

STATEMENT OF ENVIRONMENTAL EFFECTS



164-170 Croatia Avenue, Edmondson Park

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

Submitted to Liverpool City Council
On Behalf of The Bathla Group

October 2022

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1. EXECUTIVE SUMMARY

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the development application for the demolition of the existing structures and construction of a mixed-use development comprising 598 units, basement parking for 926 car parking spaces, landscaping, Maxwells Creek realignment and associated structures at 164-170 Croatia Avenue, Edmondson Park, split into four stages, as demonstrated in the following excerpt:



Figure 1: An overview of the proposed precinct in conjunction with existing/future developments within the surrounding context

Stage 1 comprises 1 x 4-storey and 2 x 9-storey development at the south-western corner of the lot with 94 apartments

Stage 2 comprises 1 x 4-storey and 1 x 8 storey and 1 x 9-storey development with 164 apartments

Stage 3 comprises a 2 x 8-storey mixed-use development with 148 apartments

Stage 4 comprises 1 x 5-storey, 1 x 8-storey and 1 x 9-storey buildings with 192 apartments.

The proposal seeks to provide 1289.90 sqm of retail spaces proposed on the ground floor of Stage 1 and Stage 2, activating the areas along Soldiers Parade and Buchan Avenue, whilst a concentration of residential apartments are oriented towards Maxwell Creeks or the communal open spaces/viewpoints.

Pursuant to the State Environmental Planning Policy (Precincts – Western Parkland City 2021, the subject site is zoned for B4 Mixed Use, while the site's northern sections are zoned RE1 Public Recreation, with small areas of SP2 Local Road near the western boundary and R1 General Residential near the northern boundary pursuant to the Liverpool Local Environmental Plan 2008 (LEP).

The proposal addresses the key requirements as indicated under the Apartment Design Guide (ADG), Precincts – Western Parkland City SEPP 2021, Liverpool LEP 2008 and Edmondson Park South DCP 2012.

1.1 Supporting Documentation

This statement should be read in conjunction with the DA Presentation prepared by Plus Architecture dated 28 October 2022. The technical and design documents that have been prepared to accompany this DA are identified as follows:

Document
Access Report
Acoustic Report
Arborist Report
Archaeologist Report
Architectural Plans
BASIX
BCA Report
Bushfire Report
Crime Prevention Through Environmental Design
Fire Report
Flood Assessment
Geotechnical Report
Landscape Plan
Photomontages
QS Report
Services Report
Social Impact Assessment
Stormwater Plans
SEPP 65 Design Verification Statement
Structural Engineer
Survey Plan
Traffic
Waste Management Plan

1.2 Background

This development application follows the Concept development application, which was recently approved on 5 September 2022, referred to as the “Tony Owen scheme”- DA/33/2021. Comparisons between the approved Concept DA and that proposed demonstrate that the proposal provides for a compliant FSR, narrower floor plates and, therefore, better internal performance regarding cross ventilation, daylight and sunlight access.

The key changes from the approved Concept DA, which is considered to address comments/concerns raised in Councils assessment of the Concept DA, include the following amendments:

- 6m setbacks proposed to the retail frontages along Soldiers Parade and Buchan Avenue
- 4.5m minimum setbacks proposed to the residential frontages, as per the conditions of consent under DA/33/2021
- Reduced building widths that the approved Concept DA, which included deep floor plates, resulting in decreased amenity and solar access
- Increased separation distance (previously was 9m) between buildings in Stage 1, proposing 12m separation distance between Building A and B.

The following comparison excerpt below demonstrates the changes proposed from that approved in the Concept DA:

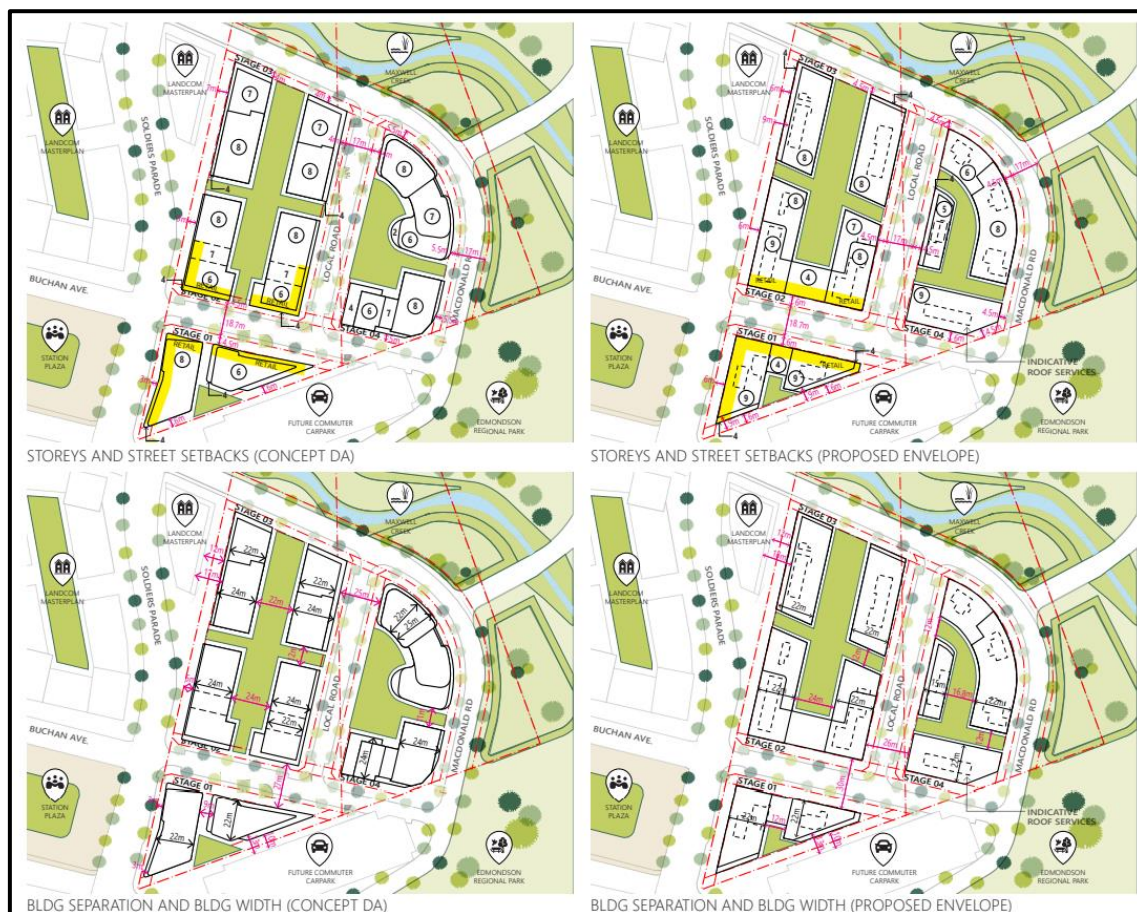


Figure 2: Built form scheme comparison between the approved Concept DA built form under DA/33/2021 and the proposed built form

The extent of height variation also matches the maximum height deviation of 6.8m under the Tony Owen scheme, albeit with built forms that are more articulated, as demonstrated in the following height 24m plane diagrams:

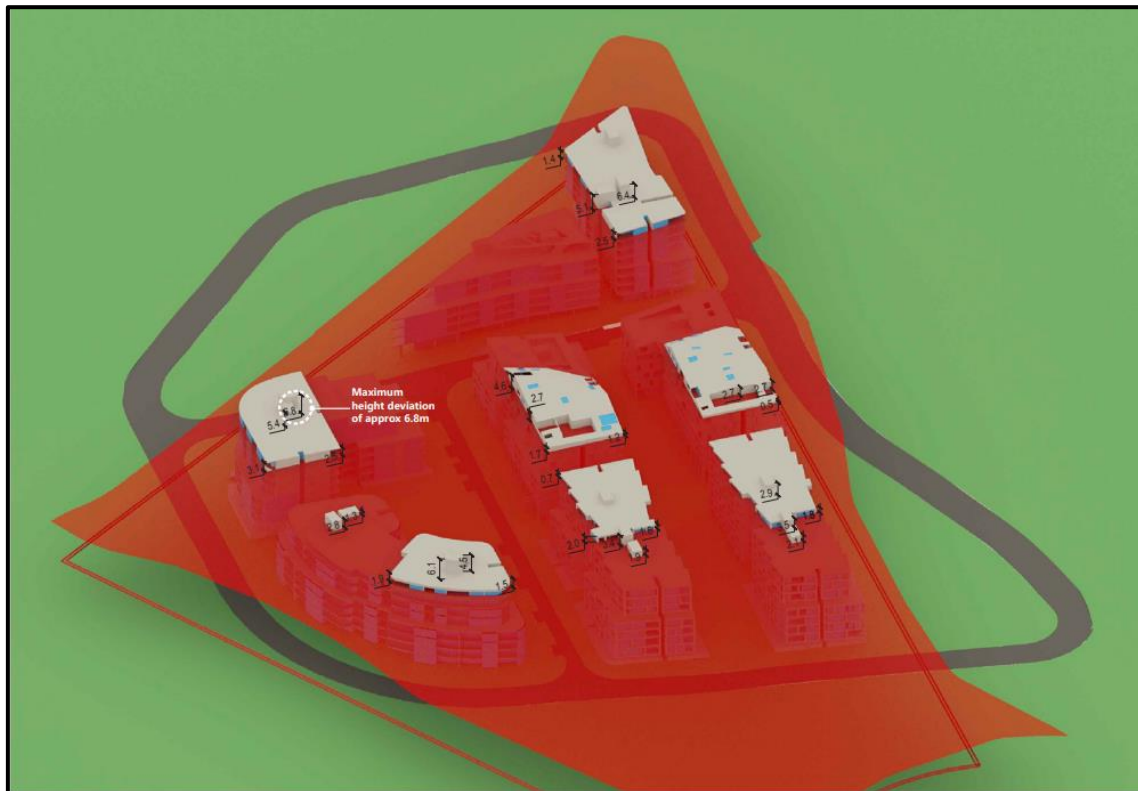


Figure 3: Concept DA 24m height plane diagram demonstrating the maximum height deviation of 6.8m

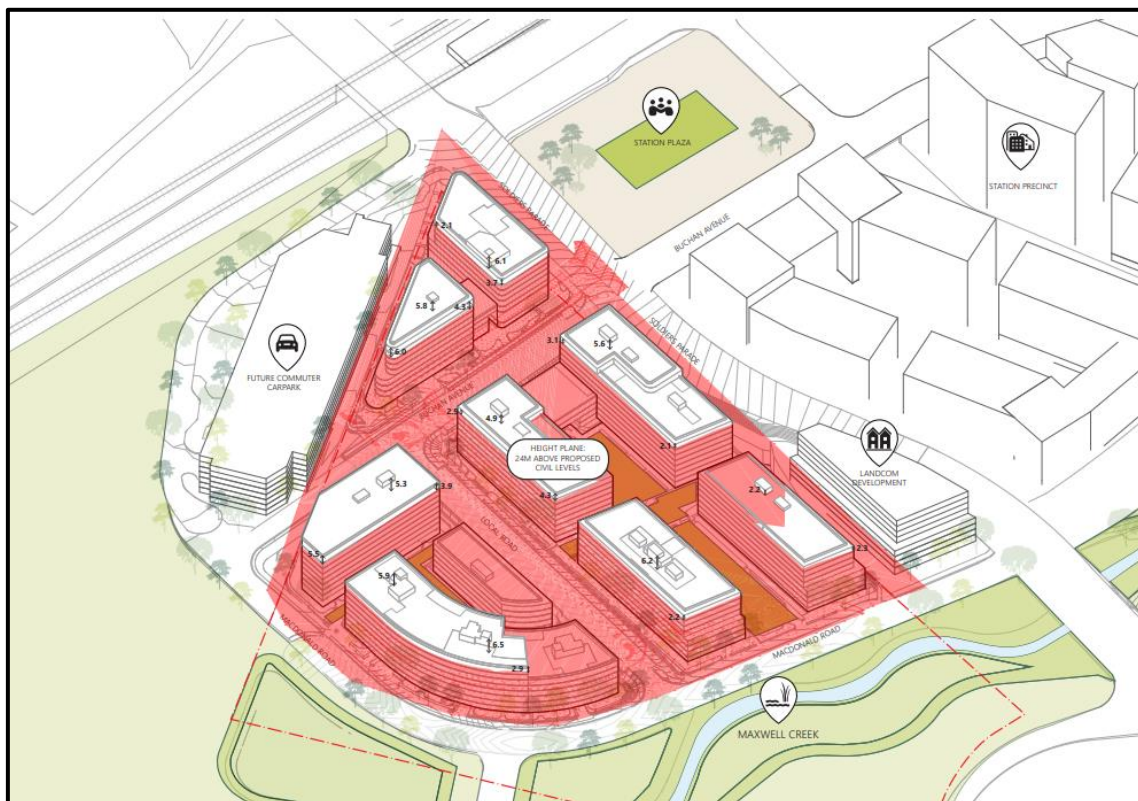


Figure 4: Proposed 24m height plane diagram demonstrating the proposed locations in which the proposal deviates from the height development standard, with the maximum being 6.5m (Building G, stage 4)

The accompanying architectural package prepared by Plus Architects is considered to demonstrate that the proposal will achieve a high standard of performance under the amenity criteria of the ADG. Therefore, the amendments to the scheme proposed are considered to improve the amenity and function of the mixed-use development.

A Pre-DA meeting was also held for the proposed development (PL-8/2022) on 30 March 2022, as per the conditions of consent under DA/33/2021. The following proposal has incorporated the advice received.

This submission has also had the benefit of reviewing the Design Excellence Panel advice and the approved scheme and has responded to the recommendations within that report.

1.3 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development / Apartment Design Guide

The proposal is noted to achieve high compliance with State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the accompanying Apartment Design Guide (ADG). The proposed development achieves the design and amenity targets of the ADG, as displayed in the compliance table in Section 5.1 of this report.

In this regard, the proposal achieves compliance with the following requirements of the ADG:

- **Communal open space** (25% requirement): The proposal provides the following communal open space areas:
 - Stage 1: 1,111m² (28%)
 - Stage 2: 1510m² (26%)
 - Stage 3: 1497m² (28%)
 - Stage 4: 1764m² (25%)

The communal open space areas are provided as open green spaces on the ground floor and communal roof terraces. In addition, more than 50% of the communal open space area on the rooftops will receive 2 hours of direct sunlight between 9am and 3pm on 21 June.

