

# SYDNEY WESTERN CITY PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSWC-83
<b>DA Number</b>	DA-220/2020
<b>LGA</b>	Liverpool City Council
<b>Proposed Development</b>	<p>Construction of a Seniors Housing Development comprising a 142-room residential care facility and 93 independent living units in 3 buildings over basement parking, together with associated facilities, services and associated healthcare services facility.</p> <p>The application is lodged pursuant to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p>
<b>Street Address</b>	18 Randwick Close, Casula
<b>Applicant/Owner</b>	Centurion Group / Besol Pty Ltd
<b>Date of DA lodgement</b>	11/03/2020
<b>Number of Submissions</b>	None
<b>Recommendation</b>	Approval, subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development))</b>	The development has a CIV of \$49,382,444, pursuant to Clause 5 of Schedule 7.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s4.15(1)(a)(i):</i> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development.</li> <li>○ State Environmental Planning Policy No.55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>○ Liverpool Local Environmental Plan 2008</li> </ul> </li> <li>• <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(1)(a)(ii):</i> <ul style="list-style-type: none"> <li>○ Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP”.</li> </ul> </li> <li>• <i>List any relevant development control plans: s4.15(1)(a)(iii):</i> <ul style="list-style-type: none"> <li>○ Liverpool Development Control Plan 2008 <ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development</li> <li>- Part 3.7 – Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <i>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iv):</i> <ul style="list-style-type: none"> <li>○ No planning agreement relates to the site or proposed development.</li> </ul> </li> <li>• <i>List any relevant regulations: s4.15(1)(a)(iv):</i> <ul style="list-style-type: none"> <li>○ Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC).</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Recommended conditions of consent</li> <li>2. Architectural plans</li> <li>3. Landscape plans and Landscape Report</li> <li>4. Stormwater/Drainage plans and Stormwater Report</li> <li>5. Statement of Environmental Effects, and Addendum to SEE</li> <li>6. Design Verification Statement</li> <li>7. Urban Design Statement</li> <li>8. Urban Design Review</li> <li>9. Seniors Housing SEPP Assessment</li> <li>10. Clause 4.6 Variation Request</li> <li>11. Site Compatibility Certificate</li> <li>12. Plan of Management</li> <li>13. Traffic Report</li> <li>14. Waste Management Plans</li> <li>15. Preliminary Site Investigation, Detailed Site Investigation Assessment and Further Site Investigation</li> <li>16. Flood Assessment</li> <li>17. Social Impact Statement</li> <li>18. Social Housing Provider letter</li> <li>19. Acoustic Report</li> <li>20. Arboricultural Report</li> <li>21. Biodiversity Impact Assessment</li> <li>22. Lighting Statement</li> <li>23. Crime Prevention Report</li> <li>24. Survey of Distance and Gradient</li> <li>25. Accessibility Assessment Report</li> <li>26. BCA Report</li> <li>27. BASIX Certificate and Report</li> <li>28. Services Infrastructure Report</li> <li>29. Design Excellence Panel Comments</li> </ol>
<b>Clause 4.6 requests</b>	The applicant has provided an assessment under Clause 4.6 to vary the maximum height limit under Clause 4.3 of the LLEP 2008.
<b>Summary of key submissions</b>	No submissions were received.
<b>Report prepared by</b>	Adam Flynn – Senior Development Assessment Planner
<b>Report date</b>	28 June 2021

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Yes</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>Not Applicable</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

The Sydney Western City Planning Panel is the determining authority as the development has a Capital Investment Value over \$30 million, pursuant to Clause 5 of Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

### **1.2 The proposal**

The application proposes the construction of a Seniors Housing Development comprising a 142-room residential care facility and 93 independent living units in 3 buildings over basement parking, together with associated facilities, services and retail shops.

The application is lodged pursuant to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

### **1.3 The site**

The subject site is identified as Lot 104 in DP 863214, being 18 Randwick Close, Casula.

### **1.4 The issues**

The main issues identified in the assessment relate to the following:

1. The applicant has provided a written request under Clause 4.6 to vary the maximum height limit. The submitted written request to vary Clause 4.3 – height of buildings development standard has been assessed against the provisions of Clause 4.6; the objectives of the clause being varied; and the objectives of the R4 zone. The variation request is considered to be acceptable in this instance.
2. There were a number of issues in the originally submitted application, mainly relating to the height of Building A and the relationship between the development and the surrounding area and adjacent public domain. These issues were further relayed by the DEP and the SSWC Planning Panning in the issue of the Site Compatibility Certificate for the site. The applicant revised the scheme by reducing the building height, and improving the relationship with the surrounding public domain, which has addressed the concerns originally raised.

Notwithstanding the issues listed above, the proposal is considered an acceptable form of development in the circumstances and is worthy of support, subject to conditions.

### **1.5 Exhibition of the proposal**

In accordance with the Liverpool Community Participation Plan 2019, the application was notified for a 14-day period, from 18 May 2020 to 3 June 2020. No submissions were received in relation to the proposed development.

### **1.6 Conclusion**

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application and the amendments made to the original proposal by the applicant, it is recommended that the DA be approved, subject to the recommended conditions of consent.

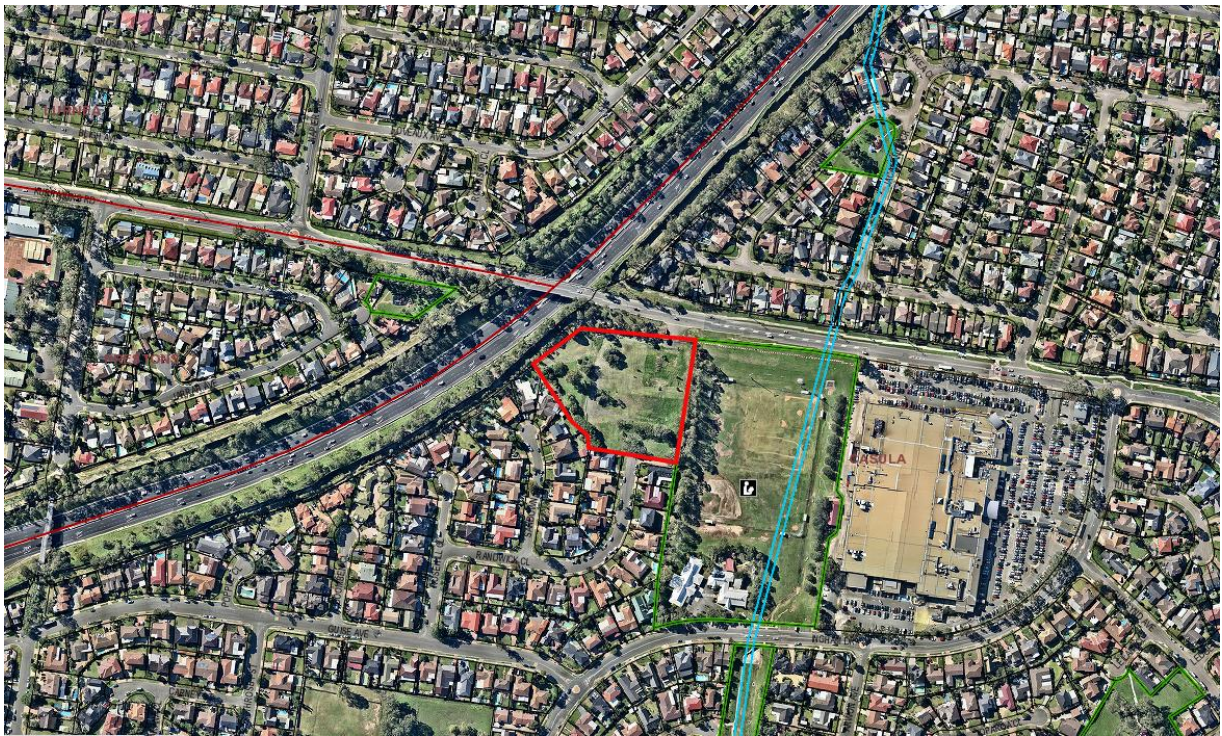
## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lot 104 in DP 863214, being 18 Randwick Close, Casula. The site is irregular in shape with a total area of 1.319ha. The site has a frontage to Kurrajong Road of 105m, and a small frontage to the end of Randwick Close of 18m.

The site is currently vacant.

An aerial photograph of the subject site is provided below.



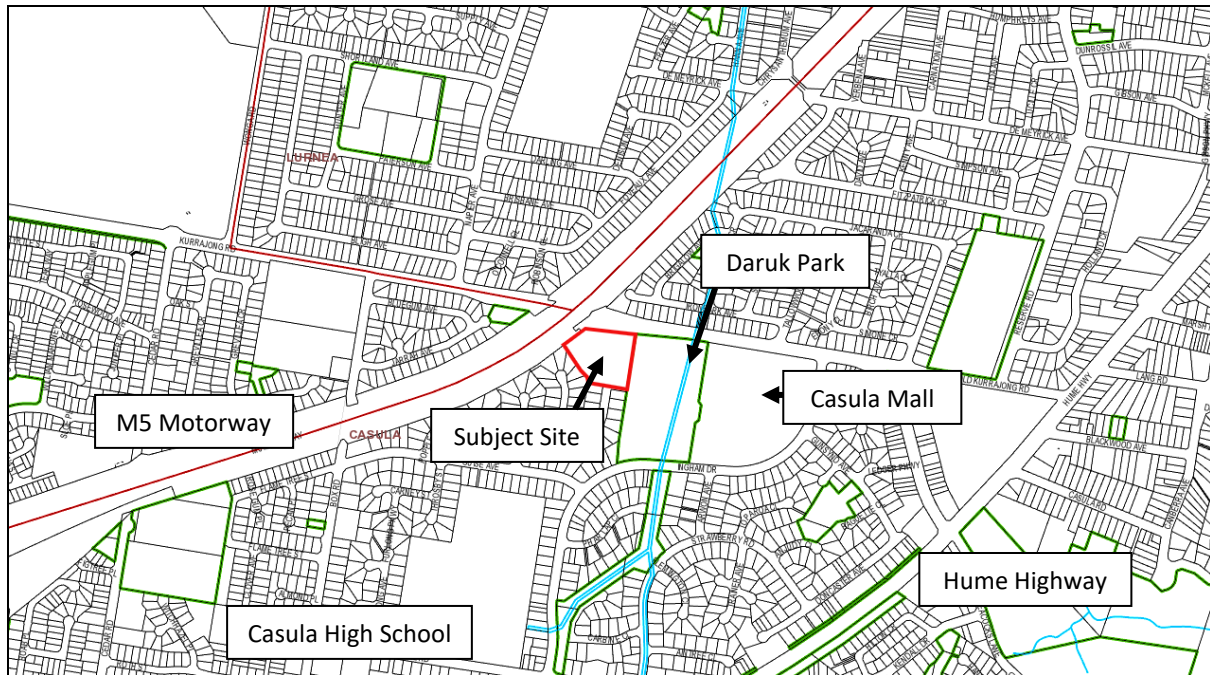
**Figure 1:** Aerial Photograph

### 2.2 The locality

The subject site is located on the southern side of Kurrajong Road, within the Casula. It is located between the M5 Motorway to the west and Daruk Park to the east. The site sits to the west of Casula Mall and to the north of Casula High School, as indicated in Figure 2.

The locality within the immediate vicinity of the subject site is predominately of a low to medium density scale, being a primarily residential area surrounding Casula Mall. The residential properties are made up of a mixture of one and two-storey dwellings. A 5-storey residential flat building is currently under construction (under DA-681/2018) across Kurrajong Road to the northeast.





**Figure 2: Context**

## **2.3 Site affectations**

### **2.3.1 Classified Road Noise**

The site is affected by Classified Road noise from the M5 Motorway.

### **2.3.2 Gas Pipeline**

The site is located with the Asset Notification Zone for the Jemena Gas Pipeline.

### **2.3.3 Salinity**

The site contains soils with a mixture of Moderate and High Salinity potential.

## **3. BACKGROUND**

The following list provides a history of the current development application:

- Application lodged 11/03/2020
- Application presented to DEP 09/07/2020
- Application briefed to SWCPP on 10/08/2020
- Site Compatibility Certificate briefed to SWCPP on 31/08/2020
- Request for further information (to address DEP and Panel concerns) sent 25/10/2020
- Site Compatibility Certificate issued 24/11/2020
- Final revised documentation to address above received by Council on 12/03/2021
- Application presented to DEP 10/06/2021

### **3.1 Site Compatibility Certificate**

As required under clause 25 of the Seniors Living SEPP, the development was required to be submitted to the Sydney Western City Planning Panel for a Site Compatibility Certificate.

This certificate was issued on 24 November 2020, with the Panel certifying that in their opinion:

- the site described in Schedule 1 is suitable for more intensive development;
- the development described in Schedule 1 is compatible with the surrounding environment having had regard to the criteria specified in clause 25(5)(b);
- that development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of this certificate.

### **SCHEDULE 1**

**Site description:** 18 Randwick Close, Casula

**Development description:** Proposal for a Vertical Seniors Housing Village

### **SCHEDULE 2**

#### **Requirements imposed on determination:**

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:
  - 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;
  - b) Other than item a) above, the remainder of the development not to exceed a maximum building height of 15m;
  - 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 (existing and likely future).
  - d) In achieving c) above, Building C to be a maximum of 3 storeys and below the maximum 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.
2. To assist in achieving a compatible built 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.

### **3.2 Planning Panel Briefing**

The proposal was briefed to the Sydney Western City Planning Panel on 10 August 2020. The key issues outlined at the briefing to be addressed by Council are as follows:

- *The Panel notes the height exceedance which will need to be justified against the usual clause 4.6 principles and considered in light of the advice of the Design Review Panel, but agrees there is merit in relocating bulk of the development away from the adjoining residential housing in Randwick Close.*

- *The architectural interface with the open space and public areas to the east, and also to the public way on Randwick Close, require careful attention.*
- *The Panel will look to ensure that if any bonus is to be obtained through the application of the affordable rental housing provisions of the Seniors and Disability Housing SEPP, mechanisms are in place to ensure the relevant dwellings are managed as affordable rental housing in accordance with the requirements of the SEPP.*
- *The comments of the Design Review Panel in relation to the permeability of the site, and the way in which the development entrances interfaces with adjoining public spaces, require attention in the design.*
- *The ecological performance of the building could be improved by provision for solar panels on the expansive roof spaces with provision for battery storage.*
- *The assessment should have regard to Development Near Rail Corridors and Busy Roads – Interim Guideline (Part C-4 - Air Quality near busy roads).*

**Comment:** The height of the proposal has been revised following review by the DEP and the issuing of the SCC for the proposal. A Clause 4.6 has been submitted to further support the height exceedance.

