

12 March 2021

General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attn: Mr Adam Flynn, Senior Development Assessment Planner

Dear Sir/Madam,

**Re: DEVELOPMENT APPLICATION NO. DA220/2020 – 18 RANDWICK CLOSE, CASULA
APPLICANT'S RESPONSES AND AMENDED DEVELOPMENT APPLICATION
ADDENDUM STATEMENT OF ENVIRONMENTAL EFFECTS**

1.0 INTRODUCTION

This letter has been prepared on behalf of the applicant Besol Pty Ltd c/- Centurion Group Pty Ltd to respond to:

- a) The matters raised in the Design Excellence Panel (DEP) meeting minutes dated 9 July 2020 and Council's email requesting the applicant's responses;
- b) The matters raised in Council's letter to the NSW Department of Planning and Environment dated 25 August 2020 concerning the consultation with Council for the submitted Site Compatibility Certificate;
- c) The requirements detailed in the issued Site Compatibility Certificate (SCC) dated 24 November 2020; and
- d) Council's email dated 23 October 2020 the matters raised by Council's Environmental Health Officer.

We also wish to advise the applicant's responses to the above items a) to d) have required the Development Application (DA) of the originally submitted "seniors housing" development for a vertical village *under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP), to be amended. A revised description of the Amended DA (with a comparison between the original submitted DA and this Amended DA) are also included in this letter. This letter addresses each of the matters required by the SCC, by the DEP and by Council in a series of tables with the applicant's responses. This letter should also be read as the applicant's "Addendum" to the original Statement of Environmental Effects (SEE) report, which is to be read in conjunction with and seeks to amend the originally submitted SEE report.

1.1 APPLICANT'S AMENDED DOCUMENTATION

To assist with the responses to the matters raised, the applicant has co-ordinated with their design team Amended Architectural Drawings prepared by Jackson Teece, Amended Landscape Architectural Drawings and updated Landscape Architectural Design Report prepared by Arcadia, an urban design peer review by Matthew Pullinger, new BASIX Certificate, further site investigations, updated clause 4.6 to vary height and FSR and updated Flood Assessment, which together form the applicant's Amended Development Application design (Amended DA).

Table 1 below lists the Amended Development Application documentation:

Table 1: List of Amended Documents and Appendices References

Appendix Reference	Document	Responsible Author
Appendix A	Amended Architectural Drawings	Jackson Teece
Appendix B	New SEPP 65 Design Verification Statement	Jackson Teece
Appendix C	Updated Design Report	Jackson Teece
Appendix D	Amended Landscape Concept Drawings	Arcadia
Appendix E	Updated Landscape Architectural Report	Arcadia
Appendix F	Urban Design Peer Review Statement	Matthew Pullinger
Appendix G	Updated Clause 4.6 variation request to vary Clause 4.4 FSR under LLEP	Higgins Planning
Appendix H	Updated Clause 4.6 variation request to vary Clause 4.3 HOB under LLEP	Higgins Planning
Appendix I	New BASIX Certificate	ADP Consulting Engineering
Appendix J	Further Site Investigations	Consulting Earth Sciences
Appendix K	Updated Flood Assessment	TTW
Appendix L	Site Compatibility Certificate	Sydney Western City Planning Panel

1.2 AMENDED DEVELOPMENT APPLICATION DESCRIPTION

The description of the DA as detailed in the original submitted Statement of Environmental Effects report is detailed below, with strike throughs for deletions and bold for additions, to demonstrate the changes in the Amended DA design, indicated:

In detail, the proposal seeks approval for:

- Site preparation and bulk earthworks;
- Construction of 2 electrical substations;
- Construction and operation of 3 buildings over basement level, which will contain:
 - Basement Level with access from Kurrajong Road and parking for a total of **140**~~138~~ car spaces, allocated:
 - Building A: 45 car spaces associated with the Residential Care **Facility staff and visitors in for** Building A, and 19 car spaces associated with the Independent Living Units,
 - truck loading dock, bus parking bay, **2** disabled parking, and visitor parking and ancillary functions **of the Residential Care Facility,**
 - **Building B: 15 parking spaces available for ground floor future healthcare tenancy;**

- *Building B: 33 car spaces associated with the Independent Living Units,*
- *Building C: 26 car spaces associated with Independent Living Units,*
- *Building A – **part 2 level, part 4 level and part 5** level building which will contain:*
 - *142-room residential care facility (**RACF**) for high and dementia care residents, suitable to accommodate 142 residents over ground floor level, level 1 and level 2. The residential care facility has been designed to include:*
 - *Ground level **lift lobby, RACF consulting rooms x 2, RACF toilet amenities, RACF reception / RACF waiting area with seating, RACF meeting room, RACF GM office, RACF admin offices, RACF GM WC, RACF cafe and seating, RACF services rooms x 2 for the RACF residents, staff in-house café with indoor and outdoor seating for residents and their visitors;***
 - *In-house nursing stations for care amenities and facilities on each level;*
 - *Communal dining and living areas on each level;*
 - *Multi-function meeting space;*
 - *Administration rooms;*
 - *Physiotherapy room;*
 - *Consulting rooms;*
 - *Hairdressing salon;*
 - *Reception and lobby area;*
 - *Administration, manager and staff rooms;*
 - *Strategically located lounge and dining areas for residents to enjoy outlooks to the landscaped gardens and terraces;*
 - *Nurse stations at each level;*
 - *On-site facilities for provision of catering with full commercial kitchen and refrigeration/storerooms;*
 - *On-site linen services;*
 - *Plant areas;*
 - *Storage areas;*
 - *Staff amenities;*
 - *2 x Lift access to each level of the building for all occupants and users;*
 - *24 independent living units with 13 x 1 bedroom, 9 x 2 bedroom and 2 x 3-bedroom units:*

- 4 x Independent Living Units on Level 1;
 - 5 x Independent Living Units on Level 2;
 - 5 x Independent Living Units on Level 3;
 - 10 x Independent Living Units on Level 4 with outdoor roof terrace with pergola over accessible to all occupants and residents;
 - ~~Communal dining area on Level 5 with outdoor roof terrace with pergola over accessible to all occupants and residents, and plant rooms; and~~
 - Roof level **plant room** with Photovoltaic Panels.
- Building B – **part 4-level and part-5-level** building containing 4 “~~neighbourhood shops~~” and 39 independent living units with 14 x 1 bedroom, 23 x 2 bedroom and 2 x 3-bedroom units:
- ~~4 x 80 square metre ground floor “neighbourhood shops”;~~
 - **Ground floor tenancy fronting Kurrajong Road and internal driveway for proposed healthcare services facility under State Environmental Planning Policy (Infrastructure) 2007;**
 - 4 x independent living units on ground floor level;
 - 10 x independent living units on Level 1;
 - 10 x independent living units on Level 2;
 - 10 x independent living units on level 3;
 - 5 x independent living units on level 4 with outdoor roof terrace with pergola over accessible to all occupants and residents; and
 - Plant room access to roof level with Photovoltaic Panels
- Building C - 3-level building containing 30 independent living units with 12 x 1 bedroom, 15 x 2 bedroom and 3 x 3-bedroom units:
- 10 x independent living units on ground floor level;
 - 10 x independent living units on Level 1; and
 - 10 x independent living units on Level 2;
- Ambulance bay;
- Loading dock with manoeuvring area;
- Landscaped garden settings at ground level and private communal courtyards on ground floor level with landscaped open space to accommodate formal settings, outdoor seating, gardens which surround the built form extending towards the site boundaries while at the same time fencing to provide a secure environment for occupants; and

- ***External footpath improvement and landscaped pathway through site to connect to Daruk Park from Randwick Close.***

The design changes detailed above are demonstrated in the Amended Architectural Drawings included in **Appendix A** and the Amended Landscape Concept Drawings included in **Appendix D**.

The Amended DA design involves:

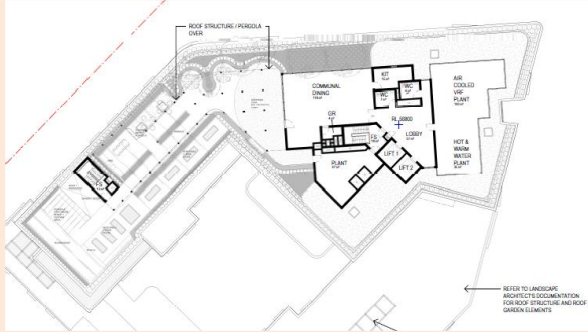
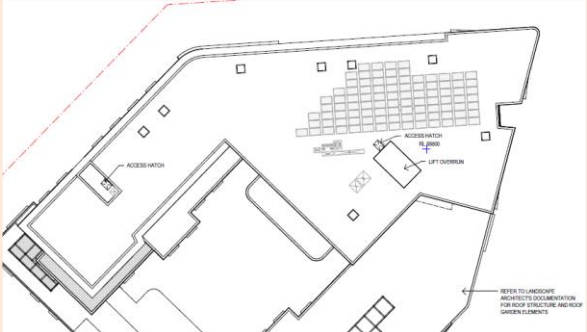

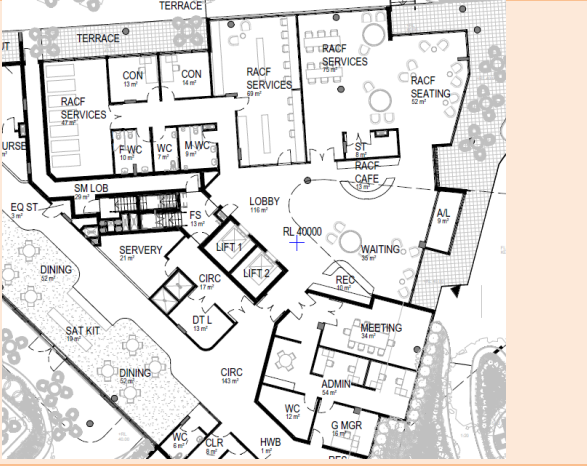
1. The basement finished RL is changed from the original submitted DA RL35.250 starting at the base of the ramp into the basement which has been adjusted from to RL35.350. This is so as the basement does not project through the groundwater table which has been reevaluated based on new borehole tests in later 2020, which ranges between RL34.83 to RL35.29. No other changes to any levels throughout the proposed site development are in the Amended DA design. It is important to note that while the description of the development now indicates 140 spaces within the basement area, this is not an increase but rather now takes into account 2 disabled parking spaces labelled D.01 and D.02, which effectively corrected an error;
2. The ceiling-to-ceiling levels of Buildings A and B have been reviewed so as to reduce the overall height of each building, refer to **Table 4**;
3. The deletion of Building A roof level “communal dining room” and “kitchen room” from level 5, and the consolidation of the plant room/area, access for maintenance is required via the lift to the roof level;
4. An amended internal design layout of the ground floor of Building A to make clear that all internal spaces are ancillary to the proposed Residential Aged Care Facility (RACF) including any proposed spaces where a resident and their visitor can obtain a coffee or similar beverage and snack and are not a “neighbourhood shop”;
5. Design change to Building B ground floor level with the removal of all the “neighbourhood shops”, and consolidation of the spaces to create a single tenancy capable of supporting usage as a “health services facility” under Clause 57 of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) - noting that this application seeks approval for the the ground floor area usage as a “health services facility” but does not seek approval for fit out, as the specific tenant is unknown at this time and can be subject to separate approval by the operator of the “health services facility” usage tenant;
6. The reorientating of Building C by “flipping” the design such that the lift core is now located on the western side of the entry lobby with associated changes into basement level;
7. In reorientating Building C, it was possible to width of the central lobby area between the east and western sections at each level;
8. The inclusion of a modified entrance to the site from the Randwick Close frontage, with a widened pathway and integrated accessibility ramp;
9. The provision of a widened public accessway from Randwick Close to Daruk Park by utilising a portion of the site and retention of existing tree with supplementary landscaping and renewed footpath;
10. The inclusion of additional landscape tree along the Kurrajong Road edge with the site frontage, to supplement Council road reserve referred to as “northern planting”;
11. The inclusion of a new footpath connection with a new footpath along the Kurrajong Road frontage of the site and Daruk Park;
12. The inclusion of additional landscape tree plantings along the western boundary within the site referred to as “western planting”; and

13. The inclusion of a new footpath connection to Daruk Park and upgrade of the existing footpath adjacent to the frontage of the site with Randwick Close and Daruk Park (the applicant will upgrade the existing footpath as noted in Council's engineer's memorandum and connect to this extended pathway along the frontage into the entrance of the site from Randwick Close).

The overall Gross Floor Area (GFA) of the proposed development remains unchanged because the communal facilities on the roof which have now been removed except for the lobby arrival area and toilets which under the Seniors Housing SEPP are communal for all residents and staff of Building A.

Table 2 below provides a comparison between the submitted DA and the Amended DA architectural drawings in the major areas being modified.

Table 2: Comparison DA submitted architectural and landscape drawing with proposed Amended DA – extracts below sourced from Jackson Teece architectural drawings and Arcadia landscape architectural drawings.

