

JRPP Number	2011SYW087
Application Number	DA-1210/2011
Proposed Development	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.
Property Description	Part Lot 1 DP 1053951, Part Lot 2 1053951 93-95 Campbell Street Liverpool NSW 2170
Applicant	Gelder Architects
Land Owner	Talbus Pty Ltd
Capital Investment Value	\$11,000,000
Recommendation	Refusal

1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

Pursuant to the requirements of the State Environmental Planning Policy (State and Regional Development) 2011, 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 Background

The development application was lodged with Council on the 25 May 2011 with a number of specialist reports outstanding which were necessary for the proposed development. A preliminary assessment was undertaken and identified these issues to the applicant in a letter dated 1 July 2011.

The development application was considered by the Design Review Panel (DRP) on 21st 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 26th 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 proposal was re-considered by the DRP and their comments provided on 24 November 2011 concluded that issues have not been satisfactorily addressed.

The development application was then presented to the JRPP on its determination meeting of 8 December 2011 with a recommendation for refusal due to the number of outstanding issues. In

considering the matter, the JRPP panel deferred the application to be determined at a later date to provide the applicant until the 31 January 2012 to address the concerns raised by Council.

Subsequently the applicant submitted a new proposal on 31 January 2012 which presented as a significant re-design of the original proposal. It should be noted here that this proposal has been re-designed numerous times contrary to advice provided by Council.

1.5 Issues

The re-designed proposal and associated documentation was referred to the relevant internal/external authorities and advertised in accordance with Liverpool DCP 2008, along with a full re-assessment undertaken against the provisions of the Liverpool LEP 2008, Liverpool DCP 2008 and SEPP 65. The re-designed proposal was referred to the DRP on the 7 February 2012, however it was found that significant issues remain prevalent with the overall design, and the DRP concluded that the re-designed proposal does not satisfy SEPP 65.

The main issues are identified as follows:

- Primary setbacks to both Campbell Street and Hume Highway
- Building separation distances
- Deep soil zones provision
- Private open space provision and useability
- Communal open space provision, location, and accessibility
- Internal building amenity, building depths, unit configuration
- Privacy impacts to future occupants and potential future developments
- Basement car parking requires significant re-design
- External built form composition, front fence, and pedestrian entries
- Flood impact assessment inadequate

In this regard, given that the development has been assessed on several occasions, and that the proposal remains unsatisfactory in consideration of LEP, DCP, SEPP 65, Residential Flat Design Code, and Australian Standards, the development application is thus recommended for refusal. The issues raised by the DRP are addressed in detail further within this report.

1.6 Exhibition of the proposal

The amended proposal was advertised for fourteen (14) days from 15 February 2012 to 1 March 2012. A total of 2 objections were received. The issues raised in the submissions include:

- Construction noise, and potential cracks to adjoining residences
- Traffic generation and parking congestion
- Type of development should be villas / townhouses and Council should have purchased the property to develop housing for the elderly

The issues raised in the submissions have been taken into consideration and are addressed in detail further within this report.

1.7 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.

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 currently contains minimal vegetation and two existing detached dwellings which are both orientated to Campbell Street.



Figure 1: Aerial photograph of Site

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 amended proposal 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 two residences on the site and construct a new seven storey apartment building containing 53 units comprising 7 x studio apartments, 17 x 1 bedroom apartments, 25 x 2 bedroom apartments and 4 x 3 bedroom apartments.
- Vehicular access is proposed via Campbell Street and includes car parking provision over 2 levels of basement car parking comprising 58 car spaces in total, including 7 disabled and visitor car spaces. The building incorporates 1 service core with 2 lifts for access. Pedestrian access is proposed via Campbell Street and Copeland Street (Hume Highway).
- The building is proposed to be constructed of concrete slab floors and masonry walls with a combination of face brick and rendered finishes, panelling, curtain glass walls, aluminium framed windows, doors, louvers, and metal deck roofing.
- Communal open space area of approximately 485 square metres will be provided on the ground level along the eastern boundary of the site.