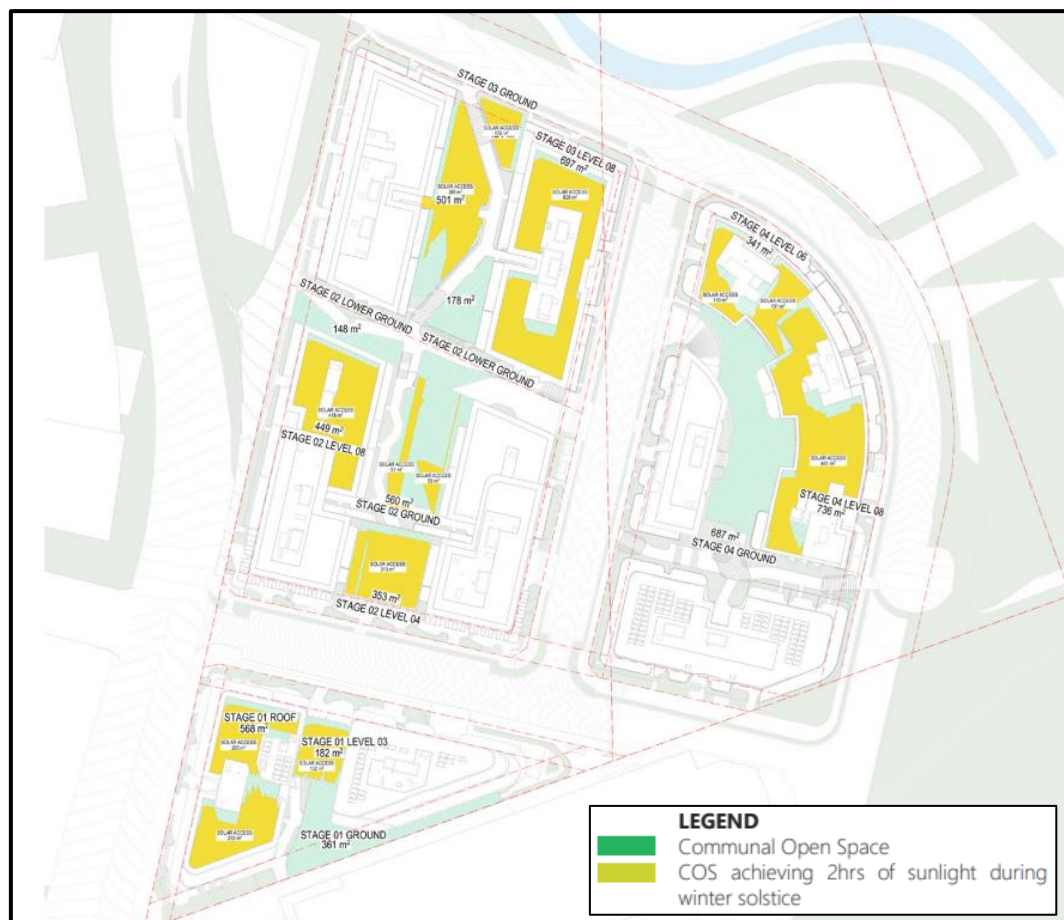


Figure 5: Proposed communal open space excerpt indicating a range of ground floor green spaces and rooftop communal open spaces

The proposed communal areas are well-defined and designed to ensure safety and security. Apartment openings are orientated towards the Ground Floor communal open space areas, street networks, and Maxwell Creek area, thereby providing casual surveillance.

- **Deep soil** (7% requirement): The proposal provides a total of 2231.38m² (7.4%) of deep spoil area. The deep soil area provided per stage is as follows:
 - Stage 1: 609 sqm
 - Stage 2/3: 1294 sqm
 - Stage 4: 328 sqm

The proposed deep soil areas will aid in softening the built form, provide visual interest and increase amenity to the site and locality by ensuring that the proposal will be set well within the local context. The areas proposed for deep soil are demonstrated in the following excerpt:

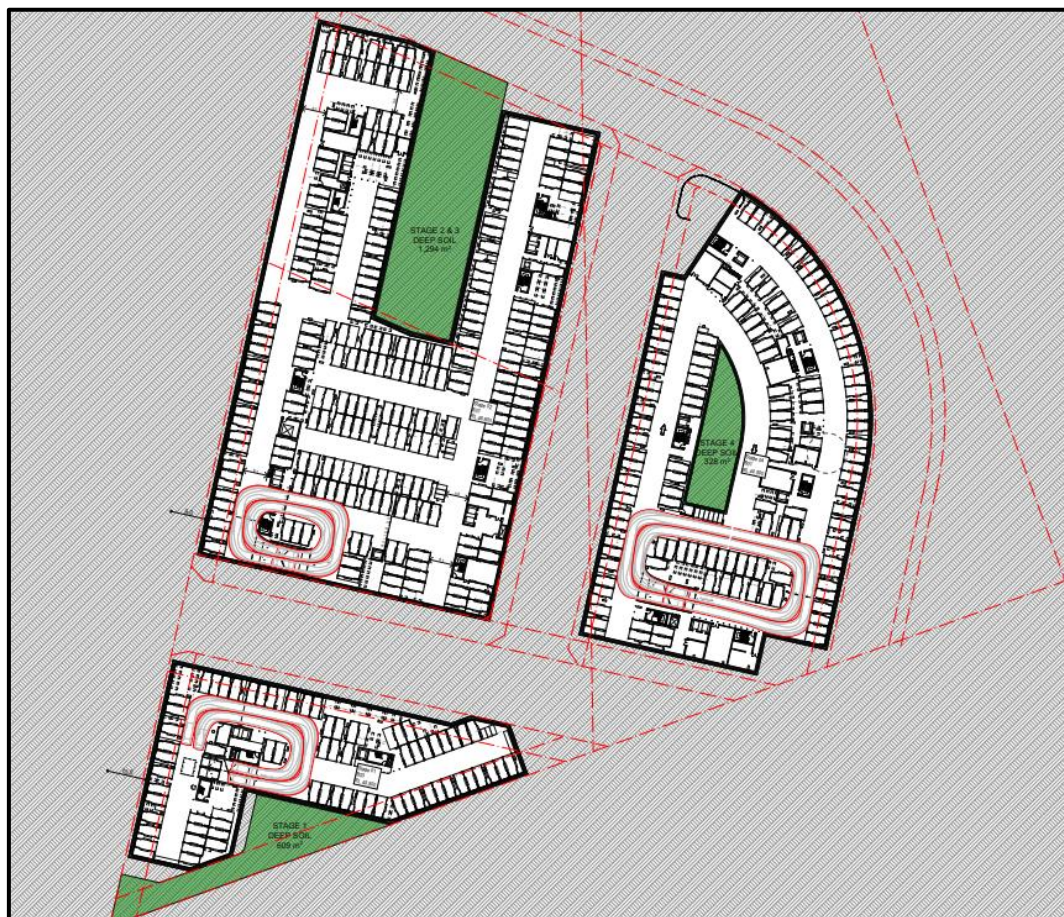


Figure 6: Proposed deep soil areas

- **Separation distances** (requirement for buildings 25m (5-8 storeys) - 18m between habitable rooms/balconies, 12m between habitable and non-habitable and 9m between non-habitable rooms):

The proposed buildings on the site are a mixture of 4 to 9-storeys in height. The proposed buildings on the site are separated between 12m to 30m from one another. Refer to the extract of the heights and setbacks diagram below.

The proposed buildings are setback as follows from the site boundaries to ensure adequate separation from likely future development on the adjoining sites:

- **Stage 1:** 12m setbacks between Building A and Building B and 30m between the buildings on stage 1 and Stage 2
- **Stage 2:** 24m between Building C and Building D and 26m separation distance between Building D and Building H (stage 4)
- **Stage 3:** 12m separation distance to Stage 2 buildings and 12-18m from the western site boundary side of Stage 3 (adjacent to the Landcom Masterplan)
- **Stage 4:** 12-16.8m setback between Building I and Building G and 12m setback between Building H and Building G (considered acceptable as per the conditions of consent under DA/33/2021)



Figure 7: Heights and setback diagram indicating the proposed separation distances between each building within the precinct and the separation distances proposed to existing/future developments

- **Solar access** (70% required): The proposed development will have the following solar access to living areas, and private open space areas between 9am to 3pm on June 21st:
 - *Stage 1*: 70.2% (66 out of the 94 units) with 14 apartments (14.9%) receiving no solar access
 - *Stage 2*: 81.1% (133 out of the 164 units) with 24 apartments (14.6%) receiving no solar access
 - *Stage 3*: 83.3% (124 out of the 148 units) with 0 apartments receiving no solar access
 - *Stage 4*: 70.3% (135 out of the 192 units) with 15 apartments (7.8%) receiving no solar access
- **Cross ventilation** (60% required): The proposed development will have the following cross ventilation percentages:
 - *Stage 1*
 - Building A: 80% (40 out of the 50 units) of the proposed units are naturally cross-ventilated.
 - Building B: 75% (33 out of the 44 units) of the proposed units are naturally cross-ventilated.
 - *Stage 2*:
 - Building C: 66% (62 out of the 94 units) of the proposed units are naturally cross-ventilated.
 - Building D: 60% (42 out of the 70 units) of the proposed units are naturally cross-ventilated.
 - *Stage 3*:
 - Building E: 67% (48 out of the 72 units) of the proposed units are naturally cross-ventilated.
 - Building F: 63% (48 out of the 76 units) of the proposed units are naturally cross-ventilated.
 - *Stage 4*:
 - Building G: 73% (77 out of the 105 units) of the proposed units are naturally cross-ventilated.
 - Building H: 63% (42 out of the 67 units) of the proposed units are naturally cross-ventilated
 - Building I: 85% (17 out of the 20 units) of the proposed units are naturally cross-ventilated.
- **Ceiling heights** (requirement of 2.7m for habitable rooms and 2.4m for non-habitable rooms): The proposal will have 2.7m ceiling heights for habitable rooms and 2.4m ceiling heights for non-habitable rooms.

- **Apartment size and layout** (requirement of 50m² for 1-bedroom, 70/75m² for 2-bedroom and 90/95m² for 3-bedroom): The proposed apartments have been designed to comply with the ADG apartment size and layout requirements, including those with ensuites.
- **Private open space** (requirement of 8m² for 1-bedroom, 10m² for 2-bedroom and 12m² for 3-bedroom): The proposal provides private open space areas in the form of ground floor courtyards and upper-level balconies. Each private open space area is accessed via an open plan living area of the apartment. The proposed private open space areas have been designed to comply with the ADG apartment size and layout requirements.
- **Storage** (requirement of 6m³ for 1-bedroom, 8m³ for 2-bedroom and 10m³ for 3-bedroom): The proposed proposal has been designed to comply with the ADG storage requirements.
- **Common circulation** (maximum of 8 apartments off a circulation core required): The proposed development will have a maximum of 8 apartments off a circulation core.

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

The majority of the subject site is zoned B4 Mixed Use pursuant to the Precincts – Western Parkland City SEPP 2021. The proposed mixed-use development is a permissible use in the B4 zone under the SEPP. The proposal is considered to satisfy the zones objectives by providing additional retail and housing types and mixes within a mixed-use environment, thereby meeting the needs of a wider demographic.

The proposed high-density apartments provide diversity in housing types (14.4% 1-bedroom, 1.7% 1-bedroom +, 15.4% 2-bedroom, 2.7% 2-bedroom +, and 65.9% 3-bedroom) near to and in support of the Edmondson Square Town Centre and Edmondson Railway Station.

The proposed development of two large vacant lots and construction of 598 x modern apartments and retail space is considered to represent a more efficient use of the site, given it is consistent with the desired future character of the locality, i.e. high, density mixed-use development. Therefore, the proposal increases housing choice and mix within an area where housing is in demand.

The Precincts – Western Parkland City SEPP 2021 prescribes a maximum FSR of 2:1 (Max GFA: 60,578 sqm) for a development on the site. The proposal will have an FSR of 2:1 (GFA: 60,571.80 sqm), thereby complying with the FSR development standard and representing a bulk and scale compatible with the future adjoining developments within the Edmondson Park locality.

Precincts – Western Parkland City SEPP 2021 prescribes a maximum building height of 24m for the site. The proposal includes buildings, which range from four (4) to nine (9) buildings, with a maximum building height of 30.5m, representing a height breach of 6.5m (27.08% variation). The proposed height variation is demonstrated in the following 24m height plane diagram excerpt:

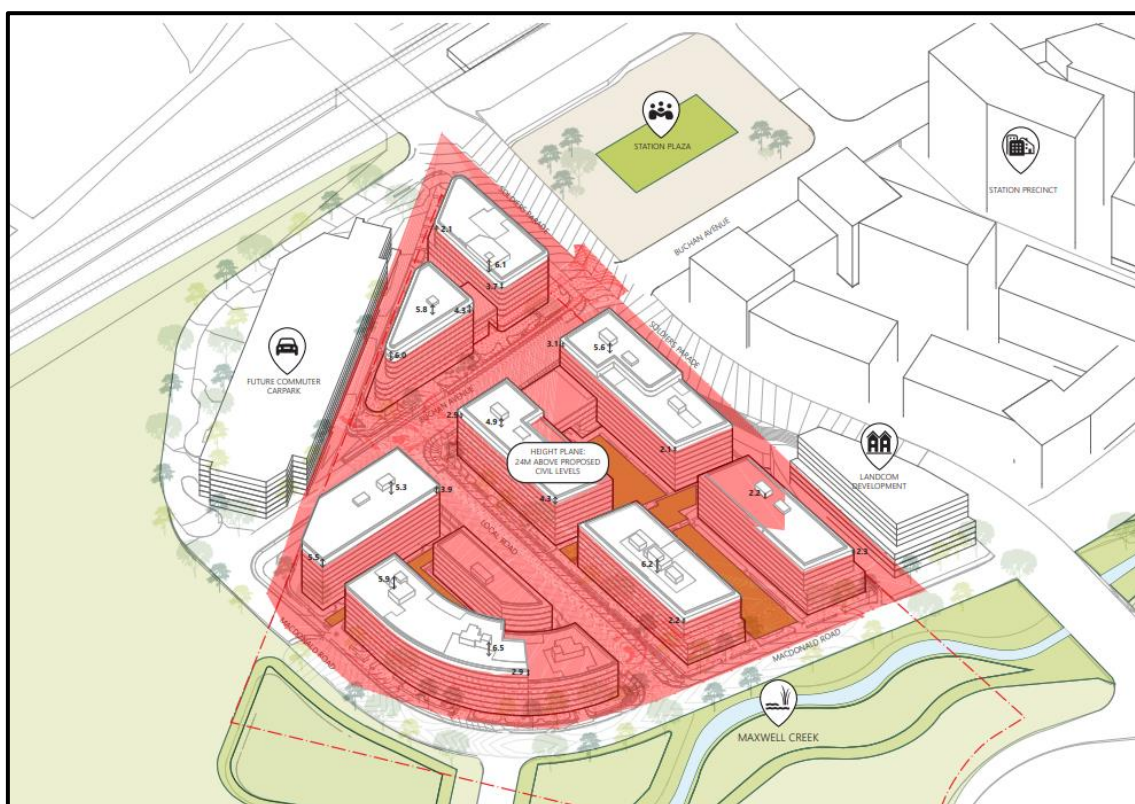


Figure 8: Proposed 24m height plane diagram demonstrating the proposed locations in which the proposal deviates from the height development standard, with the maximum being 6.5m (Building G, stage 4)

The building height non-compliance is justified as follows:

The Concept DA was approved with a maximum height deviation of 6.8m, representing a height of 30.8m to the lift overrun of a Stage 4 building. Compliance with the 24m height standard was assessed by Council as unreasonable and unnecessary, as there were sufficient planning grounds to justify the non-compliance. Therefore, the approved height of 30.8m establishes a height, bulk and scale appropriate to the desired future character of the street and surrounding buildings/precincts.

The Sydney Western City Planning Panel (SWCPP) Assessment Report provides Council's comments regarding the variation:

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.

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.

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.

