

<b>JRPP Number</b>	<b>2011SYW087</b>
<b>Application Number</b>	<b>DA-1210/2011</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of a residential flat building comprising fifty-three (53) residential units and two levels of basement car parking with vehicular access to be provided from Campbell Street and associated landscaping and service features.</b>
<b>Property Description</b>	<b>Part Lot 1 DP 1053951, Part Lot 2 1053951 93-95 Campbell Street Liverpool NSW 2170</b>
<b>Applicant</b>	<b>Gelder Architects</b>
<b>Land Owner</b>	<b>Talbus Pty Ltd</b>
<b>Capital Investment Value</b>	<b>\$11,000,000</b>
<b>Recommendation</b>	<b>Refusal</b>

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the Report**

Pursuant to the requirements of the State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel for determination as the capital investment value of the development exceeds \$10,000,000. The application submitted to Council indicates a value of \$11,000,000.

### **1.2. The proposal**

The development application seeks consent for the demolition of existing structures and construction of a residential flat building comprising fifty-three (53) residential units and two levels of basement car parking with vehicular access to be provided from Campbell Street and associated landscaping and service features.

### **1.3 The site**

The subject site is identified as Part Lot 1 DP 1053951 and Part Lot 2 DP 1053951, being No. 93 - 95 Campbell Street Liverpool.

### **1.4 The issues**

The development application was considered by the Design Review Panel (DRP) on 21<sup>st</sup> July 2011. The DRP raised a number of significant issues that would require re-design of the proposal. The applicant was advised by letter dated 26<sup>th</sup> August 2011 to withdraw the current application in order to address the issues given that they would require substantial amendments. The applicant however chose to submit amended plans and specialist reports with a view to address issues raised by the DRP. The application was re-considered by the DRP, however it was found that the issues have not been satisfactorily addressed. In this regard, given that the development has been assessed on several occasions, and that the proposal remains unsatisfactory in consideration of SEPP 65 requirements and the Residential Flat Design Code, the development application is recommended for refusal. The issues raised by the DRP are addressed in detail further within this report.

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

The application was not notified / advertised as there was insufficient information submitted with the application to enable public exhibition of the proposal. The applicant was advised that the

development application would not be notified / advertised and to withdraw the development application by letter dated 1<sup>st</sup> July 2011, however the applicant chose not to withdraw the application. Due to the number of outstanding issues with respect of the proposal, the application is considered unsatisfactory in its current form and is recommended for refusal.

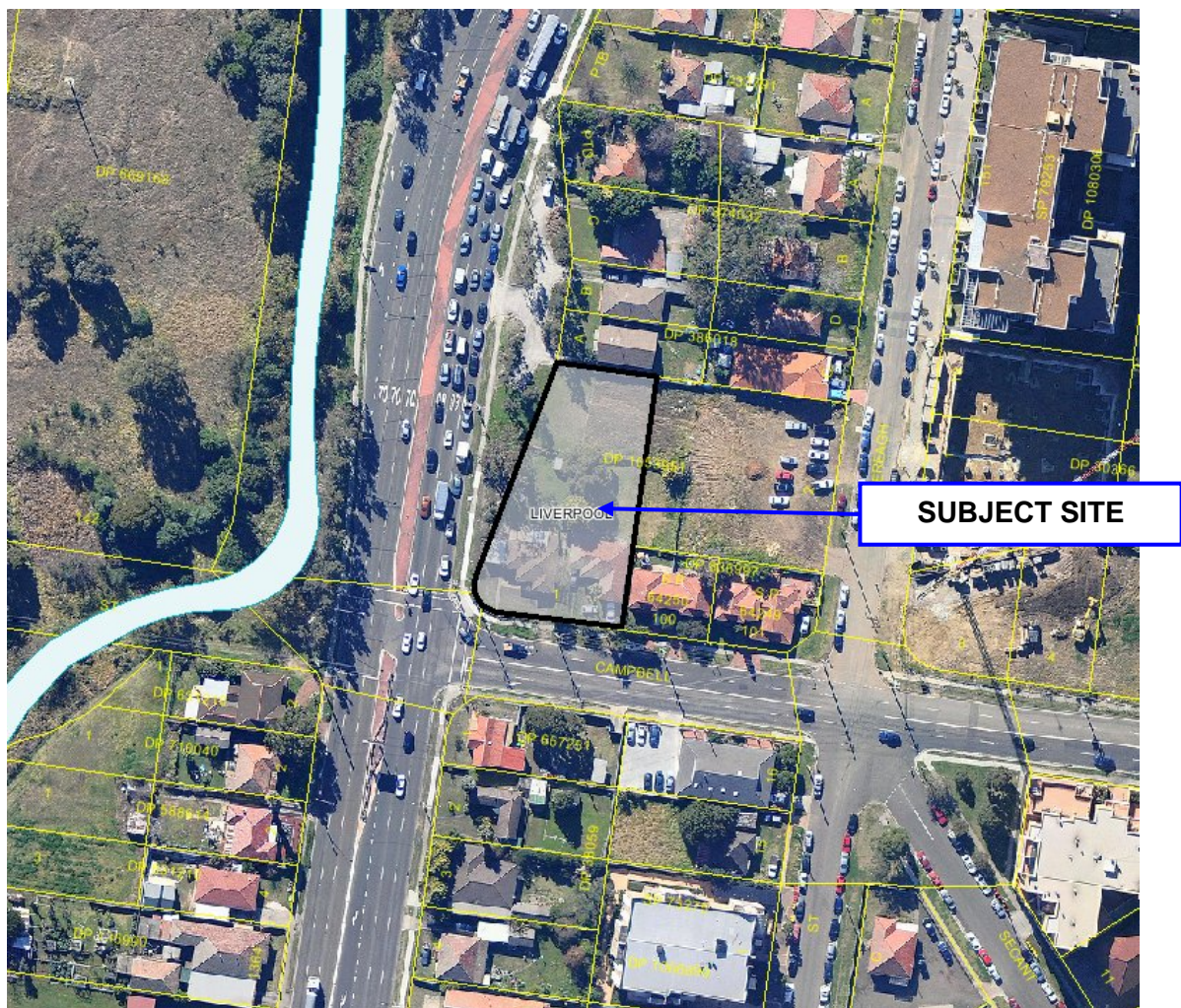
## 1.6 Conclusion

Following detailed assessment of the proposal against the relevant planning controls and given the significant issues raised by the Design Review Panel with respect of SEPP 65 assessment, the proposal is considered unsatisfactory in its current form and is thus recommended for refusal.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The Site

The subject site is identified as Part Lot 1 DP 1053951 and Part Lot 2 DP 1053951, being No. 93 - 95 Campbell Street Liverpool.



**Figure 1: Aerial photograph of Site**

The site is an irregular shaped corner allotment located on the eastern side of Copeland Street (Hume Highway) with secondary frontage to Campbell Street to the southern boundary, comprising a total site area of 1835.91sqm. The subject site contains two existing detached dwellings which are both orientated to Campbell Street and minimal vegetation.

## **2.2 The Locality**

The surrounding locality is characterised by residential development within the R2 Low Density Residential and R4 High Density Residential zones, public open space within the RE1 Public Recreation zone, and commercial development within the B4 Mixed Use zone.

The site adjoins existing residential development to the north, south and east of varying single and two storey developments, including detached dwellings and town houses. To the north-east portion of the boundary is a vacant parcel of land. To the west of the site opposite Copeland Street (Hume Highway) is public open space.

## **3. DETAILS OF THE PROPOSAL**

The development application seeks consent for the demolition of existing structures and construction of a residential flat building comprising fifty-three (53) residential units and two levels of basement car parking with vehicular access to be provided from Campbell Street and associated landscaping and service features.

Specific components of the proposal are outlined in detail below:

- The development proposal seeks to demolish the existing residences and construct new apartment building containing 53 units in total and 2 basement levels of car parking.
- Vehicular access is via Campbell Street and is accommodated in 2 levels of basement car parking comprising 62 car spaces in total, including 5 disabled and visitor car spaces. Pedestrian access is via Campbell Street and Copeland Street (Hume Highway)
- The proposal combines 1 x single bedroom apartment, 50 x 2 bedroom apartments and 2 x 3 bedroom apartments.
- The building is 7 storeys in height and has 2 separate service cores, providing circulation into the building.
- The building is to be constructed out of concrete slab floors, masonry walls with a combination of face brick and rendered finishes, prefinished aluminium framed windows, doors and louvers and metal deck roofing.
- Communal open space area of approximately 460 square metres will be provided on the ground level north-east corner of the site.