Existing DA Drawings	Amended DA Drawings
	
<p>Figure 1: Submitted DA architectural layout Building A Level 5</p>	<p>Figure 2: Amended DA architectural layout Building A deleted Level 5 and now roof level plant</p>
	
<p>Figure 3: Submitted DA architectural layout Building A Ground Floor Level</p>	<p>Figure 4: Amended DA architectural layout Building A Ground Floor Level</p>

Existing DA Drawings

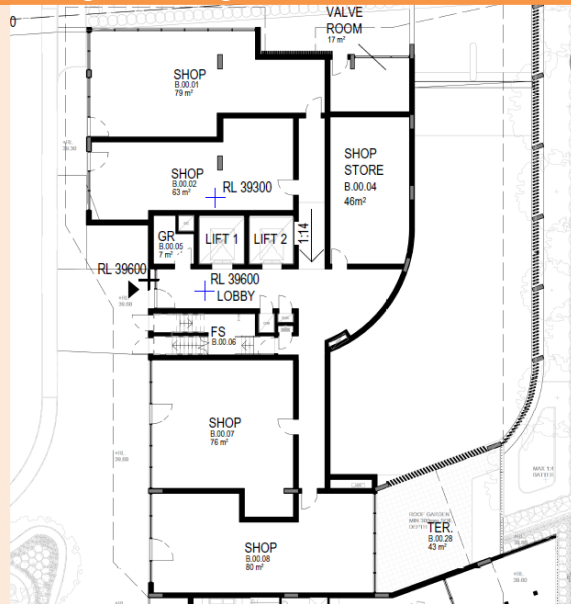


Figure 5: Submitted DA architectural layout Building B Ground Floor Level

Amended DA Drawings

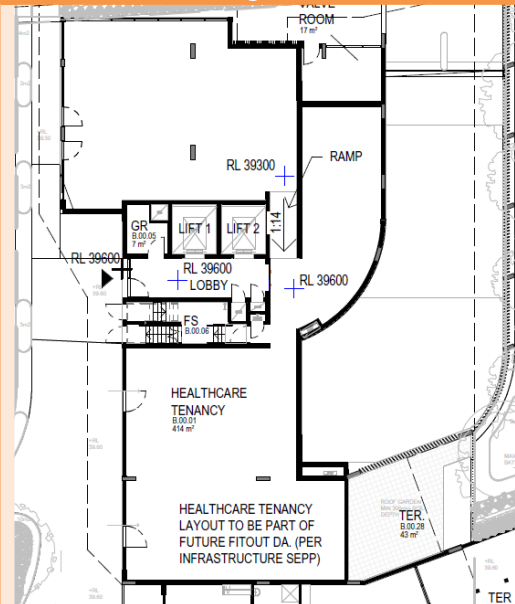


Figure 6: Amended DA architectural layout Building B Ground Floor Level

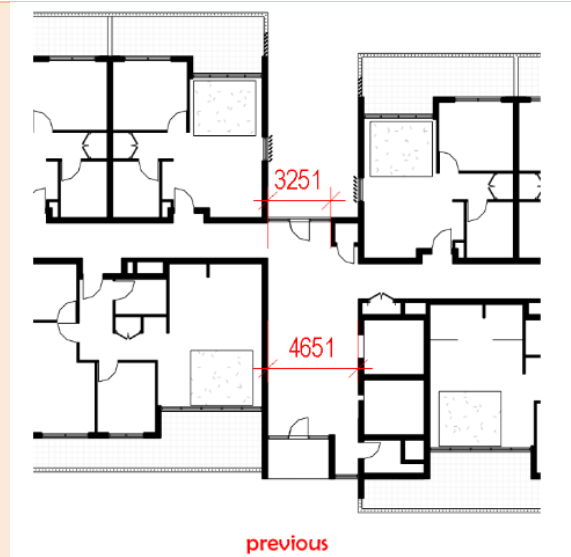


Figure 7: Submitted DA width of the lift lobby / foyer in Building C was 3.251m wide

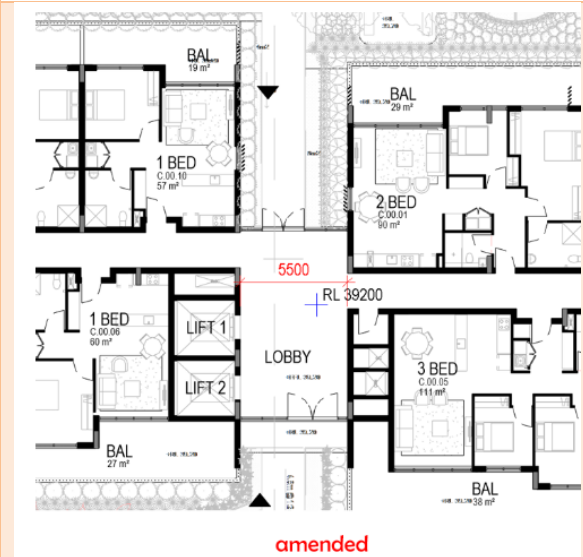


Figure 8: Amended DA width of the lift lobby / foyer in Building C is now proposed to be widened to 5.5m wide

Existing DA Drawings

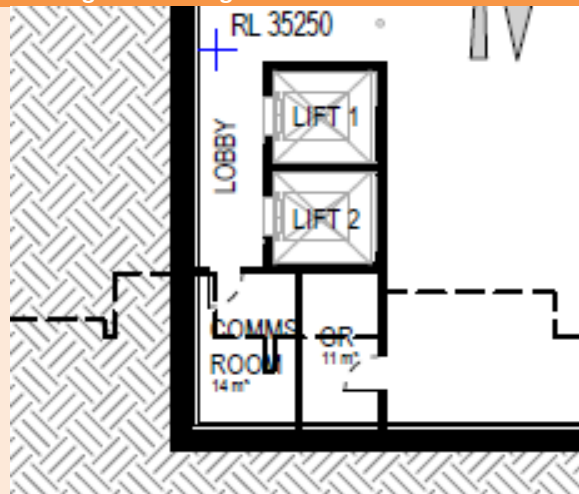


Figure 9: Submitted DA Basement location of the lift core of Building C

Amended DA Drawings

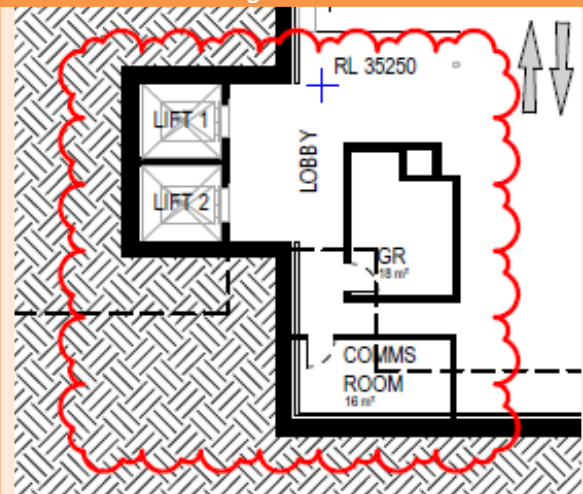


Figure 10: Amended DA Basement location of the lift core of Building C has been shifted west to accommodate the widening of the lift lobby and “flipping” the building

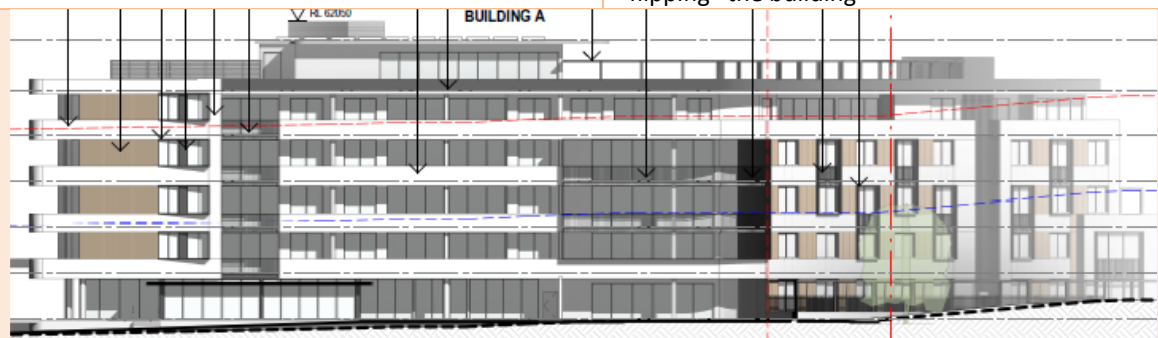


Figure 11: Submitted DA architectural northern (Kurrajong Road) elevation Building A Level 5

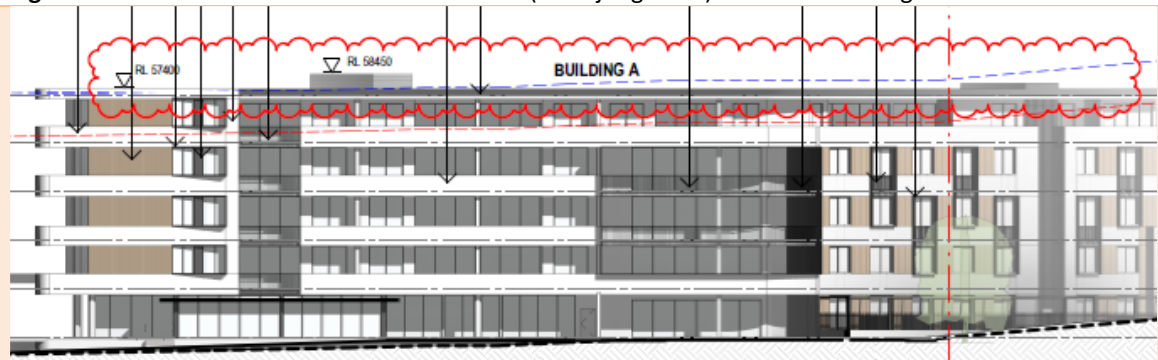


Figure 12: Amended DA architectural northern (Kurrajong Road) elevation Building A Level 5

Existing DA Drawings

Amended DA Drawings



Figure 13: Submitted DA architectural internal eastern elevation Building A Level 5

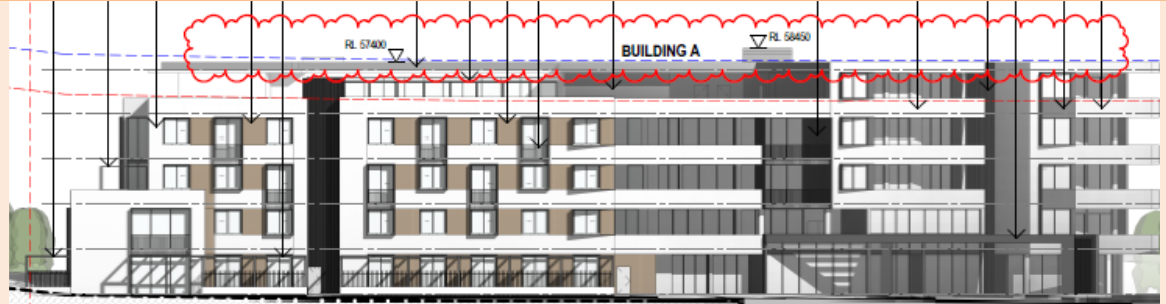


Figure 14: Amended DA architectural internal eastern elevation Building A Level 5

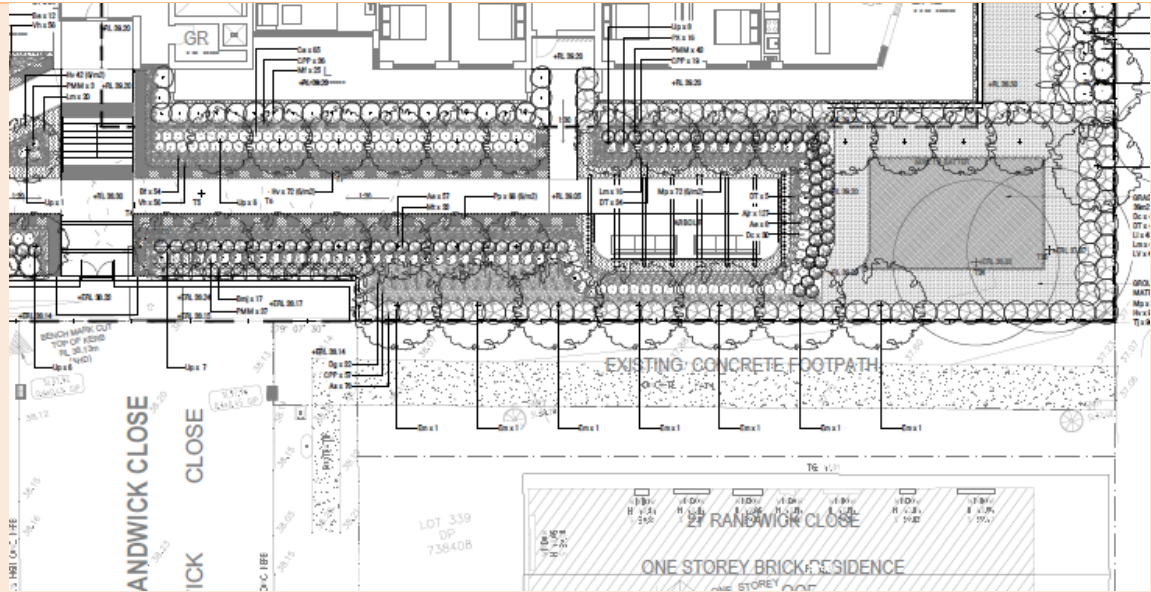


Figure 15: Submitted DA landscape entry to Building C from Randwick Close and existing footpath from Randwick Close Daruk Park

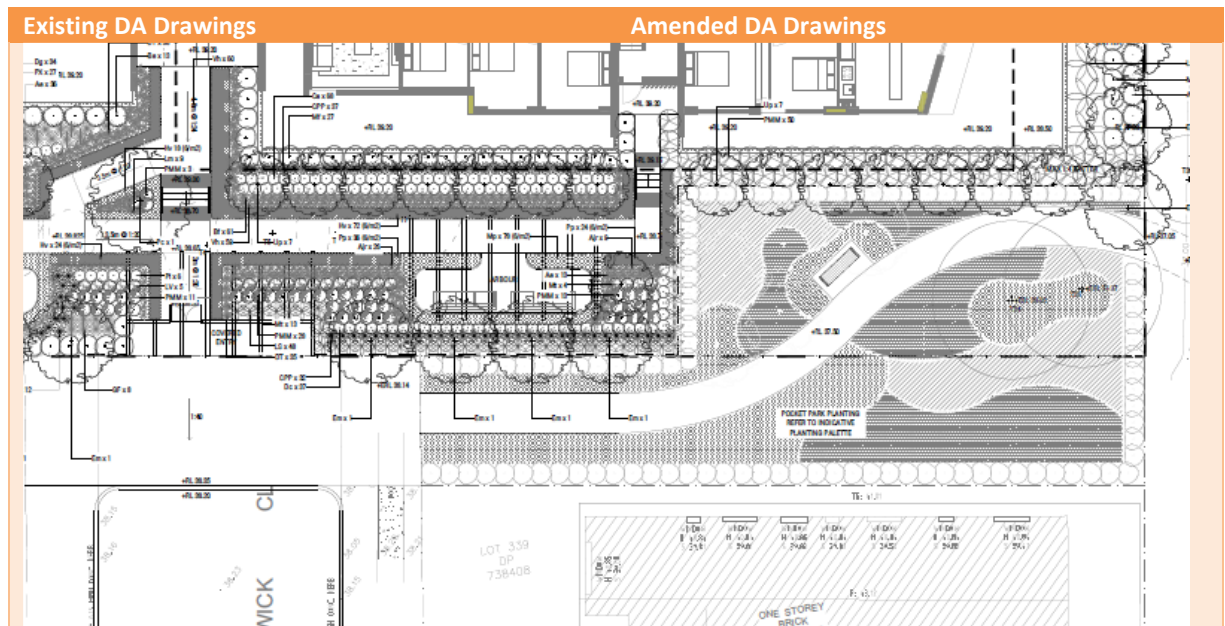


Figure 16: Amended DA landscape entry to Building C from Randwick Close with access ramp / widened pathway and upgrade to footpath from Randwick Close Daruk Park which includes subject site land



Figure 17: Submitted DA landscape report – Kurrajong Road entry

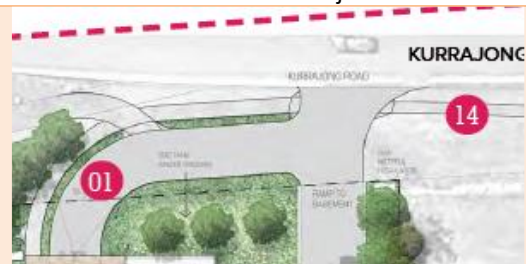


Figure 18: Amended DA landscape report – Kurrajong Road entry upgraded footpath connection

1.4 NEW ASSESSMENT CONSIDERATIONS

1.4.1 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The Environmental Planning and Assessment Act 1979 (EP&A Act) was amended on 1 March 2018. The relevant provisions of the amended EP&A Act have been considered.