Figure 9: SWCPP assessment of the 6.8m height deviation, supported in the Tony Owens Scheme

The proposed height deviation of the current scheme, whilst it occurs in different locations to that approved, complies with the approved height of 30.8m, as demonstrated in the following height plane diagram:

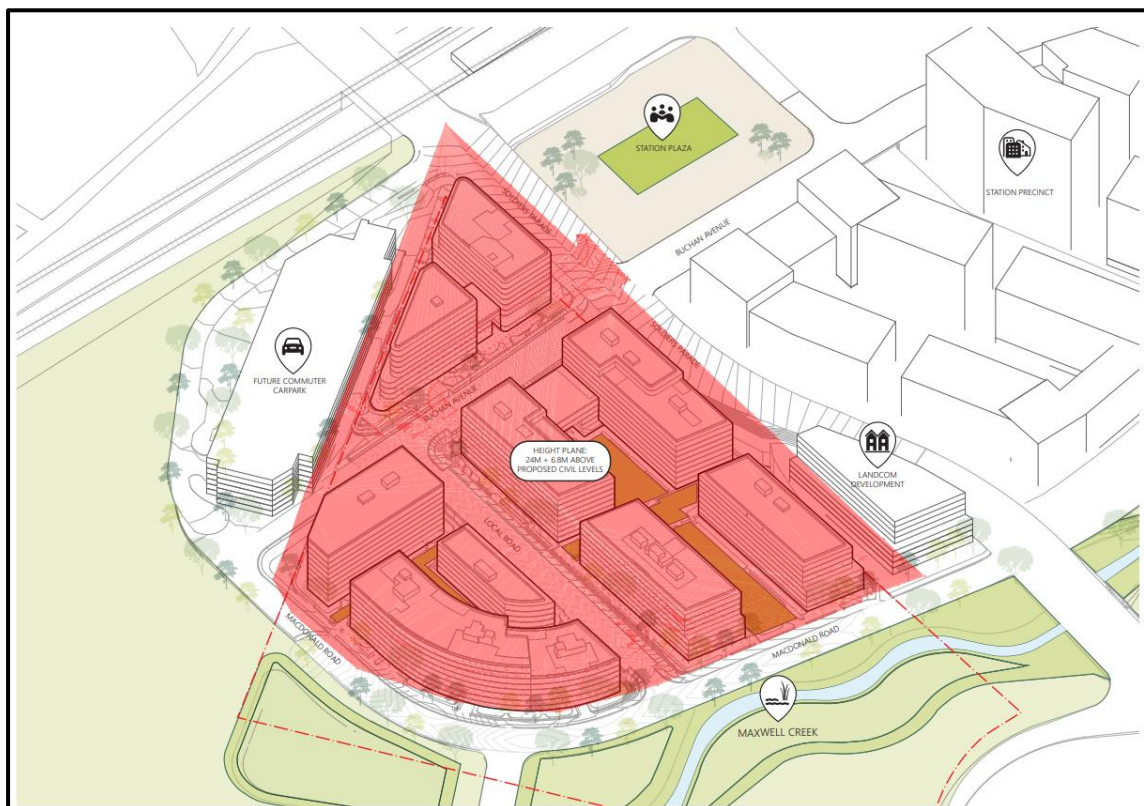


Figure 10: Proposed 24m + 6.8m height plane diagram demonstrating the entirety of the proposed mixed-use development complies with the approved height of 30.8m

Therefore, the proposed height variation is consistent with that associated with the Tony Owen scheme, as shown in the series of cross-sectional plans.

The proposed mixed-use development and associated height variation will be compatible with the scale and massing of contemporary developments, particularly with the existing and future developments proposed within and around Edmondson Park. Refer to the extract of nearby approved developments below. It is noted that nearby developments have been approved with height breaches, namely:

- 190 Croatia Avenue (DA/265/2018): Approved 3 x 6-storey residential flat buildings (135 dwellings) with a maximum building height of 22.21m to the top of the lift overrun (building height control of 21m).
- Landcom masterplan



Figure 11: Context of surrounding/approved developments which characterises the desired future character of the locality



Figure 12: 7-storey Edmondson Park Commuter car park to the south of the subject site (adjacent to proposed Buildings A & B – Stage 1)

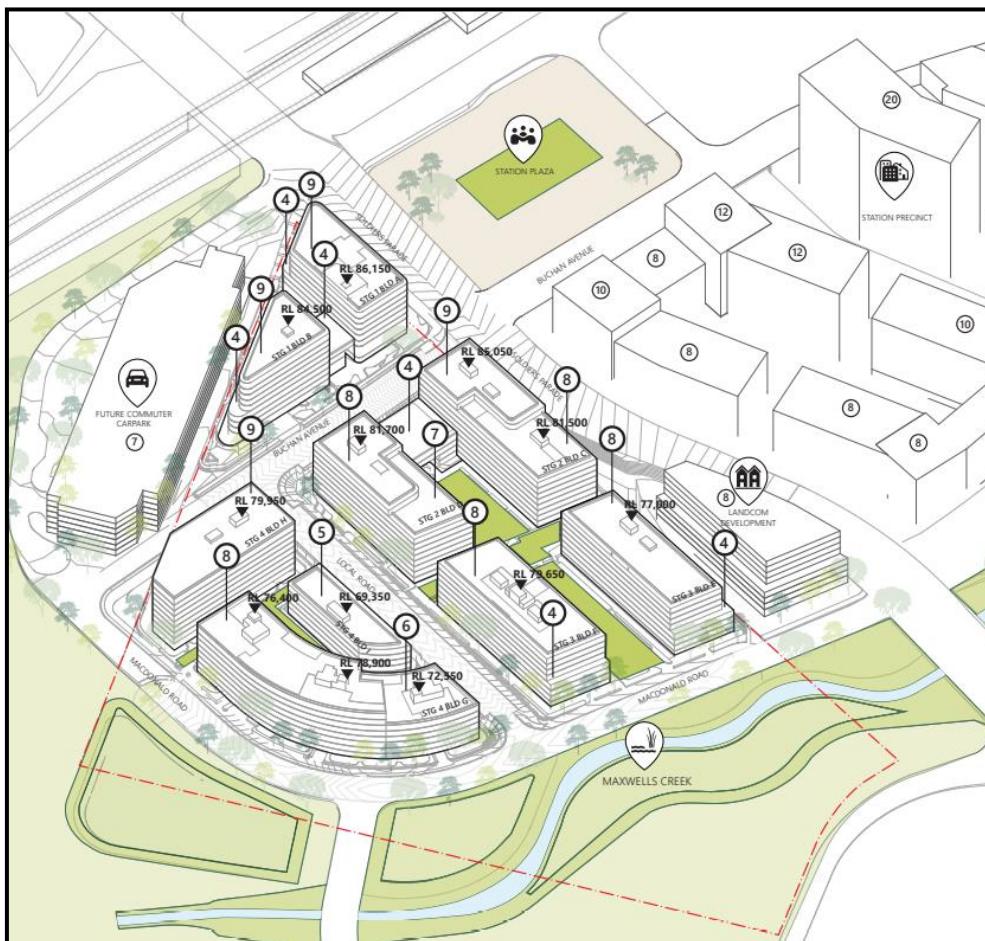


Figure 13: 3D envelope diagram excerpt indicating the heights of surrounding developments to the west and south of the site, which includes heights that are greater and/or on par with that proposed

Compliance with the 24m height development standard would enable a development with a maximum height of 7-stories. The proposed variation in height is considered acceptable in this instance as it provides the opportunity for unique built forms of various height, bulk and scale, which will be compatible with the streetscape and enhance the locality. This is demonstrated in the following:

- The proposal generally provides built forms comprising 8 to 9-storeys with 4-storey components to aid in breaking up the bulk and scale of the precinct and provide a street wall interface mainly along Buchan Avenue.
- The proposal incorporates setback, and recessive elements from the storeys below, providing a greater level of articulation and mitigating any perceived bulk and scale from the public domain.
- Increased setbacks between each building and neighbouring sites is implemented in the site design to improve amenity, i.e. privacy, solar access and visual amenity, whilst also providing compliant ground floor open communal open spaces and interlinks to other public open spaces in the locality. The proposal provides appropriate separation, proposing 6m setbacks along Soldiers Parade and Buchan Avenue and 4.5m setbacks along the Local Road and Macdonald Road.
- High-quality external materials, colours and finishes are proposed, with each building reflecting a unique set of materials, thereby increasing visual interest and mitigating repetitive, monotonous built forms.
- The proposal includes landscaping throughout the site to soften the appearance of the built form, add visual interest and amenity to the area and ensure that the development sits well within the local context.

The proposal has considered the location of the buildings on the site, the internal layout and the building materials used. Hence, the proposed building height non-compliance will not result in adverse privacy impacts. In this regard, the proposed development has been designed and sited to maintain adequate visual and acoustic privacy between the subject development and the adjoining/future developments through appropriate setbacks, providing a suitable degree of visual privacy to both the subject site and adjoining properties.

The design and height of the proposed development ensure that the proposal is compatible with the anticipated future character of the area and provides for excellent internal amenity (as demonstrated by compliance with the ADG communal open space, solar access, cross ventilation, and private open space controls) whilst also preserving external amenity to surrounding properties in a reasonable manner.

Refer to the accompanying Clause 28 Height variation report, which accompanies the proposal.

1.5 SUMMARY

The proposed development is considered appropriate for the subject site and will not create any unreasonable bulk or scale impacts, and not be responsible for any adverse environmental impacts in relation to privacy, view loss and overshadowing to existing or future development in the locality.

The design of the proposal will positively contribute to the locality of the site. The high standard of colours, finishes and materials assists in providing a high-quality urban design outcome.

Overall, it is considered that the concept proposal represents a positive outcome that is worthy of support at the DA stage.

2 SITE ANALYSIS

This section provides a detailed description of the existing site and surrounding development.

2.1 Site Description and Context

The site is a single lot (Lots 25 & 26 and DP228850) located at 164-170 Croatia Avenue, Edmondson Park, within the Liverpool Local Government Area (LGA). The site has an area of 42,920m², and has the following dimensions:

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

Refer to the figures below for an aerial map of the subject site.



Figure 14: Site context location map
(Source: Near Maps, October 2022)



Figure 15: Aerial photo of the subject site
(Source: Near Maps, October 2022)

2.2 Existing Development

The subject site is currently undeveloped vacant land. Refer below for photos of the subject site below.



Figure 16: Subject site



Figure 17: Subject site



Figure 18: Subject site

3 SURROUNDING DEVELOPMENT

Refer below for photos of development surrounding the subject site.

3.1 North

Opposite the subject site to the north is a largely undeveloped, vacant lot. The site is rural land used for agricultural purposes and is zoned R1 General Residential under the Precincts – Western Parkland City SEPP 2021.



Figure 19: Vacant lot directly opposite the subject site along Croatia Avenue



Figure 20: Single dwelling on large vacant lot to the north of the subject site

3.2 East

To the east of the site is a low-scale residential development comprising of single-storey dwellings on large vacant lots. This site is zoned R1 General Residential under the Precincts – Western Parkland City SEPP 2021.



Figure 21: Eastern streetscape along Croatia Avenue

3.3 South

Adjoining the subject site to the south is a large lot with dense bushland located in the eastern part of the site. Construction for part of a road has commenced on site and the construction of a 7-storey commuter carpark. This site is partly zoned B4 Mixed-Use and E1 National Parks and Nature Reserves under the Precincts – Western Parkland City SEPP 2021.



Figure 22: Aerial excerpt of the adjoining neighbour to the south of the subject site



Figure 23: 7-storey Edmondson Park Commuter car park to the south of the subject site (adjacent to proposed Buildings A & B – Stage 1). The commuter car park will have a blank interface with the southern facades of the proposed Stage 1 buildings on the subject site

3.4 West

Adjoining the subject site to the west is 176 Croatia Avenue, a vacant lot with primary street frontage to Croatia Avenue and secondary street frontage to Soldiers Parade (west). Further to the southwest, Edmondson Park station and the Ed Square Town Centre Reserve is within a short walk of the site. This site is partly zoned B4 Mixed Use and RE1 Public Recreation under the Precincts – Western Parkland City SEPP 2021.



Figure 24: Entry to Edmondson Park station



Figure 25: Mixed-use development located within the Ed Square Town Centre, adjacent to the Edmondson Park station

4. PROPOSAL

- *Stage 1:*

Construction of a 1 x 4-storey and 9 x 8-storey mixed-use development containing 94 apartments. The proposal seeks to activate the ground floor with retail spaces along Buchan Avenue and Soldiers Parade streetscape.

Construction of 3 levels of basement parking providing a total of 168 car parking spaces (120 residential, 19 visitor and 29 retail parking spaces). The retail parking spaces will be located in Basement 01 and separated from the residential and visitor parking spaces.

A central courtyard and communal rooftop terraces are proposed and allow additional solar access, natural ventilation, and a pleasant outlook to the urban areas of the locality.



Figure 26: Western elevation excerpt of Stage 1, as viewed from the Soldiers Parade streetscape

- *Stages 2 and 3:*

Stage 2: Construction of a 1 x 4-storey and 1 x 8-storey, and 1 x 9-storey development with 164 apartments. The proposal seeks to activate the ground floor with retail along Buchan Avenue and Soldiers Parade streetscape.

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

Central courtyards providing a green link between and through the site and communal rooftop terraces are proposed and allow for additional solar access, natural ventilation and a pleasant outlook.

2-3 levels of basement parking, providing 482 car parking spaces (398 residential, 63 visitor and 21 retail car parking spaces).



Figure 27: Southwestern elevation excerpt of Stage 2, as viewed from the Soldiers Parade streetscape



Figure 28: North elevation excerpt of Stage 3 buildings, as viewed from Maxwells Creek



Figure 29: Visualisation of Stage 3 buildings, as viewed from Maxwells Creek

- *Stage 4:*

Construction of 1 x 5-storey, 1 x 8-storey and 1 x 9-storey residential flat building containing 192 apartments. Construction of 2 levels of basement parking providing a total of 276 car parking spaces (238 residential and 38 visitor car parking spaces)

A central courtyard and communal rooftop terraces are proposed, allowing additional solar access, natural ventilation, and a pleasant outlook.



Figure 30: Northeastern elevation excerpt of the proposed stage 4 buildings, as viewed from the Macdonald Road streetscape

- *Site Works:*

Associated/ancillary site works are proposed, including earthworks, drainage, road works, landscaping, utilities and servicing.

Construction of local roads through and around the site, as per the DA presentation.

Below are 3D models of the proposed development:



Figure 31: 3D model of the proposed development demonstrating the façade concepts proposed and the array of high-quality materials, colours and external finishes, which provide distinct, unique façade characters, thereby enhancing the streetscape outlook



Figure 32: 3D model of the proposed development



Figure 33: 3D model of the proposed development



Figure 34: 3D model of the proposed development

4 ASSESSMENT UNDER RELEVANT CONTROLS

The following planning instruments are relevant to the proposed development:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021;
- Liverpool Local Environmental Plan 2008;
- Edmondson Park South Development Control Plan 2012; and
- Liverpool Development Control Plan 2008

Below are summary compliance tables of the relevant SEPPS, Liverpool LEP 2008 and Edmondson Park South DCP 2012.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 11 – Georges Rivers Catchment

The subject site is located within the Georges River Catchments, being a part of Liverpool Council. Therefore, Chapter 11 – Georges River Catchment of the SEPP (Biodiversity and Conservation) 2021 (formerly known as the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River) applies to the proposed development application.

The following table assesses the proposed development with the principles (Clause 11.5) of Chapter 11. Therefore, 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.

Clause 11.6 General Principles	Assessment:
<i>(a) the aims, objectives and planning principles of this plan,</i>	Complies The proposal considers the aims, objectives and planning principles of the SEPP by seeking to mitigate risks and maintain river flows and the quality of the catchment.
<i>(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,</i>	Complies The proposal has considered the likely effects of the proposed mixed-use development on the Georges River catchment. The accompanying report addresses the likely risks associated with the proposal and provides recommendations, which are implemented within the proposed development.