The public interface has been improved with landscaping treatment, especially the treatment and path to the end of Randwick Close. The revised landscaping has also addressed the permeability of the site.

Provision for solar panels have been made on the roof, and the submitted documents deal with the proximity to the M5.

Based on the amended plans provided, it is considered that the proposal provides a development that adequately addresses the concerns raised by the Panel and is worthy of support in this case.

### **3.3 Design Excellence Panel**

The proposal was presented to Council's Design Excellence Panel (DEP) on 13 June 2019 at Pre-DA stage, then again on 9 July 2020 following the lodgement of the DA. The DA underwent a number of design and layout changes following DEP and in response to Council comments. As a result, the DA was presented to DEP again on 10 June 2021. The DEP provided the following comments in relation to this latest revision of the proposal:

- *The Panel notes that the applicant has appropriately addressed the issues of excessive building height and the lack of a defined entry sequence to the development/building through Randwick Close. The Panel appreciates the overall design outcome of the proposed scheme.*
- *The Panel recommends the applicant to retain the project architect throughout the design process to detail out the building right up to (Occupation Certificate) OC stage to ensure design integrity and consistency within the quality of the proposed built outcome.*
- *The Panel notes that the proposed changes to the built form reduces the overall building height making the scheme compliant with minor breaches in building height. The Panel is supportive of the proposed built form.*

**Comment:** Noted



- *The Panel notes that there is an excessive amount of rendered concrete façade throughout the development. The Panel recommends the applicant to incorporate additional brick façade as part of the development to break the monotony of rendered concrete and ensure ease of maintenance for the building.*
- *The panel requires the applicant to provide 1:20 wall sections and additional fenestration details for the building facade.*

**Comment:** A condition is recommended to provide additional material details, including plans at 1:20 scale.

- *The Panel notes that Room 08 & Room 33 (i.e. adjoining the dining and kitchen areas) may have reduced privacy due to its proximity to the dining area/outdoor terrace. The Panel recommends the applicant to incorporate additional separation between these rooms and/or incorporate measures to achieve privacy while maintaining amenity & solar access for the living areas.*

**Comment:** It is considered that this issue will be addressed by the applicant in their management of the proposal.

- *The Panel supports the overall density being proposed on site.*

**Comment:** Noted

- *The Panel questions if the applicant is proposing to incorporate PV panels as part of the design. The Panel recommends that majority of communal lighting and outdoor lighting should be catered through renewable sources (i.e. PV panels) to achieve a long-term resilience for the development.*

**Comment:** A condition for the applicant to use PV panels is recommended.

- *The Panel appreciates the holistic approach taken by the architects/landscape architects while designing the proposal and notes that the extensive landscaping being proposed on site will help improve the micro-climate during peak summer.*
- *The Panel notes that the applicant has incorporated additional landscaping to the laneway connection to Daruk Park which would provide greater amenity to the residents of the aged care and to the neighbouring residential dwellings. This is supported by the Panel.*

**Comment:** Noted

- *Panel questions the amount of solar access and levels of lighting for the Dementia courtyard especially during winter. The Panel recommends the applicant to create an environment that allows the residents to engage with nature and ensure adequate landscape/vegetation is selected to achieve some amount of solar access to the southern side of the Dementia Courtyard.*
- *The Panel questions the amount of shade being proposed on the rooftop communal areas and recommends the applicant to ensure adequate thermal comfort on the rooftop areas during peak summer.*

- *The Panel questions the scale of vegetation/trees being proposed within the development especially along the elliptical lawn area in the centre. The Panel recommends the applicant to incorporate large shade trees that complement the overall built form as part of the landscape and provide additional landscape volume to the proposal.*
- *The Panel requires the applicant to ensure that there is some level of solar amenity within the Dementia Courtyard for the residents to enjoy during cold winter months.*

**Comment:** Solar access and shading is considered sufficient and it is considered that the applicant will provide quality communal open space for their residents.

- *The Panel appreciates the proposed materiality for the development and recommends the applicant to judiciously incorporate additional brick facades within the building where possible.*

**Comment:** Noted, see above.

In conclusion, the Panel stated that they support the proposal.

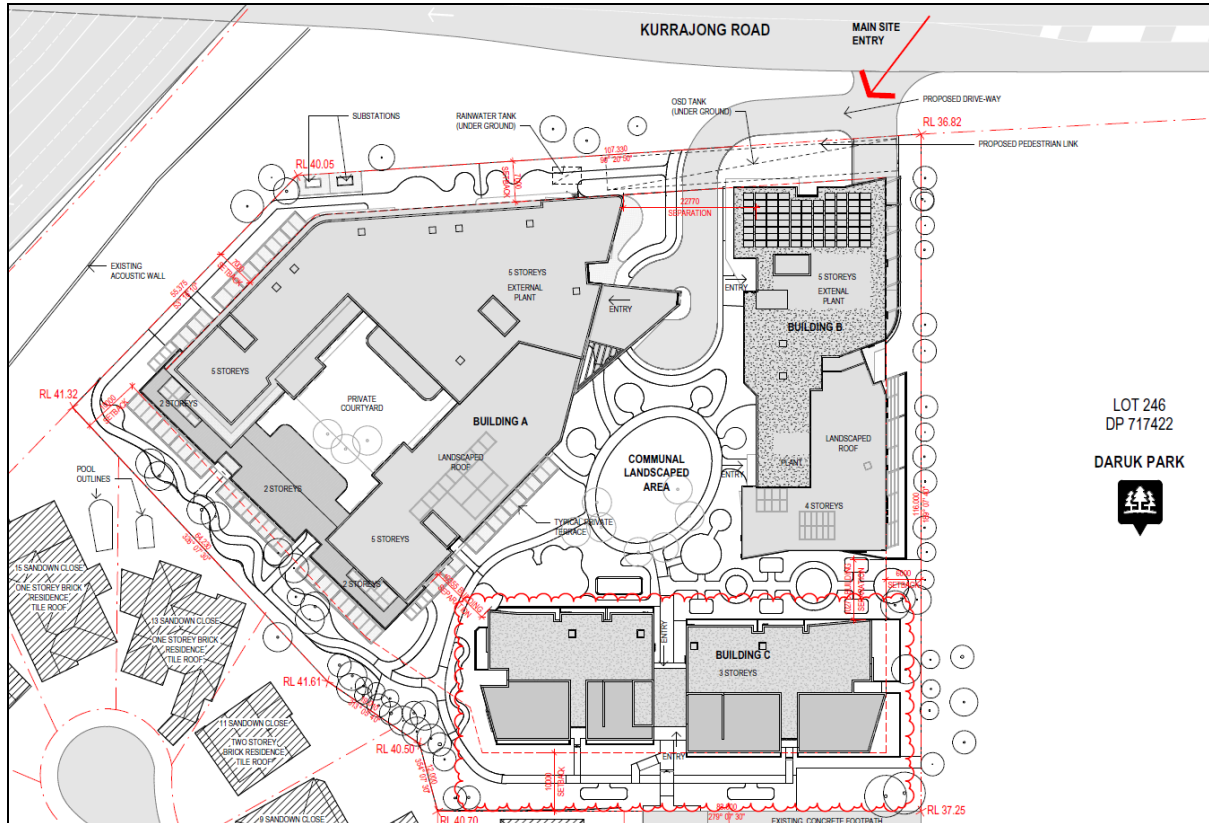
It is considered that the applicant has adequately addressed the matters raised by the DEP at all of the review meetings. In this regard, the proposed development is considered to exhibit design excellence.

#### **4. DETAILS OF THE PROPOSAL**

Development consent is sought for a senior's housing development, in three buildings consisting of the following:

- 142-room residential care facility
- 93 independent living units
- Building A – 5-stories
  - 142 room residential care facility, including:
    - Ground floor amenities for residents, staff and visitors
    - Communal dining and living areas at each level
    - Nursing stations, physio rooms, administration rooms, amenity rooms, catering, laundry, etc.
    - Reception and lobby
    - Hairdressing salon
    - Plant and storage areas
  - 24 independent living units
  - Communal roof terrace with pergola at Level 4
- Building B – 5-stories
  - 39 independent living units
  - Ground floor tenancy for a proposed healthcare services facility
  - Communal roof terrace with pergola at Level 4
  - Plant room at roof level (Level 5)
- Building C – 3-stories
  - 30 independent living units
- Basement level providing 140 car parking spaces (including 2 accessible spaces, and loading/mini-bus parking), waste facilities, storage, kitchen, laundry, plant and other facilities
- Site preparation and earthworks

- Construction of electrical substations
- Ambulance bay and loading dock
- New driveway and associated hard surfacing
- Landscaping, including garden settings and private communal courtyards at ground floor level, roof garden and landscaped areas, landscaping within setbacks, and deep soil areas.
- External footpath improvement and landscaping from Randwick Close to Daruk Park.



**Figure 3: Site Layout**



**Figure 4:** View from Kurrajong Road



**Figure 5:** View of internal courtyard and entry space





**Figure 6:** Indicative aerial view

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Liverpool Local Environmental Plan 2008

#### Draft Environmental Planning Instruments

- Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018.



## Development Control Plans

- Liverpool Development Control Plan 2008
  - Part 1 – Controls applying to all development
  - Part 3.7 – Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)

## Contributions Plans

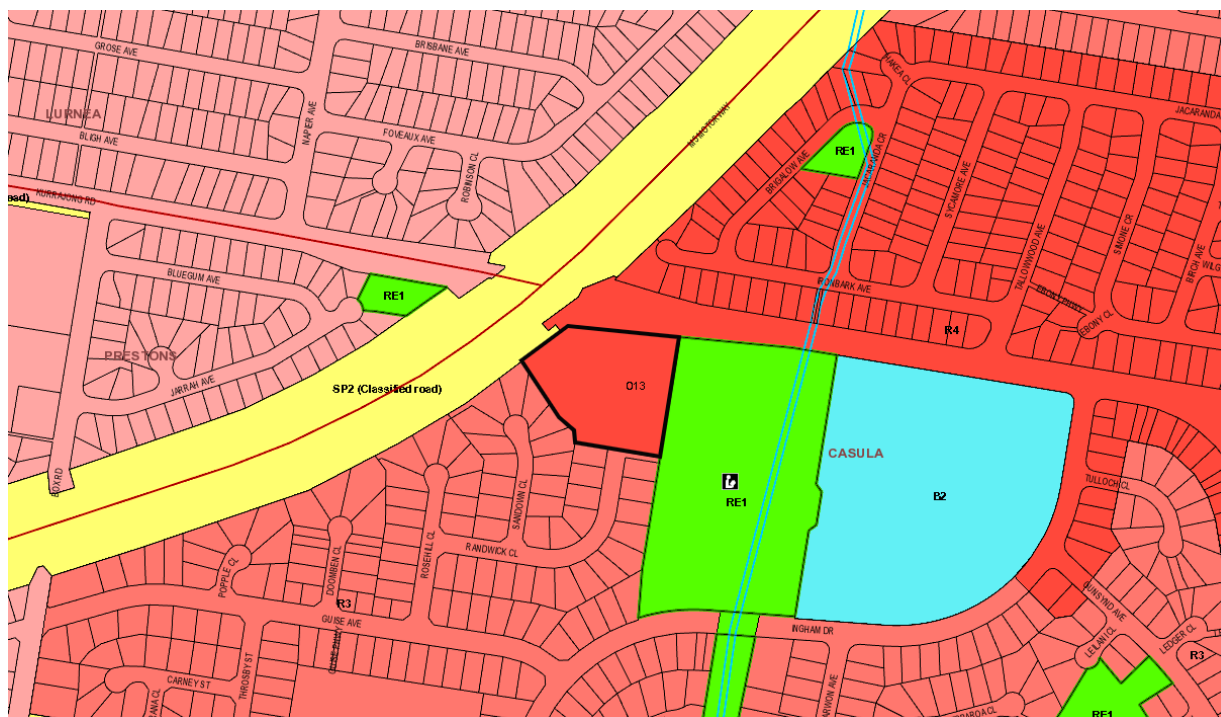
- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EPA & Act.

## Other Relevant Guidance

- Seniors Living Policy 2004
- Apartment Design Guide 2015

## 5.2 Zoning

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in the figure below.



### Figure 7: Zoning Map

### 5.3 Permissibility

The site is zoned R4 – High Density Residential pursuant to LLEP 2008.

The subject application is being proposed under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP). The proposed development would be defined as “*Seniors Housing*” and more specifically a *residential care facility and a group of self-contained dwellings*. Seniors Housing under the Seniors Housing SEPP is defined as;

***“seniors housing”** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

*but does not include a hospital”.*

A residential care-facility under the Seniors Housing SEPP is defined as;

***“residential care facility”** is residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

*not being a dwelling, hostel, hospital or psychiatric facility”.*

The proposed development involves a “residential care facility”, will include all of the items at (a) to (c), and will be licensed in accordance with the *Aged Care Act 1997* (Cth) as administered by the Commonwealth when operational.

In addition, the proposal includes “self-contained dwellings” within Buildings A, B and C in the form of independent living units (ILUs) which are consistent with the provisions of Clause 13 of the Seniors Housing SEPP, as follows:

*(1) **General term: “self-contained dwelling”** In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

*(2) **Example: “in-fill self-care housing”** In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

*(3) **Example: “serviced self-care housing”** In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.*

A residential care facility is a form of development that is covered by the Seniors Housing SEPP pursuant to Clause 4(1). Clause 4(1) of the Seniors Housing SEPP 2004 states the following:

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

- (a) development for the purpose of any of the following is permitted on the land:*
  - (i) dwelling-houses,*
  - (ii) residential flat buildings,*

- (iii) hospitals,
- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.

