

PANEL ASSESSMENT BRIEFING REPORT
SYDNEY WESTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWC-303 - DA-1099/2022
PROPOSAL	<p>Demolition of the existing structures and construction of a mixed-use development comprising 598 apartments, 1289.90sqm of retail space, basement parking accommodating 926 car parking spaces, landscaping and associated structures over 4 Stages.</p> <p>Stage 1: Construction of a 1 x 4-storey and 9 x 8-storey mixed-use development containing 94 apartments.</p> <p>Stage 2: Construction of a 1 x 4-storey and 1 x 8-storey, and 1 x 9-storey development with 164 apartments.</p> <p>Stage 3: Construction of 2 x 8-storey residential flat building containing 148 apartments.</p> <p>Stage 4: 1 x 5-storey, 1 x 8-storey and 1 x 9-storey residential flat building containing 192 apartments.</p> <p>The proposed development is identified as Nominated Integrated Development requiring an approval from the Department of Planning and Environment – Water under the Water Management Act 2000.</p> <p>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.</p> <p>The proposed development is identified as Integrated Development requiring an approval from the NSW Rural Fire Service under the Rural Fires Act 1997.</p>
ADDRESS	<p>Lot 25 DP 228850 Lot 26 DP 228850 164 Croatia Avenue Edmondson Park NSW 2174 170 Croatia Avenue Edmondson Park NSW 2174</p>

APPLICANT	ABC Planning Pty Ltd
OWNER	Raj & Jai Construction Pty Ltd
DA LODGEMENT DATE	9 November 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the Planning Systems SEPP: General Development over \$30 Million
CIV	\$135,490,700.68 (excluding GST)
CLAUSE 4.6 REQUESTS	Cl.28 variation of Cl.18 Building height pursuant to the Western Parkland City SEPP
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> • <i>Rural Fires Act 1997 (Rural Fires Act)</i> • <i>Biodiversity Conservation Act 2016 (BC Act)</i> • <i>Local Government Act 1993 (LG Act)</i> • <i>Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Western Parkland City SEPP)</i> • <i>State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development; (SEPP 65)</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)</i> • <i>Liverpool Local Environmental Plan 2008 (Liverpool LEP)</i> • <i>Apartment Design Guidelines (ADG)</i> • <i>Edmondson Park South Development Control Plan 2012 (Edmondson Park DCP)</i> • <i>Concept Development Application - DA-33/2021 (applies as a site specific DCP to the development site under Clause 4.23 of the EP&A Act) (Concept Masterplan)</i> • <i>Liverpool Development Control Plan 2008 (Liverpool DCP)</i>
TOTAL & UNIQUE SUBMISSIONS	One (1)
KEY ISSUES	<ul style="list-style-type: none"> • Concept Masterplan Inconsistencies

	<ul style="list-style-type: none"> ○ Building Envelopes ○ Street Setbacks ○ Building Separation ○ Deep Soil ○ Mixed Use & community Facilities ● Natural Environment, Biodiversity and Ecology, and Preservation of Trees ● SEPP 65/ADG Inconsistencies ● Flooding ● Stormwater Management ● Owners Consent (from TAHE) ● GTAs ● Public Utility Services ● Insufficient Information <ul style="list-style-type: none"> ○ Survey Plan ○ FSR ○ Building Heights ○ BASIX ○ Landscape and Public Domain Plan ○ Waste Management ○ SIA ○ Housing Diversity ○ CPTED ○ Acoustics and Noise ○ Sewage Management ○ Regulated Systems ○ Incorrect CIV ○ Cycle Network ○ Fire Safety ○ Bushfire ○ Architectural Plans
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans Statement of Environmental Effects Clause 4.6 Variation Request Design Verification Statement Design Report Traffic Report Bushfire Report Aboriginal Cultural Heritage Report Waste Management Plan Acoustic Report BDAR Letter Access Report
PLAN VERSION	Revision A - 28/10/2022

PREPARED BY	Jason Marshall
DATE OF REPORT	5 August 2024

1. THE SITE AND LOCALITY

1.1 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 42,920m², with a developable area of 30,289m² 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

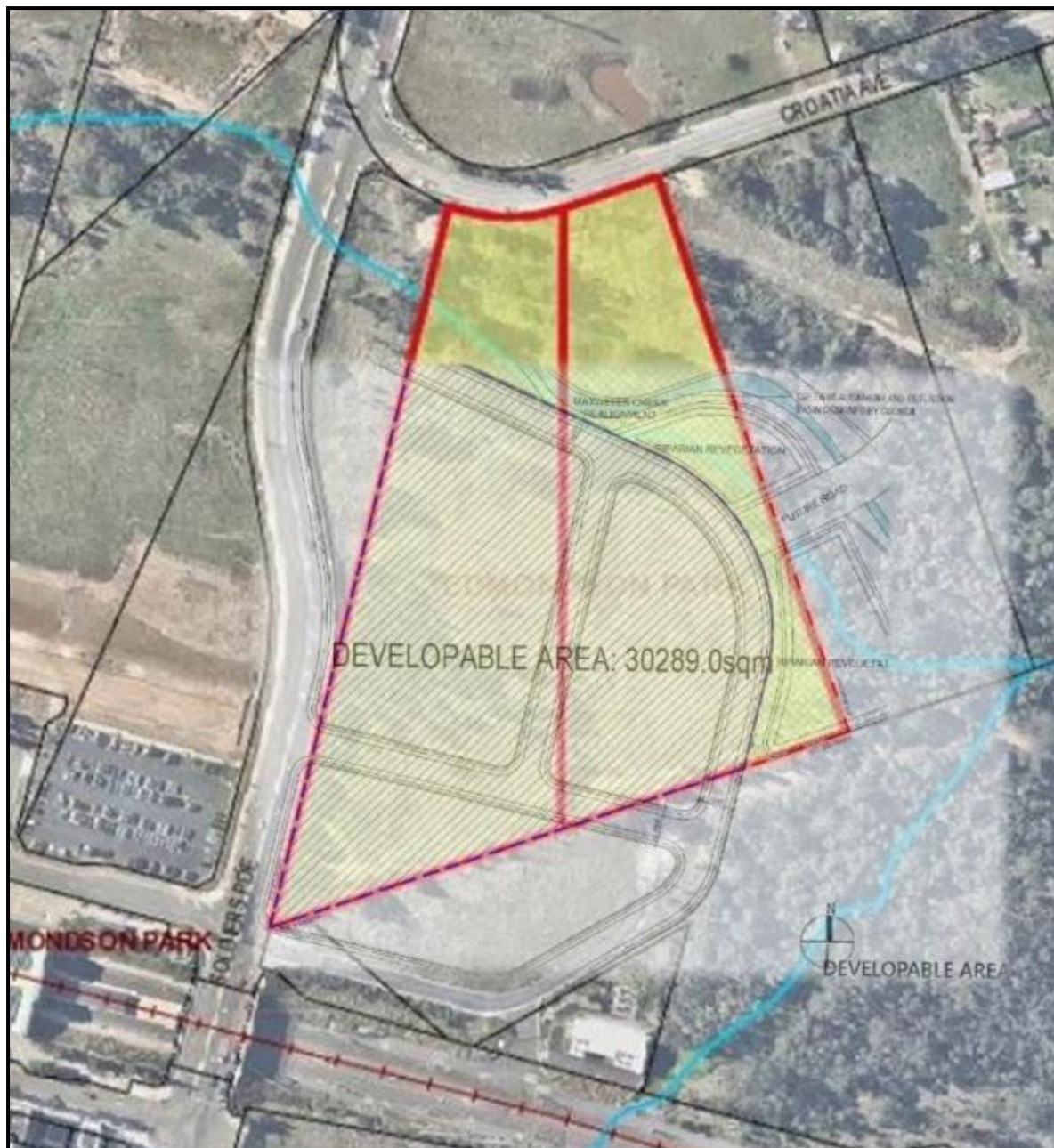


Figure 2: Aerial of Developable Area overlayed on Site. (Source: GeoCortex, Liverpool City Council)