<i>(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,</i>	<p>Complies</p> <p>The proposal is accompanied by a detailed design report, demonstrating the cumulative impact of the proposed mixed-use development on the Georges River catchment. In this regard, the proposal implements strategies to mitigate risks to the catchment.</p>
<i>(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),</i>	<p>Complies</p> <p>The subject site is located within an area encompassed by the Liverpool District Stormwater Management Plan, as per the Liverpool City Council Water Strategy 2004.</p> <p>The proposal takes into account the Liverpool District Stormwater Management Plan.</p>
<i>(e) the Georges River Catchment Regional Planning Strategy (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),</i>	<p>Complies</p> <p>The proposal takes into account the Georges River Catchment Regional Planning Strategy. The proposed mixed-use development is noted to be consistent with the strategy.</p>
<i>(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,</i>	<p>Complies</p> <p>The proposal will consider all relevant State Government policies, manuals and guidelines applicable to the site to mitigate undue risks on the catchment.</p>
<i>(g) whether there are any feasible alternatives to the development or other proposal concerned.</i>	<p>Not Applicable</p> <p>The proposed land zoning for the site is B4 mixed Use development. Therefore, it is unfeasible for alternative development for the site other than residential/retail development.</p>
Clause 11.7 Specific Principles	Assessment
<p><i>(1) Acid sulfate soils</i></p> <p><i>Disturbance of acid sulfate soil areas is to be avoided or minimised and those areas are to be protected in accordance with the requirements set out in the Acid Sulfate Soils Assessment and Management Guidelines prepared by the Acid Sulfate Soils Management Advisory Committee. Measures to minimise that disturbance are to take into account the following—</i></p> <p><i>(a) verification of the existence, locations and extent of acid sulfate soils,</i></p>	<p>Complies</p> <p>The proposal is not identified as containing acid sulphate soils.</p>

<p><i>(b) the capacity of land to sustain the proposed land uses, having regard to—</i></p> <ul style="list-style-type: none"> <i>(i) potential impacts on surface and groundwater quality and quantity, and</i> <i>(ii) potential impacts on ecosystems and on biodiversity, and</i> <i>(iii) potential impacts on agricultural, fisheries and aquaculture productivity, and</i> <i>(iv) any likely engineering constraints and impacts on infrastructure, and</i> <i>(v) cumulative environmental impacts.</i> 	
<p>(2) Bank disturbance</p> <p><i>Disturbance of the bank or foreshore along the Georges River and its tributaries is to be avoided and those areas and any adjoining open space or vegetated buffer area must be protected from degradation.</i></p>	<p>Complies</p> <p>The proposed relocation of Maxwells Creek and associated development is located on land zoned RE1, which Council will acquire.</p>
<p>(3) Flooding</p> <p><i>The following are to be recognised—</i></p> <ul style="list-style-type: none"> <i>(a) the benefits of periodic flooding to wetland and other riverine ecosystems,</i> <i>(b) the pollution hazard posed by development on flood liable land in the event of a flood,</i> <i>(c) the cumulative environmental effect of development on the behaviour of flood water and the importance of not filling flood prone land.</i> 	<p>Complies</p> <p>The subject site is prone to flooding at certain locations of the site. The development application is accompanied by a Flood Assessment report.</p>
<p>(4) Industrial discharges</p> <p><i>The discharging of industrial waste into the Georges River or its tributaries must be avoided and the requirements of the relevant consent authority and licensing authority must be met in those instances where industrial discharges into the river and its tributaries occur.</i></p>	<p>Not Applicable</p> <p>The proposal is for a mixed-use residential and retail development.</p>
<p>(5) Land degradation</p> <p><i>Land degradation processes, such as—</i></p> <ul style="list-style-type: none"> <i>(a) erosion,</i> <i>(b) sedimentation,</i> <i>(c) deterioration of soil structure,</i> <i>(d) significant loss of native vegetation,</i> <i>(e) pollution of ground or surface water,</i> 	<p>Complies</p> <p>The proposed mixed-use development relates to a residential and retail mixed precinct with associated landscaping. As such, the proposed development is unlikely to cause land degradation.</p>

<p>(f) soil salinity and acidity, and</p> <p>(g) adverse effects on habitats and sensitive natural environments (aquatic and terrestrial) within the Catchment, must be avoided where possible, and minimised where avoidance is not possible.</p>	
<p>(6) On-site sewage management</p> <p><i>The potential adverse environmental and health impact associated with effluent disposal is to be recognised and guarded against by meeting the criteria set out in the Environment Health Protection Guidelines: On-site Sewage Management for single households and the provisions of the Local Government (Approvals) Regulation 1993.</i></p>	<p>Complies</p> <p>The proposed mixed-use development will be connected to the sewerage system available within the LGA.</p>
<p>(7) River-related uses</p> <p><i>Uses located on immediate foreshore land on the Georges River and its tributaries must be water-related and public access to the foreshore of the river and its tributaries must be provided in order to enhance the environment of the Catchment.</i></p>	<p>Not applicable</p> <p>The proposal does not propose uses located on the immediate foreshore land of the river.</p>
<p>(8) Sewer overflows</p> <p><i>The adverse impact of sewer overflows, including exfiltration, on the environment within the Catchment, and specifically on the water quality of the river and its tributaries, is to be recognised and that issue is to be addressed through appropriate planning and management of development within the Catchment.</i></p>	<p>Not applicable</p> <p>The proposal is unlikely to result in sewer overflows and consequently will not impact the river catchment.</p>
<p>(9) Urban/stormwater runoff</p> <p><i>The impacts of stormwater runoff, including sewage contaminated runoff into or near streams within the Catchment, is to be minimised and mitigation measures that address urban stormwater runoff are to be implemented in accordance with the local council requirements and the Managing Urban Stormwater series of documents. Development is also to be in accordance with the NSW State Rivers and Estuaries</i></p>	<p>Complies</p> <p>Refer to the Civil Engineering details which accompany the proposed mixed-use development.</p>

<p><i>Policy available from offices of the Department of Urban Affairs and Planning. Stormwater management must be integrated so that quality, quantity and land use aspects are all encompassed.</i></p>	
<p>(10) Urban development areas</p> <p><i>The environment within the Catchment is to be protected by ensuring that new or expanding urban development areas are developed in accordance with the Urban Development Program and the Metropolitan Strategy and that the requirements of the NSW Floodplain Development Policy and Manual (prepared by and available from the Department of Land and Water Conservation) are also satisfied. It is important to ensure that the level of nutrients entering the waterways and creeks is not increased by the development.</i></p>	<p>Complies</p> <p>The subject site is located within the Edmondson Park Urban Release Area. The site is partially zoned B4 Mixed Use and RE1 Public Recreation. As such, the proposed mixed-use development complies with the objectives of the zone.</p>
<p>(11) Vegetated buffer areas</p> <p><i>Appropriate buffer widths (as identified in item 21 relating to Development in Vegetated Buffer Areas in the Planning Control Table in Part 3) must be retained as a means of improving surface runoff entering into the Georges River or its tributaries.</i></p>	<p>Not applicable</p>
<p>(12) Water quality and river flows</p> <p><i>Water quality and river flows within the Catchment are to be improved through the implementation of environmental objectives for water quality and river flows agreed between the Minister for Environment and the Minister for Land and Water Conservation and by the application of consistent decisions affecting the use and management of land.</i></p>	<p>Complies</p> <p>The proposal will consider the implementation of environmental objectives to maintain/improve water quality within the river catchment.</p>
<p>(13) Wetlands</p> <p><i>Wetlands must be protected through the application of consistent land use and management decisions that take into account the potential impact of surrounding land uses, incorporate measures to mitigate adverse effects and</i></p>	<p>Not applicable</p>

are in accordance with the NSW Wetlands Management Policy (prepared by and available from the Department of Land and Water Conservation). Wetlands must also be protected by requiring adequate provisions where clearing, construction of a levee, draining or landscaping is to be undertaken.	
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4.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land

State Environmental Planning Policy (Resilience and Hazards) 2021 applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Chapter 4 of SEPP (Resilience and Hazards) requires the consent authority to consider whether the land is contaminated prior to granting consent to carrying out any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

Assessment: Refer to the accompanying Detailed Site Investigation report, which identifies that the site does not have a history of contamination.

It can be concluded beyond reasonable doubt that there is no likelihood of contamination on this site. Therefore, no further consideration is required under Chapter 4 Section 4.6(1) (a), (b), and (c) of SEPP (Resilience and Hazards) 2021.

4.5 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the proposed development and aims to encourage sustainable residential development.

A BASIX Certificate is submitted with this application which incorporates appropriate measures to reduce artificial heating, lighting and cooling means whilst also reducing water consumption.

4.6 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

2.98 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.*

2.122 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—*
 - (b) *give written notice of the application to TfNSW within 7 days after the application is made, and*
 - (c) *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.*

Assessment: The proposed mixed-use development is located in close proximity to the Edmondson Park Railway Station. As per Clause 2.122, due to the large scale of the project, the site is identified as ‘traffic-generating development’.

Refer to the accompanying Traffic Impact Statement.

4.7 STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The Apartment Design Guide (ADG), produced in association with SEPP 65, addresses the design of residential flat building development at the site and individual building scale.

The table below provides a snapshot of compliance of the proposed development with the ADG controls.

Table 1: Assessment against a summary of Design Criteria set out in the Apartment Design Guide

CONTROL	NUMERIC	PROPOSED	COMPLIES
SEPP 65 – Design Quality of Residential Apartment Development / ADG			
Communal Open Space	Minimum 25% of the site area	<p>The proposal includes the following communal open space areas:</p> <ul style="list-style-type: none"> ○ Stage 1: 1,111m² (28%) ○ Stage 2: 1510m² (26%) ○ Stage 3: 1497m² (28%) ○ Stage 4: 1764m² (25%) 	YES
Deep Soil Zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <p>Greater than 1500m²: 7% with 6m minimum dimensions</p>	<p>The proposal provides a total of 2231.38m² (7.4%) of deep spoil area. The deep soil area provided per stage is as follows:</p> <ul style="list-style-type: none"> ○ Stage 1: 609 sqm ○ Stage 2/3: 1294 sqm ○ Stage 4: 328 sqm 	YES
Separation Distances	<p>Up to 25m (8 storeys):</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms. 	<p>The proposed buildings on the site are a mixture of 4 to 9-storeys in height. The proposed buildings on the site are separated between 12m to 30m from one another. Refer to the extract of the heights and setbacks diagram below.</p> <p>The proposed buildings are setback as follows from the site boundaries to ensure adequate separation from likely future development on the adjoining sites:</p> <ul style="list-style-type: none"> ○ Stage 1: 12m setbacks between Building A and Building B and 30m between 	YES

CONTROL	NUMERIC	PROPOSED	COMPLIES
		<p>the buildings on stage 1 and Stage 2</p> <ul style="list-style-type: none"> ○ Stage 2: 24m between Building C and Building D and 26m separation distance between Building D and Building H (stage 4) ○ Stage 3: 12m separation distance to Stage 2 buildings and 12-18m from the western site boundary side of Stage 3 (adjacent to the Landcom Masterplan) ○ Stage 4: 12-16.8m setback between Building I and Building G and 12m setback between Building H and Building G 	
Solar and daylight access	<p>70% of apartments receive a minimum of 2 hours direct sunlight between 9am – 3pm on June 21st</p> <p>A maximum of 15% of apartments receive no direct sunlight between 9am – 3pm on June 21st</p>	<p>The proposed development will have the following solar access to living areas and private open space areas between 9am to 3pm on June 21st:</p> <ul style="list-style-type: none"> ○ Stage 1: 70.2% (66 out of the 94 units) with 14 apartments (14.9%) receiving no solar access ○ Stage 2: 81.1% (133 out of the 164 units) with 24 apartments (14.6%) receiving no solar access ○ Stage 3: 83.3% (124 out of the 148 units) with 0 apartments receiving no solar access ○ Stage 4: 70.3% (135 out of the 192 units) with 15 apartments (7.8%) receiving no solar access 	YES
Natural Ventilation	60% of apartments are naturally cross ventilated	<p>The proposed development will have the following cross ventilation percentages:</p> <ul style="list-style-type: none"> ○ Stage 1 <ul style="list-style-type: none"> - Building A: 80% (40 out of the 50 units) of the proposed units are naturally cross-ventilated. 	YES

CONTROL	NUMERIC	PROPOSED	COMPLIES
		<ul style="list-style-type: none"> - Building B: 75% (33 out of the 44 units) of the proposed units are naturally cross-ventilated. ○ Stage 2: <ul style="list-style-type: none"> - Building C: 66% (62 out of the 94 units) of the proposed units are naturally cross-ventilated. - Building D: 60% (42 out of the 70 units) of the proposed units are naturally cross-ventilated. ○ Stage 3: <ul style="list-style-type: none"> - Building E: 67% (48 out of the 72 units) of the proposed units are naturally cross-ventilated. - Building F: 63% (48 out of the 76 units) of the proposed units are naturally cross-ventilated. ○ Stage 4: <ul style="list-style-type: none"> - Building G: 73% (77 out of the 105 units) of the proposed units are naturally cross-ventilated. - Building H: 63% (42 out of the 67 units) of the proposed units are naturally cross-ventilated - Building I: 85% (17 out of the 20 units) of the proposed units are naturally cross-ventilated. 	
Common circulation and spaces	A maximum number of apartments off a circulation core on a single level is 8	Maximum of 8 apartments per circulation core	YES
Apartment size and layout	Studio: 35m ² 2-bedroom apartment: 70m ² 3-bedroom apartment: 90m ² + 5m ² for any additional bathroom	Complies	YES
Private open space	Studio apartment: 4m ² 2-bedroom apartment: 10m ² Minimum depth: 2m	Complies	YES

CONTROL	NUMERIC	PROPOSED	COMPLIES
	3+ bedroom apartment: 12m ² Minimum depth: 2.4m		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Complies	YES
Storage	Studio: 4m ³ 2-bedroom: 8m ³ 3-bedroom: 10m ³ At least 50% of required storage is to be located within the apartment	Complies	YES

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

The below provides a snapshot of compliance of the proposed mixed-use development with the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 controls.

Table 2: Precincts – Western Parkland City SEPP 2021 – Appendix 1 Compliance Table

Item	Control	Proposed	Complies
Precincts – Western Parkland City SEPP 2021 Provisions – Appendix 1			
Clause 10 – Zoning	B4 Mixed Use	Mixed-use development comprising retail areas, 598 apartments, landscaping and basement parking.	YES
Clause 18 – Building Height	Maximum 24m	Maximum 30.5m	Consistent with maximum variation in concept approval Merit Assessment – Refer to Clause 28 variation report
Clause 19 – Floor Space Ratio	2:1 Max GFA: 60,578 sqm	2:1 GFA: 60,571.80 sqm	YES
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.	The site is identified as flood-prone in certain locations. As such, the proposed mixed-use development is designed to mitigate flood risk to life and property. Refer to the accompanying Flood Assessment report accompanying the proposal.	YES
Clause 31 – Preservation of trees	Approvals required for tree removal.	The proposal seeks approval to remove existing trees on the subject site to enable the development of the land.	YES

Item	Control	Proposed	Complies
		<p>The proposed removal of existing trees will be replaced with a high-quality landscape plan, which utilises a variety of native trees, shrubs and groundcovers throughout the mixed-use precinct to improve tree canopy, visual outlook and privacy.</p> <p>An Arborist report also accompanies the proposal, which supports the proposed removal of existing trees.</p>	
Clause 33 – Heritage Conservation	Consent required to demolish heritage buildings or works.	<p>The site is not heritage listed and is not located within a heritage conservation area.</p> <p>An Aboriginal Cultural Heritage Assessment Report was submitted during the Concept DA stage, which discovered recordings of Aboriginal Cultural Heritage. The proposal was referred to Heritage NSW, which states that an Aboriginal Heritage Impact Permit is required for the proposed mixed-use development.</p> <p>The proposal will apply for a permit prior to work commencing.</p>	YES
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	The area of Edmondson Park is serviced by all essential services, including water, sewer and electricity.	YES

4.9 Liverpool LEP Compliance Summary

Table 3: Liverpool Local Environment Plan 2008 – Summary Compliance Table

Item	Control	Proposed	Complies
LIVERPOOL LEP 2008			
Zoning	RE1 Public Recreation SP2 Infrastructure	The proposed parts of the site zoned RE1 and SP2 are identified for acquisition to realign Maxwells Creek.	YES
Heritage Conservation	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.	<p>The site is not heritage listed and is not located within a heritage conservation area.</p> <p>An Aboriginal Cultural Heritage Assessment Report was submitted during the Concept DA stage, which discovered recordings of Aboriginal Cultural Heritage. The proposal was referred to Heritage NSW, which states an Aboriginal Heritage Impact Permit is required for the proposed mixed-use development.</p> <p>The proposal will apply for a permit prior to work commencing.</p>	YES
Public Utility Infrastructure	Public utility infrastructure must be available	The area of Edmondson Park is serviced by all essential services, including water, sewer and electricity.	YES
Flood Planning	Minimise risk of flood to life and property and allow development that is compatible with a flood prone area.	<p>The site is identified as flood-prone in certain locations. As such, the proposed mixed-use development is designed to mitigate flood risk to life and property.</p> <p>Refer to the accompanying Flood Assessment report accompanying the proposal.</p>	YES