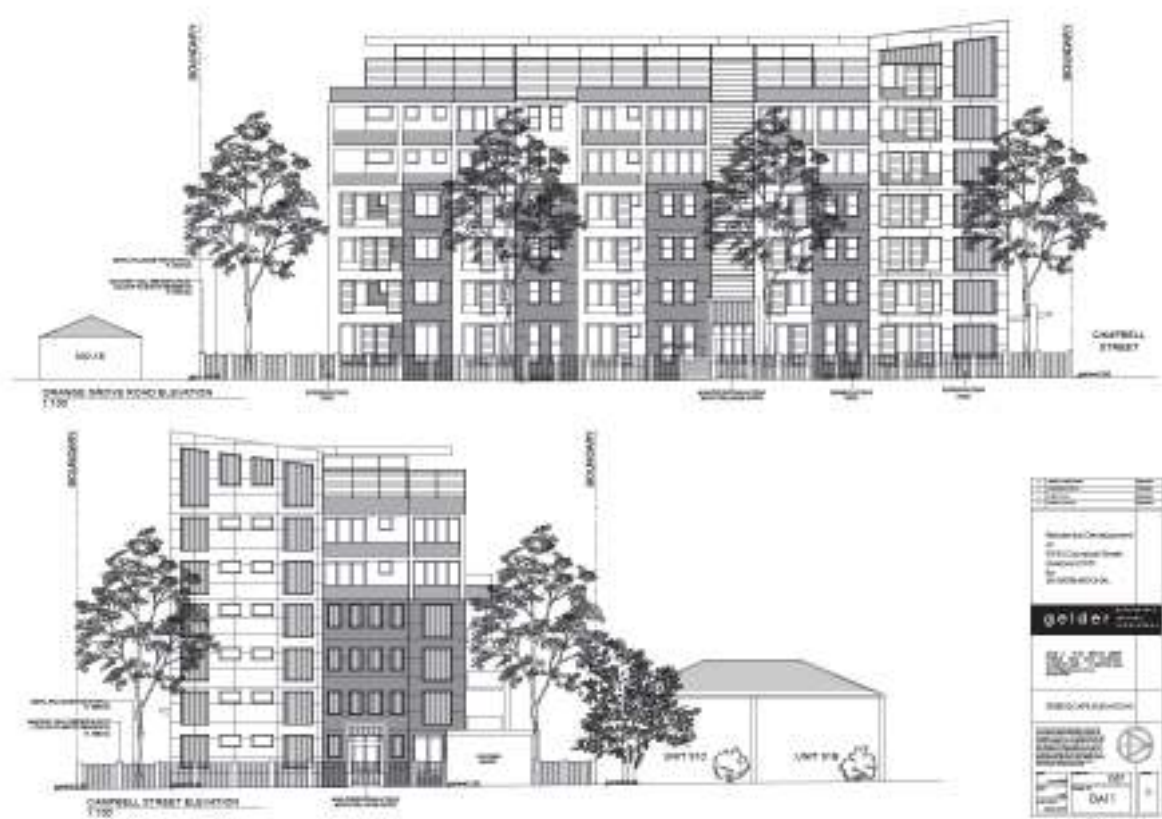


Figure 2: Proposed Streetscape Elevations to Hume Highway and Campbell Street

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.



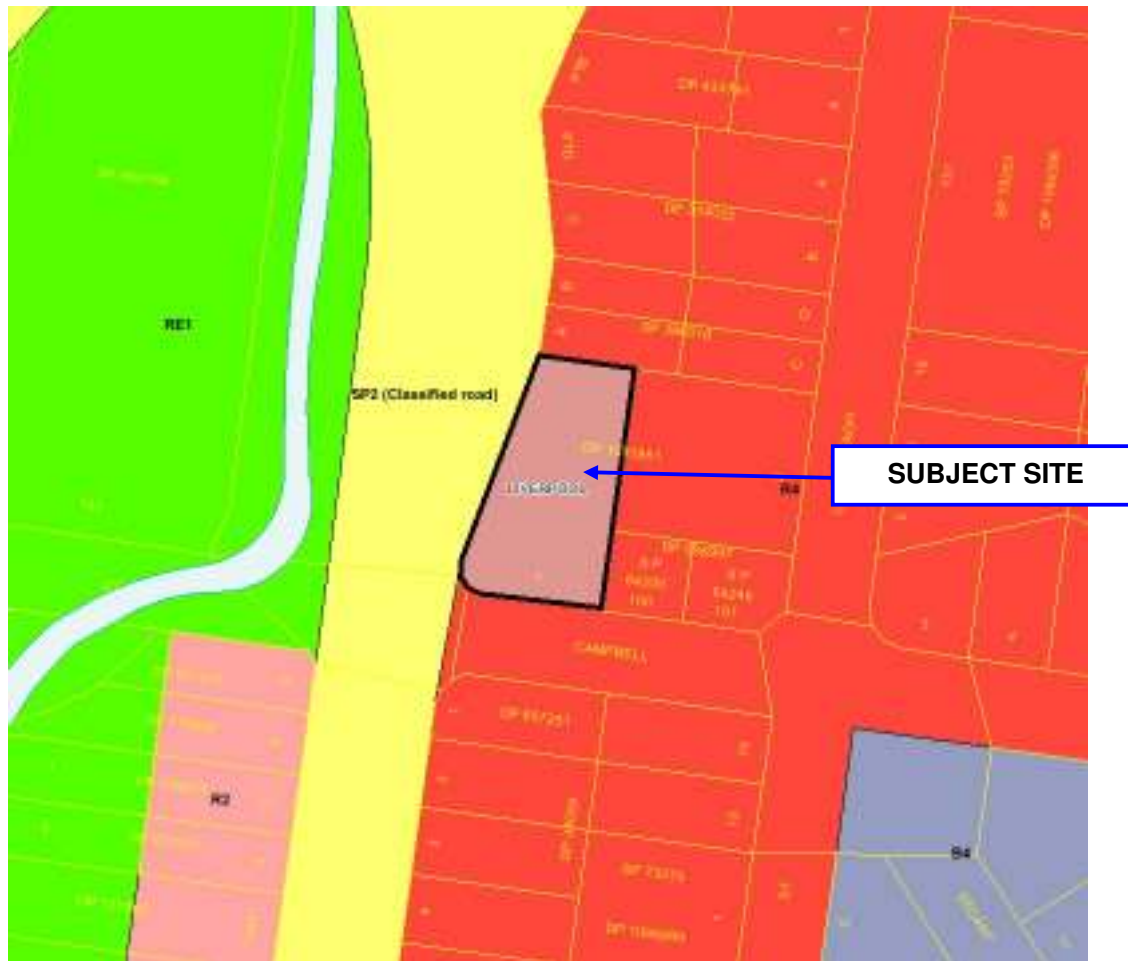


Figure 3: Extract of LLEP 2008 zoning map

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 – Additional 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 satisfactory assessment on flood dynamics or on residential safety.

