

6 October 2021

NSW Land and Housing Corporation  
Locked Bag 5022  
PARRAMATTA NSW 2124

**REQUEST FOR ADDITIONAL INFORMATION**  
**Environmental Planning and Assessment Regulation 2000 – Clause 54**

**Development Application No:** 1308/2021/DA-SL

**Property:** Lot 33 DP 700703, Lot 34 DP 700703, Julius Reserve, Julius Road,  
ROSEMEADOW NSW 2560, Lot 34 Julius Road, ROSEMEADOW

**Development:** Construction of a seniors housing development consisting of 45 self-contained dwellings and basement car parking

I advise that an assessment of your application has been undertaken. The following information is to be submitted to Council to allow the further consideration of your application:

**Design Excellence Panel**

1. The development application was reported to the Design Excellence Panel. The meeting minutes have been issued. Overall, the design was considered acceptable with changes. The specific outcomes identified by the Panel to be addressed as part of the revised submission include the following:
  - Consider removal of 3rd floor apartments on the southern portion of the proposal and provide suitable soil mass for a substantial canopy tree in that location, by shifting the basement ramp a little further from the boundary line.
  - Possible break of the Building D and E to provide further articulation of the built form and access to reserve.
  - Inclusion of an extended accessible ramp internally with resting points, the inclusion of deciduous trees and further tree planting adjacent to the driveway to the southern boundary.
  - Relocation and/or redesign of bin enclosure to provide a more considered outcome to the front entry. The proposed bin store wall will impact apartment amenity and compromise the use and enjoyment of the ground floor apartments while creating a negative element to the front door of the development.
  - Ensure that there are no direct views into bedrooms.

## **Waste**

### Garden organics

2. The management of garden organics has not been addressed. Provide details regarding which of the below options are to be carried out:
  - Require the landscape maintenance contractor to be responsible for removing and responsibly disposing (recycling) all garden organics generated from the development by a properly executed service agreement; or
  - Provide a nominated number of 240L GO bins and adjust the size of bin bays accordingly to accommodate the additional bins.

### Travel distance

3. Part 5.4.8.4(b) of SCDGP provides a maximum travel distance of 40 metres from a dwelling to the disposal point (excluding distance travelled in a lift). The distance that most residents are required to travel to reach the bins bays exceeds the maximum travel distance, exacerbated by the excessive internal ramping. Provide a revised design which demonstrates compliance with Part 5.4.8.4(b) of SCDGP.

### Bin bays – location

4. The proposed location of the 3 bin bays fronting Road No. 2 is within close proximity to units 4, 5 and 8 and the units directly above, and has potential for odour and general amenity impacts, particularly during warm/hot weather periods.
5. The revised design will be required to address the design and location of the bin bays bearing in mind their potential for undesirable odour impacts on nearby units as well as travel distances and the design matters raised by the Design Excellent Panel.

### Bin bays – size

6. The size of the bin bays will also require consideration as there is no allowance for a 10sqm area available for temporary storage of bulky waste materials as required by Part 5.4.8.3(h) of SCDGP nor for any additional GO bins if required (see point 2 above).

### Waste collection

7. The site is designed for kerbside collection by virtue of Road No. 2 being identified in the Traffic and Parking Assessment as an internal road (see 2.3.4 and 4.2). From an operational perspective the collection vehicles could access bins from LHS of the roadway and carry out a Walk-Out-Walk-Back\* (WOWB) bin collection service to the 3 bin bays.
8. However, as the location of the waste storage area is required to be moved for reasons provided by the Design Excellent Panel and for compliance with the maximum travel distances, the WOWB would not be available. Further, the WMP is required to be revised to detail who is responsible for the presentation of bins to the street.