Item	Control	Proposed	Complies
Environmentally Significant Land	Identify and maintain areas of high ecological significance	The mixed-use development will occur on the portions of the site zoned B4 mixed Use. Nil works are proposed on parts of the site zoned RE1 and SP2 land, which are identified as environmentally significant land. Therefore, the proposal does not propose to develop the land, which is noted to be maintained.	YES

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

6.4.1 Zoning

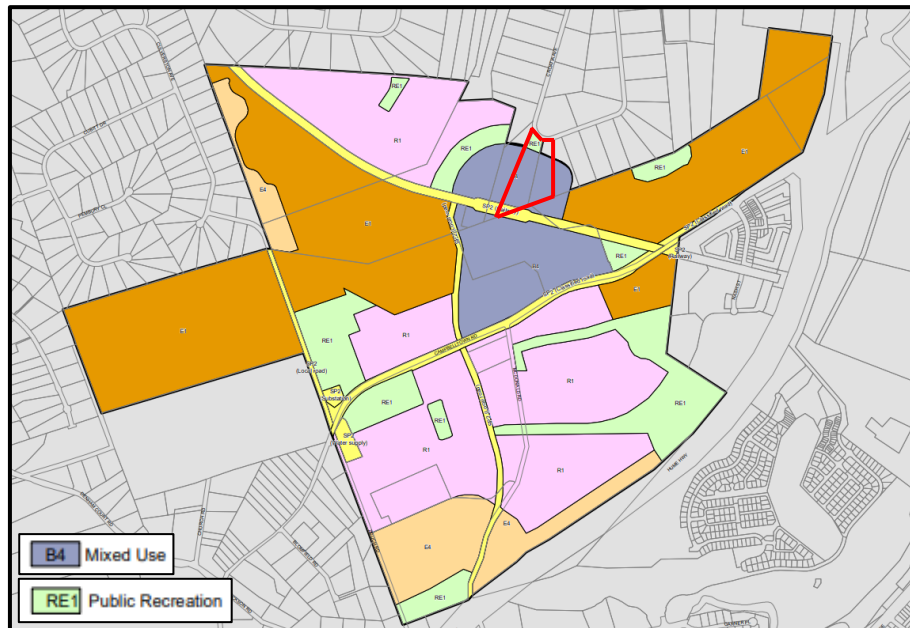


Figure 35: Zoning Map (Precincts – Western Parkland City SEPP 2021)

- (1) The objectives of Zone **B4 Mixed Use** 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.
- (1) The objectives of Zone **RE1 Public Recreation** are as follows—
 - (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to provide a sufficient and equitable distribution of public open space to meet the needs of residents.

Assessment: The proposed development is permissible in the B4 Mixed Use zone pursuant to the Precincts – Western Parkland City SEPP 2021. The proposed development achieves the zone's objectives by providing 1,289.90 sqm of retail space, 598 residential apartments, 926 car parking spaces and a range of communal/public open space areas within close walking proximity to the town centre and the Edmondson Park train station.

Most of the subject site is zoned B4 Mixed Use and partly zoned RE1 Public Recreation at the northern boundary, as demonstrated in the above zoning map excerpt. In this regard, the RE1 zone will remain undeveloped, with the proposal seeking to realign Maxwells Creek.

The proposed height, bulk, and scale of the mixed-use development are compatible with the locality's emerging and desired future character, being high-density mixed-use development. Therefore, the proposal recognises the desirable elements of the existing streetscape and built form and proposes a development that contributes to the desired future character of the Edmondson Park South

Therefore, it is considered that the proposed development satisfies the zone objectives.

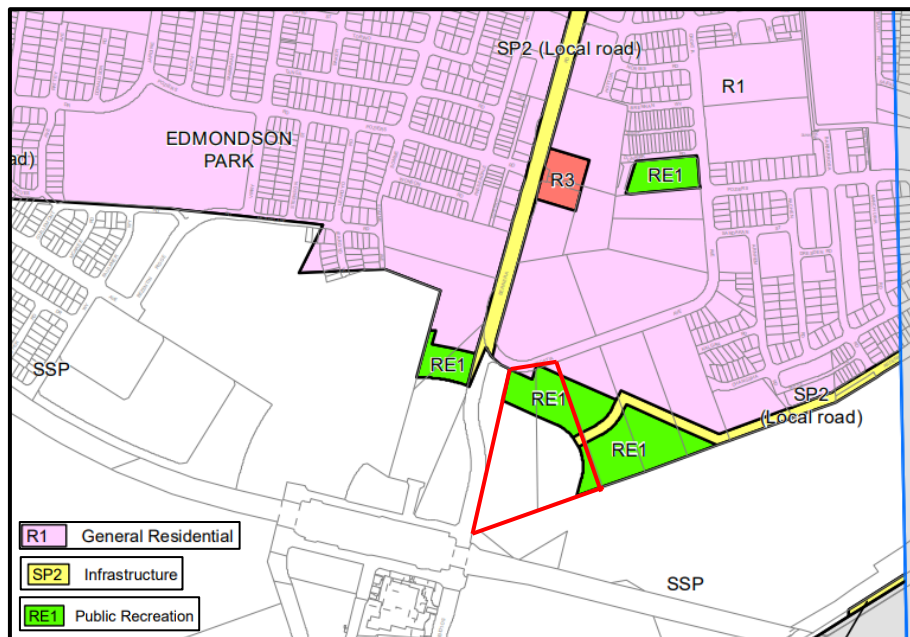


Figure 36: Zoning Map (Liverpool LEP 2008)

- (1) The objectives of Zone RE1 Public Recreation are as follows—
- (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to provide a sufficient and equitable distribution of public open space to meet the needs of residents.

Assessment: Pursuant to the Liverpool LEP 2008, the northern part of the site is predominantly zoned RE1 Public Recreation with a small section zoned SP2 Local Road (near the western boundary), as demonstrated in the zoning map excerpt above.

Council have identified the zoned areas for acquisition, with a concept design prepared to realign Maxwells Creek. The proposal complies with the objectives of the zone by enabling the land to be used for public open space or recreational purposes.

6.4.2 Building Height

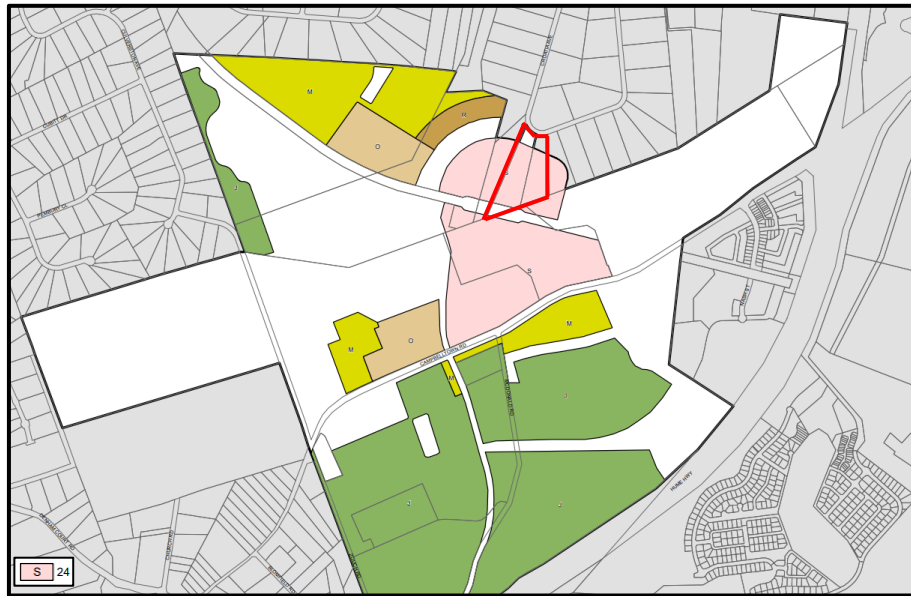


Figure 37: Building Height Map

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](#).

Assessment: Precincts – Western Parkland City SEPP 2021 prescribes a maximum building height of 24m for the site. The proposal includes buildings, which range from four (4) to nine (9) storeys, with a maximum building height of 30.5m, representing a height breach of 6.5m (27.08% variation). The proposed height variation is demonstrated in the following 24m height plane diagram excerpt:

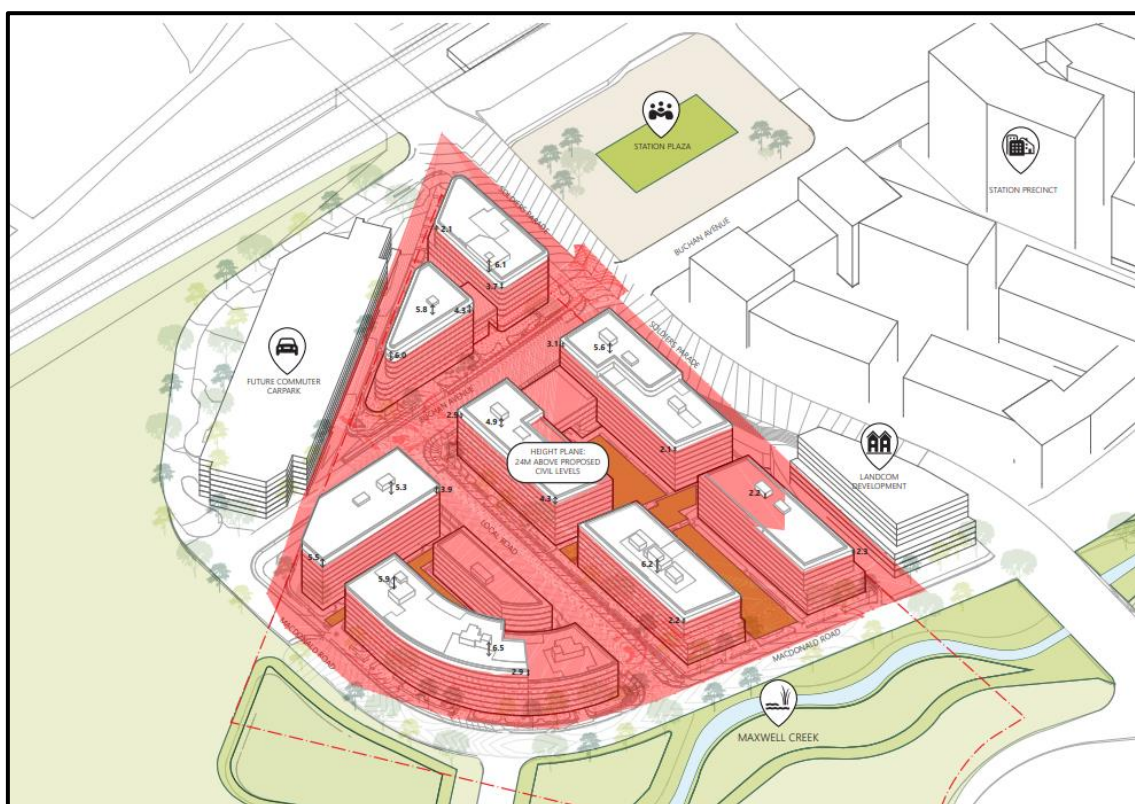


Figure 38: Proposed 24m height plane diagram demonstrating the proposed locations in which the proposal deviates from the height development standard, with the maximum being 6.5m (stage 4)

The building height non-compliance is justified as follows:

The Concept DA was approved with a maximum height deviation of 6.8m, thereby representing a height of 30.8m to the lift overrun of a Stage 4 building. Compliance with the 24m height standard was assessed by Council as unreasonable and unnecessary, as there were sufficient planning grounds to justify the non-compliance. Therefore, the approved height of 30.8m establishes a height, bulk and scale appropriate to the desired future character of the street and surrounding buildings/precincts.

The Sydney Western City Planning Panel (SWCPP) Assessment Report provides Council's comments regarding the variation:

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.

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.

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.

Figure 39: SWCPP assessment of the 6.8m height deviation, supported in the Tony Owens Scheme

The proposed height deviation of the current scheme, whilst it occurs in different locations to that approved, complies with the approved height of 30.8m, as demonstrated in the following height plane diagram:

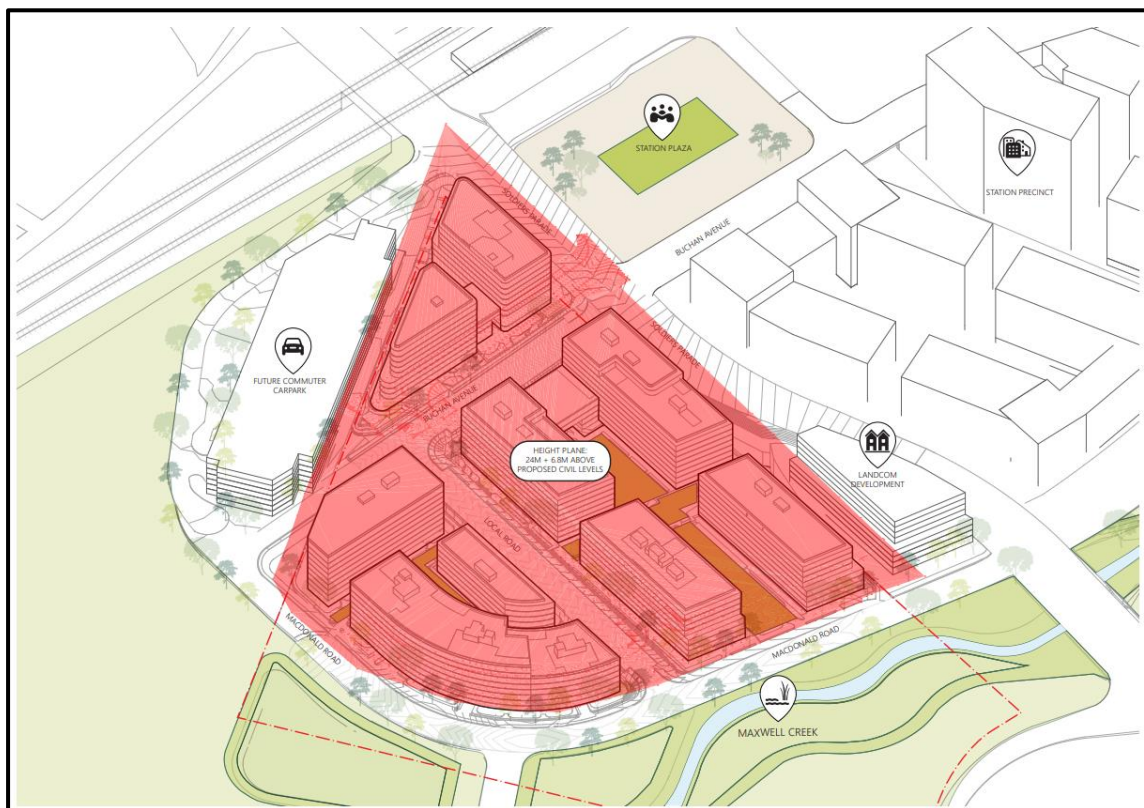


Figure 40: Proposed 24m + 6.8m height plane diagram demonstrating the entirety of the proposed mixed-use development complies with the approved height of 30.8m

Therefore, the proposed height variation is consistent with that associated with the Tony Owen scheme, as shown in the series of cross-sectional plans.