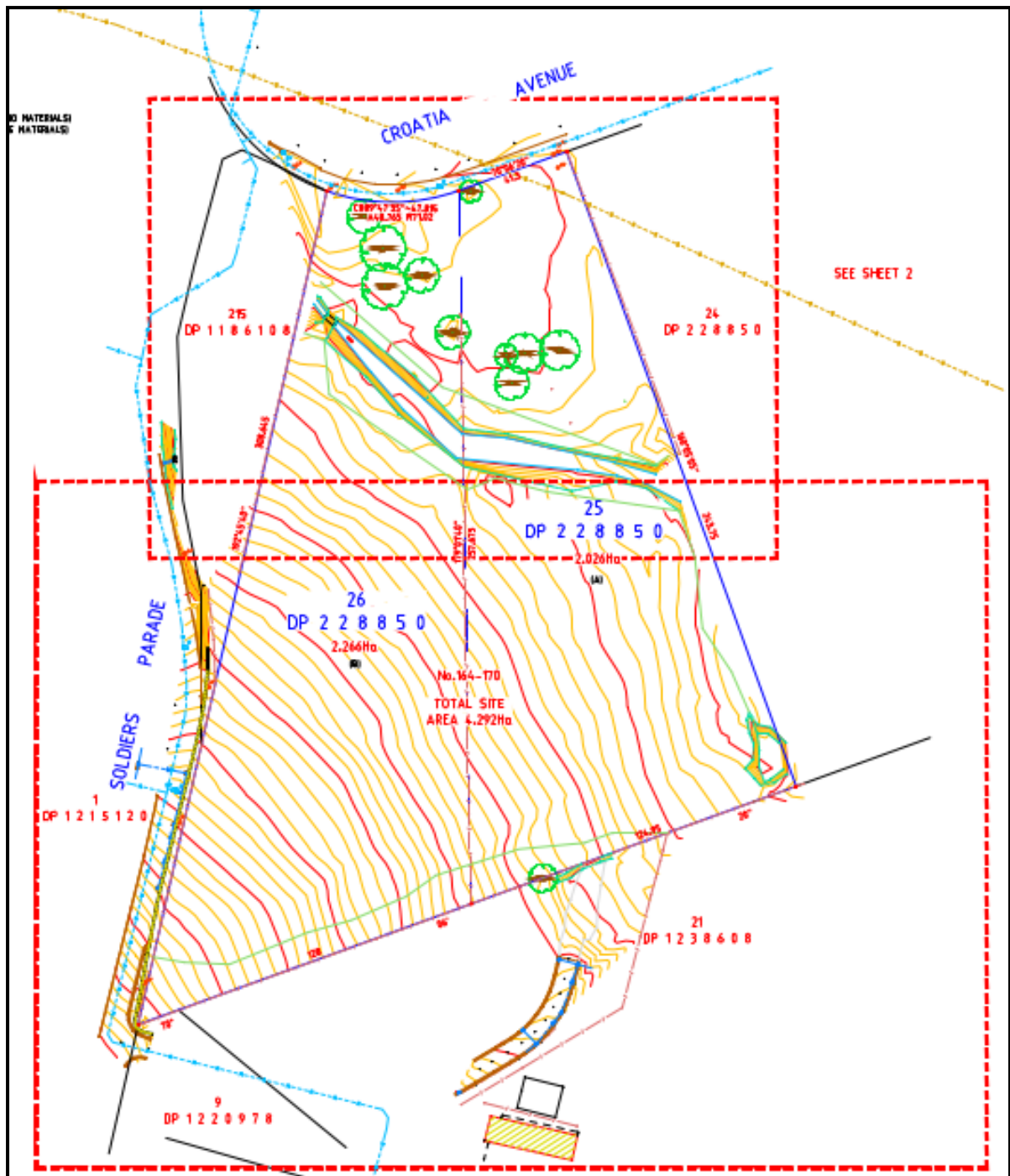


Figure 3: Site Survey Plan (Source: StrataSurv, Draw No. 4418DT01a2, Rev. A dated 5/05/2020)

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 transverse the site from the central east to the northwest.

1.2 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.

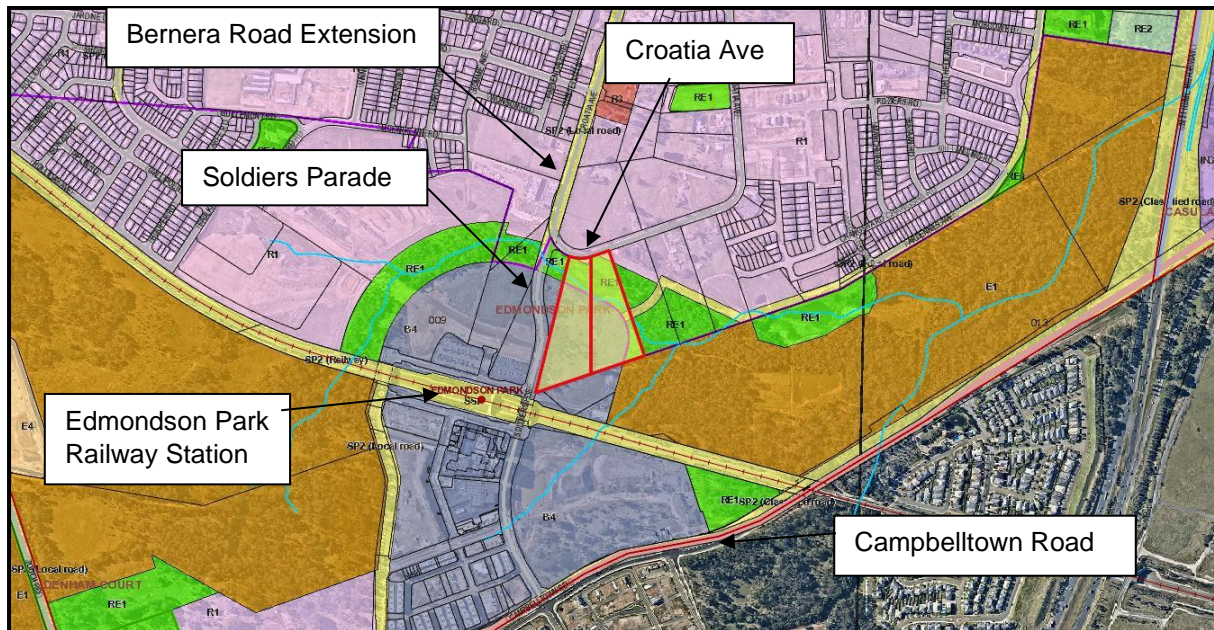


Figure 4: Site location and surrounding land use (Source: Geocortex Data, Liverpool City Council)

