the B4 Mixed Use zone, with the exception of the pedestrian path and tree planting within the Bernera Road reserve which is proposed to extend into the adjacent RE1 Public Recreation zone.

To support the proposal, the applicant intends to enter into negotiations with Council to make arrangements for dedication of land zoned RE1 to Council and dedication of constructed roads to Council. This would be best dealt with at the detailed design stages with potential for a VPA on this matter.

The applicant has indicated that the proposed built form and building envelopes are designed to be an extension of the adjoining site as seen in figure 11, 12 & 13 below:



**Figure 11:** Masterplan showing proposed building envelope plans of subject site and neighbouring sites. (Source: Tony Owen Partners, dated April 2021)



**Figure 12:** Masterplan Showing and the building envelopes at the subject site relative to the adjoining sites as per the Mod. (Source: Tony Owen Partners, dated April 2021)



**Figure 13:** Masterplan Showing Proposed Landcom development and subject site building massing combined. (Source: Tony Owen Partners, dated April 2021)

**Perspective Diagrams as below:**





***Perspective Shared Way***



***Perspective – Building A & B 01***



***Perspective – Through Site Link between Buildings A&B***





***Perspective – Through Site Link between Buildings A&B***



***Perspective – Building B***



***Perspective – Building C & D 01***



*Perspective – Building C & D 02*



*Perspective – Building C & D 03*



*Perspective – Building E 01*





*Perspective – Building F 01*



*Perspective – Building G & H 01*



*Perspective – Building G & H 02*

**Figure 14:** Perspective Diagrams for each building (Source: Tony Owen Partners, April 2021)

## 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 No.65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021; and*
- *Liverpool Local Environmental Plan 2008.*

#### Development Control Plans

- *Edmondson Park South Development Control Plan 2012.*
- *Liverpool Development Control Plan 2008.*
  - *Part 1: General Controls for All Development.*
  - *Part 2.11: Land Subdivision and Development in Edmondson Park.*

## 6. ASSESSMENT

Pursuant to Clauses 4.22 & 4.23 of the Environmental Planning and Assessment (EP & A) Act 1979, an assessment against the relevant provisions are provided below;

### 4.22 Concept development applications

- (1) *For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*

**Comment:** The subject application is considered to be a concept development application that sets out concept proposals for the development of the site and this application enables the lodgement of subsequent development applications for detailed proposals at a later date.

- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*

**Comment:** The application is for the concept only and does not involve additional stages as part of this application.

- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*

**Comment:** The applicant has requested the development application be treated as a concept application.

- (4) *If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*
- (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- (b) *the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*

*The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.*

**Comment:** It is noted that the granting of consent for a concept development application does not authorise the carrying out of development unless otherwise specified by 4(a)(b) above. As previously noted, the application is for a concept application only and does not propose additional stages for future development. Having regard to this clause a condition of consent will be imposed stipulating as such.

- (5) *The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications*

**Comment:** Noted. An assessment of the likely impacts of the concept proposal to the extent it is deemed appropriate against section 4.15 is provided below.

#### **4.23 Concept development applications as alternative to DCP required by environmental planning instruments** (cf previous s 83C)

- (1) *An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) *However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

**Note.** Section 3.44 (5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.

- (3) *Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

**Comment:** Clause 4.23 above enables the submission of a concept development application



in lieu of the development of a site specific DCP. Therefore, it is considered that the submission of a concept application has the same effect as the preparation of a DCP and satisfies Clause 36 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021. The assessment of the relevant statutory considerations below demonstrates how the concept proposal meets the relevant requirements of a DCP as required by Clause 36(3) of the abovementioned SEPP.

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

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

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

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

Note: It is important to note that an assessment against SEPP65 has been undertaken to the extent deemed appropriate for the concept development application proposed. It is envisaged that a further assessment against SEPP65 will be required once subsequent development applications are submitted for the detailed built form.

<b>Design Quality Principle</b>	<b>Comment</b>
<b>Principle One – Context and Neighbourhood Character</b>	
<p>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.</p> <p>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.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposed concept application is considered to respond to its context. The concept has been designed to response to the key natural features of the site including site location, layout and shape. The concept application has provided a proposal that aligns with the desired future character of the Edmondson Park Town Centre and the associated Landcom masterplan and is considered to be consistent with the envisaged Edmondson Park south precinct.</p>
<b>Design Principle 2 – Built form and scale</b>	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p>	<p>It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. The proposed concept aligns with the</p>

Design Quality Principle	Comment
<p>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.</p> <p>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.</p>	<p>Edmondson Park masterplan and maintains the street pattern envisaged within this.</p> <p>The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) on three occasions and is considered to be satisfactory.</p> <p>The development provides an appropriate building envelope form that enhances the streetscape and provides a direct response to the site characteristics.</p> <p>A further assessment of the built form and scale of the development would be undertaken once subsequent development applications are submitted.</p>
<b>Design Principle 3 – Density</b>	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>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.</p>	<p>It is considered that the proposed concept plan has been designed to cater for the maximum envisaged densities as stipulated by the SEPP and the masterplans in the area. The proposal has been designed to cater for the required parking when subsequent development applications are proposed. The proposed concept has also been designed to enable the achievement of appropriate employment generating activities. The site is located next to new amenities such as the Ed Central shopping centre and schools and is within 200m of the new rail station. The additional yield will provide suitable, well designed housing for the area and contribute to making the community. The DA is fully compliant besides the height variance and represents a modest well balanced design.</p>
<b>Design Principle 4 – Sustainability</b>	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>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</p>	<p>The achievement of appropriate natural ventilation, sunlight and amenity is considered to be acceptable with the concept application. The concept has provided an ESD report for sustainability initiatives which allow for measures influencing the use of active transportation, photovoltaic panels, solar sculpting of buildings, stormwater detention and irrigation measures, maximising solar amenity and sun shading of buildings and the public domain, appropriate landscaping measures, promotion of community uses such as gardens, play areas and gathering spaces, energy and water saving initiatives and natural light to basements and buildings.</p>
<b>Design Principle 5 – Landscape</b>	
<p>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</p>	<p>The landscape design provided with the concept is considered to be suitable for the precinct and would propose tree canopy cover across the site with native species of a variety of trees, shrubs and groundcovers. The design consists of a range of different spaces and gardens, each with a different character and function.</p>

Design Quality Principle	Comment
<p>developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>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.</p>	<p>The spaces incorporate functional uses as well such as BBQ areas and seating spaces as well as fluidity and connectivity of the green spaces within the development site.</p> <p>An assessment of a detailed landscape design is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>
<b>Design Principle 6 – Amenity</b>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>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.</p>	<p>The concept provides some detail relating to amenity in which the proposal is considered to be acceptable. A more detailed assessment of amenity specifically relating appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy etc. is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>
<b>Design Principle 7 – Safety</b>	
<p>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.</p> <p>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.</p>	<p>The proposal was supported by a CPTED report for the units and masterplan. A variety of security measures have been incorporated into the design of the apartment buildings as well as passive surveillance at street level and within the public domain. A more detailed assessment of safety is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>
<b>Design Principle 8 – Housing Diversity and Social Interaction</b>	

<b>Design Quality Principle</b>	<b>Comment</b>
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>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.</p>	<p>The concept proposal put forth for consideration has demonstrated that the building envelopes proposed with the concept application is able to cater for an appropriate apartment mix and the provision of suitably located communal open spaces. A detailed assessment of housing diversity is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>
<b>Design Principle 9 – Aesthetics</b>	
<p>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.</p> <p>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.</p>	<p>The facades have been designed according to the principle of design diversity. The site has been divided into 4 precincts according to the blocks generally containing 2 buildings each. It is intended that each precinct is designed differently to give each precinct a unique character and create diversity. An assessment of aesthetics is considered more appropriate at a later date with the submission of future detailed applications for the site.</p>

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

<b>Provisions</b>	<b>Comment</b>
<b>2E Building depth</b>	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	The concept proposal has been designed to enable the achievement of appropriate building depths in relation to the precinct and stage layout with the future development applications.
<b>2F Building separation</b>	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>- 12m between habitable rooms/balconies</li> <li>- 9m between habitable and non-habitable rooms</li> <li>- 6m between non-habitable rooms</li> </ul>	The concept proposal has been designed to enable the achievement of the appropriate building separation with future development applications for level 4. Conditions of consent will be provided in regards to the separation of Buildings G & H for the first 4 storeys to be separated 12m in the detailed design application.
<p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> <li>- 18m between habitable rooms/balconies</li> <li>- 12m between habitable and non-habitable</li> </ul>	The concept proposal has been designed to enable the achievement of the appropriate building separation with future development

Provisions	Comment
rooms - 9m between non-habitable rooms	applications for the fifth to eighth storeys. A 12m separation will be provided between Buildings G & H, which would allow for habitable rooms of one building and non-habitable rooms of the other. Additionally, if habitable rooms were to oppose each other, conditions of consent will be applied to ensure appropriate privacy measures are utilised to screen the buildings from each other at these upper level. Furthermore, levels 6 and 7 of Building G do not necessarily horizontally oppose any built form of Building H and thus would likely be able to accommodate habitable rooms on these floors.
Nine storeys and above (over 25m): - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms	The concept proposal does not propose heights greater than 8 storeys.
<b>3A Site analysis</b>	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	The concept proposal has been proposed in light of the existing site constraints, surrounding precinct masterplans and the bulk and scale proposed takes into account the desired future character of the area. Further assessment will be considered more appropriate once subsequent applications have been submitted.
<b>3B Orientation</b>	
Building types and layouts respond to the streetscape and site while optimising solar access within the development	The concept proposal put forth demonstrates that appropriate solar access to adjoining sites and to future development applications can be achieved.
Overshadowing of neighbouring properties is minimised during mid-winter	
<b>3C Public Domain Interface</b>	
Transition between private and public domain is achieved without compromising safety and security.	The transition from the public to private domain is made in a way which achieves a safe design with security for the future residents, without compromising on the amenity of the public and private domains.
Amenity of the public domain is retained and enhanced.	
<b>3D Communal and public open space</b>	
Communal open space has a minimum area equal to 25% of the site	The concept proposal nominates communal open space throughout the development on ground floor as well as rooftop levels. The common open space of each stage as demonstrated in the concept is compliant with the provisions of the ADG and is deemed to be acceptable. Further assessment will be made on this element at the detailed design stage.
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)	
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
Communal open space is designed to maximise safety	
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
<b>3E Deep soil zones</b>	