The proposed mixed-use development and associated height variation will be compatible with the scale and massing of contemporary developments, particularly with the existing and future developments proposed within and around Edmondson Park. Refer to the extract of nearby approved developments below. It is noted that nearby developments have been approved with height breaches, namely:

- 190 Croatia Avenue (DA/265/2018): Approved 3 x 6-storey residential flat buildings (135 dwellings) with a maximum building height of 22.21m to the top of the lift overrun (building height control of 21m).
- Landcom masterplan



Figure 41: Context of surrounding/approved developments which characterises the desired future character of the locality



Figure 42: 7-storey Edmondson Park Commuter car park to the south of the subject site (adjacent to proposed Buildings A & B – Stage 1)

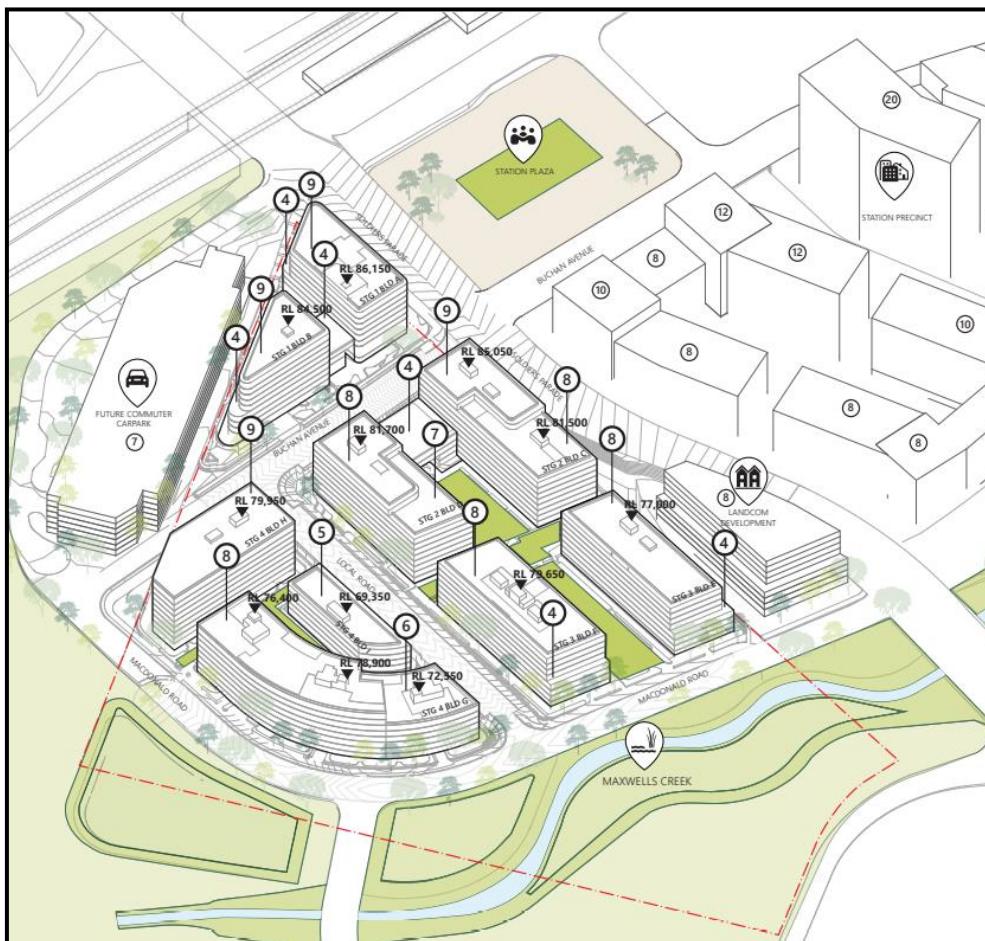


Figure 43: 3D envelope diagram excerpt indicating the heights of surrounding developments to the west and south of the site, which includes heights that are greater and/or on par with that proposed

Compliance with the 24m height development standard would enable a development with a maximum height of 7-stories. The proposed variation in height is considered acceptable in this instance as it provides the opportunity for unique built forms of various height, bulk and scale, which will be compatible with the streetscape and enhance the locality. This is demonstrated in the following:

- The proposal generally provides built forms comprising 8 to 9-storeys with 4-storey components to aid in breaking up the bulk and scale of the precinct and provide a street wall interface mainly along Buchan Avenue.
- The proposal incorporates setback, and recessive elements from the storeys below, providing a greater level of articulation and mitigating any perceived bulk and scale from the public domain.
- Increased setbacks between each building and neighbouring sites is implemented in the site design to improve amenity, i.e. privacy, solar access and visual amenity, whilst also providing compliant ground floor open communal open spaces and interlinks to other public open spaces in the locality. The proposal provides appropriate separation, proposing 6m setbacks along Soldiers Parade and Buchan Avenue and 4.5m setbacks along the Local Road and Macdonald Road.
- High-quality external materials, colours and finishes are proposed, with each building reflecting a unique set of materials, thereby increasing visual interest and mitigating repetitive, monotonous built forms.
- The proposal includes landscaping throughout the site to soften the appearance of the built form, add visual interest and amenity to the area and ensure that the development sits well within the local context.

The proposal has considered the location of the buildings on the site, the internal layout and the building materials used. Hence, the proposed building height non-compliance will not result in adverse privacy impacts. In this regard, the proposed development has been designed and sited to maintain adequate visual and acoustic privacy between the subject development and the adjoining/future developments through appropriate setbacks, providing a suitable degree of visual privacy to both the subject site and adjoining properties.

The design and height of the proposed development ensure that the proposal is compatible with the anticipated future character of the area and provides for excellent internal amenity (as demonstrated by compliance with the ADG communal open space, solar access, cross ventilation, and private open space controls) whilst also preserving external amenity to surrounding properties in a reasonable manner.

Therefore, the proposed height is considered appropriate and is also considered to satisfy the objectives of the height standard. Refer to the accompanying Clause 28 Height variation report, which accompanies the proposal.

6.4.3 Floor Space Ratio

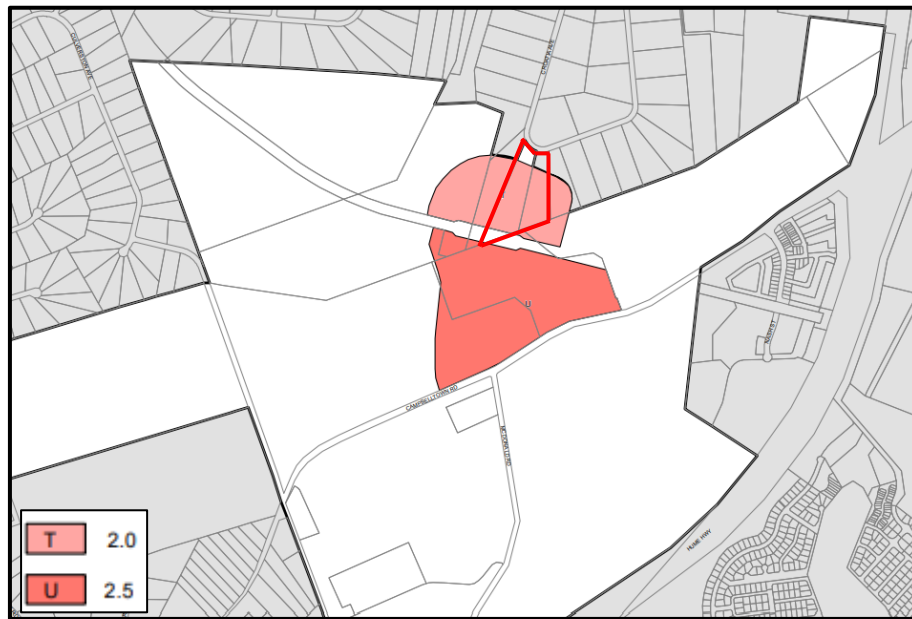


Figure 44: Floor Space Ratio Map

- (1) The objectives of this clause are as follows—
- (a) to establish standards for the maximum development density and intensity of land use,
 - (b) to control building density and bulk in relation to site area,
 - (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.

Assessment: Precincts – Western Parkland City SEPP 2021 prescribes a floor space ratio of 2:1 (max GFA: 60,578 sqm) for a development on the site. The proposal will result in an FSR of 2:1 (GFA: 60,571.80 sqm), thereby complying with the FSR development standard applicable to the site.

The proposed density is thereby consistent with that envisaged for the site.

The proposed FSR satisfies the standard's objectives in that the development's bulk and scale are compatible with the desired future character of the locality. In this regard, the proposed bulk and scale do not unreasonably impact the amenity of neighbouring and nearby developments in terms of overshadowing, privacy and view loss.

On this basis, it is confirmed that the proposal is compliant with the development standard whilst also meeting the objectives of the standard.

6.4.4 Heritage Conservation

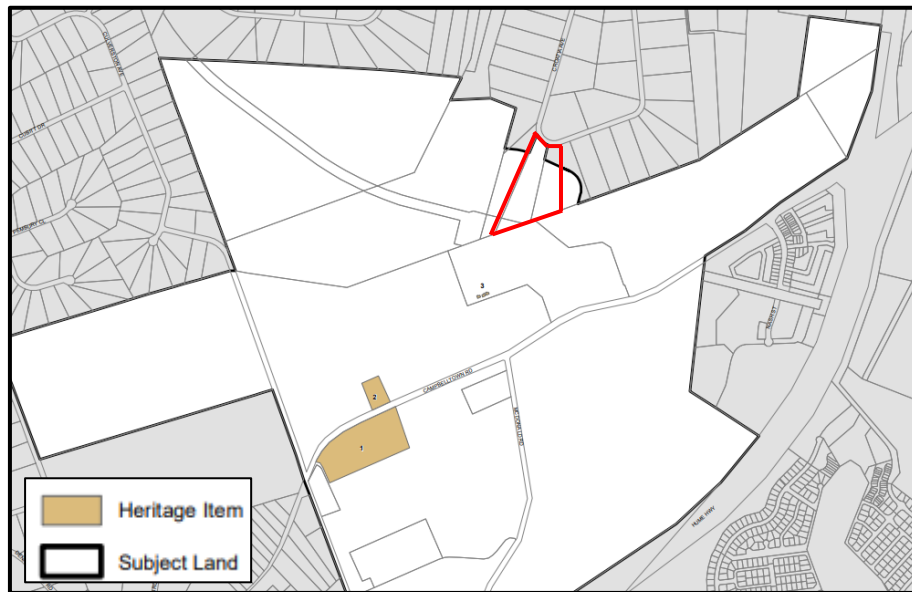


Figure 45: Heritage Map

- (1) **Objectives** The objectives of this clause are—
- (a) to conserve the environmental heritage of the Edmondson Park South site, and
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
 - (c) to conserve archaeological sites, and
 - (d) to conserve places of Aboriginal heritage significance.

Assessment: The subject site does not contain a heritage item and is not located in a heritage conservation area. Furthermore, no heritage items are located close to the subject site.

An Aboriginal Cultural Heritage Assessment Report was submitted during the Concept DA stage, which discovered recordings of Aboriginal Cultural Heritage. The proposal was referred to Heritage NSW, which states that an Aboriginal Heritage Impact Permit is required for the proposed mixed-use development.

The proposal will apply for a permit prior to work commencing.

6.4.5 Land Reservation Acquisition

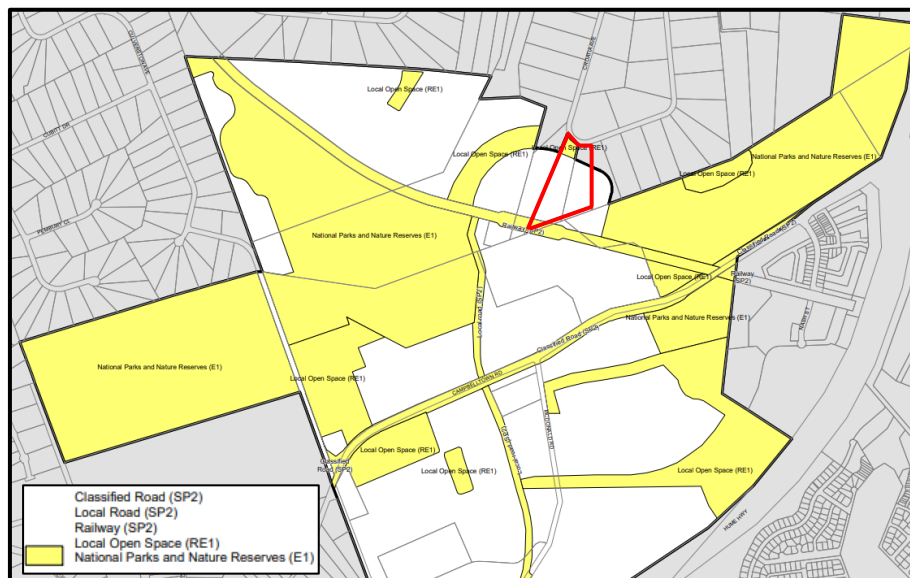


Figure 46: Land Reservation Acquisition Map

- (1) The objectives of Zone RE1 Public Recreation are as follows—
 - (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to provide a sufficient and equitable distribution of public open space to meet the needs of residents.

Assessment: No development is proposed on land zoned RE1 Local Open Space, as demonstrated in the accompanying documentation.

6.4.6 Flooding

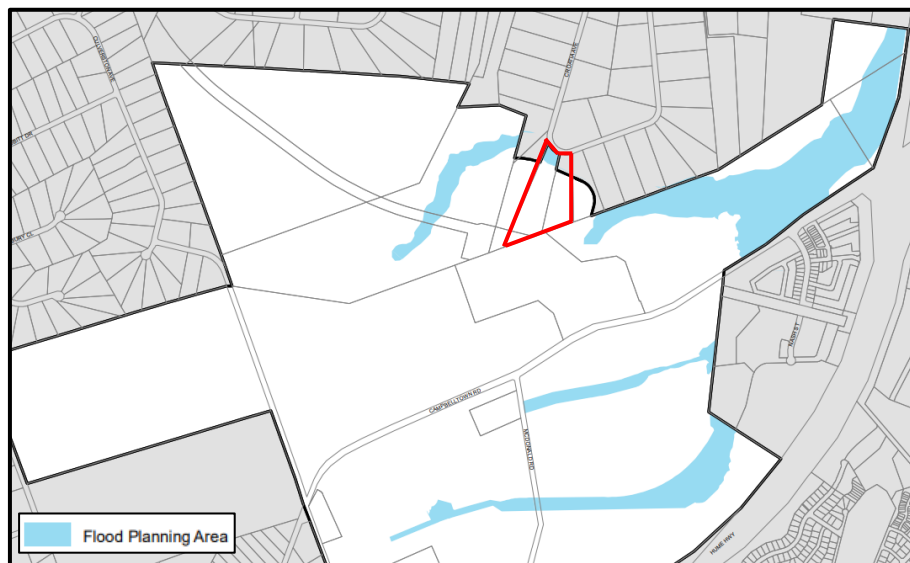


Figure 47: Flooding Map

The objectives of this clause are as follows –

- (a) To minimise the flood risk to life and property associated with the use of land,
- (b) To allow development on that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change
- (c) To avoid significant adverse impacts on flood behaviour and the environment

Assessment: The subject site is affected by flooding at the northern boundary, as demonstrated in the map excerpt above. No development is proposed at that location, thereby mitigating undue risk to life and property.

A flood Assessment accompanies the proposed development application. Refer to the report for a comprehensive assessment.