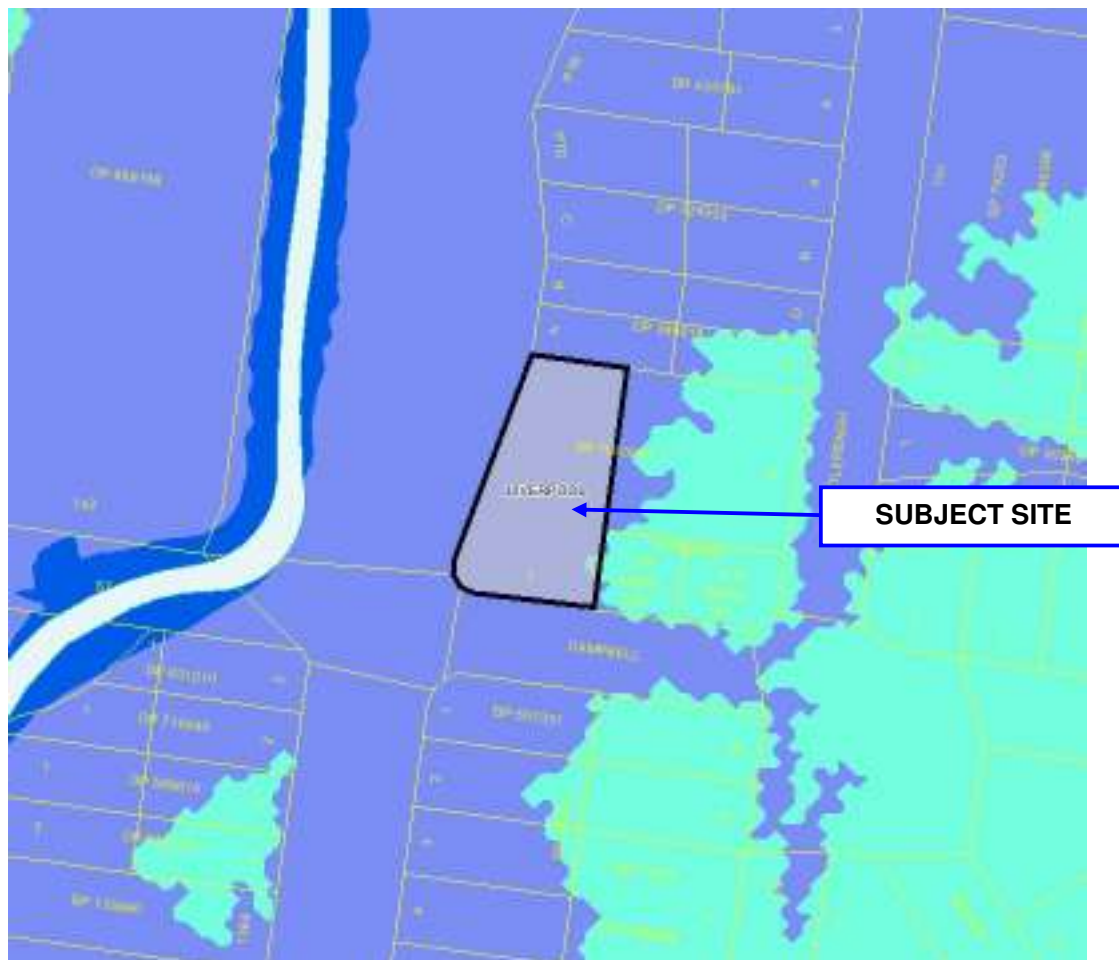


Figure 4: Flood Map indicating medium risk flood impact to subject site

(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 21st 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 26th 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:

- i. Built form, as a factor of upper storey setbacks that are not adequate.*
- ii. 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."

The development application was then presented to the JRPP on its determination meeting of 8 December 2011 with a recommendation for refusal due to the number of outstanding issues. In considering the matter, the JRPP panel deferred the application to be determined at a later date to provide the applicant until the 31 January 2012 to address the concerns raised by Council.

Subsequently the applicant submitted a new proposal on 31 January 2012 which presented as a significant re-design of the original proposal. The re-designed proposal was referred to the DRP on the 7 February 2012, however it was found that significant issues remain prevalent with the overall design, and the DRP concluded that the re-designed proposal does not satisfy SEPP 65.

The DRP made the following detailed comments with regards to the re-designed proposal:

1. *Siting and footprint*
 - Setbacks to Copeland Street are approximately 50% of the 8m which was a strategic urban design requirement for all properties that face the City-centre ring road*
 - The Panel has not been persuaded that extent of the proposed non-compliance is justified, or that compliance with the DCP's setback control is either unnecessary or unwarranted*
 - The non-compliant street setback results in an excessively-large building footprint which compromises opportunities for perimeter landscaping and the provision of effective communal areas outdoors*
2. *Residential amenity*
 - Communal open space is remote and not visible from the main lobby, which would compromise its purpose as well as potential to stimulate social interaction within the development*
 - Location of the proposed communal open space is likely to affect privacy of bedrooms in adjacent dwellings*
 - Sunlight to dwellings remains unsatisfactory according to the three hour rule which is specified by the DCP and interpreted according to the Court's revised planning principle*

- While tight space planning of interiors is not a problem per se, many bathrooms appear unreasonably small

3. Built form and exterior architecture

- Although proposed building forms incorporate extensive articulation, the composition of those forms does not demonstrate a satisfactory degree of cohesion, or incorporate deliberate scaling measures that would distinguish a two storey base from a light and airy penthouse level
- Proposed balcony elements lack refinement and co-ordination,
- The “corner structure” facing the street intersection displays an excessively bulky appearance

4. Servicing

- Although detailed consideration of building services typically is not important at DA stage, the tightness of space planning raises concerns about the capability to accommodate significant services such as carpark exhaust ducting without altering floor layouts significantly (which potentially would compromise space planning that currently is at the margin of acceptability)
- Viability of basement parking layouts has not been confirmed in relation to ramp headroom, swept paths, plus safety and security measures