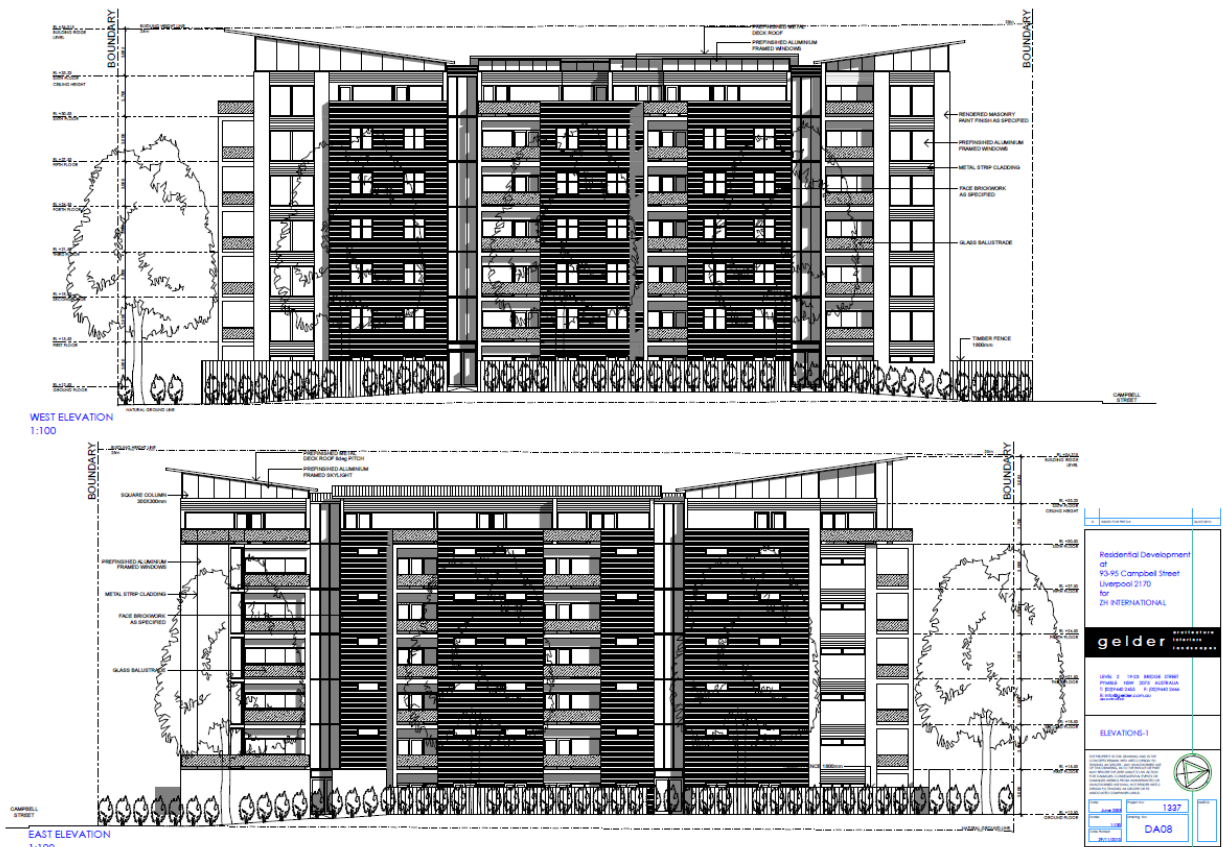


Figure 2: Proposed Elevation to Hume Highway

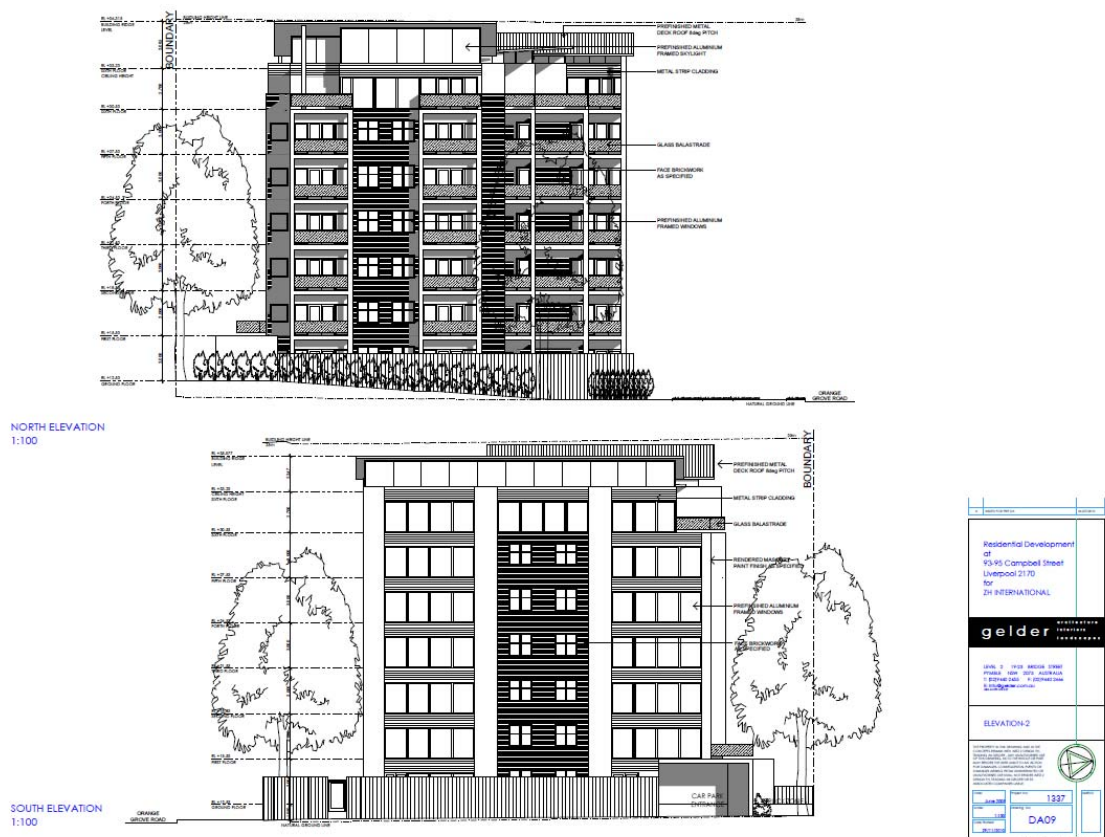


Figure 3: Proposed elevation to Campbell Street

## 4. STATUTORY CONSIDERATIONS

### 4.1 Zoning

The subject site is located within the R4 – High Density Residential Zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is identified as a *Residential Flat Building* which is a permissible land use within the zone.

An extract from the LLEP 2008 – zoning map is provided below:

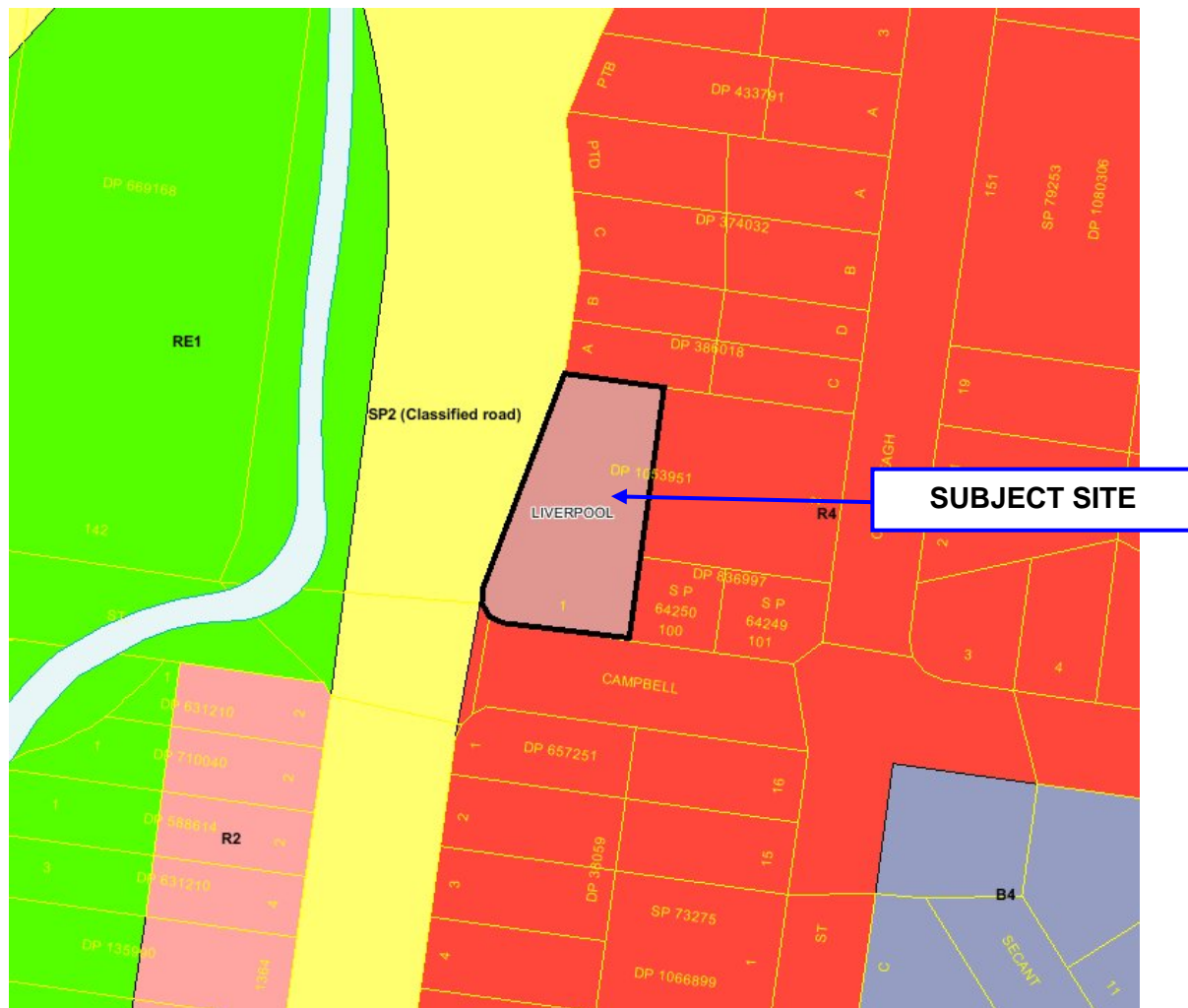


Figure 4: Extract of LLEP 2008 zoning map

### 4.2 Relevant matters for consideration

The following Environmental Planning Instruments (EPI's), Development Control Plan and Codes or Policies are relevant to this application:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) – (Residential Flat Design Code);
- State Environmental Planning Policy (BASIX) 2004;
- Liverpool Development Control Plan 2008, specifically:
  - Part 1.1 – General Controls for all development
  - Part 1.2 – Controls for all development;

- Part 4 – Development in Liverpool City Centre
- Liverpool Contributions Plan 2007 (Liverpool City Centre).

## 5. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

### 5.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

#### (a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

The proposed development is in conflict with the objectives of the Plan which seeks to promote the protection of the Georges River Catchment. It is considered that appropriate conditions of consent could be provided relating to erosion and sediment control.

The site is however flood liable and there has not been any assessment on flood dynamics or on residential safety.

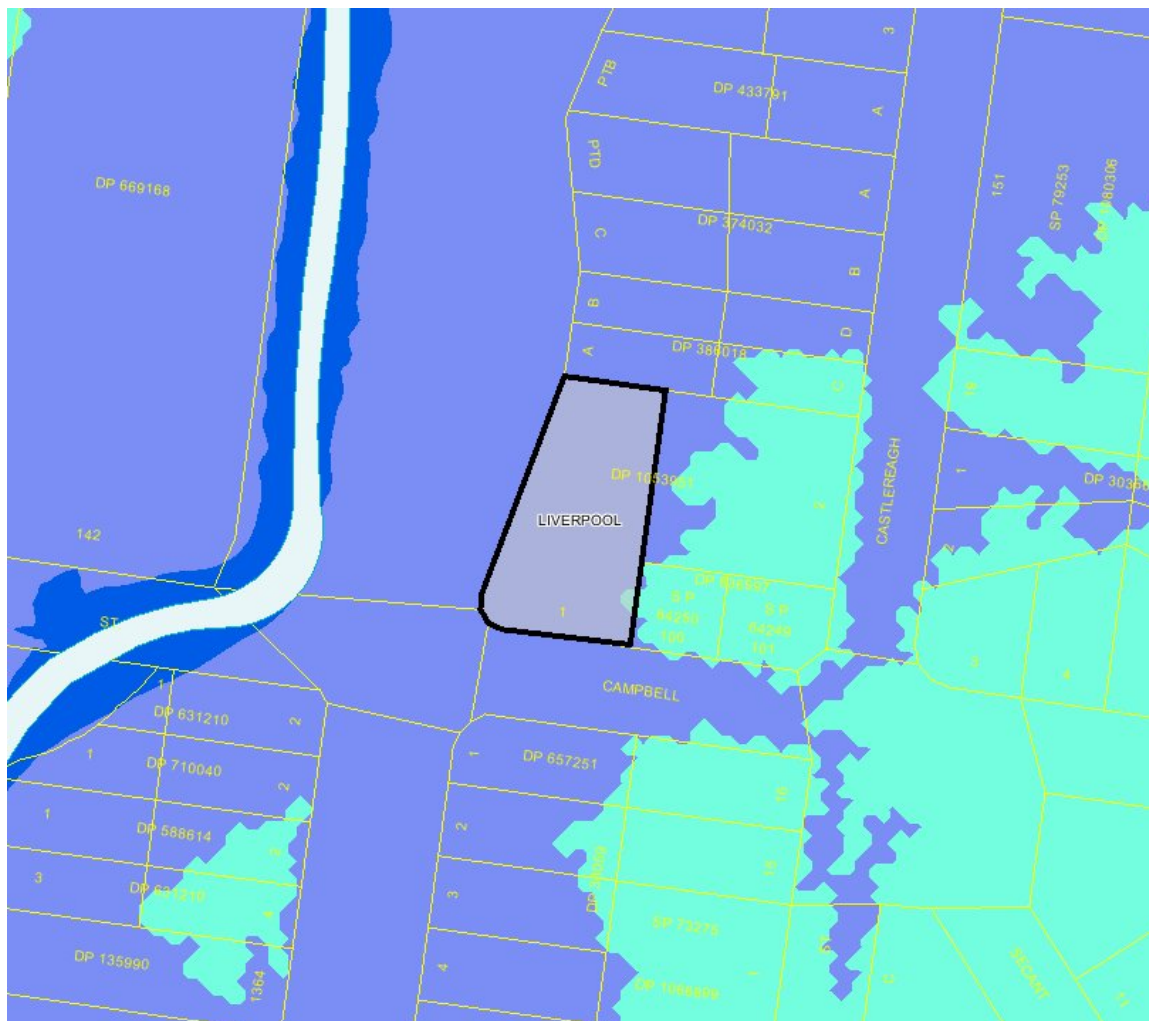


Figure 5: Flood Map indicating medium risk flood impact to subject site

#### (b) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority

is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The development application is accompanied by a Phase 2 Contamination Assessment prepared by Geotechnique Pty Ltd dated 28 September 2011.

The assessment report concludes that the site is considered suitable for the proposed residential apartment development, subject to the following:

- Sampling and testing of soils beneath the houses and garden shed after removal.
- Development of a remedial action plan (RAP) to remediate the elevated metals concentrations already identified, plus any other contamination that might be identified through the recommended additional sampling and testing, followed by appropriate validation.

In this regard, conditions may be included requiring remediation works to be undertaken and the submission of a validation report confirming the sites suitability for residential development. The proposed development is thus considered satisfactory with respect of the requirements of SEPP 55.

**(c) State Environmental Planning Policy 65 – Design Quality of Residential Flat Design Development**

This policy aims to improve the design quality of residential flat development through the promotion of high quality design. The policy recognises the significance of residential flat development and aims to improve the built form and sustainability of development and to satisfy the demand for appropriate development in the social and built form context.