The proposed development is located within an R4 zone pursuant to the Liverpool Local Environmental Plan (LLEP) 2008. Under the R4 zone of LLEP 2008 “dwelling houses” and “residential flat buildings” are a permitted form of development. Therefore, having regard to Clause 4(1)(a), the development site is considered to be located on land zoned primarily for urban purposes and the provisions of the Seniors Housing SEPP are applicable to this development proposal.

This application proposes a “vertical village” 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.*

The R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 enables the land to be developed for “residential flat buildings” as a specifically listed permitted form of development.

Therefore, having regard to the above the proposed development is permissible under the Seniors Housing SEPP and is not required to address permissibility under the LLEP 2008.

## **6. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* as follows:

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

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

The DA has been lodged pursuant to the SEPP (Housing for Seniors or People with a Disability) 2004. The proposal demonstrates full compliance with the relevant provisions, as detailed below:

PROVISIONS	PROPOSAL	COMPLIANCE
<b>17 Development on land adjoining land zoned primarily for urban purpose</b>	The site itself is zoned for urban purposes.	Not applicable
<b>18 Restrictions on occupation of seniors housing allowed under this chapter</b> (1) Development allowed by this Chapter may be carried out for the accommodation of the following only— (a) seniors or people who have a disability,	The proposal is for seniors housing.	Complies

<p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless—</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p>	<p>The applicant has agreed to conditions limiting the occupants of the development.</p>	<p>Complies</p>
<p><b>19 Use of seniors housing in commercial zones</b></p>	<p>The site is not located within a commercial zone</p>	<p>Not applicable</p>
<p><b>21 Subdivision</b></p> <p>Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.</p>	<p>No subdivision proposed</p>	<p>Not applicable</p>
<p><b>22 Fire sprinkler systems</b></p> <p>Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.</p>	<p>Proposed as part of the application</p>	<p>Not applicable</p>
<p><b>23 Development on land used as an existing registered club</b></p> <p>A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless</p>	<p>The site is not land used by an existing registered club</p>	<p>Not applicable</p>
<p><b>24 Site compatibility certificates (SCC) required for certain development applications</b></p> <p>(1) This clause applies to a development application made</p>	<p>The application seeks an FSR bonus under Clause 45 of the Seniors Housing SEPP. As such, an SCC is required for this application.</p>	<p>Complies</p>

<p>pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if—</p> <p>(a) the development is proposed to be carried out on any of the following land to which this Policy applies—</p> <p>(i) land that adjoins land zoned primarily for urban purposes,</p> <p>(ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),</p> <p>(iii) land that is used for the purposes of an existing registered club, or</p> <p>(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.</p> <p>(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.</p> <p>(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel’s opinion—</p> <p>(a) the site of the proposed development is suitable for more intensive development, and</p> <p>(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria</p>	<p>An SCC was issued for this application in November 2020.</p>	
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specified in clause 25 (5) (b).		
<b>25 Application for site compatibility certificate</b> Provides details of the application process for an SCC	An SCC was issued for this application in November 2020.	Complies
<b>26 Location and access to facilities</b> (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.  (2) Access complies with this clause it The facilities in subclause (1) are within 400m via a suitable access with gradient of no more than 1:14.  Or a bus stop located within 400m (with a gradient of no more than 1:14) with a bus service that must be available to and from the site at least once between 8am to 12 noon per day and at least once between 12 noon and 6pm on weekdays.	<p>Casula Mall is located generally within 400m of the site and complying bus stops with services that run to Liverpool CBD are also located within 400m of the site.</p> <p>Complying access to shops, bank service providers and other retail and commercial services is available at Casula Mall and Liverpool CBD, subject to construction of a complying access pathway between the site and the entrance to Casula Mall along the southern side of Kurrajong Road.</p> <p>Complying access to community services and recreation facilities is available at bus stops in Kurrajong Road, Casula Library, Casula Community Hall, Daruk Park and Liverpool CBD subject to construction of a complying access pathway between the site and Casula Library through Daruk Park and provision of seating in Daruk Park.</p> <p>Complying access to the practice of a general medical practitioner is available in Liverpool CBD.</p> <p>The access report submitted with the application contains recommendations for works to upgrade the footpath infrastructure in the vicinity, which will ensure the access required is compliant. The applicant has agreed to implement these recommendations, which will provide a wider public benefit of the proposal.</p>	Complies with conditions

<p><b>27 Bush fire prone land</b> A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p>	<p>The site is not bush fire affected.</p>	<p>Not applicable</p>
<p><b>28 Water and sewer</b> A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p>	<p>Site is fully serviced for water and sewerage.</p>	<p>Complies</p>
<p><b>29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</b> (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.</p>	<p>An SCC is required under Clause 24, therefore this clause does not apply</p>	<p>Not applicable</p>
<p><b>30 Site analysis</b> A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p>	<p>A site analysis has been included as part of the application.</p>	<p>Complies</p>
<p><b>31 Design of in-fill self-care housing</b> In determining a development</p>	<p>The development involves in-fill self-care housing. As such, the provisions of the “Seniors Living</p>	<p>Complies</p>

<p>application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.</p>	<p>Policy: Urban Design Guidelines for infill Development” apply.</p> <p>These provisions have been considered in the design of the proposal, and are generally considered compliant. However, given the form of the development, assessment under SEPP65 and the ADG is considered more appropriate, which is assessed in the following section.</p>	
<p><b>32 Design of residential development</b></p> <p>A consent authority must not consent to a DA unless it is satisfied that the development demonstrates adequate regard to the principles of Division 2 (Clauses 33 to 39).</p>	<p>Each element discussed below.</p>	<p>Complies</p>
<p><b>33 Neighbourhood amenity and streetscape</b></p> <p>Development should: recognise desirable elements of current character and desired future character; maintain reasonable amenity and residential character by building setbacks to reduce bulk and overshadowing, building form and siting relative to the land form; compatible building heights; consistent front setback; and consistent landscaping.</p>	<p>The proposed development relates to the character of the locality and provides a varied form to reduce the bulk of the building. Appropriate setbacks are provided to maximise amenity for residents of the proposal and adjoining properties. There is limited overshadowing of adjoining residential properties, given the orientation of the development site and the orientation of the development itself.</p> <p>The building heights along the Kurrajong Road frontage is considered to be compatible with the desired future character of adjoining sites particularly when having regard to the R4 zoning. The proposed development allows for an appropriate presentation to the street, and provides appropriate setbacks.</p> <p>The proposed development allows for an appropriate transition and buffer to adjoining sites to the southwest while providing a suitably designed development that has appropriately considered the</p>	<p>Complies</p>

	<p>attributes of the development site.</p> <p>Comprehensive landscaping of the site improves the setting of the site.</p>	
<p><b>34 Visual and acoustic privacy</b> Appropriate site planning, location and design of windows and balconies, screening devices.</p> <p>Locating bedrooms away from driveways, parking areas and footpaths to ensure acceptable noise levels.</p>	The proposal was accompanied by an acoustic report that has demonstrated the proposed development can be designed to alleviate potential acoustic privacy impacts within the development and on adjoining development.	Complies
<p><b>35 Solar access and design for climate</b> Ensure adequate daylight to main living areas of neighbours and residents; and sunlight to private open space. Site planning to reduce energy and maximise use of solar energy and natural ventilation.</p>	<p>The design and height of each building has been sited so as to minimise its shadow impact on adjoining properties and ensure adequate solar access and daylight to the main living areas and private open spaces of neighbours in the vicinity of the development. Shadow diagrams provided demonstrate the adjoining sites receive the required 3 hours of solar access between 9am-3pm on 21 June.</p>	Complies
<p><b>36 Stormwater</b> Control and minimise disturbance and impacts of stormwater runoff. Include on-site detention or re-use for second quality water uses.</p>	Stormwater design assessed by Council's Engineering officers.	Complies
<p><b>37 Crime prevention</b> Provide personal property security for residences and visitors and encourage crime prevention.</p>	<p>The proposed development has been designed to meet the standards of the CPTED principles. The development has been designed to promote active and passive surveillance, providing appropriate CCTV and access control devices to limit access to appropriate people.</p> <p>The proposed development has provided appropriate lighting and signage to distinguish between public/private spaces.</p>	Complies
<p><b>38 Accessibility</b> Provide obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.</p> <p>Provide attractive and safe</p>	Access report submitted with application provides recommendations to achieve access in accordance with DDA and BCA.	Complies

pedestrian and motorist environments with convenient access and parking.		
<b>39 Waste management</b> Provide waste facilities that maximise recycling.	Appropriate waste management proposed. Comprehensive waste management plan provided and considered satisfactory.	Complies
<b>40 Development standards minimum sizes and building height</b> <b>(1) General</b> 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.  <b>(2) Site size</b> The size of the site must be at least 1,000 square metres.  <b>(3) Site frontage</b> The site frontage must be at least 20 metres wide measured at the building line.  <b>(4) Height in zones where residential flat buildings are not permitted</b>  <b>(5) Development applications to which clause does not apply</b> Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) the Department of Housing, (b) any other social housing provider.	Noted  Site is 13,194sqm  Site has 107m frontage to Kurrajong Road  Residential flat buildings are permitted in the R4 zone  SummitCare is not a registered not-for-profit organisation, therefore the above clauses apply.	Complies  Complies  Complies  Not applicable  Complies
<b>45 Vertical Villages</b> <b>(1) Application of clause</b> 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.  <b>(2) Granting of consent with bonus floor space</b> Subject to subclause (6), a consent authority may consent to a development application made pursuant to this	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.  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	Complies  Complies



<p>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.</p> <p><b>Note.</b> 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.</p>	<p>of the Liverpool Environmental Plan 2008. The proposed FSR of the Seniors Housing Development is to be 1.476:1.</p> <p>With the issue of the Site Compatibility Certificate (SCC), the bonus FSR has been confirmed as available to be included in this vertical village development under the Seniors Housing SEPP.</p>	
<p>(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.</p>	<p>The SEPP takes precedence over the FSR requirements of the LLEP.</p>	<p>Noted</p>
<p>(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.</p>	<p>The GFA of the development has been calculated taking these elements into consideration.</p>	<p>Complies</p>
<p>(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.</p>	<p>The GFA excluded is less than 50% of the overall GFA.</p>	<p>Complies</p>
<p><b>(6) Requirements relating to affordable places and on-site support services</b> 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,</p>		

that— (i) the proposed development will deliver on-site support services for its residents, and (ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and (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.	Suitable on-site support services are provided.	Complies
	Over 10% of units are provided as affordable places.	Complies
	The affordable units are shown on the architectural plans	Complies
(7) <b>Grounds on which consent cannot be refused</b> 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).	Council is not seeking to refuse the application on these standards.	Noted
(8) <b>Conditions on grants of development consent</b> 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.	Noted	Noted
(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.	The applicant has provided a letter of offer from a registered community housing provider who will manage the affordable places.	Complies with condition
(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.	Noted	Noted
(11) <b>Clause does not apply to</b>	The site is not affected by any	Not applicable

<p><b>certain heritage affected land</b> 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.</p>	heritage item.	
<b>(12) Definitions</b>	Noted	Noted
<p><b>46 Relationship with design principles in Part 3</b> Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.</p>	As discussed above, the design complies with the requirements in Part 3	Complies
<p><b>47 Part does not apply to certain development applications relating to heritage affected land</b> Nothing in this Part 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.</p>	No heritage items on the site	Not applicable
<p><b>48 Standards that cannot be used to refuse development consent for residential care facilities</b> (a) Building height: if all buildings are 8m or less in height.</p>	Height exceeds 8m, however this control does not relate well to Vertical Villages, which are assessed as RFBs under the ADG.	Clause 4.6 variation assessed under LLEP below
(b) Density and scale: if density and scale when expressed as FSR is 1:1 or less.	FSR of 1.476:1 proposed, inline with the 0.5:1 bonus under the Vertical Village provisions.	Complies
(c) Landscaped area: if minimum 25m <sup>2</sup> of landscaped area per bed.	Landscaping across the site exceeds this requirement.	Complies
(d) Parking for residents and visitors: if at least: 1 space per 10 beds	39 spaces are required, and 45 are proposed, including an ambulance space.	Complies

1 space per 2 staff, 1 ambulance space.		
<b>50 Standards that cannot be used to refuse development consent for self-contained dwellings</b>		
(a) Building height: if all buildings are 8m or less in height.	Height exceeds 8m, however this control does not relate well to Vertical Villages, and the suitable spreading of built form across the site.	Clause 4.6 variation assessed under LLEP below
(b) Density and scale: if density and scale when expressed as FSR is 0.5:1 or less.	FSR of 1.476:1 proposed, inline with the 0.5:1 bonus under the Vertical Village provisions.	Complies
(c) Landscaped area: 30% of site area to be landscaped	Landscaping across the site exceeds this requirement.	Complies
(d) Deep soil zones: 15% of site area	13% of site is deep soil zone, which complies with ADG requirements.	Complies on merit
(e) Solar access: 70% of dwellings to receive 3 hours of sunlight	2 hours of daylight achieved to all units as per ADG requirements.	Complies on merit
(f) Private open space: 15sqm at ground floor and 10sqm balconies above ground floor	Private open space provided meets these requirements	Complies
(h) Parking: 0.5 spaces per bedroom	78 spaces required, and 78 spaces provided.	Complies

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

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG.