### Deferred commencement - contamination

9. The subject land is to be created as a lot for residential purposes under the Part 5 approval issued by NSW Land and Housing. The Part 5 approval requires remediation of the land before the lot is created and NSW Land and Housing have accepted responsibility for ensuring that the land is suitable in this regard. A deferred commencement condition would ensure that the subdivision is to be completed prior to the commencement of the consent. The consent will only ever operate on a lot that has been created for a residential purpose and that has been accepted by NSW Land and Housing under Part 5 of the Act as having been remediated to be suitable for the subject use. The deferred commencement consent will also ensure that a suitable access pathway is provided to the relevant bus stop.
10. Provide comment regarding Council's view of the requirement for a deferred commencement consent.

## Driveway and stormwater conflict

11. The driveway is required to be relocated or moved away from the subject pit, indicated below, outside of the vehicular swept paths. A minimum of 1m clearance is to be provided from the edge of the lintel to the edge of the wing of the driveway.



12. A revised landscaping plan is required and the planting species along the east boundary (within the drainage easement) are to be selected in accordance with Appendix H of Council's Engineering Design for Development.

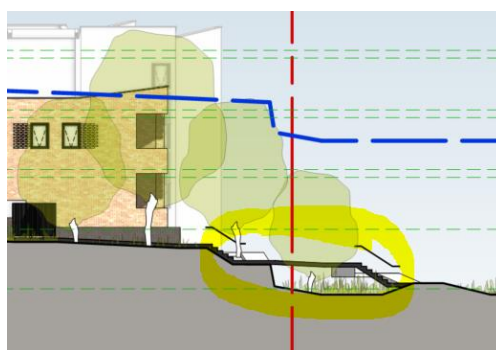
### Driveway, car parking and manoeuvring

13. The underground car parking is required to comply with clause 4.13.8 of the engineering design for development. Clause 4.13.8 states that any ramp going to an underground carpark is to be covered to avoid excess rainwater going into the basement. This clause also talks about pump out system required for the basement parking which is required to be shown on the stormwater diagrams.
14. Swept paths are required to demonstrate vehicles passing each other on both ramps without clashing. One vehicle to be B99 and the other to be B85.
15. Swept paths to be demonstrated for the end spots in accordance with the AS 2890.1 and 2 (as amended).

16. Lengths of car spots to be shown and comply with the AS 2890.1 and 2 (as amended).
17. Car parking fails to comply with the AS 2890.1 and 2 (as amended).

### **Drainage reserve pedestrian access**

18. Any stairs/ramping/bridge type structure, as identified in the below images, within the drainage reserve, is not acceptable. All pedestrian infrastructure is to be within the subject site and not within the drainage reserve. The Part 5 approved pedestrian footpath within the drainage reserve is to remain.



### **Arboricultural matters**

19. It is Council's understanding that the subdivision, demolition, tree removal and other associated works have been approved under Part 5 Approval. The proposed landscape plan includes a category of "trees to be retained". It is not clear if these trees are trees that are to be planted as part of adjacent works or are trees that are being retained on the site. Please provide clarification.
20. Further, condition 41 requires protection of trees in accordance with the submitted arborist report. If all on site trees are to be removed, there may be adjacent trees that require protection that would need to be included in this current application. Please provide the arborist report that is referred to in Condition 41.

### **Access Report and BCA Report**

21. The plans are to be amended to incorporate the recommendations contained within the Access Report and the BCA report. In particular is the necessity to redesign the fire isolated stairway to also comply with AS1428.

### **Cut and fill**

22. Provide a plan showing the amount of cut and fill proposed on the site. Ensure that the plan details that the 'existing' surface levels have been approved under the Part 5 approval.

### **Clause 4.6 Variation**

23. One written clause 4.6 request has been provided for two variation requests. Please provide two separate written variation requests.

24. Ensure the clause 4.6 requests include reference to the matters identified below in relation to overshadowing impacts.