In this regard, given that the development application has been assessed on several occasions, and that the re-designed proposal remains unsatisfactory in consideration of SEPP 65 requirements, Council’s LEP and DCP controls, and the Residential Flat Design Code, the development application is thus 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
PART 1 – LOCAL CONTEXT			
BUILDING HEIGHT	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 35m for the subject site. In this regard, the proposal complies providing a maximum height of 24.82m.	Yes
BUILDING DEPTH	Apartment depth should be between 10-18m.	A total of 4 units are non-compliant with this control. Unit No.’s 40, 47, and 52 propose 18.5m depths. Unit No. 51 proposes 24m depth.	NO
BUILDING SEPERATION	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). Levels ground to 4 th floor comply. Level 5 proposes 7.3m setback to balconies to eastern side boundary which fails to meet the minimum 9m	NO

		requirement. Level 6 complies with the separation requirements.	
STREET SETBACKS	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
SIDE & REAR SETBACKS	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including the future buildings.	<p>The proposed building setback to Campbell Street complies with Councils DCP requirement of 4.5m; however proposed balconies are setback 3.3m to Campbell Street which do not comply.</p> <p>The proposed secondary setback to Hume Highway however fails to comply with Councils requirement of 8m. The applicant seeks to rely on borrowed amenity from the existing street verge as compensation for the lack of setback within the development. This borrowed amenity cannot be relied upon as there is no certainty as to the future development of the road verge and is not an acceptable outcome in place of appropriate site planning within the boundaries of the development site.</p>	NO
FLOOR SPACE RATIO	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.	<p>Clause 4.4 of Liverpool Local Environmental Plan 2008 prescribes a maximum FSR of 2.557:1 (4694.42sqm) for the subject site.</p> <p>The FSR of the proposal is 2.365:1 (4342.95sqm) which complies with Clause 4.4.</p>	Yes
PART 2 – SITE DESIGN			
DEEP SOIL ZONES	A minimum of 25% of the open space area of the site should be deep soil zone, more is desirable.	It is uncertain as to whether deep soil planting complies as the submitted plans do not provide details or sections demonstrating deep soil planting.	Yes
COMMUNAL OPEN SPACE	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 105sqm which equates to 17% of the site area will be provided on the ground floor level and the location and layout of the open space is not conducive	NO

		to useable functional open space. It is important to note that the ground floor plan does not demonstrate how the communal open space will be easily accessible for all residents.	
PRIVATE OPEN SPACE	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 dimensions of 4m.	<p>A total of 4 units do not comply with this control, which represents 50% of the total number of ground floor apartments. Unit No.'s 2, 3, 6, and 7 provide less than 25sqm private open space.</p> <p>Furthermore, the private open spaces provided include non-functional irregular shaped areas with varying dimensions some less than 4m, which are not conducive to usable private open space.</p>	NO
ORIENTATION	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 not consider the vacant parcel to the east adjoining boundary which will most likely be developed as high density residential.	NO
VISUAL PRIVACY	To provide visual privacy externally and internally, during the day and at night. Relates to separation distances.	<p>Units are not appropriately sited to ensure optimal privacy. Opportunities for overlooking exist. Units 4 and 5 on the ground level feature bedrooms adjacent to communal open space areas.</p> <p>Non-compliance with building separation may result in privacy concerns for future development to currently vacant site to eastern boundary. Landscaping levels are elevated inappropriately in relation to adjoining existing residential properties.</p>	NO
CAR PARKING	Address adequate car parking, alternative means of transport, and integrate car parking within design.	Car parking provision is assessed in accordance with Councils DCP requirements.	See assessment under DCP 2008 Part 1.2
PEDESTRIAN ACCESS	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 via two main entrances into a corridor. The	NO

		development however does not provide separate entries to any of the ground floor units.	
VEHICLE ACCESS	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
PART 3 – BUILDING DESIGN			
APARTMENT LAYOUT	Single aspect apartments should be limited to a depth to 8m from a window.	The apartment layout is acceptable.	Yes
APARTMENT MIX	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: 7 x studio apartments, 17 x 1 bedroom apartments, 25 x 2 bedroom apartments, 4 x 3 bedroom The unit mix is considered acceptable.	Yes
BALCONIES	Primary balconies to be a minimum of 2m in depth.	Primary balconies are provided with a minimum of 2m depth.	Yes
CEILING HEIGHTS	2.7m for residential levels.	Minimum 2.7m provided.	Yes
FLEXIBILITY	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
INTERNAL CIRCULATION	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 a maximum of 8 units accessed from a corridor.	Yes
STORAGE	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 6m ³ for 1 bedroom units, 8m ³ for 2 bedroom units, and 10m ³ for 3 bedroom units are provided within the respective units and within basement levels.	Yes
DAYLIGHT ACCESS	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter.	A total of 15 out of the 53 units would receive less than 3 hours direct sunlight during 21 st June, which represents 28% of the total number of units. Whilst the overall number of units to receive direct sunlight meets the 70% minimum, it is considered that further compliance could be achieved by virtue of the	Yes

		corner location of the site and better use of setbacks and orientation.	
FAÇADE, ROOF DESIGN, AND AWNINGS/SIGNAGE	External elements to be of high quality and present to streetscape.	The façade does not result in a high quality built form. The external elements lack co-ordination, and the corner structure facing the street results in visual bulk.	NO
NATURAL VENTILATION	60% of residential units should be naturally cross ventilated.	A total of 50 units appear to be naturally cross-ventilated which represents 94% of the total number of units.	Yes
MAINTENANCE, WASTE MANAGEMENT, WATER CONSERVATION	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 overall built form, setbacks, internal amenity and external façade.