Provisions			Comment
Deep soil zones are to meet the following minimum requirements:			The concept proposal nominated the areas for deep soil zones and each stage is compliant with the ADG and the proposed concept is deemed to be acceptable. Further assessment will be made on this element at the detailed design stage.  Conditions of consent will also be applied in regard to details of soil volumes for areas of planters and deep soil on the ground floor and for rooftop canopies to ensure enough structural soil can be provided for landscaping and trees.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m <sup>2</sup>	-	7%	
650m <sup>2</sup> to 1500m <sup>2</sup>	3m		
Greater than 1500m <sup>2</sup>	6m		
Greater than 1500m <sup>2</sup> with significant tree cover	6m		
<b>3F Visual Privacy</b>			
Minimum separation distances from buildings to the side and rear boundaries are as follows:			The concept proposal provides a building envelope that demonstrates appropriate separation distances can be achieved. As previously mentioned in the building separation part of this table, conditions of consent will apply regarding buildings G & H to ensure visual privacy is mitigated for the area of these buildings where they oppose each other. In terms of setbacks, visual privacy is deemed to be acceptably met within the concept proposal.
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 storeys)	6m	3m	
12m to 25m (5-8 storeys)	9m	4.5m	
Over 25m (9+ storeys)	12m	6m	
<b>3G Pedestrian Access and Entries</b>			
Building entries and pedestrian access connects to and addresses the public domain			The concept proposal has provided an appropriate building envelope in consultation with the Design Excellence Panel to enable appropriately designed and articulated building entries as well as pedestrian through links within the site. Details of the design of the building entry would be more appropriately considered at future development stage.
Access, entries and pathways are accessible and easy to identify			
Large sites provide pedestrian links for access to streets and connection to destinations			
<b>3H Vehicle Access</b>			
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			Vehicular access points are considered to be acceptable for the site and the basements. Further detailed designs of the entries would be best assessed at detailed design stages.
<b>3J Bicycle and Car Parking</b>			
For development in the following locations: <ul style="list-style-type: none"><li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li><li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li></ul> The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street			The proposed concept plans have been designed to cater for the required number of parking spaces per stage. Parking spaces are considered to be acceptable and further details will be assessed at the detailed design stage. The provision of parking can be found in the image below.

Provisions	Comment																												
Parking and facilities are provided for other modes of transport	<table><tr><th>Stage 1 (G+H)</th><th>1-BED</th><th>2-BED</th><th>3-BED</th><th>VISITOR CAR SPACE REQUIRED</th><th>RETAIL PARKING SPACE REQUIRED</th><th>TOTAL CAR SPACE REQUIRED</th></tr><tr><td>NO. OF UNITS</td><td>25</td><td>74</td><td>10</td><td></td><td></td><td></td></tr><tr><td>NO. OF CAR SPACE REQUIRED</td><td>15</td><td>66.6</td><td>14</td><td>22</td><td>33</td><td>151</td></tr><tr><td colspan="6">TOTAL CAR SPACE PROVIDED</td><td>154</td></tr></table>	Stage 1 (G+H)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED	RETAIL PARKING SPACE REQUIRED	TOTAL CAR SPACE REQUIRED	NO. OF UNITS	25	74	10				NO. OF CAR SPACE REQUIRED	15	66.6	14	22	33	151	TOTAL CAR SPACE PROVIDED						154
Stage 1 (G+H)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED	RETAIL PARKING SPACE REQUIRED	TOTAL CAR SPACE REQUIRED																							
NO. OF UNITS	25	74	10																										
NO. OF CAR SPACE REQUIRED	15	66.6	14	22	33	151																							
TOTAL CAR SPACE PROVIDED						154																							
Car park design and access is safe and secure																													
Visual and environmental impacts of underground car parking are minimised																													
Visual and environmental impacts of on-grade car parking are minimised	<table><tr><th>Stage 2 (C+D)</th><th>1-BED</th><th>2-BED</th><th>3-BED</th><th>VISITOR CAR SPACE REQUIRED</th><th>RETAIL PARKING SPACE REQUIRED</th><th>TOTAL CAR SPACE REQUIRED</th></tr><tr><td>NO. OF UNITS</td><td>37</td><td>97</td><td>25</td><td></td><td></td><td></td></tr><tr><td>NO. OF CAR SPACE REQUIRED</td><td>22.2</td><td>87.3</td><td>35</td><td>32</td><td>28</td><td>205</td></tr><tr><td colspan="6">TOTAL CAR SPACE PROVIDED</td><td>208</td></tr></table>	Stage 2 (C+D)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED	RETAIL PARKING SPACE REQUIRED	TOTAL CAR SPACE REQUIRED	NO. OF UNITS	37	97	25				NO. OF CAR SPACE REQUIRED	22.2	87.3	35	32	28	205	TOTAL CAR SPACE PROVIDED						208
Stage 2 (C+D)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED	RETAIL PARKING SPACE REQUIRED	TOTAL CAR SPACE REQUIRED																							
NO. OF UNITS	37	97	25																										
NO. OF CAR SPACE REQUIRED	22.2	87.3	35	32	28	205																							
TOTAL CAR SPACE PROVIDED						208																							
Visual and environmental impacts of above ground enclosed car parking are minimised	<table><tr><th>Stage 3 (A+B)</th><th>1-BED</th><th>2-BED</th><th>3-BED</th><th>VISITOR CAR SPACE REQUIRED</th><th></th><th>TOTAL CAR SPACE REQUIRED</th></tr><tr><td>NO. OF UNITS</td><td>38</td><td>141</td><td>14</td><td></td><td></td><td></td></tr><tr><td>NO. OF CAR SPACE REQUIRED</td><td>22.8</td><td>126.9</td><td>19.6</td><td>39</td><td></td><td>209</td></tr><tr><td colspan="6">TOTAL CAR SPACE PROVIDED</td><td>209</td></tr></table>	Stage 3 (A+B)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED		TOTAL CAR SPACE REQUIRED	NO. OF UNITS	38	141	14				NO. OF CAR SPACE REQUIRED	22.8	126.9	19.6	39		209	TOTAL CAR SPACE PROVIDED						209
Stage 3 (A+B)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED		TOTAL CAR SPACE REQUIRED																							
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TOTAL CAR SPACE PROVIDED						209																							
	<table><tr><th>Stage 4 (E+F)</th><th>1-BED</th><th>2-BED</th><th>3-BED</th><th>VISITOR CAR SPACE REQUIRED</th><th></th><th>TOTAL CAR SPACE REQUIRED</th></tr><tr><td>NO. OF UNITS</td><td>54</td><td>131</td><td>30</td><td></td><td></td><td></td></tr><tr><td>NO. OF CAR SPACE REQUIRED</td><td>32.4</td><td>117.9</td><td>42</td><td>43</td><td></td><td>242</td></tr><tr><td colspan="6">TOTAL CAR SPACE PROVIDED</td><td>243</td></tr></table>	Stage 4 (E+F)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED		TOTAL CAR SPACE REQUIRED	NO. OF UNITS	54	131	30				NO. OF CAR SPACE REQUIRED	32.4	117.9	42	43		242	TOTAL CAR SPACE PROVIDED						243
Stage 4 (E+F)	1-BED	2-BED	3-BED	VISITOR CAR SPACE REQUIRED		TOTAL CAR SPACE REQUIRED																							
NO. OF UNITS	54	131	30																										
NO. OF CAR SPACE REQUIRED	32.4	117.9	42	43		242																							
TOTAL CAR SPACE PROVIDED						243																							
<b>4A Solar and Daylight Access</b>																													
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	The concept proposal has demonstrated that the minimum solar access requirements can be achieved for the precinct per stage. It is considered a more detailed assessment would be appropriate once a detailed building design application is lodged at a later date. Conditions of consent will also be applied to ensure compliance with solar access is achieved for the development on a per stage basis as mentioned previously in this report under the SWCPP Briefing response to the May 2022 briefing.																												
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	The concept proposal has demonstrated that the minimum solar access requirements can be achieved for the precinct per stage. It is considered a more detailed assessment would be appropriate once a detailed building design application is lodged at a later date. Conditions of consent will also be applied to ensure compliance with solar access is achieved for the development on a per stage basis as mentioned previously in this report under the SWCPP Briefing response to the May 2022 briefing.																												
<b>4B Natural Ventilation</b>																													
All habitable rooms are naturally ventilated	The concept proposal has demonstrated that the minimum natural ventilation requirements can be achieved per building and per stage. Further assessment of cross ventilation over apartments would be considered more appropriate at a future DA stage.																												
The layout and design of single aspect apartments maximises natural ventilation																													
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed																													
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass																													

Provisions		Comment												
line to glass line														
4C Ceiling Heights														
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	The concept design proposed demonstrates a minimum 3.1m floor to floor can be achieved, which will enable a minimum 2.7m floor to ceiling to be achieved.
Minimum ceiling height														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use													
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms														
Ceiling heights contribute to the flexibility of building use over the life of the building														
4D Apartment Size and Layout														
Apartments are required to have the following minimum internal areas: <table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each		Apartment Type	Minimum Internal Area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	The assessment of apartment size and layouts would be considered more appropriate at a future DA stage.		
Apartment Type	Minimum Internal Area													
Studio	35m <sup>2</sup>													
1 bedroom	50m <sup>2</sup>													
2 bedroom	70m <sup>2</sup>													
3 bedroom	90m <sup>2</sup>													
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														
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Considered more appropriate at a future DA stage.												
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Considered more appropriate at a future DA stage.												
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)		Considered more appropriate at a future DA stage.												
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		Considered more appropriate at a future DA stage.												
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>3.6m for studio and 1 bedroom apartments</li><li>4m for 2 and 3 bedroom apartments</li></ul>		Considered more appropriate at a future DA stage.												
4E Private Open Space and Balconies														
All apartments are required to have primary balconies as follows: <table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m<sup>2</sup></td><td>-</td></tr></table>		Dwelling Type	Minimum Area	Minimum Depth	Studio	4m <sup>2</sup>	-	Considered more appropriate at a future DA stage.						
Dwelling Type	Minimum Area	Minimum Depth												
Studio	4m <sup>2</sup>	-												