**Overshadowing impacts**




25. Any non-compliance with height will need to be strongly justified and the impacts upon neighbouring developments will be critical to the assessment, noting the future townhouse development backyards in that direction.
26. The application states that extensive solar access testing has been undertaken to ensure that every future townhouse to the south can achieve adequate direct sunlight to living areas and private open spaces between 9am and 3pm at mid-winter. Provide these shadow diagrams (not view from the sun diagrams) which include 1800mm side fencing, and demonstrate compliance with Part 3.4.4 of SCDCP 2015. The plans are to nominate the required 20sqm of fixed solar access that is required to be achieved.
27. Please ensure that the setbacks of the hypothetical dwellings achieve compliance with SCDCP 2015.

**Overshadowing impacts – landscaping**

28. The arborist is to provide comment regarding the suitability of the species selection for the proposed landscaping along the southern boundary of the development, particularly in relation to the solar access provision. Within the area of the drainage easement along the southern property boundary, ensure the species are selected in accordance with Appendix H of Council’s Engineering Design for Development.

**Solar access**

29. Provide a table which stipulates which apartments receive solar access to both the living and private open space areas between 9am and 3pm in accordance with clause 50(e).
30. The current view from the sun diagrams are not clear. For example, unit 44 is nominated on the plans are receiving 2+ hours of sunlight to both the living and private open space areas between 9am and 3pm, however, the view from the sun diagrams do not demonstrate this. The view from the sun diagrams for dwelling 44 is provided in the table below:

| 9am   | 10am  | 11am  |
|---|---|---|
|  |  |  |

31. Solar access elevation diagrams may assist in providing clarity as to which dwellings receive solar access to both the living and private open space area.

### **Balcony sizes**

32. The Statement of Environmental Effects provides that the proposed floor plan layouts include generous balconies and private open spaces which comply with these and the ADG guidelines minimum size and proportions. Numerous dwellings do not comply with the minimum width dimension or the minimum size requirements.
33. Provide revised balconies that comply with the requirements of SEPP Seniors in terms of size and minimum areas. It would be beneficial if the compliant sqm of the balconies were provided on the plans.

### **Clause 26 SEPP Seniors**

34. In order to satisfy clause 26 of SEPP Seniors, the following information is required to be provided:
  - Provide a clear map showing the location and bus stop IDs on Copperfield Drive for the transport services to and from the required services.
  - Provide a map showing the bus stop location(s) of where the bus service would take the residents to the required facilities.
  - Provide details of which bus service would take the residents to a place that is located at a distance of not more than 400 metres from the following facilities:
    - (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
    - (b) community services and recreation facilities, and
    - (c) the practice of a general medical practitioner.
  - Provide details of the pathway gradients from the public transport service to the facilities and services referred in subclause (1) complies with the gradients specified in subclause(3).
35. It is noted that Page 42 of the Statement of Environmental Effects states that strict compliance with the development standard is unreasonable and unnecessary. Please clarify how the access standard is not satisfied. Please note that a 4.6 variation has not been provided with the accessible standards in the SEPP Seniors.

### **Clause 29 SEPP Seniors**

36. Provide a revised Statement of Environmental Effects which addresses clause 29 of SEPP Seniors. Ensure a response is provided to clause 25(5)(b)(i)(iii) and (v).

### **Clause 31 Design of In-fill self-care housing**

37. Provide an assessment of the development against the provisions of the Seniors Living Policy: Urban Design Guide for Infill Development.

### **Clause 38 SEPP Seniors –Accessibility**

38. In accordance with clause 38(a) of SEPP Seniors, the proposed development should have obvious and safe pedestrian links from the site that provides access to public transport services or local facilities. Information is required in order to demonstrate whether the residents are able to

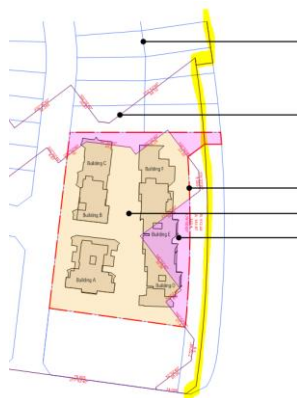
safely walk across roads to the relevant bus stops and through the Rosemeadow Market Place car park and submit the findings for review.