Land to the north and east of the site is characterised by new low and medium density residential development with land to the south being characterised by high density residential commercial development in proximity to the Edmondson Park Train Station. A commuter car park has been constructed on the lot immediately to the south. 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 (LDCP) 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:

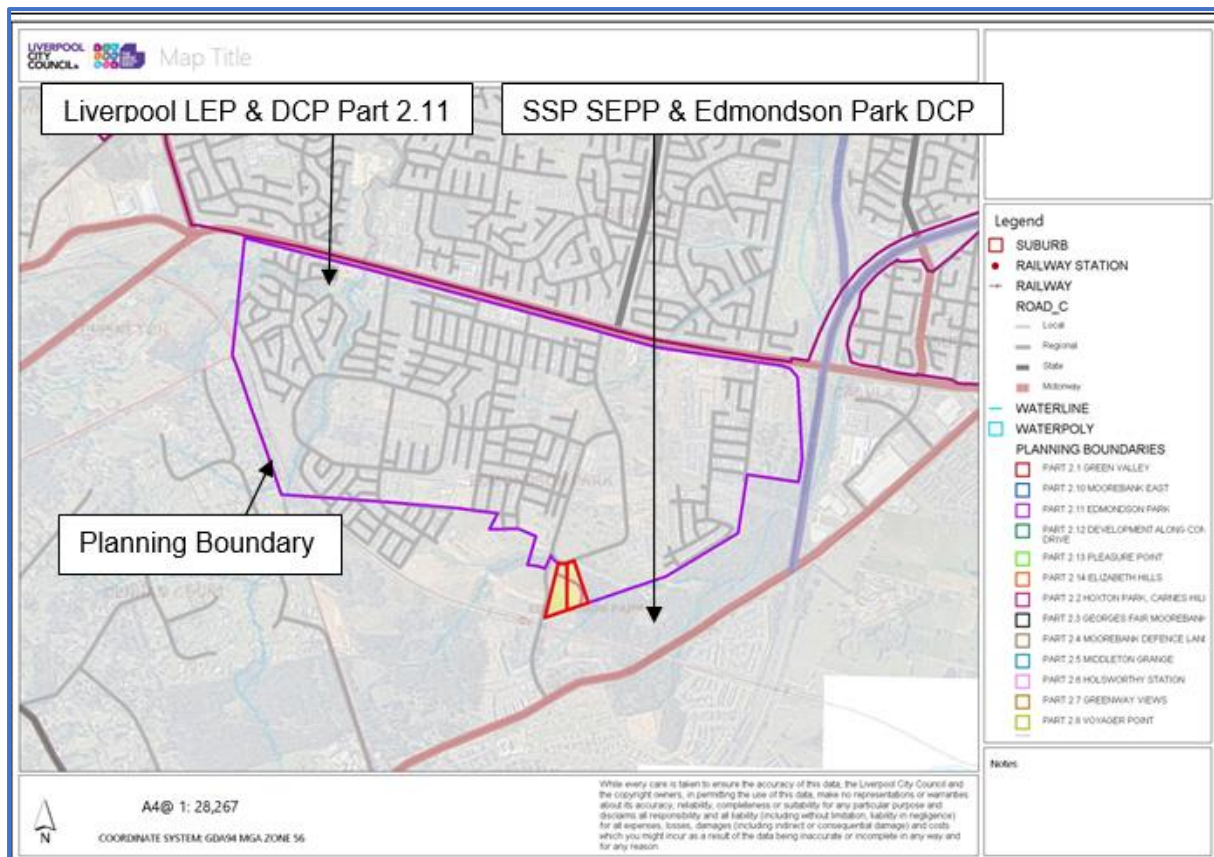


Figure 5: Site Location and Planning Boundaries Map (Source: Geocortex Data, Liverpool City Council)

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

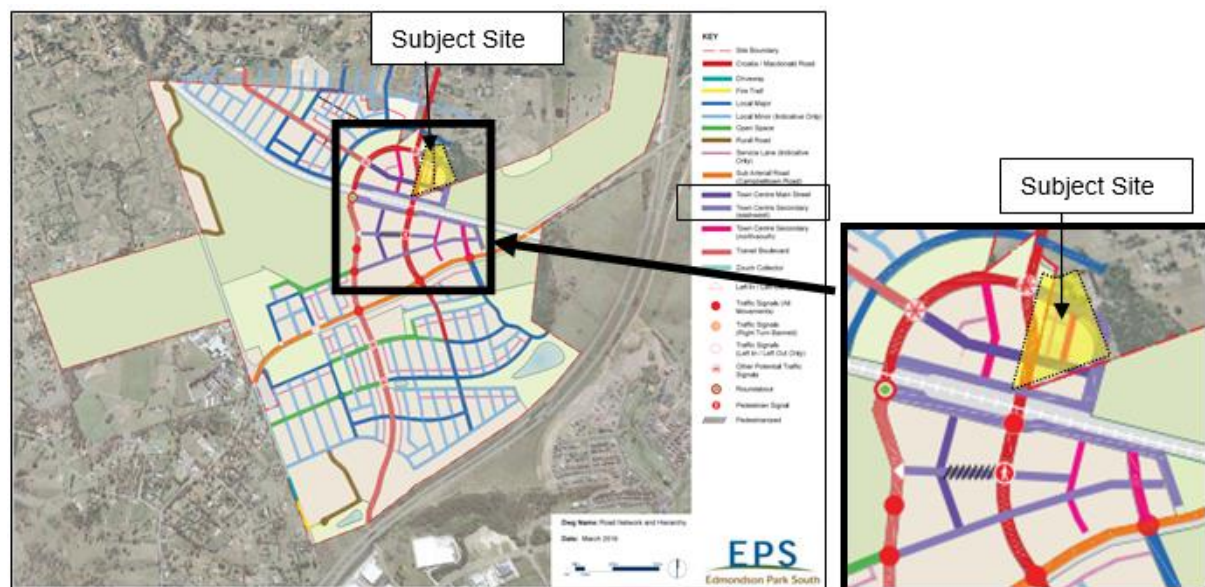


Figure 6: Edmondson Park Concept Masterplan MO10_0118 indicating the Town Centre development in context to the Landcom Masterplan. Town centre streets are marked in purple (Source: Landcom, dated March 2016)