The original DA and this Amended DA have been submitted to Liverpool City Council (LCC) seeking approval for a form of “seniors housing” as described in Clause 10 and Clause 45 under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004 (Seniors Housing SEPP). Pursuant to Section 3.28 of the EP&A Act, the provisions of the Seniors Housing SEPP prevail over any requirement in any local environmental plan.

In addition, it should be noted that the proposal has considered the provisions of *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* (SEPP 65) for the proposed ILUs with the information prepared by Jackson Teece associated with SEPP 65 in the majority unchanged compared to the original DA.

1.4.2 State Environmental Planning Policies

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)

The Amended DA remains designed as a “seniors housing” development in a “vertical village” format under the provisions of Clause 45 of the Seniors Housing SEPP. Clause 45 of the Seniors Housing SEPP states:

45 Vertical villages

*(1) **Application of clause** This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.*

It should be noted that the R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 (LLEP) enables the land to be developed for “residential flat buildings” as a specifically listed permitted form of development as detailed in Section 4.2.14.2 of the original SEE report. Also as discussed in the original SEE report, the provisions of the Seniors Housing SEPP apply to the land as “dwelling houses” are permitted. Therefore, Clause 45 of the Seniors Housing SEPP applies to the land.

*(2) **Granting of consent with bonus floor space** Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than [State Environmental Planning Policy No 1—Development Standards](#)) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.*

Note.

For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

This application seeks a bonus of 0.5:1 Floor Space Ratio added to the permitted 1.0:1 Floor Space Ratio (FSR) shown for the site in the FSR mapping of the Liverpool Environmental Plan 2008. The proposed FSR of the Seniors Housing Development is to be 1.476:1.

With the issue of the Site Compatibility Certificate (SCC) subject to specific design requirements included in **Appendix L**, the bonus FSR has been confirmed as available to be included in this vertical village development under the Seniors Housing SEPP. As the SCC includes a number of requirements for the design of the vertical village, these requirements and design responses are detailed in **Table 5** of this Addendum SEE. To comply with these requirements an amended design is required and thus this information now forms the applicant’s Amended DA which includes **Appendices A to L** of this package, to be read in conjunction with the original SEE and support documentation.

(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.

The provisions of Seniors Housing SEPP prevail over the Liverpool Local Environmental Plan 2008. To assist Council in consideration of this matter associated with FSR under Clause 45 of the Seniors Housing SEPP, an updated Clause 4.6 variation request is included at **Appendix G** of this Addendum SEE.

(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.

The gross floor area (GFA) calculations shown in the amended architectural drawings included in **Appendix A** of this Addendum SEE, demonstrate the floor space used to deliver on-site support services have been excluded.

No new matters arising as the overall GFA of the proposed seniors housing development is unchanged.

The previously proposed "communal dining, lobby, toilet amenities and kitchen" are not GFA for the purposes of the Clause 45(4) of the Seniors Housing SEPP as these are communal areas.

(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.

The GFA used in subclause (4) above is not greater than 50% of the overall GFA and complies with this subclause.

*(6) **Requirements relating to affordable places and on-site support services** A consent authority may only grant consent to a development application as referred to in subclause (2) if—*

(a) the consent authority is satisfied, on written evidence, that—

(i) the proposed development will deliver on-site support services for its residents, and

The amended proposed development still includes a design which enables via the commercial kitchen on-site support services as defined in Clause 45 below, with on-site support services for residents of the entire site including: 3 meals a day provided on a communal basis; a number of the floor spaces have been designed on the ground floor level of Building A for personal care related services including physiotherapy room, consultation rooms and hairdresser; the Plan of Management details SummitCare's commitment to the provision of home nursing visits for those who request this service; and the Plan of Management details SummitCare's commitment to provide assistance with housework for those who request this service and 3 meals a day for those who request meals. As such, the proposal includes the provision of on-site support services consistent with Clause 45(6)(a)(i) above.

(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and

The amended architectural design included in **Appendix A** demonstrates with the annotation "AH" the designation of at least 10% of the dwellings in the form of the ILUs for accommodation of residents allocated for affordable housing places.

(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.

The amended architectural design included in **Appendix A** demonstrates with the annotation "AH" the designation of at least 10% of the dwellings in the form of the ILUs for accommodation of residents allocated for affordable housing places.

*(7) **Grounds on which consent cannot be refused** A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).*

This original SEE report includes information to assess the proposal against the provisions of Clauses 40(4)(a), 48(a) and 50(a) under the Seniors Housing SEPP, which is generally unchanged by the amended drawings. The provisions of Clause 49(a) are not relevant as the proposal does not involve a “hostel”.

*(8) **Conditions on grants of development consent** A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.*

The applicant has noted the provisions of Clause 45(8) of the Seniors Housing SEPP. It should be noted this application does seek any form of subdivision.

(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.

Please refer to the in-principal preliminary offer issued by Home Ground Real Estate Sydney (Home Ground) contained in Appendix U of the original SEE Report, which advises they are a “not for profit real estate agency providing property management services to landlords and tenants.” Home Ground are a “social enterprise of Bridge Housing Limited, a registered Tier 1 community housing provider”.

(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development consent or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

The applicant has noted the provisions of Clause 45(10) of the Seniors Housing SEPP.

*(11) **Clause does not apply to certain heritage affected land** Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the [Heritage Act 1977](#) applies.*

The land is not identified as being affected by any local or State heritage item, is not in the vicinity of any local or State heritage item and is not located within a heritage conservation area.

*(12) **Definitions** In this clause—*

***affordable place**, in relation to seniors housing, means a dwelling for the accommodation of a resident—*

(a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—

<i>Very low-income household</i>	<i>less than 50%</i>
<i>Low-income household</i>	<i>50% or more but less than 80%</i>
<i>Moderate income household</i>	<i>80–120%</i>

(b) who is to pay rent that does not exceed a benchmark of 30% of the resident’s actual household income.

***on-site support services**, in relation to residents of seniors housing, means—*

(a) 3 meals a day provided on a communal basis or to a resident’s dwelling, and

- (b) personal care, and
- (c) home nursing visits, and
- (d) assistance with housework.

The above definitions in Clause 45(12) are noted by the applicant and will be complied with should the proposal be approved.

As detailed above in relation to the assessment of the Amended DA against the provisions of Clause 45 (7) of the Seniors Housing SEPP:

45 Vertical villages

(1) Application of clause *This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.*

...

(7) Grounds on which consent cannot be refused *A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).*

The R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 (LLEP) enables the land to be developed for “residential flat buildings” as a specifically listed permitted form of development. The original SEE report includes information to assess the proposal against the provisions of Clauses 40(4)(a), 48(a) and 50(a) of the Seniors Housing SEPP.

Part 4 Development standards to be complied with

Division 1 General

40 Development standards—minimum sizes and building height

*A consent authority must not consent to a development application **made pursuant to this Chapter** unless the proposed development complies with the standards specified in this clause. [our emphasis]*

(1) General

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

...

(4) Height in zones where residential flat buildings are not permitted *If the development is proposed in a residential zone where residential flat buildings are not permitted:*

(a) the height of all buildings in the proposed development must be 8 metres or less, and

Note. *Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).*

This Amended DA is not made pursuant to this Chapter, being Chapter 3 of the Seniors Housing SEPP as the height of the proposed development exceeds 8m, however the R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 is a zone where residential flat buildings are permitted; therefore Clause 40(4)(a) is not applicable.

As detailed in the originally SEE report, the provisions of Clause 5 of the Seniors Housing SEPP state:

5 Relationship to other environmental planning instruments

(1) This Policy repeals [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#).

(2) Despite anything to the contrary in this Policy—

(a) a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) relating to development for the purposes of seniors housing, and

(b) the provisions of clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency.

Note.

Clause 7 (2) (a) of [Sutherland Shire Local Environmental Plan 2006](#) continues the application of [Sutherland Shire Local Environmental Plan 2000](#) to the land referred to in clause 4 (9).

Clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) (when read with clause 4 in Part 1 of Schedule 8 to that Plan)—

(a) applies the development standards in Parts 4 and 7 of Chapter 3 of this Policy to development for the purposes of seniors housing on the land referred to in clause 4 (9), and

(b) provides for those development standards to prevail to the extent of any inconsistency with development standards set out in Part 1 of Schedule 8 to the Plan for such development on that land.

(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.

(4) This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.

Based on this application being submitted under the Seniors Housing SEPP and that the provisions of Clause 5(3) of the Seniors Housing SEPP above, as proposal involves a “seniors housing” development under Clause 45 of the Seniors Housing SEPP, the Seniors Housing SEPP prevails where there is an inconsistency in relation to any other environmental planning instrument under Clause 5 above.

Please refer to Section 4.2.3 of the originally SEE report. This Amended DA is submitted to Council seeking approval for a form of “seniors housing” as described in Clause 10 under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004 (Seniors Housing SEPP). Pursuant to Section 3.28 of the EP&A Act, the provisions of the Seniors Housing SEPP prevail over any requirement in any local environmental plan.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

It is understood Council’s Design Excellence Panel (DEP) has been created to respond to the principles detailed in SEPP 65. The matters raised on the last occasion by the DEP have been addressed in **Table 4** as detailed below. To address the matters raised, the design of the proposed seniors housing development has been amended.

Building A and B design layout of the proposed ILUs are unchanged. The roof terrace on Building A and associated amenities and communal dining room and kitchen areas have been deleted.

While Building C has involved “reorientating the building by flipping over the building to move the proposed lift core from the eastern side of the lobby to the western side of the lobby, the location and orientation of the proposed units are essentially unchanged. The overall length of the building has increased by some 2m due to the lobby increasing in width from 4m to 6m. This is discussed in more detail in **Table 6** below.

As a result of the design changes associated with Building C (noting the unit mix and total number of units is unchanged), so too a new SEPP 65 Design Verification Statement has been issued as included in **Appendix B** and the design team from Jackson Teece have issued an Updated Design Statement included at **Appendix C**.

No change to the information as detailed in the original SEE report other than above is proposed.

State Environmental Planning Policy No. 55 – Remediation of Land

Based on the Council RFI email dated 23 October 2020, the applicant’s technical experts from Consulting Earth Scientists have undertaken further site investigations including additional ground water testing. These further investigations and results have been detailed in the letter and testing included in **Appendix J**. Detailed responses to the matters raised by Council are included in **Section 4** in this Addendum Report **Table 7** below.

State Environmental Planning Policy (Infrastructure) 2007

The Amended DA architectural drawings (**Appendix A**) seeks the inclusion of a “health services facility” under the provisions of Division 10 of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) in lieu of the submitted ground floor level “neighbourhood shops” to Building B. The subject land is zoned R4 High Density Residential which is a prescribed zone under Clause 56 of the Infrastructure SEPP which permits “health services facilities” under Clause 57 as follows:

57 Development permitted with consent

(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.

SummitCare does not have a specific tenant or operator with a lease or AFL signed for the space proposed to be allocated on the ground floor level of Building B, as the base building is yet to be approved. Upon approval for the base building a tenant may wish to sign a lease and then separate application can be made by the prospective tenant for their internal fit out.

All of the car parking previously allocated to the neighbourhood shops (car spaces in the basement labelled 1 to 11) and the loading dock along with the waste management and collection area which were allocated to the previously proposed neighbourhood shops have been retained and now reallocated to the proposed health services facility. The health services facility is also intended to provide on-site assistance for future residents of the seniors living development which will reduce demand for car parking beyond the boundaries of the site.

No change to the permissibility information as detailed in the original SEE report other than above is proposed.

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

Based on the amended architectural drawings included in Appendix A with the changes highlighted with red clouding, in particular the change associated with Building C being “flipped-over” as shown in architectural drawings DA-110B, DA-111B and DA112B, a new BASIX certificate has been issued and is included in **Appendix I**.

Other State Environmental Planning Policies (SEPPs)

The original SEE report addressed the following SEPPs:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);*
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX); and*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.*

The information contained in the original SEE report other than as amended in this Addendum SEE, remains relevant to the Amended DA design and has not been repeated in this Addendum SEE.

1.4.3 Liverpool Local Environmental Plan 2008

The main environmental planning instrument applying to the proposed development is the Liverpool Local Environmental Plan 2008 (LLEP).

Permissibility under the R4 zone of the LLEP

The site is zoned R4 High Density Residential under the LLEP as detailed in the original SEE report. As discussed previously in this Addendum, the amended architectural design drawing in **Appendix A**, have removed all reference to the term “neighbourhood shops” from the overall design. The proposal seeks a “health services facility” under the Infrastructure SEPP instead.

No change to the permissibility information as detailed in the original SEE report other than above is proposed. Under the dictionary for the LLEP 2008, the term “seniors housing” is defined as follows:

seniors housing means a building or place that is:

- (a) a residential care facility, or
 - (b) a hostel within the meaning of clause 12 of [*State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004*](#), or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),
- and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

*Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.*

The proposed amended form of development could be defined as “seniors housing” based on the LLEP Dictionary definition above, however the R4 High Density Residential zoning does not permit “seniors housing”. The amended proposed “seniors housing” development has been designed with the residential care facility and the ILUs (“vertical village”) and submitted to Council under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)* for permissibility and consequently the development standards under the Seniors Housing SEPP.

The proposed development is consistent with the objectives of the R4 High Density Residential zone, as demonstrated in **Table 3** below.

Table 3: Assessment of the proposed development against the zone objectives – R4 High Density Residential zone under the LLEP

R4 High Density Residential zone - objectives	Comment
• To provide for the housing needs of the community within a high-density residential environment.	The research undertaken for SummitCare has identified as discussed previously the need for diversity in aged care in the form of a “vertical village” development as proposed by the applicant, being a high-density form of housing consistent with the objective.
• To provide a variety of housing types within a high-density residential environment.	The form of development as a “vertical village” is a type of “seniors housing” which has been designed in a similar manner to residential flat buildings which are permitted consistent with the objective.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The building includes ancillary uses as part of the overall support for the “seniors housing development” and a “health services facility” to meet the day to day needs of future residents and their visitors being consistent with the objective.
• To provide for a high concentration of housing with access to services and facilities.	The proposed building has access to services and facilities.
• To minimise the fragmentation of land that would prevent the achievement of high-density residential development.	The site is a large vacant property over 1.3 hectares in area suitable for transition to the proposed form of high-density development.

As such, it is considered the amended proposed development can be supported as a form of development within the R4 High Density Residential zone under the Seniors Housing SEPP subject to consent, particularly as it is consistent with the zone objectives.

Clause 4.3 Height of buildings under the LLEP

The subject site is granted a maximum permissible building height of 15m under the LLEP Height of Buildings mapping where the designation O = 15m, as shown in Figure 1 below.