The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
<b>Principle One – Context and Neighbourhood Character</b>	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.	<i>The proposal is for a residential care home in line with the 'Vertical Village' provisions of the Seniors Housing SEPP. Located within an area of R4 zoning, the proposed development is considered likely to bring increased streetscape amenity to the local community. The development incorporates an active street frontage design that is</i>
Responding to context involves identifying	

Design Quality Principle	Comment
<p>the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>considered to contribute to the community by generating a point of visual interest that interacts and compliments the area.</i></p> <p><i>The development site is located in a highly serviced area with access to a variety of public transport services, educational services, employment opportunities, commercial/retail services, recreation facilities and community uses.</i></p> <p><i>The proposal will bring a disused site back into use and bring vitality to the area.</i></p> <p><i>It is considered that the design of the proposed development responds and contributes to the high-density urban character of the area.</i></p> <p><i>The scale of building and type of use are compatible generally complies with the requirements of the Seniors Housing SEPP 65 and LLEP 2008.</i></p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>The bulk of the proposed development is consistent with the controls set out in the LEP 2008, LDCP 2008 and ADG. The design aims to provide a sympathetic response to the surrounding context through the transition of building heights from 2 to 5 storeys across the site.</i></p> <p><i>The 5-storey component is focused towards the north west of the site which is adjacent to the Western Motorway and Kurrajong Road. The building volumes step down to 4 storeys heading east along Kurrajong Road. This portion of the site has greater bulk as it aims to respond to the proposed developments on the opposite side of Kurrajong Road which are anticipated to be 4-5 storeys in height. This height also provides an address and more prominent buildings along the northern boundary of the site.</i></p> <p><i>The building bulk steps down and decreases towards the south resulting in Building C to be 3 storeys, creating a transition towards the adjacent low-density residential residences which are primarily 2 storeys in height. A similar approach is adopted towards the south west of the site where the back of the residential aged care</i></p>



Design Quality Principle	Comment
	<p><i>facility steps down to 2 storeys in height to respond to the neighbours along this boundary.</i></p> <p><i>While Buildings A and B exceed the 15m height restriction for the site, the arrangement of the bulk on the site to raise up at the Kurrajong Road frontage is supported. A height of 18m at this point, which reflects the height limit on the opposite side of Kurrajong Road, is supported by officers, was recommended by the DEP, and was supported in the SCC issued for the site.</i></p> <p><i>It is considered that the proposed development achieves a scale, bulk and height appropriate to the existing and desired future character of the street block and surrounding buildings. The proposed development achieves an appropriate built form for the site and is generally consistent with the applicable standards under the Apartment Design Guide (ADG). The proposed development has been reviewed by Council's Design Excellence Panel (DEP) and is considered to be satisfactory.</i></p>
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>This application proposes an FSR of 1.476:1 for this site which complies with the density bonus for vertical villages set out in the Seniors Housing SEPP. The proposed density will benefit the public by enabling the proposed building to respond to the character of the R4 zone and the yield will facilitate a high-quality design outcome at the site. In this location, a well-designed development is likely to attract greater investment to the locality.</i></p> <p><i>High densities are also considered to be sustainable within this area as they are supported by the site's proximity to employment, transport and public open space.</i></p> <p><i>The proposal contains a density and mix of units considered appropriate for the location. The proposed density is consistent with the Seniors Housing SEPP and is considered to respond to nature of the development, availability of infrastructure, public transport, community facilities and environmental quality.</i></p>

Design Quality Principle	Comment
<b>Design Principle 4 – Sustainability</b>	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p><i>The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.</i></p> <p><i>Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.</i></p> <ul style="list-style-type: none"> <li>- <i>All corner and cross through apartments are naturally ventilated.</i></li> <li>- <i>Minimum 60% of apartments are cross-ventilated;</i></li> <li>- <i>Minimum 70% of apartments have the required solar access in winter;</i></li> <li>- <i>The development includes adequate amounts of deep soil zones.</i></li> </ul> <p><i>The development provides opportunities in this regard, as reflected within the submitted BASIX Certificate which demonstrates that it is able to achieve all targets relating to water, thermal comfort and energy, including reuse of rainwater and rooftop solar panels.</i></p>
<b>Design Principle 5 – Landscape</b>	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p><i>The existing site is largely empty and has minimal vegetation. Almost all existing trees along the south western boundaries are proposed to be kept, with new vegetation to be introduced to further increase visual privacy between the site and the neighbours.</i></p> <p><i>A primary point of emphasis is the eastern boundary to Daruk Park which is lined with large and developed trees. Development along this boundary is mindful of the trees and maintains minimum tree protection zone distances to ensure their well-being and continued health.</i></p> <p><i>The proposed landscape works aim to further accentuate the layered architectural language and is therefore also layered with vegetation appearing at various heights throughout the site at the ground level and various rooftop garden spaces.</i></p> <p><i>While the rooftop gardens are only accessible to the residents of the respective buildings, the ground floor landscaping has 2 distinct functions. The landscaped private</i></p>

Design Quality Principle	Comment
	<p><i>courtyard within Building A acts as a secure garden accessible only to the residents of Building A. The Communal Garden Area is accessible to all residents and consists of lawns, exercise and BBQ areas linked by walkways and sheltered spaces to linger and rest. Apartments have been provided with private open space in excess of SEPP 65 requirements.</i></p> <p><i>The proposed landscape plans have been reviewed by Council's Landscape officer who, has supported the planting selections and use of species.</i></p> <p><i>It is considered that the proposal is well designed in terms of employing landscape elements into the building. The design provides deep soil space around the building for planting and landscaping.</i></p>
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><i>The development provides an appropriate mix of unit sizes, and accommodation options.</i></p> <p><i>The units are all adaptable, given the nature of the development proposed.</i></p> <p><i>Apartments comply with storage requirements and additional storage areas are located in the basement carparking levels.</i></p> <p><i>Communal open spaces will provide passive and active recreational opportunities including: raised garden beds and benches for seating, grassed, paved and planted surfaces, shaded, sunny and feature-lit areas.</i></p> <p><i>Balcony sizes generally exceed those required by the Apartment Design Guide to ensure quality private open space for residents.</i></p> <p><i>Interior corridors have access to daylight and natural ventilation, with views out of the building to improve both amenity and sustainability.</i></p> <p><i>The design is considered to be satisfactory as it provides appropriate room sizes, access to natural light and ventilation, visual and acoustic privacy and provision of</i></p>

Design Quality Principle	Comment
	<i>storage spaces, and indoor and outdoor spaces. In addition to the COS, private open spaces have been provided to all residential units in the form of balconies and ground level courtyards.</i>
<b>Design Principle 7 – Safety</b>	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><i>The building design openly addresses the street and has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobby from the street.</i></p> <p><i>The landscaping and lighting design around the buildings as well as public and private open spaces will provide good passive surveillance and enhance the security of the area. Aged Care residents of Building A have use of a secured wandering route. Perimeter fencing and landscaping is designed to allow passive surveillance and to avoid creating opportunities for individuals to hide or scale fencing unseen. Security systems like access control, CCTV, and emergency and nurse call systems will also be integrated throughout the development.</i></p>
<b>Design Principle 8 – Housing Diversity and Social Interaction</b>	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><i>The proposed development provides housing choice through varied apartment sizes and the type of development proposed generally. The communal open spaces and public street interface will encourage social interaction amongst residents and the community.</i></p> <p><i>All units will be adaptable given the nature of the development proposed.</i></p> <p><i>Dedicated residential communal open spaces are provided on various levels to support the communal life of the building. These spaces have direct access from the circulation core.</i></p> <p><i>It is considered that the proposal responds to the demographics, social needs and preferences of the adaptable and affordable seniors housing which is in great demand in the LGA.</i></p>

Design Quality Principle	Comment
	<i>The floor layout of the building encourages social interaction along the common corridors and lift lobbies as well as a COS on the Ground Floor Level and Rooftop.</i>
<b>Design Principle 9 – Aesthetics</b>	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><i>The street façade has been designed to give a consistent and pleasing appearance to the street frontages. The interplay of building materials assist in creating a visually varied façade without cluttering the overall building appearance.</i></p> <p><i>The design response ensures an appropriate provision for the character of the area as a high-density residential area.</i></p> <p><i>The proposal is considered responsive to the environment in terms of composition and use of materials, responding to the streetscape within the vicinity of the site. The overall aesthetics is considered to be a suitable response to the existing and desired character of the area, as is supported by the DEP.</i></p>

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

Provisions	Comment
<b>2E Building depth</b>	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<b>Complies</b> Building depths within the maximum depths of 12-18m
<b>2F Building separation</b>	
<b>Note:</b> Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes separation equally between sites.	Noted.
<u>Up to four storeys (approximately 12m):</u> <ul style="list-style-type: none"> <li>12m between habitable rooms/balconies</li> <li>9m between habitable and non-habitable rooms</li> </ul>	<b>Complies</b> Greater than 6m separation to all boundaries between habitable rooms/balconies from ground level to level 3.

Provisions	Comment
<ul style="list-style-type: none"> <li>6m between non-habitable rooms</li> </ul>	
<u>Five to eight storeys (approximately 25m):</u> <ul style="list-style-type: none"> <li>18m between habitable rooms/balconies</li> <li>12m between habitable and non-habitable rooms</li> <li>9m between non-habitable rooms</li> </ul>	<p><b>Complies</b> 10m separation to southern and south-western boundary between habitable rooms/ balconies at level 4.</p> <p>There is only a 6m separation to the eastern boundary, however this boundary adjoins a park, which will not have buildings on it.</p>
<b>3A Site analysis</b>	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	<p><b>Complies</b> A detailed site analysis plan has been provided.</p>
<b>3B Orientation</b>	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>	<p><b>Complies</b> The building type is appropriate for the streetscape, given the R4 zoning of the site and the opposite side of Kurrajong Road.</p> <p><b>Complies</b> There would be approximately one hour of shade cast on one of the adjoining properties to the southwest early in the morning. However, this is considered minimal, and will only be partial shade, given the setback of the upper floors of Building A and the gap in the building.</p>
<b>3D Communal and public open space</b>	
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p><b>Complies</b> 8287m<sup>2</sup> of communal open space across the site, which is 63% of the site area.</p> <p>Various areas of communal open space on the site is considered to achieve sufficient solar access between 9am and 3pm during mid-winter.</p> <p>The communal open space allows for a range of activities with amenities, rest areas and recreational spaces.</p>

Provisions			Comment
3E Deep soil zones			
Deep soil zones are to meet the following minimum requirements:			<b>Complies</b> Proposal provide approximately 1726m <sup>2</sup> of deep soil zone, which is 13% of the site area.  The deep soil zones located around the site have minimum dimensions of 6m.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m <sup>2</sup>	-	7%	
650m <sup>2</sup> to 1500m <sup>2</sup>	3m		
Greater than 1500m <sup>2</sup>	6m		
Greater than 1500m <sup>2</sup> with significant tree cover	6m		
3F Visual Privacy			
Minimum separation distances from buildings to the side and rear boundaries are as follows:			<b>Complies</b> 10m separation to southern and southwestern boundary from habitable rooms/ balconies from ground level to level 3.  The eastern boundary adjoins a park which does not raise privacy issues.
Building Height	Habitable Rooms and Balconies	Non-Habitable Rooms	
Up to 12m (4 storeys)	6m	3m	
12m to 25m (5-8 storeys)	9m	4.5m	<b>Complies</b> 10m separation to southern and southwestern boundary from habitable rooms/ balconies at level 4.
3G Pedestrian Access and Entries			
Building entries and pedestrian access connects to and addresses the public domain			<b>Complies</b> Pedestrian access and entries comply with the objectives of the ADG.
Access, entries and pathways are accessible and easy to identify			
3H Vehicle Access			
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			<b>Complies</b> There is a singular vehicle access point, located to achieve safety and minimize conflict.
3J Bicycle and Car Parking			
For development in the following locations: <ul style="list-style-type: none"><li>- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li><li>- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li></ul>			<b>Complies</b> Car parking has been provided in accordance with the Seniors Housing SEPP.  Bicycle parking is not considered appropriate for the form of development proposed.

Provisions	Comment
The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	
Parking and facilities are provided for other modes of transport	
Car park design and access is safe and secure	
Visual and environmental impacts of underground car parking are minimised	
Visual and environmental impacts of on-grade car parking are minimised	
Visual and environmental impacts of above ground enclosed car parking are minimised	
<b>4A Solar and Daylight Access</b>	
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	<b>Complies</b> Building A: 83% of units receive a minimum of 2 hours sunlight. 13% of units receive no direct sunlight. Building B: 72% of units receive a minimum of 2 hours sunlight. 8% of units receive no direct sunlight. Building C: 80% of units receive a minimum of 2 hours sunlight. 8% of units receive no direct sunlight.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	
<b>4B Natural Ventilation</b>	
All habitable rooms are naturally ventilated	<b>Complies</b> Building A: 63% of units cross-ventilated Building B: 74% of units cross-ventilated Building C: 60% of units cross-ventilated  The maximum depth of a unit is 18m.
The layout and design of single aspect apartments maximises natural ventilation	
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.  Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	



Provisions		Comment
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		<b>Complies</b> 2700mm ceiling heights are achieved to habitable rooms
Minimum ceiling height		
Habitable rooms	2.7m	
Non-habitable	2.4m	
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	
Attic spaces	1.8m at edge of room with a 30-degree minimum ceiling slope	
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.		
Ceiling heights contribute to the flexibility of building use over the life of the building		
4D Apartment Size and Layout		
Apartments are required to have the following minimum internal areas:		<b>Complies</b> All independent living units are well in excess of the minimum unit size requirements.
Apartment Type		
Minimum Internal Area		
Studio	35m <sup>2</sup>	
1 bedroom	50m <sup>2</sup>	
2 bedroom	70m <sup>2</sup>	
3 bedroom	90m <sup>2</sup>	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.		
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		<b>Complies</b> Habitable rooms are provided with windows of sufficient glass areas.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		<b>Complies</b> Habitable room depths are all less than 2.5 x the ceiling height.