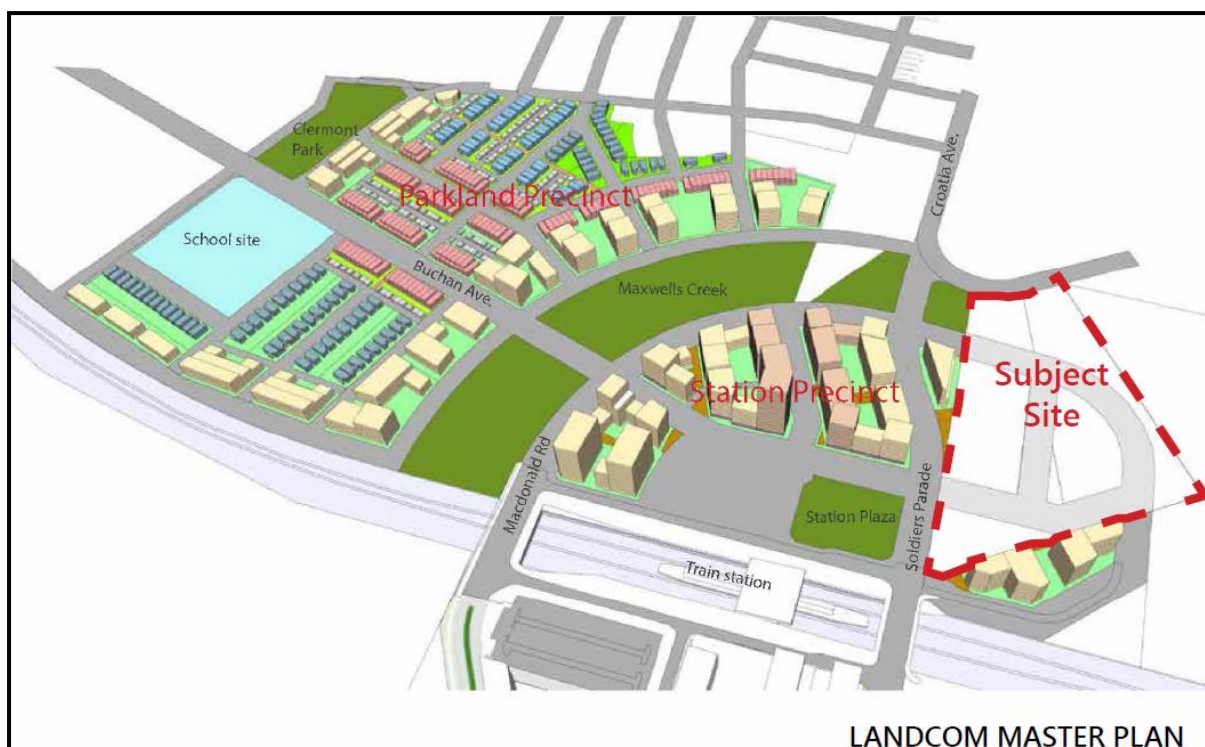


Figure 7: Proposed Landcom Masterplan showing subject site in relation to the rest of Edmondson Park Town Centre. (Source: Tony Owen Partners, dated September 2020)

1.3 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

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for Demolition of the existing structures and construction of a mixed-use development comprising 598 apartments, 1289.90sqm of retail space, basement parking accommodating 926 car parking spaces, landscaping and associated structures over 4 Stages.

Stage 1: Construction of a 1 x 4-storey and 9 x 8-storey mixed-use development containing 94 apartments.

Stage 2: Construction of a 1 x 4-storey and 1 x 8-storey, and 1 x 9-storey development with 164 apartments.

Stage 3: Construction of 2 x 8-storey residential flat building containing 148 apartments.

Stage 4: 1 x 5-storey, 1 x 8-storey and 1 x 9-storey residential flat building containing 192 apartments.

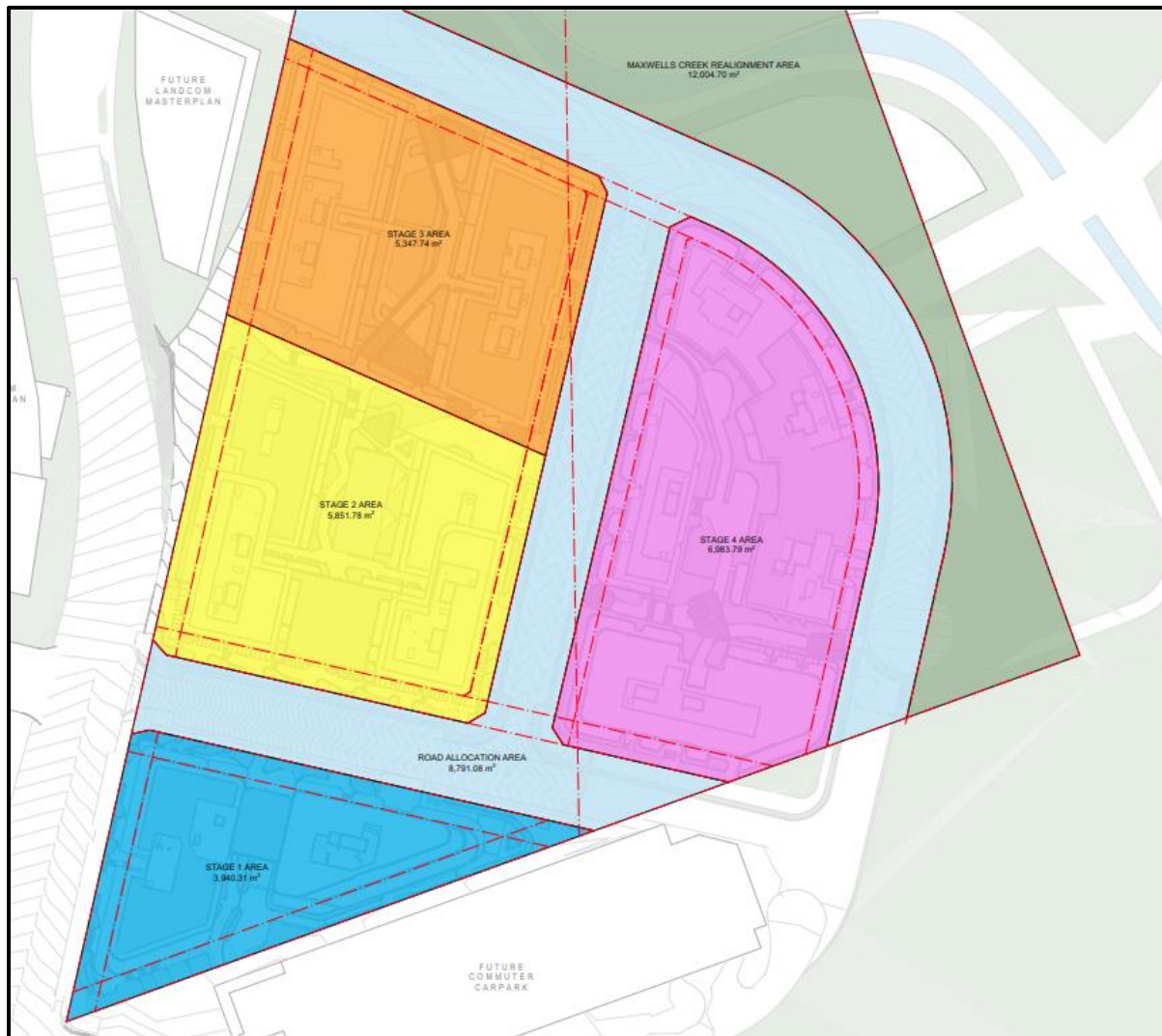


Figure 8: Staging Plan (Extracted from the submitted design report)