Figure 19: LLEP 2015 HOB Map Extract (site outlined in red)

Source: NSW Legislation



Height of buildings map -

Maximum Building Height (m)

I	8.5
M	12
O	15
P	18
R	21
S	24
T	28
U	30
V	35
X	45
AB	80
AC	100

The Amended DA design has removed all of Level 5 floor space which included the communal dining area, amenities, lift lobby, roof terrace and kitchen from Level 5 of Building A. However, Building A still requires lift overrun and access to the roof plant room, condenser deck for maintenance and to the solar cells on the roof of the plant room.

In addition, the overall floor to floor heights of the levels within Building A and Building B have been modified so as to reduce the overall height as demonstrated in the following comparison **Table 4** between the original submitted architectural drawing "Street Elevation - DA-200A" and the amended architectural drawing "Street Elevation - DA-200B":

Table 4: Comparison between submitted and amended “Street Elevation” architectural drawing floor to floor heights and floor level RLs.

Floor Level	Original Building A (floor to floor height in mm / RL)	Amended Building A	Original Building B (floor to floor height in mm / RL)	Amended Building B
Basement	4750 / RL 35250	4650 / RL 35350	4350 / RL 35250	4250 / RL 35350
Ground	4000 / RL 40000	3400 / RL 40000	4000 / RL 39600	3400 / RL 39600
1	3200 / RL 43400	3400 / RL 43400	3200 / RL 43600	3150 / RL 43000
2	3200 / RL 46800	3400 / RL 46800	3200 / RL 46800	3150 / RL 46150
3	3500/RL 50200	3400 / RL 50200	3500 / RL 50000	3500 / RL 49300
4	3200 / RL 53600	3200 / RL 53600	3200 / RL 53500	3150 / RL 52800
5	3800 / RL 56800	deleted / RL56800	- / RL 56700	RL 55950
Lift	RL 60600	RL 58450	RL 59400	RL 57650
Parapet Edge	-	RL 57400	-	RL 56550
Overall decrease		2150mm		1750mm

Each of the levels in each building in which the ILUs are proposed, maintains a floor to ceiling height of at least 2.7m, with allowance for the required structural slabs and provision of services in the floor-to-floor heights shown in the Amended Architectural drawings in **Appendix A**.

To strike a balance across both Building A and B particularly when viewed from Kurrajong Road, the RLs for levels 2, 3 and 4 some floor-to-floor heights have been increased and others decreased as shown in **Table 4**, above.

Overall, Building A lift overrun height has been reduced 2150mm and Building B lift overrun height reduced by 1750mm.

The façade edge of Building A along its parapet to Kurrajong Road in the Amended Architectural drawings is proposed to be RL57.40, which compared to the natural ground level below RL39.06, is a building height of 18.34m. The highest point on Building A being RL58.45 at the lift overrun to natural ground level RL39.5, is an overall building height of 18.95m. The roof level of Building A does not include any gross floor area associated with the Seniors Housing, that is no RACF beds or ILUs associated with the Seniors Housing development, only the plant room and solar cells.

The façade edge of Building B along its parapet to Kurrajong Road in the Amended Architectural drawings is proposed to be RL56.55, which compared to the natural ground level below RL38.5, is a building height of 18.05m. The highest point on Building B being RL57.65 at the lift overrun to natural ground level RL38.5, is an overall building height of 19.15m. The roof level of Building B does not include any gross floor area associated with the Seniors Housing, that is no ILUs associated with the Seniors Housing development, only the plant room and solar cells. The following extracts in **Figures 20 and 21** demonstrate a 15m height plane projected across the site in relation to the existing ground level in a 3D SketchUp model using the existing ground levels indicated in the submitted site survey.

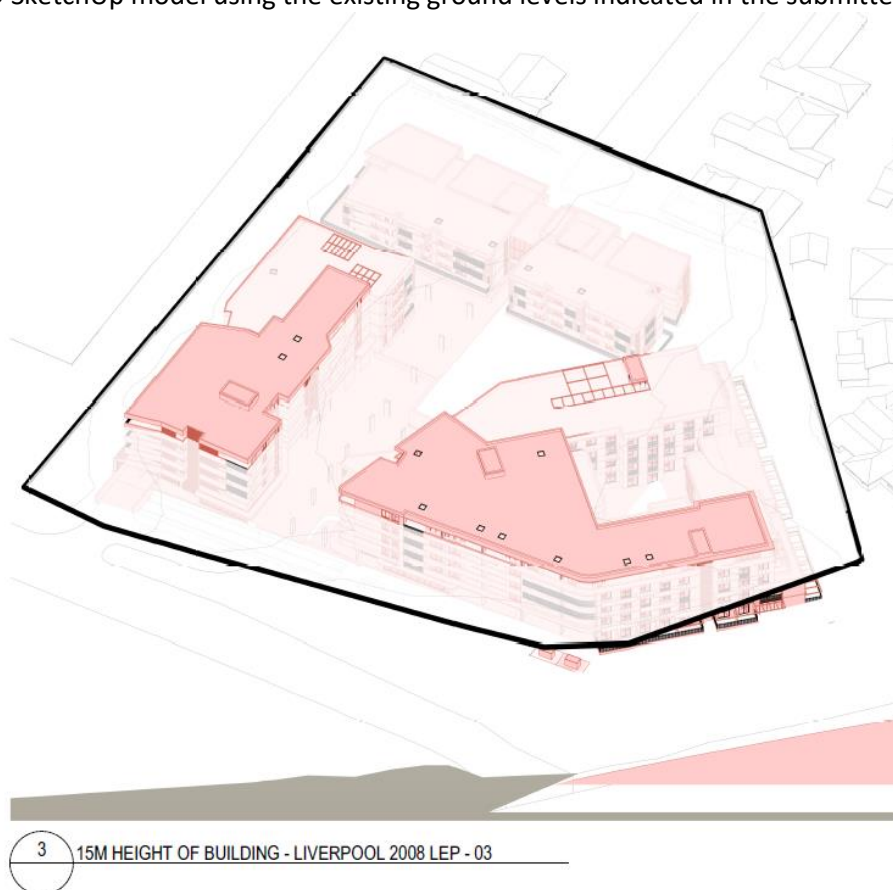


Figure 20: 3D view from Kurrajong Road frontage of Buildings A on right and Building B on left showing portion of buildings which projects through the 15m HOB control Source: Jackson Teece Drawing DA852B

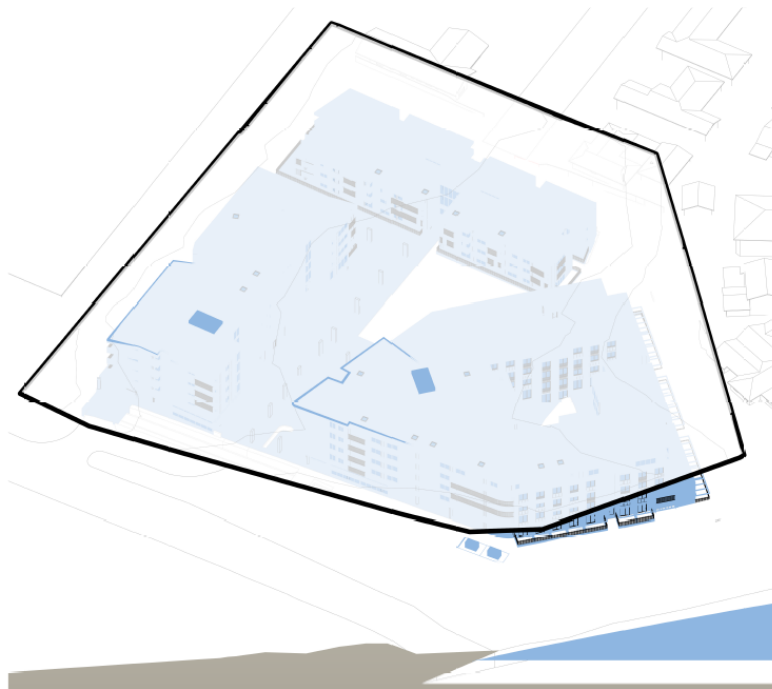
Figure 20 above demonstrates Building B to the left and Building A to the right along the Kurrajong Road frontage and the portion of each building which projects through the 15m height plane.



Figure 21: 3D view from Randwick Close frontage of Buildings A on left and Building B on right showing portion of buildings which projects through the 15m HOB control Source: Jackson Teece Drawing DA852B

Figure 21 above demonstrates Building A to the left and Building B to the right viewed from Randwick Close frontage and the portion of each building which projects through the 15m height plane. Level 4 of Buildings A and B are below the 15m height control.

The following extracts in **Figures 22 and 23** demonstrate a 18m height plane projected across the site in relation to the existing ground level in a 3D SketchUp model using the existing ground levels indicated in the submitted site survey.



6 18M HEIGHT LIMIT - SCC - 03

Figure 22: 3D view from Kurrajong Road frontage of Buildings A on right and Building B on left showing portion of buildings which projects through 18m Source: Jackson Teece Drawing DA852B

Figure 22 above demonstrates Building B to the left and Building A to the right along the Kurrajong Road frontage and the portion of each building which projects through an 18m height plane.



4 18M HEIGHT LIMIT - SCC - 01

Figure 23: 3D view from Randwick Close frontage of Buildings A on left and Building B on right showing portion of buildings which projects through 18m Source: Jackson Teece Drawing DA852B

Figure 23 above demonstrates Building A to the left and Building B to the right viewed from Randwick Close frontage and the portion of each building which projects through an 18m height plane.

Figures 22 and 23 demonstrate the parapet edges of Buildings A and B projecting above 18m along with the lift overrun of each building.

Building C overall height is well less than 15m and each of the RLs on each floor level and the lift overrun are unchanged other than the RL of the basement below Building C.

As the proposal involves a “seniors housing development” in a “vertical village” format under the provisions of the Seniors Housing SEPP, which includes design controls for the height of buildings, which the provisions of the Seniors Housing SEPP prevail over the height control under the LLEP 2008. The Amended DA design exceeds the 15m HOB controls under the LLEP, and an Updated Clause 4.6 variation request to vary Clause 4.3 Height of Building under the LLEP is included in **Appendix H**.

In addition, the requirements of the issued SCC have been considered and each are addressed in **Table 5** in Section 2 of this Addendum SEE.

Clause 4.4 Floor space ratio under the LLEP

The provisions of Clause 4.4 of the LLEP are not applicable as the proposed development has been submitted under the provisions of Clause 45 of State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (Seniors Housing SEPP), given the provisions of the Seniors Housing SEPP prevail over the provision of Clause 4.4 of the LLEP.

The FSR of the Amended DA has been calculated using the definition in the Seniors Housing SEPP at 1.476:1. This exceeds the 1:1 FSR under the LLEP. As such, while the provisions of the Seniors Housing SEPP prevail over the LLEP, an updated request to vary the LLEP FSR control has been prepared under the provisions of Clause 4.6 of the LLEP 2008 is included at **Appendix G**.

2 DESIGN RESPONSES TO ISSUED SCC

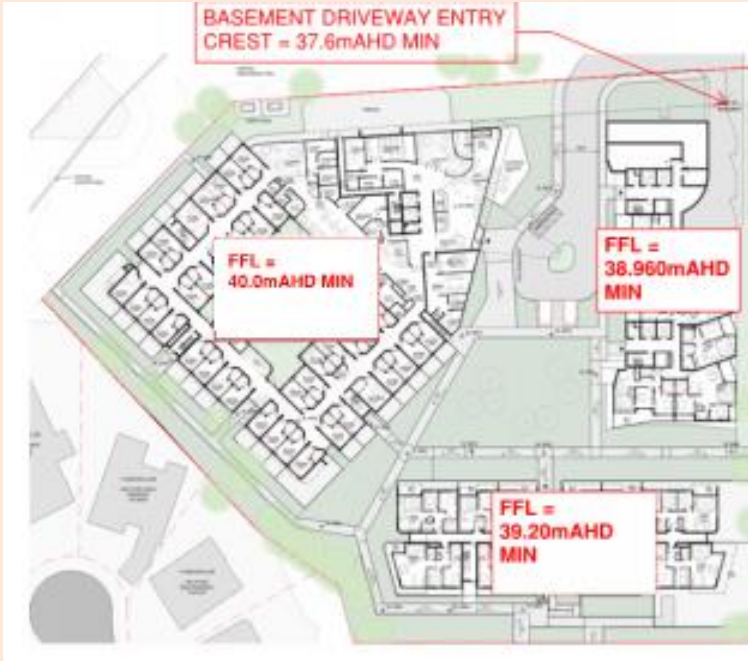
The applicant submitted a request for a Site Compatibility Certificate (SCC) in July 2020 under Clause 25 of the Seniors Housing SEPP.

The SCC was issued by the Sydney Western City Planning Panel on 24 November 2020, refer to **Appendix L**.

With the issue of the SCC, so too the bonus FSR of 0.5:1 for a “vertical village” under Clause 45 of the Seniors Housing SEPP has been accommodated in the Amended Design drawing included in **Appendix A**.

The SCC includes specific requirements for the design. **Table 5** below includes the requirements of the SCC and the design responses in this Amended DA.