### Privacy

39. Privacy concerns are raised in relation to the location of the balcony for Unit 26. There appears to be potential for direct overlooking into the adjoining residential allotment POS areas.
40. Privacy concerns are also raised in relation to Units with balconies facing the future town house development being Units 02, 03, 17, 20, 19, 36, 35, 34.

### Property boundary

41. The following plan has been provided to demonstrate an understanding of the current allotments overlaid on the approved subdivision layout. Please provide an explanation as to why the current property boundary (show in yellow highlight below) is different to the approved plan of subdivision.



### Drainage reserve

42. It is understood that the drainage reserve is to be dedicated to Council. Detail all approved landscaping works within the drainage reserve on the plans. Clearly mark that the works form part of the Part 5 approval.
43. Detail the access control measures regarding the pedestrian access to the site, particularly the pedestrian access path leading from Copperfield Drive through the drainage reserve and access in general through the drainage reserve into the development site.

### Endeavour Energy

44. In accordance with Clause 7.10 of Campbelltown Local Environmental Plan 2015, the application was referred to Endeavour Energy. The response details that the easement through the property is not considered to be redundant or obsolete until it is released under Endeavour Energy's Policy 9.2.3 'Property Tenure for Network Assets'. This response does not appear to be consistent with the Part 5 approval. Advise whether Endeavour Energy has agreed to the removal of the existing easement.

### Part 5 Approval Documents

45. Ensure all relevant Part 5 Approval documents (and modification application documents) are submitted as part of the application to assist with the assessment history of the site.

## Statement of Environmental Effects

46. The Statement of Environmental Effects is to be revised to include an assessment of the draft SEPP (Housing) 2021 policy and include any changes required as part of the matters raised in this letter.

## Plan amendments/additional plans

47. The following plan amendments/additional plans are to be provided to assist with the assessment of the application:
- i. Provide a revised east elevation of buildings D/E/F as viewed from Copperfield Drive through the drainage reserve (Drawing No. A-3203; Revision G) which excludes the trees and which includes the height of the retaining wall.
  - ii. Provide an elevation plan of the view of the development from the private open space area of the future town house development site.
  - iii. Detail the height of the approved retaining wall height on the plans.
  - iv. Provide a plan showing the SP2 zoning on the Part 5 approved subdivision plan.
  - v. Provide plans demonstrating the areas included in the landscaped area and deep soil areas.
  - vi. Private open space areas included in the calculations which have a minimum dimension of 3m.
  - vii. Plan showing the areas included in the gross floor area calculation.
  - viii. Include a plan showing the location and area of the communal open space areas.
  - ix. Detail any protrusions of the basement level about ground level. Detail the maximum height about ground level of the basement (if relevant).
  - x. Ground floor plan indicates the TOW, however please also indicate the BOW or the finished surface level.
  - xi. Ensure the finished surface level is provided on the plans within the open space areas and the terrace areas/private open space areas on the ground floor plan.
  - xii. Ensure the natural ground line is provided on the section and elevation plans.
  - xiii. Provide the compliant balcony area on the plans (sqm).
  - xiv. Provide a revised basement plan that allocated the storage to a unit. A minimum of 8qm is required to be provided (50% to be located in the individual units).

In addressing the above matters, the following information is required to be submitted to the NSW Planning Portal to enable the further consideration of your application:

- a. A covering letter stating how the revised information you are supplying to Council satisfies each point listed above.
- b. Where plans are amended, plans shall be clouded or coloured to clearly illustrate any amendments.

Your response to this matter is requested within 28 days from the date of this letter. I advise that the statutory time for this application has been deferred pending receipt of this information.

If you require any further information, please don't hesitate to contact me on (02) 4645 4608.

Yours sincerely



Emma Page

**Senior Development Planner**