The SEPP provides ten design quality principles for residential flat development as follows:

1. Context
2. Scale
3. Built form
4. Density
5. Resource, energy and water efficiency
6. Landscape
7. Amenity
8. Safety and security
9. Social dimensions
10. Aesthetics

The development application was considered by the Design Review Panel (DRP) on 21<sup>st</sup> July 2011. The DRP raised a number of significant issues that would require re-design of the proposal. The applicant was advised by letter dated 26<sup>th</sup> August 2011 to withdraw the current application in order to address the issues given that they would require substantial amendments.

The applicant however chose to submit amended plans and specialist reports with a view to address issues raised by the DRP. The application was re-considered by the DRP, however it was found that the issues have not been satisfactorily addressed.

The DRP made the following comments with regards to the proposal:

- *“The proposal appears to adopt a floor plate that is too large for the site and does not respond to the site constraints. It is also noted that the proposal does not strictly comply with the building separation which is largely attributed to the size of the floor plate.*
- *Concerns are raised to the internal configuration of the units particularly in relation to room sizes and internal amenity.*

- *There are opportunities for redesign however the applicant will need to significantly amend the proposal to provide a more appropriate floor plate and a more responsive development addressing all of the Panels concerns.*

*Based on the above, it is recommended that:*

- *Significant amendments are made to the proposal to address all of the concerns raised by the Panel.*
- *The design changes are likely to be substantial amendments to the development to enable the proposal to address the concerns and the non compliances with the SEPP 65 design principles.*
- *Recommend comprehensive redesign and reconsideration by the DRP.*
- *The proposal is unable to be supported in its current form.”*

The DRP made the following general recommendations pursuant to a review of the amended plans and documentation submitted by the applicant:

*“Amended plans do not provide satisfactory responses to concerns that were raised by the DRP in July. As they stand, amended plans do not demonstrate satisfactory design quality according to SEPP No 65 and design quality principles which are specified by that instrument.*

*Although some concerns could be overcome by simple design amendments, two aspects of the development are fundamentally unsatisfactory and no remedies are apparent:*

- Built form, as a factor of upper storey setbacks that are not adequate.*
- Amenity, influenced by sunlight to interiors and natural ventilation for apartments.*

*Consequently, in terms of matters for consideration that are specified by the SEPP, I consider that a consent would not be warranted in relation to the amended development proposal with plans by Gelder Architects dated September 2011.”*

In this regard, given that the development has been assessed on several occasions, and that the proposal remains unsatisfactory in consideration of SEPP 65 requirements and the Residential Flat Design Code, the development application is recommended for refusal.

#### *Residential Flat Design Code*

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the Department of Planning’s publication *Residential Flat Design Code*. The following table outlines compliance with the code where numerical requirements (“controls”) are specified.

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
<b>PART 1 – LOCAL CONTEXT</b>			
<b>BUILDING HEIGHT</b>	To ensure that the proposed development responds to the desired scale and character of the street and local area and to allow reasonable access to all development and the public domain.	Clause 4.3 of LLEP 2008 prescribes a maximum building height of 25m for the subject site.  In this regard, the proposal complies providing a maximum height of 24.82m.	Yes
<b>BUILDING DEPTH</b>	Apartment depth should	The maximum building depth	Yes



	be between 10-18m.	complies.	
<b>BUILDING SEPERATION</b>	As the building increases in height, differing separation distances between habitable rooms/balconies are required.	The development requires minimum separation of 9m (half of 18m between buildings of this height). The development proposes a building separation of 6 – 6.5m for levels 5 – 7.	NO
<b>STREET SETBACKS</b>	To establish desired spatial proportions of the street and define the street edge. To relate setbacks to the areas and street hierarchy.	The proposed setbacks do not achieve optimal amenity for existing and future development and do not result in a high quality built form.	NO
<b>SIDE &amp; REAR SETBACKS</b>	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including the future buildings.	The proposed setbacks do not achieve optimal amenity for existing and future development and do not result in a high quality built form.	NO
<b>FLOOR SPACE RATIO</b>	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the code.	Clause 4.4 of Liverpool Local Environmental Plan 2008 prescribes a maximum FSR of 2.557:1 (4694.42sqm) for the subject site.  The FSR of the proposal is 2.557:1 (4685.44sqm) which complies with Clause 4.4.	Yes
<b>PART 2 – SITE DESIGN</b>			
<b>DEEP SOIL ZONES</b>	A minimum of 25% of the open space area of the site should be deep soil zone, more is desirable.	The development provides 30.46% (900.29sqm) of common open space deep soil planting area.	Yes
<b>COMMUNAL OPEN SPACE</b>	The area of communal open space required should generally be at least between 25 - 30 % of the site area.	Communal Open Space area of approximately 460sqm which equates to 25% of the site area will be provided on the ground floor level, however the location and layout of the open space is not conducive to useable functional open space.	NO
<b>PRIVATE OPEN SPACE</b>	Minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25sqm, and the preferred minimum	Private open spaces areas provided to ground level units are compliant.	Yes

	dimensions of 4m.		
<b>ORIENTATION</b>	To protect the amenity of existing development and to optimise solar access to residential apartments within the development and adjacent to the development.	The orientation of units and private open space does not allow for optimal solar access or amenity. The development does to consider the vacant parcel to the north-east adjoining boundary which may be development in the future for high density development.	NO
<b>VISUAL PRIVACY</b>	To provide visual privacy externally and internally, during the day and at night. Relates to separation distances.	Units are not appropriately sited to ensure optimal privacy. Opportunities for overlooking exist. Landscaping levels are elevated inappropriately in relation to adjoining properties.	NO
<b>CAR PARKING</b>	Address adequate car parking, alternative means of transport, and integrate car parking within design.	The proposal satisfies Councils car parking requirements.	See assessment under DCP 2008 Part 1.2
<b>PEDESTRIAN ACCESS</b>	Identify access requirements from the street and parking areas to the residential apartments and ensure access is accessible.	Main pedestrian access is provided from both street frontages to Copeland Street (Hume Highway) and Campbell Street. At least 50% of ground floor units will have separate entries.	Yes
<b>VEHICLE ACCESS</b>	Limit width of driveways to 6 metres and locate vehicle entries on the secondary frontage.	Driveway is 6m in width and located on the secondary frontage.	Yes
<b>PART 3 – BUILDING DESIGN</b>			
<b>APARTMENT LAYOUT</b>	Single aspect apartments should be limited to a depth to 8m from a window.	The apartment layout is acceptable.	Yes
<b>APARTMENT MIX</b>	To provide a diversity of apartment types which cater for different household requirements now and in the future. Minimum requirement of 10% 1 bedroom units and 10% 3 bedroom units.	A total of 53 residential units are provided. Apartment types are provided as follows:  1 x 1 bedroom; 50 x 2 bedroom; 2 x 3 bedroom apartments  Unit mix does not comply.	NO
<b>BALCONIES</b>	Primary balconies to be a minimum of 2m in depth.	Primary balconies are provided with a minimum of 2m depth and provide useable outdoor areas.	Yes

<b>CEILING HEIGHTS</b>	2.7m for residential levels.	Minimum 2.7m provided.	Yes
<b>FLEXIBILITY</b>	To provide buildings that can accommodate a wider range of inhabitants and changing lifestyle needs	The development indicates that 6 units are provided as adaptable units.	Yes
<b>INTERNAL CIRCULATION</b>	Generally, the number of units accessible from a single core/corridor should be limited to eight (8).	The proposal complies with this requirement as there will be 4 units accessed from a corridor.	Yes
<b>STORAGE</b>	To provide adequate storage for every day household items within easy access of the apartment and to provide storage for sporting, leisure, fitness and hobby equipment.	Adequate storage within each unit is provided. Storage areas of 8m <sup>3</sup> are provided for each unit within the basement levels.	Yes
<b>DAYLIGHT ACCESS</b>	Limit the number of single aspect apartments with a southerly aspect to a maximum of 10 percent of the total units proposed.	Two to three hours sunlight would be received by only 64% (34 units) of the proposed dwellings during 21 <sup>st</sup> June: a shortfall of 3 units in relation to the required 70% (37 units).	NO
<b>FAÇADE, ROOF DESIGN, AND AWNINGS/SIGNAGE</b>	External elements to be of high quality and present to streetscape.	The façade does not result in a high quality built form. Repetitive windows proposed and parts of the façade are not proportionate. The design does not provide visual interest.	NO
<b>NATURAL VENTILATION</b>	60% of residential units should be naturally cross ventilated.	49% of units are consistent with the naturally-ventilated floor plans that are required: a shortfall of 6 units in relation to the minimum 60%.	NO
<b>MAINTENANCE, WASTE MANAGEMENT, WATER CONSERVATION</b>	Ensure viable long-term maintenance of residential flat development. Supply waste management plan in conjunction with the DA. Integrate measures for improved water efficiency.	A BASIX Certification and a waste management plan accompanies the application.	Yes

Given all of the above, it is considered that the proposal is inconsistent with the objectives and controls contained within SEPP 65 and the Residential Flat Design Code. In particular key areas being internal amenity in relation to privacy and unit layout, unit mix, solar access, natural ventilation, external façade, and built form.