Provisions	Comment															
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	<b>Complies</b> Kitchens are generally up to 6-7m from a window.															
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space)	<b>Complies</b> Bedrooms are of sufficient size.															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	<b>Complies</b> Bedrooms have a minimum dimension of 3m.															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>- 3.6m for studio and 1 bedroom apartments</li><li>- 4m for 2 and 3 bedroom apartments</li></ul>	<b>Complies</b> Sufficient widths are provided to living rooms/dining rooms.															
<b>4E Private Open Space and Balconies</b>																
<div>All apartments are required to have primary balconies as follows:<table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m<sup>2</sup></td><td>2.4</td></tr></table></div> <div>The minimum balcony depth to be counted as contributing to the balcony area is 1m</div>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m <sup>2</sup>	-	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3 bedroom	12m <sup>2</sup>	2.4	<b>Complies</b> The development provides for sufficient balcony areas and with adequate depths.
Dwelling Type	Minimum Area	Minimum Depth														
Studio	4m <sup>2</sup>	-														
1 bedroom	8m <sup>2</sup>	2m														
2 bedroom	10m <sup>2</sup>	2m														
3 bedroom	12m <sup>2</sup>	2.4														
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m	<b>Complies</b> The units at ground floor level have courtyard amenity space in excess of 15m <sup>2</sup> , with minimum widths of 3m.															
<b>4F Common Circulation and Spaces</b>																
The maximum number of apartments off a circulation core on a single level is eight.	<b>Complies on merit</b> 8 units per core in Building B. 10 apartments per core in Buildings A and C. Given the size and layout of the lift lobbies in these two buildings, and the nature of the buildings in which the sit, the additional two units per core on some floors is not considered to unduly impact on circulation in this instance.															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	<b>Not applicable</b> The buildings are 5-storeys in height															

Provisions		Comment
4G Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		<b>Complies</b> All units are provided with adequate storage, either in units alone, or with additional basement storage.
Dwelling Type	Storage Size Volume	
Studio	4m <sup>3</sup>	
1 bedroom	6m <sup>3</sup>	
2 bedroom	8m <sup>3</sup>	
3 bedroom	10m <sup>3</sup>	
At least 50% of the required storage is to be located within the apartment.		
4H Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout		<b>Complies</b> Bathrooms and kitchens have been clustered together where possible and also located near corridors where possible, which assist in mitigating noise transmission to quieter rooms such as bedrooms. Acoustic building requirements shall be included at the construction stage in order to mitigate acoustic disturbances between apartments.
Noise impacts are mitigated within apartments through layout and acoustic treatments		
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future		<b>Complies</b> The proposal provides a suitable mix of units spread across the different floors of the building.
The apartment mix is distributed to suitable locations within the building		
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located		<b>Complies</b> The ground floor treatment to the building, is considered appropriate, given the nature of the development.
Design of ground floor apartments delivers amenity and safety for residents		
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area		<b>Complies</b> The overall design including building façade has been supported by the DEP as per the amendments discussed in Section 3.2 of this report.
Building functions are expressed by the facade		
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street		<b>Complies</b> The roof is not the dominant feature, a parapet wall style is used which minimises expressions of roof forms.
Opportunities to use roof space for residential accommodation and open space are maximised		

Provisions	Comment
Roof design incorporates sustainability features	<p>The development proposes a roof garden, so is in accordance with these objectives.</p> <p>The development allows for the provision of photovoltaic panels on the roof, so is in accordance with these objectives.</p>
4O Landscape Design	
Landscape design is viable and sustainable	<b>Complies</b> An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by the DEP and Council's Landscape Officer who has raised no objections to the landscape design.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	<b>Complies</b> The DA has been reviewed by Council's Tree Officer who has raised no objections to the landscape design.  Large planting is proposed within the communal open space area to the rear, which can be easily maintained.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	<b>Complies</b> All above ground apartments are accessed by a lift and include wide corridors which is suitable for wheelchair access.  A ramp is provided at the entry of the building, also allowing wheelchair access to Ground Floor apartments.  All units are designed to be adaptable given the nature of the development,
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	<b>Not Applicable</b> The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	

Provisions		Comment
4S Mixed Use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<b>Complies</b> The mix of uses and layout of the uses within the building is considered to be appropriate given the nature of the proposal.
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design		<b>Complies</b> Covered entrances are provided to the residential entries that are integrated into the design of the building.
Signage responds to the context and desired streetscape character		<b>Complies</b> Building address signage would be integrated into the building design.
4U Energy Efficiency		
Development incorporates passive environmental design.	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation	<b>Complies</b> The development has been submitted with a BASIX report. This will also form a condition of consent.
4V Water Management and Conservation		
Potable water use is minimised		<b>Complies</b> Potable water use is minimized and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters		<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design		<b>Not applicable</b> The site is not on flood prone land.
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Domestic waste is minimized by providing safe and convenient source separation and recycling	<b>Complies</b> Waste storage facilities are provided and will be maintained by a contractor.

Provisions	Comment
<b>4X Building Maintenance</b>	
Building design detail provides protection from weathering; Systems and access enable ease of maintenance; Material selection reduces ongoing maintenance costs	<b>Complies</b> The development is in accordance with these objectives

**(c) State Environmental Planning Policy (Infrastructure) 2007**

**Division 10 – Health services facilities**

The amended application 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.

**102 Impact of road noise or vibration on non-road development**

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,
- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or childcare centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

(4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.

Comment: In response to the above clause the applicant submitted an Acoustic Impact assessment prepared by ADP Consulting Pty Ltd dated 9 July 2020. The report recommended a variety of acoustic treatments to comply with the SEPP Infrastructure. The acoustic assessment was reviewed by Council's Environmental Health Department and found to be satisfactory. Therefore conditions of consent have been included, that ensure the recommendations specified in the acoustic report will be implemented during the construction.

Given the above it is considered that the subject proposal meets the relevant objectives and regulations of Clause 102. The proposed development has incorporated suitable acoustic treatments in accordance with the submitted acoustic report to comply with the relevant requirements of the Infrastructure SEPP.

**(d) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The applicant submitted a Detailed Site investigation prepared by Consulting Earth Scientists. The report concludes that no contamination was identified, and that the site is suitable for the proposed use.

Council's Environmental Health Section has reviewed the submitted documentation and is satisfied that the land subject to this application is suitable for the proposed development prior to it being used for its intended purpose. The use of fill, and any potential unidentified contamination will be controlled via conditions of consent. Some concern was raised by Environmental Health regarding contamination of groundwater, however the applicant has provided a response by a qualified consultant which alliviated these concerns.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

**(e) State Environmental Planning Policy (BASIX) 2004**

The proposal is accompanied by a BASIX Certificate and Report which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

**(f) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP).**

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

<b>Clause 8 General Principles</b>	<b>Comment</b>
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. A Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.



(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would adversely affect the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and is considered appropriate for the site.

Clause 9 Specific Principles	Comment
(1) Acid sulphate soils	Site not affected by acid sulphate soils
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site does not contain flood affected land.
(4) Industrial discharges	Not applicable. The site has been used for residential purposes.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban development areas	The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy, and the site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	A drainage plan proposes a stormwater connection to existing services.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls during construction. Accordingly, the development will have minimal impact on the Georges River Catchment.

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

### **(i) Permissibility**

The proposed development would be defined as “Senior’s Housing”, which is defined as:

- (a) a residential care facility, or*
- (b) a hostel, 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),*

These are all uses that are permissible with consent within the R4 High Density Residential Zone.

## (ii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high-density residential environment.*
- *To provide a variety of housing types within a high-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high-density residential development.*

The proposed development is consistent with the objectives of the R4 zone in that it provides for the housing needs of the community by providing a purpose-built aged care facility to accommodate high care and dementia patients.

The proposal also contributes to the variety of housing types within a high-density environment by providing a unique facility to cater for aged residents. This contributes to the housing diversity within the high-density environment.

The proposal provides for a development that provides specific facilities for the aged care residents that will be cared for within the facility including consulting rooms, physiotherapy rooms, hairdressing salons and commercial kitchens.

The proposed development has been designed to provide a high level of residential amenity for the future residents of the facility while still enabling appropriate levels of privacy, solar access, acoustic amenity for the residents in the immediate vicinity and the surrounding locality.

## (iii) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are relevant to the proposal. An assessment of the application against the relevant standards is provided below.

Clause	Provision	Comment
<b>Clause 4.3 of Height of Buildings</b>	Maximum height of 18m	<b>Does not comply</b> A maximum height of 19.15m is proposed. Clause 4.6 Variation Sought and discussed below.
<b>Clause 4.4 Floor Space Ratio</b>	Maximum FSR of 1:1 (plus bonus FSR of 0.5:1 under Clause 45 of the Seniors Housing SEPP for total of 1.5:1)	<b>Complies</b> FSR of 1.476:1 is proposed
<b>Clause 4.6 Exceptions to development standards</b>	Clause 4.6 variation sought for exceeding the maximum height, which is discussed below.	
<b>Clause 7.14 Minimum Building Street Frontage</b>	Development consent must not be granted to development for the purposes of any of the	<b>Complies</b> Street frontage exceeds 24m.

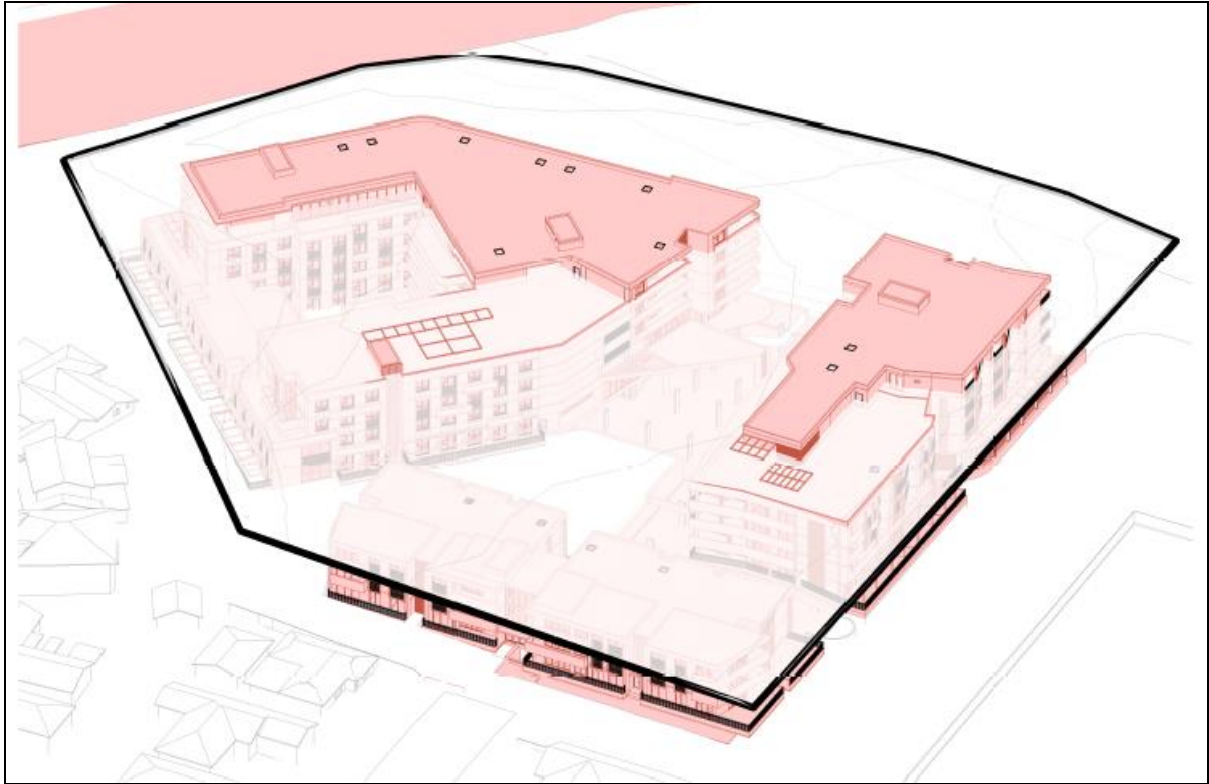
	<p>following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres:</p> <ul style="list-style-type: none"> <li>- any residential flat building.</li> </ul>	
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**(iv) Clause 4.6 Variation to exceed maximum height**

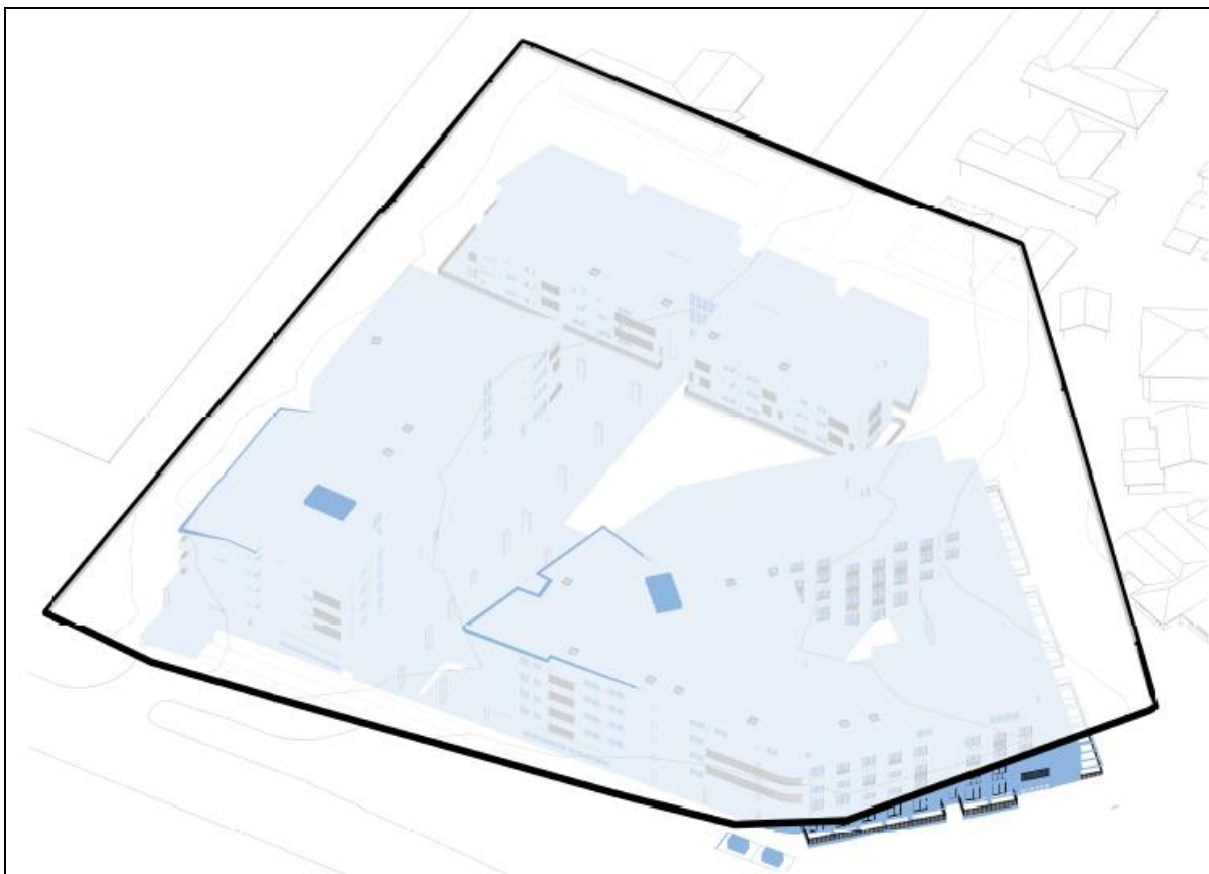
Clause 4.3(2) of the LLEP 2008 identifies a maximum height of 15m for the site. The majority of the proposed development complies with the exception the front (northern) portions of Buildings A and B. The proposal seeks a height of 19.15m at its greatest extent which represents a numerical variation of up to 4.15 metres or 20% to the maximum height limit. It should be noted that the SCC issued for the site agreed that a height of 18m would be appropriate for the Kurrajong Road frontage of the site, given the height limit on the opposite side of Kurrajong Road (also R4 Zone), and the reallocation of the mass across the site. Details of the non-compliance is shown in the below diagrams:



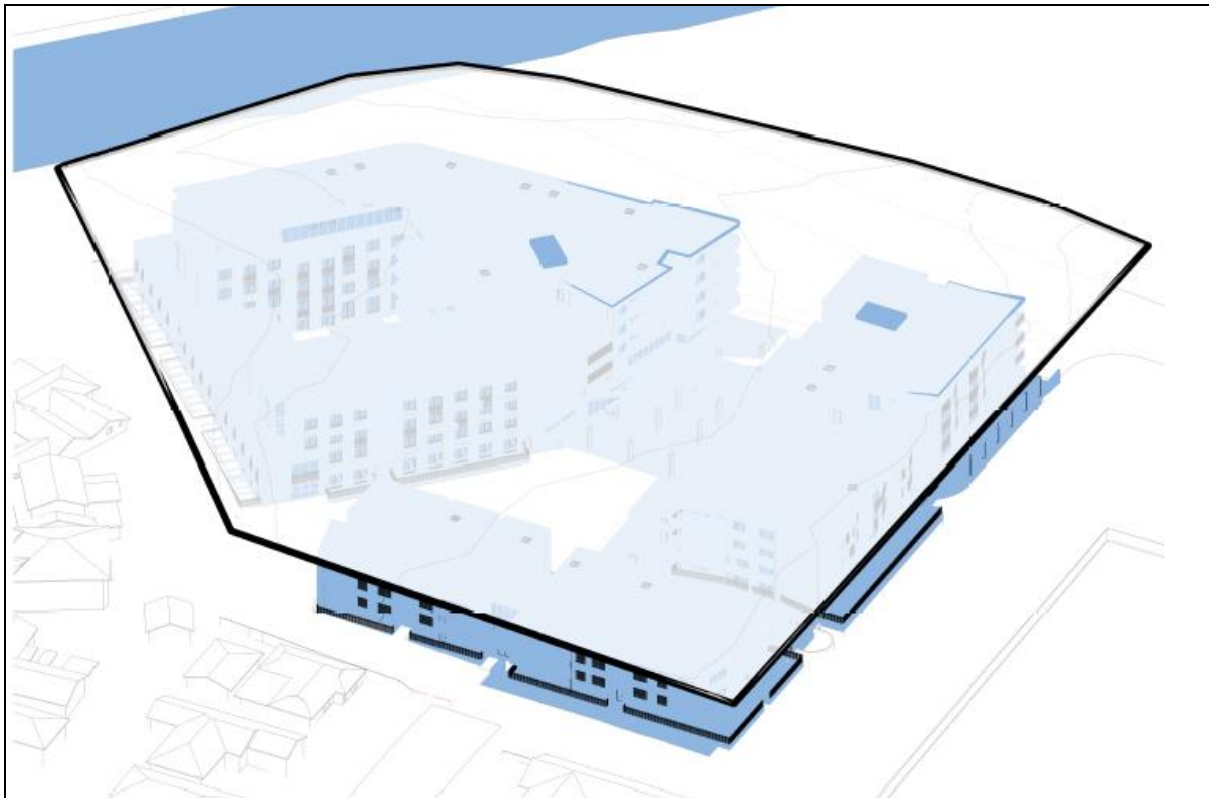
**Figure 8a:** Height diagram showing 15m LEP height non-compliance



**Figure 8b:** Height diagram showing 15m LEP height non-compliance



**Figure 8c:** Height diagram showing 18m SCC height non-compliance



**Figure 8d:** Height diagram showing 18m SCC height non-compliance

Consequently, the applicant has provided an assessment under Clause 4.6 to vary the maximum height allowed on this proposal.

The submitted written request to vary Clause 4.3 – height of buildings has been assessed against the provisions of Clause 4.6; the objectives of the clause being varied; and the objectives of the R4 zone, and this is discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*
- 1) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- The non-compliance with the height limit does not result in a building that will be out of scale with surrounding future development. Removing the non-compliance would not significantly alter the perceived height of the building as viewed from the public domain or from other surrounding development.
- There is no discernible difference in the environmental impacts between a building that strictly complies with the height control in terms of:
  - Visual and acoustic privacy impacts  
The non-compliant levels of the building do not generate any privacy impacts over or above those that exist with a fully compliant building height. This is the same for acoustic privacy.
  - Visual impacts  
There is a nominal difference in visual impacts between the proposed building and a complying building. When viewed from Kurrajong Road as demonstrated in the perspective views;
- Strict compliance with the development standard is unnecessary as the Amended DA will still achieve the environmental and planning objectives of Clause 4.3, as discussed above.
- Strict compliance is **unreasonable** as no environmental or planning purpose would be served by enforcing the development standard and would not bring about a good planning outcome, on the following grounds:
  - a. An assessment of the proposal demonstrates it is consistent with the desired future character of the R4 zone;
  - b. The design is considered to be compatible with the streetscape along Kurrajong Road;
  - c. The design will not create any unreasonable overshadowing, result in loss of privacy or create an adverse visual impact upon the streetscape or the environment given the areas of non-compliance is in a portion of the site which does not dominate the streetscape; and
  - d. The scale of the desired future surrounding development has been considered carefully and the design is considered to be compatible.

In response to the comments raised above, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

With regard the breaches, 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 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 the buildings does not include any gross floor area associated with the Seniors Housing, only the plant room and solar cells.

Although it is noted that the buildings exceed the height limit by up to 4.15m, this is based on the LEP height limit. It is noted that in order to achieve a compliant LEP building height in this case, it would be necessary to remove the fourth storey thereby reducing the yield and affecting the feasibility of the development. The application required a SCC, which was approved by the Regional Planning Panel in November 2020. This provided a schedule of requirements for the development application, which included a requirement to *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.*

Furthermore, the proposed building height was reviewed by the DEP who raised no objections with the additional height of the proposed development.

As such, although the LEP height limit for the site is 15m, for the purposes of this DA, the height limit can be considered as 18m for the front portion of the site. In this instance, the elements of the building form that breach the maximum height limit are minimal and are limited to the northern parapet walls and lift overruns. This is not considered to detract from the design and appearance of the building and would not impact on the amenity of neighbouring sites or the wider area.

The development has been designed in a manner that distributes mass towards the Kurrajong Road frontage, and away from the residential properties to the rear. The southern elements of the proposal are limited to 2 and 3-storeys, maximising solar access to the adjacent properties, and limiting any visual amenity or privacy impacts on those properties.

It should be noted that despite the height breaches, the FSR and setbacks are compliant, and levels of landscaping, deep soil and communal open space are all in excess of ADG requirements.

2) Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 are as follows:

- (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) *to permit building heights that encourage high quality urban form,*
- (c) *to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) *to nominate heights that will provide an appropriate transition in built form and land use intensity.*



The design of the building results in a better urban design outcome particularly as the building allows for disabled access throughout without resulting in unacceptable streetscape presentations and does not propose to unacceptably alter the existing site topography while creating a sense of address to each frontage, appropriate proportion and access to the proposed seniors housing to create an active street frontage to Kurrajong Road in character with the existing and desired streetscape character, which is considered to be consistent with objective (b).

The design incorporates flood management measures which mean the ground floor level of Building A cannot be lowered. The incorporation of flood management by raising the ground floor level is an appropriate response to the existing site context as envisaged in objective (a).

The design despite the minor breach of the height control, the proposal has been designed to provide for a high-quality urban form as detailed in the Architectural Design Report at Appendix B of the Addendum SEE, consistent with objective (b). The design includes transitions within Buildings A and B, along with Building C which has shifted bulk away from the southern boundaries consistent with objectives (d).

The proposed design and the solar access to adjoining properties will not be adversely affected by the shadow cast associated with the projection of the lift overrun above the HOB control. The shadow diagrams delineate at hourly intervals between 9am to 3pm on 21 June (winter solstice) indicate that the Amended DA design will cast a minor amount of additional shadowing as a result of the lift overruns but only on Buildings A and B. Therefore, based on these diagrams in the architectural drawings, the shadow analysis demonstrates that the minor breaches of the building height control will not result in an unacceptable impact on the amount of solar access available to the south and within the proposed seniors housing development.

The design will adequately maintain privacy for residents of existing and future dwellings and promotes privacy for the existing and future residents which is consistent with the objective of the building height control in Clause 4.3.

The design and height are consistent with the desired future character and nearby approved development, and in combination with the above objectives being achieved is overall consistent with objective (a) of Clause 4.3 of the LLEP.

The proposed development will not result in an unacceptable adverse impact in terms of loss of solar access, loss of privacy or loss of views to or from adjoining properties. The proposed development is of a compatible design with its context and is of a scale and density as envisaged with the future character of the area. Therefore, strict compliance with the development standard is unnecessary as the development will still achieve the environmental and planning objectives of Clause 4.3, as discussed above.

On the basis of the above, it is considered that the proposal is consistent with the objectives of Clause 4.3 of LLEP 2008.

### 3) Consistency with objectives of the zone – R4 – High Density Residential

The objectives of the R4 – High Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high-density residential environment.*
- *To provide a variety of housing types within a high-density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high-density residential development.*

The applicant has stated that research undertaken for SummitCare has identified 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.

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 objectives.

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.

The proposed building has access to services and facilities.

The site is a large vacant property over 1.3 hectares in area suitable for transition to the proposed form of high-density development, and there would be no fragmentation of the land.

#### 4) Consistency with Clause 4.6 objectives

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances,*

It is considered appropriate in this instance to apply a degree of flexibility when applying the maximum height development standard applicable to the subject site having regard to the comments above.

#### 5) Recommendation

In this regard, the variation to the maximum height of the building is in line with the provisions of Clause 4.6 including the objectives of the standard and of the R4 zone, and is acceptable in this instance.

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

No draft Environmental Planning Instruments applies to the site.

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1: *General Controls for all Development*; and Part 3.7: *Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)*.

The tables below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

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

Development Control	Provision	Comment
<b>Section 2 - Tree Preservation</b>	Controls relating to the preservation of trees	<b>Complies</b> There are several non-significant trees located on site that will be removed as part of the proposal. The application was reviewed by Council's Landscape Officer who raised no concern with the proposal.
<b>Section 3 - Landscaping and Incorporation of Existing Trees</b>	Controls relating to landscaping and the incorporation of existing trees.	<b>Complies</b> The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues with the design.  The Landscape Plan proposes a variety of planting along the street frontages, and throughout the communal open space.  Planting includes mature tree species that at a minimum will replace the existing number of trees identified for removal.
<b>Section 4 - Bushland and Fauna Habitat Preservation</b>	Controls relating to bushland and fauna habitat preservation	<b>Complies</b> The development has been assessed by Council's Natural Resources Planner, who raises no concerns with the proposal.
<b>Section 5 - Bush Fire Risk</b>	Controls relating to development on bushfire prone land.	<b>Not applicable</b> The development site is not identified as being bushfire prone land.
<b>Section 6 - Water Cycle Management</b>	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	<b>Complies</b> This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
<b>Section 7 - Development Near a Watercourse</b>	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	<b>Not applicable</b> The development site is not within close proximity to a water course.
<b>Section 8 - Erosion and Sediment Control</b>	Erosion and sediment control plan to be submitted.	<b>Complies</b> Conditions of consent will be imposed to ensure that erosion and sediment control measures are implemented during the construction of the development.
<b>Section 9 - Flooding Risk</b>	Provisions relating to development on flood prone land.	<b>Not applicable</b> The development site is not affected by flooding.
<b>Section 10 - Contaminated Land Risk</b>	Provisions relating to development on contaminated land.	<b>Complies</b> As discussed earlier within this report, the site is considered suitable for the development.

Development Control	Provision	Comment
<b>Section 11 - Salinity Risk</b>	Provisions relating to development on saline land.	<b>Complies</b> The applicant has submitted a site investigation report that confirms the site soils are not saline. Therefore, a salinity management response plan is not required.
<b>Section 12 - Acid Sulphate Soils</b>	Provisions relating to development on acid sulphate soils	<b>Not applicable</b> The site is not affected by acid sulphate soils.
<b>Section 13 - Weeds</b>	Provisions relating to sites containing noxious weeds.	<b>Not applicable</b> The site is not identified as containing noxious weeds.
<b>Section 14 - Demolition of Existing Development</b>	Provisions relating to demolition works	<b>Not applicable</b> No demolition required
<b>Section 15 - On Site Sewage Disposal</b>	Provisions relating to OSMS.	<b>Not applicable</b> OSMS is not proposed.
<b>Section 16 - Aboriginal Archaeology</b>	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	<b>Not applicable</b> Based on the location and the previous uses of the site it is unlikely that the site contains archaeological finds or relics.
<b>Section 17 - Heritage and Archaeological Sites</b>	Provisions relating to heritage sites.	<b>Not applicable</b> There are no heritage items at the site nor is the site in a heritage conservation zone.
<b>Section 18 - Notification of Applications</b>	<i>Repealed – Replaced with Liverpool Community Participation Plan 2019</i>	<b>Not applicable</b>
<b>Section 19 - Used Clothing Bins</b>	Provisions relating to used clothing bins.	<b>Not Applicable</b> The DA does not propose used clothing bins.
<b>Section 20 - Car Parking and Access</b>	Residential Development Car Parking Requirements:  <ul style="list-style-type: none"> <li>- 1 space per small / 1-bedroom apartment</li> <li>- 1.5 spaces per medium / 2-bedroom dwelling</li> <li>- 2 spaces per large / 3-bedroom dwelling</li> <li>- 1 space per 4 units or part thereof, for visitors</li> </ul>	<b>Considered acceptable</b> Car parking has been provided in accordance with the Seniors Housing SEPP, which takes precedence over the LLEP.
	1 bicycle space per 2 units for residents  1 bicycle space for visitors per 10 units	<b>Complies on merit</b> No bicycle spaces are provided, however given the nature of the development, such a requirement is not considered necessary.