6.4.7 Native Vegetation

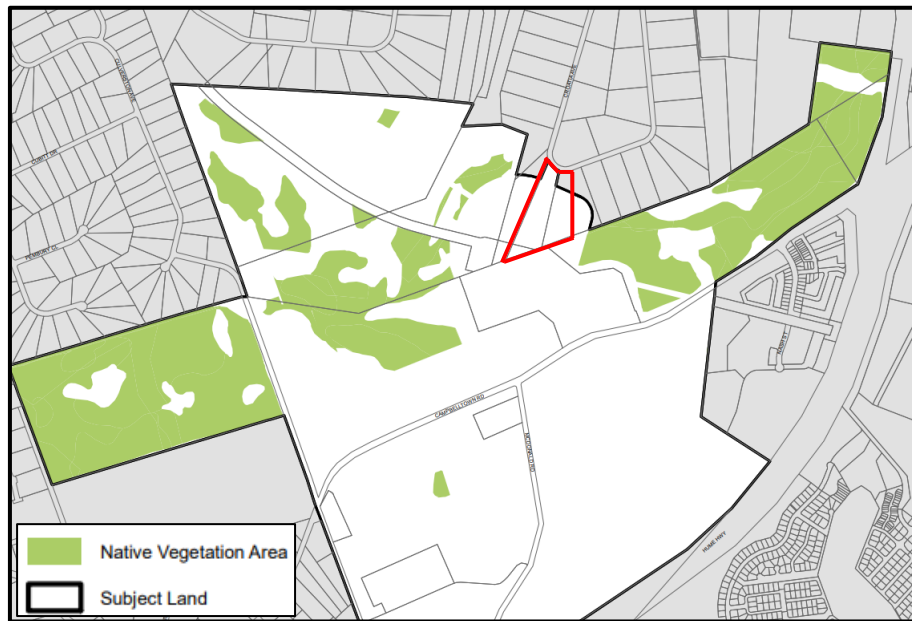


Figure 48: Native Vegetation Protection Map

(1) The objective of this clause is to protect and manage native vegetation areas.

Assessment: The site is not identified as having native vegetation.

6.5 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.

6.5.1 Edmondson Park South Development Control Plan

The subject site is subjected to the Edmondson Park South Development Control Plan 2012, as demonstrated in the following map excerpt:

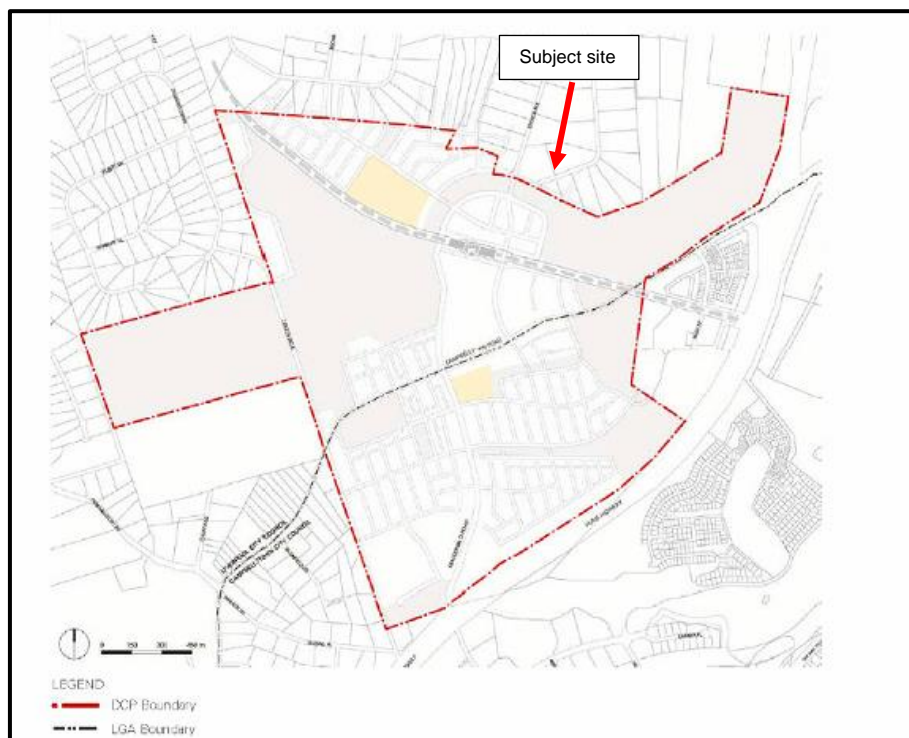


Figure 49: Excerpt of the Edmondson Park South Development Control Plan applicability map

The Edmondson Park South DCP contains wide-ranging principles and outcomes for land zoned B4 Mixed Use (Edmondson Park Town Centre). The following tables below provide a snapshot of the proposed mixed-use development compliance with the Edmondson Park South DCP, which provides site-specific controls applicable to the subject site under Liverpool LEP.

Specifically, the proposed mixed-use development addresses the design principles and DCP requirements outlined under Section 8 Town Centre Design Principles and Requirements in **Table 4** below.

Table 4: Edmondson Park South DCP – Town Centre Design Principles and Requirements

Item	Control	Proposed	Complies
Edmondson Park South DCP – Town Centre Design Principles and Requirements			
Function and Land Use Mix	Incorporate a range of retail, commercial, entertainment, recreation and community uses.	The proposed development incorporates 1289.90 sqm of retail area on the ground floor along Buchan Avenue and Soldiers Parade. In addition, communal open space areas will be provided throughout the site to comply with the Edmondson Park South Concept Plan.	Yes
	Create a compact retail core located on the southern side of the rail corridor.	The site is not located on the southern side of the rail corridor. Nonetheless, the subject site will provide 1289.90 sqm of retail space, activating the ground floor along Buchan Avenue and Soldiers Parade and complying with the objectives of the B4 zone.	n/a
	Incorporate a minimum of 1,140 dwellings in a variety of housing forms including higher density housing and mixed-use development.	The subject site seeks to provide a total of 598 residential units, having the following mixture of housing: <ul style="list-style-type: none"> ○ 14.4% 1-bedroom, ○ 1.7% 1-bedroom + ○ 15.4% 2-bedroom ○ 2.7% 2-bedroom + ○ 65.9% 3-bedroom 	Yes
	Concentrate small retail uses along and fronting key streets/plazas	The proposed development incorporates 1289.90 sqm of retail area on the ground floor along Buchan Avenue and Soldiers Parade.	Yes
	Co-locate uses and facilities to maximise the efficient use of space.	The proposal seeks to provide basement parking, services and communal rooftop terraces along the four stages of the development, thereby increasing the efficient use of the site.	Yes
	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.	The proposal activates the ground floor along Buchan Avenue and Soldiers Parade, seeking to provide 1289.90 sqm of retail space within walking distance of the train station and the Station Plaza.	Yes

Item	Control	Proposed	Complies
	Consider the needs of health and aged care providers, facilities for young people, civic and emergency services within the Town Centre.	The proposed mixed-use development seeks to provide a range of communal open spaces.	Yes
	Provide uses that promote an active, 18 hours/7 days a week Town Centre.	The proposal activates the ground floor along Buchan Avenue and Soldiers Parade, which seeks to provide retail space that promotes an active 18 hours/7 days a week Town Centre.	Yes
Design and Layout	Encourage accessibility and connectivity between the northern and southern portions of the Town Centre.	The proposal utilises a range of elements that implement/improve accessibility and connectivity between the precinct and the wider town centre: In this regard, the proposal provides green corridors that will act as through site links, providing improved connections for pedestrians.	Yes
	Optimal length of the main street is 350m.	Complies	Yes
	The street layout is to emphasise sight lines to local landscape features, parks, places of key cultural significance, civic buildings and public open space.	Through site links are utilised to emphasise site lines to local landscape features (Maxwells Creek), communal open spaces, the town centre and the Edmondson Park train station.	Yes
	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.	As demonstrated in the DA presentation, the proposed street layout aligns with the street network for the wider town centre.	Yes
Built Form	A range of building heights (up to 6 storeys, 24m) with a transition to surrounding residential areas.	The proposed mixed-use development provides a range of building heights, built forms and scales to reduce visual bulk and amenity issues. In this regard, the proposed building heights range from 4 to 9 stories maximum, as demonstrated in the accompanying material.	Yes
	A range of higher density housing, including apartments,	The proposal seeks to provide higher density housing, proposing 598	Yes

Item	Control	Proposed	Complies
	terraces, multi-unit housing and small lot housing.	apartments that range from 1-, 2- and 3-bedroom units.	
	High density residential development on the northern side of the rail corridor.	The proposed development will provide high-density residential development along the northern side of the rail corridor.	Yes
	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.	N/A	N/A
	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.	N/A	N/A
Pedestrian Amenity and Public Domain	High amenity pedestrian streetscapes are to be provided through the Town Centre (Figures 34-36).	The proposal seeks to provide local roads and pedestrian connections to increase pedestrian access and connectivity within the precinct, from surrounding developments, the public/communal open spaces and the Edmondson Park train station.	Yes
	Create a main street characterised by pedestrian-friendly local traffic.	The subject site seeks to activate the ground floor areas along Buchan Avenue and Soldiers Parade, which is in close proximity to the Train Station and the Station Plaza.	Yes
	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.	N/A	N/A
	Reinforce the importance of ease of access and directness of major roadways to the Town	The proposal provides street and pedestrian networks that connect with existing/future networks within the Town	Yes

Item	Control	Proposed	Complies
Parking and Access	Centre from surrounding residential areas.	Centre and neighbouring residential areas.	
	Bus traffic is to be routed along secondary streets to ensure high amenity levels on Main Street.	N/A	N/A
	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.	A traffic and transport study accompanies the proposed development. Refer to the report for a comprehensive assessment of the site.	Yes
	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.	The proposal seeks to provide adequate bicycle parking throughout the precinct, thereby promoting sustainable modes of transportation.	Yes

6.5.2 Liverpool Development Control Plan

The provisions of the Liverpool DCP 2008 apply to the portion of the site subject to the Liverpool Local Environmental Plan 2008, i.e. the land identified for acquisition, being the RE1 and SP2 zoned land.

Table 5: Liverpool DCP 2008 – Part 1: General Controls for All Development

Item	Objectives	Proposed
Liverpool DCP 2008 – Part 1: General Controls for All Development		
Section 2. Tree Preservation	<p>a) To ensure the protection of trees that are contributing to the ecological and aesthetic values of the Liverpool LGA.</p> <p>b) To protect the integrity of heritage items through preservation of all trees occurring within the heritage place, precinct or land.</p> <p>c) To ensure trees are maintained in an appropriate manner as not to cause harm or damage to the tree or community.</p> <p>d) To ensure that construction works and the ultimate design treatments protect the identified trees.</p> <p>e) To ensure that trees that provide high ecological or amenity benefits are protected wherever possible.</p>	<p>COMPLIES</p> <p>The proposal seeks approval to remove existing trees on the subject site to enable the development of the land.</p> <p>The proposed removal of existing trees will be replaced with a high-quality landscape plan, which utilises a variety of native trees, shrubs and groundcovers throughout the mixed-use precinct to improve tree canopy, visual outlook and privacy.</p> <p>An Arborist report also accompanies the proposal, which supports the proposed removal of existing trees.</p>
Section 3. Landscaping and Incorporation of Existing Trees	<p>a) Promote landscape planning and design as part of a fully integrated approach to site development.</p> <p>b) Assist in improving the climate of the local environment.</p> <p>c) Retain as many existing trees as possible.</p> <p>d) To provide habitat for locally indigenous plants and animals and contribute to biodiversity.</p> <p>e) To encourage landscaping that is appropriate to the natural, cultural, built and heritage characteristics of its locality.</p> <p>f) Improve the amenity of developments and adjoining areas by ensuring proposals adequately complement the proposed building forms and surrounding streetscape. g) Ensure that the proposed landscape designs provide functional attributes such as privacy, shade and wind protection, while discouraging the opportunity for crime and vandalism.</p>	<p>COMPLIES</p> <p>The proposed removal of trees is considered acceptable and will be replaced with a high-quality landscape schedule.</p> <p>In addition, the proposal complies with the ADG deep soil area requirements and provides extensive landscaped communal open space areas for the site, as demonstrated in the accompanying material.</p> <p>In this regard, the proposed landscape schedule will provide landscaping that is compatible with the natural, cultural and built characteristics of the locality,</p>
Section 4 Bushland and Fauna Habitat Preservation	<p>a) To protect and manage natural assets in association with the development of land.</p>	<p>NOT APPLICABLE</p> <p>The proposed mixed-use development will not impact the site's RE1 zoned land at the northern portion of the site. In this regard, the</p>

Item	Objectives	Proposed
	b) To conserve the natural heritage of Liverpool. c) To maintain and improve the amenity and scenic qualities of Liverpool. d) To maintain and enhance the biodiversity and natural ecology of Liverpool.	proposal seeks to conserve the natural heritage of the locality and maintain/improve the amenity and scenic qualities of Maxwells Creek by providing a complementary landscape schedule to enhance the scenic outlook of the locality,
Section 5. Bush Fire Risk	a) To reduce the possible loss of life or property in the event of a bushfire and provide a safer environment. b) To ensure that development in bushfire prone areas is accessible by emergency services at all times. c) To ensure that development in bushfire prone areas is designed to enhance the survivability of the building and is prepared for its defence in the event of a bushfire. d) Implement an ongoing maintenance regime to manage surrounding vegetation and asset protection zones to reduce possible bushfire fronts and protect the development. e) To ensure that Asset Protection Zones (APZ) do not have a significant impact upon biodiversity.	COMPLIES The proposal is located on land identified as bushfire prone. The proposal will incorporate the recommendations provided by NSW Rural Fire Service to ensure minimal damage to life and property.
Section 6. Water Cycle Management	a) To ensure that there is no adverse impact from stormwater runoff on downstream properties as a result of development in the catchment for all storm events up to and including a 100-year ARI event. b) To collect and use rainwater from roof tops to reduce town water consumption. c) To ensure adequate drainage is provided for developments. d) To protect properties from localised flooding. e) To prevent contaminated run-off from entering watercourses. f) To minimise erosion and reduce the volume of waste water entering waterways. g) To minimise sedimentation and pollution in waterways and drainage systems. h) To maintain and enhance the quality of natural water bodies such as creeks, rivers and groundwater. i) To reduce cost of providing and maintaining water infrastructure.	COMPLIES The proposal will appropriately deal with stormwater runoff and implement appropriate mechanisms to reduce stormwater runoff, as demonstrated in the accompanying Stormwater plans.