**(d) State Environmental Planning Policy (BASIX)**

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP BASIX Policy.

**(e) Liverpool Local Environmental Plan 2008**

The subject site is zoned R4 – High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008).

The proposed development is classified as a “*residential flat building*” under the LLEP 2008, which is defined as “*a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*”.

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 provides 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 development is consistent with the objectives of the R4 High Density Residential Zone for the following reasons:

- The development provides housing within a high density residential environment to provide for the housing needs of the community.
- The proposal provides for a range of unit types and sizes.
- The development does not undermine the ability of the locality to provide facilities or services to meet the day to day needs of residents.
- The proposal provides a high density development with access to local transport and neighbouring facilities.
- The development does not result in any fragmentation of land.

The proposal satisfies the relevant objectives of the R4 zone.

**Clause 4.3 Height of buildings**

The LLEP 2008 prescribes a maximum building height for the subject site of 25metres. The development proposes a maximum building height of 24.82metres measured from natural ground level. The proposal thus complies with Councils building height control.

**Clause 4.4 Floor space ratio**

The LLEP 2008 prescribes a maximum floor space ratio for the subject site being 2.557:1 (4694.42sqm). The development proposes a floor space ratio of 2.557:1 (4685.44sqm) calculated in accordance with the LLEP floor space ratio definition. The proposal thus complies with Councils floor space ratio control.

**Clause 7.1 Objectives for development in Liverpool City Centre**

Clause 7.1 of LLEP 2008 specified objectives that must be considered before granting consent to



development in the Liverpool City Centre, as are relevant to that development. These are identified as follows:

- a) *“to preserve the existing street layout and reinforce the street character through consistent building alignments,*
- b) *to allow sunlight to reach buildings and areas of high pedestrian activity,*
- c) *to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- d) *to improve the quality of public spaces in the city centre,*
- e) *to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- f) *to enhance the natural river foreshore and places of heritage significance,*
- g) *to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore”.*

The proposed development is not in conflict with the above objectives.

#### Clause 7.4 Building separation in Liverpool City Centre

The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.

This clause prescribes that development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least:

- 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential

The development proposes side setbacks of minimum 6.5m to adjoining properties. The parcel of land to the north-eastern adjoining boundary is likely to be development in future for residential purposes. In this case, the development has not demonstrated how the objectives of this clause are satisfied.

## **5.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument**

No draft environmental planning instruments apply to the site.

## **5.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan**

Liverpool Development Control Plan Parts 1.1, 1.2 and 3.7 apply to the development. Parts 1.1 and 1.2 prescribe general controls for all development (other than dwelling houses). Part 4 prescribes controls for development in the Liverpool City Centre. The main requirements are summarised in the following table:

Standard	Requirement	Proposed	Complies
<b>Part 1.1 – General Controls for all Development</b>			
Clause 2 Tree Preservation	Applies to the protection of trees that contribute to the Liverpool LGA and the protection of significant trees.	An Arboricultural Impact Assessment Report has been prepared for the subject site.	Yes
Clause 3 Landscaping and incorporation of existing trees	Landscaping planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an	The proposed development is accompanied by a detailed landscape plan prepared by Jane Britt Design which demonstrates that soft landscaping is provided	Yes

	appropriate mix of canopy trees, shrubs and ground cover in appropriate locations having regard to safe ingress and egress of pedestrians and vehicles.	to the development which comprises a mixture of shrubs and trees.	
Clause 4 Bushland and Fauna Habitat Preservation	Applies generally to specific zones.	Not applicable to this site.	N/A
Clause 5 Bush Fire Risk	Applies generally to bushfire prone land and land that requires bushfire hazard reduction.	The subject site is identified as being bushfire prone land. The development application has not addressed bushfire risk.	NO
Clause 6 Water Cycle Management	Stormwater drainage concept plan required to be submitted.	A stormwater concept plan has been submitted with the development application.	Yes
Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation.	The subject site is not located in proximity to any watercourse.	N/A
Clause 8 Erosion and Sediment Control	Soil and water management plan or erosion and sediment control plan required to be submitted.	An erosion and sediment plan has been submitted with the development application.	Yes
Clause 9 Flooding Risk	Applies to flood prone land.	The subject site is identified as medium risk flood prone land. The development application has not addressed flooding risk. Therefore impacts of flood extent and safe access for residents is unknown.	NO
Clause 10 Contamination Land Risk	Applies to potential or actual contamination land or has past or current specific land uses.	The development application is accompanied by a Phase 2 Contamination Assessment prepared by Geotechnique Pty Ltd dated 28 September 2011.  The assessment report concludes that the site is considered suitable for the proposed residential apartment development, subject to recommendations.	Yes
Clause 11 Salinity Risk	Salinity management plan required for high risk activities in salinity affected areas.	The development is accompanied by a salinity management plan. The assessment report concludes that the site is considered suitable for the proposed development, subject to recommendations.	Yes

Clause 12 Acid Sulphate Soils	Applies to land with potential acid sulphate soils.	The site is not identified as being affected by acid sulphate soils.	N/A
Clause 13 Weeds	Weed management strategy required to be submitted if site contains native weeds.	The site does not contain native weeds.	N/A
Clause 14 Demolition of Existing Developments	Demolition to comply with AS2601-1991.	The proposal involves the demolition of the existing dwelling and outbuildings as part of the proposal. Any demolition process is to comply with the relevant Australian standards.	Yes
Clause 15 On-site sewerage disposal	Applies to land with no access to reticulated sewer system.	The subject site has access to sewer services.	N/A
Clause 16 Aboriginal Archeology	Applies to land identified as having known or potential aboriginal archaeological significance.	The site is not identified as having any aboriginal archaeological significance.	N/A
Clause 17 Heritage	Applies to heritage items of land in the vicinity of a heritage site, conservation area or archaeological site.	The site identified is located within the vicinity of a heritage item / area identified as the Liverpool City Centre Road Network (street grid pattern). The development is accompanied by a heritage impact assessment report. The proposed works are not considered to significantly affect the heritage significant of the item and is considered satisfactory in this regard.	Yes
Clause 18 Advertising	Development to be notified / advertised.	The application was not notified / advertised as there was insufficient information submitted with the application to enable public exhibition of the proposal.	NO
<b>Part 1.2 – Additional Controls for Development</b>			
Clause 2 Car Parking and Access	<p>Car parking to be provided in accordance with the following; and also to comply with Australian Standards for design and access.</p> <p>Residential component:</p> <ul style="list-style-type: none"> <li>- 1 space per two studio apartments</li> <li>- 1 space per one or two bedroom units.</li> <li>- 1.5 spaces per 3 or more bedroom units.</li> </ul>	<p>Proposal provides 62 car parking spaces including disabled spaces. Proposal generates the need for:</p> <p>1 x 1 bedroom = 1 space</p> <p>50 x 2 bedroom = 50 spaces</p> <p>2 x 3 bedroom = 3 spaces</p>	NO