Table 5: SCC Requirements and Design Responses

SCC REQUIREMENTS	DESIGN RESPONSE
<p>1. To achieve a building height compatible with surrounding land uses, the built form of any future development application on the site relying on this SCC is to meet the following requirements:</p> <p>a) Not exceed 18m in building height above existing ground level along the frontage to Kurrajong Road and the frontage to north-western boundary of the site adjacent to the M5 Motorway;</p>	<p>Building A – amended design.</p> <p>Building A has been redesigned to delete all of level 5 and reconsidered the RLs to each floor-to-floor level. The majority of Buildings A and B are below 18m along the frontage of the site to Kurrajong Road. However, despite these design changes, two portions Building A exceeds the SCC 18m height. The first portion of Building A which exceeds 18m is associated with the lift overrun and the second portion of Building A which exceeds 18m is parapet edge along Kurrajong Road. Both portions of Building A which exceed 18m are shown in Figure 22 as detailed previously in this Addendum Report.</p> <p>The amended design for Building A included consideration of several factors, including:</p> <ol style="list-style-type: none"> At the ground floor level, the applicable Probable Maximum Flood (PMF) level on the ground floor of Buildings A and B with the team at TTW. The ground floor level of Building A cannot be lowered below RL40000 to comply with the minimum required Probable Maximum Flood (PMF) level. Refer to Figure 3 (as extracted below) in the Updated Flood Assessment information included in Appendix K.  <p>Figure 24: Extract from Updated Flood Assessment Figure 3 Source: TTW</p> <p>As such, the ground floor level of Building A is shown in the Amended DA architectural drawings as RL40000.</p> <p>The basement level along the frontage of the site under part of Building A and all of Building B has been adjusted up by 100mm (from RL35250 to RL35350) to be</p>

SCC REQUIREMENTS	DESIGN RESPONSE
	<p>clear of the now well-established ground water level as a result of further investigations (refer to Appendix I) and negate the need for “dewatering” or any trigger for an integrated referral to the NSW Office of Water associated with the Amended DA. The change to the basement level of the design does not impact on the overall height of either Building A or B.</p> <p>2. Adjusting the floor-to-floor levels of Buildings A and B as detailed in Table 4 of this Addendum Report with the designers from Jackson Teece.</p> <p>Table 4 previously detailed in this Addendum Report compares the submitted RLs of each floor level and the floor-to-floor heights and lift overrun RL with the Amended DA RLs and ceiling to ceiling heights and lift overrun of Building A. The overall height of Building A has been lowered by 2150mm.</p> <p>3. Removal of all of Level 5 from Building A with the designers at Jackson Teece.</p> <p>The Amended DA has deleted all of level 5 communal dining, kitchen, amenities and roof terrace. The Amended DA seeks access to the roof level which includes a plant room and solar cells on the roof of the plant room, via the lift which as a result the lift overrun projects through the SCC 18m requirement by 0.95m.</p> <p>No portion of Building A along the western boundary frontage of the site to the adjacent M5 Motorway exceeds 18m.</p> <p>The breach of the 18m SCC height requirement for Building A, involves:</p> <ul style="list-style-type: none"> a) 340mm (or 2 % variation of 18m) for a small portion of the parapet edge along the Kurrajong Road elevation; b) 950mm (or 5 % variation of 18m) associated with the lift overrun. <p>It is considered these variations associate with Building A are minor and could be supported given the explanation above.</p> <p>Building B – amended design.</p> <p>The overall design presentation to Kurrajong Road has sought to find a balance between the required ground floor level to Building A and maintaining accessible pathways and levels to Building B and to the future extended footpath along the Kurrajong Road frontage of the site. The ground floor reduced level of Building B at RL39600 has not been altered in the Amended Architectural Design in Appendix A. Rather, the floor-to-floor levels and associated RL of each level in Building B have been adjusted to lower the overall building height, as detailed in Table 4 in this Addendum report.</p> <p>The overall height of Building B has been lowered by 1750mm.</p> <p>Despite the design changes to reduce the floor-to-floor heights, Building B exceeds the 18m requirement.</p> <p>The 18m height requirement in the SCC has been breached as a result of a combination of factors including:</p>

SCC REQUIREMENTS	DESIGN RESPONSE
	<ol style="list-style-type: none"> the existing site topography gradient is lower in this location of the site. As Building A cannot be lowered due to the PMF ground floor level RL40000, to ensure accessible pathways are maintained throughout the site and each building, so too the ground floor level of Building B cannot be lowered. The basement level cannot be lowered below RL 353250, as this will impact on the ground water level of the site as detailed in the Updated Site Investigations included in Appendix J requires RL35350. If Building B were to be lowered the gradient of the ramp would be too steep for the truck access and associated required clearance to the under the structural beams for trucks to the loading docks. Access to the roof plant and solar cells is via the lift for Building B, and as a result lift overrun projects through the 18m height requirement of the SCC. <p>These considerations in combination result in breaches of the 18m SCC height requirement for Building B, including:</p> <ol style="list-style-type: none"> 50mm (or 0.003 % variation of 18m) for a small portion of the parapet edge along the Kurrajong Road elevation; 1150mm (or 6 % variation of 18m) associated with the lift overrun. <p>It is considered these variations are minor and could be supported given the explanation above.</p> <p>Building C – amended design.</p> <p>As demonstrated in Figures 22 and 23 of this Addendum, all of Building C is located below the 18m requirement.</p>
<p>b) Other than item a) above, the remainder of the development not to exceed a maximum building height of 15m;</p>	<p>As demonstrated in Figures 20 and 21 in this Addendum SEE, the remainder of the Amended DA design for Buildings A, B and C does not exceed 15m in height.</p>
<p>c) A step down in building height from north (Kurrajong Road) to south and south-west across the site and in particular at the southern and south-western interface with the adjoining low scale residential development</p>	<p>The interface of the site’s southern and south-western boundaries has been considered carefully by the applicant and design team throughout the design process. This careful consideration of the design relationship of the site with the south and south-western boundaries started with the envelope approach outlined in the original SEE report in Figure 9 in Section 2.5.3 Strategic Planning Context and the Proposed Seniors Housing Development, seeking to shift the building bulk and scale away from the south.</p> <p>The Amended DA design provides for a series of “step downs” in Building A and B from the northern boundary to Kurrajong Road towards the south and south-west of the site.</p>

SCC REQUIREMENTS

building height of 15m, and Building A to be a maximum of 2 storeys at the interface and then stepped up to a maximum of 15m towards the centre of the site and then a maximum of 18m fronting Kurrajong Road.

DESIGN RESPONSE

the proposed buildings and the boundaries of the site to show the new landscaping along with the proposed site topography.

In addition, the Amended DA design includes details of the setback in relation to the south-west boundary as demonstrated in the extract from the Site Plan in amended architectural drawing DA030 B of greater than 10m for the ground floor level and level 1, being the lower 2 storeys of Building A. See extract below:

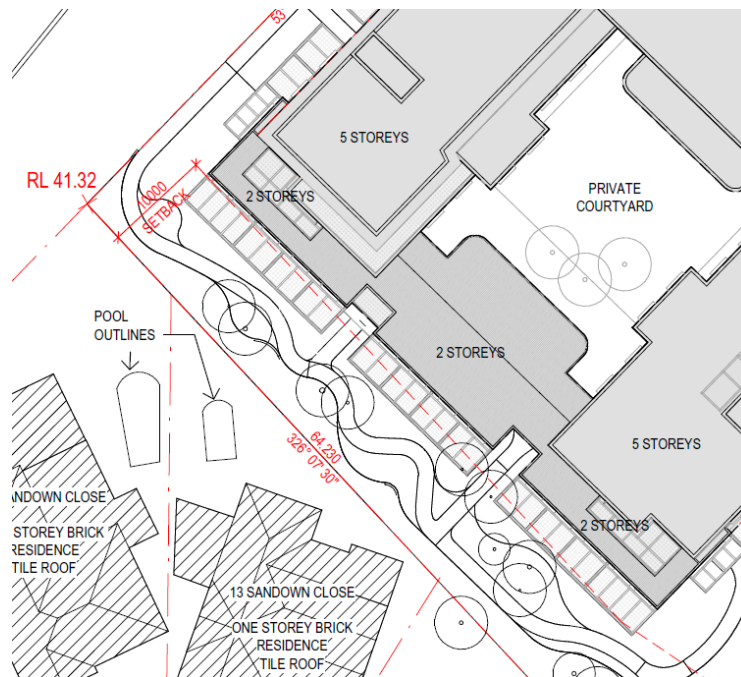


Figure 27: Extract DA030B Site Plan – Building A 10m setback.

Levels 2 and 3 is stepped back to 13.916m (being just under 4m in addition to the ground and level 1 setback of a minimum of 10m) from the south-west boundary as shown in amended architectural drawing DA 113B Levels 2 & 3 of Building A, see extract below:

SCC REQUIREMENTS

DESIGN RESPONSE

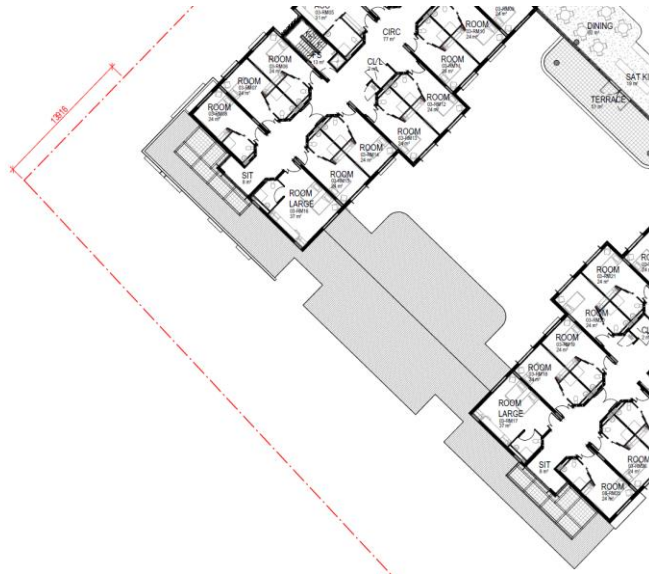


Figure 28: Extract DA113B Levels 2 & 3 – Building A 13.916m setback.

Level 4 is stepped back to 18.052m (being just over 4m in addition to the level 2 and 3 setbacks of a minimum of 13.916m) from the south-west boundary as shown in amended architectural drawing DA 114 B Level 4 of Building A, see extract below:

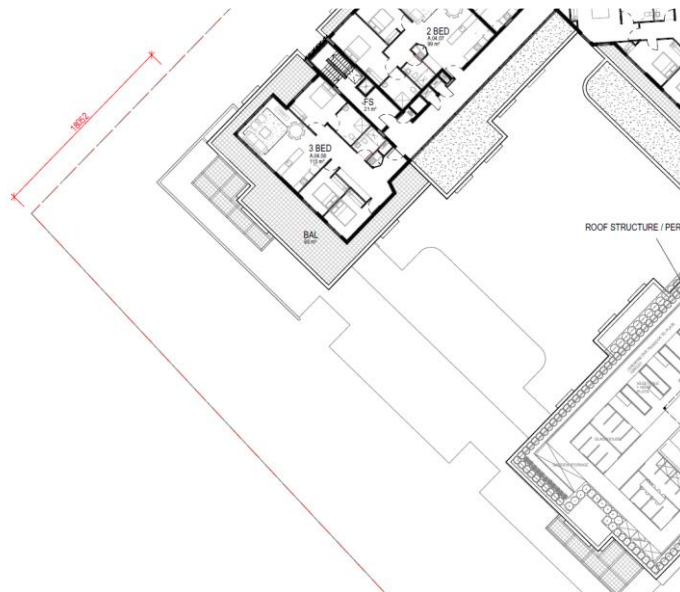


Figure 29: Extract DA114B Level 4 – Building A 18.052m setback.

The Amended Landscape Architectural Report included in **Appendix E**, demonstrates the interface between the proposal and the south-western boundary showing the ground floor level and level 1 of Building A with a min.

SCC REQUIREMENTS
DESIGN RESPONSE

10m setback, levels 2 and 3 with a min. setback of 13.916m and level 4 min. setback 18.052m, see extract of Section Q below:

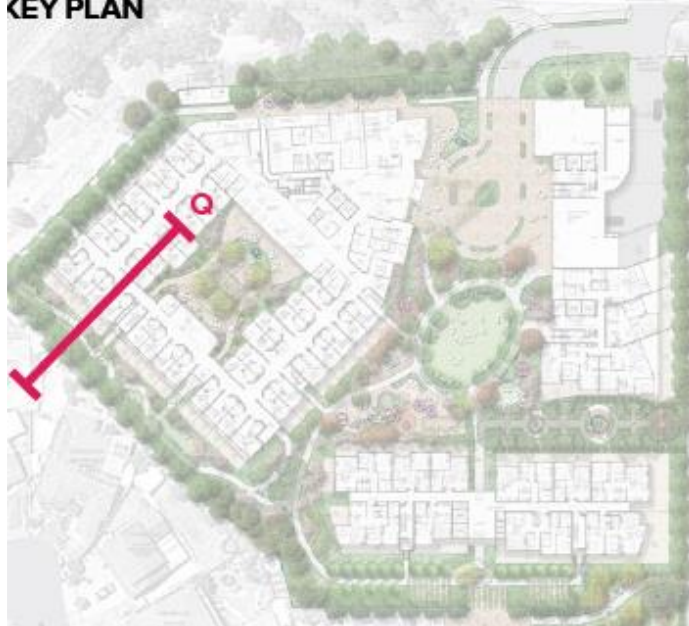
KEY PLAN


Figure 30: Extract Amended Landscape Architectural Report page 27.

SECTION Q


Figure 31: Extract Amended Landscape Architectural report page 27

2. To assist in achieving a compatible built

The contextual relationship of the land at 18 Randwick Close has had consideration of the scale of development along the immediate south-western boundary, with the design of Building A being setback a minimum of 10m to

SCC REQUIREMENTS	DESIGN RESPONSE
<p><i>form relationship to the adjoining low scale residential development, particularly to the south and south-west, and also in order to maintain the existing landscaped setting, existing substantial perimeter vegetation is to be retained where possible and if not retained, then replacement planting is to be included.</i></p>	<p>afford a substantial landscaped area and the ground floor and level 1 of Building A presenting as 2 levels.</p> <p>Building C presents as a 3-level building to the southern boundary with Randwick Close. This building is approximately 9.6m high at its façade / elevation which will present to Randwick Close and 11.8m to the top of the lift overrun, which is well less in height compared to the permitted 15m.</p> <p>In May 2020, Council's property team members contacted the owner of the land and the owners representative had a number of discussions with</p> <p>The land opposite the subject site at 30-38 Ironbark Avenue, Casula (which shares its rear boundary with Kurrajong Road) gained approval for DA-681/2018 from the Sydney Western City Planning Panel at its meeting held on 9 September 2019.</p> <p>This approval involves a 5-level apartment building under the Affordable Housing SEPP. The approved building included a variation of the LLEP maximum height of building control of 18m. The variation involved 500mm (overall height 18.5m) associated with the lift overrun. The ground floor reduced level of this apartment building was not impacted by any flood hazard and therefore did not have a minimum required ground floor level RL and does not comply with the maximum permitted Height of Building control under the LLEP being 18m. A Clause 4.6 variation request accompanied DA-681/2018 and was supported by the Western City Planning Panel.</p> <p>All existing trees based on their calculated TPZs (as recommended in the Arborist report submitted with the original DA package) which are not impacted by the proposed development are proposed to be retained. The proposed development has the following setbacks:</p> <ul style="list-style-type: none"> - The basement level car parking area is proposed to be setback 7m from Kurrajong Road, as are the Kurrajong Road setbacks to Buildings A and B above; - The basement level setback 6m from the eastern boundary with Building B having a minimum setback of 6m above and Building C having a setback of approximately 8m; - The basement level setback from the western boundary is a minimum of 7m with Building A above having a setback of 7m as well; - The basement level having a setback of 10m from the south-western boundary; and - The basement level does not occupy all of the site, to afford a deep soil zone in the centre of the site for the communal landscaped area. <p>The Amended Landscape Concept drawings have included additional perimeter tree planting in these deep soil landscaping setbacks and the central communal landscaped area as replacement plantings. Also please refer to page 14 of the updated landscape architectural report "Landscape Plan Ground Level" and the associated legend in Appendix E.</p>

3 APPLICANT'S RESPONSES TO COUNCIL'S DESIGN EXCELLENCE PANEL NOTES

To assist the design team with responding to the matters raised by the Design Excellence Panel at the meeting held on 9 July 2020, an urban design peer review was undertaken by Matthew Pullinger. As a result of the peer review an Urban Design Statement was prepared as included in **Appendix F**. The Urban Design Statement advises:

This Urban Design Statement has been structured around the key design matters which have been raised, and then assesses the recently adopted design amendments and the extent to which they resolve concerns and issues raised during the assessment of the development application.