Development Control	Provision	Comment
<b>Section 21 - Subdivision of Land and Buildings</b>	Provisions relating to the subdivision of land.	<b>Not applicable</b> The DA does not propose the subdivision of land.
<b>Section 22 and Section 23 - Water Conservation and Energy Conservation</b>	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	<b>Complies</b> Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
<b>Section 24 - Landfill</b>	Minimisation of cutting and filling, not in conjunction with a DA.	<b>Not applicable</b> Cut and fill included with DA.
<b>Section 25 - Waste Disposal and Re-use Facilities</b>	Provisions relating to waste management during construction and on-going waste.	<b>Complies</b> During Construction: A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.  On-going Waste Management: The development will contract a waste provider to maintain refuse areas and collect the waste from the site. This is acceptable and can be controlled via conditions of consent.
<b>Section 26 - Outdoor Advertising and Signage</b>	Provisions relating to signage.	<b>Not Applicable</b> The DA does not propose any signage.
<b>Section 27 - Social Impact Assessment</b>	A comprehensive social impact comment shall be submitted for residential flat buildings greater than 20 units.	<b>Complies</b> A social impact comment was submitted as part of the proposal, and no issues are raised with regards to social matters.

#### **LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre)**

Development Control	Provision	Comment
<b>1. Preliminary</b>	Objectives are to provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area, and to provide for a variety of housing choice within residential areas with Liverpool.	<b>Complies</b> As discussed above, the development provides for a quality design and provides a variety of housing choice.

Development Control	Provision	Comment
2. Frontage and Site Area	The minimum lot width is 24m	<b>Complies</b> Site width exceeds 24m.
3. Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	<b>Complies</b> The proposal is designed in line with the site's topography.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	<b>Complies</b> The building is sited centrally which allows efficient use of space. BASIX and sustainability requirements are met by the proposal.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	<b>Complies</b> Safe access is provided to the building and parking
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	<b>Complies</b> Whilst the surrounding development is generally of a lower height than the 5-storeys proposed, the site is zoned R4, which allows for residential flat buildings, and in this location up to a height of 15m.  The building has been designed to step up from the lower density R3 zone to the south, to the Kurrajong Road frontage of the site. The R4 zone opposite has a height limit, so the reallocation of mass on the site is considered a sympathetic response to the surrounds.  As such, the proposed development generally complies with these requirements and therefore is considered to be in accordance with the desired future character of the area.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	<b>Complies</b> The proposal has been assessed by Council's Engineers, who raise no objection, subject to the imposition of conditions.

Development Control	Provision	Comment
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	<b>Complies</b> The proposal meets the requirements of SEPP65.
<b>4. Setbacks</b>	Front setback: 5.5m	<b>Complies</b> Building set back a minimum of 5.5m
	Verandahs, eaves, etc, may encroach on the setback by 1m	<b>Complies</b> Front balconies set back a minimum 4.685m
	Side and rear setback: < 10m – Side 3m; Rear 8m > 10m – Side 8m; Rear 8m	<b>Complies</b> The building complies with these requirements
<b>5. Landscaped Area and Private Open Space</b>	A minimum of 25% of the site area shall be landscaped area.	<b>Complies</b> The development provides in excess of 60% landscaped area.
	A minimum of 50% of the front setback area shall be landscaped area.	<b>Complies</b> In excess of 50% of the front setback is landscaped.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site.  - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	<b>Complies</b> The basement car parking has been pulled in from the edges of the site to allow for landscaping within the front and side setbacks of the development.
	Promote landscape health by supporting for a rich variety of vegetation type and size.	<b>Complies</b> The proposed landscape plans have been reviewed by Council's Landscape officer who has supported the planting selections and use of species
	Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	<b>Complies</b> Paving across the landscaped areas is minimised.



Development Control	Provision	Comment
	<p>Provide communal open space, which is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the desired range of activities by:</p> <ul style="list-style-type: none"> <li>- Locating it in relation to buildings to optimise solar access to dwellings.</li> <li>- Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.</li> <li>- Designing its size and dimensions to allow for the range of uses it will contain.</li> <li>- Minimising overshadowing.</li> <li>- Carefully locating ventilation duct outlets from basement car parking.</li> </ul>	<p><b>Complies</b> Communal open space will incorporate amenities and seating. The landscaped communal open space also incorporates a mix of active and passive landscape spaces.</p> <p>It is orientated to receive afternoon sun and is of a size to allow for a range of uses.</p>
	<p>Locate open space to increase the potential for residential amenity.</p>	<p><b>Complies</b> The communal open space is to the rear, to the front between the buildings and on the roof, helping to provide good residential amenity.</p>
	<p>Private open space shall be provided for each dwelling. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.</p> <p>Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. Private open space should be clearly defined for private use</p>	<p><b>Complies</b> Private open space is provided to each unit in accordance with the ADG, including courtyards at ground floor, and balconies on the upper floors.</p>
	<p>Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.</p>	<p><b>Complies</b> Internal drying areas are proposed.</p>
<p><b>6. Building Design, Streetscape and Layout</b></p>	<p>Building Height: 15m</p>	<p><b>Does not comply</b> Section 4.6 Variation sought (as discussed under LLEP section above)</p>

Development Control	Provision	Comment
<b>Building Appearance and Streetscape</b>	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.	<b>Complies</b> The proposal meets the requirements of SEPP 65 and the ADG.
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	<b>Complies</b> Articulation and interest are provided to all elevations.
	The pedestrian entrance to the building shall be emphasised.	<b>Complies</b> Entry points to the building are emphasised by the projecting elements above the entrance points.
	A sidewall must be articulated if the wall has a continuous length of over 14m.	<b>Complies</b> Side walls are all articulated.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street	<b>Complies on merit</b> The vehicle entrance is to the northern boundary of the site, which is the only suitable location for such an access point.
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	<b>Complies</b> The entrance to the basement is of the same design and materials as the main building.
	Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	<b>Complies</b> The basement entry is minimal and does not dominate the Kurrajong Road elevation.
	The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	<b>Not applicable.</b> No podium proposed.

Development Control	Provision	Comment
	A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	<b>Complies with conditions.</b>
	<p>Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.</p> <p>Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to:</p> <ul style="list-style-type: none"> <li>- Defining a base, middle and top related to the overall proportion of the building.</li> <li>- Expressing key datum lines in the context using cornices, a change in materials or building set back.</li> <li>- Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions.</li> <li>- Expressing the variation in floor-to-floor height, particularly at the lower levels.</li> <li>- Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.</li> <li>- Selecting balcony types which respond to the street context, building orientation and residential amenity.</li> <li>- Cantilevered, partially</li> </ul>	<p><b>Complies</b></p> <p>The building has been designed with attention to detail, and has been reviewed by the DEP, who support the design and features of the building</p>

Development Control	Provision	Comment
	recessed, wholly recessed, or Juliet balconies will all create different facade profiles. - Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials	
	Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	
	Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	
	Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	
	Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design	
<b>Roof Design</b>	Relate roof design to the desired built form. This may include:  - Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. - Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. - Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an	<b>Complies</b> The roof is flat in form, providing communal open space, however it allows for the provision for the installation of photovoltaic panels.

Development Control	Provision	Comment
	<p>existing parapet line.</p> <ul style="list-style-type: none"> <li>- Using special roof features, which relate to the desired character of an area, to express important corners.</li> </ul> <p>Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.</p> <p>Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.</p> <p>Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.</p> <p>Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.</p>	
<b>Building Entry</b>	<p>Improve the presentation of the development to the street by:</p> <ul style="list-style-type: none"> <li>- Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network.</li> <li>- Designing the entry as a clearly identifiable element of the building in the street.</li> <li>- Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.</li> </ul>	<p><b>Complies</b></p> <p>Entrances are noticeable and the access way is prominent to Kurrajong Road.</p>

Development Control	Provision	Comment
	Provide as direct a physical and visual connection as possible between the street and the entry	
	Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	
	Ensure equal access for all	<b>Complies</b> Level access is provided to the buildings, where lifts provide access within the building.
	Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas.  - Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.	<b>Complies</b> Safe and secure access is provided to the buildings, with clear entry points to the development for pedestrians and vehicles.
	Generally provide separate entries from the street for: - Pedestrians and cars. - Different uses, for example, for residential and commercial users in a mixed-use development. - Ground floor dwellings, where applicable.	<b>Complies</b> The proposal provides separate vehicle and pedestrian access points.
	Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	<b>Complies</b> Letterboxes will be located internally.
<b>Balconies</b>	Balconies may project up to 1m from the façade of a building.	<b>Complies</b> The balconies are an integrated part of the front façade of the building

Development Control	Provision	Comment
	Balustrades must be compatible with the façade of the building.	<b>Complies</b> Solid balustrades are used, which are preferred, and suitable given the design of the building.
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	<b>Complies</b> Balconies of a depth to allow solar access.
	Design balustrades to allow views and casual surveillance of the street.	<b>Complies</b> Balconies provide views and surveillance to the street.
	Balustrades on balconies at lower levels shall be of solid construction. Solid or semi solid louvres are permitted.	<b>Complies</b> Solid balustrades are used
	Noise attenuation measures on balconies facing a Classified Road should be considered.	<b>Not applicable</b> Site does not front a classified road.
	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	<b>Complies</b> The majority of balconies are all on the external facades of the building, there are some internal balconies, however, these have privacy screens to prevent any privacy concerns.
	Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well-proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	<b>Complies</b> Balconies are off main living spaces and are of good sizes and dimensions to be fit for purpose.
	Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	<b>Not applicable.</b>
	Design and detail balconies in response to the local climate and context thereby	<b>Complies</b> Balconies designed in accordance with climate and context requirements.

Development Control	Provision	Comment
	<p>increasing the usefulness of balconies. This may be achieved by:</p> <ul style="list-style-type: none"> <li>- Locating balconies facing predominantly north, east or west to provide solar access.</li> <li>- Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind.</li> <li>- Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions</li> <li>- along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.</li> </ul>	
	Provide primary balconies for all dwellings with a minimum depth of 2m.	<p><b>Complies</b> All main balconies have minimum width of 2m.</p>
	Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	<p><b>Complies</b> All balconies allow for adequate solar access.</p>
	<p>Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:</p> <ul style="list-style-type: none"> <li>- Detailing balustrades using a proportion of solid to transparent materials to address sight lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night.</li> <li>- Detailing balustrades and providing screening from the public, for example, for a person seated looking at a</li> </ul>	<p><b>Complies</b> Balconies provide views and surveillance to the street, the internal open space, or the adjacent park.</p>



Development Control	Provision	Comment
	view, clothes drying areas, bicycle storage or air conditioning units	
	Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	<b>Complies</b> Solid balustrades help achieve these effects
<b>Daylight Access</b>	Plan the site so that new residential flat development is oriented to optimise northern aspect.	<b>Complies</b> The buildings maximise the northern orientation.
	Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	<b>Complies</b> The communal open space receives adequate daylight, with the opportunity for shading.
	Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.	<b>Complies</b> Main rooms and windows receive daylight in accordance with the ADG requirements.
	Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.	<b>Not applicable.</b>
	Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development. Avoid south facing dwellings.	<b>Complies on merit</b> The number of units receiving direct daylight and sunlight is in accordance with the ADG requirements.
	Design for shading and glare control, particularly in summer: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of	<b>Complies</b> Solid balustrades and balcony setbacks help to shade properties

Development Control	Provision	Comment
	north-facing living spaces. - Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows.	
	Consider higher ceilings and higher window heads to allow deeper sunlight penetration.	<b>Complies</b> Ceilings are in line with the minimum requirements of the ADG.
	On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.	<b>Complies</b> Solid balustrades and balcony setbacks help to shade properties
	On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.	<b>Complies</b> Solid balustrades and balcony setbacks help to shade properties
<b>Internal Design</b>	All staircases should be internal.	<b>Complies</b> Stairways are internal.
	Minimise the length of common walls between dwellings.	<b>Complies</b> Common walls are minimised through the development.
	Basement car parking shall be located beneath the building footprint.	<b>Complies on merit</b> Basement car parking is located below the building where possible.
	Where possible natural ventilation shall be provided to basement car parking.	<b>Complies</b> The basement will have the ability to be ventilated naturally.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	<b>Complies</b> The building has been designed in accordance with the ADG building separation requirements.
	Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	<b>Complies</b> Noise generating rooms are clustered where possible.
	Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	<b>Not applicable.</b>
	Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	<b>Complies with conditions.</b>
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas.	<b>Complies</b> Habitable rooms overlook open space where possible.

Development Control	Provision	Comment
<b>Ground Floor Dwellings</b>	Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	<b>Complies</b> The landscaping to the front of the site will provide an attractive frontage to the street.
	Create more pedestrian activity along the street and articulate the street edge by: <ul style="list-style-type: none"> <li>- Balancing privacy requirements and pedestrian accessibility.</li> <li>- Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape.</li> <li>- Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings.</li> <li>- Increasing street surveillance with doors and windows facing onto the street.</li> </ul>	<b>Complies</b> The ground floor treatment to the building, including landscaping, fencing and level changes will assist in providing an active street environment.