	<p>- 1 space per 10 units for visitor spaces.</p> <p>1 Motorcycle space required per 20 car spaces.</p> <p>1 Bicycle space per 200sqm of leasable floor area</p> <p>Driveway access and car parking design</p> <p>Transport Impact</p>	<p>6 visitor spaces required.</p> <p>Disabled access parking spaces required.</p> <p>Not provided, 3 required.</p> <p>24 bicycle spaces provided</p> <p>The development proposes one combined access (entry/exit) from the secondary frontage to Campbell Street.</p> <p>The application is accompanied by a Traffic and Parking Assessment report.</p>	
Clause 4 Water Conservation	All fixtures and appliances to be 3 stars under the WELS system or better rated.	Water Conservation to be implemented via the BASIX Certificate, which includes measures such as water tanks and efficient fixtures/appliances.	Yes
Clause 5 Energy Conservation	Comply with the Energy Efficiency provisions within the BCA. Maximise natural light in buildings.	Energy Conservation to be implemented via the BASIX Certificate, which includes measures such as energy efficient fixtures/appliances. The proposal will also comply with the BCA to maximise natural light.	Yes
Clause 6 Landfill	Requirements for any cutting or filling of land.	Cutting and filling of land will be required. The application has not demonstrated how cut/fill will affect adjoining properties and other environmental factors such as flood impact.	NO
Clause 7 Waste Disposal and re-use facilities	Waste Management Plan required for all developments.	Waste Management Plan has been submitted with the development application.	Yes
Clause 8 Outdoor Advertising and Signage	Controls for any signage for all development.	No signage has been proposed as part of the development application.	N/A
<b>Part 4 – Development in the Liverpool City Centre</b>			
<b>1.1 Building Form</b>			
Building to street alignment and setbacks	Street building alignment and street setbacks are to comply with Figure 3 which requires a 4-4.5m setback.	The ground floor setback to Campbell Street includes private courtyards setback 3m and building setback of 5.5m. The required ground floor setback to Copeland Street (Hume Highway) is 8m. The	NO



Street frontage height	The street frontage height of buildings must comply with the minimum and maximum heights above ground level as shown in Figure 5. Figure 5 requires a street frontage setback between 15-25m or 5-7 storeys.	development proposed varying setbacks ranging from 4.5m and is therefore too close to this busy road.  The proposal is for a six storey residential development with an overall height of 24.82m.	
Boundary setbacks and building depth and bulk	<p>The minimum building setbacks are to comply with the following:</p> <p>All uses up to 12m in height: Non habitable rooms</p> <ul style="list-style-type: none"> <li>- Street setback</li> <li>- 3m side setback</li> <li>- 6m rear setback</li> </ul> <p>Habitable rooms</p> <ul style="list-style-type: none"> <li>- Street setback</li> <li>- 6m side setback</li> <li>- 6m rear setback</li> </ul> <p>Residential uses between 12-25m in height: Non habitable rooms</p> <ul style="list-style-type: none"> <li>- 4.5m side setback</li> <li>- 6m rear setback</li> </ul> <p>Habitable rooms</p> <ul style="list-style-type: none"> <li>- 9m side setback</li> <li>- 9m rear setback</li> </ul>	<p>The DCP requires that upper levels are set back to provide a clear base and middle of a building.</p> <p>Proposed setbacks: Refer to front setback</p> <ul style="list-style-type: none"> <li>- 4.5m and 6m side setbacks.</li> </ul> <p>N/A</p> <p>Refer to front setback</p> <ul style="list-style-type: none"> <li>- 6m and 6.5m side setbacks</li> <li>- N/A</li> </ul> <p>- 6m and 6.5m side setbacks</p> <p>- N/A</p> <p>- 6m and 6.5m side setbacks</p> <p>- N/A</p> <p>No stepping of development is provided in the design.</p>	
<b>2.3 Site cover and deep soil zones</b>			
Site coverage	The maximum site coverage required is 50%	Site coverage for the development: 44% (825.8sqm).	Yes
Deep soil zones	Deep soil zone planting is 15%.	Deep soil zone planting provided is greater than 15%.	Yes
<b>3.1 Amenity</b>			
Front Fences	Front fences to be designed to not present as a solid edge to the public domain.	Front fences to both street frontages are unacceptable with respect of streetscape presentation, safety, and built form.	NO
Safety and security	Ensure building design allows for passive surveillance.	Multiples pedestrian entries into the site poses a safety / security issue, does not indicate defined entry, and creates confusion.	
	Maximise the number of	Entrances to ground floor	

	residential front door entries at ground level.  Provide entrances which are visually prominent positions, and are weather protected.	residential units are proposed.  Most entries are provided off Copeland Street (Hume Highway), however main vehicular access is via Campbell Street.	
<b>3.8 Building Exteriors</b>			
Articulated facades to be provided	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design	The DRP provided the following assessment with respect of the proposed façade:  <i>Overall, treatment of facades displays no evidence of a consistent or coherent design logic where form, proportions and elements provide comprehensive responses to environmental factors such as westerly sun and road noise, or social factors such as privacy and utility of outdoor rooms (ie balconies). Treatment of facades has not mitigated the scale of sheer vertical walls, or provided effective “horizontal articulation” of the proposed building form.</i>	NO
Corner treatments	Buildings identified within the DCP are to address corner sites through architectural emphasis and use of distinguishing architectural features and materials to adjacent buildings.	Given the above, the proposal is not considered to respond to its prominent corner location and requires further design consideration.	
<b>4.3 On-site car parking spaces</b>			
Car Parking rates required.	Car parking for this specific development in the Liverpool City Centre is prescribed by Part 1.2 of the DCP.	Refer to assessment under Part 1.2 of the DCP canvassed earlier in his report.	Yes

#### **5.4 Section 79C(1)(a)(iv) – The Regulations**

The EP&A Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Conditions of consent have been imposed requiring compliance with the BCA.

#### **5.5 Section 79C(1)(b) – The Likely Impacts of the Development**

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

Given that the proposed development does not demonstrate a satisfactory response to SEPP 65 requirements for built form, scale, and presentation, the development is not considered to result in acceptable impacts to the built environment.

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

The proposed development is not considered to provide a positive impact in social terms as the development will compromise the amenity of future occupants and does not provide an appropriate level of housing mix and overall amenity.

### **5.6 Section 79C(1)(c) – The Suitability of the Site for the Development**

These matters have been considered in the assessment of the development application. The development does not adequately respond to the site characteristics, and accordingly is not considered suitable in its current form.

### **5.7 Section 79C(1)(d) – Any submissions made in relation to the Development**

The application was not notified / advertised as there was insufficient information submitted with the application to enable public exhibition of the proposal. The applicant was advised that the development application would not be notified / advertised and to withdraw the development application by letter dated 1<sup>st</sup> July 2011, however the applicant chose not to withdraw the application. Due to the number of outstanding issues with respect of the proposal, the application is considered unsatisfactory in its current form and is recommended for refusal.

### **5.8 Section 79C(1)(e) – The Public Interest**

The development has failed to satisfactorily address the relevant planning objectives under all the applicable legislations, State Environmental Planning Policies, and Local Environmental Planning Controls. It is therefore considered that the proposal is not in the public interest.

## **6. CONCLUSION**

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and the relevant Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

Notably the proposal was presented to the Design Review Panel (DRP) twice both before and after the applicant revise the plans. Despite the feedback for the DRP, the development still has substantial design flaws which require a comprehensive re-design to address.

The proposed development has not demonstrated a satisfactory response to the intention and objectives of the design principles and controls contained within the Residential Flat Design Code in accordance with SEPP 65.

The proposal is further deficient with respect of the controls contained within Liverpool DCP 2008, and has been considered unsatisfactory by the Design Review Panel (DRP).

Following detailed assessment of the proposal, the development application has been assessed on its merits and is considered unsatisfactory. Accordingly it is recommended that the development application be refused.

### **6.1 Recommendation**

That the JRPP refuse the Development Application DA-1210/2011 for the following reasons:

- 1) Insufficient information has been provided to enable a complete and proper assessment against the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.
- 2) Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the provisions of State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development.
- 3) Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to provide an adequate assessment against the Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment (deemed State Environmental Planning Policy).
- 4) Pursuant to Section 79C(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the relevant matters contained under the Liverpool Development Control Plan 2008.
- 5) Pursuant to Section 79C(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to result in detrimental impacts on both the natural and built environment, by virtue of the design and character of the proposed built form and its relation to its surrounding context.
- 6) Pursuant to Section 79C(c) of the Environmental Planning and Assessment Act 1979, the proposed development is considered unsuitable for the subject site and thus results in an overdevelopment of the site.
- 7) Pursuant to Section 79C(d) of the Environmental Planning and Assessment Act 1979, insufficient information has been submitted in order to notify and advertise the proposed development, accordingly, the proposal has not been considered with respect of any submissions.
- 8) Pursuant to Section 79C(e) of the Environmental Planning and Assessment Act 1979, due to the above reasons, approval of the proposed development would not be in the public's interest.