The design team at Jackson Teece made amendments to the proposal to respond to the Design Excellence Panel and the SCC requirements, these have been summarised by Matthew Pullinger as follows:

A series of amendments have now been made to the original development proposal to address the concerns outlined above. These amendments seek to improve the proposed built form and its compatibility with the urban and neighbourhood context, enabling it to better sit within the immediate urban environment.

1. Amended upper-most storey building form - Building A

The original development application provided resident access to Level 5 of Building A with a large common room and also access to communal outdoor roof space. In the amended design, access for residents to Level 5 is maintained, but only to communal outdoor roof space, accessed from a compact lift lobby. The upper-most floor has therefore been significantly reduced in its extent and has been set back from the primary building perimeter, north and east, to reduce its apparent scale within the Kurrajong Road streetscape.

The adjusted upper storey building form results in an amended proposal which is better scaled relative to the heights of existing buildings in the immediate vicinity.

The above changes have been discussed in detail in **Table 5** above and specific elements have been discussed in the responses in **Table 6** as follows.

Please find below in **Table 6** the applicant information and supporting documentation enclosed to respond to the matters raised by Council in RFI letter dated 28 November 2019:

Table 6: Applicant's responses to Minutes of Design Excellence Panel Meeting 9 July 2020

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<p><i>The Design Excellence Panel makes the following recommendations in relation to the project:</i></p> <p>4.1. Context</p> <ul style="list-style-type: none"> <i>The development needs to be sympathetic to providing an inclusive</i> 	<p>At the end of May 2020, Council's property manager contacted the landowner at SummitCare Australia (SummitCare). The landowners asked their representative from Centurion Group (Centurion) to liaise with Council. Council advised they are in the process of starting a master planning around Casula Mall, which would include Daruk Park and wanted to understand the intentions for the land at 18 Randwick Close. It became apparent that Council's property manager was unaware that SummitCare had lodged a DA for a Seniors Housing Development in March 2020.</p>

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environment, however it needs to be more public and feel more open. Revise the proposal so that it is more inviting and connects better to the adjacent park and to other areas around the site including considering broader neighbourhood connections and movement patterns (e.g. to Casula Mall).

As such, SummitCare's project managers at Centurion sought information from Council to understand if and where any new access pathways would be created into and through Daruk Park. Based on discussions with Council, Centurion was advised that it was too early to provide this level detail as the master planning had only just commenced.

As such, the connection between the site and Daruk Park inclusive of the pathway along the southern boundary have been revised to include a portion of the site and provide for new landscaping including tree planting within the southern portion of the site. This is demonstrated at page 31 of the Updated Landscape Architectural report (**Appendix E**) – see extract in **Figure 32** below:



Figure 32: Extract from page 31 Updated Landscape Architectural report - Arcadia

Notations 1 to 9 in Figure 32 above, include:

- 1 Paved forecourt to end of Randwick Close.
- 2 Formal entrance with gate and arbour
- 3 New public footpath connection to be provide between Randwick Close forecourt and Daruk Park.
- 4 Pathway meanders through new proposed public pocket park to southeast corner of site
- 5 Bench seating in garden nook
- 6 Native evergreen trees to provide screening to development and provide pleasant leafy experience beneath canopies.
- 7 Existing mature trees retained and protected.
- 8 Planted gardens

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9 Pathway connection to Daruk Park, final alignment and connections to Council approval

In addition, the Updated Landscape Architectural report includes a series of sections (A to Q) with illustrations to detail the landscape treatment around the perimeter of the site.

As detailed at page 15 of the Updated Landscape Architectural report access into the site from Kurrajong Road is unrestricted as part of the entrance to the site, and around the perimeter of the site except at the entrance is proposed to have open style fencing. Access to the central communal courtyard is available to the public. Refer to extract in **Figure 33** below:

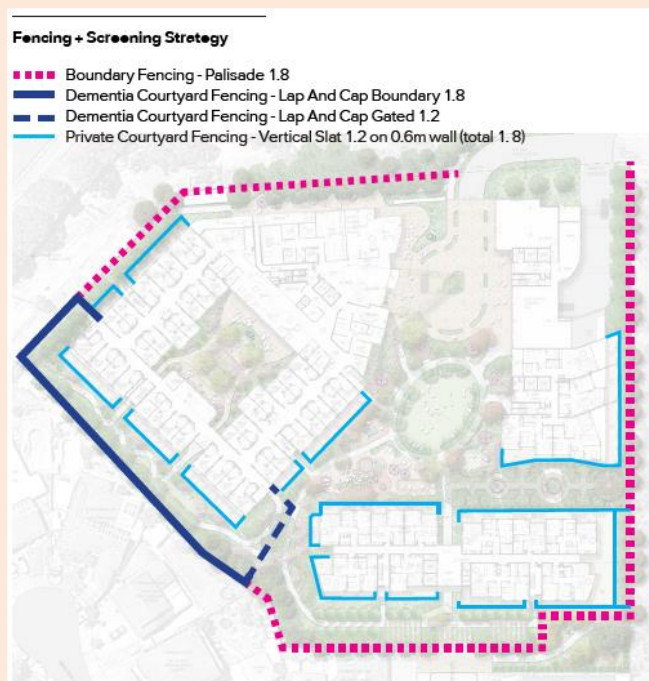


Figure 33: Extract from page 15 Updated Landscape Architectural report - Arcadia

- ***The current proposed entry from Randwick Close is not welcoming: it does not read as a publicly accessible entrance to the site or consider the broader connections to the site (e.g. Connections to Casula Mall). Reinforce or clarify the sense of***

The applicant is agreeable to Council's requirement to upgrade the footpath between the site and Casula Mall along Kurrajong Road to a minimum 1.5m wide (see letter dated 25 August 2020 in Table 7 to follow).

Please see extract from page 14 "Landscape Plan Ground Level" in **Figure 34** below:

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arrival and connection to the site and through the site, for the community that will be approaching from the south. Hard and soft landscape strategies may be employed to achieve this (e.g. lighting, legibility and signage).

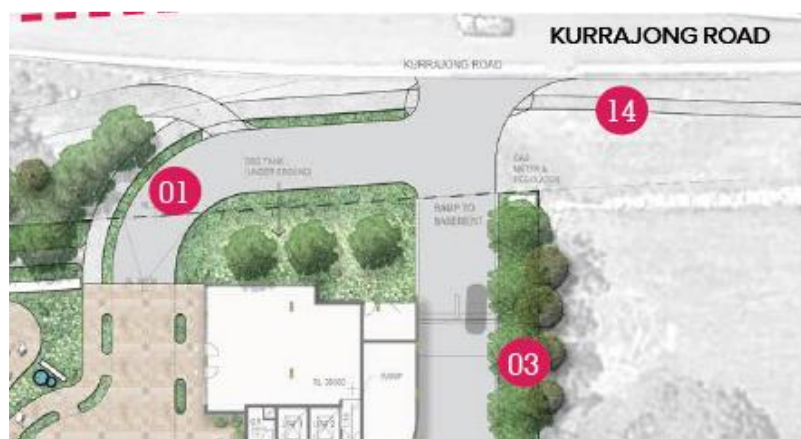


Figure 34: Extract from page 14 Updated Landscape Architectural report – Arcadia

Notations 1, 3 and 14 Figure 33 above, include:

1 Precinct Entry with planting

3 Layered planting and trees to setbacks to soften built form and provide privacy to adjacent properties.

14 Footpath connection to existing.

- *The panel acknowledges that building bulk to the south has responded to earlier DEP comments.*

Noted

- *Consider the relationship between the height of this development (i.e. Block A), and the development located on the other side of Kurrajong Road.*


As discussed in detail in **Table 5** at point 2 above, the design seeks to respond to the approved height of the Affordable Housing apartment building being 18.5m opposite the site at 30-34 Ironbark Avenue, Casula.

4.2. Built Form + Scale

- *The proposal has improved from a built form perspective since the last DEP meeting, however, a building height of 22.050m (i.e. a 6m non-compliance with Council's DCP*

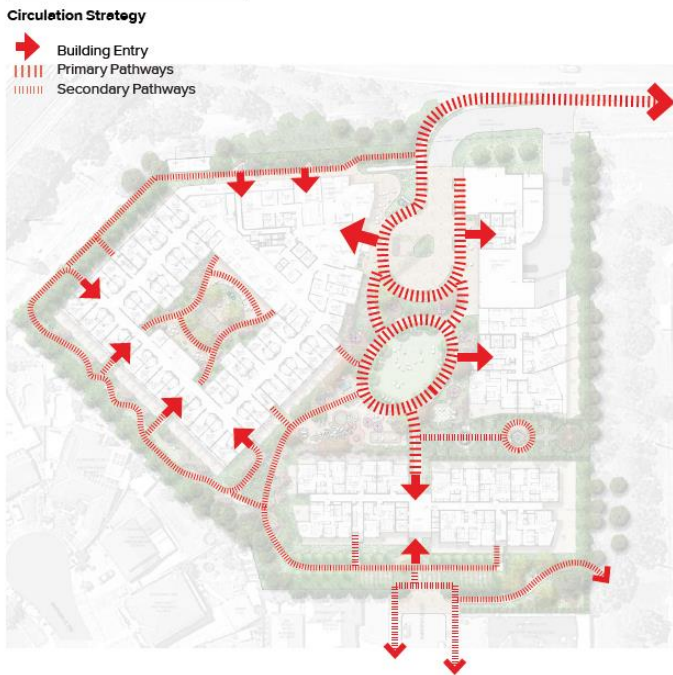
The overall building height of Building A has been reduced by 2150mm to the top of the lift overrun has been calculated as 18.95m, and a minor breach associated with the parapet edge which has been calculated as 18.34m. The majority of Building A is below the 18m requirement of the SCC as shown in **Figures 22 and 23**, and complies with the 15m LLEP control, see **Figures 20 and 21**.

The overall building height of Building B has been reduced by 1750mm to the top of the lift overrun has been calculated as 19.15m. And a minor breach associated with the parapet edge which has been calculated as

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<p><i>controls) is not supported. Adhering to a maximum building height of 18m is recommended by the panel, in line with Council objectives. Review the massing of the development to achieve compliance.</i></p>	<p>18.05m. The majority of Building B is below the 18m requirement of the SCC as shown in Figures 22 and 23, and complies with the 15m LLEP control, see Figures 20 and 21.</p> <p>Please see the applicant's responses in Table 5 Point 1a) to the SCC above for detailed explanations for the variation of Buildings A and B in relation to 18m.</p>
<ul style="list-style-type: none"> <i>The panel notes that overall, this is quite an intense and built-up development given the intention to achieve internal open spaces within the site. Given the proposition to develop higher and more dense building forms, focus should be directed toward how individual blocks relate to each other, to the intermediate open spaces and to the surrounding residential areas, the laneway and recreation area.</i> 	<p>Please refer to Sections J, K and L in the Updated Landscape Architectural report, extract of Section J in Figure 35 below between Building A and Building C:</p>  <p>Figure 35: Extract from page 15 Updated Landscape Architectural report - Arcadia</p> <p>Notations 5, 6, 7,8 and 9 in Figure 36 above, include:</p> <ul style="list-style-type: none"> <i>5 Arbour to create a feature focal point anchoring key sightlines through Village Green</i> <i>6 Active community spaces to feature cross-generational play offering, providing an engaging space for families - putting green doubles as playspace</i> <i>7 Childrens play structure with softfall surface</i> <i>8 Paved passive community gathering spaces to cater to a range of group sizes and revolving seasonal program</i> <i>9 Screen planting to private balconies</i>
<ul style="list-style-type: none"> <i>Demonstrate how consolidation of built form and opening of ground plane as a design strategy, is helping to</i> 	<p>The proposal provides several direct benefits to the community, including the provision of affordable housing, provision of seniors housing, urban renewal and new public accessible private open spaces. As concluded in the Urban Design Statement included in Appendix F,</p>

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<p><i>benefit the community and the relationship with neighbouring properties and open space.</i></p>	<p><i>The amended proposal successfully establishes a design response that addresses the concerns raised by Liverpool City Council and the Design Excellence Panel in its review and comment on the original development application.</i></p> <p><i>The amended design is of a scale and built form that sits comfortably within its immediate site and context, with an enhanced relationship to Kurrajong Road and Randwick Close, and the existing buildings and open space network in the immediate vicinity.</i></p>
<ul style="list-style-type: none"> <i>A clear response has been made to previous panel recommendations, including the stepping of building heights across the development. However, the treatment of edges of those buildings and how they relate to the buildings to the south, and to each other is important. Re-work the section drawings to illustrate the relationship between interior spaces, adjacent outdoor spaces and to neighbouring properties.</i> 	<p>Please refer to the sections included in the Updated Landscape Architectural report at Appendix E.</p>
<p>4.3.Density</p> <ul style="list-style-type: none"> <i>The proposal is compliant with Council's FSR controls of 1.5:1 for the site. However, this density results in a lot of GFA on site. Ensure that the distribution of GFA on the site achieves quality amenity outcomes for neighbours and the community.</i> 	<p>The FSR of the Amended DA architectural drawings have been calculated at 1.476:1 based on the definition of gross floor area under the Seniors Housing SEPP and the provisions of Clause 45:</p> <p><i>(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.</i></p> <p>The gross floor area (GFA) calculations shown in the amended architectural drawings included in Appendix A of this Addendum SEE, demonstrate the floor space used to deliver on-site support services have been excluded.</p> <p>No new matters arising as the overall GFA of the proposed seniors housing development is unchanged.</p> <p>The previously proposed "communal dining, lobby, toilet amenities and kitchen" are not GFA for the purposes of the Clause 45(4) of the Seniors Housing SEPP as these are communal areas.</p>

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	<p><i>(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.</i></p> <p>The GFA used in subclause (4) above is not greater than 50% of the overall GFA and complies with this subclause.</p>
<ul style="list-style-type: none"> <i>There appears to be communal space (constituting GFA) on level 5 of one of the buildings. This is located above the 18m recommended height limit and needs to be relocated to be below the 18m limit.</i> 	<p>The amended DA architectural and landscape architectural designs include roof terraces on Level 4 of both Buildings A and B, both of which are below 18m in height.</p>
<ul style="list-style-type: none"> <i>Provide Council with confirmation of density calculations. Page 21 of the submitted presentation document notes an FSR of 1.62:1 and needs to be clarified.</i> 	<p>FSR 1.476:1 proposed – please refer to Drawing NO. DA600B.</p>
<p>4.4. Sustainability</p> <ul style="list-style-type: none"> <i>The panel notes that the sustainability aspects of the proposal are developing and becoming a core part of the proposal - this is commended, however, details have not been provided to the panel. The comments made in the previous DEP meeting still apply and need to be considered as the proposal is further developed. (Refer to previous Minutes of Meeting).</i> 	<p>The proposed Seniors Housing Development include:</p> <ol style="list-style-type: none"> 1. The Energy Efficiency details included in the BCA Report submitted with the original SEE; 2. Inclusion of solar cells on the roof of Buildings A and B; and 3. Water and energy requirements of BASIX – see new BASIX Certificate in Appendix I.