(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 2.365:1 (4342.95sqm) 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 a side setback of minimum 7.3 metres to the eastern boundary. While it is noted that the site to the east is vacant and that a variation to Clause 7.4 is not required, it is

considered that the application has failed to demonstrate how the objectives are satisfied given that the site to the east is likely to be developed for residential purposes. Nor has the proposed development as amended adequately demonstrated that the proposal exhibits design excellence and design attributes which warrant a departure.

Clause 7.5 Design excellence in Liverpool city centre

This clause seeks to deliver the highest standard of architectural and urban design. Accordingly, development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.

In this regard, the proposed development in its current form is not seen to reflect design excellence by virtue of the significant concerns identified in assessment against the Residential Flat Design Code and non-compliances with Councils DCP controls. The development does not demonstrate a high standard of architectural design, materials, and detailing that are appropriate to the building type and its location. The bulk, massing, and modulation of the building is further exacerbated by non-compliance with setbacks, building separation, and lack of co-ordination.

Therefore the proposal is considered unsatisfactory in addressing Clause 7.5 of the LEP.

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
Part 1.1 – General Controls for all Development			
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 appropriate mix of canopy trees, shrubs and ground cover in appropriate locations having regard to safe ingress and egress of pedestrians and vehicles.	The development application is accompanied by a proposed landscape plan which indicates that soft landscaping is provided to the development which comprises a mixture of shrubs and trees, however the overall provision of landscaping is considered deficient.	Yes
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 adequately addressed bushfire	NO

		risk reduction.	
Clause 6 Water Cycle Management	Stormwater drainage concept plan required to be submitted.	A stormwater concept plan has been submitted with the development application. Councils development engineers have assessed the stormwater plans and considered them unsatisfactory.	NO
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 adequately addressed flooding risk. Councils flooding engineers have assessed the information and plans submitted with respect of flood assessment and considered them unsatisfactory.	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	Yes

		is to comply with the relevant Australian standards.	
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.	<p>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.</p> <p>The proposed works are not considered to significantly affect the heritage significant of the item and is considered satisfactory in this regard.</p>	Yes
Clause 18 Advertising	Development to be notified / advertised.	The application was notified / advertised in accordance with Councils DCP.	Yes
Part 1.2 – Additional Controls for Development			
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"> - 1 space per two studio apartments - 1 space per one or two bedroom units. - 1.5 spaces per 3 or more bedroom units. - 1 space per 10 units for visitor spaces. <p>Total car spaces = 58.5</p> <p>2 accessible spaces required</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>The proposal provides 62 car parking spaces including 7 disabled spaces.</p> <p>The development generates the need for the following:</p> <p>7 x studio units = 3.5 spaces</p> <p>17 x 1 bedroom = 17 spaces</p> <p>25 x 2 bedroom = 25 spaces</p> <p>4 x 3 bedroom = 6 spaces</p> <p>6 visitor spaces required.</p> <p>Total car spaces provided = 59</p> <p>7 accessible spaces provided</p> <p>4 spaces provided</p> <p>24 bicycle spaces provided</p> <p>The development proposes one combined access (entry/exit) from the secondary frontage to Campbell Street.</p>	NO

	Transport Impact	<p>The application is accompanied by a Traffic and Parking Assessment report.</p> <p>Councils traffic engineers have assessed the proposed car parking arrangement and have concluded that a substantial re-design of the basement car park is required in order to conform with the requirements of the relevant Australian Standards AS2890.1.</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
Part 4 – Development in the Liverpool City Centre			
2.1 Building Form			
Building to street alignment and setbacks	Street building alignment and street setbacks are to comply with Figure 3 which requires a 4-4.5m landscaped setback.	The ground floor setback to Campbell Street includes private courtyards setback 3.3m and building setback of 4.5m. Whilst the controls allow for balconies to extend 1.2m into the front setback, this must not be for greater than 50% of the width of the building. The application seeks to encroach into the front setback for greater than 100% of the building width and results in a significant non-compliance.	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.	The required ground floor setback to Copeland Street (Hume Highway) is 8m. The development proposes varying setbacks to Hume Highway ranging from 4.5m and seeks to rely on borrowed amenity from the existing street verge as compensation for the lack of setback within the development.	
Boundary setbacks and building depth and bulk	<p>The following minimum building setbacks are required:</p> <p>All uses up to 12m in height:</p> <p>Non habitable rooms</p> <ul style="list-style-type: none"> - Street setback - 3m side setback - 6m rear setback <p>Habitable rooms</p> <ul style="list-style-type: none"> - Street setback - 6m side setback - 6m rear setback <p>Residential uses between 12-25m in height:</p> <p>Non habitable rooms</p> <ul style="list-style-type: none"> - 4.5m side setback - 6m rear setback <p>Habitable rooms</p> <ul style="list-style-type: none"> - 9m side setback - 9m rear setback 	<p>The proposal is for a six storey residential development with an overall height of 24.82m. The DCP requires that upper levels are set back to provide a clear base and middle of a building. The development does not provide increased upper level setbacks at the street frontage.</p> <p>Proposed setbacks:</p> <p>Street setbacks non-compliant</p> <ul style="list-style-type: none"> - 4m and 6m side setbacks <p>N/A</p> <p>Street setbacks non-compliant</p> <ul style="list-style-type: none"> - 4m and 6m side setbacks <p>- N/A</p> <p>- 9m side setbacks</p> <p>- N/A</p> <p>- 7.3m balconies, 9m building</p> <p>- N/A</p>	
2.3 Site cover and deep soil zones			
Site coverage	The maximum site coverage required is 50%	Site coverage for the development: 44% (810sqm).	Yes
Deep soil zones	Deep soil zone planting is 15%.	It is uncertain as to whether deep soil planting complies as the submitted plans do not provide details or sections demonstrating adequate deep soil planting.	Yes
3.1 Amenity			
Front Fences	Front fences to be designed to not present as a solid edge to the public domain.	Front fences to both street frontages comprising 1.8m high palisade fencing is considered unacceptable with respect of streetscape presentation, acoustic treatment, privacy, and	NO