## **7. ATTACHMENTS**

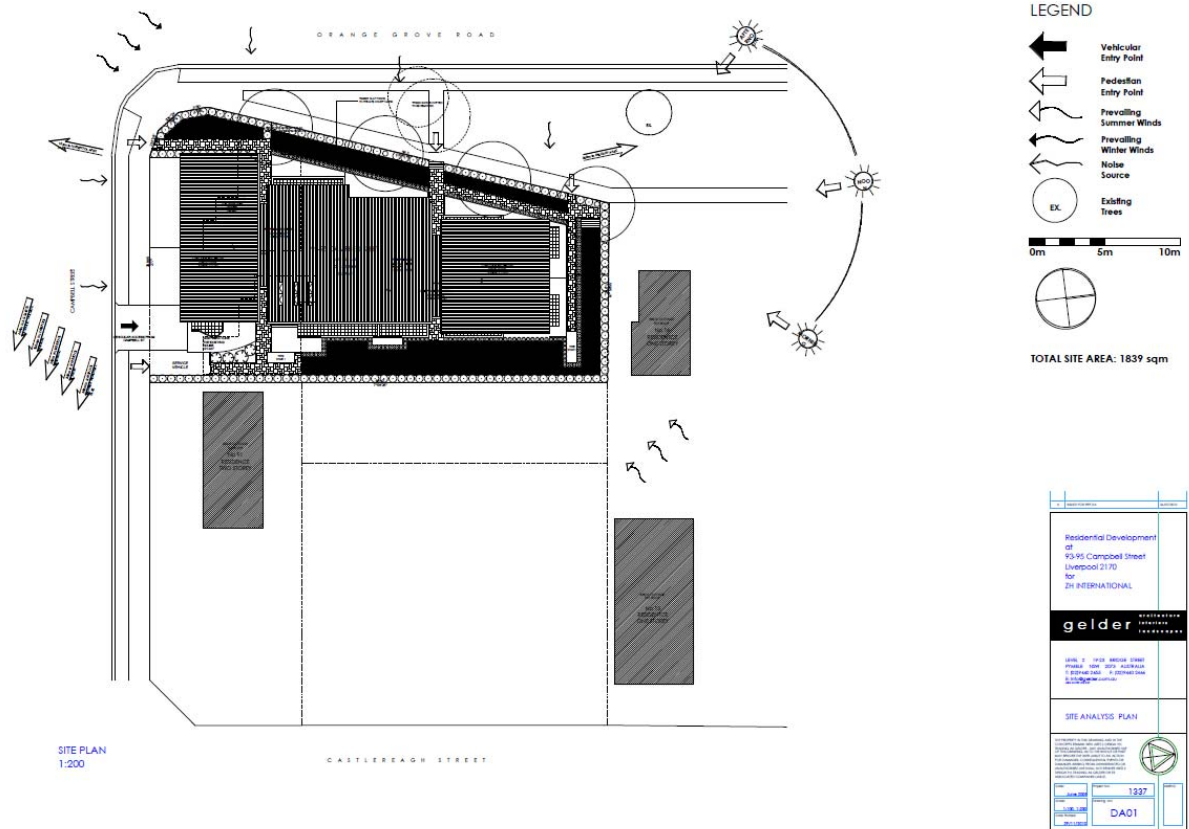
### **7.1 Plans of the proposal**

### **7.2 Design Review Panel (DRP) Assessment**

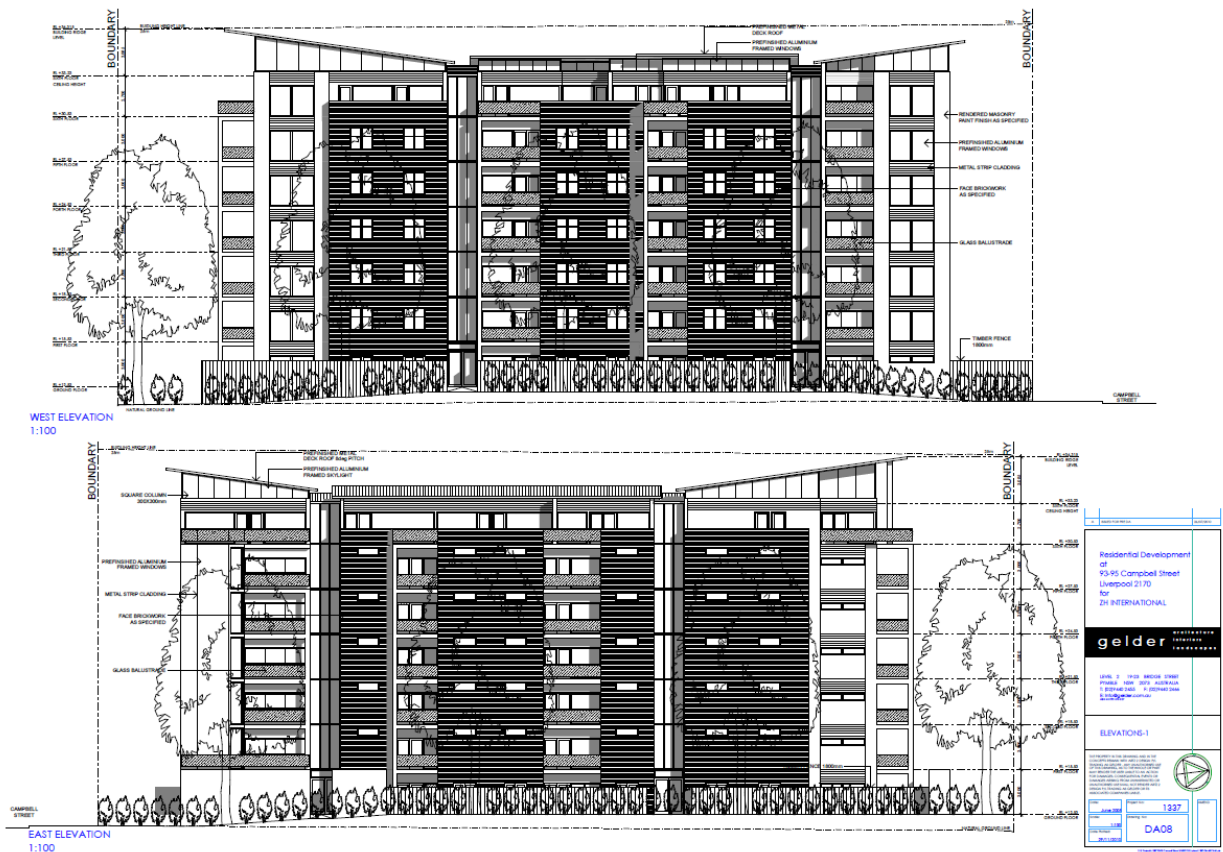


## 7.1 PLANS OF THE PROPOSAL

### Site Plan



### Elevation Plans



**7.3 Design Review Panel (DRP) Assessment****LIVERPOOL CITY COUNCIL  
DESIGN REVIEW PANEL ASSESSMENT REPORT**

<b>DA No.</b>	DA1210/2011
<b>DA Title and Location</b>	Demolition of existing buildings and construction of a residential flat building comprising a total of 53 residential units (1 x 1 bedroom, 50 x 2 bedroom, and 2 x 3 bedroom units)  Part Lot 1 in DP 1053951  93-95 Campbell Street, Liverpool
<b>Applicant</b>	Gelder Architects
<b>DA Planner</b>	Maya Elnazer
<b>Date lodged with Council</b>	25 May 2011
<b>Applicant's submission</b>	Design Verification Statement submitted

<b>confirmed as SEPP 65 compliant</b>	
<b>Applicant's designer confirmed as SEPP 65 compliant</b>	Statement of Environmental Effects accompanying the development application address the design principles.
<b>Date of Design Review Panel meeting</b>	21 July 2011
<b>Pre-DA or DA consideration</b>	DA consideration
<b>Panel members in attendance</b>	Brett Newbold Roger Hedstrom Jennifer Bautovich
<b>Council representatives in attendance</b>	Maya Elnazer Natalie Stewart
<b>Declaration of conflict of interest</b>	



## Recommendations Report of the Design Review Panel

### INTRODUCTION:

The Panel has conducted a site inspection of the subject property. It is acknowledged that this is a challenging site and context.

The Panel has reviewed the architectural plans accompanying the development application and the Design Verification Statement.

The Panel has also reviewed the Design Review Panel report prepared by the assessment officer.