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<p>4.5. Landscape</p> <ul style="list-style-type: none"> <i>The panel commends the applicant for the approach to the open space design on the building rooftops.</i> 	<p>While the roof top communal terrace on Level 5 of Building A has been deleted as no ambulant amenities can be provided and still comply with the 18m control, both Buildings A and B include roof terraces on Level 4 with access to toileting amenities for residents.</p>
<ul style="list-style-type: none"> <i>There is still a lack of clarity in terms of which areas of ground-level open space are public, semi-public or private. The use and nature of these open space typologies needs to be clearly communicated on the plans.</i> 	<p>Please refer to the extract from page 15 of the Updated Landscape Architectural report, “Circulation Strategy” access into the site from Kurrajong Road is proposed – refer to Figure 36 below.</p>  <p>Figure 36: Extract from page 15 Updated Landscape Architectural report – Arcadia.</p> <p>The information in Figure 36 should be read in conjunction with the fencing details also included on page 15 and extracted in Figure 33, above.</p>
<ul style="list-style-type: none"> <i>The relationship of desire lines and pathways created through the site (i.e. in terms of who can use which pathways and at what times of the day/night) needs to be clearly communicated on the plans.</i> 	<p>Refer to the information detailed above in Figure 36 for pathways and desire lines.</p> <p>As detailed in the original SEE report the proposed RACF will operate 24 hours a day / 7 days a week.</p> <p>As detailed in the Lighting Statement included in Appendix X of the original SEE report, all external lighting will comply with the Australian Standard.</p>

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	<p>As detailed in the Plan of Management included in Appendix V of the original SEE report, SummitCare will provide site security and details about site safety and security.</p> <p>The CPTED Report included in Appendix Y of the original SEE report advises the proposed development has been design in accordance with CPTED principles.</p>
<ul style="list-style-type: none"> <i>The relationship between the margins of the site and adjacent development in a landscape sense is important. Select appropriate plant species to moderate interfaces between public and adjacent private open spaces.</i> 	<p>Please refer to detailed amended landscape architectural plans in Appendix D.</p>
<ul style="list-style-type: none"> <i>Clarify relationship between Landscape Design and the proposed Deep Soil Zones on the plans.</i> 	<p>The proposed development has the following setbacks:</p> <ul style="list-style-type: none"> - The basement level car parking area is proposed to be setback 7m from Kurrajong Road, as are the Kurrajong Road setbacks to Buildings A and B above; - The basement level setback 6m from the eastern boundary with Building B having a minimum setback of 6m above and Building C having a setback of approximately 8m; - The basement level setback from the western boundary is a minimum of 7m with Building A above having a setback of 7m as well; - The basement level having a setback of 10m from the south-western boundary; and - The basement level does not occupy all of the site, to afford a deep soil zone in the centre of the site for the communal landscaped area. <p>Please see Figure 37 below extract from architectural drawing DA109B Basement drawing showing the portions of the site which will be available for deep soil zones.</p> <p>Please see information included in Table 5 including Figures 27, 28, 29, 30 and 31 which demonstrate the setbacks of Building A over each level in relation to the south-western boundary and a section which details the relationship including the availability within this setback of a minimum of 10m to include deep soil zones with large tree plantings.</p>

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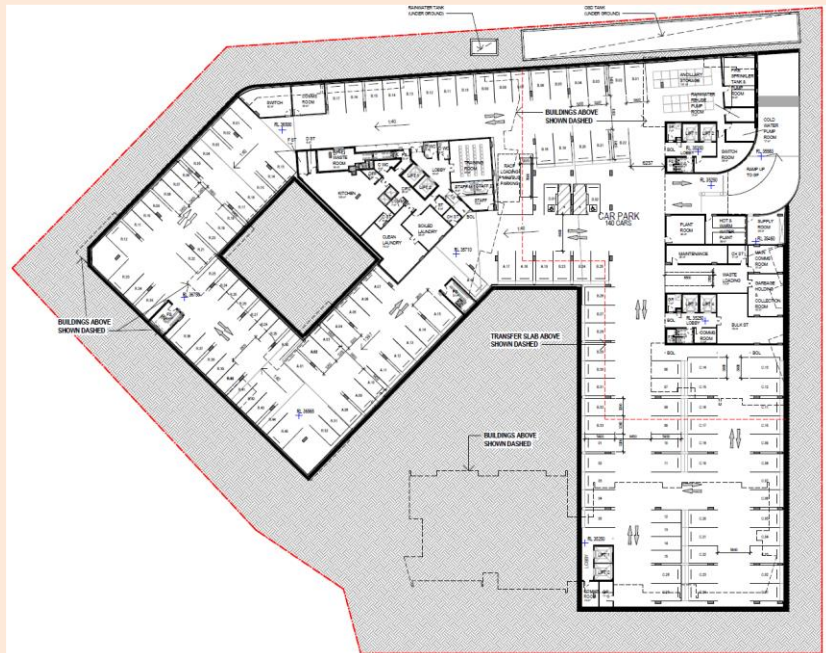


Figure 37: Extract from DA109 Basement - Amended Architectural Drawings – Jackson Teece.

- ***A successful and realistic landscape design is critical to overall success of this proposal. Species need to be chosen for their long-term performance in their specific locations on this site.***

Please refer to planting schedule in Updated Landscape Architectural Drawings in **Appendix D**.

- ***Despite the reference to an open lobby located between the two wings of building C, the lobby does not address Randwick Close, and is effectively a wall rather than a gateway into the site. Revise the proposal to achieve a more direct physical and visual link between the adjacent open space and frontage***

The concern raised has been the subject of an “Urban Design peer review” by Matthew Pullinger as included in Appendix F, who recommended design changes to the lobby / foyer area of Building C:

2. Reconfiguration of address and entry - Building C Building C has been reconfigured to improve its presentation and address as it terminates Randwick Close. By relocating the lift core of Building C (with a relatively minor increase in the extent of basement below), the two wings of Building C have been pulled further apart, while the lobby is correspondingly widened it has also been narrowed in its depth. In concert, these amendments serve to make the termination of Randwick Close present as a more inviting, lightly-glazed entry. The associated landscape design resolution (discussed later in this statement) further improves the provision of a safe,

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to Randwick Close. (Refer to recommendations made in previous DEP meeting).

direct and universally accessible path of travel at the northern extension of Randwick Close and similarly facilitates public access from Randwick Close to Daruk Park

The design of the ground floor level of Building C has been amended including:

1. the reorientating of Building C by “flipping” the design such that the lift core is now located on the western side of the entry lobby with associated changes into basement level;
2. In reorientating Building C, it was possible to width of the central lobby area between the east and western sections at each level;
3. The inclusion of a modified entrance to the site from the Randwick Close frontage, with a widened pathway and integrated accessibility ramp;
4. The provision of a widened public accessway from Randwick Close to Daruk Park by utilising a portion of the site and retention of existing tree with supplementary landscaping and renewed footpath;

As detailed in Figures 7 and 8 – also shown below:

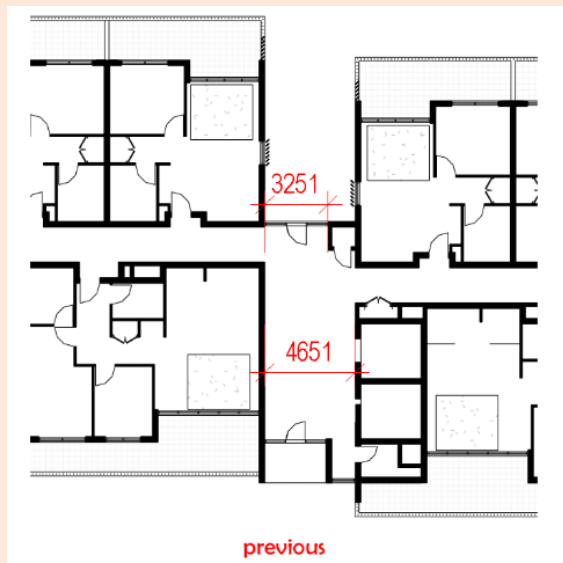


Figure 7 (repeated): Submitted DA width of the lift lobby / foyer in Building C was 3.251m wide.

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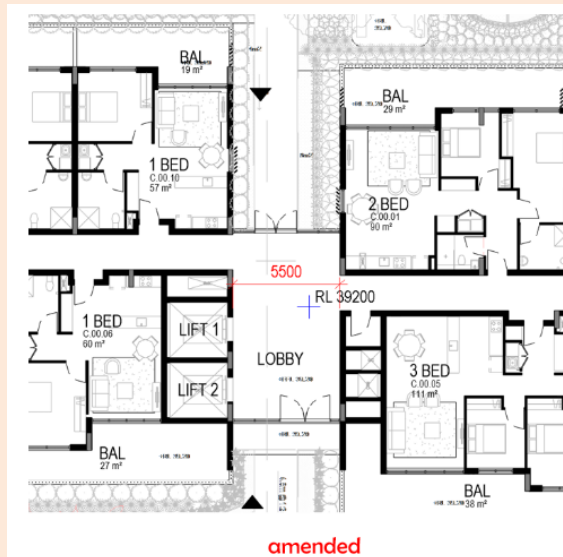


Figure 8 (repeated): Amended DA width of the lift lobby / foyer in Building C is now proposed to be widened to 5.5m wide.

4.6. Amenity

- ***The panel recommends more intense consideration of the amenity of the neighbourhood and broader community. As noted in the previous DEP meeting, provide a proposal to upgrade and embellish the walkway located between Randwick Close and the adjacent park, so that it is improved for community benefit.***

The amended design will provide for suitable amenity for the site and the broader community, as assessed in the Urban Design Statement:

4 Landscape design amendments

The proposed landscape design has been amended in several areas to address concerns raised by Council and the Design Excellence Panel.

The Northern and Western boundaries have been embellished with a variety of proposed planting species in order to better integrate the site planning into the existing landscape setting and to provide further mitigation of traffic noise and amenity issues created by the M5 corridor and Kurrajong Road.

At the primary driveway connection to Kurrajong Road, the amended design proposal extends the existing network of public footpaths from Kurrajong road into the site and to the primary building address point and internal pathway network.

The amended landscape design establishes an appropriate and safe pedestrian priority, including a new pedestrian crossing, to complete an accessible path of travel from the proposal to the wider neighbourhood. A number of material and visual cues further reinforce the pedestrian priority in this area and serve to reduce vehicle travel speeds.

At the southern interface of the site with Randwick Close, the amended proposal has improved the legibility of publicly accessible pathways into and through the site. A new connection to Daruk Park and tie-in

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	<p><i>points for potential future embellishments to Daruk Park have been provided.</i></p> <p><i>The interface between ground floor dwellings in Building A and the southern neighbouring dwellings has been clarified in detailed cross-sections indicating that private open space courtyards, and communal walking paths with appropriate landscape treatment about the site boundary and create a suitable relationship with sensitive southern neighbours and their corresponding private open space.</i></p>
4.7 Safety <ul style="list-style-type: none"> <i>Given that this is an Aged Care Facility with neighbourhood access through the site, provide greater clarity on public access into and within the site. Demonstrate a more balanced approach to permeability and legibility to the site, considerate of neighbours and residents.</i> 	<p>Please see information previously included in this table, including the extracts included in Figures 33, 34, 35 and 36 above (from the Updated Landscape Architectural report included in Appendix E).</p>
4.8 Housing Diversity + Social Interaction <ul style="list-style-type: none"> <i>NIL. The panel supports the mixed type of housing and notes that the allocation of aged care facilities and other uses on the site is clear.</i> 	<p>The proposal seeks approval as a “vertical village” under Clause 45 of the Seniors Housing SEPP as previously discussed in this Addendum report, which requires the inclusion of affordable housing, which will be managed as detailed in Appendix U of the original SEE report by a social housing provider.</p>
4.9 Aesthetics <ul style="list-style-type: none"> <i>The panel notes and supports the careful approach that has been taken, regarding the finishing to the exterior of the building. Overall, the aesthetics of the proposal have been well handled and well modelled.</i> 	<p>Noted</p>
<ul style="list-style-type: none"> <i>The articulation of buildings B and C has</i> 	<p>Noted</p>

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<i>been well resolved and is supported.</i>	
<ul style="list-style-type: none"> <i>The southern side of the development interfaces with the adjacent low-density neighbourhood. Ensure that the materials selected and building details are sympathetic to the context.</i> 	See information discussed previously in this table.

All of the matters raised by the Design Excellence Panel as detailed above have been addressed by the applicant's design team with the assistance of the peer review in the amended drawings included in Appendices A and D.

Given the Amended DA has taken "on-board" all of the matters raised by the Design Excellence Panel, which were also replicated in the SCC, and the extend of the design changes were the subject of a peer review, it is not considered necessary to refer the matter to a further meeting given the proposal has been the subject of two previous occasions.

5 APPLICANT'S RESPONSES TO COUNCIL'S SUBMISSION CONCERNING SCC

Please see below in **Table 7** the applicant's responses to the matters raised by Council in letter dated 25 August 2020 to the NSW Department of Planning, Industry and Environment (DPIE) concerning in submission to SCC:

Table 7: Applicant's responses to Council letter submission dated 25 August 2020.

COUNCIL'S LETTER DATED 25 AUGUST 2020	RESPONSE
1. Site Planning <i>Any development shall appropriately respond to the topography of the site.</i>	The proposed seniors housing development has been amended to respond to all of the feedback from the SCC, the Design Excellence Panel and Council. Please refer to Urban Design Statement in Appendix F .
2. Building Height <i>it is considered that the building height at the site should be limited to a maximum of 15m with potential for a maximum of 18m along the Kurrajong Road frontage, subject to other design considerations.</i>	The proposed seniors housing development has been amended to respond to this feedback and in particular to the height requirements of the SCC, refer to the detailed discussion in Table 5 .
3. Bulk and Scale <i>Consideration is to be given to the final bulk and scale of any future development to ensure an</i>	The proposed development has been amended and includes Building A "stepped back", refer to the information in Table 5 .