Safety and security	<p>Ensure building design allows for passive surveillance.</p> <p>Maximise the number of residential front door entries at ground level.</p> <p>Provide entrances which are visually prominent positions, and are weather protected.</p>	<p>safety.</p> <p>Multiples pedestrian entries into the site poses a safety / security issue, does not indicate defined entry, and creates confusion.</p> <p>There are no proposed separate entrances to ground floor residential units.</p> <p>Entrances are provided off both Hume Highway and Campbell Street, however neither are designed as visually prominent.</p>	
3.8 Building Exteriors			
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	<p>The DRP provided the following assessment with respect of the proposed façade:</p> <ul style="list-style-type: none">- <i>Although proposed building forms incorporate extensive articulation, the composition of those forms does not demonstrate a satisfactory degree of cohesion, or incorporate deliberate scaling measures that would distinguish a two storey base from a light and airy penthouse level</i>- <i>Proposed balcony elements lack refinement and co-ordination,</i>- <i>The “corner structure” facing the street intersection displays an excessively bulky appearance</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 does not demonstrate high quality architectural design.	
4.3 On-site car parking spaces			
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
5.5 Noise			
Acoustic amenity	Development must achieve appropriate amenity in noise affected locations, this includes major road and railway corridors.	The development requires an 8m setback to Hume Highway due to potential for noise to impact upon amenity of future occupants. The development fails to address setbacks to this major road and also does not	NO

		provide adequate noise attenuation in the form of fence/landscape barriers.	
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Following detailed assessment of the proposal against the relevant DCP controls, the development application is considered unsatisfactory. In particular the key areas identified are:

- Primary setbacks to both Campbell Street and Hume Highway
- Building separation distances
- Deep soil zones provision
- Private open space provision and useability
- Communal open space provision, location, and accessibility
- Internal building amenity, building depths, unit configuration
- Privacy impacts to future occupants and potential future developments
- Basement car parking requires significant re-design
- External built form composition, front fence, and pedestrian entries
- Flood impact assessment inadequate

Given all of the above, it is considered that the proposal is inconsistent with the objectives and controls contained within Liverpool DCP 2008.

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). These matters have been considered in the assessment of the development application. It is noted that aspects of the development relating to accessibility including ramps fail to comply with BCA standards.

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, landscaping, and overall presentation, the development is not considered to result in acceptable impacts to the natural and built environment.

Furthermore, the development application has not adequately addressed flooding risk. Councils flooding engineers have assessed the information and plans submitted with respect of flood assessment and considered them unsatisfactory.

(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 quality housing 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 re-designed proposal was advertised for fourteen (14) days from 15 February 2012 to 1 March 2012. A total of 2 objections were received. The issues raised in the submissions include:

- Construction noise, and potential cracks to adjoining residences
- Traffic generation and parking congestion
- Type of development should be villas / townhouses and Council should have purchased the property to develop housing for the elderly

The issues raised in the submissions are addressed below:

- Construction noise, and potential cracks to adjoining residences

Hours of construction are imposed in accordance with industry standards. Adequate conditions of consent may be applied in accordance with the EP&A regulations to require dilapidation reports to be undertaken and for any damages to adjoining properties to be rectified by the developer. These issues do not warrant reasons for refusal.

- Traffic generation and parking congestion

Traffic and parking congestion have been assessed in detail earlier within this report. The nature of the development is not considered to result in unreasonable traffic and parking generation that can be otherwise addressed through the provision of a compliant car parking rate. In this case however, the proposed basement car parking arrangement does not comply with Australian Standards, and this is included as a reason for recommendation for refusal.

- Type of development should be villas / townhouses and Council should have purchased the property to develop housing for the elderly

The proposed development being for a residential flat building is a permissible development within the zone, being R4 High Density Residential. This issue is not considered to warrant any reason 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) on several occasions both before and after the applicant revised the plans. Despite the feedback from 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.