Development Control	Provision	Comment
	<p>Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor dwellings with access to private open space, preferably as a courtyard.</p>	<p><b>Complies</b> The ground floor treatment to the building, including landscaping, fencing and level changes will assist in providing an active street environment.</p>
<b>Security</b>	<p>Entrances to buildings should be orientated towards the front of the site and facing the street. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.</p>	<p><b>Complies</b> The entrance to the building is orientated to the street, with no rear accesses proposed.</p>
	<p>Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.</p>	<p><b>Complies</b> No blank walls are proposed.</p>
	<p>Minimise the number of entry points to buildings.</p>	<p><b>Complies</b> Entry points to buildings are minimised.</p>

Development Control	Provision	Comment
	<p>Reinforce the development boundary to strengthen the distinction between public and private space by:</p> <ul style="list-style-type: none"> <li>- Employing a level change at the site and/or building threshold (subject to accessibility requirements).</li> <li>- Signage.</li> <li>- Entry awnings.</li> <li>- Fences, walls and gates.</li> <li>- Change of material in paving between the street and the development</li> </ul>	<p><b>Complies</b></p> <p>The building is set back from the street to provide a distinction from the street/footpath.</p>
	<p>Optimise the visibility, functionality and safety of building entrances by:</p> <ul style="list-style-type: none"> <li>- Orienting entrances towards the public street.</li> <li>- Providing clear lines of sight between entrances, foyers and the street.</li> <li>- Providing direct entry to ground level dwellings from the street rather than through a common foyer.</li> <li>- Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.</li> </ul>	<p><b>Complies</b></p> <p>Entrances are noticeable and the access ways are prominent to Kurrajong Road</p>
	<p>Improve the opportunities for casual surveillance by:</p> <ul style="list-style-type: none"> <li>- Orienting living areas with views over public or communal open spaces, where possible.</li> <li>- Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street.</li> <li>- Using corner windows, which provide oblique views of the street.</li> <li>- Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.</li> </ul>	<p><b>Complies</b></p> <p>The upper floor balconies will provide for casual surveillance.</p>
	<p>Minimise opportunities for concealment by:</p> <ul style="list-style-type: none"> <li>- Avoiding blind or dark alcoves near lifts and</li> </ul>	<p><b>Complies</b></p> <p>The access points are well laid out and are to be well lit, and do not provide opportunities for concealment.</p>

Development Control	Provision	Comment
	<p>stairwells, at the entrance and within indoor car parks, along corridors and walkways.</p> <ul style="list-style-type: none"> <li>- Providing well-lit routes throughout the development.</li> <li>- Providing appropriate levels of illumination for all common areas.</li> <li>- Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.</li> </ul>	
	<p>Control access to the development by:</p> <ul style="list-style-type: none"> <li>- Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings.</li> <li>- Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas.</li> <li>- Providing direct access from car parks to dwelling lobbies for residents.</li> </ul>	<p><b>Complies</b></p> <p>The only access point to the residential element is from the main entrance. Car parking is limited to residents and staff, with access from the car park directly to the dwellings available.</p>
<b>Natural Ventilation</b>	<p>Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include:</p> <ul style="list-style-type: none"> <li>- Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings.</li> <li>- Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette and two-storey dwellings.</li> </ul>	<p><b>Complies</b></p> <p>Cross ventilation and natural ventilation are in accordance with the ADG requirements.</p>
	<p>Provide narrow building depths to support cross ventilation.</p>	<p><b>Complies</b></p> <p>Dwellings depths are in line with the ADG requirements.</p>
	<p>Avoid single-aspect dwellings with a southerly aspect.</p>	<p><b>Complies</b></p> <p>No dwellings are proposed</p>

Development Control	Provision	Comment
<b>Building Layout</b>	The layout of dwellings within a residential flat building should minimise the extent of common walls.	<b>Complies</b> Common walls are minimised through the development.
<b>Storage Areas</b>	A secure storage space is to be provided for each dwelling with a minimum volume 8 m <sup>3</sup> (minimum dimension 1m <sup>2</sup> ). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	<b>Complies</b> Storage is provided in accordance with ADG requirements.
<b>7. Landscaping and Fencing</b>	The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.	<b>Complies</b> Canopy trees are proposed in the front and rear setbacks.
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees	<b>Complies</b> The planting plan is made up of predominantly native species.
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	<b>Complies</b> A mixture of plant types and sizes is proposed.
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	<b>Complies</b> Minimal landscaping is proposed in the vicinity of the driveway.
	Tree and shrub planting alongside and rear boundaries should assist in	<b>Complies</b> Planting is proposed along the side/rear boundary.

Development Control	Provision	Comment
	providing effective screening to adjoining properties.	
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	<b>Not applicable.</b>
	The development must be designed around significant vegetation on the site. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	<b>Not applicable</b> There is no existing significant vegetation.
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	<b>Complies</b> Canopy trees will provide summer shade and winter sun entry.
	Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.	<b>Not applicable.</b>
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	<b>Complies</b> Trees over 3m from building.



Development Control	Provision	Comment
	<p>Contribute to streetscape character and the amenity of the public domain by:</p> <ul style="list-style-type: none"> <li>- Relating landscape design to the desired proportions and character of the streetscape.</li> <li>- Using planting and landscape elements appropriate to the scale of the development.</li> <li>- Mediating between and visually softening the bulk of large development for the person on the street.</li> </ul> <p>Planting design solutions include:</p> <ul style="list-style-type: none"> <li>- Trees for shading low-angle sun on the eastern and western sides of a dwelling.</li> <li>- Trees that do not cast a shadow over solar collectors at any time of the year.</li> <li>- Deciduous trees for shading of windows and open space areas in summer.</li> </ul> <p>methods.</p> <ul style="list-style-type: none"> <li>- Providing appropriate drainage.</li> <li>- Design planters to support the appropriate soil depth and plant selection by:</li> <li>- Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth.</li> <li>- Providing square or rectangular planting areas rather than long narrow linear areas.</li> </ul>	<p><b>Complies</b></p> <p>An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>

Development Control	Provision	Comment
	<p>Design landscape which contributes to the site's particular and positive characteristics, for example by:</p> <ul style="list-style-type: none"> <li>- Enhancing habitat and ecology.</li> <li>- Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate.</li> <li>- Retaining and incorporating changes of level, visual markers, views and any significant site elements</li> </ul> <p>Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> <li>- Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.</li> <li>- Providing appropriate soil conditions and irrigation</li> </ul>	<p><b>Complies</b></p> <p>An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and is able to receive the required solar access. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.</p>
<b>Fencing</b>	<p>The maximum height of a front fence is 1.2m.</p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m</p> <hr/> <p>Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.</p> <hr/> <p>For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.</p> <hr/> <p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p><b>Complies on merit</b></p> <p>Fencing is proposed around the site for security purposes, but is integrated into the landscape design to limit its impact on amenity.</p>
<b>8. Car parking and access</b>	<p>Visitor car parking shall be clearly identified and may not be stacked car parking.</p> <p>Visitor car parking shall be located between any roller shutter door and the front boundary.</p>	<p><b>Complies</b></p> <p>Car parking provided in accordance with Seniors Housing SEPP</p>

Development Control	Provision	Comment
	Pedestrian and driveways shall be separated.	<b>Complies</b> Separate access points are provided.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	<b>Complies</b> Vehicle access along the northern boundary of the site.
	Give preference to underground parking, whenever possible by: <ul style="list-style-type: none"> <li>- Retaining and optimising the consolidated areas of deep soil zones.</li> <li>- Facilitating natural ventilation to basement and sub-basement car parking areas, where possible.</li> <li>- Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design.</li> <li>- Providing safe and secure access for building users, including direct access to residential dwellings, where possible.</li> <li>- Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.</li> </ul>	<b>Complies</b> Basement parking proposed.
	Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: <ul style="list-style-type: none"> <li>- Avoid exposed parking on the street frontage.</li> <li>- Hiding car parking behind the building facade. Where wall openings (windows,</li> </ul>	<b>Not applicable.</b> No above ground parking proposed.

Development Control	Provision	Comment
	fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.	
	Promote equity by: <ul style="list-style-type: none"> <li>- Ensuring the main building entrance is accessible for all from the street and from car parking areas.</li> <li>- Integrating ramps into the overall building and landscape design.</li> <li>- Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.</li> </ul>	<b>Complies</b> Ramp provides to access building.
	Maximise the number of accessible and adaptable dwellings in a building by: <ul style="list-style-type: none"> <li>- Providing more than one accessible entrance where a development contains clusters of buildings.</li> <li>- Separating and clearly distinguish between pedestrian accessways and vehicle accessways.</li> <li>- Locating vehicle entries away from main pedestrian entries and on secondary frontages.</li> </ul>	<b>Complies</b> Adaptable units proposed.
<b>9. Amenity and Environmental Impact</b>	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: <ul style="list-style-type: none"> <li>- One living, rumpus room or the like; and</li> <li>- 50% of the private open space.</li> </ul>	<b>Complies</b> There would be approximately one hour of shade cast on one of the adjoining properties to the southwest early in the morning. However, this is considered minimal, and will only be partial shade, given the setback of the upper floors of Building A and the gap in the building.

Development Control	Provision	Comment
	<p>Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.</p> <p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p>	<p><b>Complies</b></p> <p>The building complies with the ADG separation requirements.</p>
	<p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.</p>	<p><b>Complies</b></p> <p>Hedge/tree planting is proposed along the boundaries.</p>
	<p>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:</p> <ul style="list-style-type: none"> <li>- Balconies to screen other balconies and any ground level private open space.</li> <li>- Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms.</li> <li>- Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space.</li> </ul> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air by:</p> <ul style="list-style-type: none"> <li>- Offsetting windows of dwellings in new development and adjacent development windows.</li> <li>- Recessed balconies and/or vertical fins between adjacent balconies.</li> <li>- Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies.</li> </ul>	<p><b>Complies</b></p> <p>The building complies with the ADG separation requirements.</p>

Development Control	Provision	Comment
	<ul style="list-style-type: none"> <li>- Fencing.</li> <li>- Vegetation as a screen between spaces.</li> <li>- Incorporating planter boxes into walls or balustrades to increase the visual separation between areas.</li> <li>- Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space.</li> </ul>	
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	<b>Complies with conditions</b>
	Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.	<b>Not applicable.</b>
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	<b>Complies with conditions</b>
	<p>Arrange dwellings within a development to minimise noise transition between dwellings by:</p> <ul style="list-style-type: none"> <li>- Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms</li> <li>- Using storage or circulation zones within a dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas</li> <li>- Minimising the number of</li> </ul>	<b>Complies with conditions</b>

Development Control	Provision	Comment
	common walls with other dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	
<b>10. Services</b>	<b>Site</b> Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	<b>Complies</b> Letterboxes proposed inside the building.
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	<b>Complies with condition</b>
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	<b>Complies</b> A waste management plan will be secured via condition.
	Any structure involving waste disposal facilities shall be located as follows: Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	<b>Complies</b> Waste facilities are in the basement.
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	<b>Complies with condition</b>
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council	<b>Complies with condition</b>

Development Control	Provision	Comment
	infrastructure.	
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	<b>Not applicable</b>

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

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the National Construction Code (NCC). If approved, appropriate conditions of consent will be imposed requiring compliance with the NCC.

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

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

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

It is considered that the proposed development will have minimal impact on the built environment given that it is located within the R4 Zone which anticipates high density residential development. Therefore, it is considered to be consistent with the current and future character of the locality.

The proposed scheme is considered to be an appropriate design, which is responsive to the location and the orientation of the site. The development satisfactorily addresses Kurrajong Road and Randwick Close with a built form that would interact with this space. The proposal has been designed with adequate regard to the south-western adjoining sites.

##### ***Natural Environment***

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment. The temporary removal of vegetation will be replaced by trees and shrubs in new landscaping for the site.

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

The development is likely to result in a positive social impact within the locality through the provision of beneficial aged care services to the local and wider community and is acceptable with respect to any potential social impacts.



The development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the running of the facility and on-going building maintenance.

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

The proposed development is permissible on the site and is consistent with the objectives of both the zone and Seniors Housing SEPP. There are no constraints or hazards on the subject site that would prevent the development from proceeding, and both the boundaries and orientation of the subject site would enable construction of the development without adverse impacts on the surrounding area. Further, it is envisioned that the surrounding area will eventually be redeveloped to accommodate development similar to that being proposed by the subject development application.

Given the above, the site is considered suitable for the proposed development.

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

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

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

<b>Department</b>	<b>Comments</b>
<b>Building</b>	No objections, subject to conditions.
<b>Engineering</b>	No objections, subject to conditions.
<b>Environmental Health</b>	No objections, subject to conditions.
<b>Landscaping</b>	No objections, subject to conditions.
<b>Natural Resources</b>	No objections.
<b>Traffic and Transport</b>	No objections, subject to conditions.
<b>Flooding</b>	No objections, subject to conditions.
<b>Waste Management</b>	No objections, subject to conditions.
<b>City Design</b>	No objections, subject to conditions.
<b>Community Planning</b>	No objections, subject to conditions.
<b>Property</b>	No objections.

##### **(b) External Referrals**

<b>Department</b>	<b>Comments</b>
<b>RMS / TfNSW</b>	No objections, subject to conditions.
<b>Jemena</b>	No objections, subject to conditions.

##### **(c) Community Consultation**

In accordance with the Community Participation Plan 2019, the application was notified for a 14-day period, from 18 May 2020 to 3 June 2020. No submissions were received in relation to the proposed development.

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

The proposed development is consistent with the zoning of the land and would represent a high-quality development for Liverpool. The development provides additional seniors housing, including affordable housing, within close proximity to facilities and public transport.

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

## **7. CONCLUSION**

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposed development is permissible and is consistent with the general aims and objectives of both the R4 High Density Residential zone and the Seniors Housing SEPP.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is also consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008. There are variations proposed to the height of the buildings, however these are considered acceptable on merit.
- The development will generate a social benefit for the community, given the provision of seniors housing which will be managed by a not-for-profit social housing provider.
- The proposed development will have positive impacts on the surrounding area.

## **8. RECOMMENDATION**

That DA-220/2020 for the construction of a Seniors Housing Development comprising a 142-room residential care facility and 93 independent living units in 3 buildings over basement parking, together with associated facilities, services and retail shops, be approved, subject to conditions of consent.

## **9. ATTACHMENTS**

1. Recommended conditions of consent
2. Architectural plans
3. Landscape plans and Landscape Report
4. Stormwater/Drainage plans and Stormwater Report
5. Statement of Environmental Effects, and Addendum to SEE
6. Design Verification Statement
7. Urban Design Statement
8. Urban Design Review
9. Seniors Housing SEPP Assessment
10. Clause 4.6 Variation Request
11. Site Compatibility Certificate
12. Plan of Management
13. Traffic Report
14. Waste Management Plans
15. Preliminary Site Investigation, Detailed Site Investigation Assessment and Further Site Investigation
16. Flood Assessment
17. Social Impact Statement
18. Social Housing Provider letter
19. Acoustic Report
20. Arboricultural Report
21. Biodiversity Impact Assessment

22. Lighting Statement
23. Crime Prevention Report
24. Survey of Distance and Gradient
25. Accessibility Assessment Report
26. BCA Report
27. BASIX Certificate and Report
28. Services Infrastructure Report
29. Design Excellence Panel Comments