Provisions			Comment
1 bedroom	8m <sup>2</sup>	2m	
2 bedroom	10m <sup>2</sup>	2m	
3 bedroom	12m <sup>2</sup>	2.4	
The minimum balcony depth to be counted as contributing to the balcony area is 1m			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m			N/A
4F Common Circulation and Spaces			
The maximum number of apartments off a circulation core on a single level is eight.			Considered more appropriate at a future DA stage.
Where design criteria 1 above is not achieved, no more than 12 apartments should be provided off a circulation core on a single level			
4G Storage			
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			Considered more appropriate at a future DA stage.
Dwelling Type	Storage Size Volume		
Studio	4m <sup>3</sup>		
1 bedroom	6m <sup>3</sup>		
2 bedroom	8m <sup>3</sup>		
3 bedroom	10m <sup>3</sup>		
At least 50% of the required storage is to be located within the apartment.			
4H Acoustic Privacy			
Noise transfer is minimised through the siting of buildings and building layout			Considered more appropriate at a future DA stage.
Noise impacts are mitigated within apartments through layout and acoustic treatments			
4K Apartment Mix			
A range of apartment types and sizes is provided to cater for different household types now and into the future			The concept proposal provides a residential GFA that is able to provide an appropriate apartment mix and would be considered further at a future DA for the built form. The mix as part of the concept is considered to be acceptable.
The apartment mix is distributed to suitable locations within the building			
4L Ground Floor Apartments			
Street frontage activity is maximised where ground floor apartments are located			Considered more appropriate at a future DA stage for buildings which have apartments on ground floor.
Design of ground floor apartments delivers amenity and safety for residents			
4M Facades			
Building facades provide visual interest along the street while respecting the character of the local area			The proposed concept application has provided appropriate building envelopes with extensive articulation and uniqueness per stage. This will enable the achievement of appropriately designed facades and encourage street activation and enhance the character of the locality, however detailed consideration of building facades would be considered more appropriate at a future DA stage.
Building functions are expressed by the facade			
4N Roof Design			
Roof treatments are integrated into the building design and positively respond to the street			Considered more appropriate at a future DA stage. The rooftops adopt communal open

Provisions	Comment
Opportunities to use roof space for residential accommodation and open space are maximised	spaces and some rooftops incorporate the provision of photovoltaic solar panels.
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	The landscape design provided has been considered appropriate for the site and further consideration would be more appropriate at a future DA stage.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Considered more appropriate at a future DA stage. Conditions of consent will also be applied in regard to details of soil volumes for areas of planters and deep soil on the ground floor and for rooftop canopies to ensure enough structural soil can be provided for landscaping and trees.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Considered more appropriate at a future DA stage.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not applicable
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The proposed concept application has provided appropriate building envelopes with extensive articulation that will enable the achievement of appropriately designed facades, encourage street activation and enhance the character of the locality. Detailed consideration of building frontages and integration of the residential elements of the building through the design would be considered more appropriate at a future DA stage.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Considered more appropriate at a future DA stage.
Signage responds to the context and desired streetscape character	
4U Energy Efficiency	
Development incorporates passive environmental design	Considered more appropriate at a future DA stage and to meet BASIX requirements.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	



Provisions	Comment
Potable water use is minimised	Considered more appropriate at a future DA stage and to meet BASIX requirements.
Urban stormwater is treated on site before being discharged to receiving waters	
Flood management systems are integrated into site design	
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Considered more appropriate at a future DA stage. Comments from Council's waste management section in regards to waste servicing and requirement for larger bin holding facilities due to future collections of once per week instead of twice as originally intended by the applicant.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Considered more appropriate at a future DA stage.
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

## **(b) State Environmental Planning Policy (Resilience and Hazards) 2021**

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal.

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

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

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, 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 applicant provided a Detailed Site Investigation Ref. E24744.E02\_Rev0 prepared by EI Australia dated 26 October 2020. The report was reviewed by Council's Environmental Health Section and have found that the report has been prepared by a suitably qualified contamination consultant and appears to be in general accordance with the relevant Acts and Guidelines. No contamination has been identified and the site has been deemed as suitable for the proposed use.

It is considered that based on the assessment provided and the fact that the application is for a concept only, the imposition of conditions relating to contamination is considered appropriate in this instance. It is important to note that any future development application

would involve significant excavation to cater for the basement levels. It is considered that based on the recommendations above and the fact any future DA will involve significant excavation that the subject site will satisfactorily address SEPP (Resilience and Hazards) 2021 and will be made suitable for the proposed use.

Therefore, the concept is considered to be satisfactory for the site and the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021 can be met through the imposition of appropriate conditions of consent for contamination and the detailed design stage.

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

The detailed design application would be required to be supported by a BASIX Certificate in accordance with the provisions of the SEPP which indicates that the required targets for water, thermal comfort and energy are met by the proposal.

In accordance with this policy, all new residential dwellings and those seeking alterations and additions as identified under this policy require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to use less portable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

**(d) State Environmental Planning Policy (Transport and Infrastructure) 2021**

The subject site is located in close proximity to the South West Rail Link, in particular the part of the railway from Glenfield to Edmondson Park Railway Station. Additionally, as there are to be greater than 300 dwellings, the proposal would be considered as traffic generating development. Specifically, the following clauses of this SEPP have been considered during the assessment of the proposal.

**2.97 Development adjacent to rail corridors**

*(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—*

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

*Note—*

*Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.*

*(2) Before determining a development application for development to which this section applies, the consent authority must—*

- (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
- (b) take into consideration—*
  - (i) any response to the notice that is received within 21 days after the notice is given, and*
  - (ii) any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*

(3) Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.

(4) Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.

#### **2.121 Traffic-generating development**

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

- (a) new premises of the relevant size or capacity, or
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

(2) In this section, relevant size or capacity means—

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—

- (a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and
- (b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.

(4) Before determining a development application for development to which this section applies, the consent authority must—

- (a) give written notice of the application to TfNSW within 7 days after the application is made, and
- (b) take into consideration—
  - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and
  - (ii) the accessibility of the site concerned, including—
    - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
    - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
  - (iii) any potential traffic safety, road congestion or parking implications of the development.

(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.

**Comment:** The development application for the concept proposal was referred to Transport NSW, in particular the sub-sections underneath including Sydney Trains and Roads and Maritime. Referral comments were received from both agencies with no objections to the

proposal and in the case of Sydney Trains the referral was accompanied with a number of conditions which will form part of the consent for this concept.

**(e) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, formerly the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, applies to the application.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 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 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below.

<b>Clause 11.6 General Principles</b>	<b>Comment</b>
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Proposal reviewed by Council's Land Development Engineer and considered satisfactory. Further assessment to be carried out at the detailed design DA stage.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The engineering plans were submitted and reviewed by Council's Land Development Engineering and Floodplain Engineering Sections. Further assessment to be carried out at the detailed design DA stage.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.



(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The application was required to be referred to the Natural Resource Access Regulator (NRAR) and the relevant State Government Agencies were notified of the proposal. All relevant State Government Policies, manuals and guidelines were considered as part of the proposal and the General Terms of Approval will form part of the consent to be complied with at the detailed design stage.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for residential development.
<b>Clause 11.7 Specific Principles</b>	<b>Comment</b>
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils.
(2) Bank disturbance	Maxwells Creek runs through the RE1 portion of land which will be acquired by Council. Maxwells Creek is marked to be realigned in the future. This matter can be dealt with through future development applications at the detailed design stage if the applicant is to do the works.
(3) Flooding	The site is flood affected. The development was reviewed by Council's floodplain engineering section who are satisfied with the proposal subject to conditions. Further assessment is to be carried out at the detailed design phase.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Water management details provided in civil engineering details and considered acceptable by Council's Engineers. Further consideration will be made with future development applications.
(10) Urban development areas	The area is within the Edmondson Park Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction and subject to the detailed design DA.
(13) Wetlands	Not applicable.

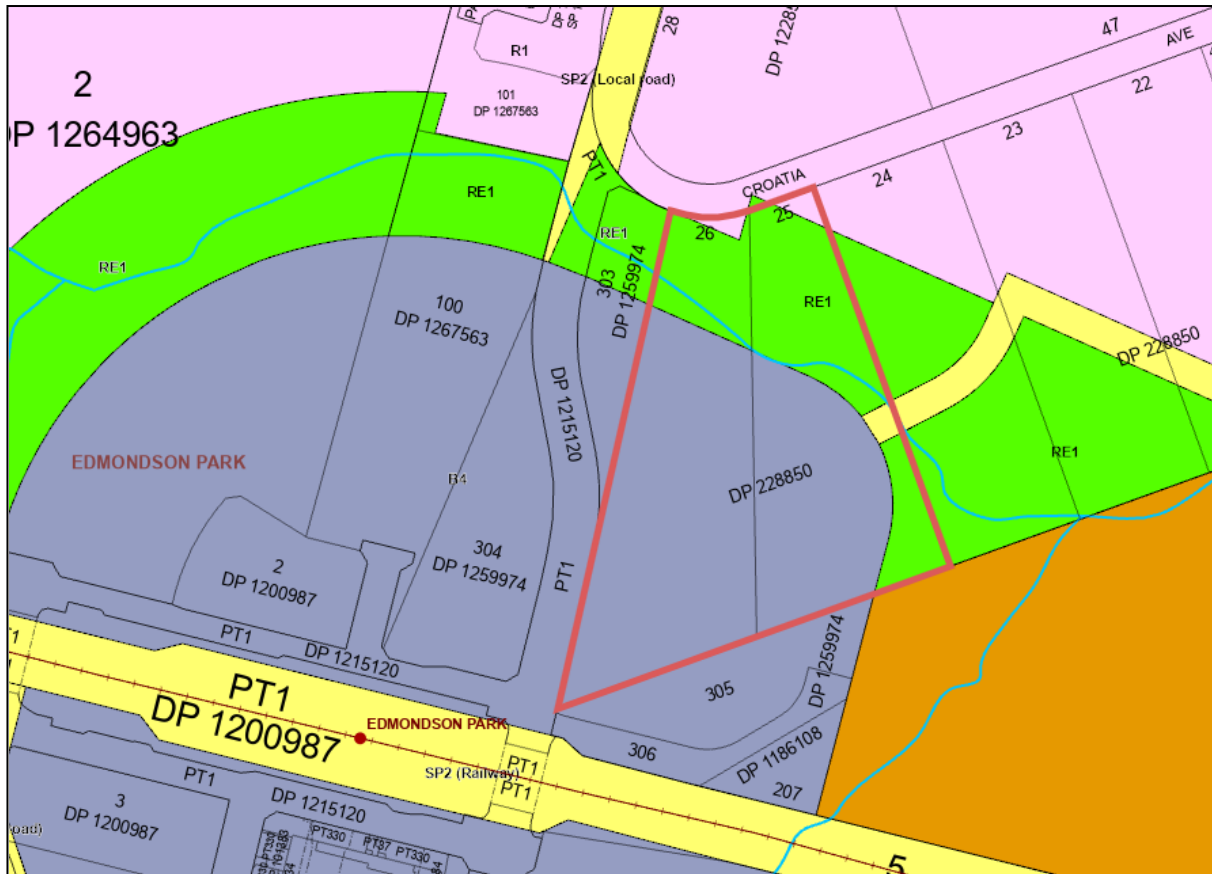
It is considered that the proposal satisfies the provisions of the (Biodiversity and Conservation) 2021 to the extent considered appropriate in this instance. Further consideration of the proposal will be given once subsequent applications have been submitted with detailed building plans.