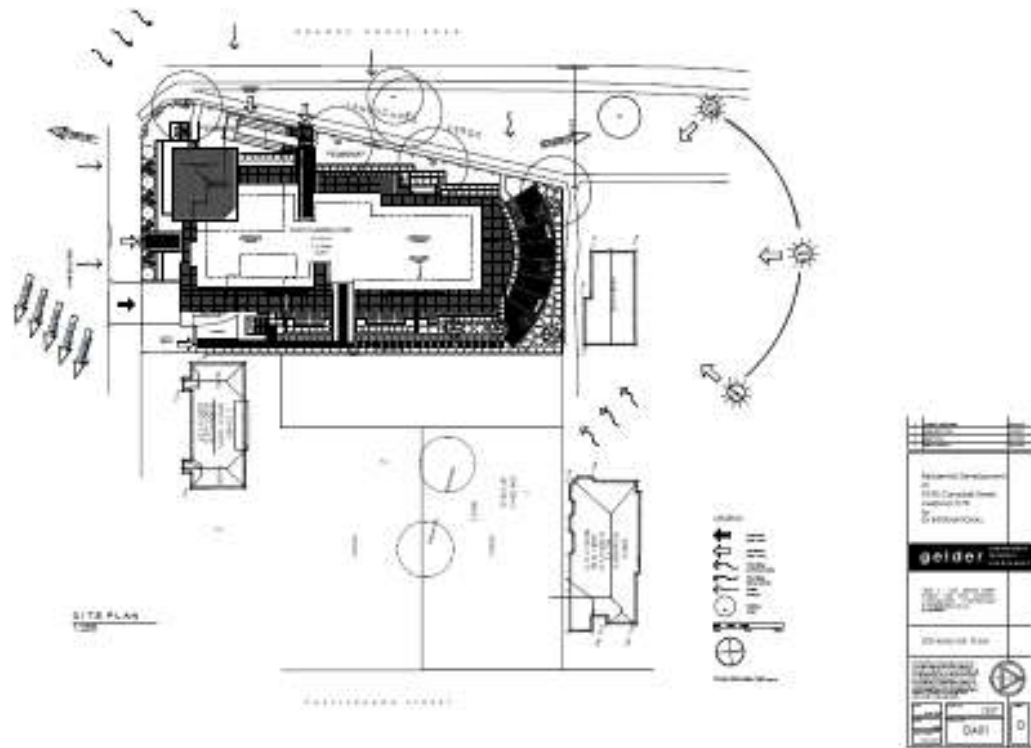
7. ATTACHMENTS

7.1 Plans of the proposal

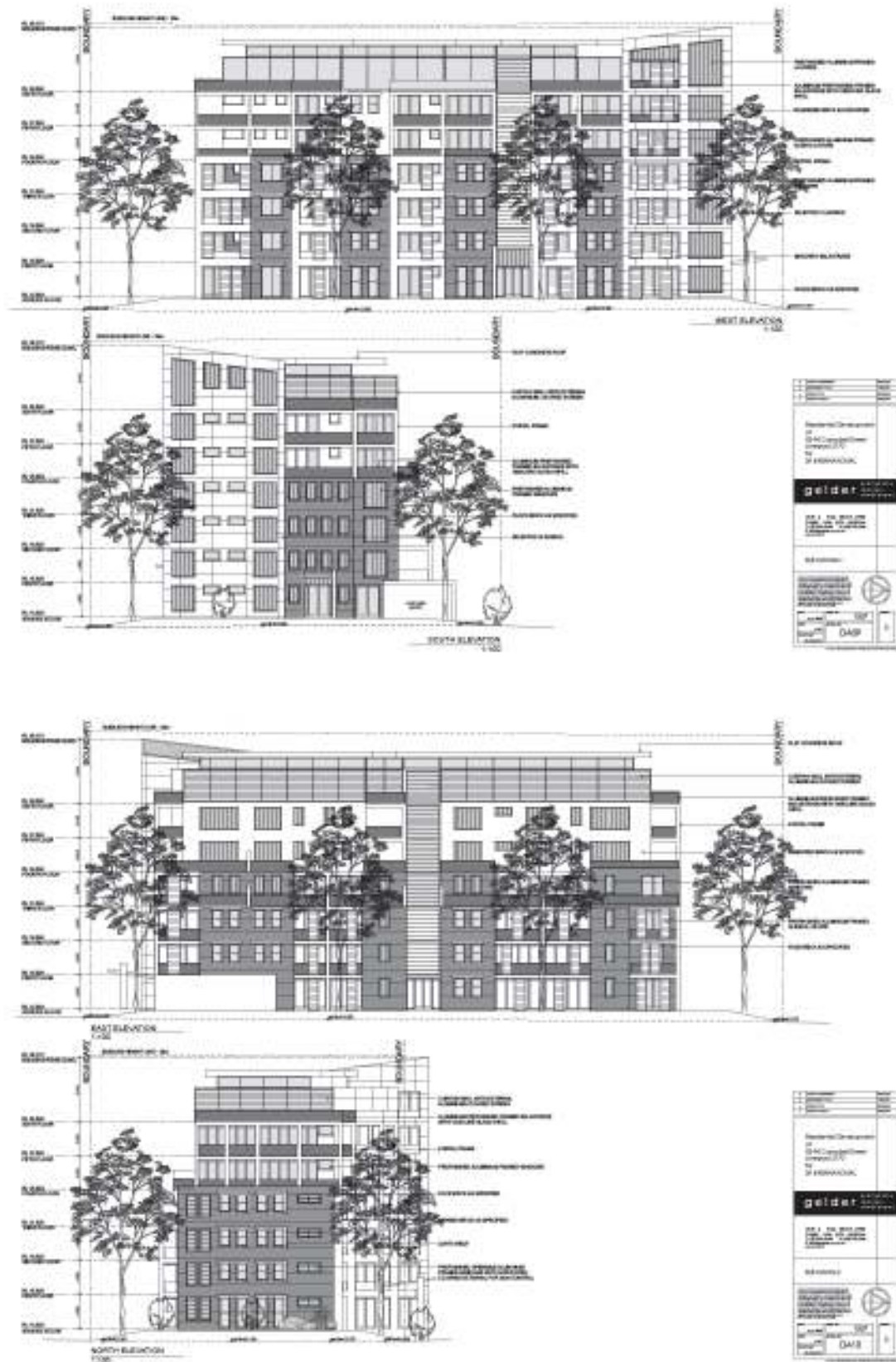
7.2 Design Review Panel (DRP) Assessment