### SUMMARY:

In summary, a review of the proposal against the SEPP 65 planning principles and associated Residential Flat Design Code has identified the following concerns with the proposal:

- The proposal appears to adopt a floor plate that is too large for the site and does not respond to the site constraints. It is also noted that the proposal does not strictly comply with the building separation which is largely attributed to the size of the floor plate.
- Concerns are raised to the internal configuration of the units particularly in relation to room sizes and internal amenity.
- There are opportunities for redesign however the applicant will need to significantly amend the proposal to provide a more appropriate floor plate and a more responsive development addressing all of the Panels concerns.

Based on the above, it is **recommended** that:

- Significant amendments are made to the proposal to address all of the concerns raised by the Panel.
- The design changes are likely to be substantial amendments to the development to enable the proposal to address the concerns and the non compliances with the SEPP 65 design principles.
- Recommend comprehensive redesign and reconsideration by the DRP.
- The proposal is unable to be supported in its current form.

## **GENERAL COMMENTS:**

- There are inconsistencies between the architectural plans and landscape concept design.
- The architectural plans are not accompanied by furniture room layouts, particularly given the room sizes and dimensions.
- The landscape plan needs to be developed further.
- The proposal does not provide for an appropriate mix of units in relation to their sizes and number of bedrooms. This is inconsistent with the design principles within SEPP 65 and Council's DCP (DCP 2008 Part 4).
- The proposal does not have a 'designed' area for communal open space for the prospective residents.

## **Siting and size of the proposed development**

- Floor plate excessive in relation to applicable setback and separation controls. The development application has not adequately demonstrated that the proposed development will not prejudice future development on the adjoining property.
- In particular, setbacks from north and east boundaries are insufficient for unscreened balconies and windows. This is an important amenity consideration for prospective residents. The floor plate accommodates a substantial number of dwellings which are relatively small and which may experience unsatisfactory amenity in terms of room dimensions, privacy, protection from sunlight and outlooks from east-facing bedrooms. Air conditioning will need to be used extensively as the units are single aspect.
- Further, communal open spaces and communal entrances are unsatisfactory in terms of size, location and/or orientation, as well as their relationships to service areas such as fire stairs and garbage stores.

## **Design Considerations**

- Exterior architecture should consider redesign in order to provide an environmental filter or screen in relation to sunlight, noise and privacy, and to provide vertical articulation via expression of base, middle and top.
- Communal open spaces require redesign to provide effective recreation for residents, with service areas and structures integrated appropriately. It is strongly encouraged that the applicant refer to guidelines issued by the Department of Planning relating to residential buildings in proximity to busy roads.
- Building entries should be redesigned to provide direct access to lobbies for the south and east via Campbell Street, with entrances highlighted by awnings and with service areas and structures integrated appropriately.
- Concerns with the legibility of the entry points of the development and that there should be a more defined pedestrian links from Campbell Street.

- Concerns with the front fence and impact on visibility of front entry. It is noted that the architectural plans identify a solid fence on the front boundary to the Hume Highway/Copeland Street.

**B R E T T   N E W B O L D**  
u r b a n   p l a n n i n g   •   u r b a n   d e s i g n

24 November 2011

The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871  
Attention      Natalie Stewart  
                    Team Leader, Major Development

Dear Natalie,

**Re: 93 + 95 Campbell Street Liverpool**

This letter responds to the Council's request for a response to amended plans of the residential flat building that is proposed at the above address. Advice was requested in relation to design amendments that are described by amended plans, and whether those design amendments adequately address previous recommendations by the Council's *Design Review Panel* (DRP).

**Background**

Initial plans were presented to the Council's DRP on 21 July 2011. I confirm that I was one of the three independent members for that DRP.

Prior to the DRP meeting, Panel members had visited the subject site and reviewed the full set of architectural plans.

With regard to design quality principles under *SEPP No 65*, the DRP considered that the proposed development was not satisfactory and recommended redesign. During the DRP meeting, specific shortcomings and possible design solutions were discussed with the Applicant, Gelder Architects.

In summary, the DRP highlighted the following concerns:

1. Inadequate setbacks from northern and eastern boundaries that would compromise residential amenity and desired character of the locality.
2. Design and configuration of landscaped areas, including deep soil areas, was poorly considered and would compromise effectiveness of the proposed communal recreation area together with the privacy of certain dwellings adjoining those communal areas, and unsatisfactory residential addresses would not contribute to adequate levels of safety and security within the proposed development.
3. Unsatisfactory privacy for proposed dwellings due to proximity of units to the northern and eastern boundaries of the subject site, and opportunities for cross-viewing between dwellings within the proposed development.
4. Exterior architecture did not incorporate a coherent composition of elements, materials or proportions which responded logically to constraints that affect the subject site.

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### **Unsatisfactory landscaped areas**

A number of qualitative concerns remain following redesign of landscaped areas at ground level:

- Communal open spaces retain a “corridor configuration” with strips of land 5.5m wide hemmed between the proposed building and site boundaries. With a backdrop of sheer vertical facades, overlooked by tiers of balconies and interrupted by fire stair enclosures, the proposed communal open spaces would not provide a high level of residential amenity.

*Note that the north western fire stair enclosure has not been drawn correctly, and would in fact be twice the width depicted in order to accommodate the return stair-flight.*

- The main communal open space is elevated up to 1m above ground level on the adjoining residential properties, raising concerns in relation to privacy and general amenity of those neighbouring properties (at present or in relation to future development for the vacant neighbouring property to the east).

*Note that basement design does not demand the elevation of this communal area, and concerns would be resolved by lowering the open space.*

With regard to *SEPP No 65*, design aspects of the proposed communal areas are inconsistent with three out of the ten design principles: context, landscape and amenity. Note, however, that these concerns could be eliminated by simple design amendments.

### **Unsatisfactory aspects of internal amenity**

Following redesign of apartments to accommodate minor increases to setbacks, the proposed development fails to satisfy important amenity principles which are yardsticks for design quality:

- Two to three hours sunlight would be received by only 64% of the proposed dwellings: a shortfall of 3 units in relation to the *RFDC* target of 70%.
- Only 49% of units are consistent with the naturally-ventilated floorplans that are advocated by the *RFDC*: a shortfall of 6 units in relation to the *RFDC* target of 60%.
- Numerous opportunities for cross-viewing and transfer of noise between apartments that were features of the original proposal have not been addressed.
- Access to the two building lobbies via five street entrances raises the prospect of safety and security issues.
- Location of communal open spaces and ground floor dwellings at the same level and separated only by planters that are half a metre wide, indicates unsatisfactory privacy.

Shortcomings with regard to the broad issue of amenity are contrary to two out of the ten *SEPP No 65* design principles: amenity, safety and security.

Importantly, inadequate sunlight and natural ventilation indicate that form and layout of the proposed development are fundamentally inappropriate since simple design amendments cannot remedy these deficiencies.



## **Exterior architecture**

Redesign of exteriors has removed several of the better design aspects that were displayed by the original scheme, and has introduced a number of unsatisfactory features or treatments which accentuate the building's scale and bulk, as well as presenting facades which are monotonous and bland

Positive features of the original scheme which have been removed include:

- Extensive glazing of the penthouse level which provided a light, airy character and a softer "capital" for the building.
- Tall and large windows at the building's SE and SW corners that provided effective contrasts to the general design of masonry walls punctured by small windows.

Features of the original proposal and further amendments which are not successful include:

- Repetitive patterns of windows, arranged as vertical rows with identical proportions.
- Use of two storey screens as a device to suggest the variation of window patterning.
- Rows of short windows for the lower two levels, introducing proportions which are visually-incompatible with middle storeys.

Overall, treatment of facades displays no evidence of a consistent or coherent design logic where form, proportions and elements provide comprehensive responses to environmental factors such as westerly sun and road noise, or social factors such as privacy and utility of outdoor rooms (ie balconies). Treatment of facades has not mitigated the scale of sheer vertical walls, or provided effective "horizontal articulation" of the proposed building form.

With regard to *SEPP No 65*, proposed facade amendments are unsatisfactory in relation to five out of the ten design quality principles: context, scale, built form, amenity, aesthetics

## **Conclusions**

Amended plans by Gelder Architects dated September 2011 have not adequately or effectively addressed concerns that were raised by the Council's DRP in July this year.

The proposed development, as described by amended plans, does not demonstrate satisfactory design quality according to matters for consideration that are specified by *SEPP No 65*.

I trust that this advice addresses the Council's requirements. Please do not hesitate to contact me for further information, or to clarify any of the points which have been raised.

Yours sincerely,



Brett Newbold  
B.Arch MURP  
MPIA