**(f) State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

The site is within the Edmondson Park South precinct and is subject to the provisions within Chapter 2 – State Significant Precincts, Appendix 1 – Edmondson Park South Site of SEPP (Precincts – Western Parkland City) 2021.

**(i) Zoning**

The portion of the subject sites that are subject to this legislation is zoned as B4 – Mixed Use in accordance with the SEPP (Precincts – Western Parkland City) 2021. An extract of the zoning map is provided below with the B4 zone a dark blue colour.



**Figure 15 – Extract of zoning map**

**(ii) Permissibility**

The proposed concept incorporates the land uses of *residential flat building*, *commercial premises* and *shop top housing* which are all permissible in the B4 zoning. In accordance with the standard instrument, these land uses are defined as follows:

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

**Commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,

(c) retail premises.

**Shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

### (iii) Objectives of the zone

The objectives of B4 – Mixed Use zone are as follows:

- (a) to provide a mixture of compatible land uses,
- (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposed concept development would meet and satisfy the above stated objectives by providing a mixture of compatible land uses and integrating these uses into the town centre which is in a location close to public transport and would assist in encouraging active transport.

### (iv) Principal Development Standards

The SEPP (Precincts – Western Parkland City) 2021 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Comment
Clause 10 – Zone	Zone Objectives and Land Use Table	<b>Complies</b> The proposed uses are permissible with development consent in the B4 zone and are consistent with the objectives of the zone.
Clause 16 – Subdivision	Land within the Edmondson Park South site may be subdivided, but only with development consent.	<b>Not Applicable</b> Subdivision is not sought under this development.
Clause 17 – Minimum subdivision lot size	This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<b>Not Applicable</b> No minimum lot size is specified for the site.
Clause 18 – Height of buildings	The height of a building on any land within the Edmondson Park South site is not to exceed the maximum height shown for the land on the Height of Buildings Map.  Site affected by 24m height limit.	<b>Does not comply – Considered Acceptable</b> The tallest building onsite has a building height of 30.8m from existing ground level.  Accordingly, a Section 28 Variation Statement is required for the proposed building height for the concept application.
Clause 19 – Floor space ratio	The maximum floor space ratio of a building on any land within the Edmondson Park South site is not to exceed the floor space ratio shown for the land on the Floor Space Ratio	<b>Complies</b> The concept would provide a total GFA of 59,122.8m <sup>2</sup> .  The developable site area of the precinct

	Map.  Site affected by 2:1 FSR.	for this concept is 30,289m <sup>2</sup> .  Accordingly, the proposed FSR in the concept is 1.952:1.
Clause 20 – Calculation of floor space ratio and site area	Sets out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios.	<b>Noted</b> FSR has been calculated in accordance with this clause. Further assessment will be carried out at the detailed design stage.
Clause 23 – Demolition requires consent	The demolition of a building or work may be carried out only with consent.	<b>Not Applicable</b> Demolition not proposed.
Clause 26 – Flood Planning	To minimise the flood risk to life and property associated with the use of land. To allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change. To avoid significant adverse impacts on flood behaviour and the environment.	<b>Complies</b> The proposal was assessed by Council's Floodplain Engineering Section who are satisfied with the proposal and would be subject to further assessment as part of the detailed design DA.
Clause 28 – Exceptions to development standards—other development	Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument	<b>Considered Acceptable</b> Variation to the height of building development standard is applied for with this concept application. Please refer to discussion below.
Clause 31 – Preservation of Trees	Approvals required for tree removal.	<b>Not Applicable</b> The Concept Plan along with the Biodiversity Certification Order and Edmondson Park Conservation Agreement set up the framework for the the clearance and retention of the existing trees within the developable area. Vegetation removal will be subject to future DAs.
Clause 32 – Native Vegetation areas	Requires the protection and management of native vegetation areas.	<b>Not Applicable</b> No native vegetated areas within the developable area.
Clause 33 – Heritage Conservation	Consent required to demolish heritage buildings or works.	<b>Complies</b> An Aboriginal Cultural Heritage Assessment Report was submitted with this concept as it was found that the site contained recordings of Aboriginal Cultural Heritage. As such, the proposal was required to be referred to Heritage NSW who provided General Terms of Approval and the requirement for an Aboriginal Heritage Impact Permit.
Clause 34 – Public Utility Infrastructure	Development consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is	<b>Complies</b> The area is serviced by all essential services including water, sewer and electricity.

	essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	
Clause 36 – Development Control Plan	Development consent must not be granted for development on land within the Edmondson Park South site unless a development control plan has been prepared for the land.	<b>Considered Acceptable</b> The applicant has lodged this concept development application in order to act as the development control plan for this land. As such, the development would make redundant the provisions of the Edmondson Park DCP 2012. Further compliance with this Clause is discussed below.
Clause 37 – Relevant Acquisition Authority	The objective of clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired.	<b>Not Applicable</b> The site does not include works on land identified on the Land Acquisitions Map subject to this legislation.

**Clause 28 - Exceptions to development standards—other development (Variation to Clause 18 Height of Buildings)**

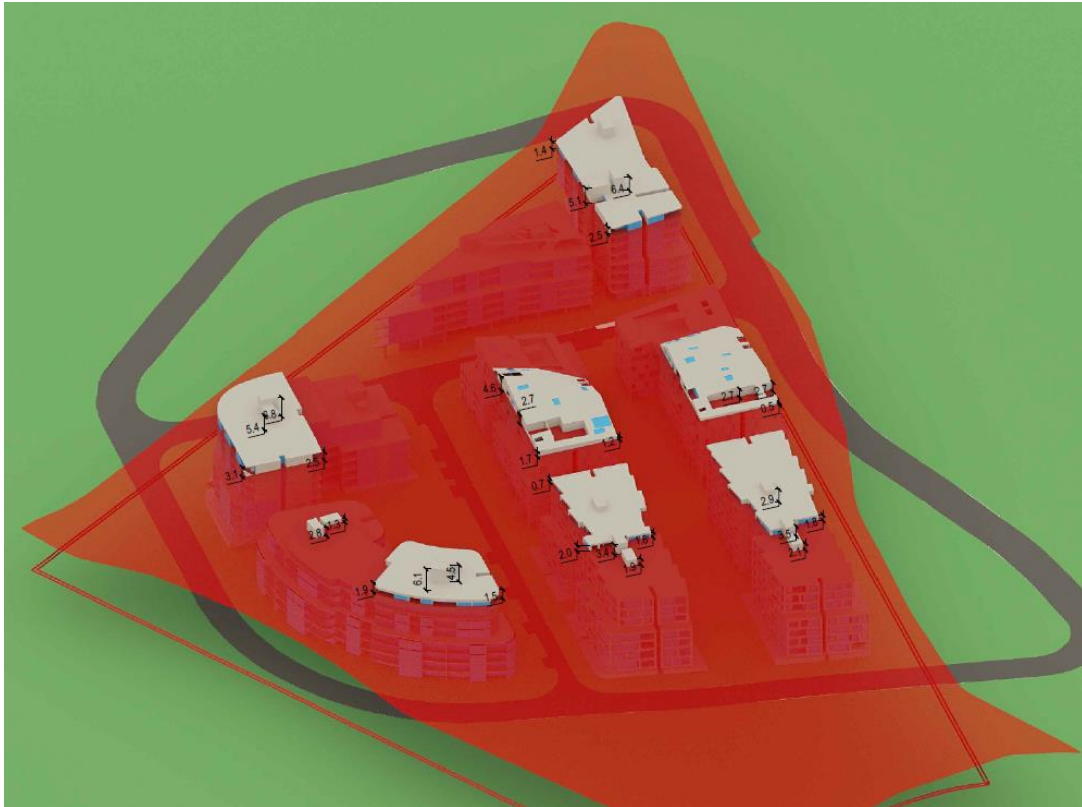
Clause 18 of the SEPP (Precincts – Western Parkland City) 2021 states;

*“The height of a building on any land within the Edmondson Park South site is not to exceed the maximum height shown for the land on the Height of Buildings Map.”*

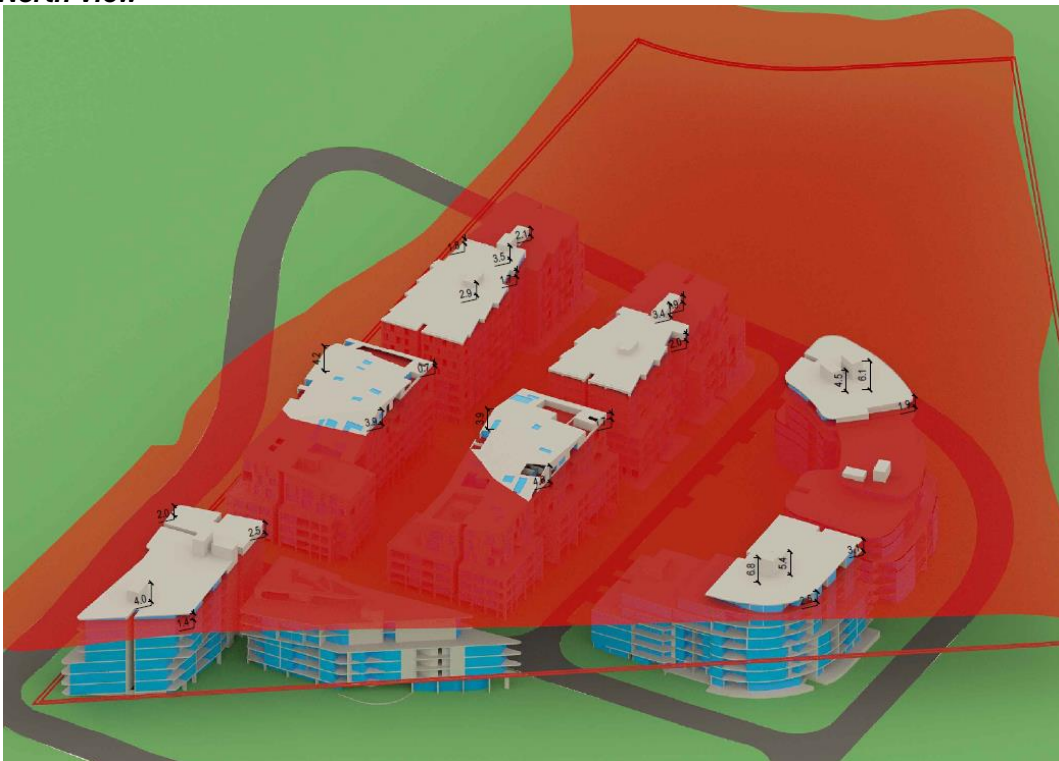
The subject concept proposal seeks a variation to the maximum height of buildings contained in SEPP (Precincts – Western Parkland City) 2021. As stated in the SEPP (Precincts – Western Parkland City) 2021 table above, the maximum height of buildings is to be 24m. The subject concept plan is applying for an exceedance of building height to 7 of the 8 proposed buildings. The maximum height proposed as part of this concept is 30.8m to the lift overrun of Building F. This equates to a variation of 28% to the development standard. The variations and exceedances across the concept proposal are seen in the below table.