Figure 9: Storeys and setback approved under the concept DA



Figure 10: Proposed storeys for each building and their relationship to neighbouring buildings under the Landcom masterplan

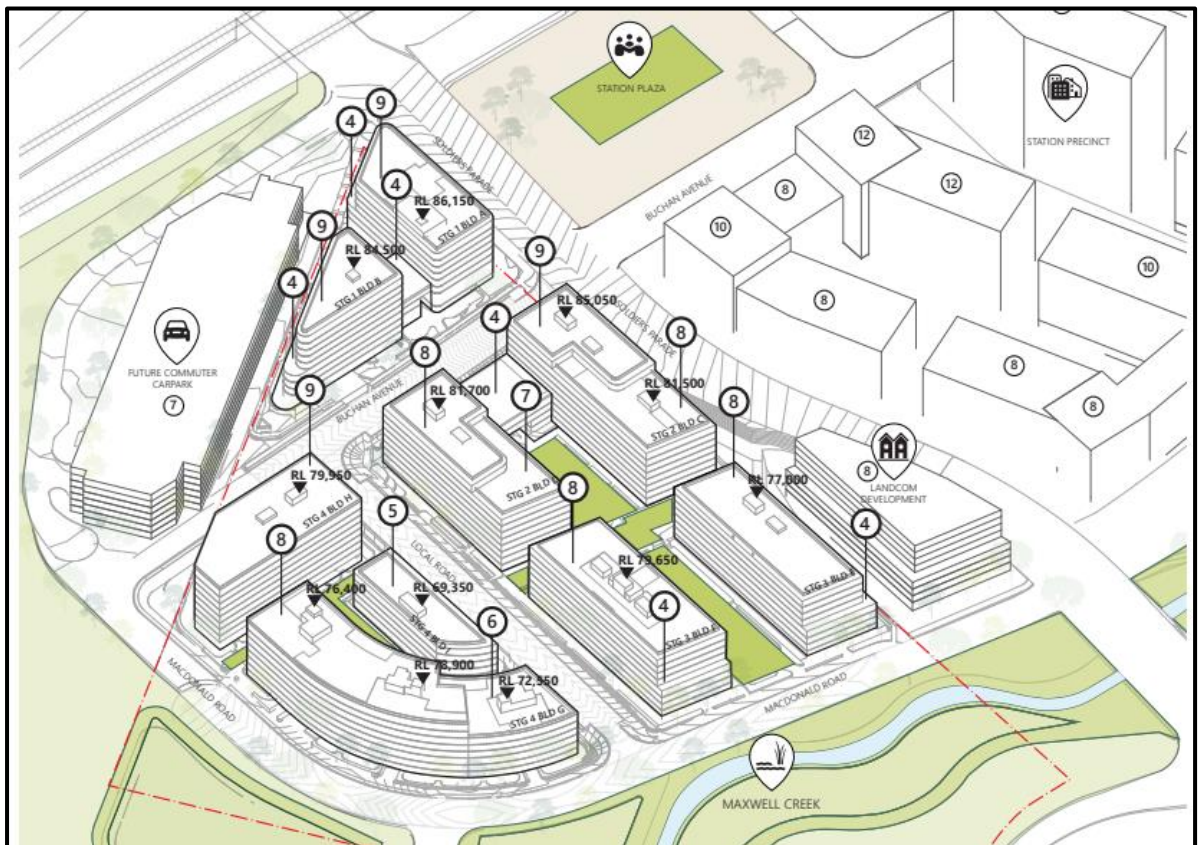


Figure 11: 3D Envelope Diagram for subject proposal



Figure 12: proposed heights compared to the maximum height under the SEPP



Figure 13: East, South, and North Elevations

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	<p>Site area 42,920m² Developable area 30,289m² - 12,631sqm is RE1 Zoned land and a mixed-use development is not permissible on this portion of land.</p> <p>Proposed sqm per Stage. Stage 1 – 3,940sqm</p>

	Stage 2 – 5,852sqm Stage 3 – 5,348sqm Stage 4 – 6,984sqm
GFA	Proposed GFA per Stage Stage 1 – Residential 9,535.20sqm, Retail 784.20sqm Stage 2 – Residential 15,972.70sqm, Retail 505.70sqm Stage 3 – Residential 14,718.40sqm Stage 4 – Residential 19,055.60sqm
FSR (retail/residential)	FSR = 1.99979530522635 (2.00:1) from Developable Area and a FSR of 1.43:1 when calculated from the total site area.
Clause 4.6 Requests (CI 28 pursuant to the SEPP)	Yes, to CI18 for building height.
No of apartments	598 residential units
Max Height	30.5m (Building G in Stage 4) 6.5m variation above 24m SEPP max. 0.3 under max height of 30.8 approved for the Concept DA.
Landscaped area	2,231sqm Deep Soil Area, or 7.4%
Car Parking spaces	926

2.2 Background

The development application was lodged on **9 November 2022**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
19 January 2023	Exhibition of the application.
19 January 2023	DA referred to external agencies and internal sections.
13 April 2023	Design Excellence Panel meeting.
21 April 2023	Class 1 appeal against a deemed refusal filed at the Land and Environment Court
8 May 2023	Design Excellence Panel minutes provided to applicant

2.3 Site History

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 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. 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.	22 January 2021	Approved 20 September 2022
DA-898/2021	Construction of part of the Edmondson Park Town Centre. Mixed use development, Residential Flat Building for 674 apartments and 2,418 sq m retail/commercial space Subdivision with road. Dedication of 11,840spm of riparian land to Council. Site clearing and bulk earthworks.	06 August 2021	Rejected 17 August 2021
PL-8/2022	Demolition of the existing structures and construction of a mixed-use development comprising six-hundred (600) apartments, one thousand one hundred and ninety-eight (1198) sqm of retail space, basement parking accommodating nine-hundred and thirty-eight (938) car parking spaces, landscaping and associated structures.	30 March 2022	N/A
DA-458/2022	Subdivision of land into 4 x superlots including construction of public roads, stormwater drainage and associated site works.	14 April 2022	Approved - Deferred Commencement 3 August 2023
DA-33/2021/A	Modification to Development Consent DA-33/2021 Under Section 4.55 (1A) of the Environmental Planning and Assessment Act	23 June 2023	Appeal Upheld - s34 Agreement 31 January 2024