7.1 PLANS OF THE PROPOSAL

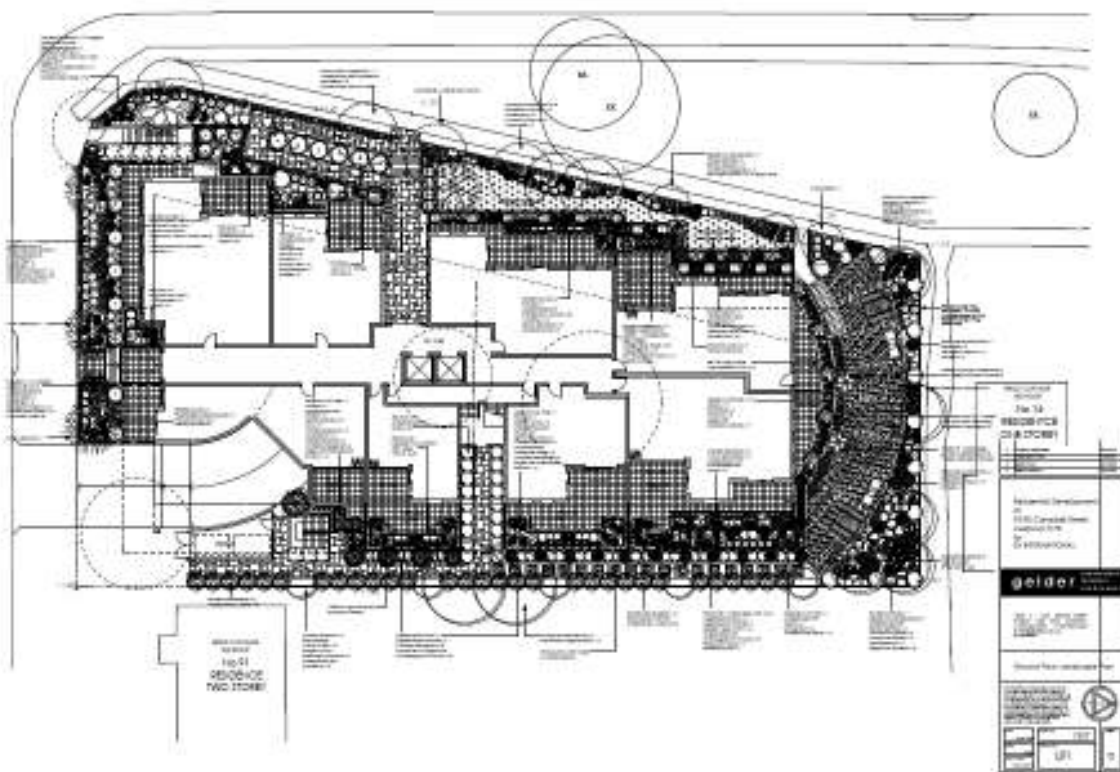
Site Plan



Elevation Plans



Landscape Plan



7.3 Design Review Panel (DRP) Assessment

LIVERPOOL CITY COUNCIL DESIGN REVIEW PANEL ASSESSMENT REPORT

DA No.	DA1210/2011
DA Title and Location	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
Applicant	Gelder Architects
DA Planner	Maya Elnazer
Date lodged with Council	25 May 2011
Applicant's submission confirmed as SEPP 65	Design Verification Statement submitted

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

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
urban planning • urban design

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.

acn 087 278 706
po box 6189 malabar nsw 2036
02 9661 1800
brett@newboldplanning.com.au

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

DRP Minutes RE: re-designed proposal (7 February 2012)

The Design Review Panel has reviewed three DA proposals from this applicant for a seven storey residential development upon the subject site. The third DRP review benefited from fresh insights by two new panel members who had not reviewed previous versions of the current proposal.

The third DRP review agreed unanimously that the further-amended development proposal has not demonstrated design excellence according to the matters that are specified by clause 7.5 of the Liverpool LEP 2008, or design quality principles listed by SEPP No 65. Therefore, the DRP considers that consent would not be warranted in relation to the further-amended development proposal.

The DRP notes that unsatisfactory design quality remains a factor of site planning and design decisions that are fundamental to configuration and form of the further-amended proposal. Notably, the more-significant of those decisions have remained essentially unchanged for all three versions of this proposal. Consequently, the DRP considers that further design amendments would not remedy shortcomings which are fundamental to the current proposal.

With regard to shortcomings of the current proposal, the DRP has identified the following:

5. Siting and footprint

- Setbacks to Copeland Street are approximately 50% of the 8m which was a strategic urban design requirement for all properties that face the City-centre ring road
- The Panel has not been persuaded that extent of the proposed non-compliance is justified, or that compliance with the DCP's setback control is either unnecessary or unwarranted
- The non-compliant street setback results in an excessively-large building footprint which compromises opportunities for perimeter landscaping and the provision of effective communal areas outdoors

6. Residential amenity

- Communal open space is remote and not visible from the main lobby, which would compromise its purpose as well as potential to stimulate social interaction within the development
- Location of the proposed communal open space is likely to affect privacy of bedrooms in adjacent dwellings
- Sunlight to dwellings remains unsatisfactory according to the three hour rule which is specified by the DCP and interpreted according to the Court's revised planning principle
- While tight space planning of interiors is not a problem per se, many bathrooms appear unreasonably small

7. Built form and exterior architecture

- Although proposed building forms incorporate extensive articulation, the composition of those forms does not demonstrate a satisfactory degree of cohesion, or incorporate deliberate scaling measures that would distinguish a two storey base from a light and airy penthouse level
- Proposed balcony elements lack refinement and co-ordination,
- The "corner structure" facing the street intersection displays an excessively bulky appearance

8. Servicing

- Although detailed consideration of building services typically is not important at DA stage, the tightness of space planning raises concerns about the capability to accommodate significant services such as carpark exhaust ducting without altering floor layouts significantly (which potentially would compromise space planning that currently is at the margin of acceptability)

- Viability of basement parking layouts has not been confirmed in relation to ramp headroom, swept paths, plus safety and security measures

By way of comment, DRP members agree that time and costs associated with this application would have been minimised if the applicant had sought advice from the DRP at a pre-DA stage, and also if the applicant had been advised by a town planner or urban design practitioner.