Building	Height exceedance to top of roof.	Height exceedance including rooftop lift access and lift overrun.
Building A	1.8m (8%)	3.5m (15%)
Building B	2.0m (8%)	3.4m (14%)
Building C	4.2m (18%)	lift overruns integrated into roof design
Building D	4.6m (19%)	lift overruns integrated into roof design
Building E	1.9m (8%)	6.1m (25%)
Building F	3.1m (13%)	6.8m (28%)
Building G	No Exceedance	No Exceedance
Building H	2.5m (10%)	6.4m (27%)



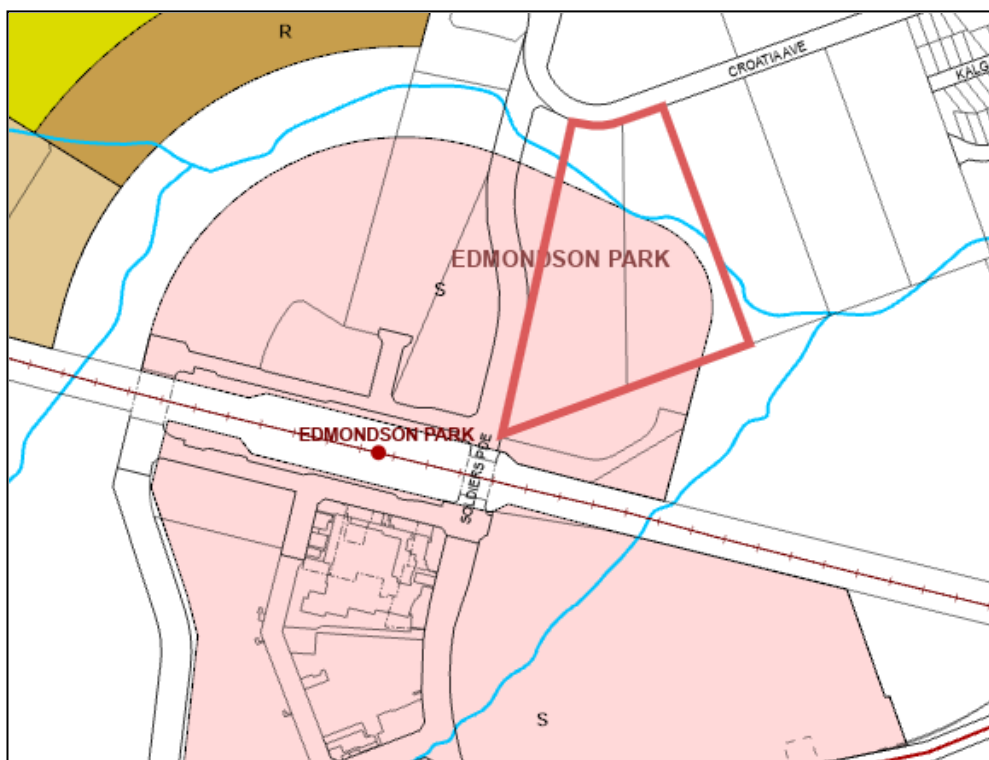


**North View**



**South View**

**Figure 16** – Extracts of the concept height planes proposed as part of this application



**Figure 17** – Extract of SEPP (Precincts – Western Parkland City) 2021 maximum height limit map, also showing the height limits specified for other areas of the Edmondson Park Town Centre to the west and south which are approved to exceed the height limit further than what is proposed under this concept.

Consequently, pursuant to Clause 28 of the SEPP (Precincts – Western Parkland City) 2021 the applicant has submitted a written request seeking a variation to the minimum height of buildings as prescribed by Clause 18.

The objectives of Clause 28(2) 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.”*

Clause 28(4) prescribes:

*“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.”*

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

The applicant submitted a Clause 28 Variation Statement to the Height of Buildings Development Standard, dated 21 January 2021, in order to justify the variation described above. This document provides the following justifications based on the merits of the proposal:

**Variation to Height of Buildings, Clause 18:**

**(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**

*Compliance with the development standard is considered unreasonable and unnecessary in this instance.*

*The maximum height of buildings of 24m would allow for development of up to seven storeys. The exceedance seeks to allow for a greater variation of heights across the site whilst maintaining the overall floor space potential. It will provide for greater height and built form variations across the site allowing for a mix of lower rise buildings of 4-6 storeys along with taller 7-8 storey buildings. This approach will provide for an enhanced urban design outcome by increasing visual interest through a varied built form. It also allows varying building heights to be distributed across the site to maintain a human scale at the street level and minimise overshadowing of apartments and open space and enable the built form to be consolidated allowing for more generous space at the ground level including increased open space, public domain areas and landscaping.*

*Further, for the adjoining parts of the Town Centre North, Landcom is seeking to amend the SSP SEPP to increase the maximum height to 50m, with a landmark building up to 67m. If this amendment is approved the building heights on the subject site would be significantly lower than within the adjacent parts of the town centre, regardless of the proposed height variation. For the Frasers Town Centre Core to the south of the station maximum building heights ranging up to 67.4m have been approved and are currently under development.*

**Council Comment**

Based on the applicant's comments and investigation into the variation to the building height, and the review of the potential impact of the height extrusion it is considered that strict compliance will not reduce any impact and that it is argued that the height variation for the purpose of lift overruns and the rooftop gardens provides improved amenity for future residents and does not negatively impact on the local area in terms of additional overshadowing or determinantal impact to the design of the building. Furthermore, the additional height is not contributing to any detrimental increases in bulk and scale over the site including compliance with the floor space ratio provisions for the whole development as provided in this concept. Compliance with the standard is unreasonable in this case as the development can be sited with adherence to local provisions and any future development on the allotments would still be able to provide a valuable housing product suitable for the area and provide for the housing needs for the community.

(b) There are sufficient environmental planning grounds to justify contravening the development standard

There are sufficient environmental planning grounds to justify the proposed variation as outlined below.

As mentioned above the proposed approach of allowing for a mix of building heights up to eight storeys will have a number of environmental planning benefits including enhanced urban design, reduced overshadowing through the sensitive location of height across the site, and consolidation of built form to provide for increased open space and landscaping.

The proposal has been considered by the Liverpool Design Excellence Panel who have supported a variation of height noting that it would like to see diversity in the spatial quality of the built form and that variations in height are encouraged and supported, rather than a monotone pattern of building heights across the site. The proposed building layout allows for generous open space provision at the ground level as shown at Figure 7 with all development sites significantly exceeding the Apartment Design Guideline requirement for 25% of communal open space. The distribution of built form has also allowed for areas of open space to achieve a high level of solar access which can meet the requirements of the Apartment Design Guide (see Figure 8).

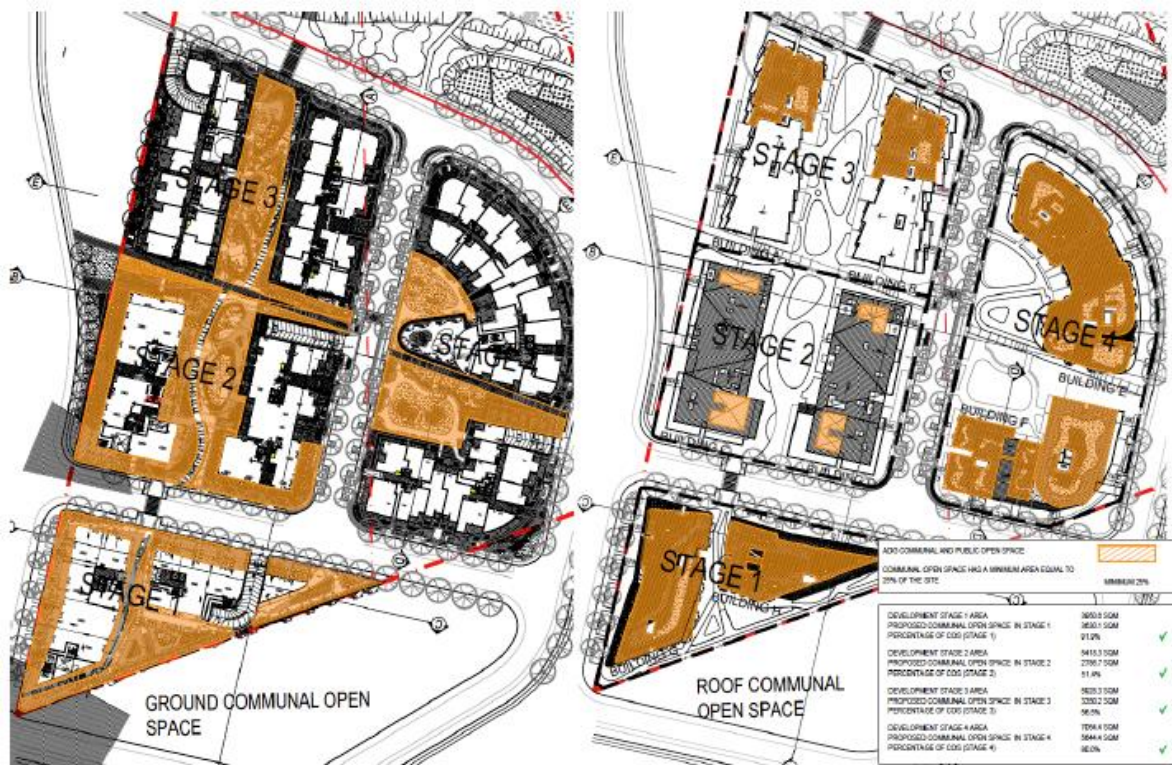


Figure 7: Communal open space





Figure 8: Solar access to communal open space

The consolidation of built form has also allowed for landscaping and tree canopy cover to be maximised which will contribute to the character and amenity of the area and heat reduction. A canopy cover of 33.3% is achievable within the developable area (see Figure 9), which significantly exceeds the 25% target for medium and high density areas in the NSW Government Architect draft Greener Places Guideline.