	1979, to seek the deletion of Stage 3 Road including change to Plan Reference in DA-33/2021, and for Condition 18 to be deleted. The modification application proposes a revised road layout and building envelope plans		
DA-1099/2022	<i>Demolition of the existing structures and construction of a mixed-use development comprising 598 apartments, 1289.90sqm of retail space, basement parking accommodating 926 car parking spaces, landscaping and associated structures over 4 Stages. Stage 1: Construction of a 1 x 4-storey and 9 x 8-storey mixed-use development containing 94 apartments. Stage 2: Construction of a 1 x 4-storey and 1 x 8-storey, and 1 x 9-storey development with 164 apartments. Stage 3: Construction of 2 x 8-storey residential flat building containing 148 apartments. Stage 4: 1 x 5-storey, 1 x 8-storey and 1 x 9-storey residential flat building containing 192 apartments. The proposed development is identified as Nominated Integrated Development requiring an approval from the Department of Planning and Environment – Water 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</i>	9 November 2022	Subject Application Under Appeal (Deemed Refusal)

3. PLANNING CONTROLS

The north part of the site which is predominantly the RE1 – Public Recreation zoned land is subject to Liverpool Local Environmental Plan 2008 (LLEP) and Liverpool Development Control Plan 2008 (LDCP) and the southern portion of the site is zoned B4 - Mixed Use under Appendix 1 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and the Edmondson Park Development Control Plan 2012 as planning boundaries divide the site (see figure 14 below).

Sydney Trains	CI 2.99 Excavation in, above or adjacent to rail corridors	TfNSW (Sydney Trains) requests the Applicant obtain written Land Owners Consent from Transport Asset Holding Entity (TAHE), or alternatively lodge amended plans showing no reliance on, use of, or works within, TAHE land.	N
Transport for NSW	CI 2.122 Traffic Generating Development	Does not object to the development proposal on traffic and transport grounds.	Y
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A as subdivision is not proposed. The subdivision was undertaken under DA-458/2022	N/A
DPE - Heritage NSW	Nation Parks and Wildlife Act 1974 S90	General Terms of Approval (GTAs) provided.	Y
DPE - Water	Water Management Act 2000 S90(2) Water Management Work Approval	The following additional information is required before GTAs can be provided: - Staged Construction Plans detailing how the existing alignment of the second order watercourse (Maxwells Creek) would be retained and protected from construction works prior the creek alignment (by others). - Concept Erosion and Sediment Control Plans for each cumulative construction stage are required to determine how the existing alignment of Maxwells Creek would be protected prior to the final re-alignment of Maxwells Creek by others. - A description of the construction methodology should this DA be approved before the proposed 4-Lot Superlot Subdivision and road construction DA-458/2022.	N

		However, for record DA-458/2022 has been approved by way of S34 Agreement	
--	--	---	--

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 4: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Land Development Engineer reviewed the proposal and requires additional information to assess the application including: <ul style="list-style-type: none"> - Updated Architectural Plans and Engineering Plans including any stormwater designs to reflect the proposed changes covered in DA-458/2022, ensuring all designs are consistent across both DA's. - Civil designs consistent with Council's detailed design of raingardens, D13, and D14. - Stormwater drainage designs for all buildings and underground parking including details of pump pits etc. 	N
Traffic	Council's Traffic Engineering Officer reviewed the proposal and is supportive, subject to conditions of consent.	Y
Building	Council's Building and Compliance Officer reviewed the proposal and requires additional information to assess the application including: <ul style="list-style-type: none"> - Location of the proposed electrical substation. 	N
Fire Safety	Council's Fire Safety Officer reviewed the proposal and requires additional information to assess the application including: <ul style="list-style-type: none"> - Location of the proposed electrical substation. 	N
Environmental Health	Council's Environmental Health Officer reviewed the proposal and requires additional information to assess the application including: <ul style="list-style-type: none"> - Confirmation of whether the internal fit-out, construction and operation of the proposed retail and commercial space will be subject to separate approval. - A detailed Acoustic Report. - A Noise Management Plan. 	N

	<ul style="list-style-type: none"> - Confirmation of wastewater connection method. - Confirmation of whether the proposal includes installation of regulated systems under the Public Health Act 2010. 	
Natural Environment	Council's Natural Environment Officer reviewed the proposal and requires additional information to demonstrate whether non-certified land will be impacted.	N
Landscape	Council's Landscape Officer reviewed the proposal and is supportive, subject to conditions of consent.	Y
Waste	Referral for lodged plans closed before completion due to LEC filing for deemed refusal.	N
Public Art	Council's Public Art Officer reviewed the proposal and is supportive, subject to conditions of consent.	Y
City Design & Public Domain	<p>Council's Urban Design Officer reviewed the proposal and requires additional information/changes to progress the application including:</p> <ul style="list-style-type: none"> - A response to the DEP's previous advice at the concept stage (DA-33/2021). - Landscape and Public Domain plan/details to achieve a number of requirements. - An arborist report and accurate existing tree plan. - Greater tree retention and canopy coverage. - Cycle route diagram/details. - Detailed streetscape sections - Material and finishes plan. - A Landscape Maintenance Plan. - COS facilities. - Pedestrian priority treatments. - Summary of incorporated sustainability principles. - Locations of substations and hydrant boosters. - Adequately labelled plans, that better show varied floor levels. - A precinct plan indicating all public domain, streetscape, and GF level treatments. - Pram ramps, crossing points, and intersection treatments. - Redesigned through-site links to match surrounding streetscapes. - Traffic calming treatments. - Deep Soil Zone to be clear of hardscaping. - Details on how the western edge of Stage 3 will connect/address the street frontage to the adjoining vacant land. - Greater modulation of the northeast Stage 4 building. 	N

	<ul style="list-style-type: none"> - Consideration of the adjacent commuter carpark. - Address impacts on the lower levels of the building directly facing the carpark. - Better distribution of the COS across the site. - Public art for the blank facades. 	
Flooding	<p>Council's Flood Engineer reviewed the proposal and requires additional information to assess the application including:</p> <ul style="list-style-type: none"> - Amended detailed designs for raingardens, D13, and D14. - Detail concept design drawings for Maxwell Creek realignment works. - Details of flood compensatory works. - Details of interim on-site water quality treatment facilities. 	N
Heritage	<p>Council's Heritage Officer reviewed the proposal and has no objections, subject to the imposition of conditions of consent.</p>	Y
Community Planning	<p>Council's Community Planner reviewed the proposal and requires additional information to assess the application including a Social Impact Statement and a Social Infrastructure Needs Assessment addressing:</p> <ul style="list-style-type: none"> - Local needs and impacts of the development. - Opportunities for community, health, and childcare facilities including consideration of a community hub. - Consultation on the mix of services for the future development needs of the growing population for the entire precinct. 	N
Property	<p>The developer is required to conduct with Councils Property unit relating to the dedication of the RE1 land. Further details are to be worked out before the proposal can be supported, particularly the temporary realignment of the creek.</p>	N
City Economy	<p>Council's City Economy Officer reviewed the proposal and requires additional information to assess the application including a Social Impact Statement addressing dormancy of mixed-use developments with retail frontages close to CBDs. Including:</p> <ul style="list-style-type: none"> - Market research. - Consideration of a co-working operation. - If retail, allocation for outdoor dining and activation of the space. - Information on the allocation of car parking spaces. 	N