Item	Objectives	Proposed
Section 7. Development Near a Watercourse	a) To protect, restore and maintain ecological processes, natural systems and biodiversity in wetlands and waterfront areas. b) To maintain watercourse bed and bank stability. c) To minimise sedimentation and pollution of watercourses and wetlands. d) Ensure conservation and long term maintenance of existing native vegetation in waterfront areas. e) To maintain lateral connectivity between waterways and riparian vegetation. f) To protect the visual amenity of the water and land interface.	<p>COMPLIES</p> <p>The proposal is located within close proximity to a watercourse, i.e. Maxwells Creek.</p> <p>The proposal will incorporate the recommendations of the Natural Resource Access Regulator (NRAR) to protect, restore and maintain ecological processes, natural systems and biodiversity in wetlands.</p>
Section 8. Erosion and Sediment Control	a) Clearing, levelling, shaping, excavation of the existing soil surface and or vegetation on any site or the placement of any material stockpiles on that site; b) Placement of any fill upon a site; and c) Changes in the rate and or volume or course of runoff entering a waterbody, or overland flow	<p>COMPLIES</p> <p>As demonstrated in the architectural plans, the proposal seeks excavation to make way for the basement levels.</p> <p>The proposed land excavation is considered acceptable, as demonstrated in the accompanying Geotechnical report.</p>
Section 9. Flooding Risk	a) To minimise the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors. b) To ensure essential services and land uses are planned in recognition of all potential floods. c) To reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods. d) To ensure that the economic and social costs which may arise from damage to property due to flooding is minimised and is not greater than that which can be reasonably managed by the property owner and general community. e) To limit developments with high sensitivity to flood risk (e.g., critical public utilities) to land with minimal risk from flooding. f) To prevent intensification of inappropriate use of land within high flood risk areas or floodways. g) To permit development with a lower sensitivity to the flood hazard to be located	<p>COMPLIES</p> <p>The site is identified as flood-prone in certain locations. As such, the proposed mixed-use development is designed to mitigate flood risk to life and property.</p> <p>Refer to the accompanying Flood Assessment report accompanying the proposal.</p>

Item	Objectives	Proposed
	<p>within the floodplain, subject to appropriate design and siting controls.</p> <p>h) To ensure that development should not detrimentally increase the potential flood affectation on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.</p> <p>i) To ensure that development does not prejudice the economic viability of any Voluntary Acquisition Scheme.</p>	
Section 10. Contaminated Land Risk	<p>a) To identify the presence of contamination at an early stage of the development process and to manage the issues of land contamination to ensure protection of the environment and that of human health is maintained.</p> <p>b) Ensure that proposed developments or changes of land use will not increase the risk to human health or the environment;</p> <p>c) Avoid inappropriate restrictions on land use;</p> <p>d) Ensure that all stakeholders are aware of their responsibilities for the ongoing management of contaminated land</p>	<p>COMPLIES</p> <p>The proposed mixed-use development is appropriate for the subject site and reflects the applicable zoning of the land.</p>
Section 11. Salinity Risk	<p>a) To prevent further spread of urban salinity and remedy, where possible, existing areas of salinity.</p> <p>b) To minimise disturbance to natural hydrological systems as a result of development and appropriately manage land uses affecting land salinisation and/or those affected by salinity.</p> <p>c) To ensure that land is used and developed in a manner that does not significantly increase water infiltration to groundwater systems and does not significantly increase salt loads in waterways, wetlands drainage lines, or soils.</p> <p>d) To control the impact of a development on prevailing and potential soil or groundwater salinity in the urban environment as well as ensure that soil or groundwater salinity does not impact on the structural integrity of a development.</p> <p>e) To ensure that consideration is given to any physical limitations of land, including soil salinity and the impacts of that salinity, to minimise the potential for future adverse economic impacts arising from development.</p>	<p>COMPLIES</p> <p>The proposed mixed-use development on the subject site is identified as containing a moderate to high salinity potential.</p>

Item	Objectives	Proposed
Section 12. Acid Sulphate Soils	<p>a) To provide regulation on the procedures involved in the assessment and management of activities within areas affected by acid sulfate soils.</p> <p>b) To identify areas of acid sulfate soil risk to prevent any unnecessary impact to the environment.</p> <p>c) To ensure that preliminary acid sulfate soil assessment is undertaken prior to development consent being granted to determine the level of risk proposed by the activity/development.</p> <p>d) To ensure that acid sulfate soil management plans are prepared when an activity or development is associated with an acid sulfate soil risk.</p> <p>e) To provide effective management of areas where acid sulfate soils are identified.</p>	<p>NOT APPLICABLE</p> <p>The proposal is not identified as containing acid sulphate soils.</p>
Section 13. Weeds	To remove noxious weeds in conjunction with the development of land.	<p>NOT APPLICABLE</p> <p>The site is not identified as containing noxious weeds.</p>
Section 14. Demolition of Existing Development	<p>b) To minimise waste generation and disposal to landfill.</p> <p>c) To ensure efficient storage and collection of wastes and recyclables during demolition and construction stages.</p> <p>d) To minimise adverse impact on adjoining premises; and</p> <p>e) To minimise release of contaminated materials.</p>	<p>COMPLIES</p> <p>The site is mainly vacant.</p>
Section 15. On Site Sewage Disposal	<p>a) Is carried out in a manner which is economically and environmentally sustainable</p> <p>b) Protects the quality of public and environmental health.</p>	NOT APPLICABLE
Section 16. Aboriginal Archaeology	To identify and where possible preserve relics of the occupation of the land by Aboriginal communities.	<p>COMPLIES</p> <p>The site is not heritage listed and is not located within a heritage conservation area.</p> <p>An Aboriginal Cultural Heritage Assessment Report was submitted during the Concept DA stage, which discovered recordings of Aboriginal Cultural Heritage. The proposal was referred to Heritage NSW, which states that an Aboriginal Heritage Impact Permit is required for the proposed mixed-use development.</p>

Item	Objectives	Proposed
		The proposal will apply for a permit prior to work commencing.
Section 17. Heritage and Archaeological Sites	<p>a) to conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views;</p> <p>b) to conserve archaeological sites;</p> <p>c) to facilitate the implementation of the objectives and provisions relating to heritage conservation contained in the Liverpool LEP 2008;</p> <p>d) to promote and encourage heritage conservation and the consideration of the heritage context in development;</p> <p>e) to encourage the retention and appropriate development of significant items; Liverpool Development Control Plan Heritage & Archaeological Sites Part 1 73 f) to encourage a high standard of contemporary design in the heritage context;</p> <p>g) to encourage the preservation of culturally significant vegetation;</p> <p>h) to enhance the amenity and heritage values of the Liverpool local government area;</p> <p>i) to enable appropriate and expert consideration of proposed development to be made by applicants and the Council; and</p> <p>j) to encourage and promote public awareness, appreciation and knowledge of heritage conservation.</p>	<p>COMPLIES</p> <p>The site is not heritage listed and is not located within a heritage conservation area.</p> <p>An Aboriginal Cultural Heritage Assessment Report was submitted during the Concept DA stage, which discovered recordings of Aboriginal Cultural Heritage. The proposal was referred to Heritage NSW, which states that an Aboriginal Heritage Impact Permit is required for the proposed mixed-use development.</p> <p>The proposal will apply for a permit prior to work commencing.</p>
Section 20. Car Parking and Access	<p>a) To ensure that adequate parking space and service facilities are conveniently located on site to satisfy the reasonable demand created by the development.</p> <p>b) To ensure that access is designed to accommodate the size and volume of vehicles likely to visit the site.</p> <p>c) To ensure that loading facilities are provided for vehicles likely to service the site.</p> <p>d) To ensure where appropriate that car parking and the manoeuvring of commercial vehicles are separated in the interest of safety and amenity.</p> <p>e) To ensure that adequate landscaping/tree planting is provided to improve amenity and</p>	<p>COMPLIES</p> <p>The proposal seeks to provide basement parking to accommodate 926 car parking spaces.</p> <p>The proposed parking spaces comply with the minimum car rates for residential, retail and visitor spaces.</p> <p>The proposed parking configuration complies with the applicable BCA standards, as demonstrated in the accompanying BCA report.</p>

Item	Objectives	Proposed
	<p>reduce visual impact of car parking and loading areas.</p> <p>f) To ensure that car parking and driveways do not interfere unreasonably with the amenity of the neighbourhood.</p> <p>g) To ensure the provision of the appropriate car parking depending on location.</p> <p>h) To ensure that where a development generates the need to augment the local transport network that the development contributes to that work.</p> <p>i) To provide highly accessible end-of-trip facilities for bicycle riders, and to provide a network of cycleways which encourages active travel.</p> <p>j) To provide safe facilities by ensuring adequate manoeuvring space, and separation where appropriate, between bicycles and motor vehicles in parking areas.</p> <p>k) To ensure pedestrian and vehicle safety.</p>	Refer to the report for a comprehensive assessment.
Section 22. Energy Conservation	<p>a) To reduce the necessity for mechanical heating and cooling.</p> <p>b) To minimise greenhouse gas emissions.</p> <p>c) To provide thermal comfort by minimising temperature variations within buildings.</p>	<p>COMPLIES</p> <p>The proposed units are designed to mitigate energy consumption. Units are oriented to the northern elevation where possible, increasing sunlight, daylight and ventilation opportunities.</p> <p>In addition, the proposal incorporates appropriate measures to reduce artificial heating, lighting and cooling means whilst reducing water consumption.</p>
Section 25. Waste Disposal and Re-use Facilities	<p>a) To minimise waste produced during demolition and construction of new development and maximise resource recovery.</p> <p>b) To ensure waste management for the end use of the development is designed to provide satisfactory amenity for occupants and provide appropriately designed collection systems.</p> <p>c) To minimise ongoing waste to landfill and maximise recycling of ongoing waste.</p>	<p>COMPLIES</p> <p>A Waste Management Plan accompanies the proposed development, which details the site's waste management.</p>
Section 26 Outdoor Advertising and Signage	<p>a) To ensure that outdoor advertising signage is complementary to and compatible with the development on which it is displayed and the character of the surrounding locality.</p> <p>b) To encourage the rationalisation of existing and proposed advertising signs to minimise the</p>	<p>COMPLIES</p> <p>Refer to the signage plan which accompanies the proposed development application. The proposed signage is of appropriate size, design, material, colour and placement and will compliment the locality and the retail character</p>

Item	Objectives	Proposed
	<p>extent of visual clutter caused by the proliferation of signs.</p> <p>c) To provide guidelines for the display of outdoor advertising to ensure that they communicate effectively and contribute positively to the urban and rural environment.</p> <p>d) To ensure that outdoor advertisements are designed and located so that they do not adversely affect the safety of motorists and pedestrians.</p> <p>e) To ensure advertising signs express the character of commercial and entertainment environments where appropriate, creating a lively daytime and evening atmosphere.</p> <p>f) To ensure that outdoor advertising is designed and located in a manner which preserves and enhances areas of environmental significance.</p> <p>g) To guide signage that achieves clear, attractive and visually clean identification of businesses and buildings.</p>	<p>of the Buchan Ave/Soldiers Parade streetscape.</p>

Table 6 below provides an assessment of the proposed mixed-use development in relation to the relevant sections of Part 2.11 of the Liverpool DCP 2008.

Table 6: Liverpool DCP 2008 – Part 2.11 Development in Edmondson Park

Item	Control	Proposed	Complies
Liverpool DCP 2008 –Part 2.11 Development in Edmondson Park			
1.1 INDICATIVE LAYOUT	To be in accordance with Figure 2 of the DCP	Not Applicable	N/A
2.1 STREET NETWORK AND ACCESS	Subdivision plans must indicate street type.	The newly proposed road networks are in accordance with Council requirements, as demonstrated in the accompanying material.	Yes
2.2 PEDESTRIAN AND CYCLEWAY NETWORK	Plans indicating non-vehicular connections and links in residential areas	<p>The proposal seeks to encourage sustainable modes of travel and improve access to and through the precinct by proposing green connector spines (through site links), which link important communal open spaces within the subject site.</p> <p>Through-site links improve access to other parts of the locality, encouraging walkability and pedestrian activity.</p>	Yes
2.3 STREETScape AND STREET TREES	Minimum of two trees per six metres of frontage	<p>The proposed landscape schedule is of high quality, seeking to provide native trees, shrubs and groundcovers to enhance private and public spaces.</p> <p>The proposal will comply with the landscape requirements of the DCP.</p>	Yes
2.4 OPEN SPACE	Provision of open space within the Edmondson Park precinct	The proposed realignment of Maxwells Creek will be acquired by Council as per the zoning of the land.	Yes
2.5 ENVIRONMENTAL MANAGEMENT	Protection of vegetation and riparian corridors	The proposal seeks to protect any significant vegetation found on the site.	Yes

Item	Control	Proposed	Complies
2.6 WATER CYCLE MANAGEMENT	Appropriate management of stormwater quality and quantity	<p>The proposed will appropriately manage the collections and disposal of stormwater.</p> <p>Refer to the accompanying stormwater plans.</p>	Yes
2.7 CONTAMINATION	Potential for contamination to be assessed.	The proposed mixed-use development is suitable for the subject site, with limited opportunity for contamination.	Yes

7. SECTION 4.15 CONSIDERATIONS

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This assessment has taken into account the following provisions:

STATUTORY POLICY AND COMPLIANCE – s.4.15 (1)(a)

The proposal has been assessed in relation to all relevant SEPPs, LEPs and DCPs above in the *Statement of Environmental Effects*.

The SEPP which is relevant to the proposal is:

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

Comment: The majority of the subject site is zoned B4 Mixed Use pursuant to the Precincts – Western Parkland City SEPP 2021. The proposed mixed-use development is a permissible use in the B4 zone under the SEPP. The proposal is considered to satisfy the zones objectives by providing additional retail and housing types and mixes within a mixed-use environment, thereby meeting the needs of a wider demographic.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Comment: The proposed mixed-use development complies with the requirements of the ADG, including communal open space, solar access, cross ventilation, storage, private open space, apartment size and layout. Refer to the SEPP 65 Design Verification Statement, which accompanies the proposed development application.

The relevant Local Environmental Plan is:

Liverpool LEP 2008

Comment: the site's northern sections are zoned RE1 Public Recreation, with small areas of SP2 Local Road near the western boundary and R1 General Residential near the northern boundary pursuant to the Liverpool Local Environmental Plan 2008 (LEP). The proposed realignment of Maxwells Creek, acquired by Council, aligns with the objectives of the zone.

The relevant Development Control Plan is:

Liverpool DCP 2008

Comment: This Statement of Environmental Effects has addressed each of the relevant provisions of the DCP, and it is considered that the proposal satisfied the objectives and performance criteria of the DCP.

NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - s.4.15(b)

Throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposal, the day-to-day operations of the development are unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian/vehicular traffic flows.

The proposal will not result in the loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site, and no endangered fauna have been identified on or around the site.

The proposal does not involve the removal of any significant trees or vegetation on the site.

The proposed development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposed development will not be detrimental to the social and economic environment in the locality.

SUITABILITY OF THE SITE FOR DEVELOPMENT – s.4.15(c)

The size and shape of the site are suitable for the proposed development, and the proposal does not create any adverse bulk or scale impacts. The proposal will not result in any loss of amenity to neighbouring properties.

SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT – s.4.15(d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

THE PUBLIC INTEREST – s.4.15(e)

Amenity impacts have been minimised, and the proposal is considered to be a positive contribution to the built and natural environment in this part of Edmondson Park.

8. CONCLUSION

This Statement of Effects accompanies the architectural plans for the construction of a mixed-use development comprising of 598 residential units, 1289.90 sqm of retail space and basement level parking for a total of 926 parking spaces at 164-170 Croatia Avenue Edmondson Park.

The proposed development is permissible under Precincts – Western Parkland City SEPP 2021. The site is predominantly zoned B4 Mixed Use, and the proposed mixed-use development is permissible in this zone. The proposal is considered to satisfy the zones objectives by providing a range of retail and residential development within a high-density mixed-use environment, thereby meeting the needs of a wider demographic. The proposed high-density apartments provide diversity in housing types (14.4% 1-bedroom, 1.7% 1-bedroom +, 15.4% 2-bedroom, 2.7% 2-bedroom +, 65.9% 3-bedroom) near and in support of the Town Centre and Edmondson Park Railway Station.

Precincts – Western Parkland City SEPP 2021 2005 prescribes a maximum height limit of 24m for a development on the site. The proposed development will have a maximum height of 30.5m, representing a height breach of 6.5m (27.08% variation), thereby breaching the development standard. A clause 28 variation report accompanies the proposed development, which adequately justifies the non-compliance.

The SEPP prescribes an FSR control of 2:1 (max GFA: 60,578 sqm) for a development on the site. The proposal will result in an FSR of 2:1 (GFA: 60,571.80 sqm), thereby complying with the FSR development standard applicable to the site.

As demonstrated in Section 5.1 of this report, the proposal achieves a high degree of compliance with the ADG in terms of communal open space, deep soil, separation distances, solar access, cross ventilation, ceiling heights, apartment size and layout, private open space, storage and number of units off a circulation core.

The proposal also demonstrates a high degree of compliance with the applicable provisions of the Edmondson South Development Control Plan, particularly with Table 11. In this regard, the proposed development is compliant with the broad design principles and guidelines of the DCP.

The subject land is well suited for the proposed development, being located within walking distance to the southwest of the Town Centre and Edmondson Park Railway Station. The proposal will provide a mix of high-quality residential accommodation and activate the ground floor along Buchan Avenue and Soldiers Parade. The contemporary design represents a desirable built form that will positively contribute to the locality of the site. The proposal will be compatible with the likely future and emerging redevelopment of the area.

The proposed development will achieve a high level of amenity in terms of room sizes, apartment layouts, solar access, ventilation, outlook, private open space, communal open space, storage and parking.

The proposal will not result in any unreasonable impacts on the environment or surrounding amenity. Overall, it is considered that the proposal represents a positive outcome that is worthy of support at the DA stage.