Figure 9: Tree canopy cover

*The exceedance for lift overruns is directly to facilitate access to rooftop open space significantly enhancing amenity for residents.*

### **Council Comment**

As a result of the assessment above, it is also considered that compliance with the height of buildings development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development is considered to be consistent with the built form proposed within other precincts of the Edmondson Park Town Centre and is much less compared to what has been approved over the adjoining Landcom and Frasers precincts. Additionally, the increase in the height proposed ensures that better amenity can be provided to the future occupants of the buildings with communal open space on rooftops and opportunities for better open space areas. The objectives of the Height of Buildings clause, as per the Liverpool LEP 2008, have also been addressed, as well as the objectives of the zone.

Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 18 – Height of Buildings in this instance.

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

*(a) the consent authority is satisfied that—*

*(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*

**Applicant Comment:** *The SSP SEPP does not outline any objectives for the height of buildings standard. In the absence of objectives, the objectives of Clause 4.3 Height of Buildings under the Liverpool LEP have been considered below Table 2. The objectives of the B4 Mixed Use zone are considered in Table 3. The proposal is consistent with all relevant objectives.*

*(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*

*This request seeks to vary 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,*

*As outlined above the variation will provide for enhanced urban form outcomes including increased built form variation, enhanced solar access and increased open space, public domain and landscaping. This position has been supported by the Liverpool Design Excellence Panel. The proposal to allow heights of up to 30.8m will allow for enhanced urban form through variations in height across the site, reduced overshadowing through the sensitive location of height across the site, and consolidation of built form to provide for increased open space and landscaping.*



*(c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*

*As outlined above solar access and views to the sky from public areas and communal open space are maintained through the sensitive distribution of building height. Proposed apartments are also able to achieve a high level of solar access with 80% achieving a minimum of 2 hours of solar access in midwinter.*

*(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

*The proposed exceedance will allow for appropriate transitions and land use intensity with built form stepping down towards street frontages and adjacent sites and for height distributed to provide for solar access to open space and apartments.*

**Comment:** It is considered the proposed development would meet the objectives of the Development Standard and would be consistent with the approach taken within the entire Edmondson Park town centre precinct.

#### Consistency with objectives of the zone – B4 – Mixed Use

##### **Objectives of Zone B4 – Mixed Use**

*(a) to provide a mixture of compatible land uses,*

**Applicant Comment:** *The proposal provides for a mix of compatible uses including small retail / commercial tenancies, residential apartments and a childcare facility with supporting open space and streets.*

*(b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

**Applicant Comment:** *The proposal provides for business, retail, and residential uses within close proximity of a train station. The proposal will enhance public transport patronage through location of development adjacent to a train station and seeks to maximise pedestrian and cycle accessibility.*

**Council Comment:** Based on the assessment of the Clause 28 variation provided above, the development is considered to be consistent with the objectives of the B4 – Mixed Use zone as it provides a mixture of compatible land uses and integrating these uses into the town centre which is in a location close to public transport and would assist in encouraging active transport.

#### Consistency with Clause 28 objectives

##### **Objectives of Clause 28 Exceptions to development standards:**

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*

- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is considered appropriate in this instance to apply a degree of flexibility when applying the Height of Building development standard applicable to the subject site based on the town planning assessment of the Clause 28 variation provided above. It is considered that achieving an increased building height is unlikely to result in detrimental impacts to the built and natural environments and the development is consistent with the characteristics of the zone, locality and density envisioned for the area.

### Recommendation

With considerations to the discussion above, the proposed variation to Clause 18 – Height of Buildings, adequately addresses the provisions of Clause 28 including the objectives of the development standard and the zoning. The proposal is also considered to be in the public interest and is therefore supported in this instance.

## **Clause 36 – Development Control Plan**

### **36 Development control plan**

- (1) The objective of this section is to ensure that development on land within the Edmondson Park South site occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*
- (2) Development consent must not be granted for development on land within the Edmondson Park South site unless a development control plan that provides for the matters specified in subsection (3) has been prepared for the land.*
- (3) The development control plan must provide for all of the following—*
  - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
  - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
  - (d) a network of passive and active recreational areas,*
  - (e) stormwater and water quality management controls,*
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
  - (g) detailed urban design controls for significant development sites,*
  - (h) measures to encourage higher density living around transport, open space and service nodes,*
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

- (4) *Subsection (2) does not apply to any of the following development—*
- (a) *a subdivision for the purpose of a realignment of boundaries that does not create additional lots,*
  - (b) *a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,*
  - (c) *a subdivision of land in a zone in which the erection of structures is prohibited,*
  - (d) *proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.*

**Comment:** While it is acknowledged that a site specific DCP has not been prepared for the site, through the provisions of Clause 4.23 of the EP&A Act 1979 (see below), the applicant intends to have this concept development application act as the development control plan for this part of the town centre. It is evident that the concept proposal and the associated urban design study has given due consideration for all the matters listed in subclause (3). As such, it is to be noted that the provisions of the Edmondson Park DCP 2012 will be overruled by this concept if approved. It is also important to note that the submitted concept plan has been presented numerous times to Councils Design Excellence Panel, which have deemed the documentation satisfactory and have endorsed the concept proposed.

**4.23 Concept development applications as alternative to DCP required by environmental planning instruments** *(cf previous s 83C)*

- (1) *An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) *However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

**Note.** Section 3.44 (5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.

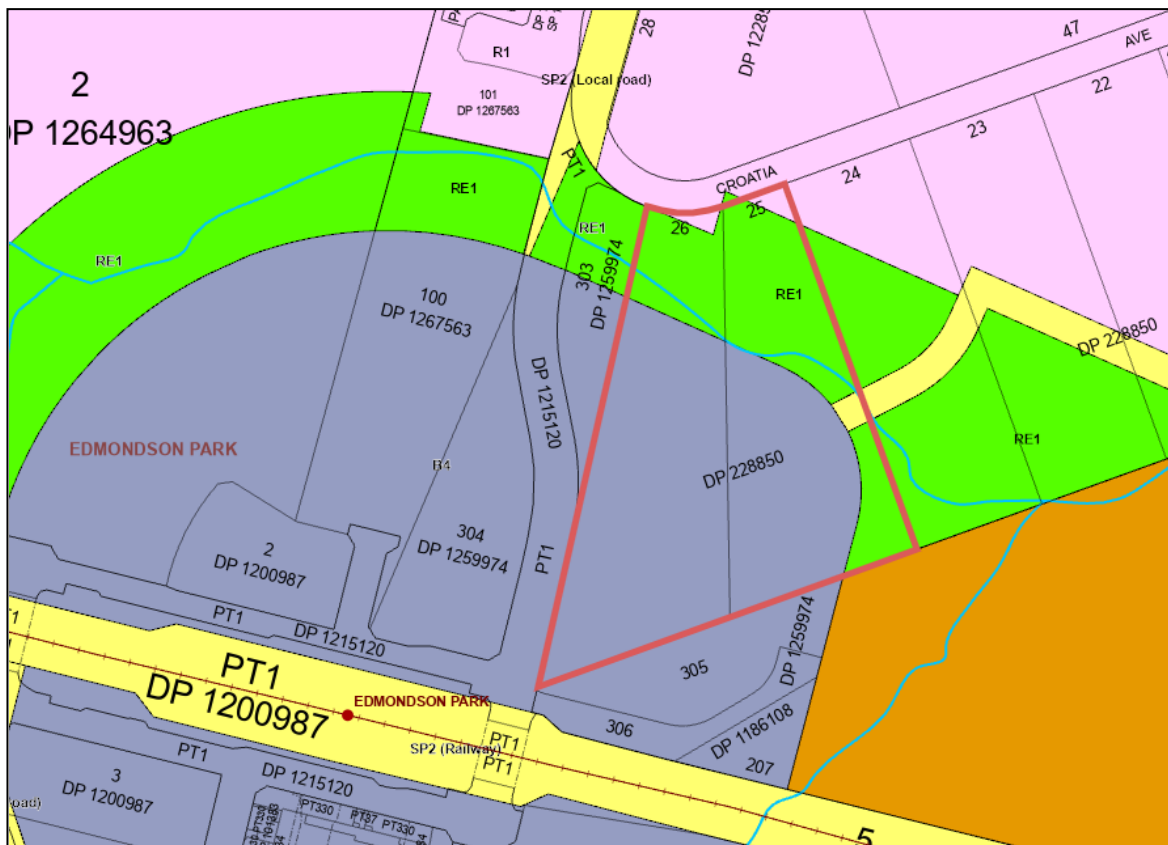
- (3) *Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

Clause 4.23 above enables the submission of a concept development application in lieu of the development of a site specific DCP. Therefore, it is considered that the submission of a concept application has the same effect as the preparation of a DCP and satisfies Clause 36 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021. The assessment of the relevant statutory considerations demonstrate how the concept proposal meets the relevant requirements of a DCP as required by Clause 36(3) of the abovementioned SEPP.

**(g) Liverpool Local Environmental Plan 2008**

**(i) Zoning**

The portion of the subject sites that are subject to this legislation is zoned as RE1 – Public Recreation, R1 – General Residential and SP2 - Infrastructure in accordance with the Liverpool Local Environmental Plan 2008. An extract of the zoning map is provided below with the RE1 zone coloured green, the SP2 zone coloured yellow and the R1 zone a pink colour.



**Figure 18 – Extract of zoning map**

The proposed concept is predominantly restricted within the B4 – Mixed Use zoning under the SEPP (Precincts – Western Parkland City) 2021. The RE1 and SP2 zones are identified for acquisition by Council along with future creek realignment works of Maxwells Creek. Part of the road reserves comprising street tree planting and footpath is proposed to be located in some of the RE1 and SP2 zone. Roads are permissible within both the RE1 and SP2 zone. These land uses are compatible with the future character of the area and are considered to also be consistent with the zone objectives.

**(ii) Principal Development Standards**

The LLEP 2008 contains a number of provisions which are relevant to the proposed concept application. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Comment
<b>5.1 Relevant acquisition authority</b>	To identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes	The site is subject to the acquisition of land for the purposes of local open space and local road in which Council is the relevant acquisition authority of this land.
<b>5.10 Heritage Conservation</b>	Development proposed within the vicinity of a heritage item must be accompanied by a heritage management document to assess the impact of the heritage significance of the heritage item. To conserve Aboriginal objects and Aboriginal places of heritage significance.	An Aboriginal Cultural Heritage Assessment Report was submitted with this concept as it was found that the site contained recordings of Aboriginal Cultural Heritage. As such, the proposal was required to be referred to Heritage NSW who provided General Terms of Approval and the requirement for an Aboriginal Heritage Impact Permit.
<b>6.5 Public Utility Infrastructure</b>	Public utility infrastructure must be available	The area is considered to be serviced by all essential services including water, sewer and electricity.
<b>5.21 Flood Planning</b>	Minimise risk of flood to life and property and allow development that is compatible with a flood prone area.	The proposal was assessed by Council's Floodplain Engineering Section who are satisfied with the proposal and would be subject to further assessment as part of the detailed design DA.
<b>7.6 Environmentally Significant Land</b>	Identify and maintain areas of high ecological significance	Part of the RE1 and SP2 land is mapped as environmentally significant land. The concept is not proposing works to this land and is to be maintained. The proposal was also reviewed by Council's Natural Environmental – Flora and Fauna Section who were satisfied with the proposal and further assessment would be subject to the detailed design application.