4.3 Community Consultation

The proposal was notified in accordance with Liverpool Council Community Engagement Strategy 2022 from 23 January 2023 until 20 February 2023. One (1) unique submission was received objecting to the proposal from the Transport Asset Holding Entity (TAHE), who own the commuter carpark in the neighbouring Lot 305 in DP 1259974 immediately to the south. The following concerns were raised:

- The proposed 9m setback to the southern boundary for the 9th storey in Building B of Stage 1 is noncompliant with the ADG requirement of 12m. The justification provided by the applicant is that as the commuter car park is 3 storeys lower than Stage 1 a lesser setback is acceptable. However, this may limit future redevelopment potential of the TAHE site on B4 zoned land in terms of privacy (building separation) and overshadowing.
- That traffic generated by the proposal may also affect the future development potential of the TAHE site.
- That the development during construction and ongoing use may rely on the use of TAHE's commuter car park.
- That landowner's Consent is required for the use of the adjoining road - 'the future Macdonald Road' - which is partially owned by TAHE.

5. KEY ISSUES

The following key issues relevant to the assessment at the time of the preparation of the Statement of Facts and Contentions (SOFAC) of this application having considered the relevant planning controls and the proposal in detail are summarised below. For greater detail see the attached SOFAC.

The development application should be refused for the following reasons:

1. Inconsistent with the Concept Masterplan approval

The proposal is not compliant with the approved concept masterplan development application DA-33/2021.

(a) Building Envelopes

The concept masterplan emphasized building separation that complies with the apartment design guideline. The proposal includes additional buildings (Building I) and additional east to west connections for Building A to B and Building C and D. The proposed footprints are significantly larger than the concept masterplan for the whole development, and as a result greatly reduce the amenity of residents and visitors therefore not complying with part 2B, Building envelope of the Apartment Design Guidelines (ADG).

(b) Street Setbacks

Non-compliance's contribute to large building envelopes.

- (i) The front setback of Building A and B to the street is indicated as 4.5 meters, 6 meters is required.

- (ii) The front setback of Building C and D to Buchan Avenue is indicated as 6 meters, 4.5 meters is required.

(c) **Building Separation**

The rear setback of Building B loading area wall to the commuter carpark is indicated as 3 meters. Which is noncompliant with the ADG and concept masterplan. Insufficient information is provided on how this space will be designed.

(d) **Deep Soil**

The development is deficient with deep soil area located on the ground level.

- (i) The development has been assessed for the entirety of the site and calculated by the applicant as 2,234.38m² in the Statement of Environmental Effects (SEE) or 7.4% of the site. A subdivision application (DA-458/2022) is currently a class 1 appeal, and deep soil will need to be recalculated for the resulting lots.
- (ii) The car parking basements extends outside the building footprints into areas that have been allocated for deep soil and planting of mature trees in the approved concept masterplan for privacy, softening, and streetscaping.

(e) **Mixed Use & Community Facilities**

The commercial / retail portion of the development is reduced from 2000m² approved under the concept development approval (DA-33/2021) to 1289.90m², reducing the retail/commercial aspect and the opportunity for various commercial uses and therefore is not consistent with site concept masterplan.

2. Natural Environment, Biodiversity and Ecology, and Preservation of Trees

Development works are proposed within the land that includes Threatened Ecological Communities, in particular, land that is classified as 'endangered' and 'critical endangered' under the Biodiversity Conservation Act 2016 (BC Act).

- (a) Condition 19 of DA-33/2021 requires any works within the non-certified land requires further ecological assessment including Biodiversity Development Assessment Report (BDAR). This was not provided.
- (b) The application indicates that trees in the land zoned RE1 Public Recreation are to be removed. No Arborist Report was submitted with the application.

- (c) Maxwells Creek traverses through the site. Creek rea-alignment works are required, and no information has been provided with the application on how this will be done. No evidence has been provided that the applicant has consultant with Council on the Maxwells Creek re-alignment.
- (d) The inconsistency and lack of information provided with the application means it cannot be verified what environmental management principles are to be implemented to protect the riparian corridor.

3. State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and Associated Apartment Design Guide (ADG

- (a) The proposal fails the design quality principles of SEPP 65 insofar as they apply to context and neighbourhood character, built form, scale, density, sustainability, deep soil and landscaping, amenity, safety, housing diversity and social interaction, and aesthetics.
- (b) The development is inconsistent, or has provided insufficient information to demonstrate consistency with requirements in the following ADG sections:

1B, Local Character and Context
1C, Precincts and Individual Sites
2B, Building Envelopes
2C, Building Height
2D, Floor Space Ratio
2F, Building Separation
2G, Street Setbacks
2H, Side and Rear Setbacks
3C, Public Domain Interface
3B, Orientation
3D, Communal and Public Open Space
3E, Deep Soil Zones
3F, Visual Privacy
3G, Pedestrian Access and Entries
3H, Vehicles Access
3J, Bicycle and Car Parking
4A, Solar and Daylight Access
4B, Natural Ventilation
4D, Apartment Size and Layouts
4E, Private Open Space and Balconies

4F, Common Circulation
4G, Storage
4H, Acoustic Privacy
4J, Noise Pollution
4L, Ground Floor Apartments
4M, Facades
4O, Landscape Design
4P, Planting on Structures
4S, Mixed Use
4T, Awnings and Signage
4U, Energy Efficiency
4V, Water Management and Conservation
4 X, Building Maintenance

4. **Flooding**

- (a) Insufficient information has been provided regarding the design and delivery of rain gardens D13 and D14 as per the Edmondson Park DCP contributions plan.
- (b) Insufficient information has been provided of Maxwells Creek realignment works.
- (c) Insufficient information has been provided that details flood compensatory works including the location plan and flood storage volume calculations.
- (d) MUSIC Modelling that details Interim on-site water quality treatment facilities that detail required water quality treatment works was not provided.

5. **Stormwater Management**

- (a) The submitted stormwater plans are inconsistent with the approved development under **DA-458/2022**.
- (b) Unsatisfactory plans provided for stormwater arrangement for below ground basement parking areas for each building.

6. **Transport for NSW (TfNSW) Owners Consent**

In correspondence dated 21 February 2023, TfNSW advised that the applicant is to obtain land-owners consent for the road works shown on the current plans which indicate a road on TAHE land that will be benefited from by the development or amend the proposal to not rely on utilising TAHE land.

The applicant has failed to obtain land owners consent or provide evidence that consultation has occurred with TfNSW.

7. Integrated Development and Insufficient Information - NSW Department of Planning and Environment – Water (DPE – Water)

General Terms of Approval under Section 91 of the Water Management Act 2000 has not been given by the NSW Department of Environmental – Water to commence works in proximity to the Maxwells Creek.