COUNCIL'S LETTER DATED 25 AUGUST 2020	RESPONSE
<p><i>acceptable built form relationship and minimisation of amenity impacts for buildings within the site and to surrounds; including but not limited to the following matters:</i></p> <p><i>The south-western side of proposed Building A should be stepped back (i.e. on the upper building floors), to achieve a more gradual transition in form away from existing residential development to the south-west of the site.</i></p>	
<p>4. Land Uses</p> <p><i>Neighbourhood Shops are a permitted use in the R4 zone. Clause 5.4 of the LLEP 2008 requires that the floor area of neighbourhood shops do not exceed 100 square metres. The applicant proposes a combined GFA of 344sqm for all neighbourhood shops proposed at the site. The combined GFA of all neighbourhood shops at the site shall not exceed 100 square metres.</i></p>	<p>As detailed previously under the heading "State Environmental Planning Policy (Infrastructure) 2007 and as detailed in Section 1.4.3 of this Addendum SEE, the ground floor level of Building B has been redesigned to remove all reference to "neighbourhood shops" and instead with a focus on a "health services facility".</p> <p>In addition, the Urban Design Statement included in Appendix F advises:</p> <p><i>3. Clarification of ground floor tenancies and proposed use</i></p> <p><i>The amended design has consolidated each of the five earlier proposed retail tenancies into a larger, single tenancy, which will be allocated to operational and support healthcare uses - rather than for retail uses. This amendment addresses concerns raised by Liverpool City Council that any Gross Floor Area allocated to retail uses be limited to 100 square metres in total.</i></p>
<p>5. Architectural Interface</p> <p><i>Consideration is to be given to the architectural interface of any future development so as to ensure quality outcomes for the site and surrounds; including but not limited to the following:</i></p> <p><i>a. The architectural interface of any development with the open space and public areas to the east, and also to the public way on Randwick Close, is required to be designed so that it is more inviting and so that these spaces connect better;</i></p>	<p>The proposed development has been amended to have consideration of this feedback as discussed in Tables 5 and 6 above.</p>
<p><i>b. The design needs to achieve a transition in bulk of the building with the existing development (i.e. to the east and south), through extensive use of</i></p>	<p>The proposed development has been amended to have consideration of this feedback as discussed in Tables 5 and 6 above.</p>

COUNCIL'S LETTER DATED 25 AUGUST 2020	RESPONSE
<i>landscape features (i.e. trees and vertical planting) and architectural features that help to reduce the contrast between the existing and the proposed built forms; and</i>	
<i>c. The northern and north-western frontages of the development (i.e. along Kurrajong Road and the Western Motorway) will be affected by traffic noise. Provide additional trees, both along the Kurrajong Road frontage, and between the lot boundary and existing noise barrier wall along the motorway, to help mitigate the impacts of traffic noise.</i>	Additional plantings have been included in the amended landscape architectural drawing included in Appendix D .
6. Permeability <i>Consideration is to be given to the permeability of any future development so as to ensure quality amenity outcomes for pedestrians at the site and to surrounds; including but not limited to the following:</i> <ul style="list-style-type: none"> <i>a. The main vehicular entry point to the site includes pedestrian crossing points, which will be used by seniors residing in the aged care facility. Incorporate traffic calming measures to provide safer pedestrian access to and from the site;</i> 	The proposed development has been amended to have consideration of this feedback as discussed in Tables 5 and 6 above.
<ul style="list-style-type: none"> <i>b. The proposed pedestrian pathway along Kurrajong Road terminates at the western side of the driveway. Include a pedestrian pathway on the eastern side of the vehicular driveway that connects to the existing pathway located north of Daruk Park, to provide pedestrian access between the site and Casula Mall;</i> 	The described pathway has been extended. The proposed design has been amended to have consideration of this feedback as discussed in Tables 5 and 6 above.
<ul style="list-style-type: none"> <i>c. The pedestrian entry from Randwick Close is not clearly defined or detailed within the drawings. The design of proposed building C needs to acknowledge the termination of Randwick Close and act as a gateway for pedestrians entering the site from Randwick Close.</i> 	The proposed development has been amended to have consideration of this feedback as discussed in Tables 5 and 6 above.
<ul style="list-style-type: none"> <i>d. Improve the pedestrian experience for existing and future residents via the provision of a widened footpaths to accommodate persons on wheelchairs,</i> 	The width of the pathway can be designed to the requirements of Council.

COUNCIL'S LETTER DATED 25 AUGUST 2020	RESPONSE
<i>provision of street lighting and shade on Kurrajong Road between the site and Casula Mall as well as a proposal to embellish the pedestrian path connecting Randwick Close to Daruk Park.</i>	The proposed design has been amended to have consideration of this feedback as discussed in Tables 5 and 6 above.
7. Vehicular Access <i>The access arrangement off Kurrajong Road shall be restricted to let-in / left- out.</i>	The access into and out of the site from Kurrajong Road can comply with this requirement.
8. Design Excellence <i>Any development is required to achieve design excellence.</i>	The proposed seniors housing development with the assistance of the requirements of the SCC, the feedback of the Design Excellence Panel
<p><i>Please note, a development application has been lodged for a seniors housing development consistent with that proposed with this application for a SCC. During the assessment of the application, the application was presented to the Design Excellence Panel (DEP) in accordance with Liverpool Design Excellence Panel Charter and Procedure.</i></p> <p><i>The application was presented to the DEP on 9 July 2020. Minutes were prepared following the meeting for the applicant's reference of matters discussed at the meeting. It should be noted that the meeting minutes also refer to an earlier DEP meeting on 13 June 2019, prior to lodgement of a development application for the proposed scheme.</i></p> <p><i>For completeness, attached is a copy both minutes from the DEP meetings held in relation to the proposed development. Please note, in addition to the above matters numbered 1 – 7, any development of the site would need to address the matters raised in the attached minutes to the satisfaction of the DEP.</i></p>	<p>A SCC was issued on 24 November 2020 as included in Appendix L.</p> <p>The amended development design responds to:</p> <ul style="list-style-type: none"> • all the items raised in the SCC; • all of the matters arising out of the Design Excellence Panel meeting on 9 July 2020; and • all of the matters raised by Council. <p>In addition, the amended proposed development has been assisted by an urban design peer review by Matthew Pullinger as detailed in Appendix F.</p> <p>Given the above the Amended DA can be supported.</p>

6 RESPONSE TO COUNCIL EMAIL DATED 23 OCTOBER 2020

Council advised via email dated 23 October 2020, that Council's environmental health officer had advised:

The submitted Detailed Site Investigation 18 Randwick Close, Casula NSW (Ref. CES161003-HC-AF, Revision 0.0) prepared by Consulting Earth Scientists Pty Ltd dated 18 September 2020 based on the investigation and assessment, concluded that no contamination was identified in the soils and that the site was deemed suitable for the proposed use.

However, groundwater contamination was identified. The following Australian and New Zealand Guidelines (ANZG) for Fresh and Marine Water Quality (2018) exceedances were identified;

Copper – GW1 (34µg/L), GW2 (29 µg/L), GW3 (4 µg/L) exceeded the ANZG (2018) criteria of 1.3 µg/L:

Nickel – GW1 (170 µg/L) exceeded the ANZG (2018) criteria of 7 µg/L: and

Zinc – GW1 (87 µg/L) and GW2(60 µg/L) exceeded the ANZG (2018) criteria of 8 µg/L.

Groundwater was identified at depths ranging from 3.47m to 5.17m BGL.

The consultant has argued that;

- Groundwater flow is likely to be to east, towards Glenfield Creek which feeds the Georges River, with the Georges River the likely receiving water body;
- The Georges River is a highly disturbed water course, therefore the 95% species protection criteria for moderately disturbed ecosystems may be overly conservative for the purposes of this assessment;
- Concentrations of copper, nickel and zinc in site soils were not elevated to an extent that would indicate a source of groundwater contamination resulting from the metals was located onsite during the sites history;
- Concentrations in GW1 (upgradient well) were higher than in GW2 and GW3 (down gradient wells) which may indicate that the concentrations are indicative of background levels or a result of offsite sources and not contamination produced by the Site's historical use;
- The wells are generally screened in clays and Bringelly Shale which was found to underlie the site. Based on the borehole logs for the site, these lithologies are likely to have low permeability;

In consideration of the above, the groundwater exceedances are unlikely to pose an unacceptable risk to Glenfield Creek or the Georges River.

In consideration of the above, remediation or management of groundwater is not required for the proposed development.

The Guidelines on the Duty to report Contamination under the Contaminated Land Management Act 1997 published by NSW EPA (2015) outlines when contamination should be reported to the NSW EPA pursuant to section 60 of the Contaminated Land Management Act 1997 (CLM Act).

The suitably qualified consultant is to confirm whether there is a need to report the contamination based on the noted document above. If so, the consultant and/or landowner are to notify as required and details are to be provided to Liverpool City Council.

It is also noted that the groundwater table may be incumbered as a result of the basement carparks that are proposed to be constructed onsite. It is assumed that the groundwater is likely to be captured and discharged into the stormwater system.

The applicant is to confirm whether this will be the case and if so, the application may require a referral to WaterNSW.

Concern is raised with the discharge of groundwater that does not meet ANZG (2018) criteria into the stormwater infrastructure as this may constitute water pollution upon discharge. The consultant is to make note and advise on how this can be mitigated/ minimised, if possible.

In response the applicant's technical experts at Consulting Earth Sciences have undertaken further site investigations and reported in letter dated 18 February 2021:

The results confirm the DSI assessment with respect to requiring remediation and/or management as:

- Groundwater flow is likely to be to the north-east, towards Brickmakers Creek which feeds Cabramatta Creek, with the Georges River likely the receiving water body;
- Concentrations in most hydraulically up-gradient GW1 monitoring well may indicate that the concentrations are indicative of background levels or a result of offsite sources and not contamination produced by the Site's historical use;
- The groundwater is in low permeability clay and Bringelly shale (expected permeability range is 10-13 to 10-9 m/s [Freeze and Cherry, Groundwater, 1979]); and
- Copper concentrations are likely to be subject to extensive natural attenuation through physical processes such as advection, diffusion, and sorption as groundwater flows to the receiving water body, therefore copper concentrations are unlikely to impact the receiving water body.

And with respect to the two matters detailed in the Council email:

5.1 ISSUE 1: DUTY TO REPORT CONTAMINATION

Section 2.5 of Guidelines on the Duty to Report Contamination Under the Contaminated Land Management Act 1997 (NSW EPA, 2015) specify the following:

"The duty to report is not intended to capture the notification of:

o widespread diffuse urban pollution that is not attributed to a specific industrial, commercial or agricultural activity".

With respect to metal concentrations in excess of the adopted screening criteria identified during the DSI (CES, 2020) and recent groundwater monitoring, the following is noted:

- Groundwater flow has been calculated (using gauging and survey data from the 23 November and 22 December 2020, respectively) to be towards the north-east;
- Copper is not a contaminant generally associated with the Site's main historical activity of poultry processing. That is to say that an onsite potential source of copper has not been identified.
- The addition of copper sulfate to poultry feed is known to be common industry practice, however no evidence of storage of feed (presence of feed stores in aerial photographs) have been identified or are considered likely to be associated with poultry processing;
- Concentrations of copper in site soils were not elevated to an extent that would indicate a source copper with the potential to lead to groundwater contamination;
- The Site's historical poultry processing sheds are located hydraulically downgradient groundwater monitoring well GW1 and cross gradient of GW2. The poultry processing sheds are therefore unlikely to be the source of the copper impact.
- GW1 and GW2 are located approximately 35 m and 40 m from their respective up hydraulic gradient site boundaries. Both monitoring wells detected elevated copper concentrations in excess of the ANZG (2018) criteria in August 2020 and GW1 in November 2020. Review of historic aerial photographs of the site did not identify an onsite copper source up hydraulic gradient of GW1 and GW2; and
- GW2 is hydraulically cross gradient of GW1, which indicates that the copper impact in groundwater is either a diffuse source, a point source a distance away from GW1 and GW2 to allow for sufficient diffusion to distribute the impact or multiple onsite sources (which is unlikely given no onsite sources have been identified);

Based on the above, it is unlikely that copper groundwater contamination is resultant from the Site's historical activity and is likely resultant from diffuse urban pollution. As evidenced by copper contamination present within hydraulically up-gradient groundwater monitoring well, GW1.

Therefore, it is unreasonable that the elevated copper concentrations represent a duty to report under the Guidelines on the Duty to Report Contamination Under the Contaminated Land Management Act 1997 (NSW EPA, 2015).

In addition, Consulting Earth Sciences has responded to the second items raised in Council's email as follows:

5.2 ISSUE 2: DISCHARGE OF GROUNDWATER

Groundwater gauging results indicate groundwater levels range between 34.83 and 35.29 mAHD. Development plans (Project No. 2016098, Drawing No. DA-109, FLOOR PLAN – BASEMENT 1, provided in Appendix E) indicate that the lowest point of the proposed basement is to be constructed at 35.35 m AHD, 0.06 m above the highest groundwater elevation detected. As such based on the measured groundwater levels, discharge of groundwater is highly unlikely to be required.

The design of the basement RL has been adjusted accordingly as discussed previously in this Amended DA in Table 4.

Consulting Earth Sciences further advises:

In addition, CES understands through discussions with the Client's civil engineer consultancy, Taylor Thomson Whitting, that:

- *The basement floor slab and lowest 1 m of the basement walls will be water-proofed;*
- *Any localised sumps or shafts extending below the groundwater table will be fully tanked;*
- *In the highly unlikely event of groundwater seepage into the basement from above 1 m from the basement floor, approximately 1.0 m above the recorded groundwater level, suitable seepage collection infrastructure (Agricultural Lines) is proposed to collect seepage. Seepage water will be combined with site stormwater prior to discharge; and*
- *Groundwater seepage into the basement is considered highly unlikely, given the low permeability formation encountered at the site, the groundwater elevation detected below the basement floor slab and the treatment of basement slab and walls.*

As such, the provisions of SEPP 55 have been satisfied by the Amended DA and its support information.

7 CONCLUSION

The Amended DA includes a number of reductions in building heights to Buildings A and B when compared to the original DA, involves a minor reduction in FSR, has revised and refined the overall proposed seniors housing development design and improved a number of landscape features. The Amended DA design changes are not drastic and respond to the feedback received on various matters raised in the issued SCC, by the DEP and Council and can be considered improvement when compared to the original DA. Therefore, the Amended does not trigger a need for renotification under the former provisions of the Liverpool Development Control Plan 2008 or current Council's adopted Liverpool Community Participation Plan 2019:

If in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, the application will be notified for a period of 14 days.

We trust the above information will assist Council in assessing the Amended DA favourably when undertaking its assessment report for the panel determination meeting.

Should Council still have a concern regarding the Amended DA, the applicant requests Council's feedback and co-operation to understand the concern in detail prior to an assessment report being completed.

For any queries or require clarification on any matters please do not hesitate to contact the undersigned on (02) 9929 4044.

Yours sincerely,



**Marian Higgins
Planning Manager
Higgins Planning Pty Ltd**

APPENDIX A – AMENDED ARCHITECTURAL DRAWINGS

APPENDIX B – NEW SEPP 65 DESIGN VERIFICATION STATEMENT

APPENDIX C – UPDATED DESIGN REPORT

APPENDIX D – AMENDED LANDSCAPE CONCEPT DRAWINGS

APPENDIX E – UPDTAED LANDSCAPE ARCHITECTURAL REPORT

APPENDIX F – URBAN DESIGN PEER REVIEW STATEMENT

APPENDIX G – UPDATED CLAUSE 4.6 VARIATION REQUEST TO VARY CLAUSE 4.4 FSR UNDER LLEP

APPENDIX H – UPDATED CLAUSE 4.6 VARIATION REQUEST TO VARY CLAUSE 4.3 HOB UNDER LLEP

APPENDIX I – NEW BASIX CERTIIFCATE

APPENDIX J – FURTHER SITE INVESTIGATIONS

APPENDIX K – UPDATED FLOOD ASSESSMENT

APPENDIX L – SITE COMPATIBILITY CERTIFICATE