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

No draft Environmental Planning Instruments applies to the site

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

The following Development Control Plans apply to this site:

- *Edmondson Park South Development Control Plan 2012.*
- *Liverpool Development Control Plan 2008.*
  - *Part 1: General Controls for All Development.*
  - *Part 2.11: Land Subdivision and Development in Edmondson Park.*

The following compliance tables outline compliance with these controls.



## Edmondson Park South Development Control Plan 2012

The provisions of Section 8 of the Edmondson Park South DCP 2012 apply to this development. As a more detailed DCP is required for this precinct (purpose this concept poses), the following controls are to be considered in this proposal:

<b>Edmondson Park South Development Control Plan 2012</b>	
<b>Function and Land Use Mix</b>	
Incorporate a range of retail, commercial, entertainment, recreation and community uses	<b>Complies</b> A number of mixed use buildings proposed with ground floor retail/ commercial tenancies.
Create a compact retail core located on the southern side of the rail corridor	<b>Not Applicable</b> The site is on the northern side of the rail corridor.
Incorporate a minimum of 1,140 dwellings in a variety of housing forms including higher density housing and mixed use development	<b>Complies</b> The proposed concept in its current form will provide 674 dwellings contributing to the overall dwelling target.
Concentrate small retail uses along and fronting key streets/plazas	<b>Complies</b> The proposal incorporates small retail uses fronting the station plaza and the key east-west street.
Co-locate uses and facilities to maximise the efficient use of space	<b>Complies</b> The proposal identifies four separate development sites which with collocated parking and servicing.
Active uses at ground floor are required, in the core of the Town Centre, in particular, fronting the main street, open space and in close proximity to the train station.	<b>Complies</b> Active uses on the ground floor are present in close proximity to the train station.
Consider the needs of health and aged care providers, facilities for young people, civic and emergency services within the Town Centre	<b>Noted</b> Can be considered at future detailed designs and use DAs, however a variety of sized commercial tenancies are provided which can be occupied by these uses in the future.
Provide uses that promote an active, 18 hours/7 days a week Town Centre	<b>Complies</b> The proposal incorporates non-residential uses closest to the station to promote activation including across the day and week. This will be complimented by more intensive active uses being developed within the retail core to the south of the station.
<b>Design and Layout</b>	
Encourage accessibility and connectivity between the northern and southern portions of the Town Centre	<b>Complies</b> The site does not have the capacity to incorporate access between the northern and southern portions of the town centre. However, the proposal will provide a grid of streets and pedestrian connection to the Town Centre.

Optimal length of the main street is 350m	<b>Noted</b>
The street layout is to emphasise sight lines to local landscape features, parks, places of key cultural significance, civic buildings and public open space	<b>Complies</b> Site lines are emphasised and align with street alignments in the precinct especially to the west.
The street layout is to effectively incorporate and integrate with the design of the rail/bus interchange. Main Street must be physically linked with the crossing point of the railway station	<b>Complies</b> The street layout extends the street network proposed for the wider town centre.
<b>Built Form</b>	
A range of building heights (up to 6 storeys, 24m) with a transition to surrounding residential areas	<b>Complies</b> The proposal provides for a range of building heights up to 8 storeys. This approach seeks to maximise open space and provide for built form variations.
A range of higher density housing, including apartments, terraces, multi-unit housing and small lot housing	<b>Complies</b> A mix of apartment style housing is proposed in the concept.
High density residential development on the northern side of the rail corridor	<b>Complies</b> High density residential development is proposed as part of this concept.
Where appropriate consider and incorporate a 'landmark development' site within the Town Centre that is within 300m from the railway station and that has the potential to be built to 30m height	<b>Not Applicable.</b> Furthermore, the Frasers and Landcom Town Centres incorporate landmark buildings in excess of 30m.
All large format retail premises and decked parking areas, visible from prominent public areas, are to be sleaved with active uses. Blank walls visible from the public domain are to be limited	Not Applicable
<b>Pedestrian Amenity and Public Domain</b>	
High amenity pedestrian streetscapes are to be provided through the Town Centre (Figures 34-36)	<b>Complies</b> A network of streets and pedestrian connections is proposed providing for ease of access within the site and to the station, adjoining development sites and the riparian open space.
Create a main street characterised by pedestrian-friendly local traffic	<b>Complies</b> The DCP does not specify the location of the main street however it is understood that this is accommodated within the retail core to the south of the station.
Ensure effective pedestrian and cycle connection between the transit station and the main street is maximising visibility/transparency of the station and minimising walking distances	As above
<b>Parking and Access</b>	
Reinforce the importance of ease of access	<b>Complies</b>

and directness of major roadways to the Town Centre from surrounding residential areas	The street and pedestrian network extends the proposed network for the wider town centre and surrounding residential areas.
Bus traffic is to be routed along secondary streets to ensure high amenity levels on Main Street	<b>Not Applicable</b> No bus routes identified to traverse the site.
Any future application within the Town Centre must be supported by a detailed traffic and transport study including a micro-simulation model. The study should identify appropriate bus priority measures along the main street and ensure integration with the transport interchange.	<b>Complies</b> A traffic study has been prepared. Detailed traffic modelling will be provided with future detailed DAs.
Bicycle parking shall be provided in appropriate numbers in the Town Centre, sporting facilities, parks, community facilities, schools and the bus / rail interchange and are encouraged as part of the development of employment and other commercial uses.	<b>Complies</b> Bike parking to be provided in accordance with rates in the draft Landcom Town Centre North Design Guideline.

### **LDCP 2008 Part 1: General Controls for All Development**

The provisions of the LDCP 2008 apply to the portion of the land subject to the Liverpool Local Environmental Plan, in which case, the land identified for acquisition, being the RE1 and SP2 zoned land as well as the R1 residential land. The concept proposal does not indicate this land to be impacted as previously addressed.

<b>Development Control</b>	<b>Provision</b>	<b>Comment</b>
<b>Section 2. Tree Preservation</b>	Controls relating to the preservation of trees	<b>Not Applicable</b> The concept does not indicate vegetation requiring removal.
<b>Section 3. Landscaping and Incorporation of Existing Trees</b>	Controls relating to landscaping and the incorporation of existing trees.	<b>Complies</b> Considered more appropriate at a future DA stage.
<b>Section 4 Bushland and Fauna Habitat Preservation</b>	Controls relating to bushland and fauna habitat preservation	<b>Not Applicable</b> Environmentally Significant land not impacted by concept. Further assessment can be done at the detailed design stage.
<b>Section 5. Bush Fire Risk</b>	Controls relating to development on bushfire prone land	<b>Considered Acceptable</b> The development site is mapped as bushfire prone land and the NSW Rural Fire Service have provided General Terms of Approval.
<b>Section 6. Water Cycle Management</b>	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage	<b>Considered Acceptable</b> The engineering plans were submitted and reviewed by Council's Land Development Engineering and Floodplain Engineering

Development Control	Provision	Comment
	concept plan is to be submitted.	Sections. Further assessment to be carried out at the detailed design DA stage.
<b>Section 7. Development Near a Watercourse</b>	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.	<b>Considered Acceptable</b> The development site is within close proximity to a water course. The application was required to be referred to the Natural Resource Access Regulator (NRAR) and the General Terms of Approval will form part of the consent to be complied with at the detailed design stage.
<b>Section 8. Erosion and Sediment Control</b>	Erosion and sediment control plan to be submitted.	<b>Considered Acceptable</b> Considered more appropriate at a future DA stage.
<b>Section 9. Flooding Risk</b>	Provisions relating to development on flood prone land.	<b>Complies</b> The proposal was assessed by Council's Floodplain Engineering Section who are satisfied with the proposal and would be subject to further assessment as part of the detailed design DA.
<b>Section 10. Contaminated Land Risk</b>	Provisions relating to development on contaminated land.	<b>Complies</b> As discussed within this report, the subject site is considered to be suitable for the proposed development. Further consideration will be given when applications for buildings are submitted.
<b>Section 11. Salinity Risk</b>	Provisions relating to development on saline land.	<b>Considered Acceptable.</b> The development site is identified as containing a moderate to high salinity potential. Further assessment of salinity would be undertaken at the detailed design stage to meet the provisions of the NCC.
<b>Section 12. Acid Sulphate Soils</b>	Provisions relating to development on acid sulphate soils	<b>Not Applicable</b> The site is not identified as containing the potential for acid sulphate soils.
<b>Section 13. Weeds</b>	Provisions relating to sites containing noxious weeds.	<b>Not Applicable</b> The site is not identified as containing noxious weeds.
<b>Section 14. Demolition of Existing Development</b>	Provisions relating to demolition works	<b>Complies</b> Site is predominantly vacant and historic demolition occurred on site previously.
<b>Section 15. On Site Sewage Disposal</b>	Provisions relating to OSMS.	<b>Not Applicable</b> OSMS is not proposed.
<b>Section 16.</b>	An initial investigation must be	<b>Complies</b>

Development Control	Provision	Comment
<b>Aboriginal Archaeology</b>	carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	An Aboriginal Cultural Heritage Assessment Report was submitted with this concept as it was found that the site contained recordings of Aboriginal Cultural Heritage. As such, the proposal was required to be referred to Heritage NSW who provided General Terms of Approval and the requirement for an Aboriginal Heritage Impact Permit.
<b>Section 17. Heritage and Archaeological Sites</b>	Provisions relating to heritage sites.	<b>Complies</b> The proposal is not close to items of European heritage.
<b>Section 22. and Section 23 Water Conservation and Energy Conservation</b>	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	<b>Complies</b> Considered more appropriate at a future DA stage.
<b>Section 25. Waste Disposal and Re-use Facilities</b>	Provisions relating to waste management during construction and on-going waste.	<b>Considered Acceptable</b> Considered more appropriate at a future DA stage. Comments from Council's waste management section in regards to waste servicing and requirement for larger bin holding facilities due to future collections of once per week instead of twice as originally intended by the applicant.
<b>Section 26 Outdoor Advertising and Signage</b>	Provisions relating to signage.	<b>Not Applicable</b> The DA does not propose any signage.