8. Public Utility Services

Essential public utility infrastructure is not available to the site. Endeavor Energy have indicated that current electrical services are not available for the scale of this development and additional capacity is required. The Statement of Environmental Effects doesn't address whether the available electricity service is adequate for the proposed development and fails to identify if what essential services, including water, sewer and electricity are available.

9. Insufficient Information Provided

(a) Survey Plan

The submitted Survey Plan is inadequate and does not include spot levels, reduced levels (RL), and contour line levels to Australian Height Datum (AHD).

(b) Floor Space Ratio (FSR)

- (i) FSR calculations can only be taken for the B4 Mixed Use land only which can only be determined with an adequate survey plan. All RE1 Public Recreational land should not be included in FSR calculations as it is undevelopable land.
- (ii) The subject development is relying on an undetermined subdivision development application (DA-438/2022), currently under a Class 1 Appeal, which aims to create four lots that will contain the proposed buildings. The permissible Gross Floor Area (GFA) for each lot will be determined by these site areas and is to be calculated and assessed as individual lots, therefore the subject application is premature.
- (iii) There are fire stairs with long corridors at ground level, waste storage areas on each floor are not included in FSR calculations, and there are several rooms such as the top floor of Building D adjacent to the fire stairs with no clear indication as to the use of the room.
- (iv) Rooftop levels lack the detail of the structures proposed and the GFA calculations documents don't show whether enclosed lobby areas, storage rooms or bathrooms have been included which will further contribute to GFA calculations.

- (v) Additional carparking spaces outside the Road and Maritime requirements must be included in FSR calculations.

(c) Heights of Buildings

- (i) The height of building in relation to the natural ground level cannot be determine due to the lack of adequate survey plan.
- (ii) The plans lack dimensions for the length and width of buildings.
- (iii) Key objectives of the FSR are to be met in conjunction with the building height and must be consistent with building envelopes in the approved concept masterplan.

(d) Basix Certificate

The application has not provided a BASIX certificate.

(e) Landscape Plan and Public Domain Plan

The application fails to provide an adequate assessment of the landscape, streetscape and public domain.

(f) Demolition and Construction Waste Management Plan (DCWMP)

A waste management plan is required to be submitted with a development application that details demolition, construction, and ongoing waste management and should detail recycling and disposal locations.

(g) Comprehensive Social Impact Assessment (CSIA)

The application should be refused because the applicant failed to submit a Social Impact Assessment with the application.

(h) Housing Diversity

Without the inclusion of affordable housing component, the development does not adequately provide a mix of housing, especially as it is close to public transport.

(i) Safety and Security

The application fails to demonstrate compliance with CPTED principles.

- (i) The application has not been supported by NSW Police.
- (ii) No Plan of Management has been submitted with the application.

(l) Site Suitability – Acoustic and Noise Management

- (i) The acoustic noise assessment submitted in support of the development must factor the *cumulative effect* of *noise* associated with the construction and operation of the mixed-use development when assessing the *impact upon receivers*.

- (ii) An assessment of the cumulative noise impact arising from the proposed development has not been undertaken in accordance with the NSW EPA's 'Noise Policy for Industry' (2017).
- (iii) In addition, a Noise Management Plan was not submitted with the application.

(j) Site Suitable – Sewage Management

- (i) The application provides insufficient detail of the wastewater connection method for the proposed development.

(k) Public Health - Regulated Systems

- (i) The proposal fails to identify if any regulated system such as cooling water or warm-water systems will be installed, to enable the respondent to be notified in accordance with the Public Health Act 2010.
- (ii) The application fails to provide details of the retail/commercial component in particular the fit-out, operation of whether the retail portion will be subject to separate approvals.

(l) Insufficient Capital Investment Value (CIV) for the development submitted

The CIV submitted with application includes construction cost only and does not include the overall capital investment of the development.

(m) Street network and cycle network and pedestrian network

The SEE fails to consider the cycle network along Buchan Avenue and McDonald Road and no indication of a cycle network is shown on the plans or in any documentation provided.

No indication of an area allocated for end trip is shown on the plans aside from bicycle parking in the basement carpark. An end of trip facility includes areas that can be used to store or lock bicycles by business, residents and includes showers facilities and change rooms.

(n) Building and Fire safety

The submitted information fails to identify the location of electrical substations within the development on floor plans.

(o) Bushfire Report and Assessment

- (i) The proposal has not implemented the inner protection area as conditioned under DA-998/2022.

- (ii) The proposal is required to be consistent with any approval under DA-458/2022 for subdivision of the subject site, and therefore lacks consistency and is premature.

(p) Insufficient information with Architectural Plans

- (i) No dimensions on floor plans are provided
- (ii) No dimensions on section and elevation plans have been provided
- (iii) No services are shown such as hydrant boosters.
- (iv) Swept paths for Building C encroach within car spaces.
- (v) Building C does not show any openings on north elevation.
- (vi) The entry to unit G.G.10 is inadequate.
- (vii) Corridors are shown to nowhere beyond the entry to unit G.01.11 and G.G.12.
- (viii) Building entries are unclear.
- (ix) The subdivision application is not mentioned in the application and how it relates to the proposal.
- (x) No information is provided relating the R1 General residential land located in the north the site.
- (xi) No letterbox or mailroom locations have been shown in lift core areas or building entry points.
- (xii) Lift entries to retail and residential building appear to rely on long distances and changes in levels. No information is provided on disability access and the relationship with the proposed pedestrian street links.

6. RECOMMENDATION

The Council considers that the proposal cannot be supported in its current form and recommend it be refused.

7. ATTACHMENTS

The following attachments are provided:

- Attachment A: Architectural Plans
 - Cover Sheet – TRIM No. 376150.2022
 - Survey Plan - TRIM - TRIM No. 000525.2023
 - Site Plans - TRIM No. 376148.2022, 376180.2022, 376182.2022, 376179.2022

- Demolition Plans – TRIM No. 376181.2022
- Floor Plans – TRIM No. 376160.2022
- Solar Access Plans - TRIM No. 376178.2022, 376177.2022, 376176.2022
- Shadow Diagrams – TRIM No. 376175.2022, 376173.2022, 376172.2022
- Ventilation Plans – TRIM No. 376149.2022
- Finished Schedule – TRIM No. 376171.2022
- Photomontage – TRIM No. 376170.2022
- Elevations & Sections – TRIM No. 376164.2022, 376163.2022, 376159.2022, 376158.2022 & 376157.2022
- Signage Plans – TRIM No. 376152.2022
- Attachment B: Clause 4.6 Request – TRIM No. 376154.2022
- Attachment C: Civil Plans – TRIM No. 000520.2023
- Attachment D: SOFAC (CONFIDENTIAL) – TRIM No. 225765.2024
- Attachment E: Statement of Environmental Effects (SEE) – TRIM No. 376183.2022
- Attachment F: Design report – TRIM No. 376156.2022
- Attachment G: Design Excellence Panel (DEP) - TRIM No. 146967.2023