### Consideration of LDCP 2008, Part 2.11 Development in Edmondson Park

The table below provides an assessment of the proposal in relation to the relevant sections of Part 2.11 of the Liverpool DCP 2008.

DEVELOPMENT CONTROL	PROPOSAL	COMMENT
<b>PART 2.11 – LAND SUBDIVISION AND DEVELOPMENT IN EDMONDSON PARK</b>		
<b>1.1 INDICATIVE LAYOUT</b> To be in accordance with Figure 2 of the DCP	The Indicative Layout Plan is not impacted by the proposed development.	Complies
<b>2.1 STREET NETWORK AND ACCESS</b> Subdivision plans must indicate street type.	The proposed road layout and dimensions subject to this DCP can conform to the expected network pattern in the DCP.	Complies
<b>2.2 PEDESTRIAN AND</b>	The proposed concept would be	Complies



CYCLEWAY NETWORK Plans indicating non-vehicular connections and links in residential areas	consistent with the pedestrian and cycleway network.	
2.3 STREETSCAPE AND STREET TREES Minimum of two trees per six metres of frontage	Landscaping plan provided for the concept to be in accordance with DCP requirements.	Complies
2.4 OPEN SPACE Provision of open space within the Edmondson Park precinct	Provision of open space land will be acquired by Council.	Complies
2.5 ENVIRONMENTAL MANAGEMENT Protection of vegetation and riparian corridors	Protection of any potential significant vegetation would be more suitably dealt with at the detailed design stage.	Complies
2.6 WATER CYCLE MANAGEMENT Appropriate management of stormwater quality and quantity	The engineering plans were submitted and reviewed by Council's Land Development Engineering and Floodplain Engineering Sections. Further assessment to be carried out at the detailed design DA stage.	Complies
2.7 CONTAMINATION Potential for contamination to be assessed.	As discussed within this report, the subject site is considered to be suitable for the proposed development. Further consideration will be given when applications for buildings are submitted.	Complies

#### **6.4 Section 4.15(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement**

No planning agreement relates to the site or proposed concept development, however may be likely to be made at the detailed design stage.

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

The Environmental Planning and Assessment Regulations 2021 requires the consent authority to consider the provisions of the National Construction Code. As this is a concept application with no physical built form no conditions requiring compliance with the NCC is deemed necessary at this stage.

#### **6.6 Section 4.15(1)(a (v) – Repealed**

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

##### **(a) Natural and Built Environment**

##### ***Built Environment***

The proposed concept development is considered to have an overall positive impact on the surrounding built environment. The proposal has been designed to take into account the site

location within the Edmondson Park town centre and has provided a concept design that is of an appropriate bulk and scale and consistent with the desired future character of the area.

### ***Natural Environment***

The proposed development is unlikely to have a detrimental impact on the existing natural environment. The development proposal is located within a mixed-use zone and the areas of public recreation and open space would be subject to land acquisition. Vegetation in this area would be proposed to be retained.

### **(b) Social Impacts and Economic Impacts**

The development is considered to result in a positive social impact by facilitating a feasible and well-balanced mixed-use development within the Edmondson Park town centre. The proposal will consist of a range of potential commercial uses in close proximity to a major transport hub which will generate and encourage employment generating activities in the area.

The development will result in a positive economic impact, through the provision of the commercial premises which will provide employment opportunities for the community. Additionally, employment opportunities will also be generated through the construction of the development and the on-going maintenance of the buildings.

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

The proposed development is in keeping with the zones, associated objectives and controls. The development is considered to be compatible with the anticipated future character within the Edmondson Park town centre.

The proposal is considered to effectively respond to its surroundings and further assessment will be carried out at the detailed design stages. Accordingly, the site is considered suitable for the proposed development.

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

#### **(a) Internal Referrals**

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

<b>Department</b>	<b>Comments</b>
<b>Land Development Engineering</b>	Supported. Further review would be required at the detailed design stage and conditions would be better suited for a future DA.
<b>Urban Design and Public Domain</b>	Considered satisfactory subject to conditions.
<b>Landscaping</b>	Supported. Further review would be required at the detailed design stage.
<b>Flora/Fauna</b>	Supported. Further review would be required at the detailed design stage.
<b>Flooding</b>	Supported. Further review would be required at the detailed design stage and conditions would be better suited for a future DA.

<b>City Design - Traffic</b>	Supported. Further review would be required at the detailed design stage and conditions would be better suited for a future DA.
<b>Waste Management</b>	Supported. Conditions regarding waste servicing and requirement for larger bin holding facilities due to future collections of once per week instead of twice as originally intended by the applicant.
<b>Strategic Planning</b>	Supported subject to comments on variation to height and land subject to LEP. Further review would be required at the detailed design stage.
<b>City Design - Heritage</b>	An Aboriginal Cultural Heritage Assessment Report was submitted with this concept as it was found that the site contained recordings of Aboriginal Cultural Heritage. Heritage Officer has advised that the proposal is required to be referred to Heritage NSW to obtain General Terms of Approval and the requirement for an Aboriginal Heritage Impact Permit.
<b>Community Planning</b>	No comment. Further assessment of SIA to be conducted at detailed design stage.
<b>Environmental Health</b>	Supported. Further review would be required at the detailed design stage.
<b>City Economy</b>	Supported.
<b>Property</b>	No comment. May need to be consulted in future application if VPA proposed and regarding land acquisition.

**(b) External Referrals**

The following comments have been received from External agencies:

<b>Authority</b>	<b>Comments</b>
<b>Transport for NSW – Roads and Maritime Services</b>	No objections
<b>Department of Planning &amp; Environment - Water</b>	General Terms of Approval issued
<b>Sydney Water</b>	No objections subject to comments provided
<b>NSW Police</b>	No response
<b>NSW Rural Fire Service (RFS)</b>	General Terms of Approval issued
<b>Transport for NSW – Sydney Trains</b>	No objections subject to comments provided
<b>Heritage NSW</b>	General Terms of Approval issued
<b>Endeavor Energy</b>	No objections subject to comments provided
<b>Design Excellence Panel (DEP)</b>	Supportive of proposal

**(c) Community Consultation**

The development application was advertised from 3 February to 4 March 2021 and 13 July to 10 August 2022, in accordance with Liverpool Community Participation Plan 2019. Three submissions have been received for the proposal. The concerns raised in the submission and the response to the submissions are provided below;

Issue	Comment
<b>Ensure Council's regional drainage infrastructure and drainage infrastructure in the site can be facilitated and be appropriately sized</b>	The application was reviewed by Council's Land Development Engineers and Floodplain Engineers who reviewed stormwater management and flooding related matters for the site and how it would respond in the regional context. They were satisfied with the proposed concept and further assessment will be conducted through the future detailed design applications.
<b>Public Utility Infrastructure adequacy</b>	The application was supported with a report specifying utility provision to the site. The development is deemed to be serviceable with all required utilities. A sewer line runs through the north-east corner of the site which can be connected to, and water infrastructure is supplied within Soldiers Parade. The application was also referred to Sydney Water and Endeavour Energy who are satisfied that provisions of public utility infrastructure are provided to the site.
<b>Landowners consent not provided for public utility infrastructure</b>	Adjoining owners consent is not required to access public utility infrastructure.
<b>Notification not carried out properly with lack of information</b>	The application was advertised in accordance with the Liverpool Community Participation Plan 2019 and an array of documentation as published to Council's portal for this period. The application was re-advertised once more to ensure it was done correctly in response to this submission and enable amended documents to be provided for public viewing as well.
<b>McDonald Road alignment and size</b>	It is noted that the McDonald Road alignment is shown to be going through part of the RE1 land and non-bio certified land and is contrary to the Landcom masterplan regarding roads. It also adopts a narrower road cross section. In regard to the narrower road, Council's engineers and traffic teams have reviewed this matter and have not raised any concerns. The applicant has advised that the owners of the site are currently in negotiations with the owners of the adjoining site to the west being Lot 303 DP 1259974, Lot 303 Croatia Avenue, Edmondson Park (Currently Landcom) regarding the alignment of the road. As such, a condition of consent will apply to ensure that the road corridor for McDonald Road is wholly within the B4 zoned area of the site and is not to encroach within the RE1 land, unless sufficient evidence of an agreement between the owners of Lot 303 DP 1259974 and the owners of the subject site regarding a revised road alignment is provided. This will ensure that the northern edge of the road can line up with the adjoining site and intersection at Bernera Road to the west as per the Landcom masterplan unless otherwise varied with the agreement of the owners of Lot 303 DP 1259974.

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

The proposed development is consistent with the zoning of the land and would represent a high-quality development for the precinct. The development provides additional commercial opportunities within close proximity to public transport.

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

## **7 SECTION 7.11 CONTRIBUTIONS**

Section 7.11 contributions do not apply at this stage as the application is for a concept design only. Section 7.11 Contributions will be levied once subsequent applications for the built form are submitted.

## **CONCLUSION**

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Sections 4.15, 4.22 and 4.23 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The concept proposal is consistent with the intended desired future character of the area.
- The proposal is consistent with the objectives of the B4 – Mixed Use zone that is applicable to the site under the SEPP (Precincts – Western Parkland City) 2021.
- The proposal has undergone an extensive design review process and has satisfied the applicable objectives and provisions of SEPP (Precincts – Western Parkland City) 2021 including the provisions of Clause 28 regarding variations to development standards and 36 regarding development control plans.

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

## **8 ATTACHMENTS**

- 1) Recommended Conditions of Consent
- 2) Collated External Referral Advice
- 3) Statement of Environmental Effects
- 4) Clause 4.6 Variation
- 5) Urban Design Study
- 6) ADG Compliance Table
- 7) Design Verification Statement
- 8) Landscape Plans
- 9) Landscape Concept
- 10) Landscape RFI Response
- 11) Landscape Specification
- 12) Traffic Impact Assessment
- 13) Civil Plans



- 14) Temporary Works
- 15) Stormwater Memo
- 16) Utility Servicing Report
- 17) Detailed Site Investigation
- 18) Geotechnical Report
- 19) Aboriginal Cultural Heritage Assessment Report
- 20) Response from applicant to Heritage NSW
- 21) Cost Estimate Report
- 22) Social Impact Assessment
- 23) Bushfire Report Addendum
- 24) CPTED Report
- 25) Waste Management Plan
- 26) Ecological Advice
- 27) Ambient Electromagnetic Field Measurement Assessment
- 28) DEP Minutes
- 29) SWCPP Briefing Minutes May 2022
- 30) Bushfire Report